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THE BALOCHISTAN GAZETTE

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NO. 98 QUETTA MONDAY ' OCTOBER 18, 2010.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 18'> October, 2010.

No. PAB/Legis:V(13)/2010.643. The Balochistan Enquiries and Anti Corruption Bill No. 13 of 2010 having been passed by the Provincial Assembly of Balochistan on 14!" October, 2010 and assented to by the Governor, Balochistan on 15!" October, 2010 is hereby published as an Act of the Provincial Assembly of Balochistan.

THE BALOCHISTAN ENQUIRIES AND ANTI-CORRUPTION ACT, 2010
ACT No. XIL of 2010

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Preamble.

Short title, extent,
and
commencement.

Definitions.

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 enquiries 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 [stablishment 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 Balochistan; ,

(vi) "Misconduct" means corruption, favouritism, maladministration, wilful corruption wr 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: -

Constitution and

power of the
Enquiries and
Anti-Corruption
Establishment.

Powers of
members of the
Establishment.

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

(ix) 9 "Schedule" means the schedule appended
to this Act.

(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.

(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 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

Superintendence
and General
Control.

Bar to Legal
Proceedings.

Provisions not in
derogation of any
law.

Power to make

Rules.

Repeal and

Savings.

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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.

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.

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.

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

(1) Government may make rules for carrying out the purpose of this Act.
(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:

(ii) for the organization of the Establishment:

(h) The Balochistan Anti-Corruption Establishment

Ordinance. 1961. is hereby repealed:

Provided that:-

tayall 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 \\Wwarrnts 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:

(b) 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 Ogtinance, the repeal shall not

(a)

(b)

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—
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(d)

affect the validity, invalidity, effect or consequence of anything duly done or fulfilled 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 had 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.

Secretary,
Balochistan Provincial Assembly