Dedicated to the Police Shuhada, the Injured and their Families
“This report has been prepared by the Research Society of International Law (RSIL) in collaboration with the National Public Safety Commission and the National Police Bureau, Ministry of Interior, Government of Pakistan.”
RESEARCH SOCIETY OF INTERNATIONAL LAW

SUPERVISION & EDITING

MUHAMMAD OVES ANWAR
DIRECTOR, CONFLICT LAW CENTRE

JAMAL AZIZ
EXECUTIVE DIRECTOR, RSIL

SAAD-UR-REHMAN KHAN
DIRECTOR, INTERNATIONAL LAW TRAINING CENTRE

MUHAMMAD MAJID BASHIR
SENIOR RESEARCH FELLOW

RESEARCH TEAM

BARRISTER ZARNAB AURAKZAI
LL.B (SOAS), BAR-AT-LAW (LINCOLN’S INN)
RESEARCH ASSOCIATE

JAHANZAIB DURRANI
LL.B (LOND.) LL.M (NOTTINGHAM)
RESEARCH ASSOCIATE

FAHD QAIRSANI
LL.B (LOND.)
RESEARCH ASSOCIATE

IMAAN MAZARI HAZIR
LL.B (EDINBURGH)
RESEARCH ASSOCIATE

ABID RIZVI
B.A/LL.B (LUMS), LL.M (PENN)
RESEARCH FELLOW
NATIONAL POLICE BUREAU

SUPERVISION & EDITING

DR. SYED KALEEM IMAM, PSP
TI, QPM, PPM, UNPM,
Director,
NATIONAL PUBLIC SAFETY COMMISSION,
NATIONAL POLICE BUREAU

RESEARCH TEAM

MIAAN ARFAN UL HAQ,
Senior Research Officer,
NATIONAL POLICE BUREAU

SAEED ABBAS BAJWA,
Deputy Director (C&I)
NATIONAL POLICE BUREAU
O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted.

[The Holy Quran, Surah An-Nisa v.135]
“You have to stand guard over the development and maintenance of democracy, social justice and the equality of manhood in your own native soil. With faith, discipline and selfless devotion to duty, there is nothing worthwhile that you cannot achieve.”

Quaid-e-Azam Muhammad Ali Jinnah,
Malir, Karachi, Sindh
February 21, 1948.
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ACKNOWLEDGEMENTS

It is momentous, that NPB under its dynamic leadership, of DG Mr Iqbal Mehmood has managed, to compile first ever, a compendium of frequently applied police laws and criminal procedures, to act as an easy access guide, to all the laws, relevant to law enforcement in Pakistan.

NPB foremost is indebted to Mr Ahmer Bilal Soofi and his entire team of Research Society of International Law (RSIL), for undertaking the daunting task of retrieving, collecting, analysing and preparing this bind. Their service is candidly recognized and is truly commendable.

NPB is equally gratifying to the International Committee of the Red Cross (ICRC), who have supported and assisted the National Police Bureau many times before and continue to do so with this publication.

Special thanks are due to the Ministry of Interior for their constant support and cooperation.

Mr. Majid Bashir, of the Research Society of International Law and Mr. Reto Stocker of the ICRC for their mentorship, advice and patronage.

Lastly, NPB would like to extend their express thanks to the stakeholders of criminal justice in Pakistan and the law enforcers who have laid down their lives in the line of duty.

Every effort has been made, to make sure the information, provided in this document is accurate. Error, mistakes, omissions or inaccuracies if any are inadvertent, to be mended in the next edition.

National Police Bureau
MESSAGES:

NATIONAL POLICE BUREAU

The road to attaining comes through durable effort, resolve and sacrifice. When you live for resilient tenacity than hard and smart work isn’t an option, it is a requisite.

I am immensely delighted that the National Police Bureau has prepared a compendium of frequently applied police and criminal laws. A much needed, abridged version to swiftly know, relate and implement relevant sections of the laws which definitely was the need of the hour.

Bureau and RSIL official deserves a big applause for this splendid document. For desiring a goal and getting there is the actual achievement. My compliments to Dr. Syed Kaleem Imam and Advocate Majid Bashir for stemming the idea and triumphing over it.

As the copies are distributed all over the country among organizations and stakeholders, I am sure efficiency in the police practical working shall enhance.

Good luck and all the best.

Iqbal Mehmood, PSP
QPM
Director General
I would like to applaud this excellent initiative taken by the National Police Bureau of Pakistan to enhance the capacity of our National Police Force. Taking such an initiative is demonstrative of the fact that the National Police Bureau is actively seeking to provide our front-line officers with the necessary legal resources to effectively perform their duties.

In this regard, all members of RSIL felt duty bound to volunteer their efforts for such a noble cause. I, along with my entire team, hope that this Handbook will have a meaningful and positive impact with regard to the dispensation of duties of all members of the Pakistan Police.

The Handbook brings together vital legal resources and presents them in a user-friendly manner. We hope that by bringing these varied legal resources into a single, easy to use Handbook, the effectiveness of all members of the Pakistan Police shall be enhanced. Equipping our Police officials and their subordinates with this legal knowledge is integral to strengthening the rule of law in Pakistan.

One of the core components that prompted the establishment of RSIL was the need for capacity-building of relevant stakeholders at the domestic level. As part of its mission, RSIL is continuously striving to develop capacity whenever an opportunity presents itself. In furtherance of this mission, I would like to reiterate that RSIL will remain fully committed to assisting the Pakistan Police in achieving all its long-term goals.

Ahmer Bilal Soofi,  
President,  
Research Society of International Law, Pakistan
The International Committee of the Red Cross (ICRC) in its capacity as an impartial, neutral and independent humanitarian organization, engages in dialogue with police and security forces in numerous countries around the world. The dialogue seeks to limit and prevent suffering among people affected by armed conflict and other situations of armed violence.

Police and security forces mandated to enforce the law in their countries, play an important role in this regard, since it is their responsibility to serve, protect and assist people affected by such situations of armed violence. The ICRC concentrates its dialogue with law enforcement agencies on a core set of human rights that are particularly relevant in conflict and other situations of violence. The overall objective is to promote respect for the law that protects people in such circumstances.

In such situations of violence or emergencies, additional challenges may apply i.e law enforcement officials may be targeted, they may take part in direct hostilities or they may have to deal with people involved or affected by the extra ordinary situation. As a guardian of the Geneva Conventions, the ICRC under the norms of IHL aims to highlight the principles of distinction, proportionality, precaution and respect for the dignity of such people affected.

The interplay between International Humanitarian Law (IHL) and International Human Rights Law (IHRL) is particularly relevant in Pakistan’s context given the extensive deployment of the armed forces through the Article 245 mechanism. These competing and sometimes overlapping regimes need to be well understood and defined within law enforcement functions and responsibilities.

When law enforcement officials directly participate in hostilities they need to act in compliance with IHL. This might be relevant from the use of force to the types of equipment or weapons being used. Major challenges are presented by situations in which law enforcement officials are required to fulfil two missions simultaneously i.e. law enforcement missions on one hand and combat operations on the other. This is so because the relevant rules and principles differ significantly. While the law enforcement paradigm derives mainly from IHRL; combat operations are covered by the conduct of hostilities paradigm derived from IHL. Authorities must be careful not to blur the lines over the precise and applicable paradigm.

With this in mind and with our partners, the Research Society of International Law (RSIL), a revision of the Police Handbook was one of the first tasks necessary to understand and interject this transition or interplay through contextualization of international rules and standards for policing. As you will notice, Chapters 6 and 7 elaborate in detail the questions of use of force and preventive detention with a more focus on IHL.

I congratulate the RSIL team for their dedicated contribution towards the revision of this manual and appreciate the efforts of the National Public Safety Commission to take cognizance of such an important piece of work.

Reto Stocker,
Head of Delegation to Pakistan,
International Committee of the Red Cross.
Comprehension of laws and its application remains an interesting domain for law enforcement agencies. In the context organization’s continues to make an unabated efforts to build its law enforcers capacity for better understanding and solicitation of the rules and laws.

NPB the think tank of police, under the able leadership of Director General Mr Iqbal Mehmood blended the idea and has produced first ever abridged compendium of frequently applied Police and criminal laws.

It is successful hybrid effort of the National Police Bureau and the Research Society of International Law (RSIL). It took off after discussion with Advocate Majid Bashir, who is ever enthusiast to positively chip in to catalyse law enforcement working. The thrust was to know off hand relevant sections of rules and laws vitally essential in day to day police duties.

Chapter one elates legal abbreviations and terms. Chapter two, three four and five succinct relevant sections of police rules, procedures, Criminal procedure code, Pakistan penal code, constitution of Pakistan and special laws. Chapter six is on the use of force and its operational framework. Chapter seven converses preventive detention. While chapter eight confers Human rights obligations of law enforcement agencies.

Compendium is annexed with related details of organizational police strength, crime figures, registers, and organograms of courts, ministries, and essential appendices to aid in understanding the said collection and be effective in police practical working.

Hats off to eminent Mr. Ahmer Bilal Soofi for his excellent support. Appreciation for Mr Retro Stocker Head of delegation for ICRC who is striving to promote respect for the law and its application.

Last and but not the least, special thanks to the players who helped compile this compendium; For supervision and editing, Muhammad Oves Anwar (Director, Conflict Law Centre), Saad-ur-Rehman (Director, International Law training Centre); Jamal Aziz (Executive Director, RSIL) and Muhammad Majid Bashir (senior Research fellow).

Gratitude to research team and associates Barister Zarnab Aurakzai, Jahanzaib Durrani, Fahd Qaisrani, Imaan Mazari Hazir and Abid Rizvi. Thanks to Mian Arfan ul Haq and Saeed Abbas from NPB for overseeing and providing requisite details.

I conclude that NPB and RSIL shall accomplish a sense of contentment if the mention ingredients are fully comprehensively understood and applied with true spirit, in the best national interest to advocate public interest. We look forward for any suggestions or inputs enabling us to improve upon for the future revised version.

Errors or omission if any are of Bureau, as to err is to be human.

Dr. Syed Kaleem Imam
Director NPSC
TI, QPM, PPM, UNPM
skimam98@hotmail.com
0333 5444433
ABOUT THE RESEARCH SOCIETY OF INTERNATIONAL LAW, PAKISTAN

The idea for the Research Society of International Law originated in the late 1980’s when it’s Founder and President, Ahmer Bilal Soofi, was completing his LL.M at the University of Cambridge. Upon his return, he registered the society, in 1993, under the Societies Registration Act, 1860. In March 2003, the Research Society acquired permanent premises on Fane Road in Lahore, which became fully operational by 2004 through a private grant. Thereafter, RSIL established its first presence in Islamabad in December 2011, sharing its premises with Mr. Soofi’s law chamber, ABS & Co. until January 2015, when it acquired an independent office on Embassy Road, Islamabad.

RSIL is a think tank aiming to develop national and international awareness regarding international law obligations and standards. The research and publications produced by RSIL provide a comprehensive understanding of various international law issues and their application within Pakistan. Without partisanship or political bias, RSIL seeks to build local capacity to expand the role that international normative standards play within the state’s legal framework.

RSIL endeavours to establish the sanctity of international legal commitments at various institutional levels. Greater awareness of international law leads to more informed national and international policymaking and enables Pakistan to remain compliant with its international commitments and solidify its reputation as a responsible member of the international community.

RSIL routinely works with federal and provincial ministries, international and domestic non-governmental organizations and various offices of the United Nations on various international and comparative legal issues.

RSIL is a vehicle for the promotion of international law research and capacity building, of scholarship and publication, of dedication and community. It seeks to maintain its role as a private sector, non-partisan, non-political international law think tank. The society's continuously developing team is the true heart of the organization. The team is comprised of a dedicated staff of accomplished researchers and practitioners with a broad spectrum of specializations within international law, whose expertise covers the major policy areas and significant issues arising out of the intersection between the international and domestic legal spaces. Their creativity, perseverance and hard work promote RSIL and further the cause for the importance of and adherence to international law both in theory and in practice.

RSIL prides itself on being an environment that fosters the development of comprehensive and creative international law analysis and discussion. It aims to cultivate not only an appreciation for the application of international law, but also a disciplined approach to the process of interpreting and applying international law. Additionally, the Society also seeks to develop an extensive network, both within and beyond Pakistan, of similar organizations that share its vision and dedication to this field.

It has a responsibility to advance knowledge in a search for the best applications of international law through original inquiry and publication.
ABOUT THE POLICE (POLICE PROFILE)

There are 15 police organizations in Pakistan of which following nine (09) police organizations are working under federal administration control

i. National Police Bureau
ii. Intelligence Bureau
iii. National Police Academy
iv. National Police Foundation
v. Federal Investigation Agency
vi. Pakistan Railways Police
vii. National Highways and Motorway Police
viii. Frontier Constabulary
ix. ICT Police

2. The other six (06) police organizations namely are working under their respective territory/provincial administration control.

i. Punjab Police
ii. KPK Police
iii. Sindh Police
iv. Baluchistan Police
v. GB Police
vi. AJK Police

3. Pakistan Police comprises around 430,000 personnel; Around 800 PSP (Police Service of Pakistan) officers are serving in Pakistan police; Police Public ratio being 1:450; women representation in the police are 1.07%; There are total 1,838 police stations all around the country and 52 Stations of the Federal Investigation Agency; Around 50,000-55,000 (in average) crime is reported per month; Around 6500 police officers have embraced “Shahadat” while performing duty.
OVERVIEW OF NATIONAL POLICE BUREAU

In the aftermath of Police Reforms, Bureau of Police Research and Development BPRD was renamed as National Police Bureau on 16th November, 2001. It was established as a statutory body, under Article-162 of Police Order 2002, mandated to perform research and development function.

NPB principally is thriving with the vision of “Reshaping police into a professionally competent, operationally neutral and publicly accountable service-delivery organization” and its mission, striving to “Build standards for professional policing, and acting as a national think tank on issues relating to criminal justice reform, public safety and police information technology”.

It is now the premier institution for steering the police reform efforts in the country. It has the legal responsibility to act as the Secretariat of the National Public Safety commission, the highest body meant for accountability of police through society’s representation.

It is the secretariat of the National Police Management Board, a body comprising senior police leadership, which provides leadership in professional and organizational matters. It is in the context a think tank for police and prison reforms and to act as the focal point for reforms and coordination.

In addition it is mandated to also act as think tank on most of the criminal justice related matters and be the generator of policy initiatives on police reforms. The bureau acting as the repository of knowledge about police professional standards, helps the Ministry of Interior improve the quality of policing in Pakistan and take evidence-based decisions.

In the preceding months NPB successfully held Retired Inspectors General of Police’s Conference, Media and Police Executives Workshop, National Police Executive Seminar, training on “Gender Based Violence Advocacy and numerous Capacity Building courses, created numbers of functional SOPs and forensic awareness programs.

