

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, জানুয়ারি ১৫, ২০১৮

**Government of the People's Republic of Bangladesh
Cabinet Division
NOTIFICATION**

Dated: 07-01-2018

S. R. O. No-21-Law/2018.—In exercise of the powers conferred by section 37 of the Anti-Corruption Commission Act, 2004, the Government is pleased to publish the following Authentic English Text of the Act, and it takes effect from the date on which the Act comes into force under sub-section (3) of section 1 of this Act:

**Anti-Corruption Commission Act, 2004
(Act No. V of 2004)**

[23rd February, 2004]

An Act to provide for the establishment of an independent Anti-Corruption Commission for the purpose of prevention of corruption and other corrupt practices in the country and for conducting inquiry and investigation of corruption and other specific offences and for matters incidental thereto.

Whereas it is expedient and necessary to establish an independent Anti-Corruption Commission for the purpose of prevention of corruption and other corrupt practices in the country and for conducting inquiry and investigation of corruption and other specific offences and for matters incidental thereto;

(৮৫৭)
মূল্য ৫ টাকা ২০.০০

Therefore, it is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Anti-Corruption Commission Act, 2004.

(2) It extends to the whole of the country.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

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

¹[(a) “inquiry” means activities conducted by the Commission or any person empowered by it with a view to finding out *prima facie* truth of the complaint, upon receipt thereof or being aware of, in respect of an offence specified in the Schedule before accepting and recording the same for conducting investigation by the Commission;]

¹[(aa)] “Commission” means the Anti-Corruption Commission established under section 3;

(b) “Commissioner” means the Chairman or any other Commissioner of the Commission;

(c) “Chairman” means the Chairman of the Commission;

(d) “Schedule” means the Schedule to this Act;

(e) “corruption” means the offences specified in the Schedule to this Act;

(f) “prescribed” means prescribed by rules;

(g) “Criminal Procedure” means the Code of Criminal Procedure, 1898 (V of 1898);

(h) “Selection Committee” means the Selection Committee formed under section 7;

(i) “Bureau of Anti-Corruption” means the Bangladesh Bureau of Anti-Corruption established under the Anti-Corruption Act, 1957 (Act No. XXVI of 1957);

(j) “rules” means rules made under this Act;

1. The existing clause (a) was renumbered by clause (aa), and before clause (aa), the new clause (a) was inserted by section 2 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No.25 of 2016).

1. The existing clause (a) was renumbered as clause (aa) by section 2 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).

(k) “Secretary” means the Secretary of the Commission appointed under section 16;

²[(kk) “property” means, whether situated within or outside the country,-

(i) any kind of property, tangible, intangible, movable or immovable; or

(ii) cash, any kind of deed or instrument, including electronic or digital ones, that indicates the ownership or proprietary interest of any property;]

(l) “Special Judge” means a Special Judge appointed under section 3 of the Criminal Law Amendment Act, 1958 (Act No. XL of 1958).

³[**2A. Act to override other laws.**- Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.]

3. Establishment of the Commission, etc.—(1) For carrying out the purposes of this Act, the Government shall, as soon as may be, after the commencement of this Act, by notification in the official Gazette, establish a Commission to be called the Anti-Corruption Commission.

(2) This Commission shall be an independent and impartial Commission.

¹[(3) The Commission shall be an autonomous body having perpetual succession and a common seal, with power, subject to the provisions of this Act and rules made thereunder, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued].

4. Office of the Commission.—The head office of the Commission shall be situated in the capital of Dhaka and the Commission may, if necessary, establish its branch offices at any place in the country.

5. Constitution of the Commission, etc.—(1) The Commission shall consist of three Commissioners, and the President shall appoint Chairman from one of them.

(2) No act or proceeding of the Commission shall be invalid or be called in question in any court merely on the ground of any vacancy in the office of a Commissioner or any defect in constitution of the Commission.

2. Clause (kk) was inserted by section 2 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No.60 of 2013).

3. Section 2A was inserted by section 3 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No.60 of 2013.)

1. Sub-section (3) was added by section 4 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No.60 of 2013).

6. Appointment and tenure of the Commissioners.—(1) The Commissioners shall, on the recommendation of the Selection Committee formed under section 7, be appointed by the President.

