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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 31st May, 1997

No. F. 9(32)/97-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 31st May, 1997, is hereby published for general information:—

ACT NO. IX OF 1997

An Act to eradicate corruption and corrupt practices from public offices

Whereas it is expedient to provide for eradication of corruption and corrupt practices from the public offices and to provide for effective measures for prosecution and speedy disposal of cases involving corruption and corrupt practices and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:—

1. Short title, application and commencement.—(1) This Act may be called the Ehtesab Act, 1997.

(1071)

Price : Ps. 20.50

[915(97) Ex. Gaz.]

(2) It shall apply to the holders of public offices since the sixth day of November, 1990.

(3) It shall come into force at once.

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

- (a) "accused" shall include a person in respect of whom information under sub-section (1) of section 16 shall be deemed to have been recorded;
- (b) "appropriate Government" means in relation to any person serving in connection with the affairs of the Federation including any person employed by a corporation, body, bank, financial institution, undertaking or other organization set up, controlled or administered by, or under the authority of the Federal Government the said Government, and in other cases the Provincial Government concerned;
- (c) "Chairman of the Ehtesab Cell" means a person either holding a full time salaried post as such, or a part time post with no entitlement to salary or allowances, whose name is notified hereunder with the authority to appoint members of the Ehtesab Cell;
- (d) "Chief Ehtesab Commissioner" means the Chief Ehtesab Commissioner appointed under section 13 and includes the person for the time being acting as Chief Ehtesab Commissioner;
- (e) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (f) "Court" means a Bench of one or more Judges of the High Court nominated by the Chief Justice of the High Court;
- (g) "Ehtesab Cell" means a Cell set up by the Federal Government for the

purpose of investigation and enquiry of offences under this Act;

- (h) "freezing" includes attachment, sealing, prohibition, holding, controlling or managing any property, either through a receiver or otherwise, and in the case of property being livestock or perishable goods, the disposal thereof;

- (i) "holder of a public office" means a person who-

(i) has been the President or the Governor of a Province;

(ii) is, or has been, the Prime Minister, Chairman Senate, Speaker National Assembly, Deputy Chairman Senate, Deputy Speaker National Assembly, Federal Minister, Minister of State, Attorney-General and other Law Officer appointed under the Central Law Officers Ordinance, 1970 (VII of 1970), Advisor to the Prime Minister, Special Assistant to the Prime Minister, Federal Parliamentary Secretary, Member of Parliament, Auditor-General, Political Secretary, Advisor or Consultant to the Prime Minister, and the holder of a post or office with the rank or status of a Federal Minister or Minister of State;

(iii) is, or has been, the Chief Minister, Speaker Provincial Assembly, Deputy Speaker Provincial Assembly, Provincial Minister, Advisor to the Chief Minister, Special Assistant to the Chief Minister, Provincial Parliamentary Secretary, Member of the Provincial Assembly, Advocate-General, including Additional Advocate-General and Assistant Advocate-General, Political Secretary, Advisor or Consultant to the Chief Minister, and the holder of a post or office with the rank or status of a Provincial Minister ;

- (iv) is holding, or has held, an office or post in Basic Pay Scale 18 or above in the service of Pakistan, or any service in connection with the affairs of the Federation, or of a Province, or of a local council constituted under any Federal or Provincial law relating to the constitution of local councils, or in the equivalent pay scale of management in corporations, banks, financial institutions, firms, concerns, undertakings or any other institution or organization established, controlled or administered by or under the Federal Government or a Provincial Government, other than a person who is a member of the armed forces, or for the time being is subject to any law relating to any of the said forces except a person who is, or has been a member of the said forces and is holding, or has held an equivalent post or office in any public corporation, bank, financial institution, undertaking or other organization established, controlled or administered by or under the Federal Government or a Provincial Government;
- (v) is holding or has held an office or post in Basic Pay Scale 17 or below of the nature specified in sub-clause (iv) and is involved in an offence committed by a person or persons falling within sub-clauses (i) to (iv); and
- (vi) is, or has been, the Chairman or Vice-Chairman of a zila council, a municipal committee, a municipal corporation or a metropolitan corporation constituted under any Federal or

Provincial law relating to local councils.