NPB is presently headed by Director General Mr Iqbal Mehmood. Bureau has three Directors and housed in a Govt. premises at Municipal Road, G-6, Islamabad.
### ORGANIZATIONAL BREAKUP OF POLICE ‘SHUHUDAS’

<table>
<thead>
<tr>
<th>Police units/department</th>
<th>Total No.</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intelligence Bureau</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>National Police Foundation</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>National Police Academy</td>
<td>11</td>
<td>Since 1984</td>
</tr>
<tr>
<td>Frontier Constabulary</td>
<td>346</td>
<td>Since 2006</td>
</tr>
<tr>
<td>Federal Investigation Agency</td>
<td>20</td>
<td>Since 2008</td>
</tr>
<tr>
<td>Pakistan Railways Police</td>
<td>29</td>
<td>Since 1987</td>
</tr>
<tr>
<td>AJ&amp;K Police</td>
<td>20</td>
<td>Since 1984</td>
</tr>
<tr>
<td>Gilgit Baltistan</td>
<td>38</td>
<td>Since 1976</td>
</tr>
<tr>
<td>NH&amp;MP</td>
<td>33</td>
<td>Since 2001</td>
</tr>
<tr>
<td>ICT Police</td>
<td>38</td>
<td>Since 1995</td>
</tr>
<tr>
<td>Punjab Police</td>
<td>1343</td>
<td>Since 1986</td>
</tr>
<tr>
<td>Sindh Police</td>
<td>2662</td>
<td>Since 1982</td>
</tr>
<tr>
<td>KP Police</td>
<td>1274</td>
<td>Since 2000</td>
</tr>
<tr>
<td>Baluchistan Police</td>
<td>681</td>
<td>Since 1979</td>
</tr>
<tr>
<td>National Police Bureau</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6495</strong></td>
<td></td>
</tr>
</tbody>
</table>

- Around 6495 police officers had embraced ‘Shahadat’ in line of duty besides many thousands have been incapacitated in war against crime and terrorism.
# Chapter 1: General Definitions

**General Legal Terminology:**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad hoc</td>
<td>Latin shorthand meaning &quot;for this purpose only&quot;; for this special purpose; concerned with a particular end or purpose; formed or used for specific or immediate problems or needs.</td>
</tr>
<tr>
<td>Affidavit</td>
<td>A written statement of fact which has been verified as truthful by the mechanism of a solemn process before another party; a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.</td>
</tr>
<tr>
<td>Agreement</td>
<td>Every promise and every set of promises, forming the consideration for each other, is/are an agreement.</td>
</tr>
<tr>
<td>Amicus Curiae</td>
<td>Latin for &quot;friend of the Court&quot;; a party that is not involved in litigation but gives expert testimony when the court asks. They can support public interest not being addressed in the trial.</td>
</tr>
<tr>
<td>Appeal</td>
<td>In civil practice. The complaint to a superior court of an injustice done or error committed by an inferior one, whose judgment or decision the court above is called upon to correct or reverse. The removal of a cause from a court of inferior to one of superior jurisdiction, for the purpose of obtaining a review and retrial; the process of taking a case to a court with power to alter the decision of the court that has made the decision complained of.</td>
</tr>
<tr>
<td>Appellant</td>
<td>A person who initiates an appeal of a judicial body's decision; the party who takes an appeal from one court or jurisdiction to another.</td>
</tr>
<tr>
<td>Bar</td>
<td>A general term that refers to a group of lawyers; a partition or railing running across a court-room, intended to separate the general public from the space occupied by the judges, counsel, jury and others concerned in the trial of a cause.</td>
</tr>
<tr>
<td>Bench</td>
<td>A seat of judgment or tribunal for the administration of justice; the seat occupied by judges in courts… the collective body of the judges in a state or nation, as distinguished from the bench of attorneys and advocates, who are</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bona fide</td>
<td>Latin, in good faith; in or with good faith; honestly, openly and sincerely; without deceit or fraud.</td>
</tr>
<tr>
<td>Cause List</td>
<td>A list of cases awaiting a hearing; a printed roll of actions to be tried in the order of their entry, with the names of the solicitors for each litigant. Similar to the calendar of causes, or docket, used in American courts.</td>
</tr>
</tbody>
</table>
| Contract     | An agreement enforceable by law is a contract. A contract consists of two elements:  
(i) An agreement between two or more persons;  
(ii) The agreement should be enforceable by law. |
| Cut motion   | A motion moved by a member to reduce the amount of a demand for grant. |
| De facto     | In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs which exists actually and must be accepted for all practical purposes, but which is illegal or illegitimate. In this sense it is the contrary of de jure, which means rightful. Legitimate, just, or constitutional. |
| De jure      | Latin for "in law". Legitimate, lawful, as a matter of law. Having complied with all the
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decree</td>
<td>The judgment of a court of equity or admiralty, answering to the judgment of a court of common law.</td>
</tr>
<tr>
<td>Defendant</td>
<td>The person defending or denying; the party against whom relief or recovery is sought in an action or suit, or the accused in a criminal case.</td>
</tr>
<tr>
<td>Employee</td>
<td>A person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.</td>
</tr>
<tr>
<td>Enforceability</td>
<td>Enforceability is the second requirement of contracts. An agreement is said to be enforceable if it is recognized by courts. In order to be enforceable under the law, the agreement must create legal obligations between the parties.</td>
</tr>
<tr>
<td>Ex parte</td>
<td>Latin for 'from one party'. In law, ex parte is used in several contexts:</td>
</tr>
<tr>
<td></td>
<td>In legal ethics, ex parte refers to improper contact with a party or a judge;</td>
</tr>
<tr>
<td></td>
<td>In civil procedure, ex parte is used to refer to motions for orders that can be granted without waiting for a response from the other side.</td>
</tr>
<tr>
<td>Habeas corpus</td>
<td>Latin for &quot;you have the body&quot;. A writ (court order) that commands an individual or a government official who has restrained another to produce the prisoner at a designated time and place so that the court can determine the legality of custody and decide whether to order the prisoner's release.</td>
</tr>
<tr>
<td>In absentia</td>
<td>A Latin phrase meaning in the absence of.</td>
</tr>
<tr>
<td>Injunction</td>
<td>A prohibitive writ issued by a court of equity, at the suit of a party complainant, directed to a party defendant in the action, or to a party made a defendant for that purpose, forbidding the latter to do some act, or to permit his servants or agents to do some act, which he is threatening or attempting to commit, or restraining him in the continuance thereof, such as being unjust and inequitable, injurious to the plaintiff and not such as can be adequately redressed by an action fit law.</td>
</tr>
<tr>
<td>Inter alia</td>
<td>Among other things. A term anciently used in</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Motion</td>
<td>Means a proposal made by a member or a Minister relating to any matter, which may be discussed by the Assembly and includes an amendment.</td>
</tr>
<tr>
<td>Mutatis mutandis</td>
<td>Latin: with changes on points of detail.</td>
</tr>
<tr>
<td>Parliament House</td>
<td>Means the building which is used for the purpose of sittings of the assembly.</td>
</tr>
<tr>
<td>Permanent Employment</td>
<td>Work that, under a contract, is to continue indefinitely until either party wishes to terminate it for some legitimate reason.</td>
</tr>
<tr>
<td>Prima facie</td>
<td>Latin for &quot;at first sight&quot;; &quot;on the first appearance&quot;; “on the face of it&quot;; &quot;so far as can be judged from the first disclosure”; &quot;presumably&quot;.</td>
</tr>
<tr>
<td>Pro bono</td>
<td>A Latin term meaning for the public good. It is the provision of services that are free to safeguard public interest.</td>
</tr>
<tr>
<td>Pro forma</td>
<td>Latin: for the sake of form.</td>
</tr>
<tr>
<td>Probationary Employee</td>
<td>A recently hired employee whose ability and performance are being evaluated during a trial period of employment.</td>
</tr>
<tr>
<td>Res judicata</td>
<td>Latin, a thing adjudged. A rule that a final judgment on the merits by a court having jurisdiction is conclusive between the parties to a suit as to all matters that were litigated or that could have been litigated in that suit.</td>
</tr>
<tr>
<td>Section 10, Code of Civil Procedure 1908: &quot;No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in Pakistan having jurisdiction to grant the relief claimed, or in any Court beyond the limits of Pakistan established or continued by the Central Government and having like jurisdiction, or before the Supreme Court.&quot;</td>
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</tr>
<tr>
<td>Reserved Judgment</td>
<td>When the judge or judges do not immediately give their decision, but issue their written decision at a later date; a judgment is said to be reserved when the Court postpones the delivery of the judgment to a later date to allow time to</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Resolution</td>
<td>Means a motion for the purpose of discussing and expressing an opinion on a matter of general public interest and includes a resolution specified in the Constitution</td>
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<tr>
<td>Session</td>
<td>Means the period commencing on the day of the first sitting of the Assembly after having been summoned and ending on the day the Assembly is prorogued or dissolved</td>
</tr>
<tr>
<td>Sine qua non</td>
<td>Without which it is not. An indispensable prerequisite.</td>
</tr>
<tr>
<td>Starred Question</td>
<td>Means a question for an oral answer</td>
</tr>
<tr>
<td>State Law</td>
<td>A body of law in a particular state consisting of the state’s constitution, statutes, regulations and common law.</td>
</tr>
<tr>
<td>State Police</td>
<td>The department or agency of a state government empowered to maintain order, as by investigating and preventing crimes and making arrests.</td>
</tr>
<tr>
<td>State Police Power</td>
<td>The power of a state to enforce laws for the health, welfare, morals and safety of its citizens, if enacted so that the means are reasonably calculated to protect those legitimate state interest.</td>
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<tr>
<td>Status quo</td>
<td>A Latin phrase that means without change and in the same situation as it was.</td>
</tr>
<tr>
<td>Stay order</td>
<td>A court order suspending a judicial proceeding either in full or in part.</td>
</tr>
<tr>
<td>Sub judice</td>
<td>(usually postpositive) Before a court of law or a judge; under judicial consideration.</td>
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<tr>
<td>Summons</td>
<td>An official order requiring a person to attend court, either to answer a charge or to give evidence, or the writ making such an order.</td>
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<tr>
<td>Supplementary questions</td>
<td>When a question has been answered, any member may ask such supplementary questions as may be necessary for the elucidation of the answer, but the Speaker shall disallow any supplementary question which, in his opinion, either infringes any provision of these rules relating to the subject-matter and admissibility of question or is otherwise an abuse of the right of asking questions: Provided that not more than two supplementary questions shall be asked in respect of any question</td>
</tr>
<tr>
<td>Temporary Employment</td>
<td>Work for a specific need or fixed duration.</td>
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<tr>
<td>Ultra vires</td>
<td>Latin, meaning &quot;beyond the powers”. Describes actions taken by government bodies or corporations that exceed the scope of power given to them by laws or corporate charters.</td>
</tr>
<tr>
<td>Unstarred Question</td>
<td>Means a question for a written answer</td>
</tr>
<tr>
<td>Verification</td>
<td>In pleading. A certain formula with which all pleadings containing new affirmative matter must conclude, being in itself an averment that the party pleading is ready to establish the truth of what he has set forth. In practice. The examination of a writing for the purpose of ascertaining its truth; or a certificate or affidavit that it is true.</td>
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### Definitions in the Pakistan Penal Code

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
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<tbody>
<tr>
<td>22</td>
<td>&quot;Movable property&quot; The words &quot;movable property are intended to include corporeal property of every description, except land and thing attached to the earth, or permanently fastened to anything which is attached to the earth.</td>
</tr>
<tr>
<td>23</td>
<td>&quot;Wrongful gain&quot;, &quot;Wrongful loss&quot;, &quot;Gaining Wrongfully&quot;, &quot;Losing Wrongfully&quot; Wrongful gain is gain by unlawful means of property to which the person gaining is not legally entitled; Wrongful loss is the loss by unlawful means of property to which the person losing it is legally entitled; A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.</td>
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<tr>
<td>24</td>
<td>&quot;Dishonestly&quot; Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another, is said to do that thing &quot;dishonestly&quot;.</td>
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<tr>
<td>25</td>
<td>&quot;Fraudulently&quot; A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.</td>
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<tr>
<td>26</td>
<td>&quot;Reason to believe&quot; A person is said to have &quot;reason to believe&quot; a thing if he has sufficient cause to believe that thing but not otherwise.</td>
</tr>
<tr>
<td>28</td>
<td>&quot;Counterfeit&quot; A person is said to &quot;counterfeit&quot; who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practiced.</td>
</tr>
<tr>
<td>34</td>
<td>&quot;Acts done by several persons in furtherance of common intention&quot; When a criminal act is done by several persons, in furtherance of the common intention of all, each such person is liable for that act in the same manner as if it were done by him alone.</td>
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<td>35</td>
<td>&quot;When such an act is criminal by reason of its whenever an act, which is criminal only by reason of its being with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with the knowledge or intention.</td>
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<tr>
<td>Section 43: &quot;Illegal&quot;, &quot;Legally bound to do&quot;</td>
<td>The word &quot;illegal&quot; is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action, and a person is said to be &quot;legally bound to do&quot; whatever it is illegal in him to omit.</td>
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<tr>
<td>Section 44: &quot;Injury&quot;</td>
<td>The &quot;injury&quot; denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.</td>
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<tr>
<td>Section 52: &quot;Good faith&quot;</td>
<td>Nothing is said to be done or believed in &quot;good faith&quot; which is done or believed without due care and attention.</td>
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<tr>
<td>Section 53: &quot;Punishments&quot;</td>
<td>The punishments to which offenders are liable under the provisions of this Code are: Firstly, Qisas; Secondly, Diyat; Thirdly, Arsh; Fourthly, Daman; Fifthly, Ta'zir; Sixthly, Death; Seventhly, Imprisonment for life; Eighthly, Imprisonment which is of two descriptions, namely:-- (i) Rigorous, i.e., with hard labour; (ii) Simple; Ninthly, Forfeiture of property; Tenthly, Fine [Reference may be made to Section 299, on definitions, below with regard to what the aforementioned entail in detail]</td>
</tr>
<tr>
<td>Section 84: &quot;Act of a person of unsound mind&quot;</td>
<td>Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.</td>
</tr>
<tr>
<td>Section 96: &quot;Things done in private defence&quot;</td>
<td>Nothing is an offence which is done in the exercise of the right of private defence.</td>
</tr>
<tr>
<td>Section 97: &quot;Right of private defence of the body and of property&quot;</td>
<td>Every person has a right, subject to the restrictions contained in Section 99, to defend; First: His own body, and the body of any other person, against any offence affecting the human body; Secondly: The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass. Section 99. Act against which there is no right of private defence: There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office though that direction may not be strictly justifiable by law. There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities. Extent to which the right may be exercised:</td>
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<tr>
<td>Section 107: &quot;Abetment of a thing&quot;</td>
<td>The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.</td>
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<tr>
<td><strong>Section 108: &quot;Abettor&quot;</strong></td>
<td>A person abets the doing of a thing, who:</td>
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<td>First: Instigates any person to do that thing; or</td>
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<td>Secondly: Engages with one or more other person or, persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in that order to the doing of that thing; or</td>
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<td>Thirdly: Intentionally aids, by any act or illegal omission, the doing of that thing.</td>
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<td>Section 120-A: &quot;Definition of criminal conspiracy&quot;</td>
<td>When two or more persons agree to do, or cause to be done,</td>
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<td>(1) an illegal act, or</td>
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<td></td>
<td>(2) an act which is not illegal by illegal means such an agreement is designated a criminal conspiracy:</td>
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<td></td>
<td>Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.</td>
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<tr>
<td></td>
<td>Explanation: It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.</td>
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<tr>
<td><strong>Section 121: &quot;Waging or attempting to wage war or abetting waging of war against Pakistan&quot;</strong></td>
<td>Whoever wages war against Pakistan, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.</td>
</tr>
<tr>
<td><strong>Section 121-A: &quot;Conspiracy to commit offences punishable Section 121&quot;</strong></td>
<td>Whoever within or without Pakistan conspires to commit any of the offences punishable by Section 121, or to deprive Pakistan of the sovereignty of her territories or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Federal Government or any Provincial Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.</td>
</tr>
<tr>
<td><strong>Section 122: &quot;Collecting arms, etc., with intention of waging war against Pakistan&quot;</strong></td>
<td>Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against Pakistan, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.</td>
</tr>
<tr>
<td><strong>Section 123: &quot;Concealing with intent to facilitate design to wage war&quot;</strong></td>
<td>Whoever, by any act, or by any illegal omission, conceals the existence of a design to wage war against Pakistan, intending by such concealment to facilitate or knowing it to be likely that such concealment will facilitate the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.</td>
</tr>
<tr>
<td><strong>Section 123-A: &quot;Condemnation of the creation of the State, and advocacy of abolition of its sovereignty&quot;</strong></td>
<td>(1) Whoever, within or without Pakistan, with intent to influence, or knowing it to be likely that he will influence, any person or the whole or any section of the public, in a manner likely to be prejudicial to the safety 2[or ideology] of Pakistan or to endanger the sovereignty of Pakistan in respect of all or any of the territories lying within its borders, shall by words, spoken or written, or by signs or visible representation abuse Pakistan or, condemn the creation of Pakistan by virtue of the partition of India which was effected on the</td>
</tr>
</tbody>
</table>
fifteenth day of August, 1947, or advocate the curtailment or abolition of the sovereignty of Pakistan in respect of all or any of the territories lying within its borders, whether by amalgamation with the territories of neighbouring States or otherwise, shall be punished with rigorous imprisonment which may extend to ten years and shall also be liable to fine.

