

THE PREVENTION OF CORRUPTION ACT, 1988

No. 48 OF 1988 (9th September, 1988)

An Act to consolidate and amend the law relating to the prevention of corruption and for matter connected therewith.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follow:-

CHAPTER I PRELIMINARY

1.(1)	This Act may be called the Prevention of Corruption Act, 1988.	Short title and extent.
2.	In this Act, unless the context otherwise requires,-	Definition
	(a) "election" means any election, by whatever means held under any law for the purpose of selecting members of Parliament or of any Legislature, local authority or other public authority;	
	(b) "public duty" means a duty in discharge of which the State, the public or community at large has an interest;	
	Explanation.- In this clause " State" includes a Corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government Company as defined in section 617 of the Companies Act, 1956;	1 of 1956
	(c) "Public servant" means-	
	(i) any person in service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty;	
	(ii) any person in service or pay of a local authority;	
	(iii) any person in the service or pay of a Corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the	1 of 1956

	Government Company as defined in section 617 of the Companies Act, 1956;	
	(iv) any judge, including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory function;	
	(v) any person authorized by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court;	
	(vi) any arbitrator or other person to whom any cause or matter has been referred for decision or report by court of justice or by a competent public authority;	
	(vii) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise electoral roll or to conduct an election or part of an election;	
	(viii) any person who holds an office by virtue of which he is authorized or required to perform any public duty;	
	(ix) any person who is the president, secretary or other office bearer of a registered co-operative society engaged in agricultural, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any Corporation established by or under a Central, provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government Company as defined in section 617 of the Companies Act, 1956;	1 of 1956
	(x) any person who is a chairman, member or employee of any Service Commission or Board, by whatever name called, or a member of any selection Committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf	

	of such Commission or Board;	
	(xi) any person who is a Vice-Chancellor or member of any governing body, professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University and any person whose services have been availed of by a University or any other public authority in connection with holding or conducting examinations;	
	(xii) any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority;	
	Explanation 1.- Person falling under any of the above sub-clauses are public servants, whether appointed by the Government or not.	
	Explanation.2.- Wherever the words “public servant” occur, they shall be understood of every person, who is in actual possession of the situation of public servant, whatever legal defect there may be in his right to hold that situation.	
	CHAPTER II APPOINTMENT OF SPECIAL JUDGES	
	3(1) The Central Government or the state Government may, by notification in the official Gazette, appoint as many special judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely:-	Power to appoint special Judges.
	(a) Any offence punishable under this Act; and	
	(b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a)	

	2. A person shall not be qualified for appointment as a special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Session Judge under the Code of Criminal Procedure, 1973.	
	4(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force the offences specified in sub-section (1) of section 3 shall be tried by special Judge only.	Cases triable by the special Judges.
	(2) Every offence specified in sub-section (1) of section 3 shall be tried by the special Judge for the area within which it was committed, or as the case may be by the special Judge appointed for the case or where there are more special Judges than one for such area by such one of them as may be specified in this behalf by the Central Government.	
	(3) When trying any case a Special Judge may also try any offence, other than an offence specified in section 3, with which the accused may under the Code of Criminal Procedure, 1973 be charged at the same trial.	
	(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 a Special Judge shall as far as practicable hold the trial of an offence on day-to-day basis.	
	(5)(1) A special Judge may take cognizance of offences without the accused being committed to him for trial and in trying the accused persons shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 for the trial of warrant cases by Magistrates.	Procedure and powers of special Judge.
	(2) A Special Judge may with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether a principal or abettor, in the commission	2 of 1974

	thereof and any pardon so tendered shall, for the purposes of sub-section(1) to (5) of section 308 of the code of Criminal Procedure,1973, be deemed to have been tendered under section 307 of that code.	
	(3) Save as provided in sub-section (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1973, shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special judge; and for the purposes of the said provisions, the court of the special Judge shall be deemed to be a Court of Session and the person conducting a prosecution before a Special Judge shall be deemed to be a public prosecutor.	2 of 1974
	(4)In particular and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of section 326 and 475 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the proceedings before a special Judge and for the purpose of the said provisions, a special Judge shall be deemed to be a Magistrate.	2 of 1974
	(5) A special Judge may pass upon any person convicted by him any sentence authorized by law for the punishment of the offence of which such person is convicted.	
	(6)A special Judge while trying an offence punishable under this Act shall exercise all the powers and functions exercisable by a Distt. Judge under the Criminal Law Amendment Ordinance, 1944.	Ord. 38 of 1944.
Power to try summarily	6. (1) Where a Special Judge tries any offence specified in sub-section (1) of section 3, alleged to have been committed by a public servant in relating to the contravention of any special order referred to in sub-section (1) of section 12 of The Essential Commodities Act, 1955 or of an order referred to in clause(a) of sub-section(2) of that section, then, notwithstanding anything contained in sub-section (1) of section 5 of this Act or section 260 of the Code of Criminal Procedure, 1973, the special Judge shall try the offence in a summary way, and the provisions of section	10 of 1955 2 of 1974

	262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:	
	Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Judge to pass a sentence of imprisonment for a term not exceeding one year:	
	Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the special Judge shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure prescribed by the said Code for the trial of warrant cases by Magistrates.	
	(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973, there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order under section 452 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the Special Judge.	