Explanation.- For the purpose of this sub-clause the expressions "Chairman" and "Vice-Chairman" shall include a Mayor and a Deputy Mayor, as the case may be;

- (j) "offence" means the offence of corruption and corrupt practices;
- (k) "property" includes any or all moveable and immovable properties, situated within or outside Pakistan; and
- (l) "rigging of an election" means the carrying out, on a large and systematic scale, of mala fide and fraudulent actions, in violation of law, with the intention of defeating the intention of the electorate.

3. **Corruption and corrupt practices.**- (1) A holder of a public office, or any other person covered hereby, is said to commit the offence of corruption and corrupt practices -

- (a) if he accepts or obtains from any person any gratification, other than legal remuneration, as a motive or reward such as is specified in section 161 of the Pakistan Penal Code (Act XLV of 1860), for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person; or
- (b) if he accepts or obtains 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 to be likely to be, concerned in any proceeding 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) if he 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, as a holder of a public office or wilfully allows any other person so to do; or

(d) if he, by corrupt, dishonest, or illegal means, in abuse of his position as a holder of public office, obtains or seeks for himself, or for his spouse or dependents any property, valuable thing or pecuniary advantage; or

(e) if he or any of his dependents or benamidars own, possess, or have any right or title in any movable or immovable property or pecuniary resources, disproportionate to his known sources of income, which he cannot reasonably account for; or

(f) if he commits, or causes, or is involved in the rigging of an election.

(2) All offences under this Act shall be non-bailable and, notwithstanding anything contained in sections 497, 498 and 561A or any other provision of the Code, or any other law for the time being in force, no court other than the Court defined in clause (f) of section 2 shall have jurisdiction to grant bail.

(3) A holder of a public office or any other person accused of an offence under this Act shall not be released on bail by the Court if there appear reasonable grounds for believing that he has been guilty of such an offence.

(4) Where a holder of a public office or any other person accused of an offence under this Act is released on bail, the amount of bail shall be fixed having regard

to the gravity of the charge against such person and, where the charge specifies any amount in respect of which the offence is alleged to have been committed, shall not be less than the said amount.

Provided that the Court may direct that the amount be deposited in Court.

(5) No court shall release an accused person on bail unless the Chief Ehtesab Commissioner and the prescribed law officer have been given notice of the bail application and been given an opportunity of being heard.

Explanation.- In this sub-section, "prescribed law officer" means -

- (a) in relation to an application before the court, the Advocate General; and
- (b) in relation to an application before the Supreme Court of Pakistan, the Attorney-General.

4. **Punishment for corruption and corrupt practices.-** (1) A person who commits the offence of corruption and corrupt practices shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both, and such of the moveable or immoveable property of such person, whether in his name or in the name of any of his dependents or benamidars obtained through such an offence during the tenure of his office, shall be liable to be forfeited to the appropriate Government:

Provided that, where any person is convicted for an offence under clause (c) of section 3, the property, including bank deposits, found to be disproportionate to the known sources of his income shall be forfeited to the appropriate Government.

(2) A person giving illegal gratification, or abetting, assisting or aiding a holder of a public office, or receiving or holding any property obtained or acquired by a holder of public office through corruption or corrupt practices, or being a beneficiary of any asset, property or gain obtained through corruption or corrupt practices shall fall within the

scope of this section and shall be liable to the same or a lesser punishment than may be awarded to a holder of a public office as may be deemed fit by the Court.

5. **Imposition of fine.**- Where a person found guilty of an offence is sentenced to pay a fine, irrespective of whether or not a sentence of imprisonment is imposed, the amount of the fine shall in no case be less than the gain derived by the accused.