(2) The Commissioners shall hold their respective offices on full time basis.

(3) Subject to the provisions of section 10, the Commissioners shall hold their respective offices for a period of²[five years from the date of joining].

(4) The Commissioners shall not be eligible for re-appointment after the expiry of their tenure.

7. Selection Committee.—(1) In order to make recommendation for the appointment of Commissioners, there shall be formed a Selection Committee consisting of the following five members, namely:-

- (a) a Judge of the Appellate Division of the Supreme Court nominated by the Chief Justice;
- (b) a Judge of the High Court Division of the Supreme Court nominated by the Chief Justice;
- (c) the Comptroller and Auditor-General of Bangladesh;
- (d) the Chairman of the Public Service Commission; and
- (e) the last retired Cabinet Secretary amongst the retired Cabinet Secretaries:

Provided that, if any such retired Cabinet Secretary is not available or not willing to hold the membership of the Selection Committee, the next before retired Cabinet Secretary of the last retired Cabinet Secretary:

Provided further that, if any such retired Cabinet Secretary is not available or not willing to hold the membership of the Selection Committee, the present Cabinet Secretary in service.

(2) The Judge of the Appellate Division of the Supreme Court nominated by the Chief Justice shall be the Chairman of the Selection Committee.

(3) The Cabinet Division shall provide necessary secretarial assistance to perform functions of the Selection Committee.

2. The words “five years from the date of joining” were substituted for the words “four years from the date of appointment” by section 5 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No.60 of 2013).

(4) In order to make recommendation for appointment of the Commissioners, the Selection Committee shall, on the basis of the decision of at least 3 (three) members present, prepare a list of two persons' names for each vacant post of the Commissioner and shall send the same to the President for appointment under section 6.

(5) To constitute a quorum of the Selection Committee not less than 4 (four) members shall be present.

8. Qualifications, disqualifications of the Commissioners, etc.—(1) Any person having at least 20 (twenty) years experience in the field of law, education, administration, judiciary or a disciplined force shall be qualified for the post of Commissioner.

(2) No person shall be qualified for appointment or holding office as a Commissioner, if he—

- (a) is not a citizen of Bangladesh;
- (b) is declared or identified as a defaulter by any bank or financial institution;
- (c) is not discharged from the liability after being declared as a bankrupt by any court;
- (d) has been convicted of an offence involving moral turpitude or corruption and sentenced to imprisonment by a court of law;
- (e) is in the Government service;
- (f) is unable to carry out the functions of the Commission due to physical or mental infirmity; and
- (g) has been imposed major punishment in a departmental proceeding.

9. Ineligibility of the Commissioners.—On ceasing to hold office, a Commissioner shall not be eligible to hold any post of profit in the service of the Republic.

10. Resignation and removal of the Commissioners.—(1) A Commissioner may resign from his office by sending a 1(one) month's written notice to the President:

Provided that, the resigning Commissioners, except the Chairman, shall send a copy of the said notice to the Chairman for information.

(2) Despite resignation under sub-section (1), the President may, if necessary, request the resigning Commissioner to continue his office till formal acceptance of the resignation.

(3) No Commissioner shall be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court.

11. Temporary vacancy in the office of Commissioner.—If any Commissioner dies, resigns or is removed from his office, the President shall, within 30 (thirty) days of vacancy of the said office, subject to the provisions of this Act, appoint a competent person to the vacant post.

12. Chief Executive.—(1) The Chairman shall be the Chief Executive of the Commission; and in case of his inability to discharge his duties due to resignation, removal, absence, illness or any other reason, the President may direct a Commissioner to discharge the duties of the Chairman temporarily.

(2) The other Commissioners shall discharge their duties conferred upon them under overall supervision and control of the Chairman and the Commissioners shall be accountable to the Chairman in discharging such duties.

13. Remuneration, allowances etc. of the Commissioners.—The remuneration, allowances and other privileges of the Chairman and the Commissioners shall be determined by the Government.

