

THE PUNJAB ANTI-CORRUPTION ESTABLISHMENT RULES 2014

CONTENTS

- 1. Short title and commencement**
- 2. Definitions**
- 3. Ex-officio Director and ex-officio Deputy Director**
- 4. Action by Director General**
- 5. Preliminary enquiry**
- 6. Registration of case etc.**
- 7. Arrest**
- 8. Information to the Department**
- 9. Traps**
- 10. Dropping of case or reference for departmental action**
- 11. Approval of judicial action**
- 12. Senior public servants involved along with junior public servants**
- 13. Police Stations**
- 14. Application of the Punjab Police Rules**
- 15. Suo moto powers**
- 16. Provincial Anti-Corruption Committee**
- 17. Repeal and savings**

TEXT

**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

[7th February, 2014]

NOTIFICATION

No.SOE-II(S&GAD)3-203/13.- In exercise of the powers conferred under section 6 of the Punjab Anti-Corruption Establishment Ordinance, 1961 (*XX of 1961*), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.– (1) These rules may be cited as the Punjab Anti-corruption Establishment Rules 2014.

(2) They shall come into force at once.

2. Definitions.– (1) In these rules:

- (a) “Additional Director General” means the Additional Director General of the Establishment at the Headquarters;
- (b) “Assistant Director” means an Assistant Director of the Establishment;
- (c) “Chief Minister” means the Chief Minister of the Punjab;
- (d) “Chief Secretary” means the Chief Secretary to the Government;
- (e) “Circle Officer” means an officer posted by the Establishment as Circle Officer in a district;
- (f) “Deputy Director” means a Deputy Director of the Establishment;
- (g) “Director” means the Director of a Region;
- (h) “ex-officio Deputy Director” means the District Coordination Officer of the concerned District Government;
- (i) “ex-officio Director” means an officer of the rank of an Additional Secretary who deals with administration or establishment matters or an officer in the same rank nominated as such by the administrative department;
- (j) “Head of Attached Department” means an officer in charge of an Attached Department declared as such by the Government;
- (k) “judicial action” means the decision to submit a report to the court of competent jurisdiction under section 173 read with section 170 of the Code of Criminal Procedure, 1898 (V of 1898);
- (l) “Ordinance” means the Punjab Anti-Corruption Establishment Ordinance 1961 (*XX of 1961*); and
- (m) “Region” means an area within the jurisdiction of a Director.

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

3. Ex-officio Director and ex-officio Deputy Director.– (1) The jurisdiction of an *ex-officio* Director extends to his Department and attached departments and the jurisdiction of an *ex-officio* Deputy Director extends to the whole of the concerned district for purposes of holding an enquiry and making recommendations to the Director General for registration of a case.

(2) While holding an enquiry, an *ex-officio* Director and *ex-officio* Deputy Director shall exercise the same powers as are respectively vested in a Director or a Deputy Director.

(3) If, after a preliminary enquiry, an *ex-officio* Director or an *ex-officio* Deputy Director is of the view:

- (a) that there is no ground to proceed further in the matter, he shall, after recording reasons, drop the proceedings and shall inform the complainant, if any;
- (b) that there are reasonable grounds to initiate disciplinary action but there are not sufficient grounds for registration of criminal case, he shall refer the case along with the relevant record to the appointing authority of the accused public servant for disciplinary action under the law for the time being in force; and
- (c) that there are sufficient grounds to register a criminal case, he shall refer the case, along with complete record of the case, to the Director General.

4. Action by Director General.– (1) The findings of the *ex-officio* Director or *ex-officio* Deputy Director received under clause (c) of sub-rule (3) of rule 3 shall respectively be construed as the findings of a Director or a Deputy Director.

(2) If the Director General agrees to the findings referred to him under clause (c) of sub-rule (3) of rule 3, he may proceed with the registration of criminal case but if he is not so satisfied, the Director General may direct such further inquiry as may be necessary.

5. Preliminary enquiry.– (1) On a complaint received from the Government, a Head of an Attached Department or other reliable sources, the Establishment shall conduct a preliminary enquiry against a public servant.

(2) Subject to sub-rule (3), a Deputy Director or an officer of or above his rank may initiate a preliminary enquiry to ascertain the identity of the complainant or informer and the veracity of the facts mentioned in the complaint or the information.

(3) The enquiry mentioned in sub-rule (2) against a District Coordination Officer of a District Government, a Commissioner of a Division, a Secretary to the Government, a Head of an Attached Department, and any other officer of BPS-20 and above shall be initiated by the Director General with the prior permission of the Chief Minister but in case any of those officers is in BPS-19, such permission may be accorded by the Chief Secretary but the Director General may, without any such permission, contact the complainant or the

informer to ascertain his identity and the evidence available with him, if any, in support of the complaint.

