



## THE PREVENTION OF CORRUPTION ACT, 1947



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# THE PREVENTION OF CORRUPTION ACT, 1947

## <sup>1</sup>ACT No. II OF 1947

[11th March, 1947]

### An Act for the more effective prevention of bribery and corruption

WHEREAS it is expedient to make effective provision for the prevention of bribery and corruption;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Prevention of Corruption Act, 1947.

<sup>2</sup>[(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan and persons in the service of Government wherever they may be.]

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<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1946, Pt.V, p.374. See also Pakistan Criminal Law Amdt.Act, 1948 (19 of 1948).

The Act has been applied to Baluchistan, see Gazette of India, 1947, Pt.I, p.535.

The Act has been applied to whole of the Province of West Pakistan by the West Pakistan Ordinance 31 of 1958, s.2.

It has been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950).

It has also been amended in its application to the Province of West Pakistan by W.P.Ord.17 of 1960, s.2 (with effect from the 17th May, 1960).

<sup>2</sup>Subs.by the Central Laws (Statute Reform) Ordinance, 1960(21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A.O., 1949.

<sup>3</sup>The original sub-section (3) omitted by the Prevention of Corruption (Amdt.) Act, 1949 (9 of 1950), s.2.

**2. Interpretation.** For the purpose of this Act, “public servant” means a public servant as defined in section 21 of the Pakistan Penal Code ([XLV of 1860](#)) <sup>1</sup>[and includes an employee of any corporation or other body or organization set <sup>2</sup>[controlled or administered by, or under the authority of,] the <sup>3</sup>[Federal Government]].

**3. Offences under sections 161 to 165 of the Penal Code to be cognizable offences.** An offence punishable under Section 161 <sup>4</sup>[, 162, 163, 164, 165 or 165-A] of the Pakistan Penal Code ([XLV of 1860](#)) shall be deemed to be cognizable offence for the purpose of the Code of Criminal Procedure, 1898 ([V of 1898](#)), notwithstanding anything to the contrary contained therein:

5\*           \*                   \*                   \*                   \*                   \*

<sup>6</sup>[**4. Presumption where public servant accepts gratification other than legal remuneration.**—(1) Where in any trial of an offence punishable under section 161 or section 165 of the Pakistan Penal Code ([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 from any person, 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, as the case may be, as a motive or reward such as is mentioned in the said section 161 or, as the case may be, without consideration or for a consideration which he knows to be inadequate:

5\*                   \*                   \*                   \*                   \*                   \*

<sup>7</sup>[(2) Where in any trial of an offence punishable under section 165A of the Pakistan Penal 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 reward such as is mentioned in section 161 of the said Code, or, as the case may be, without consideration or for a consideration which he knew to be inadequate.

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<sup>1</sup> Added by the Anti-Corruption Laws amendment Act, 1965 (12 of 1965), s.2 and Sch.

<sup>2</sup> Subs. by the Prevention of Corruption Laws (Amendment) Act, 1977 (13 of 1977), s.2 and Sch. for “by”.

<sup>3</sup> Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government”.

<sup>4</sup> Subs. by the Criminal law Amended Act, 1953 (37 of 1953), s.5, for “or section 165.

<sup>5</sup> Proviso omitted *ibid.*, s. 5.

<sup>6</sup> Section 4 re-numbered as sub-section (1) of that section, *ibid.*, s.5.

<sup>7</sup> Sub-sections (2) and (3) added *ibid.*, s.5.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Court may decline to draw the presumption referred to in either of the said sub-sections if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.]

**5. Criminal misconduct.**— (1) A public servant is said to commit the offence of criminal misconduct <sup>1</sup>\* \* \*

- (a) if he <sup>2</sup>\* accepts or obtains, or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Pakistan Penal Code ([XLV of 1860](#)), or
- (b) if he <sup>2</sup>\* accepts or obtain or agrees to accept or attempts to obtain for himself or for any other person, 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, 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 the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he is subordinate, 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 any property entrusted to him or under his control as a public servant or allows any other person so to do, or
- (d) if he, by corrupt or illegal means, or by otherwise abusing his position as public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage <sup>3</sup>[, or]
- <sup>4</sup>[(e) If he, or any of his dependants, is in possession, for which the public servant cannot reasonably account of pecuniary resources or of property disproportionate to his known sources of income.

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<sup>1</sup> The words “in the discharge of his duty” omitted by the Prevention of Corruption (Amdt.) Act, 1949 (9 of 1950), s.3.

<sup>2</sup> The word “habitually” omitted, *ibid.*

<sup>3</sup> Subs. by the Anti-Corruption Laws Act, 1965 (12 of 1965), s.2 and Sch., for full stop.

<sup>4</sup> Added *ibid.*