14. Meetings of the Commission.—(1) Subject to the other provisions of this section, the Commission may determine the procedures of its meetings.

(2) All meetings of the Commission shall be held at such time and place as may be determined by the Chairman.

(3) All meetings of the Commission shall be presided over by the Chairman, and in his absence, a Commissioner nominated by the Chairman shall preside over the meeting.

(4) The presence of two Commissioners including the Chairman shall form a quorum of the meeting.

15. Decisions of the Commission.—(1) All decisions of the Commission shall be taken in its meetings.

(2) The Commission shall—

- (a) take decisions and make recommendations regularly in its meetings for the purpose of performing its functions;
- (b) monitor regularly whether its decisions and recommendations are being implemented or not; and
- (c) evaluate those in the meetings of the Commission after every 3(three) months.

16. Appointment of the Secretary, officers and employees of the Commission, etc.—(1) There shall be a Secretary of the Commission who shall be appointed by the Commission.

(2) As per direction of the Chairman the duties of the Secretary shall be, to prepare agenda of the meeting, and subject to the decision of the Commission in this regard, to determine a date and time of meeting, to prepare proceedings of the meeting, to prepare statement of duties performed by the Commissioners, and to preserve relevant documents, and to perform other duties and functions as may be assigned by the Commission.

(3) The Commission may appoint such number of officers and employees as may be necessary to perform its functions efficiently.

(4) ¹[Appointment, Code of Conduct including discipline and appeal rules and other terms and conditions of service] of the officers and employees including the Secretary of the Commission shall be prescribed by rules and until such rules are made, the Commission may, subject to the approval of the Government, determine the procedures to be followed in this regard by administrative orders.

17. Functions of the Commission.—The Commission may perform all or any of the following functions, namely :—

- (a) to inquire into and conduct investigation of the offences specified in the Schedule;
- (b) to file and conduct cases under this Act on the basis of inquiry and investigation conducted under clause (a);
- (c) to hold inquiry into any allegation of corruption on its own motion, or on an application made by an aggrieved person or any person on his behalf;
- (d) to discharge any duty assigned to the Commission regarding anti-corruption by any law;
- (e) to review the measures recognized by any law for preventing corruption and submit recommendations to the President for the effective implementation thereof;
- (f) to make research scheme for prevention of corruption and submit recommendations to the President for taking action on the basis of such research findings;

1. The words and commas “appointment, Code of Conduct including discipline and appeal rules and other terms and conditions of service” were substituted for the words “appointment and service” by section 6 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No.60 of 2013).

- (g) to create feeling of honesty and integrity in order to prevent corruption and to take measures to raise public awareness against corruption;
- (h) to organise seminars, symposiums, workshops etc. on subjects falling within the jurisdiction of the Commission;
- (i) to identify various sources of corruption existing in Bangladesh in the context of socio-economic conditions and submit recommendations to the president for taking necessary steps;
- (j) to inquire into, conduct investigation of corruption, file the cases against corruption and to determine the procedure of approval by the Commission in respect of such inquiry, investigation and filing of cases; and
- (k) to perform such other functions as may be necessary for prevention of corruption.

18. Exercise of powers by the Commission.—Subject to the provisions of this Act, the Commission may, for the purposes of performing its functions, delegate any of its powers to any Commissioner or any officer of the Commission who shall exercise such powers accordingly.

19. Special powers of the Commission in respect of inquiry or investigation.—(1) The Commission shall have the following powers in respect of inquiry and investigation, namely :—

- (a) to issue ¹[notice to witnesses] and ensure attendance thereof and to examine witnesses ²[***];
- (b) to detect and produce any document;
- (c) to take evidence ³[***];
- (d) to call for public records or copy thereof from any court or office;
- (e) to issue ¹[notice] for examination of witnesses and documents; and
- (f) to do anything prescribed for carrying out the purposes of this Act.

