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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH AUGUST, 2017.

NO.PAS/Legis-B-23/2017- The Sindh Forensic Science Agency Bill, 2017 having been passed by the Provincial Assembly of Sindh on Thursday 27th July, 2017 and assented to by the Governor of Sindh on 09th August, 2017 is hereby published as an Act of the Legislature of Sindh.

THE SINDH FORENSIC SCIENCE AGENCY ACT, 2017.

SINDH ACT NO. XXVIII OF 2017.

AN
ACT

to provide for the establishment of an Agency known as the Sindh Forensic Science Agency for forensic examination of documents, materials, equipment, Impressions or other objects.

WHEREAS It is expedient to provide for the establishment of an Agency for the purpose of examination of forensic material and rendering of expert opinion in respect thereof before Court, tribunal or other authority and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Forensic Science Agency Act, 2017. **Short title, extent and commencement.**
- (2) It extends to the whole of the Province of Sindh.
- (3) It shall come into force at once.
2. (1) In this Act, unless there is anything repugnant in the subject or context - **Definitions.**

(a) "Agency" means the Sindh Forensic Science Agency established under section 3,

- (b) "authority" includes a police officer or a public servant authorized to hold an investigation or inquiry under any law for the time being in force;
- (c) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (d) "Director General" means the Director General of the Agency appointed under section- 8(2)(1);
- (e) "expert" includes a qualified foreign expert working in a forensic science facility and whose evidence is admissible in the country of his origin;
- (f) "forensic material" means a document, material, equipment, impression or any other object connected with the commission of an offence, a civil cause or any other proceedings;
- (g) "Government" means the Government of Sindh;
- (h) "inquiry" includes an administrative inquiry;
- (i) "offence" means an act or omission made punishable under any law for the time being in force;
- (j) "prescribed" means prescribed by the rules;
- (k) "rules" means the rules made under the Act; and
- (l) "Search Committee" means a Committee constituted for making recommendation for appointment of Director General.

(2) The words and expressions used but not defined in this Act shall have the same meaning as assigned to them in the Code.

3. (1) Government shall, by a notification in the official Gazette, establish an Agency to be called the Sindh Forensic Science Agency. **Establishment of the Agency.**

(2) The Agency shall consist of the Director General and experts and officials as may be appointed by the Government.

(3) The Government may, by a notification in the official Gazette, absorb in the Agency, a body, bureau, laboratory or any other facility of Government concerned with the examination and rendering of expert opinion about forensic material.

(4) An officer or an employee of the body, bureau, laboratory or other facility absorbed in the Agency may opt for employment in the Agency.

(5) The officer or the employee who opts to become employee of the Agency and is otherwise qualified shall be appointed in the Agency in the prescribed manner.

4. The Agency shall - **Functions of the Agency.**

- (a) undertake examination of forensic material;
- (b) render expert opinion with regard to examination of forensic material conducted by it;
- (c) procure, operate and maintain scientific instruments for examination of forensic material;
- (d) propose advancement in forensic techniques and suggest use of suitable scientific instruments for examination of forensic material;
- (e) seek clarification from the person involved in collection or handling of forensic material in the prescribed manner;
- (f) recommend the procedure for the collection, preservation and handling of forensic material;

- (g) subject to the direction of the Government, collect forensic material that requires special expertise or scientific methods for collection and preservation;
- (h) maintain record for examination of forensic material, including record pertaining to the identity of a person connected with or accused of an offence, in the prescribed manner;
- (i) promote general awareness on matters relating to forensics; and
- (j) perform any other function connected with or ancillary to the above functions.
5. The superintendence of the Agency shall vest in Government and shall be exercised in the prescribed manner. **Superintendence of the Agency.**
6. The administration of the Agency shall vest in the Director General. **Administration of the Agency.**
7. (1) Government shall constitute a search committee comprising of –
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| (i) Chief Secretary, Sindh | Chairman |
| (ii) Secretary, Home Department, Government of Sindh, | Member |
| (iii) Secretary Finance, Government of Sindh | Member |
| (iv) Secretary (Services), SGA&CD, Government of Sindh | Member |
| (v) An officer of Home Department not below the rank of BS-19 | Member/ Secretary |
- (2) The Search Committee shall submit its recommendation of appointment of the Director General of the Agency in the prescribed manner.
8. (1) Government shall appoint the Director General on the recommendation of the Search Committee. **Appointment of the Director General.**
- (2) The Director General shall be a qualified expert in one or more disciplines of forensic science **with an experience of at-least ten years or more** in accordance with the prescribed standards.
- (3) The Director General shall hold office for a term of five years but Government may, in special circumstances, extend the term of office of the Director General for such period as it may determine.

