

## **NATIONAL ASSEMBLY SECRETARIAT**

### **REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE ISLAMABAD CAPITAL TERRITORY CRIMINAL PROSECUTION SERVICE (CONSTITUTION, FUNCTIONS AND POWERS) BILL, 2022**

I, Chairman of the Standing Committee on Interior have the honour to present this report on the Bill to establish the criminal prosecution service for Islamabad Capital Territory (ICT) [The Islamabad Capital Territory Criminal Prosecution Service (Constitution, Functions and Powers) Bill, 2023], referred to the Committee on 20-12- 2022.

2. The Committee comprises the following:

|                                          |                   |
|------------------------------------------|-------------------|
| 1. <b>Mr. Ahmad Hussain Deharr</b>       | <b>Chairman</b>   |
| 2. Malik Sohail Khan                     | Member            |
| 3. Rana Shamim Ahmed Khan                | Member            |
| 4. Syeda Nosheen Iftikhar                | Member            |
| 5. Dr. Zulifqar Ali Bhatti               | Member            |
| 6. Mr. Nadeem Abbas                      | Member            |
| 7. Mr. Sajid Mehdi                       | Member            |
| 8. Mir Munawar Ali Talpur                | Member            |
| 9. Nawab Muhammad Yousaf Talpur          | Member            |
| 10. Syed Agha Rafiullah                  | Member            |
| 11. Mr. Asmatullah                       | Member            |
| 12. Mr. Usama Qadri                      | Member            |
| 13. Mr. Muhammad Akhtar Mengal           | Member            |
| 14. Mr. Nawab Sher                       | Member            |
| 15. Mehar Ghulam Muhammad Lali           | Member            |
| 16. Mr. Muhammad Asim Nazir              | Member            |
| 17. Sardar Talib Hassan Nakai            | Member            |
| 18. Makhdoom Syed Sami-ul-Hassan Gillani | Member            |
| 19. Ms. Asiya Azeem                      | Member            |
| 20. Rana Sana Ullah Khan                 | Ex-officio Member |
| <i>Minister for Interior</i>             |                   |

3. The Committee considered the Bill, as introduced in the National Assembly placed at **Annex-A**, in its meeting held on 14-03-2023 and 24-05-2023, 18-07-2023 and 27-07-2023. The Committee proposed the following amendments in the Bill:-

#### **Preamble**

For the Preamble, the following shall be substituted:-

“WHEREAS it is expedient to establish Federal prosecution service and provide for powers and functions of prosecutors and matters incidental and ancillary thereto.”

#### Clause -1

For clause 1, the following shall be substituted:-

1. **Short title and commencement:** --- (1) This Act shall be called the Federal Prosecution Service Act, 2023.
- (2) It shall extend to the whole of Islamabad Capital Territory.
- (3) It shall come into force at once.

#### Clause -2

For clause 2, the following shall be substituted:-

2. **Definitions:** --- In this Act unless the context provides otherwise:

- (a) ‘Code’ means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (b) ‘Federal agency’ means a Federal Government agency empowered to investigate criminal offences under any law for the time being in force and notified for the purposes of this Act;
- (c) ‘first information report’ or “FIR” means a first information report lodged under section 154 of the Code;
- (d) ‘Government’ means the Federal Government;
- (e) ‘prescribed’ means prescribed by rules made under this Act;
- (f) ‘prosecutor’ means the Federal Prosecutor General, Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor and Assistant District Public Prosecutor and a special public prosecutor;
- (g) ‘Service’ means the Federal Criminal Prosecution Service; and
- (h) ‘special Federal law’ means a law enacted by the Majlis-e-Shoora (Parliament under paragraphs (a), (b) and (d) of Article 142 of the Constitution.

#### Clause -3

For clause 3, the following shall be substituted:-

3. **Establishment and functions of the Service:** (1) The Government shall, by notification in the official Gazette, establish and maintain the Federal Criminal Prosecution Service.
- (2) The Service shall consist of the Prosecutor General, Additional Prosecutors General, Deputy Prosecutors General, Assistant Prosecutor General, District Public Prosecutors, Deputy District Public

Prosecutors and Assistant District Public Prosecutors and such other staff as may be appointed in prescribed manner.

- (3) The functions of the service shall be to institute and conduct criminal proceedings initiated by the Islamabad Capital Territory police or a Federal agency.
- (4) The functions of the service under sub-section (3) shall be performed by one or more prosecutors appointed in accordance with the provisions of this Act or rules made thereunder.
- (5) The headquarters of the Service shall be at Islamabad.

#### Clause -4

For clause 4, the following shall be substituted:-

**4. Superintendence and administration of the Service:** (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 Federal

Prosecutor General.

- (3) An Assistant District Public Prosecutor, a Deputy District Public Prosecutor, a District Public Prosecutor, an Assistant Prosecutor General, a Deputy Prosecutor General and an Additional Prosecutor General shall perform functions under the overall control and directions of the Federal Prosecutor General.

- (4) Subject to the general directions of the Federal Prosecutor General ---

- a) all prosecutors within a district shall perform functions under the control of the District Public Prosecutor; and

- b) all prosecutors in a court shall perform functions under the control of the Prosecutor in-charge of that court.

#### Clause-5

For clause 5, the following shall be substituted:-

**5. Appointment of Federal Prosecutor General.** (1) The Federal 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.

- (2) The Federal Prosecutor General shall be appointed for a non-extendable term of three years.

- (3) The Federal Prosecutor General may resign from his office during the tenure of his office in writing to the Government through the division to which business of this Act stands allocated.

(4) The Government may, in the prescribed manner for reasons; to be recorded in writing and after providing an opportunity of being heard, remove the Federal Prosecutor General prior to completion of tenure, on the grounds of misconduct, inefficiency or physical infirmity.

#### Clause-6

For clause 6, the following shall be substituted:-

**6. Qualifications for the appointment of the Federal Prosecutor General:** A person shall not be appointed as the Federal Prosecutor General unless he is a citizen of Pakistan and is not less than forty-five years of age and he. ---

- a. has, for a period of or for periods aggregating to not less than ten years, been an advocate of a High Court;
- b. is a law graduate and has, for a period of not less than fifteen years, been a member of the prescribed civil service;
- c. has, for a period of not less than fifteen years held a judicial office in Pakistan;
- d. has, for a period of not less than five years performed functions of an Additional Prosecutor General; or
- e. has, for a period of not less than seven years, performed functions of a District Public Prosecutor, or has performed functions of a prosecutor in Pakistan for not less than fifteen years.

