

TO BE PUBLISHED IN THE
EXTRA ORDINARY ISSUE
OF BALUCHISTAN GAZETTE.

OF BALUCHISTAN GA&A**=:

IIS

GOVERNMENT OF BALUCHISTAN
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

(SECTION-I).

Dated Quetta, the 17th April, 2012.

NOTIFICATION.

OKO

No. 10-3/2000-SOI (S&GAD) (4). In exercise of the powers conferred by Section 8 of
the Baluchistan Enquiries and Anti Corruption Act, 2010 (Act No XII of 2010), the
Government of Baluchistan is pleased to make the following rules, namely:-

1. Short title and commencement. (1) These rules may be called the Baluchistan
Enquiries and Anti Corruption (Functions, Powers and Procedure) Rules, 2011.

WO

(2) It shall come into force at once.

Definitions. (1) _ In these rules, unless there is any thing repugnant in the subject or
context-

(a) "Act" means the Baluchistan Enquiries and Anti Corruption
Act, 2010 (Act No XII of 2010);

OO

"Chief Secretary" means the Chief Secretary to the Government of
Baluchistan;

"Circle Officer" | means the officer so posted by the Establishment as
Circle Officer in a Division;

"Committees" means the Committees constituted under rule 3;

WO

"Competent Authority" means the Competent Authority as specified in
Schedule-I to accord permission either to hold an enquiry or to order
registration of a criminal case or drop the case after investigation or decide
departmental action under these rules: provided there is insufficient evidence.

“Director General” means the Director General of the Anti Corruption Establishment;

“Director” means the Director of Anti-Corruption Establishment posted in Directorate of Establishment (Head Quarter) or Director of the region;

IS

“Deputy Directors” means a Deputy Director of Anti Corruption Establishment of the region or posted in the Directorate of Establishment “Head Quarter);

POGNE

“Division” means the Revenue Division as notified under the Land Revenue Act, 1967(Act No.XVII of 1967);

IIS

“Enquiry Officer” means Circle Officer and such Circle Officer of the Establishment posted in the Division for enquiry under these rules,

“Government” means the Government of Balochistan;

“Head of Attached Department” means an Officer Incharge of an attached department declared as such by the Government,

OKO

“Misconduct” means misconduct as defined in the Prevention of Corruption Act, 1947 (Act No. II of 1947);

“Public Servant” means the Public Servant as defined in the Pakistan Penal Code, 1860 or declared as such under any Law for the time being in force;

“Schedule” means the schedule appended to these rules;

WO

“Special Judge” means a Special Judge appointed under sub-section (1) of section 3 of the Pakistan Criminal Law (Amendment) Act, 1958 (Act No.

XL of 1958);

(r) “Sub Circle Officer” means an officer, so posted by the Establishment in a Sub Division or Tehsil;

(2) The word and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

OO

3. Constitution of the Committees (1) There shall be the following committees to perform such functions and powers as prescribed here under in rules 4:-

- (a) The Provincial Anti-Corruption Committees;
- (b) The Divisional Anti-Corruption Committee; and
- (c) The District Anti-Corruption Committee.

(2) The aforesaid committees shall consist of a Chairman and such members as

IIS

specified in schedule-II provided that the Provincial Anti Corruption Committee shall only be headed by the Chief Secretary.

(3) | The Director General shall be the Secretary of the Provincial Anti Corruption Committee who may also attend the meeting of the other two committees.

4. Functions of the Committees.(1) The Provincial Anti Corruption Committee shall

IS

to review the cases of misconduct leading to corruption in services and
suggest measures for its eradication;

www.ezqandgo

ILO

to review at suitable intervals, the working of Anti Corruption Laws and rules and to suggest improvement in them;

(c) to co-ordinate with all agencies of Federal and Provincial Governments engaged in eradication of corruption; and

(d) to suggest publicity measures in the Province for educating the public and Government servants against the evils of corruption.

(2) The Divisional and District Anti Corruption Committees shall perform the following functions:-

(a) to review the problems of corruption in each Department and suggest measures for its eradication; and

(b) to suggest publicity measures within their jurisdiction for educating the public and Government servants against the evils of corruption.

5. Meeting of the Committees:-The Anti Corruption Committees in the District and Division shall meet at least once in three months; and the Provincial Anti Corruption

Committee shall meet once in six months.