1. The words “notice to witnesses” were substituted for the words “summon the witness” by section 7(a)(i) of the Anti-Corruption Commission (Amendment) Act, 2013(Act No. 60 of 2013).
2. The words “on oath” were omitted by section 7(a)(ii) of the Anti-Corruption Commission (Amendment) Act, 2013(Act No. 60 of 2013).
3. The words “on oath” were omitted by section 7(b) of the Anti-Corruption Commission (Amendment) Act, 2013(Act No. 60 of 2013).
1. The word “notice” was substituted for the word “summon” by section 7(c) of the Anti-Corruption Commission (Amendment) Act, 2013(Act No. 60 of 2013).

(2) The Commission may require any person to furnish any information regarding a matter of inquiry or investigation and the person so required shall be bound to furnish such information kept under his custody.

(3) If any person causes resistance to an officer legally empowered by the Commission or a Commissioner in exercise of his powers under sub-section (1), or deliberately disobeys any direction given under that sub-section, it shall be a punishable offence and for such offence he shall be punished with imprisonment for a term not exceeding 3 (three) years, or with fine, or with both.

20. ²[Power of inquiry or investigation].—(1) Notwithstanding anything contained in the Code of Criminal Procedure, the offences under this Act and specified in its Schedule shall be ³[inquired into or investigated] only by the Commission.

(2) The Commission may, by notification in the official Gazette, empower any of its subordinate officer to ⁴[inquire into or investigate] the offences mentioned in sub-section (1).

(3) An officer empowered under sub-section (2) shall have the power of an officer-in-charge of a police station in respect of ⁵[inquiry or investigation] of an offence.

(4) Notwithstanding the provisions of sub-sections (2) and (3), the Commissioners shall also have the power to ⁶[inquire into or investigate] the offences under this Act.

⁷[20A. Duration of investigation].—(1) Notwithstanding anything contained in any other law, the Investigating Officer shall complete the investigation of offences specified in this Act and the Schedule within 120 (one hundred and twenty) working days from the date of being empowered under section 20.

2. The words “power of inquiry or investigation” were substituted for the words “power of investigation” by section 3(a) of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
3. The words “inquiry or investigation” were substituted for the words “investigation” by section 3(b) of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
4. The words “inquiry or investigation” were substituted for the word “investigation” by section 3(c) of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
5. The words “inquiry or investigation” were substituted for the word “investigation” by section 3(c) of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
6. The word “inquiry or investigation” were substituted for the word “investigation” by section 3(c) of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
7. Section 20A was inserted by section 8 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

(2) Notwithstanding anything contained in sub-section (1), if the investigation cannot be completed within the specified period on any reasonable grounds, the Investigating Officer may apply for extension of time to the Commission and in such case, the Commission may extend the period of time not exceeding 60 (sixty) working days.

(3) If the Investigating Officer fails to complete the investigation within the specified period mentioned in sub-section (1) or, as the case may be, in sub-section (2)—

- (a) a new officer shall be assigned as per section 20 to complete that investigation within a period of 90 (ninety) working days; and
- (b) the relevant officer shall be subjected to departmental proceeding on an accusation of inefficiency in accordance with laws or rules-regulations applicable to the Commission, police or the relevant organization, as the case may be.]

* **[21. SPECIAL POWER OF ARREST.-** Notwithstanding anything contained in other provisions of this Act, an officer of the Commission if he has reasonable grounds to believe that a person has acquired or is in possession, in his own name or in the name of any other person, of property movable or immovable which is disproportionate to his declared sources of income and which is a punishable offence under section 27, he may with the prior approval of the Commission, arrest such person for the purpose of enquiry before lodging any F.I.R against him.]

22. Hearing of the accused person.—If the Commission deems that, during inquiry or investigation of an allegation of corruption, it is necessary to hear any person connected to the allegation of corruption, the Commission may give him a reasonable opportunity to be heard.

23. Investigation of complaint.—¹[(1) The Commission may, at the time of inquiry or investigation into allegations of corruption, within a time specified by it, call for any report or information from the Government or any authority or organization under the Government or may seek expertise assistance of one or more officer, who are skilled, experienced and expert in relevant issues, and in case of failure of receiving the report or information called for within the specified time, the Commission may on its own motion enquire into or investigate the concerned complaints.]