CHAPTER III
OFFENCES AND PENALTIES

	7. Whoever, being or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal	
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	<p>remuneration, as a motive or reward 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, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.</p> <p>Explanations-(a) “ Expecting to be a public servant” If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office and that he will then serve them he may be guilty of cheating, but he is not guilty of the offence defined in this section.</p>	
	<p>(b)“ Gratification” The word “gratification” is not restricted to pecuniary gratifications or to gratifications estimable in money.</p>	
	<p>(c) “Legal remuneration”. The words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organization, which he serves, to accept.</p>	
	<p>(d) “ A motive or reward for doing”. A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.</p>	
	<p>(e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification a reward for this service, the public servant has committed an offence under this section.</p>	
	<p>8. Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or</p>	<p>Taking gratification in order, by corrupt or illegal means</p>

	<p>otherwise, to or to forbear to do any official act, or in exercise official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government Company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.</p>	<p>to influence public servant.</p>
	<p>9. Whoever accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in exercise of the official functions of such public servant to show favour or disfavour to any person or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months which may extend to five years and shall also be liable to fine.</p>	<p>Taking gratification for exercise of personal influence with public servant</p>
	<p>10. Whoever, being a public servant, in respect of whom either of the offences defined in section 8 or section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment,. Shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.</p>	<p>Punishment for abetment by public servant of offences defined in section 8 or 9.</p>
	<p>11. Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any person, any valuable thing without consideration, or for a consideration which he knows</p>	<p>Public servant obtaining valuable thing without</p>

	<p>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 such public servant, 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 knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.</p>	<p>consideration from person concerned in proceeding or business transacted by such public servant</p>
	<p>12 Whoever abets any offence punishable under section 7 or section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also liable to fine.</p>	
	<p>13 (1) A public servant is said to commit the offence of criminal misconduct,-</p> <p>(a) if he habitually 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 7; or</p> <p>(b) if he habitually accepts or obtains 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 knows to be interested in or related to the person so concerned; or</p> <p>(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</p> <p>(d) if he-</p> <p>(i) by corrupt or illegal means, obtain for himself or for any other person any valuable thing or pecuniary advantage; or</p> <p>(ii) by abusing his position as a public servant, obtains for himself or for any other person</p>	

	<p>any valuable thing or pecuniary advantage; or (iii) while holding office as a public servant, obtain for any person any valuable thing or pecuniary advantage without any public interest; or</p>	
	<p>(e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.</p> <p>Explanation;- for the purposes of this section, “known sources of income” means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.</p>	
	<p>(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.</p>	
	<p>14. Whoever habitually commits-</p> <p>(a) an offence punishable under section 8 or section 9; Or (b) an offence punishable under section 12.</p> <p>Shall be punishable with imprisonment for a term which shall be not less than two years but which may extend to seven years and shall also be liable to fine.</p>	<p>Habitual committing of offence under section 8,9 and 12.</p>
	<p>15.Whoever attempts to commit an offence referred to in clause (c)or clause(d) of sub-section (1) of section 13 shall be punishable with imprisonment for a term which may extend to three years and with fine</p>	<p>Punishment for attempt.</p>
	<p>16. Where a sentence of fine imposed under sub-section (2) of section 13 or section 14, the court in fixing the amount of the fine shall take into consideration the amount or the value of the property, if any which the accused person has obtained by committing the offence or where the conviction is for an offence referred to in clause(e) of sub-section (1) of section 13, the pecuniary resources or property referred to in that clause for which the accused person is unable to account satisfactorily.</p>	<p>Matter to be taken into consideration for fixing fine.</p>

