

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

WHEREAS it is expedient further 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, 2016.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. 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 section 2, for clause (a), the following shall be substituted, namely:

“(a) “Agency” means a department, a commission or an office of Government or a statutory corporation or any other institution established or controlled by Government, or any public or private sector organization rendering services or implementing works on behalf of Government or to whom funds are released or provided by Government, but does not include the High Court and Courts working under the supervision and control of the High Court, and the Provincial Assembly of the Khyber Pakhtunkhwa and its Secretariat.

3. **Amendment of section 4 of the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010), in section 4, for subsection (1), the following shall be substituted, namely:

“(1) The Provincial Ombudsman shall hold office for a period of four years and shall not be eligible for re-appointment or extension, as the case may be, under any circumstances:

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Provided that the Provincial Ombudsman shall continue to hold office after expiry of his four years period till his successor enters upon the office.”.

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4. **Amendment of section 5 of the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the said Act, in section 5, in sub-section (2), after the words “in the service of Pakistan or the Province”, the words and hyphen, “except a judicial or quasi-judicial office”, shall be inserted.
5. **Amendment of section 6 of the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the said Act, in section 6, in sub-section (1), after the words “shall not be varied”, the words “to his disadvantage” shall be inserted.
6. **Amendment of section 7 of the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the said Act, in section 7, after the word “Government”, the word “may”, shall be inserted.
7. **Insertion of new section to the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the said Act, after section 7, the following new section shall be inserted, namely:
 - “7A. **Grievance Commissioner.**---(1) With respect to any Agency, against which large number of complaints are received in the office of Provincial Ombudsman, the Provincial Ombudsman may designate one of its officer, not below the rank of BPS-17, as a Grievance Commissioner.
 - (2) The Grievance Commissioner, so designated, shall exercise such powers and perform such functions, as may be specified by the Provincial Ombudsman, under this Act.”.
8. **Amendment of section 8 of the Khyber Pakhtunkhwa Act No. XIV of 2010.**---In the said Act, in section 8, in sub-section (1), after the words “and such other offices”, the words, “other than ministerial staff”, shall be inserted.
9. **Amendment of section 14 of the Khyber Pakhtunkhwa Act No. IV of 2010.**---In the said Act, in section 14, in sub-section (1), in clause (d), the full stop appearing at the end shall be replaced by a semi

colon and the word “and”, and thereafter the following new clause shall be added, namely:

“(e) implementation of recommendations, orders and decisions.”.

10. Amendment of section 31 of the Khyber Pakhtunkhwa Act No. XIV of 2010.---In the said Act, for section 31, the following shall be substituted, namely:

“31. Representation.---(1) Any person or Agency aggrieved by the order, decision, findings or recommendation, as the case may be, of the Provincial Ombudsman may, within thirty days of the order, decision, findings or recommendation make representation to the Governor, who may pass such order thereon, as he may deem fit.

(2) The operation of the impugned order, decision, findings or recommendation, as the case may be, shall be remain suspended for a period of sixty days, if a representation is instituted under sub-section (1) above.”.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010). Hence, this Bill.


MINISTER-IN-CHARGE

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