



**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT**



"Muzaffarabad"
Dated: 29th March, 2024

NOTIFICATION:

No. S&GAD/R/A-4(269)2022 P-III. In exercise of the powers conferred by Section 6 of Azad Jammu and Kashmir Anti-Corruption Establishment Act, 1993 read with Section 11 of Azad Kashmir Criminal Law (Amendment) Act, 1956, the President, Azad Jammu and Kashmir has been pleased to amend the Azad Jammu and Kashmir Anti-Corruption Establishment Rules, 1997. in the following manner, namely:-

In the aforesaid Rules,-

1. The rule 4, 5, 6, 7, 8 and 9 shall be substituted as follows:-

4. **Establishment of Divisional Offices:-** The Government may establish as many Divisional Offices as deem appropriate for effective prevention of corruption and convenient management and administration of the establishment. The Director General shall be assisted by the officers of the Establishment in performance of his functions and duties.
5. **Preliminary Inquiries and Investigation against Public Servant:-** Preliminary inquiries and investigations shall be initiated by the Establishment against the alleged Public Servants on the reference made by the Government or Heads of Departments or complaints made by other persons aggrieved or affected by illegal actions or omissions of the Public Servants or information received through other reliable sources. In case of private complaints affidavit in support of contents of the complaint and copy of CNIC of the complainant shall be attached thereto.
6. **Initiation of Preliminary Inquiries against Public Servants:-**
 - (1) All complaints shall be addressed to the Director General of the Establishment who may direct the concerned Deputy Director or any other Officer of the Establishment not below the rank of Sub-Inspector to initiate preliminary inquiry in order to ascertain identity of the complainant or informer and genuineness of the Complaint or information to proceed further in the matter under the law.
 - (2) Where inquiries are initiated against Public Servants of Grade 17 and 18, Minister for Services and General Administration Department shall be informed in writing, by the Director General regarding the inquiry. Similarly, in case of inquiries against Public Servants of Grade 19 and above, the Prime Minister shall be informed accordingly.

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(3) If the Director General is satisfied that nature and circumstances of the Complaint or conduct or behavior of the accused Public Servant requires so, he may constitute a Joint Inquiry Team from among officers of the Establishment.

(4) The Inquiry Officer may summon any public servant or any other person against whom a case is being inquired into or who is deemed relevant to the matter under inquiry; who shall appear before the Inquiry Officer at the date, time and place fixed by the Inquiry Officer. In case the person summoned fails to appear before the Inquiry Officer on the fixed day, he may be prosecuted under the law.

(5) Every Preliminary Inquiry shall be completed within a maximum period of one month by the Inquiry Officer or Joint Inquiry Team, as the case may be.

7. **Finalization of Preliminary Inquiries:-** After conclusion of the preliminary inquiry, if the Deputy Director concerned finds that:-

- (i) there is no ground to proceed further in the matter, he shall submit his report to the Director General with express reasons for final approval to drop the proceedings and close the case, who will decide in light of the reasons mentioned in the report. If case is closed, the complainant, if any, shall also be informed accordingly with intimation to the department concerned and accused Public Servant, as well;
- (ii) alleged Public Servant is liable to a penalty under Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977, the Director General, shall refer the case to the Administrative Secretary of the Department concerned to initiate disciplinary proceedings against the accused Public Servant; or
- (iii) there are reasonable grounds to proceed further in the matter, he shall refer the case to the Director General, along with relevant records collected during the inquiry and expressive recommendations, for appropriate decision regarding course of action against the accused Public Servant and his accomplice, if any.

8. **Registration of Cases:-** (1) Criminal cases may be registered by the Establishment under the Azad Kashmir Prevention of Corruption Act, 1950, the Azad Kashmir Criminal Law (Amendment) Act, 1956 and sections mentioned in Schedule to the Azad Jammu and Kashmir Anti-Corruption Establishment Act, 1993.

(2) No criminal case shall be registered against an accused Public Servant without written orders of the Director General:

Provided that prior permission of the Minister for Services and General Administration shall be necessary for registration of case against Public Servants working in Grade 17 and 18. Similarly, prior permission shall be

obtained from the Prime Minister in case of Public Servants of Grade 19 and above.