**Explanation:** In computing the period during which a person has been an advocate of a High Court or held judicial office, there shall be included any period during which he held judicial office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.

#### Clause -7

For clause 7, the following shall be substituted:-

**7. Appointment of other prosecutors. ---**

- (1). The Government shall appoint a District Public Prosecutor who shall be the officer-in-charge of prosecution in the district.
- (2). The Federal Prosecution General shall appoint a prosecutor-in-charge in the special court.
- (3). Appointments to the Service except appointment of the Federal Prosecutor General under section 5 shall either by initial recruitment or promotion or by transfer as may be prescribed.
- (4). All appointments by initial recruitment shall be made on the recommendations of the Federal Public Service Commission.
- (5). The license or enrolment of a person in the bar council shall not stand cancelled or suspended by his appointment as a prosecutor.



### Clause -8

For clause 8, the following shall be substituted:-

**8. Powers of prosecutors.** (1) The Federal Prosecutor General may issue general guidelines to the Prosecutors or officers responsible for investigation for effective and efficient prosecution

(2) The Federal Prosecutor General or the District Public Prosecutor may refer to the authority competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him which is prejudicial to the prosecution.

(3) A prosecutor shall have right of representation and audience in every court assigned to him.

(4) A prosecutor may ---

- (a) exercise all or any of the powers mentioned in section 9;
- (b) call for a report within a specified time from a law enforcement agency in relation to an investigation;
- (c) call for record or any other document within a specified time from a law enforcement agency and if necessary, from any Government department or agency as may be necessary for the purposes of prosecution;
- (d) perform such other functions and exercise such powers as may be entrusted to him under the Code and any other law for the time being in force; and
- (e) with the consent of the court, withdraw from the prosecution of any person either generally or in respect of any one or more offences for which he is being tried, after obtaining approval of ---
  - i. the District Public Prosecutor in cases of offences triable in court of sessions or court of magistrates and punishable with imprisonment of up to three years;
  - ii. the prosecutor-in-charge of a court in case of offences triable by special courts and punishable with imprisonment of up to three years;
  - iii. the Federal Prosecutor General where the offence is punishable by imprisonment of up to seven years; and
  - iv. the Government or one or more officers of the division concerned not below the rank of Additional Secretary authorized by the Government in case of all other offences.

(2) At any stage of a trial before any trial court subordinate to a High Court before the judgement is passed, the Federal Prosecutor General or any prosecutor specifically authorized by him may, for reasons to be recorded in writing, inform the court on behalf of the Government that the prosecutor shall not prosecute the accused upon the charge and thereupon all proceedings against the accused shall be stayed and he shall be discharged of from the same:

Provided that such discharge shall not amount to an acquittal unless the court directs otherwise.

(3) A prosecutor shall have right of representation and audience on behalf of the Government in all courts including Federal Shariat Court, High Courts and the Supreme Court.

**Clause -9**

**For clause 9, the following shall be substituted:-**

- 9. Conduct of Prosecution.** (1) A prosecutor shall be responsible for the conduct of prosecution on behalf of the government in ---
- (a) all cases triable before the courts of sessions and courts of magistrates in Islamabad.
  - (b) all cases triable by special courts on a police report or other report submitted by a Federal agency.
- (2) A police report under section 173 of the Code, including a report of cancellation of the FIR or a request for a discharge of a suspect or an accused or a complaint by a public servant authorized to file a complaint shall be submitted to the court through the prosecutor.
- (3) A prosecutor shall review the police report or the complaint, as the case may be, in accordance with the provisions of the Code, this Act and code of conduct.
- (4) Where a prosecutor requires clarifications, or is of the view that additional evidence needs to be collected, he may return the police report or complaint with one or more of the following directions: -
- (f) to clarify the method of collection of evidence;
  - (g) to explain why a particular line of inquiry was not followed;
  - (h) to explain why a defence was not considered; or
  - (i) to collect additional evidence.
- (5) The response of the police shall be submitted within the least practicable time but not later than the time indicated by the prosecutor.
- (6) On receipt of the response under sub-section (5) or where no response is received a prosecutor shall assess the case on the basis of the available evidence and inform the trial court of the results of his assessment and names of the accused persons who may stand trial on the basis of that assessment.
- (7) The magistrate shall give due consideration to the report of the prosecutor. Where a magistrate acts differently than the recommendations of the Prosecutor, he may refuse to act on the directions of the magistrate subject to the approval of the ---
- (a) Federal Prosecutor General in case of offences punishable with death or life imprisonment;
  - (b) prosecutor-in-charge in case of special courts for all other offences, and
  - (c) District Public Prosecutor in case of offences triable before the court of sessions or the court of magistrates for all other offences.
- (8) Where an accused pleads guilty or when the prosecutor sums up the case, the prosecutor shall propose to the magistrate or the court, the punishment which in his opinion the accused may be awarded.

**Clause-10**

**For clause 10, the following shall be substituted:-**

**10. Distribution of work.** (1) The Federal Prosecutor General or, if so authorized by him, an Additional Prosecutor General shall distribute work among prosecutors in respect of the Supreme Court, the High Court, the Federal Shariat Court or a special court established under any law for the time being in force.

(2) The District Public Prosecutor shall distribute work among prosecutors under his control.

(3) A prosecutor-in-charge of a special court shall distribute work among prosecutors under his control.

### **Clause-11**

**For clause 11, the following shall be substituted:-**

**11. Responsibility of police or a Federal agency towards prosecutors.** (1) An officer-in-charge of a police station or an investigation officer shall ---

(a) immediately report to the district public prosecutor or prosecutor in charge as the case may be, the registration of each criminal case by sending a copy of the FIR;

(b) send the police report or complaint to the specified prosecutor; and

(c) if an investigation has not been completed or cannot be completed within the time provided under law, record reasons for the delay and inform the prosecutor.