CHAPTER IV

INVESTIGATION INTO CASES UNDER THE ACT

2 of 1974	<p>17. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 no police officer below the rank-</p> <p>(a) in the case of the Delhi Special Police Establishment, of an Inspector of Police</p> <p>(b) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (10) of section 8 of the Code of Criminal Procedure, 1973, of an Assistant Commissioner of Police;</p> <p>(c) Elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank.</p> <p>shall investigate any offence punishable under this Act without the order of Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefore without a warrant:</p> <p>Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefore without a warrant;</p> <p>Provided further that an offence referred to in clause (e) of sub section (1) of section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.</p>	Persons authorised to investigate
	<p>18. If from information received or otherwise, a police officer has reason to suspect the commission of an offence which is empowered to investigate under section 17 and considers that for the purpose of investigation or inquiry into such offence, it is necessary to inspect any bankers books, then notwithstanding anything contained in any law for the time being in force,</p>	

he may inspect any bankers books in so far as they relate to the accounts of the persons suspected to have committed that offence or of any other person, and take or cause to be taken certified copies of the relevant entries there from, and the bank concerned shall be bound to assist the police officer in the exercise of his powers under this section:

Provided that no power under this section in relation to the accounts of any person shall be exercised by a police officer below the rank of a Superintendent of Police, unless he is specially authorized in this behalf by a police officer of or above the rank of a Superintendent of Police

Explanation- In this section, the expressions "bank" and the "banker's books" shall have the meanings respectively assigned to them in the Bankers' Books Evidence Act, 1891.

Chapter-V

SANCTION FOR PROSECUTION AND OTHER MISCELLANEOUS PROVISIONS.

- 19 (1) No court shall take cognizance of an offence punishable under section 7, 10,11,13,and 15 alleged to have been committed by a public servant, except with the previous sanction-
- (a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government,
 - (b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;
 - (c) in the case of any other person, of the authority competent to remove him from his office.
- (2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State

	<p>Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.</p> <p>(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973-</p> <p>(a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal confirmation or revision on the ground of the absence of or any error, omission or irregularity in the sanction required under sub-section (1) unless in the opinion of that court a failure of justice has in fact been occasioned thereby;</p> <p>(b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of Justice;</p> <p>(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial appeal or other proceedings.</p> <p>(4) in determining under sub-section (3) whether the absence of or any error omission or irregularity in such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.</p> <p>Explanation:- for the purpose of this section;-</p> <p>(a) error includes competency of the authority to grant sanction;</p> <p>(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.</p>	
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	<p>20..(1) Where, in any trial of an offence punishable under section 7 or section 11 or clause(a) or clause (b) of sub-section (1) of section 13 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 section 7 or, as the case may be without consideration or for a consideration which he knows to be inadequate.</p>	<p>Presumption where public servant accepts; gratification other than legal remuneration.</p>
	<p>(2) Where in any trial of an offence punishable under section 12 or under clause (b) of section 14, 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 an 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 7, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.</p> <p>(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.</p>	
	<p>21.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 together with him at the same trial:</p> <p>Provide that-</p>	<p>Accused person to be a competent witness</p>