6. **Power of the Court to freeze property.**- (1) The Court trying a holder of a public office for an offence under this Act may, at any time, if there appear reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property, movable or immovable, or any part thereof, whether in his possession or in the possession of any person on his behalf.

(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 a 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 methods as the Court may think fit.

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

- (a) by taking possession; or
- (b) by appointment of a receiver; or
- (c) by prohibiting the payment of rent or delivery of property to the accused or to anyone on his behalf; or

(d) by all or any of such methods as the Court may deem fit.

(4) If the property ordered to be frozen consists of livestock or is of a perishable nature, the Court may, if it thinks expedient, order the immediate sale thereof and in such a case the proceeds of the sale may be invested in such Government securities or Government sponsored saving schemes as the Court may direct.

(5) The powers, duties and liabilities of a receiver 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).

7. Claim or objection against freezing.- (1) All claims or objections against the freezing of any property under section 6 shall be made within thirty days from the date of the order freezing such property:

Provided that, where a person satisfies the Court that he had sufficient cause for not making the claim or objection within such period, the Court may admit such claim or objection, as the case may be, after that period:

Provided further that any claim or objection made within the period allowed under this sub-section may, in the event of the death of a claimant or objector, be continued by his legal representative.

(2) The Court may, after such enquiry as it may deem fit, allow or disallow any claim or objection, in whole or in part and pass the appropriate order thereon.

(3) Any person aggrieved by an order passed under this section may prefer an appeal against such order to the Supreme Court within thirty days.

8. Presumption against holder of public office accepting illegal gratification.- (1) Where in any trial of an offence punishable under sections 161 to 165 of the Pakistan Penal Code (Act XLV of 1860), it is proved that an accused person 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 favour 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 a reward such as is specified in sections 161 to 163 of the said 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 Pakistan Code (Act XLV of 1860), 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 person, 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 to 163 of the said Code, or, as the case may be, without consideration or for a consideration which he believed to be inadequate.

(3) In any trial of an offence punishable under this Act, the fact that the accused person or any other person on his behalf, is in possession, for which the accused person cannot satisfactorily account, of property or pecuniary resources disproportionate to his known sources 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 person is guilty of the offence of corruption and corrupt practices and his conviction therefor shall not be invalid by reason only that it

is based solely on such a presumption.

9. **Disqualification to contest elections.**- (1) Subject to sub-section (2), where a holder of a public office is convicted for the offence of corruption and corrupt practices and sentenced to a term of imprisonment for a term of not less than two years, he shall stand disqualified from being elected or chosen as and from being a member of the Majlis-e-Shoora (Parliament), or the Provincial Assembly, as the case may be, for a period of five years reckoned from the date when he is released.

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.

10. **Trial of offences** .- (1) Subject to the provisions of sub-section (2), and notwithstanding anything contained in any other law for time being in force, no person shall be prosecuted for the offence of corruption and corrupt practices by the Chief Ehtesab Commissioner save and except before a Bench of the High Court defined in clause (f) of section 2 and the case shall be heard from day to day and disposed of within sixty days.

(2) Where more Benches than one have been constituted in a High Court, the cases referred to the High Court shall be assigned to various Benches by the Chief Justice of the High Court.

Explanation.-In this section, "High Court" means the High Court within the local limits of whose jurisdiction the offence is alleged to have been committed.

11. **Disciplinary action may continue.**- Where the holder of a public office is a person specified in sub-clause (iv) or sub-clause (v) of clause (i) of section 2, nothing

contained in this Act shall prevent the appropriate Government from taking disciplinary action against him.

12. **Provisions of the Code to apply, etc.** (1) 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 of Criminal Procedure, 1898 (Act V of 1898), shall, *mutatis mutandis*, apply to the proceedings under this Act.

(2) Subject to sub-section (1), the provisions of Chapter XXIIA of the Code shall apply to trials under this Act.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) or in any law for the time being in force, the Court may, for reasons to be recorded, dispense with any provision of the Code and follow such procedure as it may deem fit in the circumstances of the case.

