

# THE JAMMU AND KASHMIR STATE VIGILANCE COMMISSION (AMENDMENT) ACT, 2011.

(Act No. XX of 2011)

[24th November, 2011]

An Act to amend the Jammu and Kashmir State Vigilance Commission Act, 2011.

Be it enacted by the Legislature of Jammu and Kashmir in the Sixty-second Year of the Republic of India as follows: –

**1. Short title and commencement.** – (1) This Act may be called the Jammu and Kashmir State Vigilance Commission (Amendment) Act, 2011.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

**2. Amendment of section 3, Act I of 2011.** – In section 3 of the Jammu and Kashmir State Vigilance Commission Act, 2011 (hereinafter referred to as the ‘principal Act’), –

(i) sub-sections (3) and (4) shall be substituted by the following sub-section, namely: –

“(3) The Chief Vigilance Commissioner and the Vigilance Commissioners shall be appointed from amongst persons who have been or are in All India Service or in any Civil Service of the State or in a civil post under the State having knowledge and experience in the matters relating to vigilance, law, finance, policy making and administration including police administration; and

(ii) sub-sections (5) and (6) shall be renumbered as sub-sections (4) and (5) respectively.”.

**3. Amendment of section 4, Act I of 2011.** – In section 4 of the ‘principal Act’, –

(i) in sub-section (1) for the words “Government on the”, the words “Governor by warrant under his hand and seal:

Provided that every appointment under the sub-section shall be made after obtaining the” shall be substituted;

(ii) sub-section (2) shall be deleted; and

(iii) sub-section (3) shall be renumbered as sub-section (2).

**4. Amendment of section 5, Act I of 2011.** – In section 5 of the ‘principal Act’, –

- (i) in sub-section (2) for the words “till he retires on attaining the age of superannuation”, the words till he attains the age of sixty-five years” shall be substituted; and
- (ii) in sub-sections (3) and (4), for the words “Chief Minister”, wherever occurring, the words “Governor” shall be substituted.

**5. Amendment of section 6, Act I of 2011.** – In section 6 of the principal Act, in sub-sections (1), (2) and (3) for the word “Government” wherever occurring, the word “Governor” shall be substituted.

**6. Amendment of section 9, Act I of 2011.** – Sub-section (5) of section 9 of the principal Act shall be substituted by the following sub-section, namely: –

“(5) The Chief Vigilance Commissioner, or in his absence the senior-most Vigilance Commissioner who is present at the meeting, shall preside at the meeting.”.

**7. Amendment of section 18-A, Act I of 2011.** – After section 18 of the principal Act, the following section shall be inserted, namely:–

“18-A. *Consultation with the Commission in certain matters.* – The Government shall in making rules or regulations governing the vigilance or disciplinary matters relating to person appointed to public services and posts in connection with the affairs of the State or to members of any State service, consult the Commission.”.

**8. Amendment of section 22, Act I of 2011.** – In clause (a) of section 22 of the principal Act, after sub-clause (iii), the following sub-clauses shall be added, namely:–

- “(iv) Administrative Secretary  
Home Department ... Member;
- (v) Administrative Secretary,  
GAD ... Member.”.