

SINDH ORDINANCE NO.VIII OF 1991

THE SINDH ENQUIRIES AND ANTI-CORRUPTION ORDINANCE, 1991

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[25th July, 1991]

An Ordinance to provide for the constitution of a special agency for the investigation of certain offences relating to corruption by, or enquiry into mis-conduct of, public servants and for holding preliminary enquiries against such servants in Sindh.

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 misconduct of, public servants and for holding preliminary enquiries against such servants in Sindh.

Preamble.

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance: —

1. (1) This Ordinance may be called the Sindh Enquiries and Anti-Corruption Ordinance, 1991.

Short title and commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context:—

Definitions.

(i) "Establishment" means the Enquiries and Anti-Corruption Establishment constituted under section 3;

(ii) "Chairman" means the Chairman appointed under section 3;

(iii) "Director" means a Director appointed under section 3;

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- (iv) "Government" means the Government of Sindh;
- (v) "mis-conduct" means corruption, favouritism, maladministration, willful misapplication or diversion of public moneys, mis-use of public property or any other abuse of power or position;
- (vi) "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;
- (vii) "rules" means rules framed under this Ordinance;
- (viii) "Schedule" means the Schedule appended to this Ordinance.

3. (1) Notwithstanding anything contained in any other law for the time being in force, Government may constitute an Establishment to be known as the Enquiries and Anti-Corruption Establishment, for investigation of, or enquiry into the offences set forth in the Schedule and cases relating to misconduct of public servants and for holding preliminary 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.

Constitution and powers of Establishment.

(2) The Establishment shall consist of a Chairman and such number of Directors, officers or members as may be determined by Government.

(3) The Chairman and Directors shall be appointed by Government and one of the Directors shall be appointed as Director of Anti-Corruption.

(4) The terms and conditions of service of the Chairman, Directors, Officers and members of the Establishment shall be determined by Government.

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4. (1) Subject to any orders or rules which Government may make in this behalf, the Director of Anti-Corruption and officers and members of the Establishment working under him shall, for the purpose of any preliminary enquiry or investigation in relation to the offences mentioned in the Schedule, have throughout the province 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 or is subject to in connection with the investigation of offences under the Code of Criminal Procedure, 1898.

Powers of members of the Establishment.

(2) Subject to any orders of Government in this behalf, such officer or member of or above the rank of a Sub-Inspector may, in relation to the offences mentioned in the Schedule, exercise any of the powers of the officer incharge of a Police station 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. (1) The Directors (Enquiries) and other members of the establishment shall perform such functions or make enquiry into such cases, as may be assigned to them by the Chairman.

Powers and functions of Director (Enquiries).

(2) The enquiry into such cases shall be made in accordance with and in exercise of the powers conferred by the rules.

6. (1) Subject to such orders as Government may make, the superintendence and general control of the Establishment shall vest in the Chairman.

Superintendence and General Control.

(2) Subject to control and directions of the Chairman, not inconsistent with any law for the time being in force, the Director of Anti-Corruption shall exercise, in respect of officers and men belonging to the Police Force and serving in the Establishment, all the powers exercisable by an Inspector General of Police in respect of the Police Force in the Province.

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7. No suit or legal proceedings shall lie against Government or Chairman or Director or any other officer or member of the Establishment in respect of anything done in good faith or intended to be done under this Ordinance **Bar to legal proceedings.**
8. The provisions of this Ordinance are in addition to and not in derogation of any other law for the time being in force. **Provisions not in derogation of any other law.**
9. (1) Government may make rules for carrying out the purpose of this Ordinance. **Power to make Rules.**
- (2) In particular and without prejudice to the generality of the fore-going power such rules may provide—
- (i) for the purpose of an enquiry, the powers of summoning and enforcing the attendance of any person, requiring production of documents and receiving evidence on affidavits;
 - (ii) for the organization of the Establishment;
 - (iii) for prescribing the authorities with whose permission, enquiry or investigation of any case or class of cases may be commenced or any person may be arrested.
10. The Sind Anti-Corruption Establishment Ordinance, 1961, is hereby repealed. **Repeal.**

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SCHEDULE

(See section 3)

(a) Offences punishable under sections 161 to 169, 217 and 218 of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith.

(b) Offences punishable under sections 182, 186, 188, 189, 201, 211, 332, 353, 379 to 382, 403 to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant as such, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such; and

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