(2) During inquiry or investigation into allegations of corruption by the Commission, on its own motion, the Government or the concerned authority or organisation under the Government shall be bound to co-operate with the Commission in the manner prescribed by general or special order of the Commission.

1. Sub-section (1) was substituted by section 9(a) of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

*This provision of section 21 was substituted by section 3 of the Anti-Corruption Commission (Amendment) Ordinance, 2007 (Ordinance No. 7 of 2007, with effect from 18 April 2007); the said Ordinance ceased to have effect under Article 93(2) of the Constitution. But, this substituted provision is not altered by any enactment till now. Therefore, according to sections 6A and 30 of the General Clauses Act, 1897 and Article 152(2) of the Constitution and following the law declared by the Appellate Division in the case of Moudud Ahmed vs State, reported in 68 DLR (AD) 118 as to the effect that, "The failure of the Parliament to pass an Act in terms of the amending Ordinance No.VII of 2007 do not destroy/repeal amendments which have already been incorporated in the ACC Act, 2004," this substituted provision of section 21 still subsists and exists.

^১[(3) For carrying out the purposes of sub-section (2), if the concerned authority or organization does not provide necessary assistance to the Commission or fails spontaneously and responsibly to provide the Commission with information, the Government may, on the application of the Commission, take appropriate action against the said authority or organization.]

24. Independence in discharging duties.—Subject to the provisions of this Act, the Commissioners shall be independent in discharging their duties under this Act.

25. Financial independence of the Commission.—(1) The Government shall allocate the amount of money fixed in favour of the Commission for expenditure for every financial year; and it shall not be necessary for the Commission to obtain prior approval of the Government for expenditure of the said allocated money in its approved and fixed head.

(2) This section shall not be construed as violating rights of the Comptroller and Auditor-General under article 128 of the Constitution.

26. Declaration of assets.—(1) Whenever the Commission, on any information and after conducting such ^২[inquiry] as it may deem necessary, is satisfied that any person or any other person on his behalf is in possession or has acquired any property disproportionate to his legal source of income, the Commission may, by order in writing, direct that person to furnish statement of his assets and liabilities including any other information specified in that order in the manner prescribed by the Commission.

(2) If any person —

- (a) fails to submit a written statement or an information in compliance with the order mentioned under sub-section (1) after receipt of the same or submits any written statement or any information which for sufficient reasons is considered false or baseless, or
- (b) submits any book, accounts, record, declaration, return or any document under sub-section (1) or gives any statement which, for sufficient reasons, is considered false or baseless,

he shall be punished with imprisonment for a term which may extend to 3 (three) years, or with fine, or with both.

^১ Sub-section (3) was added by section 9(b) of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

^২ The word “inquiry” was substituted for the word “investigation” by section 4 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).

27. Possession of property disproportionate to known sources of income.—(1) If any person has in his possession or acquired title of any property, movable or immovable, either in his own name or in the name of any other person on his behalf, and there is sufficient reason to believe to have been acquired by dishonest means and disproportionate to his known sources of income, he shall, if he fails to account for such possession to the satisfaction of the court at the trial, be punished with imprisonment for a term which may extend to 10 (ten) years but not less than 3 (three) years and with fine; and the said property shall be liable to be confiscated.

(2) If in any trial of an offence under sub-section (1), it is proved that the accused person or any other person on his behalf has acquired title or is in possession of property, movable or immovable, disproportionate to his known sources of income, the court shall presume, unless rebutted, that the accused person is guilty of said offence; and a conviction shall not be illegal as is based only on such presumption.

28. Trial of offences, etc.—(1) Notwithstanding anything contrary contained in any other law for the time being in force, the offences under this Act and specified in its Schedule shall be tried exclusively by a Special Judge.

(2) The provisions ¹[***] of the Criminal Law Amendment Act, 1958 (XL of 1958) shall apply to trial and disposal of appeal for the offences under this Act and specified in its Schedule.

(3) In the event of any inconsistency between this Act and the Criminal Law Amendment Act, 1958 (XL of 1958), this Act shall prevail.

