

**GOVERNMENT OF SINDH  
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT  
(REGULATION WING)**

**CONTENTS**

1. Short title and commencement.
2. Definitions.
3. Constitution of the Committee.
4. Functions of the Committee.
5. Meetings of the Committees.
6. Jurisdiction.
7. Functions of the Chairman.
8. Preliminary Enquiry.
9. Examination in Discreet enquiry complaint.
10. Time limit for investigation.
11. Registration of Cases.
12. Information to Administrative Authorities.
13. Arrest.
15. Where Senior Public Servants are involved alongwith Junior Public Servants.
16. Application of the Punjab Police Rules.
17. Application of Sindh Civil Servants (E&D) Rules, 1973 and Sindh Police (E&D) Rules, 1988.
19. Transfer of Public Servant in Trap Case.
20. Suo Moto Examination.
21. Power of Chief Minister.
22. Repeal.
23. Saving.

# THE SIND GOVERNMENT GAZETTE

## GOVERNMENT OF SINDH SERVICES AND GENERAL ADMINISTRATION DEPARTMENT (REGULATION WING)

Karachi, the 21<sup>st</sup> December, 1993

### NOTIFICATION

No.SOR-I(S&GAD)2/14-89:- In exercise of powers conferred by section 9 of the Sindh Enquiries and Anti-Corruption Act, 1991, the Government of Sindh are pleased to make the following rules, namely:—

1. (a) These rules may be called Sindh Enquiries and Anti-Corruption Rules, 1993.

**Short title and commencement.**

(b) They shall come into force at once.

2. (1) In these rules, unless there is any thing repugnant to the subject or context.

**Definition.**

(a) "Act" means the Sindh Enquiries and Anti-Corruption Act, 1991;

(b) "Additional Director" means the Additional Director of the Establishment;

(c) "Assistant Director" means Assistant Director of the Establishment;

(d) "Chief Secretary" means the Chief Secretary to the Government of Sindh;

(e) "Circle Officer" means the officer so posted by the Establishment as Circle Officer in the District or part thereof;

(f) "Committees" means the committees constituted under rule 3;

(g) "Competent authority" means the competent authority as specified in Schedule-I to accord permission either to held an enquiry, or to order registration of a criminal case or to drop the case after investigation or decide departmental action under these rules;

- (h) "Deputy Director" means the Deputy Director of the Establishment;
- (i) "District" means Revenue District;
- (j) "Division" means Revenue Division;
- (k) "Government" means the Government of Sindh;
- (l) "Head of Attached Department" means an Officer Incharge of a department declared as such by the Government in the Sindh Government Rules of Business 1986;
- (m) "Judicial Officer" means and includes a Judicial Magistrate, a Civil Judge, a Senior Civil Judge, an Additional District and Sessions Judge, a District and Sessions Judge, irrespective of his holding any post or of being on deputation with any department;
- (n) "Schedule" means schedule appended to these rules;
- (o) "Special Judge" means a Special Judge appointed under sub-section(1) of Section 3 of Pakistan Criminal Law Amendment Act, 1958;
- (p) "Sub-Circle Officer" means an officer, so posted by the Establishment in Sub-Division or Taluka;

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

3. (1) The Committee shall consist of a Chairman and such number of members as may be determined by Government.

**Constitution of the Committees.**

(2) There shall be the following Committees -

- (a) Provincial Anti-Corruption Committee abbreviated as (ACC-I).

- (b) Divisional Anti-Corruption Committee abbreviated as (ACC-II).
  - (c) District Anti-Corruption Committee abbreviated as (ACC-III).
- (3) (a) The Chairman shall be a Secretary/member of the Committee No.I, headed by the Chief Secretary.
- (b) He may also attend the meetings of Committees No.II and III.

4. (1) The Provincial Anti-Corruption Committee shall perform the following functions: -

**Functions of the Committees.**

- (a) Review the cases of misconduct leading to corruption in services and suggest measures for its eradication.
- (b) Review at suitable intervals, the working of Anti-Corruption laws and Rules and to suggest improvement in them.
- (c) Co-ordinate work of all Agencies both Federal and Provincial Governments engaged in eradication of Corruption.
- (d) Suggest publicity measures in the Province for educating the public and Government Servants against the evils of corruption.