(2) Notwithstanding anything contained in any other law for the time being in force, when any person is proceeded against under this section, it shall be lawful for any Court before which he may be produced in the course of the investigation or trial, to make such order as it may think fit in respect of his movements, of his association or communication with other persons, and of his activities in regard to dissemination of news, propagation of opinions, until such time as the case is finally decided.

(3) Any Court which is a Court of appeal or of revision in relation to the Court mentioned in sub-section (2) may also make an order under that sub-section.

Section 123-B: "Defiling or unauthorisedly removing the National Flag of Pakistan from Government building, etc." Whoever deliberately defiles the National Flag of Pakistan, or unauthorisedly removes if from any building, premises, vehicle or other property of Government, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 124: "Assaulting President, Governor, etc., with intention to compel or restrain the exercise of any lawful power" Whoever, with the intention of including or compelling the President of Pakistan, or the Governor of any Province, to exercise or refrain from exercise in any manner of the lawful powers of the President, or Governor, assaults, or wrongfully restrains, or attempts wrongfully to restrain or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, the President, or Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 124-A: "Sedition" Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Federal or Provincial Government established by law shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Section 141: "Unlawful assembly" An assembly of five or more persons is designated an "unlawful assembly" if the common object of the persons composing that assembly is:-
First:To overawe by criminal force, or show of criminal force, the Federal or any Provincial Government or Legislature, or any public servant in the exercise of the lawful power of such public servant; or
Second:To resist the execution of any law, or of any legal process, or
Third:To commit any mischief or criminal trespass, or other offence; or
Fourth: By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
Fifth: By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Section 146: Whenever force or violence is used by an unlawful assembly, or by any member
“Rioting” thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

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<tr>
<th>Section 153-A: &quot;Promoting enmity between different groups, etc&quot;</th>
<th>Whoever (a) by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of both, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or (b) commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities or any group of persons identifiable as such on any ground whatsoever and which disturbs or is likely to disturb public tranquillity; or (c) organizes, or incites any other person to organize, and exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence or participates, or incites any other person to participate, in any such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained, to use criminal force or violence, against any religious, racial, language or regional group or caste of community or any group of persons identifiable as such on any ground whatsoever and any such activity for any reason whatsoever cause or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community shall be punished with imprisonment for a term which may extend to five years and with fine.</th>
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<tr>
<td>Section 159: &quot;Affray&quot;</td>
<td>When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.</td>
</tr>
<tr>
<td>Section 170: &quot;Personating a public servant&quot;</td>
<td>Whoever, pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description, for a term which may extend to two years, or with fine, or with both.</td>
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<tr>
<td>Section 171-B: &quot;Bribery&quot;</td>
<td>(1) Whoever-- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right, or for inducing or attempting to induce any other person to exercise any such right, commit the offence of bribery; Provided that a declaration of public policy or a promise of public action shall not be an offence under the section. (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification. (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.</td>
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<tr>
<td>Section 171-C: &quot;Undue influence at election&quot;</td>
<td>(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.</td>
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</table>
(2) Without prejudice to the generality of the provisions of sub-section (1), whoever:
(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Section 191: "Giving false evidence"
Whoever being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Section 192: "Fabricating false evidence"
Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbiter, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said to fabricate false evidence.

Section 224: "Resistance or obstruction by a person to his lawful apprehension"
Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted; or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 225: "Resistance or obstruction to lawful apprehension of another person"
Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescue or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for life, or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to imprisonment for life or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.
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<th>Section</th>
<th>Description</th>
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<tr>
<td>265: &quot;Fraudulent use of false instrument for weighing&quot;</td>
<td>Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term, which may extend to one year, or with fine, or with both.</td>
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<tr>
<td>265: &quot;Fraudulent use of false weight or measure&quot;</td>
<td>Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both.</td>
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<td>268: &quot;Public nuisance&quot;</td>
<td>A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage.</td>
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<tr>
<td>269: &quot;Negligent act likely to spread infection of disease dangerous to life&quot;</td>
<td>Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.</td>
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<tr>
<td>270: &quot;Adulteration of food or drink intended for sale&quot;</td>
<td>Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to [three thousand rupees], or with both.</td>
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<tr>
<td>271: &quot;Sale of noxious food or drink&quot;</td>
<td>Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, of with fine which may extend to [three thousand rupees], or with both.</td>
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<tr>
<td>272: &quot;Adulteration of drugs&quot;</td>
<td>Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purposes, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to [three thousand rupees], or with both.</td>
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| 273: "Fouling water of public spring or reservoir" | Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to [one thousand five hundred}
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<tbody>
<tr>
<td>Section 279: &quot;Rash driving or riding on a public way&quot;</td>
<td>Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to [two years] or with fine which may extend to [three thousand rupees], or with both.</td>
</tr>
<tr>
<td>Section 289: &quot;Negligent conduct with respect to animal&quot;</td>
<td>Whoever, knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to [three thousand rupees], or with both.</td>
</tr>
<tr>
<td>Section 293: &quot;Sale, etc., of obscene objects to young person&quot;</td>
<td>Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.</td>
</tr>
<tr>
<td>Section 295: &quot;Injuring or defiling place of worship, with intent to insult the religion of any class&quot;</td>
<td>Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.</td>
</tr>
<tr>
<td>Section 295-A: &quot;Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs&quot;</td>
<td>Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.</td>
</tr>
<tr>
<td>Section 296: &quot;Disturbing religious assembly&quot;</td>
<td>Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.</td>
</tr>
<tr>
<td>Section 298: &quot;Uttering words, etc. with deliberate intent to wound religious feelings&quot;</td>
<td>Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.</td>
</tr>
</tbody>
</table>

**Section 299: "Definitions"**

- (b) "arsh" means the compensation specified in this Chapter to be paid to the victim or his heirs under this Chapter
- (d) "daman" means the compensation determined by the Court to be paid by the offender to the victim for causing hurt not liable to arsh
- (e) "diyat" means the compensation specified in Section 323 payable to the heirs of the victim
- (g) "ikrah-e-tam" means putting any person, his spouse or any of his blood relations within the prohibited degree of marriage in fear of instant death or instant, permanent impairing of any organ of the body or instant fear of being subjected to sodomy or zina-bil-jabr
(h) "ikrah-e-naqis" means any form of duress which does not amount to ikrah-i-tam
(i) (ii) "offence committed in the name or on the pretext of honour" means an
offence committed in the name or on the pretext of karo kari, siyah kari or similar
other customs or practices
(j) "qatl" means causing death of a person
(k) "qisas" means punishment by causing similar hurt at the same part of the body
of the convict as he has caused to the victim or by causing his death if he has
committed qatl-i-amd in exercise of the right of the victim or a Wali
(l) "ta'azir" means punishment other than Qisas, Diyat, arsh, or daman
(m) "wali" means a person entitled to claim qisas

Section 300: "Qatl-e-Amd"
Whoever, with the intention of causing death or with the intention of causing
bodily injury to a person, by doing an act which in the ordinary course of nature
is likely to cause death, or with the knowledge that his act is so imminently
dangerous that it must in all probability cause death, causes the death of such
person, is said to commit qatl-e-amd.

Section 305: "Wali"
In case of qatl, the wali shall be--
(a) the heirs of the victim, according to his personal law [but shall not
include the accused or the convict in case of qatl-i-amd if committed in the name
or on the pretext of honour]; and
(b) the Government, if there is no heir.

Section 306: "Qatl-e-amd not liable to qisas"
Qatl-i-Amad shall not be liable to qisas in the following cases, namely:--
(a) when an offender is a minor or insane:
   Provided that, where a person liable to qisas associates himself in the commission
   of the offence with a person not liable to qisas, with the intention of saving
   himself from qisas, he shall not be exempted from qisas;
(b) when an offender causes death of his child or grand-child, how low-so-ever;
   and
(c) when any wali of the victim is a direct descendant, how low-so-ever, of
   the offender.

Section 309: "Waiver (Afw) of Qisas in qatl-i-amd"
(1) In the case of qatl-i-amd, an adult sane wali may, at any time and without
any compensation, waive his right of qisas:
   Provided that the right of qisas shall not be waived;
   (a) where the Government is the wali, or
   (b) where the right of qisas vests in a minor or insane.
(2) Where a victim has more than one Wali any one of them may waive his
right of qisas:
   Provided that the wali who does not waive the right of qisas shall be entitled to
his share of diyat.
   (3) Where there are more than one victim, the waiver of the right of qisas by
the wali of one victim shall not affect the right of qisas of the wali of the other
victim.
   (4) Where there are more than one offenders, the waiver of the right of qisas
against one offender shall not affect the right of qisas against the other offender.

Section 315: "Qatl shib-i-amd"
Whoever, with intent to cause harm to the body or mind of any person, causes
the death of that or of any other person by means of a weapon or an act which in
the ordinary course of nature is not likely to cause death is said to commit qatl shibh-i-amd.

Section 318: "Qatl-i-khata"
Whoever, without any intention to cause death of, or cause harm to, a person
causes death of such person, either by mistake of act or by mistake of fact, is said
to commit qatl-i-khata.

Section 321: "Qatl-bis-sabab"
Whoever, without any intention, cause death of, or cause harm to, any person,
does any unlawful act which becomes a cause for the death of another person, is
said to commit qatl-bis-sabab.
<table>
<thead>
<tr>
<th>Section 326: &quot;Thug&quot;</th>
<th>Whoever shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with Qatl, is a thug.</th>
</tr>
</thead>
</table>
| Section 332: "Hurt"  | (1) Whoever causes pain, harm, disease, infirmity or injury to any person or impairs, disables [disfigures, defaces] or dismembers any organ of the body or part thereof of any person without causing his death, is said to cause hurt.  
[Explanation:- disfigure means disfigurement of face or disfigurement or dismemberment of any organ or any part of the organ of the human body which impairs or injures or corrodes or deforms the symmetry or appearance of a person.]  
(2) The following are the kinds of hurt: 
(a) Itlaf-i-udw 
(b) Itlaf-i-salahiyyat-i-udw 
(c) Shajjah 
(d) Jurh and 
(e) all kinds of other hurts. |
| Section 333: "Itlaf-i-udw" | Whoever dismembers, amputates, severs any limb or organ of the body of another person is said to cause Itlaf-i-udw. |
| Section 335: "Itlaf-i-salahiyyat-i-udw" | Whoever destroys or permanently impairs the functioning, power or capacity of an organ of the body of another person, or causes permanent disfigurement is said to cause itlaf-i-salahiyyat-i-udw. |
| Section 336A: "Hurt caused by corrosive substance" | Whoever with the intention or knowingly causes or attempts to cause hurt by means of a corrosive substance which is deleterious to human body when it is swallowed, inhaled, comes into contact or received into human body or otherwise shall be said to cause hurt by corrosive substance. |
| Section 337: "Shajjah" | (1) Whoever causes, on the head or face of any person, any hurt which does not amount to Itlaf-i-udw or Itlaf-i-salahiyyat-i-udw, is said to cause Shajjah.  
(2) The following are the kinds of Shajjah namely:-  
(a) Shajjah-i-Khafifah  
(b) Shajjah-i-Mudihah  
(c) Shajjah-i-Hashimah  
(d) Shajjah-i-Munaqqilah  
(e) Shajjah-i-Ammah and  
(f) Shajjah-i-Damighah  
(3) Whoever causes Shajjah:-  
(i) without exposing bone of the victim, is said to cause Shajjah-i-Khafifah;  
(ii) by exposing any bone of the victim without causing fracture, is said to cause Shajjah-imudihah;  
(iii) by fracturing the bone of the victim, without dislocating it, is said to cause Shajjah-Hashimah;  
(iv) by causing fracture of the bone of the victim and thereby the bone is dislocated, is said to cause Shajjah-i-Munaqqilah;  
(v) by causing fracture of the skull of the victim so that the wound touches the membrane of the brain, is said to cause Shajjah-i-Ammah;  
(vi) by causing fracture of the skull of the victim and the wound ruptures the membrane of the brain is said to cause Shajjah-i-Damighah. |
| Section 337-B: "Jurh" | (1) Whoever causes on any part of the body of a person, other than the head or face, a hurt which leaves a mark of the wound, whether temporary or permanent, is said to cause Jurh.  
(2) Jurh is of two kinds, namely:-  
(a) Jaifah ; and  
(b) Ghayr-Jaifah. |
| Section 337-C: | Whoever causes jurh in which the injury extends to the body cavity of the trunk, |
"Jaifah" is said to cause jaifah.

| Section 337-E: "Ghayr-jaifah" | (1) Whoever causes jurh which does not amount to jaifah, is said to cause gayr-jaifah.  
| | (2) The following are the kinds of gayr-jaifah, namely:-  
| | (a) damiyyah  
| | (b) badi‘ah  
| | (c) mutalalimah  
| | (d) mudihah  
| | (e) hashimah; and  
| | (f) munaqqilah  
| | (3) Whoever causes gayr-jaifah—  
| | (i) in which the skin is ruptured and bleeding occurs, is said to cause damiyah;  
| | (ii) by cutting or incising the flesh without exposing the bone, is said to cause badi‘ah;  
| | (iii) by lacerating the flesh, is said to cause mutalalimah;  
| | (iv) by exposing the bone, is said to cause mudihah;  
| | (v) by causing fracture of a bone without dislocating it, is said to cause hashimah; and  
| | (vi) by fracturing and dislocating the bone, is said to cause munaqqilah. |

| Section 337-Q: "Arsh for single organs" | The arsh for causing itlaf of an organ which is found singly in a human body shall be equivalent to the value of diyat. |

| Section 337-R: "Arsh for organs in pairs" | The arsh for causing itlaf of organs found in a human body in pairs shall be equivalent to the value of diyat and if itlaf is caused to one of such organs the amount of arsh shall be one-half of the diyat: Provided that, where the victim has only one such organ or his other organ is missing or has already become incapacitated the arsh for causing itlaf of the existing or capable organ shall be equal to the value of diyat. |

| Section 337-S: "Arsh for the organs in quadruplicate" | The arsh for causing itlaf of organs found in a human body in a set of four shall be equal to:-  
| | (a) one-fourth of the diyat, if the itlaf is one of such organs;  
| | (b) one-half of the diyat, if the itlaf is of two of such organs;  
| | (c) three-fourth of the diyat, if the itlaf is of three such organs; and  
| | (d) full diyat, if the itlaf is of all the four organs. |

| Section 337-T: "Arsh for fingers" | (1) The arsh for causing itlaf of a finger of a hand or foot shall be one-tenth of the diyat.  
| | (2) The arsh for causing itlaf of a joint of a finger shall be one-thirteenth of the diyat: Provided that where the itlaf is of a joint of a thumb, the arsh shall be one-twentieth of the diyat. |

| Section 337-U: "Arsh for teeth" | (1) The arsh for causing itlaf of a tooth, other than a milk tooth, shall be one-twentieth of the diyat.  
| | Explanation: The impairment of the portion of a tooth outside the gum amounts to causing itlaf of a tooth.  
| | (2) The arsh for causing itlaf of twenty or more teeth shall be equal to the value of diyat.  
| | (3) Where the itlaf is of a milk tooth, the accused shall be liable to daman and may, also be punished with imprisonment of either description for a term which may extend to one year: Provided that, where itlaf of a milk tooth impedes the growth of a new tooth, the accused shall be liable to arsh specified in sub-section (1). |

| Section 337-V: "Arsh for hair" | (1) Whoever uproots:-  
| | (a) all the hair of the head, beard, moustaches eyebrow, eyelashes or any |
other part of the body shall be liable to arsh equal to diyat and may also be punished with imprisonment of either description for a term which may extend to three years as ta'zir;
(b) one eyebrow shall be liable to arsh equal to one-half of the diyat; and
(c) one eyelash, shall be liable to arsh equal to one fourth of the diyat.
(2) Where the hair of any part of the body of the victim are forcibly removed by any process not covered under sub section (1), the accused shall be liable to daman and imprisonment of either description which may extend to one year.

**Section 337-W: “Merger of arsh”**
(1) Where an accused more than one hurt, he shall be liable to arsh specified for each hurt separately:
Provided that, where:-
(a) hurt is caused to an organ, the accused shall be liable to arsh for causing hurt to such organ and not for arsh for causing hurt to any part of such organ; and
(b) the wounds join together and form a single wound, the accused shall be liable to arsh for one wound.