²[³] **28A. Offences to be cognizable and non-bailable.**—The provisions of the Schedule II of the Code of Criminal Procedure, 1898 (V of 1898) shall apply to determine whether the offences under this Act are cognizable and bailable or not.

28B. Anonymity of informant.—(1) No information given by any person about any offence under this Act and specified in its Schedule be admitted as an evidence in any civil or criminal court, or no witness shall be allowed or compelled to disclose the name, address or identity of the informant, or cannot be allowed to present or disclose any information which discloses or may disclose the identity of the informant.

1. The words, numbers and brackets “other provisions except sub-section (5) and (6) of section 6” were omitted by section 10 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).
2. Section 28A, 28B and 28C were inserted by section 11 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).
3. Section 28A was substituted by section 5 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).

(2) The court shall not allow to inspect any part of book, document or paper comprising evidence in any civil or criminal proceeding which part contains the name, address or the identity of the informant.

(3) Notwithstanding anything contained in sub-section (1) and (2), after completion of investigation of any offence under this Act and offence specified in its Schedule, if it appears to the court that the informant has deliberately given false and baseless information or it is not possible to ensure justice without disclosing the real identity of the informant, the court may disclose the whole identity of the informant.

28C. Penalty for giving false information.—(1) If any person gives any baseless information, knowing it to be false or without being [***] confirmed about the authenticity of the information, on the basis of which there is a possibility of conducting investigation or trial under this Act, he shall be deemed to have provided false information.

(2) If any person gives any false information as mentioned in sub-section (1), he shall be deemed to have committed an offence under this section and, he shall be punished with rigorous imprisonment for a term which may extend to 5 (five) years but not less than 2 (two) years or with fine or with both.

(3) If the informant is an officer or employee of the Commission or of the Government and gives false information mentioned in sub-section (1), he shall be punished with such sentence as mentioned in sub-section (2).]

29. Annual report.—(1) The Commission shall, within the month of March of each calendar year, submit to the President a report on the conduct of its affairs during the preceding year.

(2) The President shall, after receipt of the report under this section, cause the report to be laid before Parliament.

30. Organisational set-up, etc. of the Commission.—The organisational set-up and budget of the Commission shall be determined by the Government.

31. Indemnity for actions done in good faith.—A person who is affected or is likely to be affected by any act done in good faith while performing duties under this Act or rules or order made thereunder, shall not be entitled to bring any civil suit or criminal case or any legal proceedings against the Commission, any Commissioner or any officer or employee of the Commission.

²[32. Sanction for filing cases, etc.]—(1) Notwithstanding anything contained in the Code of Criminal Procedure or in any other law for the time being in force, no court shall take cognizance of an offence under this Act, without sanction of the Commission in the prescribed manner.

1. Omitted by section 6 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).
2. Section 32 was substituted by section 12 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

(2) In order to file a case under this Act, the copy of the sanction issued by the Commission and, where applicable, issued by the Government and the Commission shall have to be submitted to the court during the filing of a case.]

¹[***32A. Application of section 197 of the Code of Criminal Procedure in case of filing a case.**—Subject to the provisions of section 32, for filing a case against any Judge, Magistrate or Public Servant under this Act, the provisions of section 197 of the Code of Criminal Procedure shall have to be complied with.]

33. Prosecution Unit of the Commission.—(1) The Commission shall have its own permanent Prosecution Unit under the Commission, consisting such number of Prosecutors as may be necessary for conducting the cases to be investigated by the Commission under this Act and triable by the Special Judge.

(2) Appointment of the Prosecutors and the terms and conditions of their services shall be prescribed by rules.

(3) Until Prosecutors of the Commission are appointed under this section, Advocates appointed or approved on temporary basis by the Commission shall conduct the cases.

(4) Prosecutors appointed under this section shall be deemed to be the Public Prosecutors.

²[(5) If any one seeks any redress before any court at any stage of any case initiated by the Anti-Corruption Commission or in any proceeding initiated by it, the Anti-Corruption Commission shall be made a party and no person, praying for bail or seeking any relief in any case or proceeding initiated by the Commission, shall be heard without giving sufficient time to the Commission to be heard.]

