

# THE PUNJAB ANTI-CORRUPTION ESTABLISHMENT RULES, 1985

## CONTENTS

1. **Short Title, Application and Commencement**
2. **Definition**
3. **Area of jurisdiction**
4. **Ex-officio**
5. **Preliminary enquiry**
6. **Initiation of Inquiry**
7. **Arrest**
8. **Prosecution**
9. **Dropping of Cases**
10. **Pending Inquiry and Investigation**

**GOVERNMENT OF THE PUNJAB  
SERVICES, GENERAL ADMINISTRATION AND INFORMATION DEPARTMENT  
NOTIFICATION**

[28th March, 1985]

No.SV-13/1/85 In exercise of the powers conferred upon him by Section 6 of the Punjab Anti-Corruption Establishment Ordinance, 1961 (West Pakistan Ordinance XX of 1961) and in supersession of the West Pakistan Anti-Corruption Establishment Rules, 1974, the Governor of the Punjab is pleased to make the following Rules, namely--

**THE PUNJAB ANTI-CORRUPTION ESTABLISHMENT RULES, 1985) RULES, 1973**

1. **Short title and commencement.**— (1) These Rules may be called the Punjab Anti-Corruption Establishment Rules, 1985.

(2) They shall come into force on a day to be notified by the Government.

2. **Definitions.**— (1) In these rules unless the subject or context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) 'Additional Director' means the Additional Director of the Establishment of the Region or posted in the Directorate of Establishment as Additional Director (HQ);
- (b) 'Assistant Director' means the Assistant Director of the Establishment;
- <sup>1</sup>(bb) 'Chief Minister' means the Chief Minister of the Punjab;
- (c) 'Chief Secretary' means the Chief Secretary to the Government of the Punjab;
- (d) 'Circle Officer' means the officer so posted by the Establishment as Circle Officer in the District;
- (e) 'Competent Authority' means the authority 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;
- (f) 'Deputy Director' means the Deputy Director of the Establishment;
- (g) 'Director' means the Director of the Establishment;
- (h) <sup>2</sup>'District Anti-Corruption Committee' means the Committee constituted under rule 20 of these rules;
- (i) 'Establishment' means Anti-Corruption Establishment Punjab;
- (j) 'Ex-officio Additional Director' and 'Ex-officio Assistant Director' means officer of the Administrative Department notified by the Government as such, and Ex-officio Deputy Director means the <sup>3</sup>District Coordination Officer of the District Government;
- (k) 'Government' means Government of the Punjab;
- (l) <sup>4</sup>'Governor' means the Governor of the Punjab;
- (m) 'Head of Attached Department' means an officer Incharge of a department declared as such by the Government;
- (n) 'Ordinance' means the Punjab Anti-Corruption Establishment Ordinance 1961 (West Pakistan Ordinance No.XX of 1961);



- |     |                                         |           |
|-----|-----------------------------------------|-----------|
|     | and 18.                                 | Director. |
| (c) | Public Servants in BPS-19<br>and above. | Director. |

Provided that no case shall however be registered by the Director against public servants of the status of <sup>9</sup>'District Coordination Officer', Secretary to Provincial Government, Heads of Attached Departments and, other Officers of BPS-20 and above without the prior permission of the <sup>10</sup>Chief Minister.

Provided further that for those public servants mentioned in the first proviso who are in BPS-19 such permission shall be accorded by the Chief Secretary.

Provided further that no prior 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. In such a case, a report shall immediately be made to the Chief Secretary, the Administrative Secretary and immediate superior of the public servant concerned if he is in BPS-16 and above and to the appointing authority and immediate superior if the public servant is in BPS-15 and below.

(3) If the competent authority under sub rule (2) decides not to register a case, he shall record reasons thereof.

9. **Arrest**—The accused public servant may be arrested if his arrest becomes unavoidable during investigation, except in the following cases when permission will be accorded by the authority specified below:

- |     |                                                                                                                                                     |                                          |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| (a) | Officers in BPS-18 and 19.                                                                                                                          | <sup>11</sup> Additional Chief Secretary |
| (b) | <sup>12</sup> District Coordination Officer<br>and Secretaries to Government,<br>Heads of Attached Departments<br>and officers in BPS-20 and above. | Chief Secretary                          |

Provided that no such permission for arrest shall be required after sanction for prosecution has been accorded by the authority prescribed for the purpose under the criminal Law Amendment Act, 1958;

Provided further that no prior permission shall be necessary for the arrest of a public servant caught as a result of trap as mentioned in sub rule (2) of rule 8.

