

THE PUNJAB ANTI-CORRUPTION ESTABLISHMENT
ORDINANCE, 1961

(XX of 1961)

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'THE [PUNJAB] ANTI-CORRUPTION ESTABLISHMENT ORDINANCE,
1961

(XX of 1961)

[8 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 *[the Punjab].

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 "[the Punjab];

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 '[Punjab] Anti-Corruption Establishment Ordinance, 1961.

(2) It extends® to the whole of the Province of '[the Punjab], 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:—

'In pursuance of the Presidential proclamation of seventh day of October, 1958, this Ordinance was promulgated by the Governor of West Pakistan after receiving the previous instructions of the President and published in the Gazette of West Pakistan (Extraordinary), dated September 8, 1961, pp. 2127-2130.

Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Serial No. 46.

SIbid.

'Ibid.

S/bid.

°Extended to the Tribal Areas of Quetta, Dera Ismail Khan and Peshawar Divisions through "the West Pakistan Anti-Corruption Establishment (Extension to Tribal Areas of Quetta, Dera Ismail Khan and Peshawar Divisions) Regulation, 1963" (W.P. Regulation No. IV of 1963), published in the Gazette of West Pakistan (Extraordinary), dated October 31, 1963, pp. 4225-A-4225-B.

7Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Serial No. 46.

®Substituted for the words "the Tribal Areas" by the West Pakistan Laws (Adaptation) Order, 1964 (w.e.f. 8.6.1962), published

in the Gazette of West Pakistan (Extraordinary), dated June 3, 1964, pp. 1805-1849, Article 2(1) read with Schedule, Serial No. 25.

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

(ii) "[Director General]" means the "[Director General]" of the Anti-Corruption Establishment appointed under section 4;

(iii) | "Government" means the "[Provincial Government of the Punjab];

(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. Constitution and powers of 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°.

(2) The Establishment shall consist of a "[Director General]" 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 General]", officers and members of the Establishment shall be such as may be determined by Government.

'[(4) Subject to any orders or rules which Government may make in this behalf, the "[Director General]", officers and members of the Establishment shall, for the purpose of any preliminary enquiry or investigation under this Ordinance have throughout the Province of "[the Punjab]" all the powers of search, arrest of persons and seizure of property and all other powers, duties, privileges and liabilities which a

'Substituted for the word "Director" by the Punjab Anti-Corruption Establishment (Amendment) Act 2005 (XI of 2005), published in the Punjab Gazette (Extraordinary), dated July 9, 2005, pp. 281-282, s. 2.

2 Ibid.

3Substituted for the words "Government of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Serial No. 46.

4XLV of 1860.
SVIII of 1948.

Substituted for the word "Director" by the Punjab Anti-Corruption Establishment (Amendment) Act 2005 (XI of 2005), published in the Punjab Gazette (Extraordinary), dated July 9, 2005, pp. 281-282, s. 3.

"Ibid.

Substituted by the West Pakistan Anti-Corruption Establishment (Amendment) Ordinance, 1970 (III of 1970), published in the Gazette of West Pakistan (Extraordinary), dated January 12, 1970, pp. 105-106, s. 2.

°Substituted for the word “Director” by the Punjab Anti-Corruption Establishment (Amendment) Act 2005 (XI of 2005), published in the Punjab Gazette (Extraordinary), dated July 9, 2005, pp. 281-282, s. 3.

‘Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, Article 2(1) read with Schedule, pp. 1425-A-1425-PP, Serial No. 46.

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, 1898¹, 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 this² station.

4. Superintendence and general control.— (1) Government shall appoint a person to discharge the functions and perform the duties of *[Director General] 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 General].

(3) | The [Director General] 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 General], 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 rules³ 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.

7. Repeal.— The Sind Prevention of Bribery and Corruption Act, 1950⁴, is hereby repealed.

¹V of 1898.

²Printed as “his” in original Gazette Notification.

³Substituted for the word “Director” by the Punjab Anti-Corruption Establishment (Amendment) Act 2005 (XI of 2005), published in the Punjab Gazette (Extraordinary), dated July 9, 2005, pp. 281-282, s. 4.

⁴Ibid.

SIbid.

©ibid., s. 5.

TIssued the rules titled “the Punjab Anti-corruption Establishment Rules 2014” on February 7, 2014, published in the Punjab Weekly Gazette, Part-I, dated February 12, 2014, pp. 857-863.

XXIV of 1950.

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.

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 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', 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.

'Substituted for the words, comma and figures "sections 161 to 166, 168" by the West Pakistan Anti-Corruption Establishment (Amendment) Ordinance, 1970 (III of 1970), published in the Gazette of West Pakistan (Extraordinary), dated January 12, 1970, pp. 105-106, s. 3(i).

2XLV of 1860.

3Substituted for the words and figures "sections 403 to 409" by the Ordinance *ibid.*, s. 3(ii).
4XLV of 1860.

SIL of 1947.