

C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

PROVINCIAL ASSEMBLY OF THE PUNJAB **REPORT OF THE STANDING COMMITTEE ON LAW REGARDING** **THE PUNJAB CRIMINAL PROSECUTION SERVICE** **(CONSTITUTION, FUNCTIONS AND POWERS) (AMENDMENT) BILL** **2017 (BILL NO. 21 OF 2017)**

The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Bill 2017 (Bill No. 21 of 2017) was referred to the Standing Committee on Law on 13 September 2017. The Committee considered the Bill in its meeting held on 13 October 2017.

2. The following were present:—

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| 1. | Malik Muhammad Waris Kallu, MPA (PP-42) | Chairman |
| 2. | Malik Muhammad Ahmad Khan, MPA (PP-179) | Member |
| | Special Assistant to Chief Minister | |
| 3. | Mrs Zill-e-Huma, MPA (W-349) | Member |
| 4. | Mr Munawar Ahmed Gill, MPA (PP-127) | Member |
| 5. | Makhdoom Syed Ali Akbar Mehmood, MPA (PP-292) | Member |

3. Syed Ali Murtaza, Secretary, Public Prosecution Department and Mr Abid Raza Khan, Deputy Secretary (Legislation), Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Syed Ali Murtaza, Secretary, Public Prosecution Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*) to rationalize the provisions regarding the Punjab Criminal Prosecution Service and to deal with ancillary matters. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative as well as the Law and Parliamentary Affairs Departments and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:—

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AMENDMENTS IN THE BILL

(1) LONG TITLE

before the word "to" in the beginning, the word "further" be added.

(2) PREAMBLE

after the word "necessary" occurring in line 1, the word "further" be added.

(3) CLAUSE 2

Clause 2 be substituted as under:-

"2. Amendment in section 6 of Act III of 2006.- In the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*), for brevity cited as the Act, in section 6:-

(i) for subsection (1) and subsection (2), the following shall be substituted:

"(1) The Prosecutor General shall be the head of the Service and shall be appointed by the Government on such terms and conditions as the Government may determine:

Provided that the terms and conditions of service of the Prosecutor General shall not be varied during the initial or extended term of his office.

(2) The Prosecutor General shall hold office for a term of three years but the Government may, after evaluation of the performance of the Prosecutor General in the prescribed manner, extend that term for a further period of two years.

(ii) subsection (3) shall be omitted."

(4) CLAUSE 3

in para (b), the word "amended" occurring in line 1, be substituted by the word "substituted".

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
13 October 2017

(MALIK MUHAMMAD WARIS KALLU)
Chairman
Standing Committee on Law

Lahore
13 October 2017

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 21 of 2017

**THE PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION,
FUNCTIONS AND POWERS) (AMENDMENT) BILL 2017**

**A
Bill**

to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

It is necessary to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*) to rationalize the provisions regarding the Punjab Criminal Prosecution Service and to deal with ancillary matters.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title and commencement.– (1) This Act may be cited as the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 6 of Act III of 2006.– In the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*), for brevity cited as the Act, in section 6, for subsection (1), subsection (2) and subsection (3), the following shall be substituted:

“(1) The Prosecutor General shall be the head of the Service and shall be appointed by the Government on such terms and conditions as the Government may determine:

Provided that the terms and conditions of service of the Prosecutor General shall not be varied during the initial or extended term of his office.

(2) Subject to subsection (3), the Prosecutor General shall hold office for a term of three years but the Government may, after evaluation of the performance of the Prosecutor General in the prescribed manner, extend that term for a further period of two years.

(3) The Government may, in the prescribed manner, again appoint for a non-extendable term of three years, the Prosecutor General who has completed the term of five years.”

3. Amendment in section 9 of Act III of 2006.– In the Act, in section 9:

(a) for subsection (7), the following shall be substituted:

“(7) The Prosecutor shall submit, in writing, to the Magistrate or the Court, the result of his assessment as to the available evidence and applicability of offences against all or any of the accused as per facts and circumstances of the case and the Magistrate or the Court shall give due consideration to such submission.”; and

(b) after subsection (7), as amended, the following new subsection (8) shall be added:

“(8) If an accused pleads guilty or, as the case may be, at the time the Prosecutor sums up the case, the Prosecutor shall propose to the Magistrate or the Court the punishment which, in his opinion, the accused should be awarded.”.

4. **Amendment in section 13 of Act III of 2006.**— In the Act, in section 13, in subsection (2), for the words “supervision and control”, the word “directions” shall be substituted.

5. **Repeal.**— The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Ordinance 2017 (XI of 2017) is hereby repealed.

MINISTER INCHARGE

Lahore:
13 September 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON LAW)**

**A
Bill**

further to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

It is necessary further to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*) to rationalize the provisions regarding the Punjab Criminal Prosecution Service and to deal with ancillary matters.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 6 of Act III of 2006.— In the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*), for brevity cited as the Act, in section 6:-

(i) for subsection (1) and subsection (2), the following shall be substituted:

“(1) The Prosecutor General shall be the head of the Service and shall be appointed by the Government on such terms and conditions as the Government may determine:

Provided that the terms and conditions of service of the Prosecutor General shall not be varied during the initial or extended term of his office.

(2) The Prosecutor General shall hold office for a term of three years but the Government may, after evaluation of the performance of the Prosecutor General in the prescribed manner, extend that term for a further period of two years.

(ii) subsection (3) shall be omitted.”

3. Amendment in section 9 of Act III of 2006.— In the Act, in section 9:

(a) for subsection (7), the following shall be substituted:

“(7) The Prosecutor shall submit, in writing, to the Magistrate or the Court, the result of his assessment as to the available evidence and applicability of offences against all or any of the accused as per facts and circumstances of the case and the Magistrate or the Court shall give due consideration to such submission.”; and

(b) after subsection (7), as substituted, the following new subsection (8) shall be added:

“(8) If an accused pleads guilty or, as the case may be, at the time the Prosecutor sums up the case, the Prosecutor shall propose to the Magistrate or the Court the punishment which, in his opinion, the accused should be awarded.”.