(2) An officer-in-charge of the police station or investigation officer, as the case may be, shall within the time specified by the prosecutor or before that comply with the directions and remedy the defects pointed out by the prosecutor under section 8 in a police report under section 173 of the Code including report for cancellation of the FIR or request for discharge of an accused or suspect.

### **Clause-12**

**For clause 12, the following shall be substituted:-**

**12. Duties of prosecutors: ---** (1) A prosecutor shall ---

(a) review the complete record of a case prior to taking a prosecutorial decision;

(b) act in accordance with law and fair trial requirements at all times;

(c) undertake such inquiries and seek such clarifications as may be required;

(d) take into consideration likely defences;

(e) provide information to the defence regarding any matter which may affect the case of the prosecution or assist the defence in material ways; and

(f) inform the defendants of their right to legal aid where they are unable to access the same for want of financial resources.

(2) A prosecutor shall keep the District Public Prosecutor or Prosecutor in-charge informed of the progress of all criminal cases under his charge.

(3) A District public prosecutor or the prosecutor in charge shall keep the Federal Prosecutor General informed about the progress of all cases in the district or court assigned to him.

- (4) Where a prosecutor is of the opinion that an application for enhancement of sentence or revision should be filed in any case, he shall refer the matter to the District Public Prosecutor or Prosecutor In charge of the court.
- (5) In case of an acquittal, the concerned prosecutor shall report the details of the case to the Federal Prosecutor General through the District Public Prosecutor or Prosecutor in charge as the case may be along with ground of appeal if any, who may request the Government to prefer an appeal.
- (6) A prosecutor shall maintain an independent file in the prescribed manner of each case assigned to him.
- (7) A prosecutor shall
- a. in all matters, perform his functions and exercise his powers fairly, honestly with due diligence, in accordance with law and in the public interest;
  - b. on receipt of a police report under section 173 of the code including report for cancellation of the first information report or request for discharge of an accused or suspect review and process it under section 9;
  - c. make such entries in the record and registers as may be prescribed; and
  - d. report to the district public prosecutor or prosecutor in charge, details of investigation, if any, conducted in violation of law or instructions issued by the prosecutor general or not completed in time provided under the law without reasonable cause.

#### Clause-16

**For clause 16, the following shall be substituted:-**

**16. Code of conduct.** (1) The Federal Prosecutor General shall, with the prior approval of the Government, issue a code of conduct for federal prosecutors.

(2) A federal prosecutor shall perform his functions under this Act in accordance with the code of conduct issued under sub-section (1).

#### Clause-17

**For clause 17, the following shall be substituted:-**

**19. Indemnity: —** No suit, prosecution or other legal proceedings shall lie against a federal prosecutor in respect of anything done or attempted to be done by him in good faith under this Act.

#### Clause-14

**For clause 14, the following shall be substituted:-**

**22. Power to make rules:** The Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

### **Clause- 19**

**For clause 19, the following shall be substituted:-**

**23. Savings-** All appointments made, actions taken and notifications issued before the commencement of this Act, with respect to prosecution of cases shall be deemed to have been made, taken and issued under this Act.

### **Omission of the clauses**

**In the said Act clauses 13, 15, and 18 shall be omitted.**

### **Insertion of the clauses**

**In the said Act following Clauses shall be inserted as under:**

### **Clause-13**

**13. Special Prosecutors.** (1) Government may appoint a special federal prosecutor in a case where the case requires special expertise and the said expertise is not available in the Service.

(2) Where a special federal prosecutor has been appointed in a case he shall not take decisions with regard to filing or withdrawal of a case.

(3) The appointment of a special federal prosecutor may be withdrawn at any time.

### **Clause-14**

**14. Chief Executive and staff.** (1) The Government shall appoint a Chief Executive Officer of the Service.

(2) The Chief Executive Officer shall be responsible for ---

- (a) budget formation;
- (b) expenditures in accordance with law and rules;
- (c) procurement in accordance with public procurement rules;
- (d) training of prosecutors; and
- (e) maintenance of record.

(3) The chief executive officer shall perform his functions under the supervision of the Federal Prosecutor General.

(4) The chief executive officer shall be assisted by such number of directors and staff as the Government may specify by the rules.

(5) The directors shall be responsible to the chief executive officer.

(6) The chief executive, directors and staff shall be appointed in the prescribed manner and till so prescribed as directed by the Secretary of the Interior Division.

(7) The Federal Prosecutor General may grant one or more of the following powers to non-legal staff designated by him, namely: ---

- a the power to obtain an adjournment of a hearing; or
- b the filing of applications before a court or a court registry.
- c The conduct of criminal proceedings in magistrate courts other than trials

(8) Where the Federal Prosecutor General grants powers under sub-section (1), the chief executive officer shall ensure that they have the requisite training.

(9) The number of persons granted powers under subsection (7) shall be reported in the annual report.

### Clause-15

**15. Reports** (1) The Chief Executive Officer shall submit an annual report of the Service to the Government through the division concerned within three months of the conclusion of the calendar year to which the report pertains.

(2) The Report shall contain amongst other things: ---

- a) desegregated data regarding the number of persons charged and convicted;
- b) number of charges recommended to be modified by prosecutors including those recommended to be dropped or added;
- c) number of cases in which fir was not received from the police;
- d) number of revisions and appeals filed and the results thereof;
- e) number of prosecutors available; and
- f) time taken to complete trials of different criminal cases.

(3) The Government shall lay the report before the Majlis-e-Shoora (Parliament) within two months of its receipt.

(4) In addition to the annual report, the chief executive officer shall provide such information in such format as the Government may seek from to time provided that the chief executive officer shall be under no obligation to disclose the identity of a person whose identity has been withheld in accordance with law.

### Clause-17

**17. Guidelines:** (1) The Federal Prosecutor General in consultation with the chief executive officer may issue guidelines to prosecutors which are not inconsistent with the provisions of this Act, any other law for the time being in force and the code of conduct

(2) Notwithstanding anything contained in subsection (1) the Federal Prosecutor General shall issue guidelines within 12 months of the commencement of this Act regarding the following:

- a. charging standards in serious criminal cases;
- b. the formulation of adverse outcome reports;

- c. processing of applications for withdrawal of cases;
- d. processing of applications for filing of appeals and revisions; and
- e. disclosure of used and unused material.