**Section 338: “Isqat-i-Hamal”**
Whoever causes woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, or providing necessary treatment to her, is said to cause isqat-i-hamal.

**Section 338-B: “Isqat-i-jaanin”**
Whoever causes a woman with child some of whose limbs or organs have been formed to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, is said to cause Isqat-i-jaanin.

**Section 339: “Wrongful restraint”**
Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.
Exception: The obstruction of a private way over land or water, which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

**Section 340: “Wrongful confinement”**
Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

**Section 349: “Force”**
A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:
First: By his own bodily power.
Secondly: By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.
Thirdly: By inducing any animal to move, to change its motion, or to cease to move.

**Section 350: “Criminal force”**
Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

**Section 351: “Assault”**
Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation it about to use of criminal force to that person, is said to commit an assault.
<table>
<thead>
<tr>
<th>Section 359: &quot;Kidnapping&quot;</th>
<th>Kidnapping is of two kinds: Kidnapping from Pakistan and kidnapping from lawful guardianship.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 360: &quot;Kidnapping from Pakistan, etc.&quot;</td>
<td>Whoever conveys any person beyond the limits of Pakistan without the consent of that person, or of some person legally authorised to consent on behalf of that person is said to kidnap that person from Pakistan.</td>
</tr>
<tr>
<td>Section 361: &quot;Kidnapping from lawful guardianship&quot;</td>
<td>Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, said to kidnap such minor or person from lawful guardianship.</td>
</tr>
<tr>
<td>Section 362: &quot;Abduction&quot;</td>
<td>Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.</td>
</tr>
<tr>
<td>Section 375: &quot;Rape&quot;</td>
<td>A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions, (i) against her will. (ii) without her consent (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt, (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or (v) With or without her consent when she is under sixteen years of age.</td>
</tr>
<tr>
<td>Section 378: &quot;Theft&quot;</td>
<td>Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.</td>
</tr>
<tr>
<td>Section 383: &quot;Extortion&quot;</td>
<td>Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits &quot;extortion&quot;.</td>
</tr>
<tr>
<td>Section 390: &quot;Robbery&quot;</td>
<td>In all robbery there is either theft or extortion. When theft is robbery: Theft is &quot;robbery&quot; if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offence, for that end, voluntarily causes or attempts to cause to any person death or hurt, or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint. When extortion is robbery: Extortion is &quot;robbery&quot; if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person, and by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.</td>
</tr>
<tr>
<td>Section 391: &quot;Dacoity&quot;</td>
<td>When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding is said to commit &quot;dacoity&quot;.</td>
</tr>
<tr>
<td>Section 402-A: &quot;Hijacking&quot;</td>
<td>Whoever unlawful, by the use or show of force or by threats of any kind, seizes, or exercised control of, an aircraft is said to commit hijacking.</td>
</tr>
<tr>
<td>Section 405: &quot;Criminal breach of trust&quot;</td>
<td>Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or</td>
</tr>
</tbody>
</table>
of any legal contract, express or implied, which he has made touching the
discharge of such trust, or wilfully suffers any other person so to do, commits
"criminal breach of trust."

**Section 410: "Stolen property"**

Property, the possession whereof has been transferred by theft, or by extortion, or
by robbery, and property which has been criminally misappropriated or in respect
of which criminal breach of trust has been committed, is designated as stolen,
property, "whether the transfer has been made, or the misappropriation or breach
of trust has been committed, within or without Pakistan. But, if such property
subsequently comes into the possession of a person legally entitled to the
possession thereof it then ceases to be stolen property.

**Section 415: "Cheating"**

Whoever, by deceiving any person, fraudulently or dishonestly induces the
person so deceived to deliver any property to any person, or to consent that any
person shall retain any property, or intentionally induces the person so deceived
to do or omit to do anything which he would not do or omit if he were not so
deceived, and which act or omission causes or is likely to cause damage or harm
to that person [or any other person] in body, mind, reputation or property, is said
to "cheat".

**Section 416: "Cheating by personation"**

A person is said to "cheat by personation" if he cheats by pretending to be some
other person, or by knowingly substituting one person for another, or representing
that he or any other person is a person other than he or such other person really is.

**Section 425: "Mischief"**

Whoever, with intent to cause, or knowing that he is likely to cause, wrongful
loss or damage to the public or to any person, causes the destruction of any
property or any such change in any property or in the situation thereof as destroys
or diminishes its value or utility, or affects it injuriously, commits "mischief".

**Section 441: "Criminal trespass"**

Whoever enters into or upon property in the possession of another with intent to
commit an offence or to intimidate, insult or annoy any person in possession of
such property, or, having lawfully entered into or upon such property, unlawfully
remains there with intent thereby to intimidate, insult or annoy any such person,
or with intent to commit an offence, is said to commit "criminal trespass".

**Section 442: "House-trespass"**

Whoever commits criminal trespass by entering into or remaining in any
building, tent or vessel used as a human dwelling or any building used as a place
for worship, or as a place for the custody of property, is said to commit "house-
trespass".

**Section 443: "Lurking house-trespass"**

Whoever commits house-trespass having taken precautions to conceal such
house-trespass from some person who has a right to exclude or eject the
trespasser from the building, tent or vessel which is the subject of the trespass, is
said to commit "lurking house-trespass".

**Section 444: "House-breaking"**

A person is said to commit "house-breaking" who commits house-trespass if he
effects his entrance into the house or any part of it in any of the six ways
hereinafter described; or if, being in the house or any part of it for the purpose
of committing an offence, or, having committed an offence therein, he quits the
house or any part of it in any of such six ways, that is to say:

First: If he enters or quits through a passage made by himself, or by any abettor
of the house-trespass, in order to the committing of the house-trespass.

Secondly: If he enters or quits through any passage not intended by any
person, other than himself or an abettor of the offence, for human entrance; or
through any passage to which he has obtained access by scaling or climbing over
any wall or building.

Thirdly: If he enters or quits through any passage which he or any abettor
of the house-trespass has opened, in order to the committing of the house-trespass
by any means by which that passage was not intended by the occupier of the
house to be opened.

Fourthly: If he enters or quits by opening any lock in order to the
committing of the house-trespass, or in order to the quitting of the house after a
<table>
<thead>
<tr>
<th>Section 462D: &quot;Tampering with gas meter by domestic consumer, etc.&quot;</th>
<th>Any person or individual being the domestic consumer who does tampering or abets in tampering with any gas meter, regulator, meter index or gas connection or any other related system and equipments, whether to commit theft of gas or for the purpose of unauthorized distributed or supply of gas shall be punished with imprisonment for a term which may extend to six months or fine which may extend to one hundred thousand rupees or both.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 463: &quot;Forgery&quot;</td>
<td>Whoever makes any false document or part of a document, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.</td>
</tr>
<tr>
<td>Section 464: &quot;Making a false document&quot;</td>
<td>A person is said to make a false document: First: Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed; or Secondly: Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made &quot;or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or Thirdly: Who dishonestly or fraudulently causes any person to sign, seal, execute or later a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or the nature of the alteration.</td>
</tr>
<tr>
<td>Section 470: &quot;Forged document&quot;</td>
<td>A false document made wholly or in part by forgery is designated &quot;a forged document&quot;.</td>
</tr>
<tr>
<td>Section 471: &quot;Using as genuine a forged document&quot;</td>
<td>Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.</td>
</tr>
<tr>
<td>Section 480: &quot;Using a false trade mark&quot;</td>
<td>Whoever marks any goods or any case, packages or other receptacle containing goods, or uses any case, package or other receptacle with any mark thereon, in a manner reasonably calculated to cause it to be believed that the goods so marked, or any goods contained in any such receptacle so marked, are the manufacture or merchandise of a person whose manufacture or merchandise they are not, is said to use a false trade mark.</td>
</tr>
<tr>
<td>Section 481: &quot;Using a false property mark&quot;</td>
<td>Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.</td>
</tr>
<tr>
<td>Section 499: &quot;Defamation&quot;</td>
<td>Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person</td>
</tr>
</tbody>
</table>
intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in the cases hereinafter excepted, to defame that person.

First Exception - Imputation of truth which public good requires to be made or published
Second Exception - On Public conduct of public servants
Third Exception - Conduct of any person touching any public question
Fourth Exception - Publication of reports of proceedings of Courts
Fifth Exception - Merits of case decided in Court or conduct of witnesses and other concerned
Sixth Exception - Merits of public performance
Seventh Exception - Censure passed in good faith by person having lawful authority over another
Eighth Exception - Accusation preferred in good faith to authorised person
Ninth Exception - Imputation made in good faith by person for protection of his or other's interest
Tenth Exception - Caution intended for good of person to whom conveyed or for public good

Section 503: "Criminal Intimidation"

Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

### Code of Criminal Procedure

<table>
<thead>
<tr>
<th>Section 4(1)(b): &quot;Bailable offence&quot;, &quot;Non-bailable offence&quot;</th>
<th>&quot;Bailable offence&quot; means an offence shown as bailable in the Second Schedule or which is made bailable by any other law for the time being in force; &quot;Non-bailable offence&quot; means any other offence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 4(1)(f): &quot;Cognizable offence&quot;, &quot;cognizable case&quot;</td>
<td>&quot;Cognizable offence&quot; means an offence for, and &quot;cognizable case&quot; means a case in which a police officer, may, in accordance with the second Schedule or under any law for the time being in force, arrest without warrant.</td>
</tr>
<tr>
<td>Section 4(1)(h): &quot;Complaint&quot;</td>
<td>Complaint means the allegation made orally or in writing to a Magistrate, with a view to his taking action, under this Code that some person whether known or unknown, has committed an offence, but it does not include the report of a police officer.</td>
</tr>
<tr>
<td>Section 4(1)(k): &quot;Inquiry&quot;</td>
<td>&quot;Inquiry&quot; includes every inquiry other than a trial conducted under this Code by a Magistrate or Court.</td>
</tr>
<tr>
<td>Section 4(1)(l): &quot;Investigation&quot;</td>
<td>&quot;Investigation&quot; includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorized by a Magistrate in this behalf.</td>
</tr>
<tr>
<td>Section 4(1)(n): &quot;Non-cognizable offence&quot;, &quot;Non-</td>
<td>&quot;Non-cognizable offence&quot; means an offence for, and &quot;non-cognizable case&quot; means a case in which a police officer, may not arrest without warrant.</td>
</tr>
</tbody>
</table>
### Qanun-e-Shahadat Order 1984

**Article 2(1)(c): "Evidence"**

"Evidence" includes:

- (i) all statements which the Court permits or requires be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence; and
- (ii) all documents produced for the inspection of the Court; such documents are called documentary evidence.

**Article 2(1)(d): "fact"**

"Fact" includes:

- (i) anything, state of things, or relation of things capable of being perceived by the senses and
- (ii) any mental condition of which any person is conscious.

### Special Courts for Speedy Trials Act 1987

**Section 2(a): "Code"**

"Code" means the Code of Criminal Procedure, 1898 (Act V of 1898)

**Section 2(b): "Government"**

"Government" means the Provincial Government

**Section 2(c): "Offence"**

"Offence" means an offence specified in the Schedule which, in the opinion of the Government, is gruesome, brutal and sensational in character or shocking to public morality or has led to public outrage or created panic or an atmosphere of fear or anxiety amongst the public or a section thereof;

**Section 2(d): "Special Court"**

(d) “Special Court” means a Special Court constituted under this Act
The Terrorist Affected Areas (Special Courts) Act 1992

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;Government&quot;</td>
<td>“Government” means the Federal Government</td>
</tr>
<tr>
<td>Section 2(c): &quot;Civil Armed Forces&quot;</td>
<td>“Civil Armed Forces” means the Pakistan Rangers, the Frontier Corps, Pakistan Coast Guards, Frontier Constabulary or any other force notified by the Government as such</td>
</tr>
<tr>
<td>Section 2(e): &quot;Public Prosecutor&quot;</td>
<td>“Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under Section 12</td>
</tr>
<tr>
<td>Section 2(f): &quot;Scheduled Offence&quot;</td>
<td>“Scheduled Offence” means an offence specified in the Schedule being an offence committed in a terrorist affected area;</td>
</tr>
<tr>
<td>Section 2(g): &quot;Special Court&quot;</td>
<td>“Special Court” means a Special Court established under Section 6</td>
</tr>
</tbody>
</table>

Control of Narcotic Substances Act 1997

<table>
<thead>
<tr>
<th>Section 2(a): &quot;addict&quot;</th>
<th>“addict” means a person physically or mentally dependent on any narcotic drug or psychotropic substance or a person who habitually uses narcotic drugs or psychotropic substances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;assets&quot;</td>
<td>“assets” means any property owned, controlled or belonging to an accused, whether directly or indirectly, or in the name of his spouse or relatives or associates whether within or without Pakistan for which they cannot reasonably account;</td>
</tr>
<tr>
<td>Section 2(c): &quot;associate&quot;</td>
<td>“associate”, in relation to an accused, means— (i) any individual who is, or has, at the relevant time been ordinarily residing in the residential premises, including out-houses and servant-quarters of an accused; (ii) any individual who, is or has, at the relevant time been managing the affairs or keeping the accounts of an accused; (iii) any association of persons, body of individuals, firm or private limited company within the meaning of companies Ordinance, 1984 (XLVII of 1984), of which an accused is, or has, at the relevant time been a member, partner or director; (iv) any individual who is, or has been, at the relevant time a member, partner or director of any association of persons, body of individuals, firm or a private limited company referred to in sub-clause (iii); (v) a trustee of any trust created by an accused; or (vi) where the Special Court, for reasons to be recorded, considers that any property of an accused is held on his behalf by any other person, such other person.</td>
</tr>
<tr>
<td>Section 2(d): &quot;cannabis (hemp)&quot;</td>
<td>cannabis (hemp)” means— (i) cannabis resin (charas) that is, the separated resin, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish. (ii) The flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known; and (iii) Any mixture with or without neutral materials of any of the above forms of cannabis or any drink prepared therefrom;</td>
</tr>
<tr>
<td>Section 2(e): &quot;cannabis plant&quot;</td>
<td>“cannabis plant” means any plant of the genus cannabis</td>
</tr>
<tr>
<td>Section 2(f):</td>
<td>&quot;coca bush&quot;</td>
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<td>----------------</td>
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</tr>
</tbody>
</table>
| Section 2(g): | "coca derivative" | "coca derivative" means—  
(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture or production of cocaine;  
(ii) ecegonine, that is, leavoecgonine having the chemical formula C9H15No3H2O and all chemical derivatives of leavo-ecegonine including benzoylecegonine from which it can be recovered;  
(iii) cocaine, that is, methyl-benzoyl-leave-ecegonine having the chemical formula C17H21No4 and its salts; and  
(iv) all preparations containing more than 0.1 per cent of cocaine |
| Section 2(h): | "coca leaf" | "coca leaf" means:  
(i) the leaf of the coca bush except a leaf from which all ecgonine, cocaine or any other ecgonine alkaloids have been removed;  
(ii) any mixture thereof, with or without neutral material, but does not include any preparation containing not more than 0.1 per cent of cocaine |
| Section 2(j): | "controlled delivery" | "controlled delivery" means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances or chemical precursors to pass out of, through or into Pakistan, with the knowledge and under the supervision of the Federal Government with a view to identifying persons involved in the commission of offences cognizable under this Act |
| Section 2(k): | "controlled substance" | "controlled substance" means any substance which may be used for the production or manufacture of narcotic drugs or psychotropic substance |
| Section 2(l): | "conveyance" | "conveyance" means a conveyance of any description whatsoever and includes, any aircraft, vehicle, vessel, railways or animal |
| Section 2(o): | "freezing" | "freezing" means prohibiting by an order made by the Special Court or an officer authorised under this Act the transfer, conversion, disposal or movement of any assets and includes the holding, controlling, assuming custody or managing any assets in pursuance of such order and, in the case of assets which are perishable the disposal thereof. |
| Section 2(p): | "manufacture" | "manufacture", in relation to narcotic drugs or psychotropic substances, includes:  
(i) all processes by which such drugs or substances may be obtained;  
(ii). refining of such drugs or substances;  
(iii). transformation of such drugs or substances; and  
(iv). making or preparing such drugs or substances. |
| Section 2(q): | "manufactured drug" | "manufactured drug" includes:  
(i) all coca derivatives, medicinal hemp, opium derivatives, cannabis in any form and any mixture of stalks and flowering or fruiting tops of the Indian hemp plant (cannabis sativa L.) Acetic anhydride; and  
(ii) any other narcotic substance which the Federal government may, by notification in the official Gazette made in pursuance of recommendations of any International Convention or otherwise, declare to be a manufactured drug; |
| Section 2(r): | "medicinal hemp" | "medicinal hemp" means any extract or tincture of hemp |
| Section 2(s): | "narcotic drug" | "narcotic drug" means coca leaf, cannabis, heroin, opium, poppy straw and all manufactured drugs |
| Section 2(t): | "opium" | "opium" means:  
(i) poppy straw, that is to say, all parts of the poppy plant (papaver somniferum or any other species of Papaver) after mowing, other than the seeds,  
(ii) the spontaneously coagulated juice of capsules of poppy which has not been submitted to any manipulations other than those necessary for packing and |
transport; and
(iii) any mixture, with or without natural materials, of any of the above forms of opium, but does not includes any preparation containing not more than 0.2 per cent of morphine

Section 2(u): "opium derivative" "opium derivative” includes:-
(i) medicinal opium, that is, opium which has undergone the process necessary to adapt it for medicinal use;
(ii) prepared opium, that is, opium which has undergone the process necessary to operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;
(iii) morphine, that is, the principal alkaloid of opium having the chemical formula C17H19NO3 and its salts;
(iv) diacetylmorphine, that is, the semi synthetic substance, also known as diamorphine or heroin, having the chemical formula C21H23NO5 and its salts; and
(v) all preparations containing more than 0.2 per cent of morphine, or containing any diacetylmorphine

Section 2(w): "poppy straw" "poppy straw” means all the parts, except the seeds, of the opium poppy after mowing

Section 2(x): "poppy straw concentrate” “Poppy straw concentrate” means the material obtained after the poppy straw has been subjected to a process for the concentration of its alkaloids

Section 2(y): "prescribed" “Prescribed” means prescribed by rules made under this Act

Section 2(z): "property" "Property” includes:-
(i) all forms of property, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, real estate or personal property of every description;
(ii) property used to commit, or to abet the commission of, an offence punishable under this Act;
(iii) all kinds of shares or interest in an corporate body, company, firm, business concern, society or fund; and
(iv) all documents of title to land, goods or property, wherever situated, money or valuable security issued by the Government.