6. (1) The jurisdiction of the Director General shall be the entire Province of Balochistan.

(2) The officer of the Establishment holding post not below the rank of an officer in BPS-16 may and empowered either by general orders or by special order of the Director General, within his jurisdiction, on direction of his superior officer or on an application made by any person or on a reference received from Government or Head of an Administrative Department conduct inquiry and surprise visit to detect and check the acts of misconduct, and shall, for that purpose, have all the powers of seizure of property and relevant record.

(3) For the purpose of an enquiry into any complaint under the Act the Enquiry Officer of the Establishment not below the rank of an officer in BPS-16 shall have the powers of Investigation as have been assigned in the Code of Criminal Procedure to a Police officer.

7. Functions of the Director General:- The Director General shall have the following

powers and functions:-

(a) to work directly under the supervision of Chief Secretary, Balochistan;

+ (b) to supervise the working of the Enquiries and the Anti Corruption Establishment and shall be responsible for the efficient functioning and superintendence of it;

3 to be responsible to put up all cases to the Chief Secretary as and when required;

le NAS

—

IIS

(d) to allocate or transfer the task of enquires/investigation to such other members of the Establishment as the case may be pursuant to the Act;

(e) to correspond directly with the Secretaries/Head of attached Departments/ Autonomous Bodies/Corporations or other bodies in connection with any information/document required for the purpose of enquires/investigation;

(f) to ensure prosecution of the individuals through Anti Corruption Establishment after the decision of the concerned competent authority;

(g) to keep close liaison with the Head of Departments/Divisional Commissioners / Deputy Commissioners / Head of the autonomous bodies to

unearth cases of corruption and their speedy disposal. For this purpose, he may visit Divisional/District Headquarters;

TIS

(h) to suggest improvement in the existing procedures of enquires / investigations so that the cases are speedily disposed of;

(i) in case of an enquiry of a technical nature, for which no qualified staff is available, he may require the services of such member from any department;

Spe

(j) _ to initiate the Performance Evaluation Reports of gazetted officers serving in the Establishment;

(k) _ to endorse the Performance Evaluation Reports of all other officials working in the Establishment;

(l) to sanction the movements of all gazetted officers working in Anti Corruption Establishment throughout the Province in connection with their official duties;

(m) _ to publish half yearly review of the performance of the Establishment;

IS

(n) to inform all Administrative Secretaries of the Government about the brief facts of the cases involving gross misconduct/dereliction of duty, calling for a penalty as provided in the Balochistan Employees' Efficiency and Discipline Act, 2011(Act No.VI of 2011) against officers of BPS-16 and above under their administrative control, immediately on occurrence alongwith the list of the cases and action taken/proposed to be taken in the matter;

(o) _ to take up any of the pending or fresh departmental enquires of a Department on the direction of Chief Secretary;

IIS

(p) _ to be informed on or before the 5th of every month by the Administrative Secretaries of the concerned departments about the disciplinary cases of those

officers of BPS-16 and above against whom inquiry / case is pending in the Establishment / Court, indicating the latest progress in Schedule-II;

(q) _ to call for the Performance Evaluation Reports of any officer under enquiry from any department;

(r) with the permission of the Chief Secretary, may cause issuance of instructions by the Administrative Secretaries to all their subordinate offices to

* extend co-operation to the Enquires and Anti Corruption Establishment in respect of its functions;

OO

s) to require the services of the officers/officials in BPS-16 and below on ye deputation in the head office or in any regional office of the Anti-Corruption

www.ezqand y

POGNE

Establishment, and for officer of BPS-17 and above, with the prior approval of the Chief Secretary;

(t) to exercise the powers of transfer and posting within the Establishment upto BPS-16; and

IIS

(u) to carry out any other specific task and exercise powers as assigned by the Chief Secretary.

8. Preliminary Enquiry. (1) Preliminary enquiries and investigations shall be initiated by the Establishment against public servants on complaints received from the Government, Heads of Administrative Departments or other reliable sources.

OKO

(2) No preliminary enquiry shall be initiated by an officer of the Establishment against accused public servant without prior approval of the competent authority as prescribed in Schedule-I.