#### Clause-18

#### 18. Prosecutors to be public servants.-

Subject to the provisions of his Act and the rules, members of the Federal Prosecution Service, including the staff, shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XLV of 1860).

#### Clause-20

#### 20. Overriding effect: (1) This Act shall have overriding effect on all other laws including the Code.

(2) Section 9 of this Act shall be deemed to have amended the Code to the extent specified therein and the word prosecutor used therein shall be deemed to extend to provincial prosecutors.

(3) Section 12 shall be deemed to be part of the Code.

(4) Where the Government notifies an agency under section 2(b) of this Act, the prosecution function undertaken by that agency shall cease and any provisions of law authorizing the same shall stand repealed, forthwith.

#### Clause-21

21. **Transfer of work: ---** Where a federal agency empowered to investigate criminal offences under any law for the time being in force is notified by the Government under section 2 of the Act, all prosecution work related to the said agency shall be taken over by the Federal Prosecution Service.

4. The Committee recommends that the Bill as reported by the Standing Committee placed at **Annex-B** may be passed by the Assembly along with amendments.

5. The Committee also considered the amendments moved by the **Ms. Asiya Azeem** in the **clauses 4,5,7, 15 and 20 of Bill as introduced** and unanimously decided to reject the proposed amendments.

—sd—  
(TAHIR HUSSAIN)

Secretary

—sd—  
(AHMED HUSSAIN DEHARR)

Chairman

Islamabad, the 1st August, 2023.



**A**

**BILL**

*to establish a criminal prosecution service for Islamabad Capital Territory*

**WHEREAS** it is expedient to establish an independent, effective and efficient service for prosecution of criminal cases, to ensure prosecutorial independence, for better coordination in the criminal justice system of the Islamabad Capital Territory and matters incidental thereto and connected therewith;

It is hereby enacted as follows:-

**CHAPTER-I  
PRELIMINARY**

**1. Short title, extent and commencement.** – (1) This Act shall be called the Islamabad Capital Territory Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2022.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Definitions.** – (1) in this Act, unless there is anything repugnant in the subject or context,-

(a) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898);

(b) **“district”** means a district as defined in the Islamabad Local Government Act, 2015 (X of 2015) or such area notified by the Islamabad High Court to be a district;

(c) **“first information report”** means an information recorded under section 154 of the Code;

(d) **“Government”** means the Federal Government;

(e) **“High Court”** means the Islamabad High Court;

- (g) **"investigation officer"** means an officer of a law enforcement agency competent under any law, for the time being in force, to investigate an offence;
- (h) **"law enforcement agency"** means the Islamabad police and any other agency established under any law, as may be notified by the Government to be the law enforcement agency;
- (i) **"police rules"** means the police rules made under the law, for the crime being in force, for regulation of police in the Islamabad Capital Territory;
- (j) **"prescribed"** means prescribed by rules or regulations made under this Act;
- (k) **"prosecution"** means the prosecution of a criminal case as defined in the Code;
- (l) **"prosecutor"** means the Prosecutor General, Additional Prosecutor General, Deputy Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor, Assistant District Public Prosecutor and a Public Prosecutor by whatever designation called appointed under this Act and shall be deemed to be the public prosecutor under the Code;
- (m) **"Prosecutor General"** means the Prosecutor General appointed under this Act;
- (n) **"regulations"** means the regulations made under this Act;
- (o) **"rules"** means rules made under this Act; and
- (p) **"Service"** means the Islamabad Capital Territory Criminal Prosecution Service.

(2) The words and expressions used but not defined herein shall have the same meaning as are assigned thereto in the Code.

## CHAPTER-II ESTABLISHMENT, CONSTITUTION AND ADMINISTRATION OF THE SERVICE

**3. Establishment of the Islamabad Capital Territory Criminal Prosecution Service.** – (1) The Government shall, by notification in the official Gazette, establish and maintain the Islamabad Capital Territory Prosecution Service.

(2) The Service shall consist of the Prosecutor General, Additional Prosecutors General, Deputy Prosecutors General, District Public Prosecutors, Deputy District Public Prosecutors and Assistant District Public Prosecutors.

**4. 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) To carry out purposes of this Act, the Prosecutor General shall exercise such powers and perform such functions as may be prescribed.

(4) An Assistant District Public Prosecutor, a Deputy District Public Prosecutor, a District Public Prosecutor, a Deputy Prosecutor General and an Additional Prosecutor General shall perform functions under the directions of the Prosecutor General.

(5) 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.

**5. Appointment and term of the Prosecutor General.**– (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:

4

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.

(3) The Prosecutor General may resign from his post during the tenure of his office by submitting his resignation in writing to the Government through the Division to which business of this Act stands allocated.

(4) The Government may, for reasons to be recorded in writing and after providing him an opportunity of being heard, remove the Prosecutor General prior to the completion of his term, on the ground of misconduct, inefficiency or physical infirmity.

(5) The Prosecutor General shall have a right of representation and audience on behalf of the Government in all courts including the High Court, the Federal Shariat Court and the Supreme Court.

(6) The Prosecutor General may, by notification in official Gazette, delegate any of his functions to an Additional Prosecutor General or to a Deputy Prosecutor General.

**6. Qualifications for the appointment of Prosecutor General.**— A person shall not be appointed as Prosecutor General unless he is a citizen of Pakistan, and is not less than forty-five years of age, and he—

(a) has, for a period of or for the periods aggregating not less than ten years, been an advocate of the High Court; or

(b) is a law graduate and has, for a period of not less than fifteen years, been a member of the prescribed civil service; or

- (c) has, for a period of not less than ten years, held a judicial office in the Islamic Republic of Pakistan; or
- (d) has, for a period of not less than five years, performed functions of an Additional Prosecutor General; or
- (e) has, for a period of not less than seven years, performed the functions of a District Public Prosecutor or has performed functions of a Prosecutor in the Islamic Republic of Pakistan, for a period of not less than fifteen years.

**Explanation.**— In computing the period during which a person has been an advocate of the High Court or held judicial office, there shall be included any period during which he has held judicial office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.

**7. Appointments of other than Prosecutor General.**— (1) The Government may, by notification in the official Gazette, appoint Additional Prosecutors General and Deputy Prosecutors General to conduct criminal cases in the Supreme Court, the High Court, the Federal Shariat Court or any other special court.