13. **Chief Ehtesab Commissioner.** (1) There shall be a Chief Ehtesab Commissioner to be appointed for a term of four years by the Federal Government after consultation with the Leader of the Opposition in the National Assembly and the Chief Justice of Pakistan for purposes of inquiries, investigation and prosecution of the offences under this Act.

(2) The Chief Ehtesab Commissioner shall be a person who is, or has been, a Judge of the Supreme Court of Pakistan and shall not be eligible for any extension of tenure or for re-appointment.

(3) The Chief Ehtesab Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold office, and nor he shall be eligible either during the tenure of his office or for a period of two years thereafter for election as a member of Majlis-e-Shoora (Parliament) or a Provincial

Assembly or any local body or to take part in any political activity.

(4) The Chief Ehtesab Commissioner may resign from office by means of a writing under his hand addressed to the Federal Government.

(5) The Chief Ehtesab Commissioner shall be entitled to the same salary and privileges as a Judge of the Supreme Court of Pakistan.

(6) The Chief Ehtesab Commissioner may be removed from office on the ground of misconduct or being incapable of performing the duties of his office in the manner specified in Article 209 of the Constitution.

(7) Where the Chief Ehtesab Commissioner is appointed from amongst sitting Judges of the Supreme Court, on his resignation from office or on relinquishment of his office for any other reason, other than his removal under sub-section (6), he shall resume office as such Judge, if in the meantime he has not attained the age of sixty-five years.

14. **Acting Chief Ehtesab Commissioner.**- At any time when the Chief Ehtesab Commissioner is absent or unable to perform the functions of his office due to any other cause the Federal Government shall, after consultation with the Chief Justice of Pakistan, appoint a person who is, or has been, a Judge of the Supreme Court or a High Court to act as Chief Ehtesab Commissioner.

15. **Cognizance of offences, etc.**- (1) The Court shall not take cognizance of an offence under this Act except on a reference made by the Chief Ehtesab Commissioner.

(2) A reference under this Act may be initiated by the Chief Ehtesab Commissioner on -

- (i) a reference received from the appropriate Government; or
- (ii) receipt of a complaint; or
- (iii) his own accord.

(3) Where the Chief Ehtesab Commissioner is of the opinion that it may be

necessary to initiate proceedings on a reference, complaint or on his own accord, as the case may be, he shall refer the matter to the Ehtesab Cell for enquiry and investigation.

(4) The responsibility for enquiring into, or investigating, an offence alleged to have been committed under this Act shall rest on the Ehtesab Cell, to the exclusion of any other agency or authority, and the said Cell shall be required to examine all material, evidence and proof and for this purpose may cause the attendance of any person:

Provided that the Ehtesab Cell may require the assistance of any agency, police officer or other official, if it so deems fit.

(5) The Ehtesab Cell shall complete the enquiry and investigation under this Act within one month or as soon thereafter, as may be feasible.

(6) On the completion of the enquiry and investigation indicating that the matter may require a reference to the Court it shall be the duty of the Ehtesab Cell to communicate to the Chief Ehtesab Commissioner its appraisal of the material and evidence in the form of a reference to him.

(7) In the event that the Chief Ehtesab Commissioner is of the opinion that a complaint received by him is patently mala fide, or has been filed with the intent to malign or defame the holder of a public office, he may refer the matter to the Court and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

16. **Effect of reference, etc.-** (1) Where a reference is made to the Chief Ehtesab Commissioner under sub-section (6) of section 15 such a reference shall be deemed to be an information recorded under section 154 of the Code.

(2) The Chief Ehtesab Commissioner shall have the power to direct that the accused shall be arrested and the case referred to the Court for trial in accordance with law.

The direction given by the Chief Ehtesab Commissioner shall contain the substance of the act of corruption and corrupt practices alleged to have been committed by the accused and a copy of such direction shall be forwarded to the Registrar of the Court having jurisdiction to try the accused and another copy shall be given to the accused on demand.

