

A
BILL
to amend the Khyber Pakhtunkhwa
Provincial Ombudsman Act, 2010.

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010), 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 Provincial Ombudsman (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment of Preamble of the Khyber Pakhtunkhwa Act XIV of 2010.---In the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010), hereinafter referred to as the said Act, in preamble, paragraph 3 shall be deleted.

3. Amendment of section 2 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 2,-

(i) in clause (b), the words and comma “women or a child”, shall be deleted; and

(ii) clause (c) shall be deleted.

4. Amendment of section 3 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 3,-

(i) in sub-section (1), for the words “Governor on the advice of the Chief Minister”, the word “Government” shall be substituted; and

(ii) for sub-section (2), the following shall be substituted, namely:

“(2) The Provincial Ombudsman shall be a person, who is, or has been, or is qualified to be judge of a High Court or any other person of known integrity.”.

5. Amendment of section 4 of Khyber Pakhtunkhwa Act XIV of 2010.--- In the said Act, in section 4,-

(i) for sub-section (1), the following shall be substituted, namely:

“(1) The Provincial Ombudsman shall hold office for a period of four years or till the age of sixty-two years, whichever is earlier and shall not be eligible for any extension in his

tenure or for re-appointment as Provincial Ombudsman under any circumstances.”, and

- (ii) in sub-section (2), for the word “Governor”, the word “Government” shall be substituted.

6. Amendment of section 6 of Khyber Pakhtunkhwa Act XIV of 2010.--- In the said Act, in section 6, in sub-section (2), for the word “Governor”, the word “Government” shall be substituted.

7. Amendment of section 7 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 7, for the words “the Governor shall on the advice of the Chief Minister”, the word “Government” shall be substituted.

8. Amendment of section 9 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 9, sub-sections (3) and (4) shall be deleted.

9. Amendment of section 13 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 13, for the words, figures and brackets “the Provincial Ombudsman may pass such orders and proceed in such a manner as provided under section 14(1)(e) and section 16 of this Act against the person guilty of any allegation”, the words “the Provincial Ombudsman may bring the matter to the notice of Government for such action as he may deem fit” shall be substituted.

10. Amendment of section 14 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 14,-

- (i) in sub-section (1), in clause (d), the semi-colon, appearing at the end shall be replaced by full-stop and thereafter, clause (e) shall be deleted; and
- (ii) sub-section (2) shall be deleted.

11. Amendment of section 20 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 20, after the words “Provincial Ombudsman”, the words “in consultation with Government” shall be inserted.

12. Amendment of section 25 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 25,-

- (i) in sub-section (1), after the words “Provincial Ombudsman”, the words “in consultation with Government” shall be inserted; and
- (ii) sub-section (2) shall be deleted.

13. Amendment of section 35 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, in section 35, in the word “Governor”, the word “Government” shall be substituted.

14. Amendment of section 37 of Khyber Pakhtunkhwa Act XIV of 2010.---In the said Act, for section 37, for the word “Governor”, the word “Government” shall be substituted.