	<p>(a) he shall not be called as a witness except at his own request;</p> <p>(b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;</p> <p>(c) he shall not be asked, and if asked shall be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—</p> <ul style="list-style-type: none"> i) the proof that he has committed or convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or ii) he has personally or by his pleader asked any question of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or iii) he has given evidence against any other person charged with the same offence. <p>22. The provisions of the Code of Criminal Procedure, 1973, shall in their application to any proceeding in relation to an punishable under this Act have effect as if-</p> <ul style="list-style-type: none"> (a) in sub-section (1) of section 243, for the words “ The accused shall then be called upon” the words" The accused shall then be called upon”, the words “The accused shall then be required to give in writing at once or within such time as the Court may allow, a list of the persons (if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely and he shall then be called upon” had been substituted; (b) in sub-section (2) or section309 after the third 	
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	<p>proviso, the following proviso had been inserted, namely:- “Provide also that the proceeding shall not be adjourned or postponed merely on the ground that an application under section 397 has been made by a party to the proceeding.”;</p> <p>(c) after sub-section (2) of section 317, the following sub-section had been inserted, namely:- “(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judge may, if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross examination.”</p> <p>(d) in sub-section (1) of section 397, before the Explanation, the following proviso had been inserted, namely:- “ Provided that where the powers under this section are exercised by a Court on an application made by a party to such proceedings the Court shall not ordinarily call for the record of the proceedings:-</p> <p>(a) without giving the other party an opportunity of showing cause why the record should not be called for ; or</p> <p>(b) if it is satisfied that an examination of the record of the proceedings may be made from the certified copies.”</p> <p>23. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when an accused in charged with an offence under clause (c) of sub-section (1)of section 13, it shall be sufficient or describe in the charge the property in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates and the charge so framed shall be deemed to be a charge to be a charge of one offence within the meaning of section 219 of the said Code: Provided that the time included between the first and last of such dates shall not exceed one year.</p> <p>24. Notwithstanding anything contained in any law the</p>	
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<p>2 of 1947 46 of 1952.</p> <p>10 of</p>	<p>time being in force, a statement made by a person in any proceeding against a public servant for an offence under section 7 to 11 or under section 13 or section 15, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under section 12</p> <p>25. (1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957, the Boarder Security Force Act, 1968, the Coast Guard Act, 1978 and the National Security Guard Act, 1986.</p> <p>(2) For the removal of doubts, it is hereby declared that for the purpose of any such law as is referred to in sub-section (1), the court of a special Judge shall be deemed to be a court of ordinary criminal justice.</p> <p>26. Every special Judge appointed under the Criminal Law Amendment Act, 1952 for any area or areas and is holding office on the commencement of this Act, shall deemed to be a special Judge appointed under section 3 of this Act for that area or areas and, accordingly, on and from such commencement, every such Judge shall continue to deal with all the proceeding pending before him on such commencement in accordance with the provisions of this Act.</p> <p>27. Subject to the provisions of this Act, the High Court may exercise so far as they may be applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 on a High Court as if the court of the Special Judge were a court of Session trying cases within the local limits of the High Court.</p> <p>28. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this Act, be instituted against him.</p> <p>29. In the Criminal Law Amendment Ordinance, 1944,-</p> <p>(a) in sub-section (1) of section 3, sub-section (1) of section 9, clause(a) of section 10, sub-section (1) of section 11 and sub-section (1) of section 13, for the words” State Government”, wherever they occur, the words”” State Government or, as the case may be, the Central Government” shall be substituted;</p>	
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<p>1897</p> <p>10 of 1897</p>	<p>(b) in section 10, in clause(a) for the words “ three months” the words “ one year” shall be substituted;</p> <p>(c) In the scheduled,-</p> <p>(i) paragraph 1 shall be omitted;</p> <p>(ii) in paragraph 2 and 4,-</p> <p>(a) after the words “ a local authority” the words and figures “ or a corporation established by or under a Central Provincial of State Act, or an authority or a body owned or controlled or aided by Government or a Government company as defined in section 617 of the companies Act, 1956 or a society aided by such corporation, authority, body or Government company” shall be inserted.</p> <p>(c) after the words “ or authority the words “ or corporation or body or Government company or society” shall be inserted;</p> <p>(iii) for paragraph 4 A, the following paragraph shall be substituted, namely:-</p> <p>“4A An offence punishable under the Prevention of Corruption Act, 1988.”</p> <p>(iv) in paragraph 5, for the words and figures “items2, 3 and 4” the words, figures and letter “items2, 3, 4 and 4A” shall be substituted.</p> <p>30 (1) the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952 are hereby repealed.</p> <p>(2) Notwithstanding such repeal, but without prejudice to the application of section 6 of the General Clause Act, 1897 anything done or any action taken or purported to have been done or taken under or in pursuance of the Acts so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under or in pursuance of the corresponding provision of this Act.</p> <p>31. Section 161 to 165 A (both inclusive) of the Indian Penal Code shall be omitted, and section 6 of the General Clauses Act, 1897, shall apply to such omission as if the said sections had been repealed by a Central Act.</p>	
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Act No. 3 of 1984

THE HIMACHAL PRADESH PREVENTION OF SPECIFIC CORRUPT
PRACTICES ACT, 1983

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ACT

To provide for punishment of specific corrupt practices referred to by the persons serving in connection with the affairs of the State or of public undertakings or local authorities, co-operative societies or other institutions or organizations aided or set up by State Government and by some other persons in their dealings with the State Government and aforesaid bodies, with a view to eradicate and effectively prevent such practices and for other miscellaneous matters connected therewith.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows.

CHAPTER-I
PRELIMINARY

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| Short title
extent and
commencement | <p>1. (1) This Act may be called the Himachal Pradesh Prevention of Specific Corrupt Act, 1983.</p> <p>(2) It shall extend to the whole of the State of Himachal Pradesh.</p> <p>(3) It shall come into force at once.</p> |
| Definitions | <p>2. In this Ordinance, unless the context otherwise requires:-</p> <p>(a) "local authority" means any public undertaking, authority, co-operative society, corporation, body, board, society or organization, by whatever name they are known:-</p> <p>(i). incorporated or set up by the State Government, or</p> <p>(ii). Constituted under any Law, Ordinance, Act, Rules, or Regulations of the State Government, or</p> <p>(iii). Constituted under any Central Act, Ordinance, Rules or Regulation, over which the State Government has control and authority;</p> <p>(b). "officer" means a person serving in connection with the affairs of the State Government, local authority, or any other institution or organization aided or set up by the State Government;</p> <p>(c) "public undertaking" means a Government company within the meaning of section 617 of the Companies Act, 1956, in which not less than fifty-one percent of the paid up share capital is held by the State Government or any</p> |

Company which is subsidiary of a Company in which not less than fifty-one per cent of the paid up share capital is held by the State Government and includes a corporation or other statutory body, by whatever name called, in each case owned or controlled by the State Government and any other Government Company, other than a Company owned and controlled by the Central Government in which the State Government has contributed equity.