(3) The provisions of sub-section (2) shall also apply to cases which have already been referred to the Court.

(4) Where the holder of a public office or any other person accused of an offence under this Act is arrested under the orders of the Chief Ehtesab Commissioner, and is produced before a Judicial Magistrate for police custody under section 167 of the Code, such Magistrate may authorize his detention in such custody for a term not exceeding fourteen days as a whole but he shall not be authorised to release him on bail without the consent of the Chief Ehtesab Commissioner.

17. **Voluntary return, etc.**- Where before the commencement of the trial or at any time thereafter with the leave of the Court, the holder of a public office or any other person accused of an offence under this Act voluntarily returns to the Chief Ehtesab Commissioner, the property, assets or gains acquired through corruption or corrupt practices and discloses the full particulars relating thereto, the Court may not proceed with the trial subject to such conditions as to fine or penalty, if any, as may be imposed by the Court and on condition that he resigns from office.

18. **Tender of pardon to accomplice.**- (1) Notwithstanding anything contained in the Code, in the case of an offence punishable under this Act, at any stage of investigation or inquiry, the Chief Ehtesab Commissioner may, with the approval of the Federal Government, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a full or conditional pardon

to such a person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the said offence including the names of the persons involved therein whether as principals or abettors or otherwise.

(2) Every person accepting a tender of pardon under sub-section (1) shall be examined by the Chief Ehtesab Commissioner and shall also be examined as a witness in the subsequent trial.

(3) Subject to sub-section (4), the person to whom pardon has been granted under this section shall not-

- (a) in the case of a full pardon be tried for the offence in respect of which the pardon was granted; and
- (b) in the case of a conditional pardon be awarded a punishment or penalty higher or other than that specified in the grant of pardon notwithstanding the punishment or penalty authorized by law.

(4) Where the Chief Ehtesab Commissioner certifies that in his opinion any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, such a person may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the said matter including the offence of giving false evidence.

(5) Any statement made before the Chief Ehtesab Commissioner or the Court by a person who has accepted a tender of pardon may be given in evidence against him at such trial.

19. **Special Prosecutor.**- The Chief Ehtesab Commissioner may, in consultation with the Ministry of Law and Justice, Government of Pakistan, appoint Special Prosecutors

for conducting the prosecution of cases under this Act.

20. **Powers of the Chief Ehtesab Commissioner to seek assistance.**- (1) The Chief Ehtesab Commissioner shall have the power to seek assistance and call for documents and information relevant to any proceedings pending before him under this Act from any department of the Federal Government or a Provincial Government, local authority, bank, financial institution or any other person or authority and it shall be the duty of such department, local authority, bank, financial institution, person or authority to render such assistance or furnish such document or information as he may require:

Provided that in any case in which a serious question of banking secrecy with wider implications is raised, the Chief Ehtesab Commissioner shall first consult the Federal Government.

(2) Any document or information called for under sub-section (1) shall only be used for purposes of this Act.

21. **Appointment of members of the staff and officers for the Chief Ehtesab Commissioner.**- (1) The members of the staff and officers of the Chief Ehtesab Commissioner shall be appointed by the Federal Government in consultation with the Chief Ehtesab Commissioner.

(2) The members of the staff and officers of the Chief Ehtesab Commissioner shall be entitled to such salary, allowances and other terms and conditions of service as may be determined by the Federal Government.

22. **Power to punish for contempt.**- The Chief Ehtesab Commissioner shall have the same powers, mutatis mutandis, as the Supreme Court has to punish any person for contempt who -

(a) abuses, interferes with, impedes, imperils, or obstructs the process of the Chief Ehtesab Commissioner in any way or disobeys any order of

the Chief Ehtesab Commissioner;

- (b) scandalizes the Chief Ehtesab Commissioner or otherwise does anything which tends to bring the Chief Ehtesab Commissioner, in relation to his office, into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending before the Chief Ehtesab Commissioner;
- (d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comments made in good faith and in the public interest on the working of the Chief Ehtesab Commissioner or any of his staff, or on the report of the Chief Ehtesab Commissioner after the completion of any inquiry or investigation shall not constitute contempt of the Chief Ehtesab Commissioner or his Office.

