

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON LAW REGARDING THE PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION, FUNCTIONS AND POWERS) (AMENDMENT) BILL 2016 (BILL NO. 40 OF 2016)

The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Bill 2016 (Bill No. 40 of 2016) was referred to the Standing Committee on Law on 14th October 2016. The Committee considered the Bill in its meeting held on 8 November 2016.

2. The following were present:—

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|----|--|--------------------------|
| 1. | Mrs Azma Zahid Bukhari, MPA (W-318) | Chairperson |
| 2. | Mr Nazar Hussain, MPA (PP-27)/
Parliamentary Secretary for Law and
Parliamentary Affairs | <i>ex-officio</i> Member |
| 3. | Raja Abdul Hanif, MPA (PP-14) | Member |
| 4. | Mr Kanji Ram, MPA (NM-365) | Member |

3. Hafiz Abdul Majeed, Additional Secretary, Prosecution Department and Mr Abid Raza Khan, Deputy Secretary (Legislation), Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Hafiz Abdul Majeed, Additional Secretary, Prosecution Department apprised the Committee about the aims and objects of the Bill. He stated that further amendments in the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (III of 2006) were required to bring clarity in superintendence, administration and conduct of Prosecutors. Further, overriding effect of only handful specific provisions was required and other provisions of the Act had to be read in conjunction with other laws. He requested the Committee that the Bill, as introduced, may be recommended for the passage by the Assembly.

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

AMENDMENT 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**

in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of".

(4) **CLAUSE 3**

in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of".

(5) **CLAUSE 4**

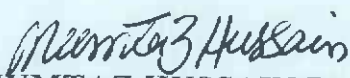
in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of".

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
8 November 2016

(MRS AZMA ZAHID BUKHARI)
Chairperson
Standing Committee on Law

Lahore
8 November 2016


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE – A

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

Bill No. 40 of 2016

**THE PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION,
FUNCTIONS AND POWERS) (AMENDMENT) BILL 2016**

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 clarify provisions relating to superintendence, administration and conduct of Prosecutors; and, for other purposes.

Be it enacted by 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 2016.

(2) It shall come into force at once.

2. Amendment in section 5 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, for section 5, the following shall be substituted:

“5. Superintendence and administration.– (1) The Government shall exercise superintendence over the Service to achieve the objectives of this Act.

(2) The administration of the Service shall, in the prescribed manner, vest in the Prosecutor General.

(3) A Public Prosecutor, an Additional Prosecutor General and a Deputy Prosecutor General shall perform functions under the directions of the Prosecutor General.

(4) Subject to the general directions of the Prosecutor General, all other Prosecutors within a district shall perform functions under the control of the District Public Prosecutor.”

3. Amendment in section 17 of Act III of 2016.– In the Act, for section 17, the following shall be substituted:

“17. Code of conduct.– (1) The Prosecutor General shall, with the prior approval of Government, issue a code of conduct for the Prosecutors.

(2) A Prosecutor shall perform functions under this Act in accordance with the code of conduct issued under subsection (1).”

4. Amendment in section 20 of Act III of 2016.– In the Act, for section 20, the following shall be substituted:

“20. Act to override other laws.– Sections 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19 of this Act shall override all other laws while other sections of the Act shall be read in conjunction with other laws.”

STATEMENT OF OBJECTS AND REASONS

Amendments in the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (III of 2006) are required to bring clarity in superintendence, administration and conduct of Prosecutors. Further, overriding effect of only handful specific provisions is required and other provisions of the Act have to be read in conjunction with other laws. Hence this Bill.

MINISTER INCHARGE

Lahore:
14 October 2016

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 clarify provisions relating to superintendence, administration and conduct of Prosecutors; and, for other purposes.

Be it enacted by 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 2016.

(2) It shall come into force at once.

2. Substitution of section 5 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, for section 5, the following shall be substituted:

5. Superintendence and administration.— (1) The Government shall exercise superintendence over the Service to achieve the objectives of this Act.

(2) The administration of the Service shall, in the prescribed manner, vest in the Prosecutor General.

(3) A Public Prosecutor, an Additional Prosecutor General and a Deputy Prosecutor General shall perform functions under the directions of the Prosecutor General.

(4) Subject to the general directions of the Prosecutor General, all other Prosecutors within a district shall perform functions under the control of the District Public Prosecutor."

3. Substitution of section 17 of Act III of 2016.— In the Act, for section 17, the following shall be substituted:

17. Code of conduct.— (1) The Prosecutor General shall, with the prior approval of Government, issue a code of conduct for the Prosecutors.

(2) A Prosecutor shall perform functions under this Act in accordance with the code of conduct issued under subsection (1)."

4. Substitution of section 20 of Act III of 2016.— In the Act, for section 20, the following shall be substituted:

20. Act to override other laws.— Sections 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19 of this Act shall override all other laws while other sections of the Act shall be read in conjunction with other laws."