CHAPTER-II OFFENCES RELATING TO WORK

Definition

3. In this Chapter, unless the context otherwise requires:-
- a) “construction” means all activities pertaining to the construction of a work and includes excavation, filling leveling and other allied activities;
 - b) “contractor” in relation to work means a person who undertakes to execute the work under a works department, in pursuance of a contract and includes, where the context so requires, a sub-contractor and includes, all other agencies and persons employed by him or working under his control for the execution of such work and the expression “work contract” shall be construed accordingly;
 - c) “office-in-charge” means an office in relation to a work under a works contract who is primarily and directly responsible in the work side to see that the work or specific part of the work is duly executed in accordance with the terms, conditions and specifications of the works contract and the instructions, directions or work order issued by the supervisory officers or by the works department, from time to time;
 - d) “officer of the works department” means the officer, whatever be the designation, employed in the works department and concerned with the survey, construction, repairs, maintenance, supervision, planning drawing, designing, purchase, supply or storage of goods mechanically propelled or electrically operated vehicles of all descriptions, plants machinery, tools spares or all officials responsible to make payment of bills and advances, in relation to the work;
 - e) “supervisory officer” means an officer whose duty it is to supervise the works as per instructions contained in the Manual applicable to the works department or contained in any order or direction issued by the works department,

from time to time;

- f) "work" means any work relating to survey, construction, repairs or maintenance of any building, superstructure, dam, weir, canal, reservoir, tank, lake, road, bridge, culvert, well including tube well, factory, workshop, water supply system, electric installation system or any other work which the State Government may by notification specify in this behalf and includes surveying planning, drawing, designing, purchase, supply or storage of goods, mechanically propelled or eclectically, operated vehicles of all descriptions plant, machinery, tools, spares, or all other material and equipments relating to the construction, maintenance or repairs of any of the aforesaid works;
- g) "works department" means a department of the State Government, a public undertaking a local authority or a cooperative society registered under the Himachal Pradesh Co-operative Societies Act, 1968, which gives a works contract or under whose orders, directions or control works contracts entered into or work is done, and shall include-
 - (i) an institution or organisation substantially aided by the State Government, as the State Government may, by notification, specific, and
 - (ii) any statutory or non statutory body, by whatever name called, incorporated or set up by the State Government.

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Punishment to contractor for violation of contract, etc.

4. Whoever, being a contractor of a works contract entered into with a works department, intentionally, knowingly or for corrupt motive executes the works in material violation of the terms of the contract or in flagrant disregard of the standard, specifications, orders or directions given by the works department, or its officers, so as to adversely affect the quality, workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment to officer-in-charge for lack of supervision

5. Whoever, being an officer-in-charge of a work under a works contract being executed by a contractor or otherwise, intentionally or knowingly-
- (a) permits or connives at, or
 - (b) omits to prevent or to report about, or
 - (c) abets or corrupt motive, the work being done in-
 - i. material violation of the terms of the contract, or
 - ii. flagrant disregard of the standard specification, orders or directions given by the works department or its officer,
- in either case so as to adversely affect the quality,

- workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years or with fine or both.
- Punishment for preparing false or fictitious muster rolls or measurement books
6. (1). Whoever, being an officer-in-charge of a work or being an officer of the works department, in connection with a work, intentionally or knowingly-
- a) prepares a false or fictitious muster-roll, or
 - b) prepares a false or fictitious measurement book or
 - c) make payment for false or fictitious lead or false or fictitious excavation of metal, sand, earth, or
 - d) incorrectly classified strata under excavation for making payment at a higher rate, or
 - e) pays for no work or inadequate or for fictitious or bogus work, or
 - f) pays at rates that are grossly in-appropriate or makes deliberate over payments, in violation of rules and orders, shall be punished with imprisonment of either description which may extend to three years or with fine or both.
- (2). Whoever, being a supervisory officer, abets the commission of an offence under sub section (1), shall also be punished with imprisonment of either description which may extend to three years or with fine or both.
- Punishment for surreptitious sale of supplied material by contractor
7. Whoever, being a contractor under a works contract, sales or otherwise transfers cement, steel, iron, or any other material supplied by the works department of the work as per specification, instead of property utilizing the same in the work or instead or returning the unused or excess material back to the works department shall be punished with imprisonment of either description which may extend to three years or with fine or both.
- Punishment for submitting manipulated tenders
8. Whoever, being tenderer for a work under a works department,-
- (a) procures, obtains or attempts to procure or obtains for himself or for any other persons under works contract by submitting fictitious competitive tenders in the name of false or non existent or bogus person,
 - (b) or entered into a conspiracy with any other tenderer or tenderers in order to eliminate the competition for the purpose of pushing one of the collusive low rate tender for acceptance, or
 - (c) employees or takes active help of a near relative or of any other person in a possession to unduly influence the officer having authority to accept the tender shall be punished

with imprisonment of either description which may extend to three years or with fine or both.