(2) The Government may, by notification in the official Gazette, appoint a District Public Prosecutor in each district who shall be the officer-in-charge of the prosecution in the district within the meanings of the Code.

(3) Appointments to the Service, except appointment of the Prosecutor General under section 5, shall be either by initial recruitment or by promotion or by transfer as may be prescribed.

(4) All appointments by initial recruitment shall be made on the recommendation of the Federal Service Commission.

### **CHAPTER-III**

#### **POWERS AND FUNCTIONS OF THE PROSECUTORS**

**8. Powers of Prosecutors.**— (1) The Prosecutor General may issue general guidelines to the Prosecutors or officers responsible for investigation for effective and efficient prosecution.

(2) The Prosecutor General or the District Public Prosecutor may refer to the authority, competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him which is prejudicial to the prosecution.

(3) A Prosecutor may—

- (a) exercise all or any of the powers mentioned in section 9;
- (b) call for a report within a specified time from any officer of law enforcing agency in relation to an investigation;
- (c) call for record or any other document within a specified time from a law enforcement agency and, if necessary, from any other Government department or agency as may be necessary for the purposes of prosecution;
- (d) perform such functions and exercise such powers as may be entrusted to him under the Code and any other law for the time being in force;
- (e) with the consent of the court, withdraw from prosecution of any person either generally or in respect of any one or more of the offences for which he is being tried, after obtaining prior approval of—
  - (i) the District Public Prosecutor, where the offence is punishable by imprisonment up to three years;
  - (ii) the Prosecutor General, where the offence is punishable by imprisonment up to seven years; and
  - (iii) the Government, in all other offences and for the offences triable by the special courts.

(4) At any stage of a trial before any trial court subordinate to the High Court before the judgment is passed, the Prosecutor General or any Prosecutor specifically authorized by him may, for reasons to be recorded in writing, inform

the court on behalf of the Government that the Prosecutor shall not prosecute the accused upon the charge and thereupon all proceedings against the accused shall be stayed and he shall be discharged of from the same:

Provided that such discharge shall not amount to an acquittal unless the court directs otherwise.

**9. Conduct of prosecution.** – (1) The Prosecutors shall be responsible for the conduct of prosecution on behalf of the Government.

(2) The Prosecutor General or, if so authorized by him, an Additional Prosecutor General shall distribute work among the Prosecutors in respect of the Supreme Court, the High Court, the Federal Shariat Court or a special court established under any law for the time being in force.

(3) A District Public Prosecutor shall distribute work among the Prosecutors with respect to the Courts of Sessions and Courts of Magistrates within his district.

(4) A police report under section 173 of the Code including a report of cancellation of the first information report or a request for discharge of a suspect or an accused shall be submitted to a Court through the Prosecutor appointed under this Act.

(5) The Prosecutor shall scrutinize and evaluate the investigation and report in the manner as prescribed under section 173 of the Code.

**10. Conduct of prosecution before superior courts.**– (1) Without prejudice to the powers conferred under any law on the office of the Attorney General for Pakistan and the Advocate General, the Prosecutor General and the Additional Prosecutor General may depute any Prosecutor, otherwise qualified, for conducting prosecution before the Supreme Court, the High Court or the Federal Shariat Court.

(2) The Prosecutor General shall keep liaison with the office of the



Attorney General for Pakistan and the Advocate General in relation to criminal matters pending in any such Court.

**11. Responsibilities of Police towards Prosecutors.** – (1) An officer-in-charge of a police station or the investigation officer shall—

- (a) immediately report to the District Public Prosecutor, the registration of each criminal case by sending a copy of the first information report;
- (b) send the police report as prescribed under section 173 of the Code; and
- (c) if an investigation is not completed or cannot be completed within the time provided under the law, record reasons for the delay and inform the Prosecutor.

(2) An officer-in-charge of the police station or investigation officer shall, within the time specified by the Prosecutor, comply with the directions and remedy the defects pointed out by the Prosecutor in a police report under section 173 of the Code including report for cancellation of the first information report or request for discharge of an accused or suspect.

**12. Duties of the Prosecutors.** – (1) The Prosecutor General shall—

- (a) prepare an annual report of the Service and cause it to be placed before the Government within three months of the conclusion of the calendar year to which the report pertains and the Government shall lay the report before both Houses of the Parliament (*Majlis-e-Shoora*) within two months of its receipt; and
- (b) keep the Government informed about the performance of the Service.

(2) A Prosecutor, working under the directions of the Prosecutor General, shall keep the Prosecutor General informed about the progress of all the cases under his charge.

(3) The District Prosecutor shall keep the Prosecutor General informed

about the progress of all criminal cases in the district.

(4) A Prosecutor, working under the supervision and control of the District Public Prosecutor, shall keep the concerned District Public Prosecutor informed about the progress of all criminal cases under his charge.

(5) Where a Prosecutor is of the opinion that an application for enhancement of sentence or a revision should be filed in any case, he shall refer the matter to the District Public Prosecutor or the Prosecutor General, who shall take appropriate measures thereon under the law.

(6) In case of acquittal by a—

(a) Court in a district, the concerned District Public Prosecutor;  
and

(c) special court, the concerned Prosecutor,

shall report the details of the case to the Prosecutor General along with grounds for appeal and the Prosecutor General may request the Government for preferring an appeal.

(7) A Prosecutor shall maintain an independent file in the prescribed manner of each case assigned to him for prosecution.

(8) A Prosecutor shall—

(a) in all matters, perform his functions and exercise his powers fairly, honestly, with due diligence, in the public interest and to uphold justice;

(b) on receipt of the police report, final or interim, including a report for cancellation of first information report or request for discharge of an accused, scrutinize the same and process it under section 9;

(c) make such entries in the record and registers as may be prescribed;

- (d) report to the District Public Prosecutor, details of investigations, if any, conducted in violation of law or instructions issued by the Prosecutor General or not completed in the time provided under law without reasonable cause and the District Public Prosecutor may inform the head of investigation and the Prosecutor General for appropriate action; and
- (e) perform such other duties as may be assigned to him under this Act by the Government or the Prosecutor General.

