THE GILGIT-BALTISTAN ANTI-CORRUPTION ESTABLISHMENT ACT, 2017

(ACT NO. III OF 2017)

AN

ACT

To provide for the constitution of a special agency for the investigation of certain offences relating to corruption by, or enquiry into Criminal Misconduct of public servants in Gilgit-Baltistan.

Preamble.—WHEREAS, it is expedient to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by, or enquiry into Criminal Misconduct of, public servants and for holding regular enquiries against such servants in Gilgit-Baltistan.

It is hereby enacted as follows:—

1. **Short title, extent, and commencement.**—(1) This Act may be called the Gilgit-Baltistan Anti-Corruption Establishment Act. No. III of 2017.

(2) It extends to the whole of Gilgit-Baltistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Act. unless the context otherwise requires, the following expressions shall have the meanings, hereby respectively assigned to them, that is to say:

(i) "**Criminal Misconduct,** as defined in the Prevention of corruption Act, 1947

(ii) **"Director General"** means the Director General appointed under section 3 according to the procedure prescribed in the rules under this Act;

(iii) **"Director"** means a Director appointed under section 3 and the prescribed rules under this Act;

(iv) **"Deputy Director"** means a Deputy Director appointed under Section 3 and the prescribed rules under this Act;

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

(vi) **"Government"** means the Government of Gilgit-Baltistan;

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(vii) **"Public Servant"** means a public servant as defined in section 21 of the Pakistan Penal Code or declared as such under any law for the time being in force;

(viii) **"Rules"** means rules framed under this Act;

(ix) **"Schedule"** means the schedule appended to this Act; and

(x) "**Schedule Offences"** means offences as detailed in the schedule appended to this Act.

3. **Constitution and Power of the Anti-Corruption Establishment.—** (1) Notwithstanding anything contained in any other law for the time being in force, Government of Gilgit-Baltistan may constitute an Establishment to be known as Anti- Corruption Establishment, for investigation of, or enquiry into the offences set forth in the Schedule and cases relating to Criminal Misconduct of public servants and for holding regular enquiries for determining whether such offences or cases shall be investigated or departmental enquiries into the conduct of the public servant concerned in such offences or cases shall be held.

(2) The Establishment shall consist of a Director General and such number of Directors, Deputy Directors, Officers or members as may be determined by Government.

(3) The Director General, Director and Deputy Director shall be appointed by the Government as per prescribed rules made here under this Act.

(4) The terms and conditions of service of the Director General, Directors, Deputy Directors, Officers and members of the Establishment and their respective job description shall be determined by Government.

4. **Powers of members of the Establishment.**—(1) Subject to any order or rules which Government may make in this behalf the Director General of Anti-Corruption, and officers and members of the Establishment working under him shall, for the purpose of any regular enquiry or investigation in relation to the offences mentioned in the schedule, have throughout the GB 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 in connection with the investigation of offences under the Code of Criminal Procedure, 1898; subject to obtaining approval for certain acts from the competent authorities as given in the schedule-I of the Anti-Corruption Rules, 2016.

(2) Subject to any orders of the Government in this behalf such officer or member of Anti-Corruption Establishment of or above the rank of circle officer may, in relation to the offences mentioned in the schedule, appended to this Act, exercise any of the powers of the officer incharge of a police station within the

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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 incharge of a police station discharging the functions of such an officer within the limits of his station.

5. **Superintendence and General Control.**—Subject to such order as Government may make, the superintendence and general control of the Establishment shall vest in the Director General, who may delegate all or any of his powers to one or more officers working under his control.

6. **Bar to legal Proceedings.**—No suit or legal proceedings shall lie against Government or Chief Secretary, Home Secretary, Director General or Director or any other officer or member of the Establishment in respect of anything done under this Act.

7. **Provisions not inderogation of any law.**—The provisions of this Act are in addition to and not in derogation of any other law for the time being in force. However this Act shall have overriding effect on the other laws.

8. ***Power to make Rules.***—(1) Government may make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may, *inter alia,* provide—

(i) The broad outline and procedure regarding complaints, regular enquiry, registration of case, investigation of case, arrest of accused, submission of challan and other ancillary matters;

(ii) The powers of summoning and enforcing the attendance of any person, requiring production of documents and recording evidence on affidavits etc;

(iii) for the organization of the Establishment:

SCHEDULE

(SCHEDULED OFFENCES)

Following offences shall be called as Scheduled Offences. The local police shall not have any jurisdiction to register cases under these Scheduled offences. Only Anti-Corruption Establishment shall register case under these offences after conducting regularly enquiry. These offences are exclusively triable by special Anti-Corruption Court; and, till the establishment of the Special Court, by the District & Sessions Judge of the respective District).

(a) Offences punishable under sections 161 to 166, 168, 217 and 218 of the Pakistan Penal Code , and as attempts, abetments and conspiracies in relation thereto or concerned therewith.

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(b) Offences punishable under section 403 to 409, 415 to 420, 463 to 476 and 477-A of the Pakistan Panel Code, and as attempts abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant as such or by the persons acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such.

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

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