

THE BALOCHISTAN ENQUIRIES AND ANTI-CORRUPTION ACT,

2010

(Baln Act XII of 2010)

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'THE BALOCHISTAN ENQUIRIES AND ANTI-CORRUPTION

Preamble.

Short title, extent
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Definitions.

1

ACT, 2010

(Baln Act XII of 2010)

[18" October, 2010]

An Act to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by, or enquiry into misconduct of, public servants and for holding preliminary enquires against such servants in Balochistan.

WHEREAS, it is expedient to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by, or enquiry into misconduct of, public servant and for holding preliminary enquiries against such servants in Balochistan.

It is hereby enacted as follows:-

1. (1) This Act may be called the Balochistan Enquiries and Anti-Corruption Act, 2010.

(2) It extends to the whole of the Province of Balochistan.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings, hereby respectively assigned to them, that is to say:-

(i) "Establishment" means the Enquiries and Anti-Corruption Establishment constituted under section 3;

(ii) "Director General" means the Director General appointed under section 3;

(iii) "Director" means a Director appointed under section 3;

(iv) "Deputy Director" means a Deputy Director appointed under Section 3;

(v) "Government" means the Government of

This Act was passed by the Balochistan Assembly on 14th October, 2010: assented to by the Governor of Balochistan on 15th October, 2010: published in the Balochistan Gazette (Extraordinary) No. 98, dated 18th October, 2010.

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Constitution and
power of the
Enquiries and
Anti-
Corruption
Establishment.

Powers of members
of the
Establishment.

Balochistan;

(vi) "Misconduct" means corruption, favouritism, maladministration, wilful corruption or diversion of public moneys, misuse of public property or any other abuse of power or position;

(vii) "Public Servant" means a public servant as defined in section 21 of the Pakistan Penal Code or declared as such under any law for the time being in force;

(viii) "rules" means rules framed under this Act; and

(ix) "Schedule" means the schedule appended to this Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force, Government may constitute an Establishment to be known as Enquiries and Anti-Corruption Establishment, for investigation of, or enquiry into the offences set forth in the Schedule and cases relating to misconduct of public servants and for holding preliminary enquiries for determining whether such offences or cases shall be investigated or departmental enquiries into the conduct of the public servant concerned in such offences or cases shall be held.

(2) The Establishment shall consist of a Director General and such number of Directors, Deputy Directors, Officers or members as may be determined by Government.

(3) The Director General, Director and Deputy Director shall be appointed by Government.

(4) The terms and conditions of service of the Director General, Directors, Deputy Directors, Officers and members of the Establishment and their respective job description shall be determined by Government.

4. (1) Subject to any orders or rules which Government may make in this behalf, the Director General of Anti-Corruption, and officers and members of the Establishment working under him shall, for the purpose of any preliminary enquiry or investigation in relation to the offences mentioned in the schedule, have throughout the Province all the powers of search, arrest of persons and seizure of property and all other powers, duties, privileges and liabilities which a Police Officers

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has or is subject to in connection with the investigation of
offences under the Code of Criminal Procedure, 1898.

(2) Subject to any orders of the Government in this
behalf, such officer or member of or above the rank of an
Assistant Investigation Officer, may, in relation to the offences
mentioned in the schedule, exercise any of the powers of the
officer incharge of a police station within the meaning of clause
(p) of sub-section (1) of Section 4 of the code of Criminal
Procedure, 1898, in the area in which he is for the time being
posted, and when so exercising such powers, shall be deemed to
be an officer incharge of a police station discharging the
functions of such an officer within the limits of his station.

5. Subject to such orders as Government may make, the
superintendence and general control of the Establishment shall
vest in the Director General, who may delegate all or any of his
powers to one or more officers working under his control.

6. No suit or legal proceedings shall lie against
Government or Director General or Director or any other
officer or member of the Establishment in respect of anything
done under this Act.

7. The provisions of this Act are in addition to and not in
derogation of any other law for the time being in force.

8. (1)
purpose of this Act.

Government may make rules for carrying out the

(2) In particular and without prejudice to the
generality of the foregoing powers such rules may provide

(i) for the purpose of an enquiry, the powers of summoning and enforcing the attendance of any person, requiring production of documents and receiving evidence on affidavits;

(i1) for the organization of the Establishment;

9. (1) 'The Balochistan Anti-Corruption Establishment Ordinance, 1961, is hereby repealed:

This Ordinance (W.P. Ord: XX of 1961) was promulgated by the Governor of West Pakistan on 15" August, 1961: published in

the W.P. Gazette (Extraordinary) dated 8" September, 1961 at page 2127-30; saved and given permanent effect by Article 22 of the Constitution of Islamic Republic of Pakistan(1962): adopted by Balochistan Adoption Order, 1975; now hereinabove repealed,

9 (1).

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Provided that: -

(a)

(b)

all rules prescribed, appointments made, powers conferred, orders made or passed, summons or warrants issued or served, person arrested or detained or discharged on bail, or bond, search warrants issued, bond forfeited, penalty incurred under the said ordinance shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given passed served arrested detained discharged, forfeited and incurred there under;

all references made to the said ordinance or in any law or instrument shall be construed as_ references to the corresponding provision of this Act.

(2) Notwithstanding the repeal of the = said Ordinance, the repeal shall not—

(a)

(b)

(d)

affect the validity, invalidity, effect or consequence of anything duly done or suffered under the said ordinance;

affect any right, privilege, obligation or liability, acquired, accrued or incurred under the said ordinance;

affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the said ordinance has not

been repealed; and

affect any proceeding pending in any court or before any authority under the said ordinance and any such proceeding and any appeal or revision arising out of such proceeding shall be continued,

instituted or disposed of, as if the said ordinance had not been repealed.

SCHEDULE

(See Section 3)

(a) Offences punishable under sections 161 to 169, 217 and 218 of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith.

(b) Offences punishable under sections 182, 186, 188, 189, 201, 211, 332, 353, 379, to 382, 403, to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant as such, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such; and

(c) Offences punishable under the Prevention of Corruption Act, 1947 and as attempts, abetments and conspiracies in relation thereto or connected therewith.