(2) The Divisional and District Anti-Corruption Committee shall perform the following functions: -

- (a) Review the problems of corruption in each Department and suggest measures for its eradication;
- (b) Suggest publicity measures within their jurisdiction for educating the public and Government servants against the evils of corruption.

5. Each Anti-Corruption Committee in District and Division shall meet at least once in three months and Provincial Anti-Corruption Committee once in six months.

**Meetings of the Committees.**

6. (1) The jurisdiction of Chairman, Director (Enquiries), Director (Anti-Corruption), Additional Director, Deputy Director (Head Quarter) and Assistant Director (Head Quarter) posted in the Directorate shall be entire province of Sindh, whereas that of Deputy Director and Assistant Director in the Division and District shall be as notified by the Government from time to time under this rule. **Jurisdiction.**

(2) The officer of the Establishment holding post not below BS-17 may within his jurisdiction, either suo-moto or on direction of Superior Officer or on an application made by any person, or on a reference received from Government, or a Head of Department, conduct surprise visits to detect and check the acts of 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 under the Act the Enquiry Officer of the Establishment not below the rank of BS-17, shall have the powers of Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters namely: -

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents;
- (c) Receiving evidence on affidavits;
- (d) Issuing commissions for the examination of witnesses or documents;

7. The powers and functions of the Chairman, Enquiries and Anti-Corruption Establishment are follows: - **Functions of the Chairman.**

- (i) He shall work directly under the Chief Secretary, Sindh.
- (ii) He shall head, supervise and coordinate the working of the Enquiries and the Anti-Corruption Establishment and shall be responsible for the efficient functioning and Superintendence of it.
- (iii) He shall be responsible to put up all cases to the Chief Minister/Chief Secretary requiring their attention.

- (iv) He shall allocate, or, transfer the task of enquiries/investigation to the Director Enquiries/Director Anti-Corruption and such other members of the Establishment as the case may be pursuant to the Act.
- (v) He shall correspond directly with the Secretaries/Heads of attached Departments/ Autonomous Bodies / Corporations or other bodies in connection with any information / document required for the purpose of enquiries / investigation.
- (vi) He shall ensure prosecution of the individuals through Anti-Corruption Establishment after the decision of the concerned Competent authority.
- (vii) He shall keep close liaison with the Heads of Departments/Divisional Commissioners / Deputy Commissioners to unearth cases of corruption and their speedy investigation and disposal. For this purposes, he shall pay visits to the Divisional/District Headquarters.
- (viii) He shall suggest improvements in the existing procedures of enquiries/investigations so that the cases are speedily disposed of.
- (ix) In case of an enquiry of a technical nature, for which no qualified staff is available, he is empowered to requisition the service of such member from any department.
- (x) He shall initiate the Annual Confidential Reports of Director Enquiries and Director Anti-Corruption and other members.
- (xi) He shall endorse the Annual Confidential Reports of all officials of BS-17 and above working in the Establishment.
- (xii) He shall sanction the movements of Director Enquiries and Director Anti-Corruption throughout the Province in connection with their official duties.
- (xiii) He shall publish half yearly review of the performance of the Establishment.

- (xiv) He shall be informed by all Administrative Secretaries of the Government of Sindh about the brief facts of the cases involving gross misconduct/derelection of duty, calling for a major penalty as provided in the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, against officers of BS-17 and above under their administrative control immediately on occurrence alongwith the list of the case and action taken/proposed to be taken in the matter.
- (xv) He may take up any of the pending or fresh departmental enquiries of a department on the direction of Chief Minister/Chief Secretary.
- (xvi) He shall be informed on or before the 5<sup>th</sup> of every month by the Administrative Secretaries about the disciplinary cases of officers of Grade-17 and above, being conducted in their departments indicating the latest progress in Schedule-II.
- (xvii) He can call for the Confidential Reports of any officer under enquiry from any department.
- (xviii) He, with the permission of the Chief Secretary, may cause issuance of necessary instructions by the Administrative Secretaries to all their subordinate offices to extend co-operation to the Enquiries and Anti-Corruption Establishment in respect of its functions.
- (xix) He may himself requisition the services of the officers/officials in BS-17 and below on deputation in the head office as well as attached department and for officers of BS-18 and above, with the prior approval of the Chief Secretary.
- (xx) He shall exercise the powers of transfer and postings within the Establishment upto BS-17.
- (xxi) He shall carry out any other specific tasks and exercise powers as assigned by the Chief Minister/Chief Secretary.