Section 2(za): "psychotropic substance” “psychotropic substance” means the substances, specified in the Schedule to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance

Section 2(zc): "Special Court” “special Court” means the Special Court established under section 46 or any other Court empowered to exercise the powers of the Special Court under this Act

Section 2(zd): "tracing” “tracing” means the finding out the true nature, source, disposition, movement or ownership of assets an includes determining the movement or conversion of assets by any means, and “trace” shall be construed accordingly.

Anti-Terrorism Act 1997

Section 2(b): "Civil Armed Forces” “Civil Armed Forces” means the Frontier Constabulary, Frontier Corps, Pakistan Coast Guards, Pakistan Rangers or any other civil armed force notified by the Federal Government as such


Section 2(e): "Court” “Court” means an Anti-Terrorism Court established under section 13

Section 2(f): "Explosives” “Explosives” means any bomb, grenade, dynamite, or explosive substance capable of causing an injury to any person or damage to any property and includes any explosive substances as defined in the Explosives Act, 1884 (IV of 1884)
| Section 2(g): "Fire-Arms" | “Fire-Arms” means any or all types and gauges of handguns, rifles and shotguns, whether automatic, semi-automatic or bolt action, and shall include all other fire-arms as defined in the Arms Ordinance, 1965 (W.P.Ord. XX of 1965) |
| Section 2(i): "Government" | “Government”, means the Federal Government or, as the case may be, the Provincial Government |
| Section 2(j): "Grievous" | “Grievous”, in relation to bodily injury, means any emasculation, mutilation, incapacitation, disfigurement or severe harm or hurt; and in relation to property means severe loss; damage or destruction |
| Section 2(k): "High Court" | “High Court” means the High Court having territorial jurisdiction in respect of the area for which an Anti-Terrorism Court have been established |
| Section 2(l): "Hijacking" | “Hijacking” means any unlawful seizure or exercise of control, or any attempt at unlawful seizure or exercise of control, of an aircraft, by force, violence, threat or any form of obstruction, directly or through any other person, from within or outside the aircraft |
| Section 2(m): "Hostage-taking" | “Hostage-Taking” means the holding of a person captive with threats made to kill or harm that person if demands are not met |
| Section 2(n): "Kidnapping for Ransom" | “Kidnapping for Ransom” means the action of conveying any person from any place, without his consent, or by force compelling or by any deceitful means inducing him, to go form any place, and unlawfully detaining him and demanding or attempting to demand, money, pecuniary or other benefit from him or from another person, as a condition of his release |
| Section 2(q): "Proscribed Organization" | “Proscribed Organization” means any organization using a name which is listed in the First Schedule under section 11B |
| Section 2(s): "Schedule" | "Schedule” means a Schedule to this Act |
| Section 2(t): "Scheduled Offence" | “Scheduled Offence” means an offence as set out in the Third Schedule |
| Section 2(u): "Sectarian" | “Sectarian” means pertaining to, devoted to, peculiar to, or one which promotes the interest of a religious sect, or sects, in a bigoted or prejudicial manner |
| Section 2(v): "Sectarian Hatred" | “Sectarian Hatred” means hatred against a group of persons defined by reference to religion, religious sect, religious persuasion, or religious belief |
| Section 2(w): "Serious" | "Serious” means dangerous to life or property |
| Section 2(x): "Terrorism" or "Act of Terrorism" | “Terrorism” or “Act of Terrorism” has the meaning as assigned to it in section 6 |
| Section 2(y): "Terrorist" | “Terrorist” has the meaning as assigned to it in section 6(5) |
| Section 2(z): "Terrorist Investigation" | “Terrorist Investigation” means an investigation of (i) the commission, preparation or instigation of acts of terrorism under this Act; (ii) an act which appears to have been done for the purposes or terrorism; (iii) the resources of a proscribed organization; (iv) the commission, preparation or instigation of an offence under this Act; or (v) any other act for which investigation may be necessary for the purposes of this Act. |
| Section 2(aa): "terrorist property" | (aa) “terrorist property” means; (i) (a) money or other property which is used or is likely to be used for the purposes of terrorism (including any resources or a proscribed organization); (b) proceeds of the commission of acts of terrorism; |
(c) proceeds of acts carried out for the purposes of terrorism; and
(ii) In sub-section (i) above:
(a) a reference to proceeds of an act, includes reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments of other rewards in connection with the commission);
(b) the reference to an organization’s resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organization, and includes assets of any kind, whether tangible or intangible, movable or immovable, and legal documents or instruments in any form, whether written, electronic or digital, and shares, securities bonds, drafts and letters of credit; and
(c) a reference to money includes a reference to any case which means any coins, notes in any currency, postal orders, money orders, bank credit, travelers cheques, bank cheques, bankers drafts, and such other kinds of monetary instruments as the Federal Government may be order specify.

Section 2(bb):
 "Weapon"

“Weapon” means any item which can be used to injure or cause bodily harm, and includes any type of fire-arm, explosive, sword, dagger, knuckle-duster, bomb, grenade, rocket launcher, mortar or any chemical, biological weapon or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, an includes ‘illicit arms’ as defined in the Surrender of Illicit Arms Act, 1991 (XXI of 1991)

Section 6: "Terrorism"

(1) In this Act, “terrorism” means the use or threat of action where:
(a) the action falls within the meaning of sub-section (2), and
(b) the use of threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; or
(c) the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause;
(2) An “action” shall fall within the meaning of sub-section (1), if it:
(a) involves the doing of anything that causes death;
(b) involves grievous violence against a person or grievous bodily injury or harm to a person;
(c) involves grievous damage to property;
(d) involves the doing of anything that is likely to cause death or endangers a person’s life;
(e) involves kidnapping for ransom, hostage-taking or hijacking;
(ee) involves use of explosives by any device including bomb blast;
(f) incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance;
(g) involves stoning, brick-bating or any other form of mischief to spread panic;
(h) involves firing on religious congregations, mosques, imambargahs, churches, temples and all other places of worship, or random firing to spread panic, or involves any forcible takeover of mosques or other places of worship;
(i) creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civil life;
(j) involves the burning of vehicles or any other serious form of arson;
(k) involves extortion of money (“bhatta”) or property;
(l) is designed to seriously interfere with or seriously disrupt a communications system or public utility service;
(m) involves serious coercion or intimidation of a public servant in order to force him to discharge or to refrain from discharging his lawful duties; or
(n) involves serious violence against a member of the police force, armed forces, civil armed forces, or a public servant.
The use of threat of use of any action falling within sub-section (2), which involves the use of fire-arms, explosives or any other weapon, is terrorism, whether or not sub-section (1)(c) is satisfied.

In this section “action” includes an act or a series of acts.

In this Act, terrorism includes any act done for the benefit of a proscribed organization.

A person who commits an offence under this section or any other provision of this Act, shall be guilty of an act of terrorism.

In this Act, a “terrorist” means:
(a) a person who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation or instigation of acts of terrorism;
(b) a person who is or has been, whether before or after the coming into force of this Act, concerned in the commission, preparation or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.

The National Accountability Bureau Ordinance 1999

<table>
<thead>
<tr>
<th>Section 5(c): &quot;Assets&quot;</th>
<th>&quot;Assets&quot; means any property owned, controlled by or belonging to any accused, whether directly or indirectly, or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan which he cannot reasonably account for, or for which he cannot prove payment of full and lawful consideration.</th>
</tr>
</thead>
</table>
| Section 5(d): "Associates" | (d) "Associates" means-
(i) any person who is or has been managing the affairs [of] or keeping accounts for the accused or who enjoys or has enjoyed any benefit from the assets.
(ii) any association of persons, body of individuals, partnership firm or private limited company within the meaning of Companies Ordinance, 1984, of which the accused is or has been a member, partner or director or which has been promoted, floated, established or run by the accused, whether singly or jointly, with other persons.
(iii) a trustee of any trust declared by the accused, or of which the accused is also a trustee or a beneficiary; and
(iv) a benamidar. |
<p>| Section 5(da): &quot;benamidar&quot; | “benamidar” means any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused |
| Section 5(f): &quot;Code&quot; | &quot;Code&quot; means the Code of Criminal Procedure, 1898 |
| Section 5(fa): &quot;Conciliation Committee&quot; | &quot;Conciliation Committee&quot; means the Conciliation Committee constituted under section 25A |
| Section 5(g): &quot;Court&quot; | “Court” means an Accountability Court which shall consist of a Judge who shall be appointed by the President of Pakistan, in consultation with the Chief Justice of the High Court of the Province concerned, on such terms and conditions as may be determined by the President |
| Section 5(h): &quot;Judge&quot; | “Judge” means a Judge of a Court who shall be a serving District and Sessions Judge qualified to be appointed as Judge of the High Court and includes a Judge, whether serving or retired District and Sessions Judge, who was appointed Judge of a Court before the commencement of the National Accountability Bureau (Amendment) Ordinance, 2001 |
| Section 5(j): &quot;Deputy Chairman National Accountability Bureau&quot; | “Deputy Chairman National Accountability Bureau” means the person appointed as Deputy Chairman of the National Accountability Bureau by the President |</p>
<table>
<thead>
<tr>
<th>Section 5(k): &quot;National Accountability Bureau&quot;</th>
<th>&quot;National Accountability Bureau” means the Bureau set up and notified under this Ordinance, (hereinafter referred to as NAB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5(l): &quot;Freezing&quot;</td>
<td>&quot;Freezing&quot; includes attachment, sealing, [prohibiting], holding, controlling or managing any property either through a Receiver or otherwise as may be directed by the Court or Chairman NAB, and in case it is deemed necessary the disposal thereof, by sale through auction or negotiation subject to confirmation by the Court or by Chairman NAB as the case may be after public notice.</td>
</tr>
<tr>
<td>Section 5(m): &quot;Holder of public office&quot;</td>
<td>&quot;Holder of public office&quot; means a person who- (i) has been President of Pakistan or the Governor of a Province. (ii) is, or has been the Prime Minister, Chairman Senate, Speaker of the National Assembly, Deputy Speaker National Assembly, Federal Minister, Minister of State, Attorney General and other Law Officer appointed under the Central Law Officers Ordinance, 1970 (VII of 1970), Advisor to the Prime Minister, Special Assistant to the Prime Minister, Federal Parliamentary Secretary, Member of Parliament, Auditor General, Political Secretary, Consultant to the Prime Minister and holds or has held a post or office with the rank or status of a Federal Minister or Minister of State; (iii) is, or has been, the Chief Minister, Speaker Provincial Assembly, Deputy Speaker Provincial Assembly, Provincial Minister, Advisor to the Chief Minister, Provincial Parliamentary Secretary, Member of the Provincial Assembly, Advocate General including Additional Advocate General and Assistant Advocate General, Political Secretary, Consultant to the Chief Minister and who holds or has held a post or office with the rank or status of a Provincial Minister; (iv) is holding, or has held, an office or post in the service of Pakistan, or any service in connection with the affairs of the Federation, or of a Province, or of a local council constituted under any Federal or Provincial law relating to the constitution of local councils [co-operative societies] or in the management of corporations, banks, financial institutions, firms, concerns, undertakings or any other institution or organization established, controlled or administered by or under the Federal Government or a Provincial Government, other than a person who is a member of any of the armed forces of Pakistan, except a person who is, or has been a member of the said forces and is holding, or has held, a post or office in any public corporation, bank, financial institution, undertaking or other organization established, controlled or administered by or under the Federal Government or a Provincial Government or notwithstanding anything contained in the Pakistan Army Act, 1952 (XXXIX of 1952), or any other law for the time being in force, a person who is a civilian employee of the Armed Forces of Pakistan; (v) has been, the Chairman or Vice Chairman of a zila council, a municipal committee, a municipal corporation or a metropolitan corporation constituted under any Federal or Provincial law relating to local councils; and (va) is or has been a District Nazim or Naib Nazim, Tehsil Nazim or Naib Nazim or Union Nazim or Naib Nazim; (vi) has served in and retired or resigned from or has been discharged or dismissed from the Armed Forces of Pakistan.</td>
</tr>
<tr>
<td>Section 5(n): &quot;Offence&quot;</td>
<td>&quot;Offence&quot; means the offences of corruption and corrupt practices and other offences as defined in this Ordinance and includes the offences specified in the Schedule to this Ordinance.</td>
</tr>
<tr>
<td>Section 5(o): &quot;Person&quot;</td>
<td>&quot;Person&quot; unless the context otherwise so requires, includes in the case of a company or a body corporate, the sponsors, Chairman, Chief Executive, Managing</td>
</tr>
</tbody>
</table>
Section 5(p): "Property"

"Property" includes any or all movable and immovable properties situated within or outside Pakistan.

Section 5(q): "Government Property"

"Government Property" means property belonging to the Government and includes gifts, donations, financial assistance, grants, aid received or collected in whatever name or for whatever purpose by a holder of public office during the tenure of office.

Section 5(r): "Wilful default"

"Wilful default" a person or a holder of public office is said to commit an offence of wilful default under this Ordinance if he does not pay, or continues not to pay, or return or repay the amount due from him to any bank, financial institution, cooperative society, Government department, statutory body or an authority established or controlled by a Government on the date that it became due as per agreement containing the obligation to pay, return or repay or according to the laws, rules, regulations, instructions, issued or notified by the State Bank of Pakistan, or the bank, financial institution, cooperative society, Government Department, statutory body or an authority established or controlled by a Government, as the case may be, and a thirty days notice has been given to such person or holder of public office:

Provided that it is not wilful default under this Ordinance if [such person or holder of public office] was unable to pay, return or repay the amount as aforesaid on account of any wilful breach of agreement or obligation or failure to perform statutory duty on the part of any bank, financial institution, cooperative society, or a Government department, statutory body or an authority established or controlled by Government:

Provided further that in the case of default concerning a bank or a financial institution a seven days notice has also been given to such person or holder of public office by the Governor, State Bank of Pakistan:

Provided further that the aforesaid thirty days or seven days notice shall not apply to cases pending trial at the time of promulgation of the National Accountability Bureau (Amendment) Ordinance, 2001.