- (4) Government shall determine the terms and conditions of service of the Director General which shall not be varied during his term in office.
- (5) Government may, after notice and inquiry in the prescribed manner, remove the Director General during the tenure of his office on the ground of inefficiency, misconduct, corruption or inability to perform functions due to medical reasons.
- (6) The Director General may tender his resignation to the Government and shall cease to hold office upon acceptance of his resignation.
9. The Director General shall exercise such administrative and financial powers as may be prescribed. **Administrative and financial powers of the Director General.**
10. (1) Government shall appoint an expert in the prescribed manner. **Experts.**
- (2) No person shall be appointed as an expert unless he is qualified to conduct examination of a forensic material.
- (3) A person appointed in the Agency as an expert shall be deemed to be an expert appointed under section 510 of the Code and a person specially skilled in a forensic material under Article 59 of the Qanun-e-Shahadat Order, 1984 (X of 1984).
- (4) Government or the Agency shall not entrust examination of a forensic material to a person who has been convicted of an offence related to giving false evidence under any law for the time being in force.
11. (1) A Court, tribunal or authority may send to the Agency, a forensic material related to investigation or proceedings before it, for examination and expert opinion. **Expert opinion.**
- (2) The Agency shall, within thirty days of receipt of material, authenticate and send expert opinion to a Court, tribunal or authority in the prescribed manner.
- (3) An expert opinion shall carry the name and designation of the expert who conducted the examination.
12. (1) If an expert opinion is not clear, the Court, tribunal or authority may refer it to the Agency for clarification on a specific question. **Clarification in case of certain opinion.**
- (2) The Agency shall, on receipt of the reference, send clarification within fifteen days, on the question to the Court, tribunal or authority.

(3) If the condition of the forensic material or any other fact does not allow submission of a clear answer to the question, the Agency shall state its inability to answer the question.

13. (1) A person affected by the opinion of an expert, may for a sufficient cause, submit an application within seven days of issuance of expert opinion under section 11, for re-examination before the Court, tribunal or authority other than a police officer before which the opinion is rendered or the Court or tribunal before which the opinion is submitted by the authority. **Re-examination of forensic material.**
- (2) If the Court, tribunal or authority is satisfied that there are sufficient grounds for re-consideration of the opinion, it may, for reasons to be recorded in writing, direct the Agency to re-examine the forensic material.
- (3) The Director General shall, on receipt of the direction, constitute a panel of three or more experts to re-examine the forensic material or refer the same to a forensic examination facility for examination and opinion **within a period of seven days.**
- (4) The Director General shall submit the finding of the expert or the forensic facility and his opinion to the Court, tribunal or authority **within a period of forty five days.**
14. (1) If an expert or official of the Agency knowingly or negligently renders false, incorrect or misleading opinion before a Court, tribunal or authority, or intentionally destroys forensic material, he shall be punished with imprisonment which may extend to **one year or with fine which may extend to Rs.1,00,000/-or with both.** **Offence.**
- (2) An offence under this Act shall be bailable and triable by the Court of a Judicial Magistrate.
- (3) The Court shall not take cognizance of an offence under this Act unless the Director General makes a complaint in writing in the prescribed manner.
- (4) The procedure provided in the Code for proceedings of the Court shall mutatis mutandis apply under this Act.
15. A person aggrieved by an order or sentence passed under section 14 may, within thirty days, prefer an appeal to the Court of Sessions. **Appeal.**
16. (1) The Agency shall submit its annual performance report to Government before May 31 of each year. **Annual Performance Report.**
- (2) Government shall, within the period of one month of the receipt of the annual performance report, submit the same in the Provincial Assembly of Sindh.

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| 17. | The provisions of this Act shall be read in conjunction with and not in derogation of any other law for the time being in force. | Act to be read in conjunction with other laws. |
| 18. | Government may make rules for giving effect to the provisions of this Act. | Power to make rules |

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

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