(2) Any person sentenced under sub-section (1) may, within thirty days of the passing of the order, appeal to the Supreme Court.

23. Accused to be competent witness. Any person charged with an offence punishable under this Act shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged with him at the same trial:

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

Provided further that where an accused appears as a witness out of his own choice and refuses to answer any question, the Court may draw such adverse inference from such refusal as it may think fit.

24. **Complainant to be rewarded, etc.** - (1) Where as a result of a complaint made by a private individual against the holder of a public office under clause (ii) of sub-section (2) of section 15 such holder of a public office is convicted by the Court and his conviction is maintained in appeal, the complainant may be entitled to such reward as may be determined by the Court, or, as the case may be, the Supreme Court:

Provided that where the Court or as the case may be the Supreme Court finds such complaint to be false, mala fide, or is made for any ulterior motive or to provide financial or any other benefit to another person, the complainant shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(2) The Federal Government may lay down guidelines, from time to time, for the grant of a reward to a complainant.

25. **Cognizance of false evidence, etc.** - (1) Notwithstanding anything contained in the preceding provisions or any other law already in force, on pronouncement of judgement, the Court shall have the jurisdiction and power to take cognizance of an offence committed in the course of the investigation or trial of a case by a police officer, a witness, including an expert, who has tendered false evidence in a case relating to a matter covered by his specialty, whether he deposed in court or not, or any other person, under sections 176 to 182 of Chapter X, or sections 191 to 204, or 211 to 223, or 225-A of Chapter XI, of the Pakistan Penal Code (Act XLV of 1860), or under any other law relating to false evidence and offences against public justice, and to summarily try him and award punishment provided for the offence under the law.

(2) For the purpose 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 case or, in the event that there is an

appeal, after the decision thereof, or on an application made by the Special Prosecutor or the person accused of an offence tried by the Court, within ninety days.

26. **Appeal.**- Any person sentenced by the Court under this Act may, within thirty days of the decision or the order, prefer an appeal to the Supreme Court.

27. **Copy of judgement to be given to accused.**- In every case where the accused is convicted of an offence under this Act a copy of the judgement shall be given to him free of cost.

28. **Act to override other laws.**- The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

29. **Protection against retrospective punishment.**- Nothing contained herein shall authorise the punishment of a person for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed and the Court while imposing a penalty, may, if necessary, modify it to such extent as may be necessary.

30. **Rules.**- The Federal Government may, in consultation with the Chief Ehtesab Commissioner, make rules for carrying out the purposes of this Act.

31. **Repeal.**- (1) The Holders of Representative Offices (Punishment for Misconduct) Order, 1977 (P.P.P.O.16 of 1977), the Parliament and Provincial Assemblies (Disqualification for Membership) Order, 1977 (P.P.P.O.17 of 1977), and the Ehtesab Ordinance, 1997 (XX of 1997), are hereby repealed.

(2) Notwithstanding the repeal of the Holders of Representative Offices (Punishment for Misconduct) Order, 1977 (P.P.P.O.16 of 1977), the Parliament and Provincial Assemblies (Disqualification for Membership) Order, 1977 (P.P.P.O.17 of 1977), and the Ehtesab Ordinance, 1997 (XX of 1997),-

- (a) any proceedings pending before the Special Court under the said Orders shall continue as if the said Orders had not been repealed;
- (b) any appointments made under the Ehtesab Ordinance, 1997 (XX of 1997), including specifically that of the Chief Ehtesab Commissioner by the President shall continue for the appointed term; and
- (c) any proceedings pending before a Court under the Ehtesab Ordinance, 1997 (XX of 1997), shall continue under this Act and it shall not be necessary to re-call any witness or once again record any evidence that may have been taken down.

ABDUL QAYYUM KHAN,
Secretary.