Control of Narcotic Substances (Regulation of Drugs of Abuse, Controlled Chemicals, Equipment and Materials) Rules 2001

<table>
<thead>
<tr>
<th>Section 2(1)(i): &quot;Act&quot;</th>
<th>“Act” means Control of Narcotic Substances Act, 1997 (XXV of 1997)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(1)(ii): &quot;Analogue&quot;</td>
<td>“Analogue” means any substance not listed in Schedule of these Rules whose chemical structure is substantially similar to any drug of abuse whose psychoactive effect it simulates.</td>
</tr>
<tr>
<td>Section 2(1)(iv): &quot;Competent Authority&quot;</td>
<td>“Competent Authority” means the authority notified in the official Gazette by the Federal Government to discharge various functions including registration, licensing and import, export or transit permit authorization etc., under these Rules</td>
</tr>
<tr>
<td>Section 2(1)(v): &quot;Controlled Chemical&quot;</td>
<td>“Controlled Chemical” means a substance listed in Schedule V and includes a controlled chemical preparation.</td>
</tr>
<tr>
<td>Section 2(1)(vi):</td>
<td>“Controlled Equipment” means anything listed as such in Schedule VI</td>
</tr>
<tr>
<td>Section</td>
<td>&quot;Controlled Equipment&quot;</td>
</tr>
<tr>
<td>---------</td>
<td>------------------------</td>
</tr>
<tr>
<td>2(1)(vii): &quot;Controlled Material&quot;</td>
<td>“Controlled Material” means anything listed as such in Schedule VI</td>
</tr>
<tr>
<td>2(1)(viii): &quot;Convention State&quot;</td>
<td>“Convention State” means a State which is party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988</td>
</tr>
<tr>
<td>2(1)(ix): &quot;Cultivate&quot;</td>
<td>“Cultivate” includes planting, sowing, growing, nurturing, tending or harvesting, and also includes the separating of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained</td>
</tr>
<tr>
<td>2(1)(xi): &quot;Dentist&quot;</td>
<td>“Dentist” means any person who is registered under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962), and entitled to practice the profession of dentistry</td>
</tr>
</tbody>
</table>
| 2(1)(xii): "Drug Dependent Person" | “Drug Dependent Person”, in relation to a drug of abuse or analogue, means any person who has such a condition that:
(a) Administration of the drug to him or her results in the person demonstrating impaired control in relation to the use of that drug, or drug-seeking behaviour suggesting such impaired control; or
(b) Cessation of the administration of the drug is likely to result in the person experiencing symptoms of mental or physical distress or disorder. |
| 2(1)(xiii): "Drug of Abuse" | “Drug of Abuse” means a prohibited drug, a high-risk drug, or a risk drug, and includes a preparation |
| 2(1)(xiv): "Encapsulating Machine" | “Encapsulating Machine” means any device which may be used to fill shells, capsules, or other containers with a drug of abuse or analogue in whatever physical form |
| 2(1)(xxvi): "High-Risk Drug" | “High-Risk Drug” means a substance listed in Schedule II |
| 2(1)(xvii): "Inspector" | “Inspector” means any person appointed under Rule 44 |
| 2(1)(xviii): "Institution" | “Institution” means a hospital, nursing home or other institution used for the accommodation, treatment and care of persons suffering from physical or mental conditions |
| 2(1)(xix): "International Drug Control Conventions" | "International Drug Control Conventions" means:-
(b) The Convention Against Psychotropic Substances done at Vienna on the 21st February, 1971;
(c) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th December, 1988; and
(d) Any other international convention to which Pakistan may become party after the commencement of these rules relating in the whole or in part to the control of drugs of abuse, controlled chemicals or controlled equipment |
<p>| 2(1)(xx): &quot;Medical Practitioner&quot; | “Medical Practitioner” means any person who is registered under the Medical and... |</p>
<table>
<thead>
<tr>
<th>Section 2(1)(xx): &quot;Medical Practitioner&quot;</th>
<th>Dental Council Ordinance, 1962 (XXXII of 1962) and entitled to practice the profession of medicine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(1)(xxi): &quot;Open Individual Authorization&quot;</td>
<td>“Open Individual Authorization” means an authorization permitting an operator to export from Pakistan such quantities of such controlled chemicals, equipment or materials to such countries or regions during such periods as may be specified in the authorization</td>
</tr>
<tr>
<td>Section 2(1)(xxii): &quot;Operator&quot;</td>
<td>“Operator” means any person who carries on a business of the manufacture, acquisition or supply of:- (a) A drug of abuse, intended for medical, scientific use or other lawful use; and (b) A controlled chemical or any item of controlled equipment or controlled material, intended for lawful use.</td>
</tr>
<tr>
<td>Section 2(1)(xxiii): &quot;Permit&quot;</td>
<td>“Permit” means a permit of the kind referred to in Rules 12, 13, 14 or 15 of the Rules, as the case may be</td>
</tr>
<tr>
<td>Section 2(1)(xxv): &quot;Pharmacist&quot;</td>
<td>“Pharmacist” means any person who is registered under the Pharmacy Act, 1967 (XI of 1967) and entitled to practice the profession of pharmacy</td>
</tr>
<tr>
<td>Section 2(1)(xxvii): &quot;Practitioner&quot;</td>
<td>“Practitioner” means:- (a) A dentist, medical practitioner or veterinary surgeon; and (b) Any person who is entitled under the laws of Pakistan to practice any other profession whose members may lawfully prescribe, dispense or administer any drug of abuse.</td>
</tr>
<tr>
<td>Section 2(1)(xxx): &quot;Prescription&quot;</td>
<td>“Prescription” means a written direction by a Practitioner that a stated amount of a drug of abuse be dispensed for the person named therein</td>
</tr>
<tr>
<td>Section 2(1)(xxx): &quot;Preparation&quot;</td>
<td>“Preparation” means a solution or mixture, in whatever physical state, containing:- (a) A drug of abuse; or (b) A controlled chemical;</td>
</tr>
<tr>
<td>Section 2(1)(xxxix): &quot;Prohibited Drug&quot;</td>
<td>“Prohibited Drug” means a substance specified in Schedule I</td>
</tr>
<tr>
<td>Section 2(1)(xlii): &quot;Record&quot;</td>
<td>“Record” means any material on which data are recorded or marked and which is capable of being read or understood by a person, computer system or other device</td>
</tr>
<tr>
<td>Section 2(1)(xxxiii): &quot;Risk Drug&quot;</td>
<td>“Risk Drug” means a substance specified in Schedule III</td>
</tr>
<tr>
<td>Section 2(1)(xxxv): &quot;Supply&quot;</td>
<td>“Supply” includes sale, consignment, dispatch, transport, delivery, distribution, dispensing, as well as offer to supply</td>
</tr>
<tr>
<td>Section 2(1)(xxxvi): &quot;Tableting Machine&quot;</td>
<td>“Tableting Machine” means any device which may be used to compact or mould a drug of abuse or analogue into a solid tablet</td>
</tr>
<tr>
<td>Section 2(1)(xxxvii): &quot;Toxic Chemical Inhalant&quot;</td>
<td>“Toxic Chemical Inhalant” means a substance specified in Schedule IV</td>
</tr>
</tbody>
</table>
| Section (i) "Transit" | “Transit” means the physical transfer of any drug of abuse, analogue,
2(1)(xxxviii): "Transit" controlled chemical or controlled material into, and out of, the territory of Pakistan:
  (a) Without it passing through Pakistan Customs; and
  (b) Where Pakistan is neither its country of origin nor destination.

Section 2(1)(xxxix): "Veterinary Surgeon" “Veterinary Surgeon” means any person who is registered under the Pakistan Veterinary Medical Council Act, 1962 (III of 1962), and entitled to practice the profession of veterinary medicine.

Disposal of Vehicles and Other Articles (Involved in Narcotics Cases) Rules 2001

Section 2(1)(a): "Act" “Act” means the Control of Narcotic Substances Act, 1997 (XXV of 1997)

Section 2(1)(b): "Article" “Article” means anything, other than conveyance or narcotics drug or psychotropic substance or controlled substance, used in the commission of an offence and seized, frozen or confiscated under the Act

Section 2(1)(c): "Auctioneer" “Auctioneer” means the Headquarters Anti-Narcotics Force and also includes the Regional Directorate Anti-Narcotics Force or an auction committee

Section 2(1)(d): "Authority" “Authority” means Director-General, Anti-Narcotics Force or the Regional Directors Anti-Narcotics Force or any other officer but not below the rank of a Joint Director authorized by the competent authority

Section 2(1)(e): "Bid" “Bid” means the price offered at an auction by a bidder for vehicles or any article put to auction

Section 2(1)(g): "Conveyance" “Conveyance” means a conveyance of any description whatsoever and includes, any vehicle, vessel, ship, boat, aircraft, railways or animal, used for the commission of an offence and seized, frozen or confiscated under the Act

Section 2(1)(i): "Reserve price" "Reserve price” means the minimum price acceptable to the authority for sale of a particular conveyance or article

Police Act 1861

Section 1: Interpretation clause "the words 'Zila Nazim' shall mean an elected person who heads the District Government under the local government law"
"the word Magistrate' shall include all persons within the general police-district, exercising all or any of the powers of a Magistrate’
"the word 'police’ shall include all persons who shall be enrolled under this Act”
"the words 'general police-district' shall embrace any province or place or any part of any, province or place, in which this Act shall be ordered to take effect”
"the words 'district Superintendent' and 'District Superintendent of Police’ shall include an Inspector General of Police appointed by the Provincial Government to head the police force in a general police district notified as a City district”
"the word 'cattle' shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine”
"References to the subordinate ranks of a police-force shall be construed as references to members of that force below the rank of Deputy Superintendent”
### The Explosives Act 1884

**Section 4(1)(a)-(b): "Explosive"**

(a) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

**Section 4(2): "Manufacture"**

"Manufacture" includes the process of dividing into its component parts, or otherwise breaking up or unmaking, any explosive, or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive.

**Section 4(3): "Vessel"**

"Vessel" includes every ship, boat and other vessel used in navigation, whether propelled by oars or otherwise.

**Section 4(4): "Carriage"**

"Carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods, or passengers by land, in whatever manner the same may be propelled.

**Section 4(5): "Master"**

"Master" includes every person (except a pilot or harbourmaster) having for the time being command or charge of a vessel: provided that, in reference to any boat belonging to a ship, "master" shall mean the master of the ship.

**Section 4(7): "Appropriate Government"**

"Appropriate Government" means, in relation to manufacture, importation, and transport between provinces of explosives, the Central Government, and in relation to other matters, the Provincial Government.

### Explosive Substances Act 1908

**Section 2: "Definition of 'explosive substance'"**

In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or any explosive substance; also any part of any such apparatus, machine or implement.

### Pakistan Arms Ordinance 1965

**Section 3(1)(a): "ammunition"**

"ammunition" includes –

(i) ammunition of all types or light and heavy automatic weapons, revolvers, pistols, rifles, carbines, muskets and shotguns;

(ii) ammunition constructed and modified for firing projectiles or gas or smoke containers;

(iii) gun wads, gun flints, percussion caps, fuses, friction tubes and detonators;

(iv) all types of grenades, bombs, rockets, mines and fuels for flame throwers;

(v) all types of explosives, fulminating material and propellants, including all articles specially designed for torpedo operation and charges;

(vi) all parts of ammunition, but does not include lead, sulphur or saltpetre.

**Section 3(1)(b): "arms"**

"arms" includes –

(i) canon;

(ii) fire-arms of all types, such as light and heavy automatic and semiautomatic weapons, rifles, carbines, muskets, shotguns (whether single or double barrelled), revolvers, pistols and appliances the object of which is the silencing of fire-arms;

(iii) air pistols, bayonets, swords, sword-sticks daggers, knives with blades of four inches or more (but not kitchen knives or knives used in good faith for
the carrying on of a profession and flick-knives irrespective of the blade;  
(iv) knuckle-dusters, spears, spear-heads, bows and arrows and parts of arms.

| Section 3(1)(c): | "cannon" includes –  
(i) all types of artillery, mortars, machine and sub-machine guns;  
(ii) silencers for all machines and sub-machine guns;  
(iii) anti-tank rifles and recoil-less guns or rifles and bazookas;  
(iv) revolvers or pistols over 46 inches bore;  
(v) nuclear weapons of all types;  
(vi) projectors, guided missiles, and dischargers for grenades, rockets, bombs and gas or smoke containers;  
(vii) flame throwers of all types;  
(viii) all carriages, platforms and appliances for mounting or transporting cannon;  
(ix) parts of cannon. |

| Section 3(1)(d): | "Government" means the Federal Government for the whole of Pakistan and the Provincial Government in case of a Province |

| Section 3(1)(dd): | "flick-knife" means a knife which has a blade which opens automatically by hand pressure applied to a button spring or other device in, or attached to the handle of the knife, and includes any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or by the application of centrifugal force and which when released, is locked in place by means of a button, spring lever or other device |

| Section 3(1)(e): | "license" means a license granted under this Ordinance |

| Section 3(1)(f): | "military stores" means any stores which the Federal Government may, by notification in the official Gazette, declare to be military stores |

**Criminal Law (Special Provisions) Ordinance 1968**

| Section 2(1)(a): | "Commissioner" means the Chief Officer-in-Charge of the Revenue Administration of a Division, and includes any other officer who is specially empowered by Government to exercise the powers and functions of a Commissioner under this Ordinance |

| Section 2(1)(b): | "Deputy Commissioner" includes any officer exercising or performing any power or function of a Deputy Commissioner under this Ordinance |

| Section 2(1)(c): | "Government" means [the Provincial Government] |

| Section 2(1)(e): | “scheduled offence” means an offence made punishable by the Pakistan Penal Code (XLV of 1860), other than an offence specified in section A of Part I of the Schedule to the Conciliation Courts Ordinance, 1961 (XLIV of 1961) |
Federal Investigation Agency Act 1974

<table>
<thead>
<tr>
<th>Section 2(a): &quot;Agency&quot;</th>
<th>&quot;Agency&quot; means the Federal Investigation Agency constituted under section 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;Code&quot;</td>
<td>&quot;Code&quot; means the Code of Criminal Procedure, 1898 (Act V of 1898)</td>
</tr>
<tr>
<td>Section 2(c): &quot;Director-General&quot;</td>
<td>&quot;Director-General&quot; means the Director-General of the Agency</td>
</tr>
<tr>
<td>Section 2(d): &quot;Provincial Police&quot;</td>
<td>&quot;Provincial Police&quot; means the Police constituted by a Provincial Government under the Police Act, 1861 (V of 1861)</td>
</tr>
<tr>
<td>Section 2(e): &quot;public servant&quot;</td>
<td>&quot;public servant&quot; means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes an employee of any corporation or other body or organization set up, controlled or administered by or under the authority of, the Federal Government</td>
</tr>
<tr>
<td>Section 2(f): &quot;Special Police&quot;</td>
<td>&quot;Special Police&quot; means the Pakistan Special Police Establishment constituted under the Pakistan Special Police Establishment Ordinance, 1948, (VIII of 1948)</td>
</tr>
<tr>
<td>Section 2(g): &quot;Specified persons&quot;</td>
<td>&quot;Specified persons&quot; means the persons who were appointed to posts in or under a Provincial Police in pursuance of Article 3 of the Special Police and Provincial Police (Amalgamation) Order, 1962, (P.O. No. 1 of 1962)</td>
</tr>
</tbody>
</table>

Federal Investigation Rules 1975

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;Agency&quot;</td>
<td>&quot;Agency” means the Federal Investigation Agency constituted under the Act</td>
</tr>
<tr>
<td>Section 2(c): &quot;Director-General&quot;</td>
<td>“Director-General” means the Director-General of the Federal Investigation Agency appointed under sub-section (2) of Section 3 of the Act</td>
</tr>
</tbody>
</table>