(4) After initiation of a preliminary enquiry, the concerned public servant, on the first date of hearing, shall be provided, free of cost, a copy of the complaint along with the annexes, if any.

6. Registration of case etc.— (1) If the facts so warrant, the Establishment may register a criminal case against the accused public servant under the Prevention of Corruption Act, 1947 (II of 1947) and under such sections of the Pakistan Penal Code, 1860 (XLV of 1860) as are mentioned in the Schedule appended to the Ordinance.

(2) Subject to sub-rule (3), no criminal case shall be registered under sub-rule (1) unless approved in writing by the officer of the Establishment mentioned below against each category:

- (a) Public servants in BPS-1 to BPS-16 Not below Deputy Director
- (b) Public servants in BPS-17 & BPS-18 Not below a Director
- (c) Public servants in BPS-19 & above Director General.

(3) Subject to sub-rule (4), no case shall be registered against a District Coordination Officer of a District Government, a Commissioner of a Division, a Secretary to the Government, a Head of an Attached Department, and any other officer of BPS-20 and above without the prior permission in writing of the Chief Minister but in case any of those officers is in BPS-19, such permission may be accorded by the Chief Secretary.

(4) No permission shall be required for registration of a case against a public servant caught as a result of trap arranged by the Establishment under the supervision of a Magistrate, in the act of committing an offence specified in the Schedule to the Ordinance but in that case a report shall immediately be made to the Chief Secretary, the Administrative Secretary and the immediate supervisory officer of the public servant concerned if he is in BPS-16 and above and to the appointing authority and the immediate supervisory officer if the public servant is in BPS-15 and below.

(5) If the competent authority under sub-rule (2) decides not to register a case, it shall record reasons there for.

(6) On completion of an enquiry:

- (a) if the allegations are not substantiated, the enquiry shall be dropped under written orders of the authority mentioned in sub-rule (2) or sub-rule (3) of rule 6 and intimation to that effect shall be sent to the concerned public servant and his departmental authorities; and
- (b) if sufficient evidence is not available for registration of a case but there is reasonable evidence on record for initiation of disciplinary action against the public servant, the authority mentioned in sub-rule (2) or sub-rule (3) of rule 6 shall refer the matter along with the complaint and complete record of enquiry and findings to the concerned departmental authority for disciplinary action under the law for the time being in force.

7. Arrest.– (1) Subject to sub-rule (2), the Establishment may, if necessary in public interest, arrest an accused public servant but no public servant in BPS-18 and above shall be arrested without prior permission in writing of the authority mentioned below:

| Sr# | Category of Public Servants | Authority |
|------------|---|----------------------------|
| (a) | Subject to entry at Sr # (b), officers in BPS-18 and 19. | Additional Chief Secretary |
| (b) | Secretaries to the Government, Heads of Attached Departments, Commissioners, District Coordination Officers and officers in BPS-20 and above. | Chief Secretary |

(2) No permission in terms of sub-rule (1) shall be required for arrest of a public servant caught as a result of trap arranged by the Establishment under the supervision of a Magistrate, in the act of committing an offence specified in the Schedule to the Ordinance but in that case a report shall immediately be made to the Chief Secretary, the Administrative Secretary and the immediate supervisory officer of the public servant concerned if he is in BPS-16 and above and to the appointing authority and the immediate supervisory officer if the public servant is in BPS-15 and below.

8. Information to the Department.– (1) As soon as may be after the registration of a case against a public servant, the Establishment shall convey to the Administrative Secretary and his immediate supervisory officer if the public servant involved is in BPS-16 or above and to the appointing authority and immediate supervisory officer in case of a public servant in BPS-15 and below, a gist of the facts and allegations warranting the registration of the case.

(2) As soon as may be after the arrest of a public servant, the Establishment shall inform the authorities mentioned in sub-rule (1) of the date of arrest and the offence for which the public servant has been arrested.

9. Traps.– In all cases of raids, the Establishment shall request the Sessions Judge of the District or, in his absence, any Additional District and Sessions Judge nominated for the purpose to depute a Magistrate for supervising the raid.

10. Dropping of case or reference for departmental action.– (1) The following procedure shall be followed for dropping a case or, as the case may be, recommending disciplinary action:

- (a) on completion of investigation, if the allegations are not established, the case shall be dropped and intimation to the effect shall be sent to the concerned administrative department and the public servant; and
- (b) if after investigation, it is found that judicial action is not warranted but reasonable evidence is available to initiate disciplinary action against the public servant, the Establishment shall, after the confirmation of the cancellation report by the concerned court, refer

the matter to the competent authority for initiation of such action in accordance with law for the time being in force.

