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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF GILGIT-BALTISTAN

GILGIT-BALTISTAN SECRETARIAT
(Services and General Administration Department)

NOTIFICATION

Gilgit, the 17th August, 2019

S. R. O. 946(I)/2019.—In exercise of the powers conferred under section 8 of the Gilgit-Baltistan Anti-Corruption Establishment Act, (Amendment) 2019, Governor of the Gilgit-Baltistan is pleased to make the following rules:—

1. **Short Title and Commencement**.—(1) These rules may be called Gilgit-Baltistan Anti-Corruption Establishment Rules, 2019.

a. They shall come into force at once.

b. They shall extend to the whole of Gilgit-Baltistan:—

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2. **Definitions**.—(1) In these rules, unless there is anything repugnant in the subject or context:

i. **"Act"** means Gilgit-Baltistan Anti-Corruption Establishment Act, 2019 (Act No. III of 2019);

ii. **"Government"** means the Government of Gilgit-Baltistan;

iii. **"Chief Secretary"** means the Chief Secretary to the Government of Gilgit-Baltistan;

iv. **"Director General"** means the Director General of the Anti-Corruption Establishment, Gilgit-Baltistan;

v. **"Director"** means the Director of Anti-Corruption Establishment posted in Directorate of the Establishment (Head Quarter) or Director of the region;

vi. **"Deputy Director"** means a Deputy Director of Anti-Corruption Establishment posted in a district or posted in the Directorate General of the Establishment (Head Quarter);

vii. **"Assistant Director"** means an Assistant Director of Anti-Corruption Establishment posted in a district or posted in the Directorate General of the Establishment (Head Quarter);

viii. **"Prosecuting Inspector"** means an officer of the rank of Inspector or above who shall prosecute the case in the Court;

ix **"Magistrate"** means an Executive Magistrate 1st Class.

x. **"Circle officer"** means the officer so posted by the Establishment as Circle Officer in a Division or a district;

xi. **"Committees"** means the committees constituted under Rule-3;

xii. **"Competent Authority"** means the Competent Authority as specified in Schedule-I to accord permission to hold an enquiry, to order registration of a criminal case, arrest of accused, approval of judicial action and submission of Challan under Section-173 Cr.PC, or drop the case after investigation or decide departmental action under these rules due to insufficient evidence and all other functions and powers as empowered under these rules.

xiii. **"Criminal Misconduct"**, as defined in the Prevention of Corruption Act, 1947;

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xiv. **"Code"** means the Code of Criminal Procedures (Cr.PC).

xv. **"Complaint"** means a complaint under Section-202 of Cr.PC;

xvi. **"Complainant"** means a person as defined in Rule-8(1);

xvii. **"District"** means the Revenue District as notified under the Land Revenue Act, 1967 (Act No. XVII of 1967);

xviii. **"Division"** means Revenue Division as notified under the Land Revenue Act, 1967 (Act No. XVII of 1967);

xix. **"Head of Attached Department"** means an Officer Incharge of an attached department declared as such by the Government;

xx. **"Enquiry Officer"** (EO) means Circle Officer of the district/division or Officer above the rank of Inspector or any other officer above BS-16, Assistant Director, Deputy Director, Directorate to conduct initial probe on complaints or conduct regular enquiry;

xxi. "**Enquiry Committee**" means a committee comprising two or more than two Enquiry Officers constituted for conducting regular Enquiry in mega corruption complaints or complaints having serious repercussions;

xxii. **"Investigation Officer"** (IO) means Circle Officer of or above the rank of Inspector or any other officer above BS-16, Assistant Director, Deputy Director, Director etc. who will conduct investigation after registration of case;

xxiii. **"Investigation Committee"** means a committee comprising two or more than two Investigation Officers constituted for conducting Investigation in mega corruption cases or cases having serious repercussions;

xxiv. **"Public Servant"** means the Public Servant as defined in Section-21 of the Pakistan Penal Code, 1860 or declared as such under any Law for the time being in force;

xxv. **"Schedule"** means the schedule appended to these rules;

xxvi. **"Schedule Offences"** means offences as reflected in the schedule appended to Anti-Corruption Establishment Act, 2016;

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xxvii. **"Special Judge"** means District & Sessions Judge of a District who shall be authorized by the Government of GB with consultation of the Chief Judge Gilgit-Baltistan Chief Court for trial of schedule offences, till the establishment of Special Anti-Corruption Court in Gilgit-Baltistan;

xxviii. **"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 (of 1898).

xxix. **"Court"** means Special Anti-Corruption Establishment Court.