Explanation:- Near relation in this section means son, grandson, father, mother, spouse, brother, sister, brother-in-law, father-in-law, mother-in-law.

Punishment to officer for accepting manipulated tender

- 9.** Whoever, being any officer of a works department, having authority to accept a tender or behalf of a works department-
- a) abets the commission of an offence under section 8 by accepting or recommending for acceptance such tender, or
 - b) this honestly manipulates evaluation of tenders with the object of giving benefits to a particular tenderer shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment for wrongful or unauthorized disposal of property

- 10.** Whoever, being an officer of a works department, dishonestly, wrongfully, or fraudulently-
- a) disposes of or otherwise transfer, or
 - b) permits unauthorized use of goods, plant, machinery, tools, spares or other material and equipments from the stores, causing substantial loss to the works department, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment for supply of sub-standard or lesser quantity of goods

- 11.** Whoever, being a contractor for the supply of goods, plants, machinery, tools, spares or other materials or equipments-
- a) makes misrepresentation in respect to the quantity supplied, or
 - b) supplied sub-standard goods, plants, machinery, tools, spares, or other material, equipments which are not of mercantile quality or not in accordance with the samples or specifications given in the order of supply, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment to officer of works department for abetting offences under section 11

- 12.** Whoever, being an officer of a works department, having authority to accept the supplies made by the contractors in pursuance of an order of supply given to him, abets the offence punishable under section 11 knowingly by accepting the supply of goods, plants, machinery, tools, spares or other material or equipments, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment for splitting up purchase orders

- 13.** Whoever, being an officer of a works department, with malafide intention, resorts to splitting of purchase order in order to enable him to affect the purchases which would have otherwise been beyond the pale of his financial authority to do

so or in flagrant breach of the established procedure for the purchase of goods, plants, machinery, tools, spares or other material or equipments shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPER –III
OFFENCE CONNECTED WITH THE PRESERVATION OF
FORESTS AND WILD LIFE

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| Punishment for illicit felling or disposal of forest produce. | <p>14. Whoever, being an officer-in-charge for the preservation and maintenance of forest or disposal of forest produce, having jurisdiction intentionally or knowingly permits, connives or abets or fails to report, the-</p> <ul style="list-style-type: none">i. illegal felling of trees or extraction of logs, orii. illegal girdling or trapping, oriii. theft of wood, timber or bamboos, or other forest produce, <p>for commercial purpose shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine:</p> <p>Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.</p> |
| Punishment for trading in certain forest produce unaccounted for | <p>15. Whoever, trades in any forest produce and is or has been in possession of that produce which he cannot satisfactorily account for shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine or both:</p> <p>Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.</p> |
| Punishment for falsification of bid sheets and manipulation of transit passes | <p>16. Whoever, being an officer,-</p> <ul style="list-style-type: none">i. manipulates bid-sheets in relation to auction of forest produce, orii. manipulates issue of fictitious transit passes with a view to give benefit to any person or for causing wrongful loss to the Government Department. <p>shall be punished with imprisonment of either description which may extend to three years or with fine or both.</p> |

Punishment for wrongful demarcation of forest lands.

17. Whoever, being an officer responsible for giving demarcation of boundaries of private and Government forests for the purpose of felling of trees in the private forests or for any other purpose intentionally or knowingly gives wrong demarcation so as to cause loss to the Government shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine:

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

Punishment for illegal hunting or extinction of wild life

18. Whoever, being an officer duty bound to preserve and protect wild life,-

- a) commits, permits, connives or abets illegal hunting of wild animals; or
- b) gives shelter to the poachers; or
- c) helps in arranging drives of animal or putting fire to wild animals habitats with a view to herding for easy hunting; or
- d) conceals information or fails to report illegal hunting of wild animals or illegal possession of animals articles or trophies of wild animals mentioned in Schedule-I of Wild Life Protection Act, 1972

shall be punishable with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine or both:

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

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CHAPTER-IV OFFENCES RELATING TO HOSPITALS, ETC.

