
**THE AZAD JAMMU AND KASHMIR
ANTI-CORRUPTION ESTABLISHMENT ACT, 1993**

(ACT XII OF 1993)

Dated: 13-12-1993

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 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

"Schedule" means the schedule appended to this Act.

(v) **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 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, 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 orders of Government in this behalf, any officer of the Establishment 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 function of such an officer within the limits of his station.

Superintendence 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 superintendence 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.

Bar to legal proceedings:- No suit or legal proceedings shall lie against Government or the Director General, or any other officer or member of the Anti-Corruption establishment in respect of anything in good faith done or intended to be done under this Act.

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 person may be arrested.