#### **CHAPTER-IV**

#### **ESTABLISHMENT OF PROCESS SERVING AGENCY**

**13. Establishment of agency.**—(1) The Government may, by notification in the official Gazette, establish a criminal process serving agency to perform such process serving functions as may be prescribed, which may include the use of modern devices to serve processes and summons.

(2) The criteria for appointment and terms and conditions of service of the members of criminal process serving agency, established under sub-section (1), shall be such as may be prescribed.

#### **CHAPTER-V**

#### **MISCELLANEOUS**

**14. Power to make rules and regulations.**—(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) The Prosecutor General may, by notification in the official Gazette, subject to rules and with the prior approval of the Government, make regulations for giving effect to the provisions of this Act.

**15. Terms and conditions of Service.**— Subject to the provisions of this Act and the rules, members of the Service, including the staff, shall be deemed to be public servants within the meanings of section 21 of the Pakistan

**16. Code of conduct.**—(1) The Prosecutor General shall, with the prior approval of the 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 sub-section (1).

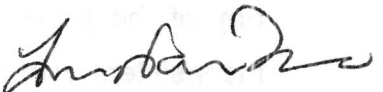
**17. Indemnity.**— No suit, prosecution or other legal proceedings shall lie against a Prosecutor in respect of anything done or attempted to be done or deemed to have been done by him in good faith under this Act.

**18. Removal of difficulties.**— If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act, as appear to it to be necessary for the purpose of removing the difficulty.

**19. Savings.**— All appointments made, actions taken and notifications issued by the Government before the commencement of this Act, with respect to prosecution of criminal cases, shall be deemed to have been made, taken and issued under this Act.

## **STATEMENT OF OBJECTS AND REASONS**

Presently, in the Islamabad Capital Territory there is no dedicated prosecution service to represent the State in criminal cases before the Courts. This Bill seeks to establish an independent, effective and efficient service for prosecution of criminal cases, to ensure prosecutorial independence for better coordination between the prosecution and law enforcement agencies in the Islamabad Capital Territory.

  
Minister-In-Charge

## ANNEX-B

**[AS REPORTED BY THE STANDING COMMITTEE]****FEDERAL PROSECUTION SERVICE ACT, 2023****A  
Bill*****to provide for establishment of Federal Prosecution Service***

WHEREAS it is expedient to establish Federal prosecution service and provide for powers and functions of prosecutors and matters incidental and ancillary thereto;

It is hereby enacted as follows: ---

**CHAPTER -I****PRELIMINARY**

1. **Short title and commencement:** --- (1) This Act shall be called the Federal Prosecution Service Act, 2023.
- (2) It shall extend to the whole of Islamabad Capital Territory.
- (3) It shall come into force at once.

2. **Definitions:** ---- In this Act unless the context provides otherwise:

- (a) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (b) 'Federal agency' means a Federal Government agency empowered to investigate criminal offences under any law for the time being in force and notified for the purposes of this Act;
- (c) 'first information report' or "FIR" means a first information report lodged under section 154 of the Code;
- (d) 'Government' means the Federal Government;
- (e) 'prescribed' means prescribed by rules made under this Act;
- (f) 'prosecutor' means the Federal Prosecutor General, Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor and Assistant District Public Prosecutor and a special public prosecutor;
- (g) 'Service' means the Federal Criminal Prosecution Service; and
- (h) 'special Federal law' means a law enacted by the Majlis-e-Shoora (Parliament under paragraphs (a), (b) and (d) of Article 142 of the Constitution.

**CHAPTER -II****ESTABLISHMENT, CONSTITUTION AND ADMINISTRATION OF THE SERVICE**

3. **Establishment and functions of the Service:** (1) The Government shall, by notification in the official Gazette, establish and maintain the Federal Criminal Prosecution Service.

(2) The Service shall consist of the Prosecutor General, Additional Prosecutors General, Deputy Prosecutors General, Assistant Prosecutor General, District Public Prosecutors, Deputy District Public Prosecutors and Assistant District Public Prosecutors and such other staff as may be appointed in prescribed manner.

(3) The functions of the service shall be to institute and conduct criminal proceedings initiated by the Islamabad Capital Territory police or a Federal agency.

(4) The functions of the service under sub-section (3) shall be performed by one or more prosecutors appointed in accordance with the provisions of this Act or rules made thereunder.

(5) The headquarters of the Service shall be at Islamabad.

4. **Superintendence and administration of the Service:** (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 Federal Prosecutor General.

(3) An Assistant District Public Prosecutor, a Deputy District Public Prosecutor, a District Public Prosecutor, an Assistant Prosecutor General, a Deputy Prosecutor General and an Additional Prosecutor General shall perform functions under the overall control and directions of the Federal Prosecutor General.

(4) Subject to the general directions of the Federal Prosecutor General ---

a) all prosecutors within a district shall perform functions under the control of the District Public Prosecutor; and

b) all prosecutors in a court shall perform functions under the control of the Prosecutor in-charge of that court.

5. **Appointment of Federal Prosecutor General.** (1) The Federal 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.

(2) The Federal Prosecutor General shall be appointed for a non-extendable term of three years.

(3) The Federal Prosecutor General may resign from his office during the tenure of his office in writing to the Government through the division to which business of this Act stands allocated.

(4) The Government may, in the prescribed manner for reasons; to be recorded in writing and after providing an opportunity of being heard, remove the Federal Prosecutor General prior to completion of tenure, on the grounds of misconduct, inefficiency or physical infirmity.

6. **Qualifications for the appointment of the Federal Prosecutor General:** A person shall not be appointed as the Federal Prosecutor General unless he is a citizen of Pakistan and is not less than forty-five years of age and he. ---

- a. has, for a period of or for periods aggregating to not less than ten years, been an advocate of a High Court;
- b. is a law graduate and has, for a period of not less than fifteen years, been a member of the prescribed civil service;
- c. has, for a period of not less than fifteen years held a judicial office in Pakistan;
- d. has, for a period of not less than five years performed functions of an Additional Prosecutor General; or
- e. has, for a period of not less than seven years, performed functions of a District Public Prosecutor, or has performed functions of a prosecutor in Pakistan for not less than fifteen years

**Explanation:** In computing the period during which a person has been an advocate of a High Court or held judicial office, there shall be included any period during which he held judicial



office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.