(3) No prior permission shall be required for registration of a case against a Public Servant caught as a result of trap arrangement made by the Establishment under supervision of a Magistrate, for commission of an offence specified in the Schedule to the Act. In such case a report shall immediately be made to the Chief Secretary, the Administrative Secretary and immediate superior to the Public Servant concerned, if he is in BPS-16 and above and to the appointing authority and immediate superior, if the Public Servant is in BPS-15 and below.

(4) No prior permission shall be required for registration of case against Public Servants who are retired from the service.

(5) Where Competent Authority decides not to register a criminal case against a Public Servant, he shall record reasons there for and an order shall accordingly be issued under the signatures of the Director General.

9. **Arrest and Permission:-** (1) The Establishment may arrest an accused Public Servant, if deemed necessary in public interest during investigation subject to the permission of the authorities as mentioned in sub rule (2) of rule 8:

Provided that no prior permission shall be necessary for the arrest of a Public Servant caught as a result of trap arrangement as mentioned in sub rule (3) of rule 8 and similarly no prior permission shall be required for arrest of a retired Public Servant.”

2. After rule 9, a following new rule 9-A, shall be added:-

9-A
“9-A. **Simultaneous Permission for Registration of Case and Arrests:-** (1) Notwithstanding anything contained in any other rule or statutory order or instructions for the time being in force, on conclusion of an inquiry if it is decided that case is required to be registered against the Public Servants involved in commission of offences mentioned in the Schedule to the Act, a case for obtaining simultaneous permission for registration of case and arrest of the accused there under shall be moved by the Director General to the authority competent to grant such permission.

(2) A simultaneous permission for registration of case as well as arrest of the accused Public Servant shall be granted by the Competent Authority and no separate permission shall be required for arrest, as aforesaid.”

3. Rule 11 shall be substituted as follows:-

“11. **Power to Call for Information:-** (1) The Director General, or any officer of the Establishment dealing with a complaint, during the course of an inquiry or investigation may,-

- (i) call for information from any officer of a department or a body or an agency or other organization or any other person, who is deemed to have valuable information for satisfying himself regarding a question or issue arose during course of inquiry or investigation as the case may be;
- (ii) require any officer of a department or a body or an agency or other organization as the case may be, to produce or deliver any record or document or any other thing which may be useful or relevant to the inquiry or investigation;
- (iii) examine any officer or official of a department or a body or an agency or any other person who is deemed to be acquainted with the facts or circumstances of the case under inquiry or investigation; and
- (iv) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person who is subject to an inquiry or investigation under the Act.

(2) Access to information as required under this rule shall not be denied by the officer or official of a department or a body or an agency or any other person which shall be provided to the Establishment within reasonable time which may be fixed by the Director General.

(3) Where an officer or official of a department or a body or an agency or any other person who is directed to provide information or any record or a document or any other thing relating to the inquiry or investigation fails to comply with the direction within a reasonable time, as aforesaid, he shall be liable to be prosecuted under Section 186 and 202 of Azad Penal Code, 1860."

S. Sajid Akhtar
29-03-24
(SAJID AKHTAR)

Section Officer (Regulations-I)

Copy to:

- 1) Secretary to the President, Azad Jammu & Kashmir.
- 2) Principal Secretary to the Prime Minister, GoAJ&K.
- 3) All PSs to Minister/Advisor/Special Assistant to Prime Minister, GoAJ&K.
- 4) Chief Secretary, GoAJ&K.
- 5) Additional Chief Secretary (General /Development).
- 6) Senior Member Board of Revenue.
- 7) Secretary, S&GAD.
- 8) Secretary, Law, Justice, Parliamentary Affairs and Human Rights Department.
- 9) All Secretaries to the Government.
- 10) Senior Additional Secretary, S&GAD.
- 11) Director General, Anti-Corruption Establishment; for information.
- 12) Accountant General, AJ&K, Muzaffarabad.
- 13) Controller, Govt. Printing Press: for publication in the Official Gazette.
- 14) System Administrator, S&GAD.
- 15) Master File.

S. Sajid Akhtar
29-03-24
(SAJID AKHTAR)

Section Officer (Regulations-I)