10. Informing Administrative Department etc. regarding registration of a case and arrest: As soon as may be after registration of a case against a public servant, the Establishment shall inform the Administrative Secretary and immediate superior if the public servant involved is in BPS-16 or above and the appointing authority and immediate superior in case of a public servant in BPS-15 and below, giving gist of allegations upon which the case has been registered. The said authorities shall also be informed immediately after the arrest of the accused public servant.

11. Obtaining sanction for prosecution— After investigation the cases considered fit for prosecution, the following authorities shall be competent to move for sanction for prosecution required under sub-section (5) of section 6 of the Criminal Law Amendment Act, 1958 (XL of 1958):

- |     |                                                                                    |
|-----|------------------------------------------------------------------------------------|
| (a) | Director or Additional Director in cases against public servants up to BPS-18; and |
| (b) | Director in cases against public servant in BPS-19 and above.                      |

12. Sanction for prosecution: Sanction for prosecution shall be obtained from the authority specified under the Criminal Law Amendment Act, 1958 (Act XL of 1958).

13. **Prosecution of the accused public servant:**— On receipt of sanction the accused public servant shall be challaned to court without any delay and the Authorities mentioned in rule 8 shall be intimated.

14. **Trap:**— In all cases of raids the <sup>13</sup>'Sessions Judge' or in his absence the <sup>14</sup>Additional District and Sessions Judge nominated for the purpose' shall be approached by the officers of the Establishment posted in the District to depute a magistrate for supervising the raid.

**15. Dropping of cases or recommending Departmental Action.--**

- (1) The following procedure shall be followed for dropping of a case or recommending departmental action.--
  - (a) On completion of investigation, if allegations are not established, the case shall be dropped and intimation to the effect shall be sent to the authorities mentioned in rule 8;
  - (b) If after investigation, it is found that prosecution is not called for but sufficient material is available on record for departmental action, the Establishment shall move the departmental authorities for departmental proceedings under Efficiency and Discipline Rules.
- (2) The following authorities shall decide dropping of cases or departmental action:-
  - (a) Additional Directors in cases in which public servants upto BPS-17 are involved.
  - (b) Director in cases in which public servants upto BPS-18 are involved.
  - (c) Chief Secretary in cases in which officers in BPS-19 and 20 are involved except those mentioned in clause (d) below; and
  - (d) <sup>15</sup>Chief Minister in cases involving <sup>16</sup>District Coordination officers, Administrative Secretaries and officers in BPS-21 and above are involved.
- (3) After a decision to take departmental action has been taken under foregoing sub-rule the competent authority shall initiate departmental proceeding against the accused public servant.
- (4) Copies of final reports and summaries of dropped cases shall not be supplied, without the permission of the Director.
- (5) When decision to hold departmental enquiry against a public servant is taken, the Establishment shall forward facts of the case, Draft of Charge Sheet, list of witnesses and documents if any to the authority prescribed, under the Efficiency and Discipline Rules.
- (6) As soon as the enquiry has been completed and final orders have been passed the result of the same shall be intimated to the Establishment along with a copy of Enquiry officers reported for completion of record.

**16. Where senior public servants are involved along with junior public servants.--** For the purpose of dropping the case after investigation or referring it for departmental action or making a move to obtain sanction for prosecution, if more than one public servants are involved, the competent authority for these decision shall be the one, which is in case of the public servant in the highest BPS.

**17. Police Stations of the Establishment.--** Cases shall be registered by the Establishment at the Police stations of the Establishment having the jurisdiction.

**18. Application of the Punjab Police Rules.--** The Establishment shall as far as may be, follow the provision of Punjab Police Rules, 1934 in the investigation and the enquiry of offences specified in the Schedule to the Ordinance.

**19. Suo moto Examination.--**

- (1) The Director may suo moto or otherwise call for the record of any case/enquiry, pending investigation with the Establishment, examine it and give such direction as may be necessary for the speedy, fair and just disposal of the same.
- (2) The Director may suo moto or otherwise call for the record of any case or enquiry for the purpose of satisfying himself as to the correctness or propriety of decision taken by the Additional Director under clause (a) of sub-rule (2) of rule 15, and of the ex-officio Additional Director and ex-officio Deputy Director under these rules, and may pass such order as may be deemed fit in each case.
- (3) The Chief Secretary may suo moto call for the record of any case or enquiry, for the purpose of satisfying himself as to the correctness or propriety of decision taken by

the Director under the foregoing sub-rules and under clause (b) of sub-rule (2) of the rule 15, and may pass such order as deemed fit in each case.

