

Procedure Provided in ACE, Rules 2014

The procedure provided in these rules is as under:-

1) Complaints: (Rule 5)

Complaints against Public Servants are received by the ACE from the Heads of Government Departments, general public and other reliable sources.

2) Enquiry: (Rule 5)

Deputy Director ACE Punjab or an officer above his rank can initiate preliminary enquiry in order to ascertain the identity of the complainant or informer and genuineness of the complaint/ information. However, the enquiry against Secretaries to the Provincial Government, Heads of Attached Departments and other officers of BPS-20 and above, are initiated by the Director General with the prior permission of the Chief Minister Punjab. If the above mentioned officers are in BPS-19, such permission is accorded by the Chief Secretary Punjab.

3) Registration of cases: (Rule 6)

If the inquiry prima facie establishes the allegations, criminal case is registered by the Establishment under Prevention of Corruption Act 1947 and under relevant provisions of the Pakistan Penal Code mentioned in the schedule under the written orders of officers of ACE, as mentioned below:-

Deputy Director	Public Servants upto BS-16
Director Region	Public Servants upto BS-18
Director General	Public Servants upto BS-19 & above

However, no case is registered by the Director General against public servants of the status of Secretary to Provincial Government, Heads of Attached Departments and other officers of BPS- 20 and above, without the prior permission of the Chief Minister Punjab. For the public servants mentioned above, who are in BPS-19, such permission is accorded by the Chief Secretary Punjab.

4) Dropping of cases or recommending Departmental Action (Rule 10)

Following procedure shall be followed for dropping of a case or recommending departmental action:-

i) On completion of investigation if allegations are not established, the case shall be dropped and intimation to this effect shall be sent to the authority of Department of the concerned public servant

ii) If after investigation it is found that prosecution is not called for but sufficient material is available on record for departmental action, the Establishment shall move the departmental authorities for departmental proceedings against the concerned public servant under disciplinary laws/rules.

iii) The following Authorities decide about dropping or Departmental Action of cases:-

- a) Directors Region in case of public servants up to BS-17
- b) Director General in cases of public servants upto BS-18
- c) Chief Secretary Punjab in cases of officers in BS-19 & 20 except those mentioned in clause (d) below; and
- d) The Chief Minister Punjab, in cases involving DCOs, Administrative Secretaries and officers in BPS- 21 & above

iv) In cases where judicial action is approved, the cases are challaned to the Anti Corruption Courts for trial.

5) Arrests (Rule 7)

The accused public servant can be arrested if his arrest becomes unavoidable during investigation, except in the following cases where permission would be required by the authority specified:-

- a. Officers in BS 18 and 19 Additional Chief Secretary
DCOs & Secretaries to
- b. Govt./Heads of attached Chief Secretary
Departments & Officers in
BS-20 & above.

6) Trap Raids: (Rule 9)

A trap raid can be arranged by the Establishment under the supervision of a Magistrate, to catch any public servant while committing an offence under the Anti Corruption Laws. No prior permission shall be required for registration of a case and arrest of public servant caught as a result of a trap raid.

7) Supervisory Jurisdiction (Rule 15)

a) In order to keep a check on the exercise of powers by ACE Officers, Chief Minister, Chief Secretary and the Director General have been authorized under rule 19 of the Punjab ACE Rules, 1985, suo- moto or otherwise to call for the record of any enquiry or investigation, pending or decided and examine the same in order to satisfy themselves about the correctness or propriety of the proceedings or the decision taken by any subordinate authority under the rules and to issue such direction as deemed fit in each case.

b) The Additional Chief Secretary, Punjab being Administrative Secretary reviews the performance of ACE Punjab on quarterly, half yearly and yearly basis, which covers all the areas of performance including Financial and Administrative matters.