**7. Appointment of other prosecutors. ---**

- (1). The Government shall appoint a District Public Prosecutor who shall be the officer-in-charge of prosecution in the district.
- (2). The Federal Prosecution General shall appoint a prosecutor-in-charge in the special court.
- (3). Appointments to the Service except appointment of the Federal Prosecutor General under section 5 shall either by initial recruitment or promotion or by transfer as may be prescribed.
- (4). All appointments by initial recruitment shall be made on the recommendations of the Federal Public Service Commission.
- (5). The licence or enrolment of a person in the bar council shall not stand cancelled or suspended by his appointment as a prosecutor.

**CHAPTER- III POWERS AND FUNCTIONS OF PROSECUTORS**

**8. Powers of prosecutors.** (1) The Federal Prosecutor General may issue general guidelines to the Prosecutors or officers responsible for investigation for effective and efficient prosecution

(2) The Federal Prosecutor General or the District Public Prosecutor may refer to the authority competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him which is prejudicial to the prosecution.

(3) A prosecutor shall have right of representation and audience in every court assigned to him.

(4) A prosecutor may ---

- (a) exercise all or any of the powers mentioned in section 9;
- (b) call for a report within a specified time from a law enforcement agency in relation to an investigation;
- (c) call for record or any other document within a specified time from a law enforcement agency and if necessary, from any Government department or agency as may be necessary for the purposes of prosecution;
- (d) perform such other functions and exercise such powers as may be entrusted to him under the Code and any other law for the time being in force; and
- (e) with the consent of the court, withdraw from the prosecution of any person either generally or in respect of any one or more offences for which he is being tried, after obtaining approval of ---
  - i. the District Public Prosecutor in cases of offences triable in court of sessions or court of magistrates and punishable with imprisonment of up to three years;
  - ii. the prosecutor-in-charge of a court in case of offences triable by special courts and punishable with imprisonment of up to three years;
  - iii. the Federal Prosecutor General where the offence is punishable by imprisonment of up to seven years; and
  - iv. the Government or one or more officers of the division concerned not below the rank of Additional Secretary authorized by the Government in case of all other offences.

(2) At any stage of a trial before any trial court subordinate to a High Court before the judgement is passed, the Federal Prosecutor General or any prosecutor specifically authorized by him may, for reasons to be recorded in writing, inform the court on behalf of the Government that the prosecutor

shall not prosecute the accused upon the charge and thereupon all proceedings against the accused shall be stayed and he shall be discharged of from the same:

Provided that such discharge shall not amount to an acquittal unless the court directs otherwise.

(3) A prosecutor shall have right of representation and audience on behalf of the Government in all courts including Federal Shariat Court, High Courts and the Supreme Court.

**9. Conduct of Prosecution.** (1) A prosecutor shall be responsible for the conduct of prosecution on behalf of the government in ---

(a) all cases triable before the courts of sessions and courts of magistrates in Islamabad.

(b) all cases triable by special courts on a police report or other report submitted by a Federal agency.

(2) A police report under section 173 of the Code, including a report of cancellation of the FIR or a request for a discharge of a suspect or an accused or a complaint by a public servant authorized to file a complaint shall be submitted to the court through the prosecutor.

(3) A prosecutor shall review the police report or the complaint, as the case may be, in accordance with the provisions of the Code, this Act and code of conduct.

(4) Where a prosecutor requires clarifications, or is of the view that additional evidence needs to be collected, he may return the police report or complaint with one or more of the following directions:

(f) to clarify the method of collection of evidence;

(g) to explain why a particular line of inquiry was not followed;

(h) to explain why a defence was not considered; or

(i) to collect additional evidence.

(5) The response of the police shall be submitted within the least practicable time but not later than the time indicated by the prosecutor.

(6) On receipt of the response under sub-section (5) or where no response is received a prosecutor shall assess the case on the basis of the available evidence and inform the trial court of the results of his assessment and names of the accused persons who may stand trial on the basis of that assessment.

(7) The magistrate shall give due consideration to the report of the prosecutor. Where a magistrate acts differently than the recommendations of the Prosecutor, he may refuse to act on the directions of the magistrate subject to the approval of the ---

(a) Federal Prosecutor General in case of offences punishable with death or life imprisonment;

(b) prosecutor-in-charge in case of special courts for all other offences, and

(c) District Public Prosecutor in case of offences triable before the court of sessions or the court of magistrates for all other offences.

(8) Where an accused pleads guilty or when the prosecutor sums up the case, the prosecutor shall propose to the magistrate or the court, the punishment which in his opinion the accused may be awarded.

**10. Distribution of work.** (1) The Federal Prosecutor General or, if so authorized by him, an Additional Prosecutor General shall distribute work among prosecutors in respect of the Supreme Court, the High Court, the Federal Shariat Court or a special court established under any law for the time being in force.

(2) The District Public Prosecutor shall distribute work among prosecutors under his control.

(3) A prosecutor-in-charge of a special court shall distribute work among prosecutors under his control.

**11. Responsibility of police or a Federal agency towards prosecutors.** (1) An officer-in-charge of a police station or an investigation officer shall ---

- (a) immediately report to the district public prosecutor or prosecutor in charge as the case may be, the registration of each criminal case by sending a copy of the FIR;
- (b) send the police report or complaint to the specified prosecutor; and
- (c) if an investigation has not been completed or cannot be completed within the time provided under law, record reasons for the delay and inform the prosecutor.

(2) An officer-in-charge of the police station or investigation officer, as the case may be, shall within the time specified by the prosecutor or before that comply with the directions and remedy the defects pointed out by the prosecutor under section 8 in a police report under section 173 of the Code including report for cancellation of the FIR or request for discharge of an accused or suspect.

**12. Duties of prosecutors: ---** (1) A prosecutor shall ---

- (a) review the complete record of a case prior to taking a prosecutorial decision;
- (b) act in accordance with law and fair trial requirements at all times;
- (c) undertake such inquiries and seek such clarifications as may be required;
- (d) take into consideration likely defences;
- (e) provide information to the defence regarding any matter which may affect the case of the prosecution or assist the defence in material ways; and
- (f) inform the defendants of their right to legal aid where they are unable to access the same for want of financial resources.