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

3. **Constitution of the Committees.—**(1) There shall be the following Committees to perform such functions and powers as prescribed in Rule-4:

i. The Provincial Anti-Corruption Committees;

ii. The Departmental Anti-Corruption Committee;

iii. The Divisional Anti-Corruption Committee; and

iv. The District Anti-Corruption Committee.

(2) The aforesaid Committees shall consist of a Chairman and such members as specified in Schedule-II provided that the Provincial Anti-Corruption Committee shall only be headed by the Chief Secretary.

(3) The Director General shall be the Secretary of the Provincial Anti-Corruption Committee.

4. **Functions of the Committees.—**The Committees shall perform the following functions:

i. To review the cases of Criminal Misconduct leading to corruption in services and suggest measures for their eradication;

ii. To review at suitable intervals, the working of Anti-Corruption Laws and Rules and to suggest improvement where necessary;

iii. To coordinate with all agencies of Federal and Provincial Governments engaged in eradication of corruption;

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iv. Review the performance of Anti-Corruption Establishment;

v. To suggest publicity measures in Gilgit-Baltistan for educating the public and Government servants against the evils of corruption;

vi. To suggest and implement measures for prevention of corruption and corrupt practices;

vii. Any other relevant issue with the permission of the Chair.

5. **Meeting of the Committees.—**The Departmental Anti-Corruption Committee, the Divisional and the District Committee shall meet on monthly basis; and the Provincial Anti-Corruption Committee shall meet at least once in six months. However, monthly progress report shall be submitted by the Director General to the Chief Minister, Chief Secretary and Secretary S&GAD, on or before 5th of every month.

6. **The Jurisdiction and General Powers of Officers of Anti-Corruption Establishment.—**(1) The jurisdiction of Chief Secretary, Secretary S&GAD and Director General shall be the entire Gilgit-Baltistan; while, the jurisdiction of Director shall be within the respective Division, and the jurisdiction of Deputy Director and Circle Officers will be within the respective territorial limits. However, the complaints, enquiries or investigations pertaining to one region/division or a district may be transferred to other regions/divisions or districts by the Director General for reasons to be recorded in writing.

(2) The officers of the Establishment holding post not below the rank of an officer in BS-16, on the direction of his superior officer or on an application made by any person or on a reference received from Government or Head of an Administrative Department through S&GAD or on information received from some reliable source, may investigate, conduct inquiry and make surprise visits to detect and check the acts of Criminal Misconduct, and shall, for that purpose, have all the powers of seizure of property and relevant record.

(3) For the purpose of an enquiry into any complaint the Enquiry Officer of the Establishment not below the rank of an officer in BS-16 shall have the powers of Investigation as have been assigned in the Code.

(4) Any officer making an investigation may by order in writing require the attendance before himself of any person acquainted with the facts and circumstances of the case and such person shall be liable to attend when so required.

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(5) To carry out inquiries and investigate in cases of corruption/corrupt practices, misuse of authority mis-appropriation/defalcation of funds and fraud/cheating, if committed by Public Servants.

(6) To eradicate corruption from the government departments by pin pointing cases of irregularities and recommend departmental action against the defaulters.

(7) To collect evidences regarding the corrupt officers/officials and trace out the hidden assets.

(8) To prosecute the corrupt officers/officials in the court of Law and strengthen the process of accountability.

7. **Powers and Functions of the Director General.**—The Director General shall have the following powers and functions:

i. Shall work directly under the supervision of Chief Secretary GB through S&GAD Department.

ii. Shall supervise the working of the Anti-Corruption Establishment and shall be responsible for the efficient functioning and superintendence of it;

iii. Shall be responsible to put all cases to the Chief Secretary as and when required, through Secretary S&GAD;

iv. Shall allocate or transfer the task of enquiries/investigation to such other members of the Establishment as the case may be pursuant to the Act or rules;

v. Shall correspond directly with the Secretaries/Heads of departments/ Autonomous Bodies/Corporations or other bodies in connection with any information/document required for the purpose of enquires/investigation, under intimation to the S&GAD.