Punishment for misappropriation or removal of medicines or equipments

19 Whoever, being an officer duty bound to maintain stock register, bills for voucher of medicines or medical equipment in a Government hospital, dispensary or any other such institution or centre, organized and assisted by the Government, is-appropriates or fraudulently removes medicines or medical equipment or intentionally or knowingly permits, connives or abets such misappropriation or removal, shall be punished with

imprisonment of either description which shall not be less than one year and it may extend to three years and shall also be liable to fine:

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

Punishment for absence from duty or fraudulently or unauthorisedly charging fees.

20 Whoever, being a medical officer, compounder, dresser or nurse on duty or any other employ of Government hospital, dispensary or any other such institution or centre, organized and assisted by the Government, absents himself or herself from duty without reasonable cause and without due intimation to the authority or fraudulently or unauthorisedly charges fees from any person for his treatment therein shall be punished with imprisonment of either description which may extend to one year or with fine or both.

Punishment for failure to maintain record properly.

21 Whoever, being duty bound to prepare injury report or post-mortem report or bed-head ticket of the patient, fraudulently prepares the same incorrectly or intentionally omits to mention all the details or does not inform the authority or the police, where he is so require to inform under the rules or regulations or Government orders or circulars, shall be punished with imprisonment of either description which may extend to one year or with fine or both

Punishment for fraudulent purchases of medicines.

22 Whoever, being responsible for the purchase of medicines or medical equipments fraudulently purchases medicines or equipments which are sub-standard or spurious or below specification shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine:

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

CHAPTER V

OFFENCES RELATING TO SALE OF LIQUOR UNFIT FOR HUMAN CONSUMPTION

Punishment

23 Whoever, being duty bound to check and prevent the sale of

for sale of liquor unfit for human consumption and failure to check sale of illicit liquor.

illicit liquor, knowingly omits to check and report, connives to abets the commission of offence of sale of illicit liquor shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPTER VI

OFFENCES RELATING TO REGISTRATION OF BOGUS FIRMS FOR TAX EVASION

Punishment for applying for registration of or use of bogus firm name

24. Whoever, applies for registration of a bogus or non-existent firm, or uses a bogus or non-existent firm name, for the purpose of manipulating, sales, tax evasion, over for collusive bidding, or for submitting collusive tender shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment for registering bogus firms for abetting offences under section 24

25. Whoever, being an officer intentionally, knowingly or negligently, without holding proper enquiry, registers a bogus firm or permits the use of bogus or non-existent firms name, with the intention to abet the offence under section 24 shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Punishment for production of fictitious documents and cheque without funds

26. Whoever, for the purposes of the tax payable under the Himachal Pradesh General Sales Tax Act, 1968, The Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968, The Central Sales Tax Act, 1956 and The Himachal Pradesh Taxation (On Certain Goods Carried by Road) Act, 1976 or any duty for fee under the Punjab Excise Act, 1914 as enforce in the State of Himachal Pradesh, intentionally or knowingly,-

- i. furnishes or produces a false or fictitious documents or declaration, with a view to manipulating evasion of taxes, duties or fees under the said enactments; or
- ii. tenders a cheque which is dishonoured due to lack of funds in his account,

shall be punished with imprisonment of either description which may extend to one year or with fine or with both.

Punishment to officers for non-

27. Whoever, being an officer-in-charge of check-post or barrier or an official duty-bound to charge the tax, duty or fee referred to in section 26 intentionally or knowingly does not charge such

collection of taxes and for facilitating tax evasion

tax, duty or fee, or allows any false or fictitious documents or a declaration for the purposes of the said enactments with the intention to abet an offence under section 26 of this Act or connives or abets the manipulation of evasion of such tax, duty or fee, shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine;

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

CHAPTER-VII

OFFENCES RELATING TO FICTITIOUS LOAN AND FALSE CERTIFICATION OF THEIR UTILIZATION AND ENCROACHMENT OF LAND

Punishment for advancing loans, etc. to fictitious persons

28. Whoever, being an office having authority to sanction or advance loan or subsidy intentionally, knowingly, or for corrupt motive or otherwise, sanctions or advances loan or subsidy-

- a) in a fictitious name, or
- b) to a fictitious or non-existing person, or
- c) in the name of another person,

and whoever received actual benefit of such sanction or advance of the loan or of subsidy, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

Punishment for false verification of loan utilization

29. Whoever, being under a duty to verify and report proper utilization of a loan or subsidy, falsely report, verifies to testifies to the proper utilization thereof, with reference to the purpose for which it was sanctioned or advanced, when in fact it was not so utilized fully, or was utilized only partly, or was not utilized at all, in relation to that purpose, unless it was diverted to some other purpose with the prior sanction of authority which sanctioned or advanced the loan or subsidy, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both;