(3) After preliminary inquiry if Director General, Director or Deputy Director

WO

(Investigation) finds that :-

a) there is no ground to proceed further in the matter, the proceedings shall be dropped with the prior approval of the competent authority

after recording reasons and the complainant if any shall be informed.

there are reasonable grounds to proceed further in the matter; he shall

OO

refer the case alongwith the relevant record to the Director General for further process and to inform the appointing authority of the accused public servant for departmental proceedings under the existing Law /

rules.

(4) Copies of final reports of dropped cases shall not be supplied to any person, without permission of the Director.

IIS

(5) As soon as the enquiry has been completed and final order have been passed the result of the same shall be intimated to the Establishment, alongwith a copy of Enquiry

report for completion of record.

9. Examination in discreet enquiry / complaint. Nothing contained hereabove in rule 8 shall preclude the enquiry officer from-

OO

conducting discreet enquiry for collecting material constituting
schedule offence; and
ascertaining the identification of the complainant and the genuineness

of the complaint and documents produced;

ILO

10. Time limit for investigation:- (1) Every investigation or enquiry under the Act and Rules made there-under, shall be completed within the period as provided in

Cr.P.C

(2) Every officer making enquiry under these rules shall, prepare a Diary-sheet of

each case and record his day to day proceedings in the same starting from the date on which the information received by him, the date he began and closed his proceedings;

indicating places visited and the statements recorded and the time limit for completion shall be mentioned in sub-rule (1);

(3) The Legal Branch of Anti Corruption shall dispose of each case within the minimum possible time so as to send the case to the court in accordance to the provision of the Act or Cr. PC as the case may be;

11. Registration of cases. (1) Criminal cases shall be registered by the Establishment under the Prevention of Corruption Act, 1947 and under such Section of the Pakistan Penal Code, as have been set forth in the Schedule of the Act. Provided that the criminal cases shall be registered by the Establishment at Anti Corruption Police Station and where there is no such notified Police Station, at local Police Station.

(2) No criminal case shall be registered against accused public servant without prior approval of the competent authority as specified in Schedule-1: Provided that such prior approval shall not be necessary for registration of

case against public servant likely to be caught red-handed as a result of a raid/trap, arranged by Establishment under the supervision of a Magistrate.

(3) _ In all cases of raid/trap, the District Magistrate, Additional District Magistrate or Sub-Divisional Magistrate of the jurisdiction shall depute a Magistrate of first or second class for supervising raid/trap on the request made in writing by the officer of the Establishment.

(4) | When a case is registered at local Police Station, the District Police shall have no jurisdiction whatsoever to proceed with the investigation and the relevant record shall be handed over to the Establishment.

Information to Administrative Authorities. Soon after registration of case against a

ANTOTMAUOn (OY OV

public servant, a report shall be made to:-

(a) _ the Chief Secretary and the Administrative Secretary, if the public servant is in BPS-16 and above;

(b) the Appointing Authority and the immediate superior Officer, if he is in BPS-15 and below; and

(c) to the Registrar of High Court of Balochistan, if he is a Judicial Officer and other subordinate staff.

13. Arrest. The accused public servant may be arrested, if his arrest become unavoidable during investigation, with the prior permission of the competent authority as specified in

Schedule-I:

Provided that no prior permission shall be necessary for the arrest of a public servant

(BPS-1 to 15) caught as a result of raid/trap.

14. If the competent authority after investigation-

(a) finds that prosecution is not called for but sufficient material is on record for departmental action, the Establishment shall forward the facts of case, statement of allegations, list of witnesses and documents, if any, to the Authority prescribed for action under the Balochistan Employees' Efficiency and

Discipline Act, 2011;

(b) finds that allegations are not established altogether, the case shall be dropped and intimation to this effect shall be sent to the authorities mentioned in

rule 12; or

(c) as soon as the departmental enquiry has been completed and final orders passed, the result of the same shall be intimated to the Establishment along with

a copy of report for the completion of record.

15. | Where Senior Public Servants are involved alongwith junior Public Servant.

(1) For the purpose of dropping the case after investigation, or referring it to departmental action, if more than one public servants are involved, the competent authority

shall be the one having jurisdiction against the senior most public servant.

(2) In case of Judicial Officers and others sub ordinate staff, the Competent Authority shall be the Chief Justice of Balochistan High Court.

—

17. Application of Balochistan Employees' Efficiency and Discipline Act, 2011

All officers and officials serving in the Establishment and in the Court of Special

Judge shall be subject to Balochistan Employees' Efficiency and Discipline Act, 2011 (Act

No.VI of 2011).

