EXTRA ORDINARY ISSUE REGISTERED No. L-7532

The Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE FRIDAY DECEMBER 01, 2023

GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION

01 December 2023

No. Legis:13-37/2004(P-IV The following Ordinance promulgated by Governor of the Punjab is hereby published for general information:

THE PUNJAB ANTI-CORRUPTION ESTABLISHMENT (AMENDMENT) ORDINANCE 2023

(XVII OF 2023)

An

Ordinance

to amend the Punjab Anti-Corruption Establishment Ordinance, 1961.

It is necessary to amend the Punjab Anti-Corruption Establishment Ordinance, 1961 (XX of 1961) to provide for a comprehensive provisions for just, fair, impartial and meaningful mechanism to safeguard the public servants from false, frivolous and fake complaints and prosecution and the matters ancillary thereto.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**- (1) This Ordinance may be cited as the Punjab Anti-Corruption Establishment (Amendment) Ordinance 2023.

(2) This Ordinance shall come into force at once.

2. Amendment of section 2 of the Ordinance XX of 1961.- In the Punjab Anti-Corruption Establishment Ordinance 1961 (XX of 1961), for brevity referred to as 'the Ordinance', in section 2:

(a) after clause (i), the following shall be inserted:

"(i-a) "Chief Secretary" means the Chief Secretary as defined in the Punjab Government Rules of Business 2011;

(i-b) "Deputy Commissioner", "Commissioner" mean the Deputy Commissioner and Commissioner as defined in the Punjab Civil Administration Act, 2017 (III of 2017);

(i-c) "Head of an Attached Department" means the Head of an Attached Department as defined in the Punjab Government Rules of Business 2011;"; and

(b) after clause (iv), the following shall be inserted:

"(iv-a) "Secretary" means the Secretary as defined in the Punjab Government Rules of Business 2011;".

3. Insertion of sections 3-A, 3-B and 3-C in the Ordinance XX of 1961.- In the Ordinance, after section 3, the following shall be inserted:

"**3-A. Preliminary probe.**- (1) On receipt of an information or a complaint against a public servant other than those given in sub-section (2), a Deputy Director or an officer of above rank may initiate a preliminary probe to ascertain the identity of the informer or complainant and the veracity of the facts mentioned in the information or complaint and after completion of the preliminary probe, such officer shall decide whether a criminal case is to be registered subject to section 3-B; or, no further action is required against the public servant.

(2) On receipt of an information or a complaint against a Deputy Commissioner of a District, Commissioner of a Division, Secretary to the Government, Head of an Attached Department, and any other public servant of BPS-20 and above, the Director General may initiate preliminary probe to ascertain the identity of the informer or complainant and the veracity of the facts mentioned in the information or complaint and after completion of preliminary probe, the Director General shall decide whether a criminal case is to be registered subject to section 3-B; or, no further action is required against such public servant.

3-B. Registration of a criminal case.- (1) After completion of preliminary probe under section 3-A, if the Director General or an officer of the Establishment decides that a criminal case is to be registered in relation to the offences mentioned in the Schedule against a public servant, he shall, before registration of such criminal case, send a reference to obtain prior permission in writing as under:

(a) for BPS-01 to BPS-16, from the appointing authority;

(b) for BPS-17, from the Secretary of the Administrative Department;

(c) for BPS-18 and BPS-19, from the Additional Chief Secretary, Punjab; and

(d) for a Deputy Commissioner of a District, Commissioner of a Division, Secretary to the Government, Head of an Attached Department or any other public servant in BPS-20 and above, from the Chief Secretary.

(2) On receipt of the references under clauses (b), (c) and (d) of sub-section (1), the Secretary or the Additional Chief Secretary, Punjab or the Chief Secretary, as the case may be, may constitute a committee comprising of at least three members and may refer the reference to such committee for its examination.

(3) The committee constituted under sub-section (2) shall give its recommendations to the Secretary or the Additional Chief Secretary, Punjab or the Chief Secretary, as the case may be, within fifteen days from the receipt of the reference and the Secretary or the Additional Chief Secretary, Punjab or the Chief Secretary, as the case may be, shall decide whether to grant the permission for registration of criminal case against public servant or not.

3-C. Arrest.- (1) No public servant up to BPS-17 shall be arrested without prior permission in writing of the Administrative Secretary or Head of an Attached Department, as the case may be.

(2) No public servant in BPS-18 or BPS-19 shall be arrested without prior permission, in writing, of the Additional Chief Secretary, Punjab and no Deputy Commissioner of a District, Commissioner of a Division, Secretary to the Government, Head of an Attached Department, and no other public servant of BPS-20 and above shall be arrested without prior permission, in writing, of the Chief Secretary.".

4. Insertion of section 4-A in the Ordinance XX of 1961.- In the Ordinance, after section 4, the following shall be inserted:

"**4-A. Revision**.- The Chief Secretary may, on his own motion or otherwise, call for the record of any case or preliminary probe, pending or finalized, for purposes of satisfying himself as to the correctness, legality or propriety of any order passed or decision taken in such preliminary probe by the Director General or any other officer of the Establishment, under the Ordinance or rules made thereunder and may pass such order as he may deem fit.".

(MUHAMMAD BALIGH-UR-REHMAN)
GOVERNOR OF THE PUNJAB

28/11/2023

(MUHAMMAD ASIF BALAL LODHI)
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department