



# The Sindh Government Gazette

Published by Authority

---

**KARACHI THURSDAY FEBRUARY 4, 2016**

---

## PART-IV

**PROVINCIAL ASSEMBLY OF SINDH  
NOTIFICATION  
KARACHI, THE 04<sup>TH</sup> FEBRUARY, 2016.**

**NO.PAS/Legis-B-43/2015**-The Sindh Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Sindh on 15<sup>th</sup> January, 2016 and assented to by the Governor of Sindh on 2<sup>nd</sup> February, 2016 is hereby published as an Act of the Legislature of Sindh.

**THE SINDH CRIMINAL PROSECUTION SERVICE  
(CONSTITUTION, FUNCTIONS AND POWERS)  
(AMENDMENT) ACT, 2015.**

**SINDH ACT NO. II OF 2016.**

**AN  
ACT**

to amend the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009.

**WHEREAS** it is expedient to amend the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009 in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act, 2015. **Short title and commencement.**

(2) It shall come into force at once.

**Amendment of  
Section 2 of Sindh  
Act No. IX of 2010.**

2. In the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009, hereinafter referred to as the said Act, in section 2 -

(i) in sub-section (1) -

(a) in clause (b), after the semi colon, the words "and Judicial District" shall be added.

(b) for clause (i), the following shall be substituted:-

"(i) "members of the service" means and includes Prosecutors, officers and other staff of the service;"

(c) in clause (i), after the word "Act" the words "or Code" shall be inserted;

(ii) in sub-section (2), for the word "Order", the words "Police Act 1861" shall be substituted with.

**Amendment of  
Section 4 of Sindh  
Act No. IX of 2010.**

3. In the said Act, in section 4, after the words "Assistant District Public Prosecutors" the words "and any other Public Prosecutor" shall be added.

**Amendment of  
Section 5 of Sindh  
Act No. IX of 2010.**

4. In the said Act, for section 5, the following shall be substituted:-

"5.(1) Government shall exercise general superintendence over the Service to ensure achievement of the objectives of this Act.

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

(3) The Prosecutors and all other members of the service shall perform their functions under the control and supervision of the Prosecutor General.

(4) Subject to the sub-section (2), all Prosecutors within a District shall work under the supervision of the District Public Prosecutor.

(5) The Prosecutor General shall have power to assign work and order the transfer and posting of any of the Prosecutor and members of the service."

**Amendment of  
Section 6 of Sindh  
Act No. IX of 2010.**

5. In the said Act, in section 6 -

(i) in sub-section (4), the words "during the tenure of his office" shall be omitted;

(ii) sub-section (5) shall be omitted and sub-sections (6) and (7) shall be renumbered as sub-section (5) and sub-section (6);

(iii) for renumbered sub-section (6), the following shall be

“(6) The Prosecutor General may delegate any of his powers or functions to any Prosecutor or officer of the Service.”

6. In the said Act, in section 8, in sub-section (1), for the words “or any other Special Court”, the comma and words “Special Court, Tribunal, Lower Court or any other Court” shall be substituted.

**Amendment of  
Section 8 of Sindh  
Act No. IX of 2010.**

7. In the said Act, after section 9 -

**Amendment of  
section 9 of Sindh  
Act No. IX of 2010.**

(i) after sub-section (1), the following new sub-section (1-A) shall be inserted:-

“(1-A) The Prosecutor General or any Prosecutor authorized by him shall distribute work to the Prosecutors in the Supreme Court, High Court, Federal Shariat Court or a Special Court, Tribunal established under any law for the time being in force.

(ii) for sub-section (6), the following shall be substituted:-

“(6) The Prosecutor may forward the report under section 173 of the Code, to the Court and applicability of offences against all or any of the accused as per facts and circumstances of the case.”

8. After section 9, the following new section 9-A shall be inserted:-

**Insertion of new  
section 9-A of Sindh  
Act No. IX of 2010.**

“9-A. (1) The Prosecutor General may issue general guidelines of 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 and 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;