(2) A prosecutor shall keep the District Public Prosecutor or Prosecutor in-charge informed of the progress of all criminal cases under his charge.

(3) A District public prosecutor or the prosecutor in charge shall keep the Federal Prosecutor General informed about the progress of all cases in the district or court assigned to him.

(4) Where a prosecutor is of the opinion that an application for enhancement of sentence or revision should be filed in any case, he shall refer the matter to the District Public Prosecutor or Prosecutor In charge of the court.

(5) In case of an acquittal, the concerned prosecutor shall report the details of the case to the Federal Prosecutor General through the District Public Prosecutor or Prosecutor in charge as the case may be along with ground of appeal if any, who may request the Government to prefer an appeal.

(6) A prosecutor shall maintain an independent file in the prescribed manner of each case assigned to him.

(7) A prosecutor shall

- a. in all matters, perform his functions and exercise his powers fairly, honestly with due diligence, in accordance with law and in the public interest;
- b. on receipt of a police report under section 173 of the code including report for cancellation of the first information report or request for discharge of an accused or suspect review and process it under section 9;
- c. make such entries in the record and registers as may be prescribed; and
- d. report to the district public prosecutor or prosecutor in charge, details of investigation, if any, conducted in violation of law or instructions issued by the prosecutor general or not completed in time provided under the law without reasonable cause.

**13. Special Prosecutors.** (1) Government may appoint a special federal prosecutor in a case where the case requires special expertise and the said expertise is not available in the Service.

(2) Where a special federal prosecutor has been appointed in a case he shall not take decisions with regard to filing or withdrawal of a case.

(3) The appointment of a special federal prosecutor may be withdrawn at any time.

## CHAPTER -IV MISCELLANEOUS

**14. Chief Executive and staff.** (1) The Government shall appoint a Chief Executive Officer of the Service.

(2) The Chief Executive Officer shall be responsible for ---

- (a) budget formation;
- (b) expenditures in accordance with law and rules;
- (c) procurement in accordance with public procurement rules;
- (d) training of prosecutors; and
- (e) maintenance of record.

(3) The chief executive officer shall perform his functions under the supervision of the Federal Prosecutor General.

(4) The chief executive officer shall be assisted by such number of directors and staff as the Government may specify by the rules.

(5) The directors shall be responsible to the chief executive officer.

(6) The chief executive, directors and staff shall be appointed in the prescribed manner and till so prescribed as directed by the Secretary of the Interior Division.

(7) The Federal Prosecutor General may grant one or more of the following powers to non-legal staff designated by him, namely: ---

- a the power to obtain an adjournment of a hearing; or
- b the filing of applications before a court or a court registry.
- c The conduct of criminal proceedings in magistrate courts other than trials

(8) Where the Federal Prosecutor General grants powers under sub-section (1), the chief executive officer shall ensure that they have the requisite training.

(9) The number of persons granted powers under subsection (7) shall be reported in the annual report.

**15. Reports** (1) The Chief Executive Officer shall submit an annual report of the Service to the Government through the division concerned within three months of the conclusion of the calendar year to which the report pertains.

(2) The Report shall contain amongst other things: ---

- a) desegregated data regarding the number of persons charged and convicted;
- b) number of charges recommended to be modified by prosecutors including those recommended to be dropped or added;
- c) number of cases in which fir was not received from the police;
- d) number of revisions and appeals filed and the results thereof;
- e) number of prosecutors available; and
- f) time taken to complete trials of different criminal cases.

(3) The Government shall lay the report before the Majlis-e-Shoora (Parliament) within two months of its receipt.

(4) In addition to the annual report, the chief executive officer shall provide such information in such format as the Government may seek from to time provided that the chief executive officer shall be under no obligation to disclose the identity of a person whose identity has been withheld in accordance with law.

**16. Code of conduct.** (1) The Federal Prosecutor General shall, with the prior approval of the Government, issue a code of conduct for federal prosecutors.

(2) A federal prosecutor shall perform his functions under this Act in accordance with the code of conduct issued under sub-section (1).

**17. Guidelines:** (1) The Federal Prosecutor General in consultation with the chief executive officer may issue guidelines to prosecutors which are not inconsistent with the provisions of this Act, any other law for the time being in force and the code of conduct

(2) Notwithstanding anything contained in subsection (1) the Federal Prosecutor General shall issue guidelines within 12 months of the commencement of this Act regarding the following:

- a. charging standards in serious criminal cases;
- b. the formulation of adverse outcome reports;
- c. processing of applications for withdrawal of cases;
- d. processing of applications for filing of appeals and revisions; and
- e. disclosure of used and unused material.

**18. Prosecutors to be public servants. ---**

Subject to the provisions of his Act and the rules, members of the Federal Prosecution Service, including the staff, shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XLV of 1860).

**19. Indemnity: ---** No suit, prosecution or other legal proceedings shall lie against a federal prosecutor in respect of anything done or attempted to be done by him in good faith under this Act.

**20. Overriding effect:** (1) This Act shall have overriding effect on all other laws including the Code.

(2) Section 9 of this Act shall be deemed to have amended the Code to the extent specified therein and the word prosecutor used therein shall be deemed to extend to provincial prosecutors.

(3) Section 12 shall be deemed to be part of the Code.

(4) Where the Government notifies an agency under section 2(b) of this Act, the prosecution function undertaken by that agency shall cease and any provisions of law authorizing the same shall stand repealed, forthwith.

**21. Transfer of work: ---** Where a federal agency empowered to investigate criminal offences under any law for the time being in force is notified by the Government under section 2 of the Act, all prosecution work related to the said agency shall be taken over by the Federal Prosecution Service.

**22. Power to make rules:** The Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

**23. Savings-** All appointments made, actions taken and notifications issued before the commencement of this Act, with respect to prosecution of cases shall be deemed to have been made, taken and issued under this Act.

**STATEMENT OF OBJECTS AND REASONS**

Presently, in the Islamabad Capital Territory there is no dedicated prosecution service to represent the State in criminal cases before the Courts. This Bill seeks to establish an independent, effective, and efficient service for prosecution of criminal cases, to ensure prosecutorial independence for better coordination between the prosecution and law enforcement agencies in the Islamabad Capital Territory.

**Rana Sana Ullah Khan**  
**Minister-In-Charge**