Federal Investigation Agency (Inquiries and Investigations) Rules 2002

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(1)(b): &quot;Additional Secretary&quot;</td>
<td>“Additional Secretary” means the Additional Secretary, Ministry of Interior, Government of Pakistan</td>
</tr>
<tr>
<td>Section 2(1)(c): &quot;competent authority&quot;</td>
<td>&quot;competent authority” means the authority to accord permission either to hold an inquiry or investigation, or to order registration of a criminal case, or drop the case after, investigation, or decide departmental proceedings under the Rules</td>
</tr>
</tbody>
</table>
### Prevention of Anti-National Activities Act 1974

<table>
<thead>
<tr>
<th>Section 2(a):</th>
<th>“anti-national activity”, in relation to an individual or association means anything done by such individual or association, whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise,— (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the secession of a part of the territory of Pakistan from the Federation, or which incites any individual or group of individuals to bring about secession; (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of Pakistan; (iii) which in any manner encourages or incites, or is intended or is likely or tends to encourage or incite, the public or any group thereof to create, open or continue any regional front or 'mahaz' of any kind based on racial, linguistic or similar ideologies and considerations with a view to disrupting the unity of the people of Pakistan; or (iv) which in any manner propagates or advocates that the citizens of Pakistan comprise more than one nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b):</td>
<td>&quot;association&quot; means any combination or body of individuals</td>
</tr>
<tr>
<td>Section 2(c):</td>
<td>&quot;prescribed&quot; means prescribed by rules made under this Act</td>
</tr>
<tr>
<td>Section 2(d):</td>
<td>&quot;secession of a part of the territory of Pakistan from the Federation&quot; includes the assertion of any claim to determine whether such part will remain a part of the territory of Pakistan</td>
</tr>
<tr>
<td>Section 2(e):</td>
<td>&quot;Tribunal&quot; means the Tribunal constituted under section 5</td>
</tr>
<tr>
<td>Section 2(f):</td>
<td>“anti-national association” means any association which has for its object, or which indulges in, any anti-national activity, or which encourages or aids persons to</td>
</tr>
</tbody>
</table>
Suppression of Terrorist Activities (Special Courts) Act 1975

<table>
<thead>
<tr>
<th>Section 2(a): &quot;Code&quot;</th>
<th>&quot;Code&quot; means the Code of Criminal Procedure, 1898 (Act V of 1898)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;Scheduled offence&quot;</td>
<td>&quot;Scheduled offence&quot; means an offence specified in the Schedule</td>
</tr>
<tr>
<td>Section 2(c): &quot;Special Court&quot;</td>
<td>&quot;Special Court&quot; means a Special Court constituted under section 3</td>
</tr>
</tbody>
</table>

Prevention of Gambling Act 1977

<table>
<thead>
<tr>
<th>Section 2(a): &quot;common gaming-house&quot;</th>
<th>“common gaming-house” means any house, room, tent, enclosure, vehicle, vessel or other place whatsoever in which any instruments of gaming are kept or used for gaming purposes (i) with a view of profit or gain of any person owning, occupying or keeping such house, room, tent, enclosure, vehicle, vessel or other place, whether by way of charge for the use of such house, room tent, enclosure, vehicle, vessel or place or instruments or otherwise howsoever; or (ii) with or without a view of such profit or gain, if the gaming for the purpose of which such instruments are so kept or used is gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): &quot;gaming&quot;</td>
<td>“gaming” includes wagering or betting, including a wager or bet made in respect of any horse, mare or gelding running in competition with any other horse, mare or gelding, or of the rider thereof.</td>
</tr>
<tr>
<td>Section 2(c): &quot;instruments of gaming&quot;</td>
<td>“instruments of gaming” includes any article used or intended to be used as a means or appurtenance of, or of carrying on or facilitating, gaming, and any documents used as a register or record or evidence of any gaming</td>
</tr>
<tr>
<td>Section 2(d): &quot;prescribed&quot;</td>
<td>&quot;prescribed&quot; means prescribed by rules made under this Act.</td>
</tr>
</tbody>
</table>

Prohibition (Enforcement of Hadd) Order IV of 1979

<table>
<thead>
<tr>
<th>Section 2(b): &quot;authorized medical officer&quot;</th>
<th>&quot;authorized medical officer” means a medical officer, however designated, authorized by the Provincial Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(e): &quot;Collector&quot;</td>
<td>&quot;Collector” means any person appointed under this Order to exercise or perform all or any of the powers of functions of a Collector under this Order</td>
</tr>
<tr>
<td>Section 2(f): &quot;hadd&quot;</td>
<td>&quot;hadd” mean punishment ordained by the Holy Quran or Sunnah</td>
</tr>
<tr>
<td>Section 2(g): &quot;intoxicant&quot;</td>
<td>&quot;intoxicant” means an Article specified in the Schedule and includes intoxicating liquor and other Article or any substance which the Provincial Government may, by</td>
</tr>
</tbody>
</table>
notification in the official Gazette, declare to be an Intoxicant for the purposes of this Order

<table>
<thead>
<tr>
<th>Section 2(h): &quot;intoxicating liquor&quot;</th>
<th>&quot;intoxicating liquor&quot; includes toddy, spirits of wine, wine, beer and all liquids consisting of or containing alcohol normally used for purposes of intoxication, but does not include a solid intoxicant even if liquefied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(i): &quot;manufacture&quot;</td>
<td>&quot;manufacture&quot; includes every process, whether natural or artificial, by which any intoxicant is produced, prepared or blended, and also re-distillation any every process for the rectification of intoxicating liquors</td>
</tr>
<tr>
<td>Section 2(k): &quot;prohibition Officer&quot;</td>
<td>&quot;prohibition Officer&quot; means the Collector or any officer appointed or invested with powers under Article 21</td>
</tr>
<tr>
<td>Section 2(l): &quot;public place&quot;</td>
<td>&quot;public place&quot; means a street, road, thoroughfare, park, garden or other place to which the public have free access and includes a hotel, restaurant, motel, mess and club, but does not include the residential room of a hotel in the occupation of some person</td>
</tr>
<tr>
<td>Section 2(m): &quot;rectification&quot;</td>
<td>&quot;rectification&quot; includes every process whereby intoxicating liquor are purified, coloured or flavoured by mixing any material therewith</td>
</tr>
<tr>
<td>Section 2(o): &quot;tazir&quot;</td>
<td>&quot;tazir&quot; means any punishment other than had</td>
</tr>
</tbody>
</table>

**Offences against Property (Enforcement of Hudood) Ordinance VI of 1979**

| Section 2(b): "authorized medical officer" | "authorised medical officer" means a medical officer, whosoever designated, authorised by Government |
| Section 2(c): "hadd" | "hadd" means punishment ordained by the Holy Qur'an or Sunnah |
| Section 2(d): "hirz" | "hirz" means an arrangement made for the custody of property |
| Section 2(f): "nisab" | "nisab" means the 'nisab' as laid down in Section 6 |
| Section 2(g): "tazir" | "tazir" means any punishment other than 'hadd' and all other terms and expressions not defined in this Ordinance shall have the same meaning as in the Pakistan Penal Code (Act XLV of 1860), or the Code of Criminal Procedure, 1898 (Act V of 1898) |

**Offence of Zina (Enforcement of Hudood) Ordinance 1979**

| Section 2(aa): "confession" | "confession" means, notwithstanding any judgement of any court to the contrary, an oral statement, explicitly admitting the commission of the offence of zina, voluntarily made by the accused before a court of sessions having jurisdiction in the matter or on receipt of a summons under section 203A of the Code of Criminal Procedure, 1898 (Act V of 1898). |
| Section 2(b): "hadd" | "hadd" means punishment ordained by the Holy Quran or Sunnah |
| Section 2(d): "Muhsan" | "Muhsan" means:  
(i) a Muslim adult man who is not insane and has had sexual intercourse with a Muslim adult woman who, at the time he had sexual intercourse with her, was married to him and was not insane; or  
(ii) a Muslim adult woman who is not insane and has had sexual intercourse with a Muslim adult man who, at the time she had sexual intercourse with him, was married to her and was not insane. |
Section 4: "Zina"  
A man and a woman are said to commit 'Zina' if they wilfully have sexual intercourse without being married to each other.

**Offence of Qazf (Enforcement of Hadd) Ordinance 1979**

<table>
<thead>
<tr>
<th>Section 2(a): &quot;adult&quot;, &quot;hadd&quot; and &quot;zina&quot;</th>
<th>&quot;adult&quot;, &quot;hadd&quot; and &quot;zina&quot; have the same meaning as in the Offence of Zina (Enforcement of Hudood) Ordinance, 1979</th>
</tr>
</thead>
</table>

| Section 3: "Qazf" | Whoevers by words either spoken or intended to be read, or by signs or by visible representations, makes or publishers an imputation of zina concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation, or hurt the feelings, of such person, is said except in the cases hereinafter excepted, to commit qazf.  
First Exception (Imputation of truth which public good requires to be made or published):- It is not qazf to impute zina to any person if the imputation be true and made or published for the public good. Whether or not it is for the public good, is a question of fact.  
Second Exception (Accusation preferred in good faith to authorized person):- Save in the cases hereinafter mentioned, it is not qazf to prefer in good faith an accusation of zina against any person to any of those who have lawful authority over that person with respect to the subject matter of the accusation.  
(a) A complainant makes an accusation of zina against another person in a Court, but fails to produce four witnesses in support thereof before the Court.  
(b) According to the finding of the Court, a witness has given false evidence of the commission of zina or zina-bil-jabr.  
(c) According to the finding of the Court, the complainant has made a false accusation of zina-bil-jabr |

**The Juvenile Justice System Ordinance, 2000**

| Section 2(a): “Borstal Institution” | “Borstal Institution” means a place where child offenders may be detained and given education and training for their mental, moral and psychological development. |

**The Juvenile Justice System Rules, 2001**

| Section 2(1)(d): “Parole Officer” | “Parole Officer” means a person appointed by the Provincial Government to perform the function of Parole Officer in the Reclamation and Probation Department under the Good Conduct Prisoners Probational Release Act, 1926 (Act X of 1926) and other rules framed and enforced for the time being. |

**The Prevention and Control of Human Trafficking Ordinance, 2002**

<table>
<thead>
<tr>
<th>Section 2(a): “Benefit”</th>
<th>“Benefit” includes monetary profit, proceeds or payment in cash or in kind;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(c): “Code”</td>
<td>“Code” means the Code of Criminal Procedure, 1898 (V of 1898);</td>
</tr>
<tr>
<td>Section 2(d): “Coercion”</td>
<td>“Coercion” means the use of force, violence, physical restraint, deception, fraud or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of infliction of serious harm;</td>
</tr>
</tbody>
</table>
### The Prevention and Control of Human Trafficking Rules 2004

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2(a)</td>
<td>“Court” means the Court having jurisdiction to try the offence under the Ordinance;</td>
</tr>
<tr>
<td>2(b)</td>
<td>“Government” means the Federal Government;</td>
</tr>
<tr>
<td>2(c)</td>
<td>“Non-Governmental Organizations” means the Non-Governmental Organizations notified by the Government under these Rules from time to time;</td>
</tr>
<tr>
<td>2(d)</td>
<td>“Ordinance” means the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002);</td>
</tr>
</tbody>
</table>

### The Investigation for Fair Trials Act 2013

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>2(a)</td>
<td>“Applicant” means, Directorate General Inter Services Intelligence, the three Services Intelligence Agencies, Intelligence Bureau and Police;</td>
</tr>
<tr>
<td>2(b)</td>
<td>“Authorized Officer” means any officer not below the rank of BPS-20 or equivalent who is working with the applicant and is notified under Section 4 to represent the applicant when making application or taking up any proceedings under this Act;</td>
</tr>
<tr>
<td>2(c)</td>
<td>“Competent Authority” includes the Judge;</td>
</tr>
<tr>
<td>2(d)</td>
<td>“Court” means the High Court;</td>
</tr>
<tr>
<td>2(e)</td>
<td>“Designated Agency or Body” means any one or more Agency or Body designated by the Federal Government through notification for the purposes of this Act, having capability for implementing warrant of interception;</td>
</tr>
<tr>
<td>2(f)</td>
<td>“Expert” means a person qualified or trained or experienced in conducting surveillance or interception who is nominated by the applicant or the Federal Government as an expert for analysis of the intercepted materials;</td>
</tr>
<tr>
<td>2(g)</td>
<td>“Intercepted material” means evidence collected under Section 17 and will refer,- (a). for the purposes of 'Surveillance' to include,--- (1) data, information or material in any documented form, whether written, through audio visual device, CCTV, still photography, observation or any other mode of modem devices or techniques obtained under this Act; and (2) documents, papers, pamphlets, booklets; and (b). for the purposes of 'Interception' to include mails, SMS, IPDR (internet protocol detail record) or CDR (cell detail record) and any form of computer based or cell phone based communication and voice analysis. It also includes</td>
</tr>
</tbody>
</table>
any means of communication using wired or wireless or IP (internet protocol) based media or gadgetry;

<table>
<thead>
<tr>
<th>Section 2(h): “Judge”</th>
<th>“Judge” means a Judge of the High Court;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(i): “Minister”</td>
<td>“Minister” means the Federal Minister for Interior;</td>
</tr>
<tr>
<td>Section 2(j): “Register”</td>
<td>“Register” means the register maintained under subsection (2) of Section 9 by the Judge, containing the serial number of the file received by the Judge in Chambers which has been returned to the applicant for safe custody, and the register shall also contain name, contact, address of the authorized person and the applicant;</td>
</tr>
<tr>
<td>Section 2(k): “Suspect”</td>
<td>“Suspect” means a person in respect of whom there is a suspicion that he may be involved in any scheduled offence and includes foreigners and groups as well as organizations;</td>
</tr>
<tr>
<td>Section 2(l): “Schedule”</td>
<td>“Schedule” means schedule to this Act;</td>
</tr>
<tr>
<td>Section 2(m): “Scheduled Offence”</td>
<td>“Scheduled offence” means an offence specified in schedule I;</td>
</tr>
<tr>
<td>Section 2(n): “Service Provider”</td>
<td>“Service provider” means any person, entity or company related to any equipment, technology, data, circumstances that given it ability or power or control to implement the warrants issued under Sections 11 and 21;</td>
</tr>
<tr>
<td>Section 2(o): “Warrant”</td>
<td>“Warrant” means warrant of surveillance or interception, and includes warrant issued under Sections 11 whereby the applicant is allowed by the Judge to collect evidence through interception, recording through audio or video or any means of communication or surveillance of movements and actions through minimum interference in property and privacy of any person including human intelligence.</td>
</tr>
</tbody>
</table>

The Protection of Pakistan Act 2014

<table>
<thead>
<tr>
<th>Section 2(a): “Armed Forces”</th>
<th>“armed forces” means the Military, Naval and Air Forces of Pakistan and the Reserves of such Forces;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(b): “Civil Armed Forces”</td>
<td>“civil armed forces” means Police, Frontier Constabulary, Frontier Corps, Pakistan Coast Guards, Pakistan Rangers or any other civil armed force notified by the Government as such;</td>
</tr>
<tr>
<td>Section 2(c): “Code”</td>
<td>“Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);</td>
</tr>
</tbody>
</table>
| Section 2(d): “Enemy Alien” | “Enemy Alien” means a militant,-  
(a). whose identity is unascertainable as a Pakistani, in the locality where he has been arrested or in the locality where he claims to be residing, whether by documentary or oral evidence; or  
(b). who has been deprived of his citizenship, under the Pakistan Citizenship Act, 1951 (II of 1951), acquired by naturalization;  
(c). takes up, advocates or encourages or aids or abets the raising of arms or waging of war or a violent struggle against Pakistan; or  
(d). threatens or acts or attempts to act in a manner prejudicial to the security, integrity or defence of Pakistan; or  
(e). commits or threatens to commit any scheduled offence;  
(i) a person who commits any act outside the territory of Pakistan for which he has used the soil of Pakistan for preparing to commit such act that |
constitutes scheduled offence under this Act and the laws of the State where such offence has been committed, including an act of aiding or abetting such offence; or

(ii) any person against whom there are reasonable grounds that he acts under the directions or in concert or conspiracy with or in furtherance of the designs of an enemy alien;