vi. Shall ensure prosecution of the individuals through Anti-Corruption Establishment after the decision of the concerned competent authority;

vii. Shall keep close liaison with the Heads of the Departments/ Divisional Commissioners/Deputy Commissioners/Heads of the autonomous bodies to unearth cases of corruption and their speedy disposal. For this purpose, he may visit Divisional/District Headquarters or any other place in the GB;

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viii. Shall suggest improvement in the existing procedures of enquires/investigations so that the cases are speedily disposed off;

ix. In case of an enquiry of a technical nature offence, for which no qualified staff is available, he may requisition the services of such member(s) from any department and that department shall be bound to provide such officer(s)/official(s);

x. Shall initiate the Performance Evaluation Reports of gazetted officers serving in the Establishment;

xi. Shall countersign the Performance Evaluation Reports of all other officials working in the Establishment;

xii. Shall sanction the movement of all gazetted officers working in Anti- Corruption Establishment throughout Gilgit-Baltistan in connection with their official duties;

xiii. Shall publish half yearly review of the performance of the Establishment;

xiv. Shall take up any of the pending or fresh departmental enquires of the Department on the direction of Chief Secretary;

xv. Shall inform on or before the 5th of every month to the Administrative Secretaries of the concerned departments about the cases of their officers/officials against whom inquiry/case is pending in the Establishment or in the Court, indicating the latest progress. Correspondingly, all administrative Secretaries shall also provide to the Director General Anti-Corruption Establishment the details of actions taken and progress on cases referred by the establishment and this sub-rule, on or before 5th of every month;

xvi. With the permission of the Chief Secretary, may cause issuance of instructions by the Administrative Secretaries to their respective subordinate offices to extend cooperation to the Anti-Corruption Establishment in respect of its assigned functions;

xvii. Shall requisition the services of the officers/officials in BPS-16 and below on deputation in the head office or in any regional office of the Anti-Corruption Establishment and for officers of BPS- 17 and above, with the prior approval of the Chief Secretary;

xviii. Shall exercise the powers of transfer and posting within the Establishment up to BPS-16;

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xix. Shall carry out any other specific task and exercise powers as assigned by the Chief Secretary.

8. **Regular Enquiry.**—(1) (a) Regular enquiries shall be initiated by the Establishment against public servants on complaints received from the Government, Heads of Administrative Departments through S&GAD or other reliable sources.(b) In case of complaint by any private person, an attested copy of CNIC along-with an affidavit on stamp paper of rupees ten having signatures or thumb impression of the complainant, duly attested by Notary Public stating that the contents of complaint are correct may be attached, and in case of false allegations criminal proceedings may be initiated against the complainant under the Law.(c)In case of receipt of any anonymous complaint the Establishment, if convinced about the truthfulness of the facts alleged, may proceed under its *Suo-Moto* jurisdiction.

(2) No regular enquiry shall be initiated by an officer of the Establishment against accused public servant without prior approval of the competent authority as prescribed in Schedule-I of these rules. The Enquiry Officer shall provide a copy of complaint, along-with annexure, if any, to the accused, free of cost soon after approval of enquiry by the competent authority.

(3) After regular enquiry, if the Director General, Director or Deputy Director, as the case may be, finds that:

i. There is no ground to proceed further in the matter, the proceedings shall be dropped by issuing **"drop page letter"** by the concerned district office of relevant jurisdiction with the prior approval of the competent authority, as specified in Schedule-I, after recording reasons and the complainant, if any, shall be informed accordingly.

ii. If there are reasonable grounds to proceed further in the matter; he shall refer the case along-with the relevant record to the relevant competent authority as given in Schedule-I of these rules, for passing appropriate order.

iii. Copies of final reports of Enquiries/cases shall not be supplied to any person, without permission of the Director.

iv. As soon as the enquiry has been completed and final order has been passed the result of the same shall be intimated to the Establishment Headquarters *i.e.* the Director General Office, along-with a copy of Enquiry report for completion of record.

9. **Discreet Probe before Initiating Regular Enquiry**.—Nothing contained herein-above in Rule-8 shall preclude the Enquiry Officer from:

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i. Conducting discreet probe for collecting material constituting schedule offence; and

ii. Ascertaining the identification of the complainant and the genuineness of the complaint and documents produced, before initiating regular enquiry.

