

THE WEST PAKISTAN ANTI-CORRUPTION ESTABLISHMENT
ORDINANCE, 1961.

(Ordinance No.XX of 1961)

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THE WEST PAKISTAN ANTI-CORRUPTION ESTABLISHMENT
ORDINANCE, 1961.

(Ord No. XX of 1961)

[8th September, 1961]

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.

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 the West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance: —

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

(2) It extends to the whole of the 'Province of Khyber Pakhtunkhwa except the Tribal Areas.]

2. 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

' In section 1, sub-section (2) the words province of West Pakistan, except the special Areas, the words North West Frontier Province, except the Tribal Areas, substituted by Khyber Pakhtunkhwa Adaptation of laws Order, 1975, and then substituted vide Khyber Pakhtunkhwa Act No.IV of 2011.

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Definitions.

constituted under section 3;

(ii) "Director" means the Director of the Anti-Corruption Establishment appointed under section 4.

(iii) "Government" means the Government of '[Khyber Pakhtunkhwa] ;

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

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

3. (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 offence 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.

(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.

3[(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,

' In section 2, in clause (iii), the words West Pakistan the words North-West Frontier Province substituted by N. W. F. P. Adaptation of laws Order, 1975, and then substituted vide. Khyber Pakhtunkhwa Act No.IV of 2011.

?_ For notification Constituting the Establishment, see Gazette of West Pakistan, 1962. Pt, P.I.

3. Subs, by W. P_ Ord No.III of 1970.

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Corruption
Establishment.

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

(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.

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

' Sesection"7 Omtred by Khyber Pakhtunkhwa A.L.O. 1975.

Superintendenc
e and general
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SCHEDULE
[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 71186, 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, 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.

' In the Schedule, clause (a) the word and figures sections 160 to 166, 168 the word and figures section 161 to 169 subs, by W. P. Ordinance No. III of 1970.

?_ In the Schedule, clause (b) the word and figures sections 186, 188, 189, 201, 353, 379 to 382, 403 to 409 and 411 substituted by W. P. Ord. No. III of 1970 section-3.