34. Power to make rules.—For carrying out the purposes of this Act, the Commission may, with prior approval of the President and by notification in the official Gazette, make rules.

35. Abolition of Bangladesh Bureau of Anti-Corruption, etc.—(1) Notwithstanding anything contained in any other law for the time being in force, the “Bangladesh Bureau of Anti-Corruption”, hereinafter referred to as the Bureau—

- (a) shall be abolished on the date of establishment of the Commission under section 3;
- (b) on the abolition of the Bureau all the assets, rights, powers and privileges of the Government under the Bureau shall vest in the Commission; and

1. Section 32A was inserted by section 13 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

* In the case of HRPB -vs- Jatiyo Sangsad &ors reported in 67 DLR 191 the High Court Division declared section 32A as to have been enacted without lawful authority and is of no legal effect, therefore, this section is no more in effect.

2. Sub-section (5) was added by section 14 of the Anti-Corruption Commission (Amendment) Act, 2013 (Act No. 60 of 2013).

(c) officers and employees of the said Bureau shall, subject to the provisions of sub-section (2), be deemed to be the officers and employees of the Commission and shall remain in service in the pay and allowances and on the terms and conditions of service determined by the Government in consultation with the Commission.

(2) Notwithstanding the provisions of sub-section (1), the Commission may, after scrutiny conducted under the procedure determined by it, retain those officers and employees whom it finds suitable for the service of the Commission, in the service of the Commission, and may request the Government to withdraw the remaining officers and employees; and on such request the Government shall withdraw them.

36. Power of the Government to resolve difficulties.—If there arises any difficulty to implement any provision relating to any power and function of the Commission for ambiguity thereof, the Government may, by notification in the official Gazette and in consistence with the other provisions of this Act, clarify or explain the ambiguity of that provision and provide directions on the course of action of the Commission in this matter.

37. Publication of English Text.—As soon as may be, after the commencement of this Act, the Government shall, by notification in the official Gazette, publish an Authentic English Text of this Act:

Provided that in case of any conflict between the Bangla and the English Text, the Bangla Text shall prevail.

38. Repeal and savings etc.—(1) The Anti-Corruption Act, 1957 (Act No. XXVI of 1957), hereinafter referred to as the said Act, and the Anti-Corruption (Tribunal) Ordinance, 1960 (Ord. No. XVI of 1960), hereinafter referred to as the said Ordinance, shall, on the commencement of this Act, stand repealed.

(2) Notwithstanding such repeal, the said Act shall so far as possible, have effect until establishment of the Commission, as if the Act had not been repealed.

(3) The inquiry, investigation into allegations, application for sanction to file cases pending immediately before repeal of the said Act, shall be disposed of under the provisions of this Act by the Commission.

(4) The cases pending in the Tribunal established under the said Ordinance immediately before repeal of the said Ordinance shall stand transferred to the Special Judge having local jurisdiction thereof.

^১[Schedule]

[See section 17 (a)]

- (a) Offences under this Act;
- (b) Offences under the following sections of Penal Code, 1860 (Act No. XLV of 1860) -

 - (i) sections 161, 162, 163, 164, 165, 165A, 165B, 166, 167, 168, 169, 217, 218 and 409;
 - (ii) sections 420, 467, 468, 471 and 477A, where the offences are related only with public property or committed by any Public Servant or officers and employees of a Bank or a Financial Institution during discharging official duty;

- (c) Offences under the Prevention of Corruption Act, 1947 (Act No. II of 1947);
- (d) Offences relating to bribery and corruption under the Prevention of Money Laundering Act, 2012 (Act No. V of 2012);
- (e) Offences under sections 109, 120B and 511 of the Penal Code, 1860 (Act No. XLV of 1860) related to, or connected with, any of the offences mentioned under clauses (a) to (d).]

By order of the President

**D. Md. Shamsul Arefin
Secretary.**

1. The Schedule was substituted by section 7 of the Anti-Corruption Commission (Amendment) Act, 2016 (Act No. 25 of 2016).