18. Jurisdiction of competent authority in case of transfer of public servant. Where two or more employees are alleged to have jointly committed, or are involved in the

commission of an offence and such employees have been transferred out side the territorial jurisdiction of the competent authority, the competent authority shall have jurisdiction over

such cases, would be that within whose jurisdiction the alleged offence was committed.

19. Transfer of Public servant in raid / trap cases. In successful raid/trap case, the transferring authority, on receiving information shall transfer the accused public servant

from his place of posting.

20. | Suo Moto Examination, The Chief Secretary and, the Director General may call for

and examine the record of any case and may give such directions as may be deemed fit.

21. Powers of Chief Minister. (1) Notwithstanding any thing contained in these rules, the Chief Minister may pass any order relating to any enquiry, investigation against, prosecution of any public servant or any other matter, and such order shall have the

precedence over an order passed by any other authority, in respect thereof.

(2) Such order, if received by the lower authorities directly must immediately be

communicated to the Chief Secretary through Director General.

22. Repeal. The Balochistan Enquiries and Anti Corruption Rules, 1999 are hereby repealed.

23. Saving. (1) Notwithstanding the repeal envisaged by Rule 22, the cases registered and the enquiries already in progress under the Balochistan Enquiries and Anti Corruption Rules, 1999, shall be processed further under these rules from the stage up-to

which have been completed under repealed rules.

(2) The Committee constituted by the Government and the action taken by the Establishment, decision made, direction given before coming in force of these

dll be deemed to have been constituted, taken, decided and given under these rules.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

The Controller,
Printing and stationary Department,

Balochistan Quetta, for publication
and provision of 50 copies for official

use and record.

No. & date even.

Copy to: -

The Secretary, Government of Pakistan, Cabinet Sectt: Estt: Division, Islamabad,
The Chief Secretaries, Punjab Lahore, Sindh Karachi, Khyber Pakhtoon Khawa Peshawar.

The Principal Secretary to Governor, Balochistan, Quetta.

The Principal Secretary to Chief Minister Balochistan, Quetta.

The Chairman, CMIT, BPSC, BDA, Quetta.

All Administrative Secretaries to Government of Balochistan.

All Heads of Attached Departments in Balochistan.

All Commissioners/ Deputy Commissioners in Balochistan.

Accountant General, Balochistan, Quetta.

The Director General, Public Relations, Balochistan, Quetta.

PS to Chief Secretary/ Secretary, S&GAD.

The Director General Anti Corruption, Balochistan, Quetta.

All the Deputy Secretaries/under Secretaries/ Section Officers in S&GAD.

The Section officer(Legis:) Law and Parliamentary Affairs Department with refernce to his
letter No.legis:1-5/Law-80/12559-60 dated 31° October 2011.

SCHEDULE-I
(See Rule 2 (e))

IIS

PUBLIC SERVANTS COMPETENT AUTHORITY

Public Servants in BPS-1 to 18 Director General
(excluding the sitting Deputy Commissioners
& Superintendents of Police/District Police Officers)

Public Servants in BPS-19 and BPS-20 Chief Secretary
of the status of Commissioners, Secretaries

to Provincial Government, Head of attached

Departments and others (including the sitting Deputy Commissioners

& Superintendents of Police/District Police Officer)

OKO

Public Servants in BPS-21 & above Chief Minister/Government.

IIS

Judicial Officer and other subordinate Chief Justice of the High
Staff of Judiciary. Court of Balochistan.

OGRE

www.ezqand y

Se

SCHEDULE-II

(See Rule 3)

INSTITUTION OF COMMITTEES

WAS PS

Provincial Anti Corruption Committee No 1

(For dealing with the matters of officers in BPS-17 to BPS-20).

WAS PS WAN XS

1.

2.

3.

Chief Secretary

Secretary S&GAD/Director General ACE

Secretary Law

Secretary of the Administrative

Department concerned

Director, ACE. (Head Quarter)

Provincial Anti Corruption Committee No 2.

(For dealing with the matters of officers in BPS-1 to BPS-16 of Civil Secretariat and other departments at Provincial level).

1.

2.

3.

Secretary S&GAD/Director General ACE

Additional Secretary (Regulation) S&GAD

Additional Secretary Law.

Additional Secretary of the Administrative

Department concerned.