8. No preliminary enquiry shall be initiated by an officer of the Establishment against accused Public Servant without prior approval of the Competent Authority.

**Preliminary Enquiry.**

9. Nothing contained in rule 8 shall preclude the Enquiry Officer from:

**Examination in discreet enquiry complaint.**

- (i) conducting discreet enquiry for collecting material constituting scheduled offence;
- (ii) ascertaining the identification of the complainant and the genuineness of the complaint of documents produced.

10. (i) Every investigation or enquiry under the Act and the Rules made there-under shall be completed normally within 90 days period. Extension if any, shall be sought by the officer concerned from Director for officer of BS-1 to 16 for 17 and above from Chairman through the Director (Anti-Corruption).

**Time limit for investigation.**

(ii) Every Officer making enquiry under these rules shall day by day enter his proceedings in the Diary-Sheet setting forth the date on which the information reached to him, the date he begun and closed his proceedings; indicating places visited and the statements recorded and the time limit for completion shall be as mentioned in sub-rule (i);

(iii) The Legal Branch of Anti-Corruption shall dispose of each case within 7 days.

11. (1) Criminal Cases shall be registered by the Establishment under Prevention of Corruption Act, 1947 and under such Sections of the Pakistan Penal Code, as have been set forth in the schedule to the Act.

**Registration of Cases.**

(2) No Criminal Case shall be registered against accused Public Servant without prior approval of the 'Competent Authority'.

Provided that such prior approval shall not be necessary for registration of case against Public Servant likely to be caught red handed as a result of raid/trap, arranged by Establishment under the Supervision of a Magistrate and in case of his non-availability the Gazetted Officer of the Establishment.

(3) In all cases of raid/trap, the District Magistrate, Additional District Magistrate, or Sub-Division Magistrate, of the jurisdiction shall be bound to depute a Magistrate for supervising raid/trap on the request made in writing by the officer of the Establishment.

(4) The Criminal cases shall be registered by the Establishment at Anti-Corruption Police Station and where there is no such notified Police Station, at local Police Station.

(5) When a case is registered at local Police Station, the District Police shall have no jurisdiction what so ever to continue the investigation and the relevant record shall be made over to the Establishment.

12. Soon after registration of case against Public Servant, a report shall be made to: -

**Information to Administrative authorities.**

- (a) to Chief Secretary and the Administrative Secretary, if he is in BS-16 and above.
- (b) to appointing authority and immediate Superior, if he is in BS-15 and below.
- (c) to the Chief Justice of High Court of Sindh, if he is Judicial Officer.

13. The accused Public Servant may be arrested, if his arrest becomes unavailable during investigation, with the prior permission of the competent authority:

**Arrest.**

Provided that no prior permission shall be necessary for the arrest of Public Servant caught as a result of raid/trap and Public Servants from BS-1 to BS-15.

14. If the competent authority after investigation:

- (a) finds that prosecution is not called for but sufficient material is on record for departmental action, the Establishment shall forward facts of the case, statement of allegations, list of witnesses and documents, if any, to the Authority prescribed under the respective Efficiency and Discipline Rules.

- (b) finds that allegations are not established altogether, the case shall be dropped and intimation to this effect shall be sent to the authorities mentioned in rule 12.
- (c) As soon as the departmental enquiry has been completed and final orders passed the result of the same shall be intimated to the Establishment, alongwith a copy of report for completion of record.

15. (i) For the purpose of Grouping the case after investigation, or referring it for Departmental action, if more than the public servants are involved, the competent authority shall be the one having jurisdiction against the senior most public servant.