(2) The authorities competent to pass an order for purposes of dropping a case or recommending disciplinary action in terms of sub-rule (1) shall be as under:

- (a) Director, in case of public servants up to BPS-17;
- (b) Director General, in case of public servants up to BPS-18;
- (c) Additional Chief Secretary, for public servants in BPS-19 except those mentioned in clause (e);
- (d) Chief Secretary, in case of public servants in BPS-20, except those mentioned in clause (e); and
- (e) Chief Minister, in case of District Coordination Officers, Commissioners of Divisions, Administrative Secretaries and other officers in BPS-21 and above.

(3) The Establishment shall forward the facts of the case, draft charge sheet, list of witnesses and documents, if any, to the competent authority for initiation of disciplinary proceedings.

(4) On receipt of a reference for disciplinary proceedings, the competent authority shall initiate such proceedings in accordance with the law for the time being in force.

(5) The competent authority shall promptly convey to the Establishment the final order passed in the disciplinary proceedings along with a copy of the inquiry report.

(6) Copies of final report of the cases dropped shall not be supplied to any one without the prior permission in writing of the Director at the Region and the Director General at the Headquarters.

11. Approval of judicial action.— The following authorities shall be competent to approve judicial action against a public servant:

- (a) Director, in case of a public servant up to BPS-18; and
- (b) Director General, in case of a public servant in BPS-19 and above.

12. Senior public servants involved along with junior public servants.— For purposes of dropping a case after investigation or referring it for disciplinary proceedings or approving judicial action, the authority competent to pass such an order in respect of the public servant in the highest pay scale shall also be the authority for all other public servants involved in the case.

13. Police Stations.— The Establishment shall register a case at the Police Stations of the Establishment having jurisdiction.

14. Application of the Punjab Police Rules.— The Establishment shall, as far as may be, follow the provisions of the Punjab Police Rules for the time being in force for purposes of inquiry and investigation of offences specified in the Schedule.

15. Suo moto powers.– (1) The Director may, on his own motion or otherwise, call for the record of any case or enquiry, pending in any District of the Region, examine it and give such directions as may be necessary for the speedy, fair and just disposal of the case.

(2) The Director General may, on his own motion or otherwise:

(a) call for the record of any case or enquiry pending investigation with the Establishment, examine it and give such directions as may be necessary for speedy, fair and just disposal of the case;

(b) call for the record of any case or enquiry for purposes of satisfying himself as to the correctness or the propriety of any decision taken by Director, *ex-officio* Director or *ex-officio* Deputy Director under these rules, and may pass such orders as may be deemed fit.

(3) The Chief Secretary may, on his own motion or otherwise, call for the record of any case or enquiry, for purposes of satisfying himself as to the correctness or propriety of any decision taken by the Director General under these rules, and may pass such order as deemed fit.

(4) The Chief Minister may, on his own motion or otherwise, call for the record of any case or enquiry, pending or finalized, for purposes of satisfying himself as to the correctness or propriety of any decision taken by any authority under these rules and may pass such orders as deemed fit.

16. Provincial Anti-Corruption Committee.– (1) There shall be a Provincial Anti-Corruption Committee consisting of the following:

- | | | |
|-----|---|-----------------|
| (a) | Chief Minister or Provincial Minister to be nominated by the Chief Minister; | (Chairman) |
| (b) | Vice-Chairman to be nominated by the Chief Minister; | (Vice-Chairman) |
| (c) | Three Members of Provincial Assembly to be nominated by the Chief Minister; | Members |
| (d) | Chief Secretary to the Government; | Member |
| (e) | Additional Chief Secretary of the Government, Services and General Administration Department; | Member |
| (f) | Chairman, Chief Minister's Inspection Team; | Member |
| (g) | Secretary to the Government, Home Department; | Member |
| (h) | Three Administrative Secretaries to be nominated by the Chief Minister; | Members |

- (i) Secretary to Provincial Member Ombudsman, Punjab; and
 - (j) Director General of the (Member/Secretary) Establishment.
- (2) The Provincial Anti-Corruption Committee may:
- (a) review the progress of anti-corruption cases in the Province;
 - (b) record observations and make recommendations in respect of cases processed by the Establishment;
 - (c) highlight factors giving rise to corruption and make recommendations to the Government for remedial actions; and
 - (d) recommend to the Government the steps for the eradication of corruption in the Province or for achieving the objectives of the Establishment.

(3) The Committee shall meet at least once in every six months on such date and time as the Chairman may determine.

(4) The Director General shall make arrangements for the meeting and shall maintain a record of minutes of each meeting.

17. Repeal and savings.– (1) The Punjab Anti-Corruption Establishment Rules, 1985 are hereby repealed.

(2) The cases registered and investigations or enquiries undertaken under the repealed rules immediately before the commencement of these rules shall be further processed under these rules from the stage up to which they had been completed under the repealed rules.

**CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB**