

THE KHYBER PAKHTUNKHWA EHTESAB COMMISSION ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. I OF 2014)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.

PART-I
KHYBER PAKHTUNKHWA
EHTESAB COMMISSION

3. Establishment of the Commission.
4. Composition of the Commission.

¹[Deleted]

6. Constitution of the Search and Scrutiny Committee.

²[Deleted]

³[Deleted]

9. Powers and functions of the Commission.
10. Meetings of the Commission.
11. Organizational structure of the Commission.
12. Director General.
13. Powers and functions of the Director General.
14. Appointment of Prosecutor General.
15. Powers and functions of Prosecutor General.
16. Director, Internal Monitoring and Public Complaints Wing.
17. Powers and functions of the Director, Internal Monitoring and Public Complaints Wing.

¹Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

18. Financial Autonomy.
19. Maintenance and annual statement of accounts.
20. Audit.
21. Measures for the prevention of corruption and corrupt practices.
22. Reporting of public contracts.

PART-II
OFFENCES AND MATTERS CONNECTED THEREWITH

23. Corruption and corrupt practices.
24. Punishment for corruption and corrupt practices.
25. Imposition of fine.
26. Recovery of amount of fines, etc. as arrears of land revenue.
27. Freezing of property.
28. Claim or objection against freezing of property.
29. Transfer of property void.
30. Declaration of properties and liabilities.
31. Contempt of Court.
32. Prohibition to hamper investigation.
33. Absconding to avoid service of warrants.
34. Disqualification to contest elections or to hold public office.

PART-III
INVESTIGATION AND PROSECUTION CONFERENCE

35. Jurisdiction.
36. Cognizance of offences.
37. Prosecution conference.
38. Arrest.

PART-IV
TRIAL

39. Jurisdiction over trial.
40. Policy objectives for trial of offences.
41. Ehtesab Courts.

- ¹[42. Procedure for trial.]
43. Presumption against accused accepting gratification.
44. Appeal.
45. Accused to competent witness.
46. False evidence.
47. Withdrawal from prosecution.
48. Protection of witnesses.
49. Favorable sentencing.

PART-V
MISCELLANEOUS

50. Power to make rules.
51. Power to make regulations.
52. Delegation of powers.
53. Indemnity.
54. Commissioners, Officers and employees deemed to be public servants.
55. Removal of difficulties.
56. Harmonious interpretation with other laws.
- ²[57. Deleted]

SCHEDULE

¹Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Deleted vide Khyber Pakhtunkhwa Act No. XXVII of 2014

THE KHYBER PAKHTUNKHWA EHTESAB COMMISSION ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. I OF 2014)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 13th January, 2014].

**AN
ACT**

to provide for the establishment of a the Khyber Pakhtunkhwa Ehtesab Commission, for good governance to create an effective institutional structure for the prevention of corruption and corrupt practices and to hold accountable all public office holders, accused of such practices.

WHEREAS the Provincial Government of the Khyber Pakhtunkhwa is desirous to implement the Charter of Good Governance of the Provincial Government, in order to ensure the implementation of laws, safeguard of citizens' rights, and provide justice without delay and in a transparent manner under a system of good governance;

AND WHEREAS pursuant to Articles 37 and 38 of the Constitution of the Islamic Republic of Pakistan, all citizens have a right to the promotion of social justice and social and economic well-being through efficient, honest and effective management of public resources;

AND WHEREAS the Charter of Good Governance of the Provincial Government, requires the provision of a comprehensive redressal mechanism to address failure or misconduct on the part of public office holders, while misusing or abusing their powers or authority through corruption, corrupt practices, misappropriation of property, receiving kickbacks, commissions and for matters connected and ancillary or incidental thereto;

AND WHEREAS it is expedient to provide for a mechanism through which the recovery of Government money and other assets from Public Office Holders, who have misappropriated or received such money or assets through corruption, corrupt practices and misuse of power or authority can be achieved;

NOW, THEREFORE, it is expedient to establish an autonomous and accountable anti-corruption institution in the Province of the Khyber Pakhtunkhwa, in order to promote the integrity and accountability of public sector administration.

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014.

(2) It shall apply to all the public office holders, who are performing ¹[or have been performed] their functions, directly or indirectly, in connection with the affairs and the employment of Government funds in the Province of the Khyber Pakhtunkhwa and includes all those persons, who are involved and deals ²[or have been involved or dealt] with the transaction and utilization of Government money.

³[(3) It shall come into force at once and shall be deemed to have taken effect from the 1st day of January, 2004:

Provided that all the amendments made in this Act till the commencement of the Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Act, 2015, shall be deemed to have come in to force from the 1st day of January, 2004].

2. Definitions.---(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) “accused” means a person in respect of whom there are reasonable grounds to believe that he is or has been involved in the commission of any offence triable under this Act or is the subject of an investigation or inquiry by the ⁴[Directorate General], or any other agency authorized by the Commission in this regard under this Act;
- (b) “assets” means any property owned or controlled by or belonging to an accused whether directly or indirectly or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan which he cannot reasonably account for or for which he cannot prove payment of full and lawful consideration;
- (c) “associates” means-
 - (i) any person who is or has been managing the affairs of or keeping accounts for the accused or who enjoys or has enjoyed any benefit from the assets;
 - (ii) any association of persons, body of individuals, partnership firm or private limited company within the meaning of the Companies Ordinance, 1984 (Ord. No. XLVII of 1984), of which the accused is or has been a member, partner or director or which has been promoted, floated, established or run by the accused, whether singly or jointly, with other persons;
 - (iii) a trustee of any trust declared by the accused, or of which the accused is also a trustee or a beneficiary; and

¹Inserted vide Khyber Pakhtunkhwa Act No. XVI of 2015

²Inserted vide Khyber Pakhtunkhwa Act No. XVI of 2015

³Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

- (iv) a benamidar;
- (d) “benamidar” means any person, who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused;
- (e) “Chief Minister” means the Chief Minister of the Province of the Khyber Pakhtunkhwa;
- (f) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) “Commission” means the Khyber Pakhtunkhwa Ehtesab Commission established under section 3;
- ¹[(h) “Commissioner” means a Commissioner appointed under section 4 of this Act;]
- (i) "complaint" means, written instrument submitted by the complainant, signed and verified on oath, having his detail particulars and copy of CNIC;
- (j) “corruption and corrupt practices” mean the offenses as specified under section 23 and are triable by the Court;
- (k) “Court” means an Ehtesab Court, established under section 41 to try offenses under this Act;
- (l) “Director General” means the Director General of the ²[Directorate General], as appointed by the Commission under section 12;
- ³[(la) "Directorate General" means the Directorate General of the Commission, established under section 3A of this Act;]
- (m) "family" means parents, spouse, children, brothers and sisters;
- (n) “Government” means the Government of the Khyber Pakhtunkhwa;
- ⁴[Deleted]
- (p) “gratification” means-
- (i) money, donation, gift, loan, fee, reward, valuable security, property or interest in property, being property of any

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Inserted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

description whether movable or immovable, financial benefit or any other similar advantage;

- (ii) any office, dignity, employment, contract of employment or services, and agreement to give employment or render services in any capacity;
- (iii) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (iv) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;
- (v) any forbearance to demand any money or money's worth or valuable thing;
- (vi) any other service or favor of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and
- (vii) any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the preceding clauses;

¹[Deleted]

- (r) "Order" means the Qanun-e-Shahadat Order, 1984 (X of 1984);
- (s) "Penal Code" means the Pakistan Penal Code, 1860 (XLV of 1860);
- (t) "prescribed" means prescribed by rules ²[or regulations];
- (u) "Province" means the Province of the Khyber Pakhtunkhwa;

³[Deleted]

- (w) "public office holder" means and includes-
 - (i) a person, as defined under section 2 of the Prevention of Corruption Act, 1947 (Act No. II of 1947); or

¹Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Added vide Khyber Pakhtunkhwa Act No. XXXI of 2015

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

- (ii) a person holding ¹[or has been held] a legislative, executive or administrative position in exercising the authority of the Province, whether appointed or elected, permanent or temporary, paid or unpaid, irrespective of such person's seniority; or
- (iii) a person, who performs ²[or have been performed] a public function, including for a public agency, public enterprise, foreign funded public program or any other person or entity utilizing public revenue of the Province, or provides a public service, as defined in any law for the time being in force; or
- (iv) any other person or entity owned or controlled by Government directly or indirectly;
- (x) "regulations" mean the regulations made under this Act;
- (y) "reference" means a reference filed in the Court by the Director General, or an officer of the ³[Directorate General] duly authorized by him, in the manner specified in section 36;
- (z) "report" means the report prepared and submitted pursuant to section 17 of this Act;
- (aa) "rules" mean the rules made under this Act;
- (ab) "Schedule" means the Schedule appended to this Act;
- ⁴[(ac) "Selection Committee" means the Selection Committee constituted under section 6 of this Act;]
- ⁵[Deleted]
- (ae) "section" means a section of this Act;
- (af) "State" means a foreign state for purposes of this Act; and
- (ag) "Wings" mean the Wings of the ⁶[Directorate General], as provided in section 11.

¹Inserted vide Khyber Pakhtunkhwa Act No. XVI of 2015

²Inserted vide Khyber Pakhtunkhwa Act No. XVI of 2015

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁵Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

PART-I
KHYBER PAKHTUNKHWA
EHTESAB COMMISSION

3. Establishment of the Commission.---As soon as, after the commencement of this Act, Government shall establish a Commission, to be known as the Khyber Pakhtunkhwa Ehtesab Commission.

¹**[3A. Directorate General of the Commission.**---(1) There shall be a Directorate General of the Commission to be headed by a Director General and shall consist of Prosecutor General and Directors of the various wings mentioned in section 11 of this Act and other employees working in connection with the affairs of the Commission.

(2) All actions by the Directorate General under this Act shall be taken by the name of the Commission.]

4. Composition of the Commission.--- ²[(1) The Commission shall consist of two (02) Commissioners to be appointed by the Government on the recommendation of Selection Committee:

Provided that the existing Commissioners appointed before the commencement of the Khyber Pakhtunkhwa Ehtesab Commission (Second Amendment) Act, 2017, shall continue their function under this Act, till the expiration of their tenure and after expiration of the tenure, the Commission shall be re-constituted by appointing two (02) Commissioners in accordance with the provisions of this Act.]

³[Deleted]

(2) The Commissioners shall hold office for one non-extendable term of four (04) years from the day ⁴[they enter their offices] and shall not be eligible for reappointment reappointment for a second term:

⁵[(3) Whenever, the office of Commissioner falls vacant, before the completion of the term of the said Commissioner, the Government shall upon the recommendation of the Selection Committee, appoint a new Commissioner on the recommendation of Selection Committee for the term of four (04) years.]

(4) No act or proceedings of the Commission shall be invalid by reason of absence of a Commissioner or existence of any vacancy among its members.

(5) A person shall not be appointed as Commissioner unless he:

¹Inserted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁵Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

- (a) is a citizen of Pakistan;
- (b) is the permanent resident of Khyber Pakhtunkhwa Province;
- (c) is an individual with reputation of high moral integrity and competency;
- (d) is sagacious, righteous, honest and a person with a good character;
- (e) is mentally and physically fit;
- (f) has a Bachelor's Degree and at least twenty (20) years of experience in the relevant field;
- (g) is minimum forty (40) years of age during the year of appointment or selection; and
- (h) declare his assets as per law.

(6) A Commissioner shall cease to hold office if he:

- (a) has been convicted of an offence involving moral turpitude;
- (b) has been adjudged insolvent;
- (c) has been declared by a Medical Board, constituted by Government to be physically or mentally unfit to carry out his functions as a Commissioner;
- (d) does not attend five (05) consecutive meetings of the Commission without leave of the Commission; or
- (e) is a defaulter of Government dues, utility expenses or a bank.

(7) A Commissioner may, by writing under his hand addressed to the Governor, resign from his office.

(8) A Commissioner shall not, at the time of appointment to the Commission:

- (a) hold any other office in the service of Pakistan or be the office bearer of a political party, unless he resigns such office one (1) year prior at the time of his appointment; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services.

(9) A person who has held office as Commissioner shall not hold any office in the service of Pakistan before the expiration of two (02) years after he has ceased to hold that office.

(10) During his term in office, if a Commissioner has any interest in any matter to be discussed, inquired, investigated or decided by the ¹[Directorate General], he shall, prior to any discussion of the matter, disclose in writing to the ²[Directorate General], the fact of his interest and the nature thereof.

Explanation.---For the purpose of this section, a Commissioner shall be deemed to have an interest in a matter if he has any interest, pecuniary or otherwise, in such matter which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.

(11) A disclosure of interest under sub-section (10), shall be recorded in the minutes of meetings of the Commission, prior to any discussion of, or decision on, the matter and, after the disclosure, the Commissioner shall:

- (a) not take part nor be present in any deliberation or decision of the Commission; and
- (b) be disregarded for the purpose of constitution of a quorum of the Commission.

(12) In connection with the performance of functions under this Act, Government may allow such honoraria and allowances to the Commissioners, as it may determine. .

³[Deleted]

⁴**[6. Constitution of Selection Committee.**---(1) There shall be constituted a Selection Committee consisting of the Judges of the Administrative Committee of the High Court and the Advocate General for recommending suitable persons for each category to the Commission, for their appointment as Director General, Prosecutor General and Director Internal Monitoring and Public Complaints Wing, by inviting applications from the general public through advertisement:

Provided that in case of appointment of Commissioners, such recommendation shall be given to the Government:

Provided further that the recommendations given under this sub-section shall be binding on the Government.

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

(2) The procedure of selection shall be completed within a period of one hundred and twenty (120) days, when any position falls vacant, while the procedure for such selection shall be started within a period of seven (07) days, from the date when the position falls vacant.

(3) The criteria for evaluating the candidate shall be such as the Selection Committee may determine in this behalf; provided that before giving recommendation to the Government or the Commission, as the case may be, for appointment, comments and objections of general public may be obtained with respect to eligible candidate.

(4) Within fifteen (15) days of the receipt of recommendations of the Selection Committee, the Government or the Commission, as the case may be, shall appoint the person on the vacant position and shall issue notification accordingly.

(5) The Selection Committee shall also-

- (a) inquire into allegation of abuse of authority or misconduct by the Commissioners, Director General, Prosecutor General and Director Internal Monitoring and Public Complaints Wing and after giving an opportunity to be heard in person, if found guilty, may recommend to the Government or the Commission, as the case may be, for removal and such recommendation shall have binding effect;
- (b) oversee the overall performance of the Director General, its officers and employees without interfering in day to day operational matters; and
- (c) inquire into allegations the corruption and the corrupt practices within the Directorate General or any other officer or employee of the Directorate General and recommend competent authority for necessary action in accordance with rules and regulations.]

¹[Deleted]

²[Deleted]

9. Powers and functions of the Commission.---The Commission shall have the power to:

³[Deleted]

¹Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

- (b) approve organizational structure and positions to be filled in by employees appointed in accordance with sub-section (4) of section 11 and any creation or deletion of such positions;
- ¹[(c) approve annual budget of the Commission, Directorate General and Ehtesab Courts;]
- (d) approve regulation required to be made under this Act;
- (e) issue policy guidelines for the ²[Directorate General], its officers and employees;
- ³[Deleted]
- (g) delegate such of their powers and functions to the officers of the ⁴[Directorate General], as it may consider necessary for the efficient implementation of this Act;
- (h) prescribe ⁵[except for the Investigation and Prosecution Wings, the] terms and conditions of service of employees and approve the human resource policy of the Commission;
- ⁶[Deleted]
- (j) exercise such powers and authority as are granted to it under this Act.

10. Meetings of the Commission.---(1) The Commission may meet, once in a month, ⁷[or when required], for the effective performance of its functions.

⁸[Deleted]

⁹[(3) All decisions of the Commission shall be taken by consensus.]

(4) The Commission shall in the prescribed manner, determine the procedure of meetings, recording of minutes and other ancillary matters in this respect.

¹⁰[(5) The Directorate General shall provide secretariat support to the Commission.]

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Inserted vide Khyber Pakhtunkhwa Act No. V of 2017

⁶Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

¹⁰Added vide Khyber Pakhtunkhwa Act No. X of 2016

11. Organizational structure of the ¹[Directorate General].---(1) The Directorate General of the Commission shall comprise of the following Wings:

- (a) the Information and Data Processing Wing;
- (b) the Investigation Wing;
- (c) the Prosecution Wing;
- (d) the Finance and Audit Wing;
- (e) the Internal Monitoring and Public Complaints Wing; and
- (f) the Human Resource Wing.

²[(2) Each Wing shall be headed by a Director who shall be appointed in the prescribed manner.]

³[(2A) Notwithstanding anything contained in this Act regarding appointment of officers and staff of the Directorate General, the eligibility criteria and method of appointment of the officers and staff of the Investigation Wing and Prosecution Wing shall be such as may be prescribed by rules:

Provided that for the purpose of appointment of the officers and staff of the Investigation Wing, due regard shall be given to person having expertise in the legal and investigation matters:

Provided further that in case of Prosecution Wing, appointment shall be made on contract basis and due regard shall be given to persons having expertise in the legal and prosecution matters.]

(3) The Director of each Wing shall be responsible for oversight, advocacy, training and recommending policy measures for the effective management and functioning of his respective Wing.

⁴[(4) Unless otherwise provided in this Act, the officers, staff and other employees, including Advisors and Consultants, shall be appointed by the Director General, in a transparent manner, subject to the eligibility criteria and method of appointment laid down in the terms and conditions of service prescribed:

Provided that all persons appointed in the Directorate General, before the commencement of the Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Act, 2017, shall be examined by a Committee, to be headed by the Directorate General, as he may

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

³Added vide Khyber Pakhtunkhwa Act No. V of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

deem appropriate, in accordance with the qualification and other terms and conditions of service, prescribed under this Act.]

(5) The officers, staff and employees of the Commission employed in each Wing shall be entitled to such salary, allowances and other terms and conditions of service as the Commission, may prescribe.

(6) Notwithstanding anything contained herein contrary or in any law for the time being in force, the Director General shall not be required to consult the Khyber Pakhtunkhwa Public Service Commission for making appointments and on matters related to qualifications of persons for such appointments and method of their recruitment and the criteria of eligibility for recruitment shall be such as prescribed by the Commission.

12. Director General.---¹[(1) The Commission on the recommendation of Selection Committee shall appoint Director General to fulfill such duties and responsibilities as specified in this Act.]

(2) The Director General shall hold office for one non-extendable term of four (04) years from the day he enters his office and shall not be eligible for reappointment for a second term.

(3) The Director General shall cease to hold office if he:

- (a) has been convicted of an offence involving moral turpitude;
- (b) has been adjudged insolvent;
- (c) has been declared by a Medical Board constituted by Government, to be physically or mentally unfit; or
- (d) is a defaulter of Government dues, utility or a bank expenses; or

²[Deleted]

(4) A person shall not be appointed as Director General unless he:

- (a) is a citizen of Pakistan preferably from Khyber Pakhtunkhwa;
- (b) is an individual with reputation of high moral integrity;

³[(c) falls within one of the following categories:

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

- (i) is a retired Government officer in BPS 20 or above having master degree with fifteen (15) years administrative experience including three (03) years experience in ¹[senior administrative position or] investigation in a leadership position; or
- (ii) is a retired ²[confirmed] judge of the High Court; or
- (iii) a lawyer with fifteen (15) years practice in prosecution; ³[Deleted]

⁴[Deleted]

- (d) is not less than forty and more than sixty-five (65) years of age at the time of selection; and
- (e) declare his assets as per law.

(5) The Director General shall not:

- (a) hold any other office of profit in the service of Pakistan or be the office bearer of a political party, unless he resigns such office at the time of his appointment; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services; or
- (c) pursue his profession while being Director General.

(6) During his term in office, if the Director General has any interest in any matter to be inquired, investigated or decided by the ⁵[Directorate General], he shall, disclose in writing, to the Commission, the fact of his interest and the nature thereof, and the Commission shall pass appropriate instructions for exercise of any authority under this Act in relation to such matter.

Explanation.---For the purpose of this section, the Director General shall be deemed to have an interest in a matter if he has any interest, pecuniary or otherwise, in such matter which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.

¹Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

²Inserted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁵Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

(7) A person who has held office as Director General shall not hold any office in the service of Government before the expiration of two (02) years after he has ceased to hold that office.

(8) The Director General may, by writing under his hand addressed to the ¹[Commission], resign from his office.

²(9) Whenever the post of Director General falls vacant, before completion of his term due to any reason which requires the appointment of regular Director General, the ³[Commission] shall appoint or designate temporarily an officer amongst the senior officers of Directorate General any person or officer as Director General, to look after the office of Director General till the appointment of regular Director General.

(10) Notwithstanding anything contained in this section, the Acting Director General already designated before coming in force of this Act, shall be deemed to have been validly designated under this Act, with effect from the date of his so designated till the appointment of a regular Director General under this Act.]

13. Powers and functions of the Director General.--- ⁴[(1)] The Director General shall be responsible for the day to day operation and administration of the ⁵[Directorate General], unless otherwise provided in this Act, and in performance of his duties shall exercise the following powers on behalf of the ⁶[Directorate General]:

- (a) the Director General, or an officer of the ⁷[Directorate General] duly authorized by him, may seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or inquiry or investigation pending before the ⁸[Directorate General], or disposal of any property surrendered to or seized by the ⁹ [Directorate General], from any department of Government, the Federal Government, local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector as he may deem it fit and proper to demand or require; provided that in any case in which a question of secrecy is involved or is raised at any time, the decision of the Director General shall be final;

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Added vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Numbered vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

- (b) the Director General, or an officer of the ¹[Directorate General] duly authorized by him, may, during the course of an inquiry or investigation of an offence under this Act,-
- (i) call for information from any person for the purpose of determining whether there has been any contravention of the provisions of this Act or any rule or order made thereunder;
 - (ii) require any person to produce or delivery any document or item useful or relevant to the inquiry or investigation being carried out;
 - (iii) direct the relevant department to examine any person acquainted with the facts and circumstances of the case being investigated;
 - (iv) where there is reasonable suspicion that any person is involved in or is privy to an offence under this Act, the Director General may, with the prior written authorization of a Court, seek the aid and assistance of any investigation or intelligence agency to conduct the surveillance of that person and the information so collected may be used as evidence in a trial under this Act:

Provided that the Court shall grant such authorization without notice to the person who is to be subjected to surveillance only if the ²[Directorate General] establishes a prima facie case for reasonable suspicion against such person:

Provided further that the information received or evidence collected pursuant to such surveillance shall be kept confidential and shall not be used for any purpose other than for legal proceedings under this Act.

- (c) the Director General, or an officer of the ³[Directorate General] duly authorized by him, may seek the assistance of law enforcement agencies in the Province for purposes of ensuring that proper investigation and prosecution, if initiated by the ⁴ [Directorate General], is carried out against an accused;
- (d) the Director General, or an officer of the ⁵[Directorate General] duly authorized by him, may request a Foreign State through the Federal

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

Government of Pakistan to extend his support for the arrest of the accused and recovery of assets from such accused:

Provided that notwithstanding anything contained in the Order or any other law for the time being in force, all evidence, documents or any other material transferred to Pakistan by a Foreign Government shall be admissible as evidence in legal proceedings under this Act.

- (e) the Director General may, on the recommendation of the Prosecutor General and the Director of the Finance and Audit Wing, for purposes of an inquiry, investigation or prosecution, seek a declaration of assets and details of taxes filed by an accused;
- (f) the Director General may, on the recommendation of the Prosecutor General and the Director of the Investigation Wing, if there appear reasonable grounds for believing that the accused has committed an offence under this Act, order the freezing of his property or any part thereof, whether in his possession or in the possession of any relative, associate or benamidar in accordance with section 27 of this Act;¹[and]
- (g) the Director General, or an officer of the ²[Directorate General] duly authorized by him, may, following a proper and transparent investigation, trial and conviction of an accused under this Act, make a recommendation for the suspension of service of such public office holder from his office and such recommendation shall be given serious consideration for implementation by the department such public office holder is employed in ³[.]

⁴ Deleted]

⁵[Deleted]

⁶[(2) Subject to the provisions of this Act, where any record has been provided to or ceased by the Commission for the purpose of any inquiry or investigation, from any Department of Government, the Federal Government, local authority, bank, financial institutions, persons or any authority and institutions or department in the public or the private sector, as the case may be, shall be returned in original to the concerned institution, as soon as possible but not later than thirty (30) days:

Provided that copy of record may also be provided to the accused upon request within thirty (30) days.]

¹Added vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Replaced vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Deleted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Deleted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Added vide Khyber Pakhtunkhwa Act No. X of 2016

14. Appointment of Prosecutor General.---¹ [(1) The Commission on the recommendation of Selection Committee shall appoint Prosecutor General to fulfill such duties and responsibilities as specified in this Act.]

(2) The Prosecutor General shall hold such office on a full time basis for a non-extendable period of four (04) years and shall not hold any other office concurrently during such term.

(3) The Prosecutor General shall not be removed from office unless he:

- (a) has been convicted of an offence involving moral turpitude; or
- (b) has been adjudged insolvent; or
- (c) has been declared by a registered physician appointed by Government to be physically or mentally unfit; or
- (d) is a defaulter of Government dues, a bank or utility expenses; or

²[Deleted]

(4) The Prosecutor General may, by writing under his hand addressed to the Commission, resign from his office.

15. Powers and functions of Prosecutor General.---(1) The Prosecutor General shall give advice to the Commissioners and the Director General upon such legal matters and perform such other duties of a legal character as may be referred or assigned to him by the Director General and in the performance of his duties, he shall have the right of audience in all Anti-Corruption Courts and all other Courts including the High Courts and the Supreme Court.

(2) The Prosecutor General shall make recommendations to the Director General of candidates for the posts of Special Prosecutors who shall be appointed by the Director General in accordance with the terms and conditions of service.

(3) The Prosecutor General shall head the Prosecution Wing and shall be responsible for overseeing the performance of Special Prosecutors who have been appointed to conduct prosecutions of cases and advocates that have been appointed to institute or defend cases, appeals, petitions, applications and all other matters before any Court or Tribunal including the High Courts and Supreme Court in matters arising out of or relating to proceedings under this Act.

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

(4) For purposes of this Act, the Special Prosecutors, employed by the Commission, shall be deemed to be Public Prosecutors within the meaning of section 492 of the Code and the provisions of the Code shall mutatis mutandis apply to such Special Prosecutors accordingly.

16. Director, Internal Monitoring and Public Complaints Wing.---¹ [(1) The Commission on the recommendation of Selection Committee shall appoint Director Internal Monitoring and Public Complaints Wing to fulfill such duties and responsibilities as specified in this Act.]

²[(1A) No person shall be appointed as Director Internal Monitoring and Public Complaints Wing, unless he has at least second class master degree or equivalent qualification from a recognized university with fifteen (15) years experience with monitoring or investigation and intelligence.]

(2) The Director of the Internal Monitoring and Public Complaints Wing shall head the Wing responsible for internal monitoring of the performance of officers of the³[Directorate General] and receipt of complaints of misconduct from any citizen against any officers of the⁴[Directorate General].

17. Powers and functions of the Director, Internal Monitoring and Public Complaints Wing.---The Director, Internal Monitoring and Public Complaints Wing shall administer and oversee the preparation of report and ensure that the following measures are implemented for the effective accountability of the⁵[Directorate General] and its officers and employees:

- (a) the Internal Monitoring and Public Complaints Wing shall at all times maintain a detailed credible record of the investigations and prosecutions initiated and carried out by the⁶[Directorate General], including a record of complaints received for which investigations and prosecutions were for whatever reason not initiated;
- (b) the Internal Monitoring and Public Complaints Wing shall maintain a record of any complaints received from the general public against an officer of the⁷[Directorate General], regardless of his seniority in the⁸[Directorate General];

¹Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

²Inserted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

- (c) the Internal Monitoring and Public Complaints Wing may investigate allegations of misconduct against officers of the ¹[Directorate General] and submit its report to the ²[Selection Committee] for necessary action;
- (d) based on the records mentioned in clauses (a), (b) and (c) above, there shall be prepared a report analyzing and setting out in detail the performance of the ³[Directorate General] in discharging its statutory obligations under this Act;
- (e) the report shall be communicated to the ⁴[Directorate General] directly by the Director, Internal Monitoring and Public Complaints Wing; and
- ⁵(f) the Directorate General shall, within sixty (60) days following the end of every calendar year, submit to the Provincial Assembly, through the office of the Governor, a report on the activities of the Directorate General including report relating to the performance of the officers of the Directorate General and upon its publication copy shall be provided to the public on reasonable cost.]

18. Financial Autonomy.---(1) The remuneration payable to the Commissioners, Director General, Directors, other employees, staff and administrative expenses of the ⁶[Directorate General] shall be an expenditure charged upon the Provincial Consolidated Fund.

(2) The Director General shall be the Principal Accounting Officer of the ⁷[Directorate General].

(3) The Director General may, ⁸[Deleted] re-appropriate funds from one head to another head of account or sanction expenditure from within the budget allocated to the ⁹[Directorate General].

19. Maintenance and annual statement of accounts.---(1) The ¹⁰[Directorate General] shall maintain complete and accurate books of accounts in such forms as may be prescribed by it.

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Deleted vide Khyber Pakhtunkhwa Act No. V of 2017

⁹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

(2) In the month of March every year, the ¹[Directorate General] shall submit to Government a statement for the estimated receipts and expenditure in respect of the next financial year.

20. Audit.---The accounts of the ²[Directorate General] shall be audited every year by the Auditor General of Pakistan.

21. Measures for the prevention of corruption and corrupt practices.---The Director General shall, from time to time, as he may deem fit, constitute committees comprising officers of the ³[Directorate General] or other persons or organizations from the private or public sectors. Such committees may make recommendation to:

- (a) educate and advise public authorities, public office holders and the community at large on measures to combat corruption and corrupt practices;
- (b) develop, arrange, supervise, participate in or conduct educational and media awareness campaigns, and generally to disseminate information on the detrimental effects of corruption and corrupt practices and the importance of maintaining the integrity of public administration;

22. Reporting of public contracts.---The ⁴[the Director General or any officer of the Directorate General duly authorized, as the case may be,] may call for information of any contract entered into by a Department of Government and its attached departments, statutory corporations or authorities established by Government and Public Office Holders, when required and the concerned authority shall provide the requisite information within a period of fifteen (15) days after its receipt to the ⁵[the Director General or any officer of the Directorate General duly authorized, as the case may be].

PART -II **OFFENCES AND MATTERS** **CONNECTED THEREWITH**

23. Corruption and corrupt practices.---(1) A public office holder, Officers and employees of the ⁶[Directorate General], or any other person, is said to commit or to have committed the offence of corruption and corrupt practices, if he-

- (a) accepts or obtains from any person or offers any gratification directly or indirectly, other than legal remuneration, as a motive or reward such as is specified in section 161 of the Penal Code for doing or forbearing to do any official act, or for showing or forbearing to

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

show, in the exercise of his official functions, favours or disfavours to any person, or for rendering or attempting to render any service or disservice to any person; or

- (b) accepts or obtains or offers any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceedings or business transacted or about to be transacted by him, or having any connection with his official functions or from any person whom he knows to be interested in or related to the person so concerned; or
- (c) dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use of any other person, any property entrusted to him, or under his control, or willfully allows any other person to do so; or
- (d) by corrupt, dishonest, or illegal means, obtains or seeks to obtain for himself, or for his spouse or dependents or any other person, any property, valuable thing, or pecuniary advantage; or
- (e) or any of his dependents or benamidar owns, possesses, or has acquired right or title in any assets or holds power of attorney in respect of any assets or pecuniary resources disproportionate to his known sources of income, which he cannot reasonably account for or maintains a standard of living beyond that which is commensurate with his sources of income; or
- (f) exercises his authority other than on considerations on merit to gain any benefit or favour for himself or any other person or otherwise or willfully fails to exercise his authority as required under law ¹[rules, regulations, bye-laws, directives or instructions, issued from time to time] to confer an undue benefit or favour upon another which ought to have been prevented by lawful exercise of authority; or
- (g) has issued any directive, policy or any other order which grants or attempts to grant any undue concession or benefit in any matter so as to benefit himself or any dependent or relative or a benamidar or any other person; or
- (h) aids, assists, abets, attempts or acts in conspiracy with a person or a public office holder, accused of an offence as provided in clauses (a), (b), (c), (d), (e) and (f) above.

¹Inserted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

(2) A Commissioner shall be deemed to have committed the offence of corruption or corrupt practices, if he attempts to engage directly or indirectly with an accused or other party involved with a complaint or otherwise influence the conduct of an investigation or prosecution being undertaken by the ¹[Directorate General] ²[.]

³[Deleted]

⁴[(3) All offences under this Act shall be non-bailable and no Court shall have jurisdiction to grant bail to any person accused of an offence under this Act.]

24. Punishment for corruption and corrupt practices.---(1) A Public Office Holder, Commissioner or any other person, including any officer and employee of the ⁵[Directorate General], who commits the offence of corruption and corrupt practices shall be punishable with rigorous imprisonment for a term which may extend to fourteen (14) years and with fine, and such of the assets and pecuniary resources of such public office holder, Commissioner, officer of ⁶ [Directorate General] or person, as are found to be disproportionate to the known sources of his income or which are acquired by money obtained through corruption and corrupt practices, whether in his name or in the name of any of his dependents, or benamidar, shall be forfeited to the appropriate Government or other entity to which the assets belong, as the case may be.

(2) The offences specified in the Schedule to this Act shall be punishable in the manner specified therein.

⁷[(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, an accused, convicted by the Court for an offence under this Act, shall not be entitled to any remission in his sentence.]

25. Imposition of fine.---Where an accused found guilty of an offence punishable under this Act is sentenced to pay a fine, the amount of the fine shall in no case be less than the gain derived by the accused or any dependent or associate by the commission of the offence.

26. Recovery of amount of fines, etc. as arrears of land revenue.---Any fine or other sum due under this Act, or as determined due by a Court, shall be recoverable as arrears of land revenue.

27. Freezing of property.---(1) The Director General, on the recommendation of the Prosecutor General and the Director of the Investigation Wing or the Court itself while trying an accused for any offence as specified under this Act may, at any time, if there appear reasonable grounds for believing that the accused has committed such an offence,

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Replaced vide Khyber Pakhtunkhwa Act No. XIII of 2017

³Deleted vide Khyber Pakhtunkhwa Act No. XIII of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Added vide Khyber Pakhtunkhwa Act No. XXXI of 2015

temporarily order the freezing of his assets, or any part thereof, whether in his possession or in the possession of any relative, associate, or benamidar:

Provided that any order of temporary seizure, freezing, attachment or any prohibitory order by the Director General shall remain in force for a period not exceeding thirty (30) days unless confirmed by the Court seized of the matter through an interlocutory order, failing which the assets shall stand released.

(2) If the property ordered to be frozen under sub-section (1) is a debt or other movable property, the freezing may be made:

- (a) by seizure; or
- (b) by appointment of receiver; or
- (c) by prohibiting the delivery of such property to the accused or to anyone on his behalf; or
- (d) by all or any of such or other methods, the Director General, on the recommendation of the Prosecutor General and Director of the Investigation Wing or the Court, as the case may be.

(3) If the assets ordered to be frozen are immovable property, the freezing shall, in the case of land paying revenue, be made through the Collector of the district in which the land is situated, and in all other cases:

- (a) by taking possession; or
- (b) by appointment of receiver; or
- (c) by prohibiting the payment of rent or delivery of property to the accused or to benamidar; or
- (d) by all or any of such or other methods, as the Director General, on the recommendation of the Prosecutor General and the Director of the Investigation Wing or the Court, as the case may be ¹[directs]:

Provided that notwithstanding anything to the contrary contained herein, that the order of the Court or the Director General shall be effective from the time of passing thereof or proclamation thereof in a newspaper, widely circulated and dispatched at the last known address of the accused either by registered post or courier service or electronic media as the Court may deem proper having regard to the facts and circumstances of the case.

¹Added vide Khyber Pakhtunkhwa Act No. XXXI of 2015

(4) If the assets ordered to be frozen consist of livestock or are of perishable nature, the Court or the Director General, as the case may be, if it may deem proper and expedient, order the immediate sale thereof and the proceeds of the sale shall be deposited in the Government exchequer.

(5) The powers, duties and liabilities of a receiver, if any, appointed under this section shall be the same as those of a receiver appointed under Order XL of the Code of Civil Procedure, 1908 (Act V of 1908).

(6) Once confirmed by the Court, any order of freezing made under this section shall remain operative until the final disposal of the case against the accused by the Court, and in the event of the acquittal of the accused, shall stand revoked immediately, whereafter it shall be subject to an order by the Court in which an appeal, if any, is filed.

28. Claim or objection against freezing of property.---(1) Notwithstanding the provisions of any law for the time being in force, the Court shall have exclusive jurisdiction to entertain and adjudicate upon all claims or objections filed against the freezing of any assets under section 28. Such claims or objections shall be made before the Court within fourteen (14) days from the date of the order freezing such assets.

(2) The Court may, for sufficient cause, extend the time for filing such claims or objections for a period not exceeding an additional fourteen (14) days.

(3) The accused or any other aggrieved party, whose claim or objection against freezing of assets has been dismissed by the Court, may, within ten (10) days file an appeal against such order before the High Court.

29. Transfer of property void.---(1) Notwithstanding anything contained in any other law for the time being in force, after an inquiry or investigation has been initiated into any suspected offence under this Act, alleged to have been committed by an accused, the accused, any of his dependent, relative, associate or a benamidar, shall not transfer by any means whatsoever, or create a charge on any property owned by him or in his possession, while the inquiry, investigation or legal proceedings are pending before the ¹[Directorate General] or the Court, and any transfer of any right, title or interest or creation of a charge on such property shall be void.

(2) Any person who transfers, or creates a charge on assets in contravention of sub-section (1), shall be punishable with rigorous imprisonment for a term which may extend to three (03) years and shall also be liable to a fine not exceeding the value of the assets involved:

Provided that transfer of any right, title or interest or creation of a charge on such assets shall not be void if made with the approval of the Court, subject to such terms and conditions as the Court may deem fit.

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

30. Declaration of properties and liabilities.---(1) When the Director General on the recommendation of the Prosecutor General and the Director of the Investigation Wing, on receipt of information and after making such enquiries, as are required under this Act, is satisfied that any Public Office Holder, or any other person on his behalf, is in possession of pecuniary resources or assets disproportionate to the known sources of income of such public office holder, it may, by order, require such public office holder or other person to furnish in the prescribed manner and within the prescribed time a statement of his property and liabilities and such information relating thereto as may be required by such order.

- (2) If such Public Office Holder or person-
- (a) upon being so required by an order under sub-section (1), fails to furnish the statement or information or furnishes a statement or information which he knows or has reasonable cause to believe to be false or not true in any material particular; or
 - (b) makes in any book, account, record, declaration, return or other document, which he is required by an order under sub-section (1), to furnish, any statement which he knows or has reasonable cause to believe to be false or not true in any material particular;

he shall be punishable with imprisonment for a term which may extend to three (03) years and shall also be liable to fine.

31. Contempt of Court.---The Court shall have the power to punish for contempt of Court with imprisonment for a term which may extend to six (06) months and with fine which may extend to one million rupees any person who:

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order or direction of the Court; or
- (b) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court.

32. Prohibition to hamper investigation.---(1) Notwithstanding anything contained in any other law for the time being in force, if any person concerned with the inquiry, investigation or prosecution of a case consciously, deliberately and with malice compromises, hampers, misleads, jeopardizes or defeats an inquiry or investigation of a suspected offence under this Act under way before the ¹[Directorate General] or any concerned agency or authority or the Court or any other court, he shall be guilty of an offence under this Act punishable with rigorous imprisonment for a term which may extend to ten (10) years.

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

(2) No person shall be proceeded against under this section except with the sanction of a Committee comprising the Director General and the Prosecutor General¹[Deleted].

33. Absconding to avoid service of warrants.---(1) Whoever absconds in order to avoid being served with any process issued by any Court or any other authority or officer under this Act or in any manner prevents, avoids or evades the service on himself of such process or conceals himself to screen himself from the proceedings or punishment under this Act shall be guilty of an offence under this Act punishable with imprisonment which may extend to three (03) years.

(2) It shall not be necessary to file a reference under this section in cases where a reference is pending before the Court.

34. Disqualification to contest elections or to hold public office.---(1) Where an accused is convicted of an offence under section²[24], he shall forthwith cease to hold public office, if any, held by him and shall be deemed to have committed the offence of moral turpitude for purposes of Article 63 of the Constitution of the Islamic Republic of Pakistan.

(2) Any person convicted of an offence under section 23 shall not be allowed to apply for or be granted or allowed any financial facilities in the form of any loan or advances or other financial accommodation by any bank or financial institution owned or controlled by Government for a period of five (5) years from the date of his conviction for such offence.

¹Deleted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

PART -III
INVESTIGATION AND PROSECUTION
CONFERENCE

35. Jurisdiction.---(1) The Director General, may, on complaint or information received or on the recommendation of the Prosecutor General and the Director of the Investigation Wing, as the case may be, order an inquiry or investigation into any incident or an act or omission of a person or accused, that reasonably appears to constitute an offence under this Act ¹[:]

²[Provided that the Directorate General shall exercise its jurisdiction with respect to a project only when it involves an amount of rupees fifty (50) million and above and if, in course of inquiry, it is found that the project is less than fifty (50) million, the matter shall be referred to the Anti-Corruption Establishment for further inquiry and investigation:

Provided further that the inquiry shall be completed within a period of sixty (60) days followed by investigation which shall be completed within ninety (90) days and where before the completion of sixty (60) days, fixed for the inquiry, sufficient evidence has been collected, the inquiry shall be converted into investigation with the approval of the Director General:

Provided further that where the inquiry or investigation is not completed within the required period, the Director General, on the request of the Inquiry Officer, may extend the period of inquiry or investigation for a further period of sixty (60) and ninety (90) days respectively, after giving reasons in writing:

Provided also that the decision shall be made within a period of seven (07) days and reference shall be filed in the Court within a period of seven (07) days.

³[Deleted]

⁴[(1A) The Directorate General shall not take action in matters involving pure procedural lapses ⁵ [and in ongoing scheme of Government from current budget or developmental budget as the case may be]. It shall only monitor the ongoing schemes of Government and intimate the Department about any procedural lapses and recommend corrective measures in such a manner that it shall not affect the running of ongoing projects.]

(2) The Director General, may, on the recommendation of the Prosecutor General and the Director of the Investigation Wing, order that the inquiry or investigation be conducted with the aid or assistance of any other agency of Government or Federal Government.

¹Replaced vide Khyber Pakhtunkhwa Act No. X of 2016

²Added vide Khyber Pakhtunkhwa Act No. X of 2016

³Deleted vide Khyber Pakhtunkhwa Act No. V of 2017

⁴Inserted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

(3) If jurisdiction over the inquiry or investigation of a suspected offence is assumed by an agency of the Federal Government, the Director General shall meet with the relevant officers of such agency and determine whether the ¹[Directorate General] or such agency has proper jurisdiction over the matter; provided that in making such determination, the Director General shall take into regard the following factors:

- (a) the stage of inquiry or investigation being conducted by the ²[Directorate General] at the time of assumption of jurisdiction by Federal agency;
- (b) territorial location from where evidence has been collected during the inquiry or investigation; and
- (c) place of residence of prosecution witnesses who are to testify against the accused.

(4) Following a determination based on the factors mentioned in sub-section (3), the Director General shall make a recommendation to such agency of the Federal Government with regard to exercise of jurisdiction over the matter in the interest of effective prosecution and crime prevention and the decision of the agency of the Federal Government in the matter shall be final and binding.

³(5) Subject to sub-section (2), the Anti-Corruption Establishment established under the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ord. No. XX of 1961), shall in addition to its functions under the Act *ibid*, also act in aid or assistance of the ⁴[Directorate General]:

Provided that where the ⁵[Directorate General] assumed jurisdiction over the inquiry or investigation of a suspected offence, the Anti-Corruption Establishment will have no jurisdiction in the matter and the decision of the ⁶[Directorate General] in the matter shall be final and binding.]

36. Cognizance of offences.---(1) The Court shall not take cognizance of any offence under this Act except on a reference made by the Director General or an officer of the ⁷[Directorate General] duly authorized by him.

(2) A reference under this Act shall be initiated by the ⁸[Directorate General] on:
on:

- (a) a ¹[matter] received from Government or a public office holder; or

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Added vide Khyber Pakhtunkhwa Act No. XXVII of 2014

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

- (b) receipt of a complaint from the general public; or
- (c) of its own accord:

Provided that if the reference is being initiated under sub-clause (b), the identity of the complainant shall be kept confidential and disclosure on the part of an employee of the ² [Directorate General] shall entail disciplinary proceedings against such employee:

Provided further that if the reference is being initiated under sub-clause (c), such reference shall only be valid if made by the Director General ³[under intimation to the Commission].

(3) Where the Director General, or an officer of the ⁴[Directorate General] duly authorized by him, is of the opinion that it is, or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry or investigation.

(4) The responsibility for inquiry into and investigation of an offence alleged to have been committed under this Act shall rest on the ⁵[Court] to the exclusion of any other agency or authority of the Provincial ⁶[Directorate General], unless any such agency or authority is required to do so by the Director General.

(5) The Director General and such members, officers or servants of the ⁷[Directorate General] shall have and exercise, for purposes of an inquiry or investigation, the power to arrest any person ⁸[with the permission of Court], and all the powers of an officer-in-charge of a police station under the Code, and for that purpose may cause the attendance of any person, and if and when the assistance of any agency, police officer or any other official or agency, as the case may be, is sought by the ⁹[Directorate General], such official or agency shall render such assistance:

Provided that no person shall be arrested without the permission of the ¹⁰[Court].

(6) Any inquiry or investigation carried out under this Act shall be completed within a period of ninety (90) days from the date the ¹¹[matter is referred] for such inquiry or investigation was made, failing which reasons for any delay shall be recorded in writing and presented to the ¹²[Directorate General] through the office of Director of Internal Monitoring and Public Complaints Wing.

¹Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁸Inserted vide Khyber Pakhtunkhwa Act No. V of 2017

⁹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

¹¹Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

¹²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

(7) For the purposes of carrying out an inquiry or investigation regarding a suspected offence under this Act, the duly authorized officers and employees of the ¹[Directorate General] shall have, throughout the Province, such powers relating to search, arrest of persons and seizure of assets as the officers of a Provincial Police have in relation to the investigation of offences under the Code.

²**[36A. Inquiry, investigation or proceedings in respect of imprudent bank loans, etc.---** Notwithstanding anything contained in this Act or any other law for the time being in force, no inquiry, investigation or proceedings in respect of imprudent loans, defaulted loans or rescheduled loans shall be initiated or conducted by the Commission against any person, company or financial institution without reference from Governor, State Bank of Pakistan.]

37. Prosecution conference.---(1) Upon completion of the inquiry or investigation there shall be scheduled a prosecution conference, ³[presided by the Director General,] to be attended by the relevant investigation officers and Special Prosecutors assigned to the matter, to determine if charges should be framed and the matter referred to the Court for initiation of legal proceedings against the accused.

(2) The investigation officers and Special Prosecutors shall appraise the material and evidence collected and shall prepare a joint report for the Director General with a recommendation supporting the filing of a reference before the Court or opposing the filing of a reference or proposing further investigation; provided that in case of lack of consensus, the investigation officers and Special Prosecutors shall make independent recommendations that shall be presented to the Director General for further action.

(3) If it is recommended upon conclusion of the prosecution conference that material evidence collected is insufficient to make out a prima facie case and further investigation is inadvisable in view of the facts of the case, the Director General may order further investigation or close the investigation and seek the release of the accused from Court, if in custody.

(4) If a complaint is investigated by the ⁴[Directorate General] and it is concluded at the prosecution conference that the complaint was prima facie frivolous or has been filed with the intent to harass, malign or defame any person, the duly authorized officer of the ⁵[Directorate General] may file charges against the complainant, and the complainant, complainant, if found guilty by the Court, shall be punishable with imprisonment for a term which may extend to one (01) year, or with fine, or with both.

38. Arrest.---(1) The Director General, or an officer of the ⁶[Directorate General] duly authorized by him, ⁷[with previous permission of the Court] shall have the power, to direct

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Inserted vide Khyber Pakhtunkhwa Act No. V of 2017

³Inserted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁵Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Inserted vide Khyber Pakhtunkhwa Act No. V of 2017

that an accused may be arrested, if such arrest is necessary to facilitate effective investigation or if the accused refuses to join the investigation.

(2) If the Director General, or an officer of the ¹[Directorate General] duly authorized by him, decides to refer the case to the Court, such reference shall contain the substance of the offence or offences alleged to have been committed by the accused and ²[Deleted] reference shall be filed with the Court ³[Deleted], and another copy shall be delivered to the accused.

(3) The provision of sub-section (1), shall also apply to cases that have already been referred to the Court.

(4) Notwithstanding anything contained in the Code, where a public office holder or any other person accused of an offence under this Act is arrested by order of the ⁴[Court], ⁴[Court], the ⁵[Directorate General] shall, as soon as may be, inform him of the grounds and substance on the basis of which he has been arrested and produce him before the Court within a period of twenty-four (24) hours from arrest, excluding the time necessary for the journey from the place of arrest to the Court, and the accused shall, having regard to the facts and circumstances of the case, be liable to be detained in the custody of the ⁶[Directorate General] for the purpose of inquiry or investigation for a period not exceeding forty-five (45) days and the Court may remand an accused to custody not exceeding fifteen (15) days at a time and for every subsequent remand, the Court shall record reasons in writing for the grant and extension of such remand.

⁷(5) Government may, declare any place to be a police station for the purposes of this Act, in terms of clause (s) of sub-section (1) of section 4 of the Code:

Provided that in exigencies, which requires immediate action, the Director General, or an officer duly authorized by him, may declare and notify any place to be a police station or a sub-jail, for the purpose of arrest or efficient investigation, in the interest of justice:

Provided further that the places under this sub-section shall not be symbol of prestige and authority of other state institutions.]

PART -IV **TRIAL**

39. Jurisdiction over trial.---Notwithstanding anything contained in section 41 of this Act, if, in respect of any case related to an offence triable under this Act, the Director General, or an officer of the ⁸[Directorate General] duly authorized by him, files a reference

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Deleted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

³Deleted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁴Substituted vide Khyber Pakhtunkhwa Act No. V of 2017

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁶Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁷Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁸Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

before a Court established anywhere in the Province, such Court shall have the jurisdiction to try the same.

40. Policy objectives for trial of offences.---The trial for any offence suspected to have been committed under this Act shall be carried out keeping in mind the following policy objectives:

- (a) that the accused has the right to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- (b) that the accused has the right to adequate time for the preparation of his defence;
- (c) that the accused has the right to defend himself in person or through a pleader of his own ¹[choice], or if he does not have sufficient means to pay for legal representation, to be given the same for free where the interests of justice so requires;
- (d) that the accused has the right to be heard by the Court, for the purposes of the trial against the accused; and
- (e) that the accused has the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

41. Ehtesab Courts.--- (1) Within thirty (30) days of the commencement of this Act, Government shall take necessary steps to establish as many Ehtesab Courts as may be necessary to ensure expeditious trial of offenses under this Act with territorial areas as specified by the Peshawar High Court and dispensation of justice within prescribed time as specified by the National Judicial Policy from time to time and in relation to each offence committed in an area of the Province shall be tried by the Court exercising territorial jurisdiction in relation to such area.

(2) Where more Courts than one have been established in any area, the Peshawar High Court shall designate a Judge of any such Court to be an Administrative Judge and a case triable under this Act shall be filed before the Court of the Administrative Judge who may either hear the case himself or assign it for trial by any Court established at that place at any time prior to the framing of the charge.

(3) In respect of a case assigned to a Court under sub-section (2), all orders made or proceedings taken before the assignment shall be deemed to have been made or taken by the Court to which the case has been assigned.

¹Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

(4) Where the number of references filed or cases pending before a Court exceeds fifty (50), Government shall immediately establish a new Court and provide it all related facilities to ensure dispensation of justice within prescribed time schedules and each new Court shall sit at such place as Government may, in consultation with the Peshawar High Court, specify.

(5) A Court shall consist of a Judge, being a person who is a District and Sessions Judge or a Senior Additional District and Sessions Judge.

(6) Government shall, after consultation with the Peshawar High Court, appoint a Judge of each Court.

(7) A Judge shall hold office unless he sooner resigns or is transferred to another Court upon direction of the Peshawar High Court or is removed from office in accordance with sub-section (8) below.

(8) A Judge shall not be removed from office unless, on information from any source, the Administrative Committee of Peshawar High Court conducts an inquiry and concludes that the Judge may be incapable of properly performing the duties of his office by reason of physical or mental incapacity or may have been guilty of misconduct:

Provided that no Judge shall ¹[Deleted] be removed from office without affording him the right to be heard.

²[(9) The Administrative Judge of the Court may when he himself is unavoidably absent or on leave or incapable of acting, confer his duties of urgent nature to the next senior judge of Court:

Provided that if all judges of Court are unavoidably absent or on leave or incapable of acting, the Administrative Judge of Court may confer duties of urgent nature to Sessions Judge having territorial jurisdiction.]

³[**42. Procedure for trial.**---(1) Notwithstanding anything contained in any other law for the time being in force, each matter brought before the Court under this Act, shall be disposed of within three (03) months from the date of reference being made.

(2) After framing of charge for the trial of an accused, the Court shall hear the case on day to day basis.

(3) Notwithstanding anything contained in any other law for the time being in force, unless there is anything inconsistent with the provisions of this Act, the provisions of the Code, shall mutatis mutandis, apply to all the proceedings under this Act.

¹Deleted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Added vide Khyber Pakhtunkhwa Act No. XXXI of 2015

³Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

(4) Subject to the provisions of this Act, Chapter XXII-A of the Code shall apply to trials under this Act.

(5) Notwithstanding anything contained in this Act, or in any law for the time being in force, the Court may, for reasons to be recorded, follow such procedure as it may deem fit in the circumstances of the case.

(6) The Court shall not grant any party more than one adjournment during the pendency of a matter from the filing of reference till its disposal.

(7) It shall be the responsibility of the ¹[Directorate General] and the accused to arrange legal representation and presence of its attorney or pleader on each hearing, failing which the Court shall proceed in the absence of an attorney or pleader:

Provided that under no circumstances shall the Court grant adjournment of more than seven (07) days:

Provided further that once fixed the date for commencement of trial shall not be altered and during trial the Court shall not grant adjournment of more than seven (07) days.

(8) A person accused of more offences than one of the same kind committed during the space of any number of years, from the first to the last of such offences, may be charged with and tried at one trial for any number of such offences.]

43. Presumption against accused accepting gratification.---(1) Where in any trial of an offence under clauses (a), (b), (c) and (d) of sub-section (1) of section 23, it is proved that an accused has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person any gratification, other than legal remuneration, or any valuable thing, or any pecuniary advantage from a person or any agent of a person, for any favor shown or promised to be shown by the accused, it shall be presumed, unless the contrary is proved, that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification or that valuable thing or pecuniary advantage for himself or some other person, as the case may be, as a motive or reward such as is specified in sections 161, 162 and 163 of the Penal Code or, as the case may be, without consideration, or for a consideration which he believed to be inadequate.

(2) Where in any trial of an offence punishable under section 165A of the Penal Code, it is proved that any gratification, other than legal remuneration or any valuable thing has been given, or offered to be given, or attempted to be given, by any accused, it shall be presumed, unless the contrary is proved, that he gave or offered to give, or attempted to give that gratification or that valuable thing, as the case may be, as a motive or a reward such as is specified in sections 161, 162 and 163 of the Penal Code or, as the case may be, without consideration or for a consideration which he believed to be inadequate.

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

(3) In any trial of an offence punishable under clause (e) of sub-section (1) of section 23, the fact that the accused or any other person on his behalf is in possession of assets or pecuniary resources disproportionate to his known source of income, or that such person has, at or about the time of the commission of the offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, the Court shall presume, unless the contrary is proved, that the accused is guilty of the offence of corruption and corrupt practices and his conviction therefore shall not be invalid by reason only that it is based solely on such a presumption.

44. Appeal.---(1) Any person convicted or the Prosecutor General, if so directed by the Director General, aggrieved by the final judgment and order of the Court under this Act may, within twenty (20) days of the final judgment and order of the Court prefer an appeal to the Peshawar High Court:

Provided that no appeal ¹[or revision] shall lie against any interlocutory order of the Court.

(2) All appeals against the final judgment filed before the Peshawar High Court shall be heard by a Judge, designated as the Ehtesab Judge by the Peshawar High Court, and shall be finally disposed of no later than sixty (60) days of the filing of the appeal:

²[Provided that where a person is honourably acquitted by the final Court of appeal, he may be fully compensated.]

45. Accused to be competent witness.---An accused shall be a competent witness for ³[his defence] and may give evidence on oath in disproof of the charges made against him:

Provided that the accused shall not be compelled to be a witness against himself:

Provided further that where an accused appears as a witness ⁴[on his choice] and refuses to answer any question, the Court may draw such adverse inference from such refusal as it may think proper.

46. False evidence.---(1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, on pronouncement of judgment after a trial for an offence committed under this Act, the Court shall have the jurisdiction and power to take cognizance of an offence committed in the course of inquiry, investigation or trial of a case by any officer, or any witness, including an expert, who has tendered false evidence in the case, whether he deposed in Court or not, or any other person, under sections 176 to 182 or sections 191 to 204, or sections 211 to 223, or section 225A of the Penal Code, or under any other law for the time being in force, related to false evidence and offences against public justice, and to summarily try him and award punishment provided for the offence under the law.

¹Inserted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

⁴Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

(2) For the purposes of trial under sub-section (1), the Court may, as nearly as may be, follow the procedure specified in Chapter XXII of the Code.

(3) The proceedings under sub-section (1), may be initiated by the Court on its own accord at any time after the decision of the trial for an offence committed under this Act or, in the event that there is an appeal, after the decision thereof, or on an application made by the prosecution or the accused tried by the Court, within a period of thirty (30) days.

47. Withdrawal from prosecution.---The Prosecutor General may, with the consent of the Court, in the interests of justice for reason of insufficient evidence, withdraw from the prosecution of any accused generally or in respect of any one or more of the offences for which he is tried and upon such withdrawal:

- (a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences; and
- (b) if it is made after a charge has been framed, he shall be acquitted in respect of such offence or offences, as the case may be.

48. Protection of witnesses.---The Director General or the Court may, given the facts and circumstances of a case, take such measures as may be considered necessary for the safety, security and protection of witnesses and their families.

49. Favorable sentencing.---Where at any time after the authorization of investigation, before or after the commencement of the trial or during the pendency of an appeal, the accused offers to return to the ¹[Directorate General] the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Act, the Court may, after taking into consideration the facts and circumstances of the case, look favorably upon such return at the time of sentencing or pronouncement of judgment.

PART -V **MISCELLANEOUS**

²**[50. Power to make rules.**---Government may, by notification in the official Gazette, make rules not in consistent with the provisions of this Act, within 15 days of notification of this Act in the official Gazette.]

³**[51. Power to make regulations.**---The Commission may, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and rules made thereunder, within one month of notification of rules in the official Gazette.]

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

52. Delegation of powers.---The Director General may, by an order in writing, delegate any of his powers to and authorize performance of any of his functions by an officer of the ¹[Directorate General] as may be prescribed.

53. Indemnity.---No suit, prosecution, or any other proceedings shall lie against the Government, the Commissioners, Director General or any other member, officer or staff of the ²[Directorate General] or any person exercising any power or performing any function under this Act or the rules made hereunder for any act or thing which has been done in good faith or intended to be done under this Act or the rules thereof.

Explanation: The word “good faith” shall have the same meaning as given to it in section 52 of the Penal Code.

54. Commissioners, Offices and employees deemed to be public servants.--- Every Commissioner, officer and employee of the ³[Directorate General] including the Director General and Directors shall be deemed to be a public servant within the meaning of section 21 of the Penal Code and shall be subject to all the relevant provisions of sections 161 to 169 of the Penal Code.

55. Removal of difficulties.---If any difficulty arises in giving effect to any provision of this Act, the Commission may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty within one (1) year.

56. Harmonious interpretation with other laws.---An effort shall be made to interpret this Act harmoniously with other Federal laws on the subject; provided that in the event of a conflict between this Act and a Federal law, the provisions of the Federal law shall prevail.

⁴[57. Deleted]

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Deleted vide Khyber Pakhtunkhwa Act No. XXVII of 2014

SCHEDULE

PUNISHMENT FOR OFFENCES

[See section 24(2)]

S.No.	Offence.	Punishment.
1.	Any person who refuses to answer questions, or to provide information to any ¹ [officers of the ² [Directorate General]] or any other agency when required to do so.	Rigorous imprisonment for a term which may extend to five (05) years.
2.	Giving false information or fabricating false evidence during inquiry into or investigation of an offence by the ³ [Directorate General] or any agency authorized by the ⁴ [Directorate General] in this regard when given by: (a) a complainant, witness or an accused or any inquiry officer; and (b) the investigator of the ⁵ [Directorate General] or concerned agency.	Rigorous imprisonment for a term which may extend to five (05) years. Rigorous imprisonment for a term which may extend to ten (10) years.
3.	Misuse of authority or power in committing any offence specified above, by a public office holder including any offence under sections 161 to 165A of the Penal Code.	Rigorous imprisonment for a term which may extend to fourteen (14) years.

¹Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2015

²Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁴Substituted vide Khyber Pakhtunkhwa Act No. X of 2016

⁵Substituted vide Khyber Pakhtunkhwa Act No. X of 2016