10. **Registration of Cases.—**(1) if sufficient evidence is available regarding commission of any Schedule Offence, Criminal case shall be registered by the Establishment under the Prevention of Corruption Act,1947 (PCA) and under such Section(s)of the Pakistan Penal Code, as have been set forth in the Schedule of the Act:

Provided that the criminal cases shall be registered by the Anti-Corruption Police Station of relevant jurisdiction or at the Headquarter Anti-Corruption Police Station, only after conducting regular enquiry. The order for registration of case by the competent authority shall clearly specify the offences committed as mentioned in Schedule appended with the Anti-Corruption Establishment Amendment Act, 2019.

(2) No criminal case shall be registered against accused public servant without prior approval of the competent authority as specified in Schedule-1, of the rules:

Provided that such prior approval shall not be necessary for registration of case against and arrest of public servants in BPS-1 to 17 likely to be caught red-handed as a result of a trap raid, arranged by Establishment under the supervision of an Executive Magistrate 1st Class. However, for officers in BPS-18 to 21, prior discreet approval of the Chief Secretary is mandatory for conduct of trap raid, registration of case and arrest of accused.

(3) In all cases of trap raid, the District Magistrate of the jurisdiction shall depute a Sub-Divisional Magistrate/Executive Magistrate first class for supervising trap raid on the request made in writing by the officer of the Establishment. FIR shall be registered on the report of Magistrate if the raid is successful, otherwise complaint shall be dropped.

(4) In successful trap raid cases, the accused public servant shall immediately be placed under suspension by authority concerned.

(5) No case can be registered against a Public Servant without conducting regular enquiry and local police shall have no jurisdiction to register cases against the Scheduled Offences as detailed in the Schedule appended with the Anti-Corruption Establishment (Amendment) Act, 2019.

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11. **Time Limit for Investigation**.—(1) Every investigation or enquiry under these Rules shall be completed within the period of 90 days.

(2) Every officer making investigation under these rules shall prepare a Diary Sheet of each case and record his day to day proceedings in the same starting from the date on which the information received by him, the date he begun and closed his proceedings; indicating places visited and the statements recorded within the time limit for completion as mentioned in Sub-Rule (1);

(3) The Legal/Prosecution Branch of Anti-Corruption shall dispose off each case with in the minimum possible time so as to send the case to the court in accordance with the provisions of the Act or Code as the case may be.

12. **Information to Administrative Authorities.—**Soon after registration of case against a public servant, and also after his arrest, report shall be made to:

i. The Chief Secretary, through S&GAD, if the public servant is in BPS-17 and above;

ii. The Appointing Authority and the immediate superior Officer, if he is in BPS-15 and below; and

13. **Arrest**.—The accused public servant may be arrested, if his arrest becomes unavoidable during investigation, with the prior permission of the competent authorities specified in Schedule-I, of these Rules. Provided that no prior permission shall be necessary for the arrest of a public servant (BPS 1 to 17) caught as a result of raid.

14. **Police Station.—**The Establishment shall register a case at the Police Stations of the Establishment having jurisdiction.

15. **Action after Completion of Investigation:**

i. After completion of investigation order shall be passed by the competent authorities as mentioned in the Schedule-I of these rules. In case of sufficient evidence on record, an order for "Judicial action" shall be passed by the competent authority for submission of Challan under Section-173 Cr.PC read with Section-170 Cr.PC, through Prosecuting Inspector of the Establishment.

ii. If the competent authority finds that prosecution is not called for but sufficient material is on record for departmental action, the Establishment shall forward the facts of case, statement of allegations, list of witnesses and documents, if any, to the Authority

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prescribed under the Gilgit-Baltistan Civil Servant Act 2011 for action, through S&GAD.

iii. If the competent authority finds that allegations are not established altogether at any stage, the case shall be dropped, an order for submission of cancellation report in the Court through Prosecuting Inspector shall be passed and intimation to this effect shall be sent to the authorities mentioned in Rule 12; or

iv. As soon as the departmental enquiry has been completed in cases referred under Rule 14(ii) and final orders passed, the results of the same shall be intimated to the Establishment along-with a copy of report for the completion of record.

v. One set of Police Diary (Zimnies) shall also be kept at Central Record Room (CRC) in Director General Office.

16. **Where Senior Public Servants are involved along-with Junior Public Servants.—**(1) For the purpose of dropping the case after investigation, or referring it for departmental action, if more than one public servant is involved, the competent authority shall be the one having jurisdiction against the senior most public servant in that case, as laid down in Schedule-I.

17. **Application of the Punjab Police Rules**.—In addition to these rules, the Establishment may follow the provisions of the Punjab Police Rules, 1934, as extended in Gilgit-Baltistan.

18. **Application of Gilgit-Baltistan Civil/ Servant Act 2011.—**All officers and officials serving in the Establishment shall be subject to Gilgit-Baltistan Civil Servant Act, 2011 read with the Efficiency and Discipline Rules, 2011.

19. **Jurisdiction of Competent Authority in case of Transfer of Public Servants.—**Where two or more employees are alleged to have jointly committed or are involved in the commission of an offence and such employees have been transferred outside the territorial jurisdiction of the competent authority, the competent authority shall have the jurisdiction over such cases would be that within whose jurisdiction the alleged offence was committed.

20. ***Suo Moto* Examination.—**(1) The Director General may on his own motion or otherwise may 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. He may also call for the record of any case or enquiry for the purposes of satisfying himself as to the

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correctness and the propriety of any decision taken by the Director, Deputy Director under these Rules and may pass such orders as deemed fit.

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

21. **Powers of Chief Minister**.—Notwithstanding anything contained in these rules, the Chief Minister for the reasons to be recorded in writing may pass any order relating to any enquiry, investigation, prosecution against any public servant or any other matter, before submission of final report under Section-173 Cr.PC in the Court.

22. **Action against Black Mailers/Habitual Complainants**.—Any complainant who submits complaint without any proof or who retracts during or after enquiry or investigation proceedings shall be black listed and Criminal Proceedings may also be initiated against him as per law. Moreover, no complaint from such black listed complainants shall be entertained in future.

23. **Court of Competent Jurisdiction.—**The Provincial Government may appoint any District and Session Judge in consultation with the Chief Judge Chief Court GB for the purpose of this Act, till establishment of Special Anti-Corruption Establishment Court.

24. **Change of Enquiry Officer/Investigation Officer.—**The application for change of Enquiry Officer, Investigation Officer, Enquiry team, Investigation Team, as the case may be, can only be entertained once on the request of the complainant or the accused during whole course of enquiry/investigation proceedings, recording compelling reasons in writing by the Director General of the establishment.

SCHEDULE-I

[*See* Rule 2 (1)e]

S. No.	Public Servants	Competent Authority
1.	Public Servants in BPS- 1 to 05	Deputy Director / Deputy Commissioner
2.	Public Servants in BPS-06 to 10	Director/Commissioner
3.	Public Servant in BPS-11 to 17	Director General
4.	Public Servant in BS-18 (*Excluding the Deputy Commissioners and District Police Officers).*	Secretary S&GAD
5.	Public Servants in BPS-19 and BPS-20 *(Including the Deputy Commissioners & District Police Officers)*	Chief Secretary
6.	Public Servant BS-21 and above	Chief Minister

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SCHEDULE –II
(*See* rule 3)

CONSTITUTION OF COMMITTEES

(A) Provincial Anti-Corruption Committee:

1.	Chief Secretary	*Chairman*
2.	Secretary S&GAD	*Member*
3.	Secretary Home	*Member*
4.	Secretary Law and Prosecution	*Member*
5.	Director General, ACE.	*Member/Secretary*
6.	Any other officer/ person with the permission of the Chair	*Member*

(B) Departmental Anti-Corruption Committee.

1.	Director General ACE	*Chairman*
2.	Director HQ, ACE	*Secretary*
3.	All Divisional Commissioners (Gilgit, Baltistan, Diamer-Astore)	*Member*
4.	Deputy Secretary Home	
5.	Deputy Secretary (Services) S&GAD	*Member*
6.	Deputy Secretary Law	*Member*
7.	Any other officer/ person with the permission of the Chair	*Member*
		Member

(C) Divisional Anti-Corruption Committee.

1.	Divisional Commissioner	*Chairman.*
2.	Deputy Commissioner/Deputy Director	*Member/ Secretary*
3.	Any other officer/ person with the permission of the Chairman	*Member*

(D) District Anti-Corruption Committee.

1.	Deputy Commissioner	*Chairman*
2.	Circle Officer/ Assistant Director	*Member/Secretary*
3.	Any other officer/ person with the permission of the DG ACE	*Member.*

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AHMED KHAN,
Deputy Secretary (Regulation).

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