

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 25th January, 1994.

No. 116-121/LD/94. The following Act of the Assembly received the assent of the President on 19th January, 1994 is hereby published for general information:-

(ACT XII OF 1994)

**AN
ACT**

to provide for the Constitution of a Special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in Azad Jammu and Kashmir'

WHEREAS it is expedient to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in Azad Jammu and Kashmir;

It is hereby enacted as follows:-

1. **Short title, extent and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Anti-Corruption Establishment Act, 1993.
 - (2) It extends to the whole of the Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions:-** In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-
 - (i) "Establishment" means the Anti-Corruption Establishment constituted under Section 3;
 - (ii) "Director General" means the Director General of the Anti-Corruption Establishment appointed under Section 4;

- (iii) "Government" means the Azad Government of the State of Jammu and Kashmir;
- (iv) "Public Servant" means a public servant as defined in Section 21 of the Pakistan Penal Code; and
- (v) "Schedule" means the schedule appended to this Act.

3. Constitution and powers of the Anti-Corruption

Establishment:- (1) Notwithstanding anything contained in any other law for the time being in force, Government may constitute an establishment to be known as the Anti-Corruption Establishment, for the investigation of offences set forth in the Schedule, and for holding preliminary inquiries for determining whether such offences shall be investigated or departmental inquiries into the conduct of any public servant concerned in such offences shall be held.

(2) The Establishment shall consist of a Director General and such number of officers and members as may be determined by Government.

(3) Subject to the provisions of Section 4, the pay and other conditions of service of the Director General, officers and members of the Establishment shall be such as may be determined by Government.

(4) Subject to any orders or rules which Government may make in this behalf, the Director General, officers and members of the Establishment shall, for the purpose of any preliminary enquiry or investigation under this Act have throughout the Azad Jammu and Kashmir all the powers of search, arrest of persons and seizure of property and all other powers, duties, privileges and liabilities which a police officer has or is subject to in connection with the investigation of offences under the Code of Criminal Procedure, 1898.

(5) Subject to any order of Government in this behalf, any officer of the Establishment of or above the rank of a Sub-Inspector, may, in relation to the offences

mentioned in the Schedule, exercise, any of the powers of the officer incharge of a police station within the meaning of clause (p) of sub-section (1) of Section 4 of the code of Criminal Procedure, 1898, in the area in which he is for the time being posted, and when so exercising such powers shall be deemed to be an officer incharge of a police station discharging the functions of such an officer within the limits of his station.

4. **Superintendents and general control:-** (1) Government shall appoint a person to discharge the functions and perform the duties of Director General under this Act.

(2) Subject to such orders as Government may make, the superintendents and general control of the establishment shall vest in the Director General.

(3) The Director General shall exercise, in respect of officers and men belonging to the Police Force and serving in establishment, all the powers exercisable by an Inspector-General of Police in respect of the Police Force in the Azad Jammu and Kashmir.
5. **Bar to legal proceedings:-** No suit or legal proceedings shall lie against Government or the Director General or member of the Anti-Corruption Establishment in respect of anything in good faith done or intended to be done under this Act.
6. **Power to make rules:-** (1) Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the organization of the establishment and for prescribing the authorities with whose permission investigation of any case or class of cases may be commenced or any person may be arrested.
7. **Provisions not in derogation of any other law:-** The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.

8. **Repeal:-** The Azad Jammu and Kashmir Anti-Corruption Establishment Ordinance, 1993 (Ordinance XLIII of 1993) is hereby repealed.

SCHEDULE
(Section 3)

- (a) Offences punishable under Sections 161 to 169, 217 and 218 of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith.
- (b) Offences punishable under Sections 186, 188, 189, 201, 332, 353, 379, to 382, 403 to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant as such, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such, and
- (c) Offences punishable under the Prevention of Corruption Act, ¹[1950] and as attempts, abetments and conspiracies in relation thereto or connected therewith.

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law

¹ In item (c) of schedule for the figures “1947” the figures “1950” subs. by the AJ&K Anti-Corruption (Amdt.) Act, 1998 (Act IV of 1998) dt. 12.08.1998 and shall always be deem to have been so subs.