**Where Senior Public Servants are involved alongwith Junior Public Servants.**

(ii) In case of Judicial Officer and others, the Competent Authority shall be Chief Justice of Sindh High Court.

16. In addition to these rules, the Establishment shall as far as may be, follow the provisions of Punjab Police Rules, 1934 as adopted or amended by Sindh in the investigation and the enquiry of offences specified in the schedule to the Act.

**Application of the Punjab Police Rules.**

Provided that a reference to the District Magistrate under rule 16.38 of the said rules for initiating proceedings, departmental or judicial, against any Police Officer shall not be necessary.

17. All officers and officials serving in the Establishment and in the Court of Special Judge shall be subject to Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, while those drawn from the police service or initially recruited by the Establishment in the rank of police service, shall be subject to Sindh Police (Efficiency and Discipline) Rules, 1988.

**Application of Sindh Civil Servant (E&D) Rules, 1973 and Sindh Police (E&D) Rules, 1988.**

### **MISCELLANEOUS PROVISION**

18. 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 that shall have jurisdiction over such cases, would be that within whose jurisdiction the alleged offence was committed.

19. In successful Raid/trap case, the transferring authority, on receiving information shall transfer the accused public servant from his place of posting. **Transfer of Public Servant in Trap case.**
20. The Chief Secretary, the Chairman and Director (Anti-Corruption) may call for and examine the record of any case and may give such directions as may be deemed fit. **Suo Moto Examination.**
21. (i) Notwithstanding any thing contained in these rules, the Chief Minister may pass any order relating to any enquiry, or investigation against, or prosecution of any public, or any other matter, and such order shall have the precedence over on order passed by any other authority, in respect thereof. **Power of Chief Minister.**
- (ii) Such order, if received by the lower authorities directly must immediately be communicated to the Chief Secretary through Chairman.
22. The West Pakistan Anti-Corruption Rules, 1965 are hereby repealed. **Repeal.**
23. (i) The cases registered and the enquiries already in progress under the West Pakistan Anti-Corruption Rules, 1965, shall be processed further under these rules from the stage upto which have been completed under repealed rules. **Saving.**
- (ii) The Committees constituted by the Government and the action taken by the Establishment, decision made, direction given before coming in force of these rules shall be deemed to have been constituted, taken, decided and given under these rules.

**SHAHJEHAN S. KARIM**  
**Chief Secretary to Government**  
**of Sind.**

**SCHEDULE I**  
**(See Rule 2 (g))**

**PUBLIC SERVANTS**

**COMPETENT AUTHORITY**

- |     |   |   |
|-----|---|---|
| (a) | Public Servant in BS-1 to 15.   | Deputy Director of the Division) Not below BS-18. |
| (b) | Public Servant in BS-16.  | Director (Anti-Corruption) Not below BS-19.       |
| (c) | Public Servants in BS-17 and 18 (excluding sitting Deputy Commissioner and Superintendent of Police).   | Chairman Not below BS-20.                         |
| (d) | Public Servants in BS-19 (including sitting Deputy Commissioner and Superintendent of Police) and BS-20 of the Status of Commissioner, Secretary to Provincial Government, Heads of attached Department and others. | Chief Secretary.                                  |
| (e) | Public Servants in BS-21 and above.   | Chief Minister.                                   |
| (f) | Judicial Officer.   | Chief Justice of High Court of Sindh.             |

**SCHEDULE-II**

**STATEMENT OF OFFICERS OF BPS-17 AND ABOVE WHOSE CONDUCT IS  
UNDER INQUIRY**

**NAME OF DEPARTMENT:**

<b>S.NO</b>	<b>Particulars of Officer (Name &amp; Designation etc) Proceeded Against.</b>	<b>Gist of Chargers/ Allegations.</b>	<b>Date of Occurrence/Report ing of Allegation.</b>	<b>date of Instituting the Preliminary Enquiry, if any</b>	<b>Date of Instituting the Regular Departmental Proceedings</b>	<b>Up to date Progress of the Action taken</b>	<b>Remarks:</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>	<b>(8)</b>