

**THE KHYBER PAKHTUNKHWA EHTESAB COMMISSION (REPEAL)
ACT, 2018.**

(KHYBER PAKHTUNKHWA ACT NO. V OF 2019)

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*(first published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 04th January, 2019).*

**AN
ACT**

*to repeal the Khyber Pakhtunkhwa
Ehtesab Commission Act, 2014.*

WHEREAS it is expedient to repeal the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018.

(2) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires,-

- (a) “Anti-Corruption Establishment” means the Anti-Corruption Establishment, established under the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);
- (b) “asset” means anything of the value includes but is not limited to property whether tangible or intangible, cash, investments, accounts receivables, loans granted, inventory, vehicles, furniture, plant and machinery, which is under the administrative control of the Ehtesab Commission before the commencement of this Act;
- (c) “Department” means the Establishment and Administration Department of the Government;
- (d) “Ehtesab Commission” means the Khyber Pakhtunkhwa Ehtesab Commission established under the repealed Act;
- (e) “Government” means the Government of the Khyber Pakhtunkhwa;
- (f) “record” means any information, documents, ledgers, books, accounts, data, dossiers, files, reports, archives, notes, minutes, transactions, proceedings, transcripts, certificates, deeds, instruments, diaries, logs, inventory lists, catalogues, case files, case studies, or otherwise anything that may be determined by Government to be record of the Ehtesab Commission; and
- (g) “repealed Act” means the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), as repealed under section 3 of this Act.

3. Repeal.---The Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), is hereby repealed and as a corollary thereof, the Ehtesab Commission established thereunder, shall stand dissolved.

4. Transfer of assets and liabilities, record and matters ancillary thereto.---On coming into force of this Act, all assets, liabilities, bank accounts, properties, debts, obligations, claims, proceedings before judicial forums, alongwith all necessary record of the Ehtesab Commission, shall be deemed to be assets, liabilities, bank accounts, properties, debts, obligations, claims, proceedings etc. of the Government.

5. Transfer of inquiries, investigation and references.---Notwithstanding the repeal of the repealed Act, on commencement of this Act,-

- (i) all complaints received by the Ehtesab Commission, on which the inquiries and investigations have not been initiated under the repealed Act, shall stand transferred to the Anti-Corruption Establishment and shall be further inquired and investigated under the Prevention of Corruption Act, 1947 (II of 1947) and the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);
- (ii) all the pending inquiries and investigations, initiated by the Directorate General of the Ehtesab Commission, shall stand transferred to the Anti-Corruption Establishment and shall be further inquired and investigated under the Prevention of Corruption Act, 1947 (II of 1947) and the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);
- (iii) all references pending adjudication before Ehtesab Courts shall stand transferred to Anti-Corruption Courts for further examination in accordance with the provisions of the repealed Act; and
- (iv) all appeals and revisions except those of the employees of Ehtesab Commission, pending before the High Court shall be examined in accordance with the provisions of the repealed Act.

6. Status of the employees.---Notwithstanding anything contained in any law for the time being in force, on the commencement of this Act,-

- (a) the services of contractual employees of the Ehtesab Commission shall stand terminated;
- (b) the regular employees of the Ehtesab Commission and Ehtesab Courts shall be given an option either to continue their services as surplus employees or accept the golden hand shake, offered by the Government, as per its policy;
- (c) the employees, who opt for the continuation of their services as surplus, shall be deemed to have been declared surplus and placed in the surplus pool of the Department:

Provided that a Scrutiny Committee shall be constituted by the Department to verify that-

- (i) the employees were appointed against those posts which fall in the initial quota;

- (ii) the employees possess such qualifications and experience as prescribed for the posts against which they were appointed on regular basis; and
- (iii) the employees were appointed after observance of all codal formalities; and
- (d) the option under clause (b) shall be exercised within a period of thirty (30) days and once exercised, shall deem to be final.

7. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may pass any order, not inconsistent with the provisions of this Act, as may be deemed necessary for the purpose of removing such difficulty.

8. Bar of jurisdiction.---No Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done in good faith or purported to have been done or intended to be done under this Act.