- (4) The <sup>17</sup>Chief Minister may suo moto or otherwise call for the record of any case or enquiry pending or finalized, for the purposes of satisfying himself as to the correctness or propriety of decision taken by any authority under these rules and may pass such orders as deemed fit in each case.

20. District Anti-Corruption Committee. <sup>18</sup>Deleted.

21. **Provincial Anti-Corruption Committee.--**

- (1) There shall be a Provincial Anti-Corruption Committee in the Province, comprising:-

- |     |                                                                                          |                  |
|-----|------------------------------------------------------------------------------------------|------------------|
| (a) | Provincial Minister to be appointed by the <sup>19</sup> Chief Minister.                 | Chairman         |
| (b) | Three Members of Provincial Assembly to be appointed by the <sup>20</sup> Chief Minister | Member           |
| (c) | Chief Secretary.                                                                         | Member           |
| (d) | Additional Chief Secretary, Services, General Administration & Information Department.   | Member           |
| (e) | Home Secretary.                                                                          | Member           |
| (f) | Director of the Establishment.                                                           | Member/Secretary |

- (2) The following shall be the functions of Provincial Anti-Corruption Committee--

- (a) To review the progress of Anti-Corruption cases in the Province;  
(b) To consider the reports of Divisional Anti-Corruption Committees;  
(c) To record observations and make recommendations in respect of cases processed by the Establishment;  
(d) To highlight factors, procedures, rules and laws, giving rise to corruption and to make recommendations to Government for simplification of the same;  
(e) To recommend to Government steps for the eradication of corruption in the Province;

- (3) The Committee shall meet once in every six months. The date and time shall be fixed by its Chairman and communicated to the Members by its Secretary.

22. **Pending enquiries and investigation:—**The cases already registered and enquiries already pending investigations under the Punjab Anti-Corruption Establishment Rules, 1974 shall be processed further under the present rules, from the stage up to which they have been completed under the previous rules.

<sup>1</sup> Added by Notification No.SV-13-1/85 dated 27.03.1986.

<sup>2</sup> Omitted vide Notification dated the October 29, 2001

<sup>3</sup> The word District Coordination Officer of the District Government was amended and added vide Notification dated the October 29, 2001

<sup>4</sup> Omitted vide Notification No SO(E.AC)4-143/85 dated April, 1989

<sup>5</sup> Notification No.SV-13-1-85 dated 23-05-1985. – In exercise of the powers conferred upon him by rule 4 of the Punjab Anti-Corruption Establishment Rules, 1985, the Governor of the Punjab is pleased to lay down the following category of cases, which shall be dealt with by the ex-officio Additional Directors and ex-officio Deputy Directors of the Establishment:

- (i) Cases of bribery, embezzlement or misappropriation involving petty amounts.  
(ii) Cases of public servants caught in a raid/trap involving small amount and temporary misappropriation not involving substantial amounts.

The cases of those public servants who are frequently involved in the cases referred to above shall be dealt with by the Director or Additional Director Anti-Corruption Establishment)

<sup>6</sup> The words District Coordination officers of the District Governments instead of Commissioners of divisions were substituted and added vide Notification dated October 29, 2001.

<sup>7</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.

<sup>8</sup> Third proviso added vide Notification No.SO(E&AC) 4-143/86 dated 19-11-1987.

<sup>9</sup> The word District Coordination Officer of the District Government was amended and added vide Notification dated the October 29, 2001

<sup>10</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.

<sup>11</sup> The word Commissioner was substituted with Additional Chief Secretary vide Notification dated October 29, 2001

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<sup>12</sup> The words District Coordination officers of the District Governments instead of Commissioners of divisions were substituted and added vide Notification dated October 29, 2001.

<sup>13</sup> The word Deputy Commissioner and the word Additional Deputy Commissioner(General) were substituted by the Sessions Judge and the Additional District Sessions Judge nominated for the purpose respectively vide Notification dated October 29, 2001.

<sup>14</sup> The word Deputy Commissioner and the word Additional Deputy Commissioner(General) were substituted by the Sessions Judge and the Additional District Sessions Judge nominated for the purpose respectively vide Notification dated October 29, 2001.

<sup>15</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.

<sup>16</sup> The word District Coordination Officer of the District Government was amended and added vide Notification dated the October 29, 2001

<sup>17</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.

<sup>18</sup> Deleted vide Notification dated October 29, 2001

<sup>19</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.

<sup>20</sup> Word Governor substituted with Chief Minister vide notification No SO(E.AC)4-143/85 dated April, 1989.