Director, ACE. (Head Quarter)

Divisional Anti Corruption Committee .

(For dealing with the matters of BPS-9 to BPS-16)

Divisional Commissioners

Regional Head or the representative
Of the Department concerned

Circle Officer / Assistant Director (Inv:)

-Chairman

-Member

-Member

-Member

-Member/Secretary

-Chairman.

-Member

-Member.

-Member.

-Member/Secretary

-Chairman.

-Co-opted Member.

-Member/Secretary.

(D) _ District Anti Corruption Committee.

IIS

(For dealing with the matters of BPS-1 to BPS-8).

Deputy Commissioner -Chairman.

District Head or Representative of the
Department Concerned -Co-opted Member.

Circle Officer/ Assistant Director (Inv:) -Member/Secretary.

OO

PIO

www.ezqand y

TO BE PUBLISHED IN THE N

ISSUE OF BALUCHIST.
GOVERNMENT OF BALUCHISTAN

SERVICES AND GEN: ADMN: DEPARTMENT
(SECTION-1)

IIS

Dated Quetta, the 10 October, 2012

No.9-1(7)/2012/SO-I(S&GAD). In exercise of the powers conferred by Rule 3 & Schedule-II

of the Baluchistan Enquiries and Anti Corruption (Functions, Powers and Procedure) Rules, 2011,

TIS

in its application to the Province of Baluchistan, the Government of Baluchistan is pleased to reconstitute the following Anti Corruption Committees as under for scrutiny of Anti Corruption

Cases:-

A. Pp. 'ial Anti Corrn Com, No.1
(For dealing with the matters of officers in
BPS-17 to BPS-20)

Chief Secretary Chairman.
Secretary S&GAD/Director General ACE Member.
Secretary Law Member.
Secretary of the Administrative Member.
Department concerned.

5. Director, ACE. (Head Quarters) Member/

Secretary

Spe

Provincial Anti Corru mi No.2.

(For dealing with the matters of officers in BPS-1

to BPS-16 of Civil Secretariat and other departments

at Provincial level).

1. Secretary, S&GAD/Director General ACE Chairman.

2. Additional Secretary (Regulation)S&GAD Member.

3. Additional Secretary Law Member

4. Additional Secretary of the Administrative Member

Department concerned.

5. Director, ACE. (Head Quarters) Member/

Secretary

Divisional A ion Commi

(For dealing with the matters of BPS-9 to BPS-16)

1. Divisional Commissioner Chairman.
2. Regional Head or the representative of the Co-opted Department concerned. Member.
3. Circle Officer /Assistant Director (Inv:) Member/ Secretary.

IIS

Di: ion Com

(For dealing with the matters of BPS-1 to BPS-8)

1. Deputy Commissioner Chairman.
 2. District Head or the representative of the Co-opted Department concerned. Member.
- ircle Officer /Assistant Director (Inv:) Member/ Secretary.

BY ORDERS OF
GOVERNOR BALOCHISTAN

IS

CHIEF SECRETARY

GOVERNMENT OF BALOCHISTAN
The Controller,

Government Printing Press,
Balochistan, Quetta.

PIO

RWRPNDNPWHN

PRR
WNRO

PRR
Dus

The Secretary, Government of Pakistan, Cabinet Secretariat, Establishment Division,
Islamabad.

The Chief Secretaries, Punjab Lahore, Sindh Karachi, Khyber Pakhtoon Khawa Peshawar.

The Principal Secretary to Governor Balochistan, Quetta.

The Principal Secretary to Chief Minister Balochistan, Quetta.

The Chairman, CMIT, BPSC, BDA, Quetta.

All Administrative Secretaries to Government of Balochistan

All Heads of Attached Departments in Balochistan.

All Commissioners in Balochistan.

All Deputy Commissioners in Balochistan

. The Director NAB Balochistan, Quetta.

. The Accountant General, Balochistan.

. The Director Public Relation Balochistan, Quetta.

. The Director Anti Corruption Balochistan, Quetta w/r to his letter No. ACEQ/(Inv:)/1728 dated

17" September, 2012.

. The Deputy Secretary (Staff) to Chief Secretary Balochistan, Quetta.

. All Deputy Secretaries/Under Secretaries/Section Officers in S&GAD.

. The PS to Secretary, S&GAD.

(WAQAR UL HASNAIN)
SECTION OFFICER (SERVICES-1)