

THE WEST PAKISTAN ANTI-CORRUPTION ESTABALISHMENT

ORDINANCE, 1961

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THE WEST PAKISTAN ANTI-CORRUPTION ESTABLISHMENT
ORDINANCE, 1961

WEST PAKISTAN ORDINANCE NO. XX OF 1961.

[8 September 1967]

AN
ORDINANCE

to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in West Pakistan.

Preamble. WHEREAS it is expedient to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in West Pakistan;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance: —

1. Short title and extent. (1) This Ordinance may be called the West Pakistan Anti-Corruption Establishment Ordinance, 1961.

(2) It extends to the whole of the Province of West Pakistan, except [the Tribal Areas].

2. Definitions. In this Ordinance, 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 Anti-Corruption Establishment constituted under section 3;

(ii) "Director" means the Director of the Anti-Corruption Establishment appointed

under section 4;

(iii) | "Government" means the Government of West Pakistan;

(iv) "Public servant" means a public servant as defined in section 21 of the Pakistan Penal Code (XLV of 1860); and

(v) "Schedule" means the Schedule appended to this Ordinance.

'Subs. by the West Pakistan Laws (Adaptation) Order, 1964 Art. 2 and Sch. (w.e.f. 8.6.1962).

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

Provided that nothing contained in this Ordinance shall affect the provisions of sub-section (2) of section 2 of the Pakistan Special Police Establishment Ordinance, 1948 (Ordinance VIII of 1948).

(2) The Establishment shall consist of a Director and such number of officers and members as may be determined by Government.

(3) Subject to the provisions of section 4, the pay and other conditions of service of the Director, officers and members of the Establishment shall be such as may be determined by Government.

11(4) Subject to any orders or rules which Government may make in this behalf, the Director, officers and members of the Establishment shall, for the purpose of any preliminary enquiry or investigation under this Ordinance have throughout the Province of West Pakistan all the powers of search, arrest of persons and seizure of property and all other powers, duties, privileges and liabilities which a police officer has or is subject to in connection with the investigation of offences under the Code of Criminal Procedure, 1898.]

(5) Subject to any orders of Government in this behalf, any officer of the Establishment of or above the rank of a Sub-Inspector, may, in relation to the offences mentioned in the Schedule, exercise any of the powers of the officer in charge of a police station within the meaning of clause (p) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (V of 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 in charge of a police-station discharging the functions of such an officer within the limits of his station.

4. Superintendence and general control. (1) Government shall appoint a person to discharge the functions and perform the duties of Director under this Ordinance.

(2) Subject to such orders as Government may make, the superintendence and general control of the Establishment shall vest in the Director.

(3) The Director shall exercise, in respect of officers and men belonging to the Police Force and serving in the Establishment, all the powers exercisable by an Inspector-General of Police in respect of the Police Force in the Province.

5. Bar to legal proceedings. No suit or legal proceedings shall lie against Government or the Director, or any other officer or member of the Anti-Corruption Establishment in respect of anything in good faith done or intended to be done under this Ordinance.

6. Power to make rules. (1) Government may make rules for carrying out the purposes of this Ordinance.

'Subs. by West Pakistan Ordinance No. III of 1970, s. 2.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the organization of the Establishment and for prescribing the authorities with whose permission investigation of any case or class of cases may be commenced or any person may be arrested.

7. Repeal. The Sind Prevention of Bribery and Corruption Act, 1950 (Sind XXIV of 1950), is hereby repealed.

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

(4)

(6)

(c)

SCHEDULE [SECTION 3]

Offences punishable under {[Sections 161 to 169], and 218 of the Pakistan Penal Code (XLV of 1960), and as attempts, abetments and conspiracies in relation thereto or connected therewith.

Offences punishable under '[Sections 186, 188, 189, 201, 332, 353, 379 to 382, 403 to 409 and 411], 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code (XLV of 1960), 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

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

'Subs. by West Pakistan Ord. No. III of 1970, s. 3.