Punishment for failure to detect and report encroachment

30. Whoever,-

- i. being an officer of the Forest Department duty bound to prevent an encroachment over the reserved and demarcated protected forest land; or
- ii. being a revenue officer duty bound to prevent any encroachment over land belonging to the Government; or
- iii. being an officer of the Municipal Corporation, Notified Area Committee or, Municipal Committee, duty bound to prevent encroachment over the land belonging to these

bodies intentionally or knowingly permits, connives, abets or suffers on account of his omission to detect or report an encroachment in areas within his jurisdiction shall be punished with imprisonment of either description which shall not be less than one year but which can be extended to three years and shall also be liable to fine;

Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

CHAPTER VIII

OFFENCES RELATING TO TAMPERING WITH THE PUBLIC DISTRIBUTION SYSTEM

Tampering with the system by the licensed dealer

31. Whoever, being a dealer licensed under any order issued under section 3 of the Essential Commodities Act, 1955, instead of supplying the essential commodity declared by or under the said Act, as the State Government may, by notification, specify for the purpose of this chapter, to the public concerned in accordance with the scheme of the public distribution system intentionally, knowingly or for corrupt motives, transfers such essential commodity to other channels or maintains false or fictitious account for the distribution of the same, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

Abetment of offences under section 31 by an officer

32. Whoever, being an officer, directly or primarily in-charge of supervision for the proper working of public distribution system, knowingly omits to check and report, connives or abets the commission of the offence punishable under section 31 shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPTER IX

MISCELLANEOUS PROVISIONS

Punishment for drawing salary for the period of absence from duty

33. Whoever, being an officer intentionally draws himself or, by suppression of facts or otherwise, misrepresenting the facts relating to his absence, permits or induce the drawing and disbursing officer to draw and disburse the salary to him for the period of his deliberate unauthorized absence from duty unless the same is regularized by grant of permission or sanction of leave with pay, and thereby cheats the Government shall be punished with imprisonment of either

Proof of sanction	<p data-bbox="544 280 1313 353">description which may extend to one years or with fine or both.</p> <p data-bbox="461 353 1313 533">34. The sanction for prosecution of a Government servant for an offence under this Act, issued under section 197 of the Code of Criminal Procedure, 1973, and purporting to be duly authenticated, and sealed shall be admissible in evidence without formal proof;</p>
2 of 1974	<p data-bbox="544 533 1313 674">Provided that where the facts constituting the offence do not appear on the face of the sanction, the court may call the officer authenticating the sanction to give evidence before it.</p>
Curability of technical defects in the form of sanctions Cognizance of offences	<p data-bbox="461 674 1313 853">35. Any technical defects in the formal sanction granted under section 197 of the Code of Criminal Procedure, 1973 for the prosecution of a person employed in connection with the affairs of the State shall not vitiate the trial unless it is proved that it caused substantial prejudice to the accused.</p> <p data-bbox="461 853 1313 1104">36. No court shall take cognizance of an offence under this Act against any person unless a report in writing is made by such an officer not below the rank of a Divisional Commissioner as the State Government may, by a notification, specify; Provided that no such report shall be made against a member of judicial service of State save with the prior concurrence of the High Court.</p>
2 of 1974	<p data-bbox="461 1104 1313 1384">36A Investigation of offences- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in case of a public servant, no police officer below the rank of the Deputy Superintendent of Police shall investigate into, or make any arrest in an offence punishable under this Act. Explanation- For the purpose of this section “public servant” means a public servant as defined in section 21 of the Indian Penal Code.</p>
45 of 1860	<p data-bbox="544 1384 1313 1496">Explanation- For the purpose of this section “public servant” means a public servant as defined in section 21 of the Indian Penal Code.</p>
Offences to be bailable, except under Chapter III Offences to be triable by a Court of Sessions. Provisions not to be derogatory to certain Laws.	<p data-bbox="461 1496 1313 1570">37. An offence under this Act, shall be bailable except offences under Chapter III which shall be non-bailable.</p> <p data-bbox="461 1637 1313 1711">38. An offence under this Act shall, on commitment, be tried by a Court of Sessions.</p> <p data-bbox="461 1778 1313 1919">39. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Prevention of Corruption Act, 1947, the Indian Penal Code, 1860, the Indian Forest Act, 1927, the Punjab Excise Act, 1914, as in force in the</p>

- State of Himachal Pradesh, the Essential Commodities Act, 1955 and the Code of Criminal Procedure, 1973.
- Power to make rules. **40.** (1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, and such decision is notified in the Official Gazette, the rule shall from the date of publication of such notification, have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- Repeal and savings. **41.** (1) The Himachal Pradesh Prevention of Specific Corrupt Practices Ordinance, 1983 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done, or taken. Under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or action was taken.