



THE SPECIAL COURTS FOR SPEEDY TRIALS (SIND) RULES, 1988.

Contents

SCAN TO VERIFY

LAW DEPARTMENT

GOVERNMENT OF SINDH

www.sindhlaws.gov.pk

Rules.

1. Short title, commencement and application.
2. Appointment as a Special Court:
3. Terms and conditions of service of a Judge of special Court.
4. Officers and Servants of the Court.
5. Engagement of Advocate.
6. Production of Prosecution Witness.
7. Temporary absence of Special Court.
8. Supply of copy of Judgement.
9. Copies of Record for Appeal.
10. Cause List.
11. Form and Contents of Applications.
12. Application to be signed and certified.
13. Mode of presentation.
14. Application for Bail.
15. Manner of attestation of Affidavit.
16. Inspector of Record.
17. Hours of presentation of application and inspection of record.
18. Manner of inspection of record.
19. Penalty for violations of rules for manner of inspection.
20. Inspection of police record not allowed.
21. Inspection of Registers.
22. Seal of the Court.
23. Notices to be signed etc.
24. Orders.
25. General.
26. Execution.

**GOVERNMENT OF SINDH
HOMEDEPARTMENT**

NOTIFICATION
Karachi, dated the 10th June , 1988.

NO. VII(182)SOJ/87. In exercise of the powers conferred upon him under section 14 of the Special Courts for Speedy Trials Act, 1987(XV of 1987), the Governor of Sind is pleased to make the following rules, namely:-

SPECIAL COURTS FOR SPEEDY TRIALS (SIND) RULES, 1988.

1. SHORT TITLE AND COMMENCEMENT:

- (1) These rules may be called the Special Courts for Speedy Trials (Sind) Rules, 1988.
- (2) They shall come into force at once.

2. APPOINTMENT AS A SPECIAL COURT:

Appointment as a Special Court shall be made by the Government.

3. TERMS AND CONDITIONS OF SERVICE OF A JUDGE OF A SPECIAL COURT:

The terms and conditions of a person appointed as a Special Court other than a Judge of the High Court shall be such as may be determined by the Government.

4. OFFICERS AND SERVANTS OF THE COURT:

- (1) The Government shall appoint the officers and servants of the Special Courts.
- (2) The terms and conditions of the officers and servants of the Special Courts shall be such as may be determined by the Government.

5. ENGAGEMENT OF ADVOCATE:

- (1) The Court may on the application of any accused person appoint an Advocate for his defence.
- (2) Any Advocate appointed under sub-rule (1) or for purposes of trial of an accused in absentia, shall be paid by the Government such remuneration as may be fixed by the Court:

Provided that such remuneration shall not exceed rupees five thousand and five hundred for the entire trial.

(3) Such Advocates shall also be supplied copies of the record free of cost

6. PRODUCTION OF PROSECUTION WITNESS:

A Special Court shall immediately on taking cognizance of the case pass an order directing the Officer Incharge of police Station to be present alongwith all the prosecution witnesses on every date of hearing.

7. TEMPORARY ABSENCE OF SPECIAL COURT:

At any time when a Special Court is absent or is unable to perform its functions, the ancillary or subsidiary matters including cases of bail or remand shall be put up for orders before the nearest available Special Court.

8. SUPPLY OF COPY OF JUDGEMENT:

(1) Where at the time of pronouncement of Judgement neither the accused nor his counsel is present or the counsel alone is present the Court shall make an endorsement of that effect on the Judgement and cause a copy of the Judgement to be sent to the accused and his counsel by post or as the case may be delivered to the counsel.

(2) The sending or delivery of a copy of the Judgement under sub-rule(1) shall be deemed to be supply of copy under section 12 of the Act.

9. COPIES OF RECORD FOR APPEAL:

The number of copies of the record of the case required for appeal to the appellate Court under the rules of that Court shall be supplied to the accused or all Advocate General as the case may be, at state expense.

10. CAUSE LIST:

(1) The Court shall get prepared a cause list of the cases to be heard on a particular day.

(2) A copy of the cause list shall be hung outside the Court Room.

11. FORM AND CONTENTS OF APPLICATIONS:

Every application shall-

- (a) Be legibly written or typed in the language of the Court on one side of a thick foolscap white paper;
- (b) Bear the name of the Court; and
- (c) State the name, description and address of the petitioner and the respondent, as the case may be.

12. APPLICATION TO BE SIGNED AND CERTIFIED:

Every application shall be signed by the petitioner himself or his counsel supported by an affidavit.

13. MODEL OF PRESENTATION OF APPLICATIONS:

(1) Every petition shall be presented by the petitioner personally or by his counsel, on any working day to such officer as is authorized by the Court.

(2) The officer of the Court so authorized shall, on being satisfied that the petition is in order, cause the same to be entered in a register, and subject to the direction of the Court inform the petitioner or his counsel of the date on which the application shall be taken up for hearing:

Provided that the Court may, without fixing a date, hear an application.

14. APPLICATION FOR BAIL:

Every application for bail or cancellation of bail shall be supported by an affidavit.

15. MANNER OF ATTESTATION OF AFFIDAVIT:

Affidavits intended to be presented before the Court in support of an application shall be drawn up and attested in the manner prescribed by the law and rules for the time being in force and declared before a Court of a Magistrate or any other person appointed by a High Court under clause (b) of section 139 of the Code of Civil Procedure (IV of 1908) or section 539 of the Code of Criminal Procedure, 1898 (IV of 1898).

16. INSPECTION OF RECORD:

Save as otherwise provided in these rules, the record of pending cases shall be open to inspection by the parties or their authorized agent or counsel.

17. HOURS OF PRESENTATION OF APPLICATION AND INSPECTION OF RECORD:

(1) Every application for inspection of record shall be made to the Court or an officer authorized by the Court in this behalf..

(2) Every application for inspection of record shall distinctly specify the record of which inspection is desired and be presented between 8.30 a.m. and 12.00 noon.

(3) On receipt of an application for inspection of record, the officer authorized under sub-rule(1) shall arrange for such inspection;

- (a) during the time allowed by the Court when the inspection is desired on the date of hearing; and
- (b) between 8.30 a.m. and 1.30 p.m. when the inspection is desired on a day other than the date of hearing.

18. MANNER OF INSPECTION OF RECORD:

- (1) A person making inspection of the record may take notes of it in lead pencil only and shall not make any mark on such record.
- (2) The inspection of record shall be made in the presence of an official of the Court designated by the Court in this behalf.

19. PENALTY FOR VIOLATION OF RULES FOR MANNER OF INSPECTION:

Whoever violates or attempts to violate the provisions of the rules relating to manner of inspection, shall, in addition to any other suitable action, as may be directed by the Court, in the circumstances of each case be liable to be deprived of the right to inspect the record for such period as the Court may think fit.

20. INSPECTION OF POLICE CORD NOT ALLOWED:

The police record and translation thereof received in the Court in connection with any pending case shall not be made available for inspection to the accused, his agent or counsel.

21. INSPECTION OF REGISTERS:

When a party or his counsel requests in writing for inspection of a register for tracing the particulars of a case or a document, the Court may in the presence of an official of the Court, allow such inspection free of any charge.

22. SEAL OF THE COURT:

- (1) There shall be a seal of the Court which shall include the name of the Court and its insignia.
- (2) The seal shall remain in the custody of such officer as the Court may direct and shall be affixed on every order passed by the Court.

23. NOTICES TO BE SIGNED ETC:

Every notice shall be signed by the Court or any other officer authorized by it in this behalf, and shall be sealed with the Seal of the Court.

24. ORDERS:

The Court may make such orders not inconsistent with the provisions of the Act and in keeping with the purposes of the Act and these rules, as may be necessary for carrying out the day to day business of the Court.

25. **GENERAL:**

In matters of arrangement, preservation and destruction of record, language of the Court, Court holidays, timing of the Court and the dress of the Court and the counsel, the high Court Rules and Orders shall apply mutatis mutandis to a Special Court.

26. **EXECUTION:**

On receipt of warrants of execution of a sentence of death or of whipping passed by a Special Court the concerned jail officer shall immediately refer the matter to the Government and shall not take any steps for the execution of the warrant except on receipt of and in accordance with the order of the

BY ORDER OF THE GOVERNOR OF SIND

ABDULLAH J. MEMON
Home Secretary.