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
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<tbody>
<tr>
<td>2(h): “Preparing to Commit a Scheduled Offence”</td>
<td>“Preparing to commit a scheduled offence” means any act, prior to an attempt, whereby a person equips or adorns himself with the means and instruments necessary for the commission of such offence and includes the possession, storage, fabrication or transport of explosives’, firearms, instruments, articles, suicide jackets or vehicles designed to be used in such commission;</td>
</tr>
<tr>
<td>2(i): “Prosecuting Agency”</td>
<td>“Prosecuting agency” means a prosecuting agency established by the Government for the prosecution of offences falling under this Act;</td>
</tr>
<tr>
<td>2(j): “Prosecutor General”</td>
<td>“Prosecutor General” means the person appointed as Prosecutor General by the Government under section 12 of this Act;</td>
</tr>
<tr>
<td>2(k): “Schedule”</td>
<td>“Schedule” means a Schedule annexed to this Act;</td>
</tr>
<tr>
<td>2(l): “Scheduled Offence”</td>
<td>“Scheduled Offence” means an offence as set out in the Schedule;</td>
</tr>
<tr>
<td>2(m): “Security of Pakistan”</td>
<td>“Security of Pakistan” shall have the same meaning as is assigned to it in Article 260 of the Constitution;</td>
</tr>
<tr>
<td>2(n): “Special Court”</td>
<td>“Special Court” means the Special Court established under section 8 of this Act; and</td>
</tr>
<tr>
<td>2(o): “Special Judicial Magistrate”</td>
<td>“Special Judicial Magistrate” means the Special Judicial Magistrate appointed under section 8 of this Act.</td>
</tr>
</tbody>
</table>
### CHAPTER 1.1: RELEVANT LEGAL ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Term</th>
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<tbody>
<tr>
<td>AACPR</td>
<td>Actions (in Aid of Civil Power) Regulations</td>
</tr>
<tr>
<td>AC</td>
<td>Assistant Constable</td>
</tr>
<tr>
<td>Addl IG</td>
<td>Additional Inspector General of Police</td>
</tr>
<tr>
<td>AIG</td>
<td>Assistant Inspector General of Police</td>
</tr>
<tr>
<td>AJK</td>
<td>Azad Jammu and Kashmir</td>
</tr>
<tr>
<td>ANF</td>
<td>Anti-Narcotics Force</td>
</tr>
<tr>
<td>APC</td>
<td>Armoured Personnel Carrier</td>
</tr>
<tr>
<td>ASF</td>
<td>Airport Security Force</td>
</tr>
<tr>
<td>ASI</td>
<td>Assistant Sub Inspector</td>
</tr>
<tr>
<td>ASP</td>
<td>Assistant Superintendent of Police</td>
</tr>
<tr>
<td>ATA</td>
<td>Anti-Terrorism Act</td>
</tr>
<tr>
<td>ATC</td>
<td>Anti-terrorism Court</td>
</tr>
<tr>
<td>BA</td>
<td>Bachelor of Arts</td>
</tr>
<tr>
<td>BC</td>
<td>Before Christ</td>
</tr>
<tr>
<td>BHC</td>
<td>Balochistan High Court</td>
</tr>
<tr>
<td>BPS</td>
<td>Basic Pay Scale</td>
</tr>
<tr>
<td>BPSC</td>
<td>Balochistan Public Service Commission</td>
</tr>
<tr>
<td>BPTC</td>
<td>Bar Professional Training Course</td>
</tr>
<tr>
<td>BSF</td>
<td>Border Security Force</td>
</tr>
<tr>
<td>CAA</td>
<td>Civil Aviation Authority</td>
</tr>
<tr>
<td>CBI</td>
<td>Central Bureau of Intelligence</td>
</tr>
<tr>
<td>CBR</td>
<td>Central Board of Revenue</td>
</tr>
<tr>
<td>CCPO</td>
<td>Capital City Policy Officer</td>
</tr>
<tr>
<td>CE</td>
<td>Common Era</td>
</tr>
<tr>
<td>CGS</td>
<td>Chief of General Staff</td>
</tr>
<tr>
<td>CIA</td>
<td>Crime Investigation Agency</td>
</tr>
<tr>
<td>CID</td>
<td>Crimes Investigation Department</td>
</tr>
<tr>
<td>CM</td>
<td>Chief Minister</td>
</tr>
<tr>
<td>COP</td>
<td>Community Oriented Policing</td>
</tr>
<tr>
<td>CPC</td>
<td>Civil Procedure Code</td>
</tr>
<tr>
<td>CPI</td>
<td>Corruption Perception Index</td>
</tr>
<tr>
<td>CPLC</td>
<td>Citizen Police Liaison Committee</td>
</tr>
<tr>
<td>CPO</td>
<td>City Police Officer</td>
</tr>
<tr>
<td>CrPC</td>
<td>Criminal Procedure Code</td>
</tr>
<tr>
<td>CSOs</td>
<td>Civil Society Organizations</td>
</tr>
<tr>
<td>CSP</td>
<td>Civil Service of Pakistan</td>
</tr>
<tr>
<td>CSS</td>
<td>Central Superior Services of Pakistan</td>
</tr>
<tr>
<td>CTP</td>
<td>Common Training Program</td>
</tr>
<tr>
<td>DCO</td>
<td>District Coordination Officer</td>
</tr>
<tr>
<td>DG</td>
<td>Director General</td>
</tr>
<tr>
<td>DIG</td>
<td>Deputy Inspector General</td>
</tr>
<tr>
<td>DMG</td>
<td>District Management Group</td>
</tr>
<tr>
<td>DPO</td>
<td>District Police Officer</td>
</tr>
<tr>
<td>DPSC</td>
<td>District Public Safety Commission</td>
</tr>
<tr>
<td>DPSPCC</td>
<td>Deputy Public Safety and Police Complaints Commission</td>
</tr>
<tr>
<td>DSP</td>
<td>Deputy Superintendent of Police</td>
</tr>
<tr>
<td>DUA</td>
<td>Dar-ul-Aman</td>
</tr>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
</tr>
<tr>
<td>FA</td>
<td>Faculty of Arts</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>FATA</td>
<td>Federally Administered Tribal Areas</td>
</tr>
<tr>
<td>FBR</td>
<td>Federal Board of Revenue</td>
</tr>
<tr>
<td>FC</td>
<td>Frontier Constabulary</td>
</tr>
<tr>
<td>FCR</td>
<td>Frontier Crimes Regulations</td>
</tr>
<tr>
<td>FIA</td>
<td>Federal Investigation Agency</td>
</tr>
<tr>
<td>FIR</td>
<td>First Investigation Report</td>
</tr>
<tr>
<td>FPOE</td>
<td>Final Passing Out Exam</td>
</tr>
<tr>
<td>FPSC</td>
<td>Federal Public Safety Commission</td>
</tr>
<tr>
<td>FSC</td>
<td>Federal Shariat Court</td>
</tr>
<tr>
<td>FWO</td>
<td>Frontier Works Organization</td>
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<tr>
<td>Gaz. of P.</td>
<td>Gazette of Pakistan</td>
</tr>
<tr>
<td>GB</td>
<td>Gilgit-Baltistan</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender based violence</td>
</tr>
<tr>
<td>GCC</td>
<td>Gender Crime Center</td>
</tr>
<tr>
<td>GCU</td>
<td>Gender Crime Unit</td>
</tr>
<tr>
<td>HC</td>
<td>Head Constable</td>
</tr>
<tr>
<td>HEC</td>
<td>Higher Education Commission</td>
</tr>
<tr>
<td>HMIC</td>
<td>Her Majesty's Inspectorate of Constabulary</td>
</tr>
<tr>
<td>HQs</td>
<td>Headquarters</td>
</tr>
<tr>
<td>HRCP</td>
<td>Human Rights Commission of Pakistan</td>
</tr>
<tr>
<td>IB</td>
<td>Intelligence Bureau</td>
</tr>
<tr>
<td>ICT</td>
<td>Islamabad Capital Territory</td>
</tr>
<tr>
<td>IFTA</td>
<td>Investigation for Fair Trial Act</td>
</tr>
<tr>
<td>IG</td>
<td>Inspector General</td>
</tr>
<tr>
<td>IGP</td>
<td>Inspector General of Police</td>
</tr>
<tr>
<td>IHC</td>
<td>Islamabad High Court</td>
</tr>
<tr>
<td>IO</td>
<td>Investigation Officer</td>
</tr>
<tr>
<td>ISI</td>
<td>Inter-Services Intelligence</td>
</tr>
<tr>
<td>ITP</td>
<td>Islamabad Traffic Police</td>
</tr>
<tr>
<td>JIT</td>
<td>Joint Investigation Team</td>
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<tr>
<td>JJSO</td>
<td>Juvenile Justice System Ordinance</td>
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<td>Khyber Pakhtunkhwa</td>
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<td>LCU</td>
<td>Ladies Complaint Unit</td>
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<td>LHC</td>
<td>Lahore High Court</td>
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<tr>
<td>LLB</td>
<td>Bachelor of Laws Latin: Legum Baccalaureus</td>
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<tr>
<td>LLM</td>
<td>Master of Laws Latin: Legum Magister</td>
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<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>ML</td>
<td>Medico-legal</td>
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<tr>
<td>MLC</td>
<td>Medico-legal Certificate</td>
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<td>Medico-legal Examination</td>
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<tr>
<td>MNA</td>
<td>Member of National Assembly</td>
</tr>
<tr>
<td>MP5</td>
<td>Machine Pistol Five</td>
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<td>MPA</td>
<td>Member of Provincial Assembly</td>
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<tr>
<td>NACTA</td>
<td>National Counter Terrorism Authority</td>
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<tr>
<td>NAP</td>
<td>National Action Plan</td>
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<td>NCA</td>
<td>National Command Authority</td>
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<td>National Electric Power Regulatory Authority</td>
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<tr>
<td>NGOs</td>
<td>Non-Governmental Organizations</td>
</tr>
<tr>
<td>NH&amp;MP</td>
<td>National Highways &amp; Motorway Police</td>
</tr>
<tr>
<td>NHA</td>
<td>National Highway Authority</td>
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<tr>
<td>NIB</td>
<td>National Implementation Board</td>
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<tr>
<td>NIH</td>
<td>National Institutes of Health</td>
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<td>NPA</td>
<td>National Police Academy</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<td>NPB</td>
<td>National Police Bureau</td>
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<td>NPSC</td>
<td>National Public Safety Commission</td>
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<td>NRB</td>
<td>National Reconstruction Bureau</td>
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<tr>
<td>NTC</td>
<td>National Telecommunications Corporation</td>
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<tr>
<td>NWPC</td>
<td>National Women Police Conference</td>
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<td>OSD</td>
<td>Officer on Special Duty</td>
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<tr>
<td>PAEC</td>
<td>Pakistan Atomic Energy Commission</td>
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<tr>
<td>PAF</td>
<td>Pakistan Air Force</td>
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<tr>
<td>PEMRA</td>
<td>Pakistan Electronic Media Regulatory Authority</td>
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<tr>
<td>PER</td>
<td>Performance Evaluation Report</td>
</tr>
<tr>
<td>PHP</td>
<td>Punjab Highway Petrol</td>
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<tr>
<td>PHQ</td>
<td>Police Headquarters</td>
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<tr>
<td>PIRT</td>
<td>Police Initial Recruitment Test</td>
</tr>
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<td>PKR</td>
<td>Pakistan Rupee</td>
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<tr>
<td>PLJC</td>
<td>Pakistan Law and Justice Commission</td>
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<td>PO</td>
<td>Proclaimed Offender</td>
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<td>PPA</td>
<td>Protection of Pakistan Act</td>
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<td>PPC</td>
<td>Pakistan Penal Code</td>
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<td>Provincial Police Officer</td>
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<tr>
<td>PPSC</td>
<td>Provincial Public Safety Commission</td>
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<td>PPSPCC</td>
<td>Provincial Public Safety and Police Complaints Commission</td>
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<tr>
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<td>Public Relations Officer</td>
</tr>
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<td>PTA</td>
<td>Pakistan Telecommunication Authority</td>
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<tr>
<td>PTC</td>
<td>Police Training College</td>
</tr>
<tr>
<td>PTS</td>
<td>Police Training School</td>
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<tr>
<td>RPO</td>
<td>Regional Police Officer</td>
</tr>
<tr>
<td>SB</td>
<td>Special Branch</td>
</tr>
<tr>
<td>SDPO</td>
<td>Sub Divisional Police Officer</td>
</tr>
<tr>
<td>SECP</td>
<td>Securities and Exchange Commission of Pakistan</td>
</tr>
<tr>
<td>SHC</td>
<td>Sindh High Court</td>
</tr>
<tr>
<td>SHO</td>
<td>Station House Officer</td>
</tr>
<tr>
<td>SI</td>
<td>Sub Inspector</td>
</tr>
<tr>
<td>SMG</td>
<td>Sub-Machine Gun</td>
</tr>
<tr>
<td>SOPs</td>
<td>Standard Operating Procedures</td>
</tr>
<tr>
<td>SP</td>
<td>Superintendent of Police</td>
</tr>
<tr>
<td>SPSS</td>
<td>Statistical Package for Social Sciences</td>
</tr>
<tr>
<td>SRO</td>
<td>Statutory Notification</td>
</tr>
<tr>
<td>SSP</td>
<td>Senior Superintendent of Police</td>
</tr>
<tr>
<td>STP</td>
<td>Specialized Training Program</td>
</tr>
<tr>
<td>SVPNA</td>
<td>Sardar Vallabhai Patel National Police Academy</td>
</tr>
<tr>
<td>SWD</td>
<td>Social Welfare Department</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>VAW</td>
<td>Violence against Women</td>
</tr>
<tr>
<td>VIP</td>
<td>Very Important Person</td>
</tr>
<tr>
<td>VSO</td>
<td>Victim Support Officer</td>
</tr>
<tr>
<td>VVIP</td>
<td>Very Very Important Person</td>
</tr>
<tr>
<td>WPN</td>
<td>Women Police Network</td>
</tr>
<tr>
<td>WPS</td>
<td>Women Police Station</td>
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</tbody>
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CHAPTER 2: PROCEDURES

CHAPTER 2.1: CRIMINAL PROCEDURE UNDER CRIMINAL PROCEDURE CODE, 1898

2.1.1 Procedure of First Information Report (FIR)

<table>
<thead>
<tr>
<th>Section</th>
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<th>Procedure</th>
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<tr>
<td>154</td>
<td>Information in cognizable cases</td>
<td><strong>Summary:</strong> Registration of FIR u/s 154 in cognizable offences and non-cognizable offences.</td>
</tr>
</tbody>
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Registration:
- The law requires that an FIR be mandatorily recorded in a cognizable case. For non-cognizable cases, the information must be entered into the register and in either case entry into the register may not be refused, 2000 PCr.LJ 320; 1999 PCr.LJ 781.
- Section 154 requires an S.H.O. to lodge an FIR based on the information conveyed to him, disclosing the commission of a cognizable offence, irrespective of the information being correct or incorrect, PLJ 2008 Lahore 505.
- Section 154 read with Art. 199 of the Constitution indicates that a Police Officer is under a statutory obligation to register case, where the complaint discloses a cognizable offence, 1992 PCr.LJ 1989, 1993 SCMR 550, 1994 PCr.LJ 798, 1995 PCr.LJ 1239.
- In the event of failure liable to be dealt with by his superior officers for neglect of duty, PLD 1972 Lah. 493.
- Police Officer cannot refuse to register a case where a cognizable offence is made out, 1990 PCr.L.J. 2006, 1811.
- Police in the absence of any FIR cannot arrest and proceed, 2000 PCr.LJ 1148.

Ancillary aspects/general
- Purpose of FIR is to set legal machinery into motion and it does not envisage any preliminary inquiry before formal registration of the case, PLD 1997 Lahore 135.
- FIR is not a substantive piece of evidence and can only be used to corroborate or contradict its maker, but its importance cannot be ignored because it depicts the initial version of events conveyed to the prosecution, 2003 P.Cr.LJ. 1178
- FIR is neither a substantive piece of evidence nor an exhaustive document and if the detailed facts have not been mentioned therein, it would not diminish its correctness, 2002 SCMR 1586; 2002 PCr.LJ 668; 2002 PCr.LJ 1902.
- Dying declaration may be treated as FIR, 1968 SCMR 161
- Entry in Roznamcha of police not FIR, PLD 1970 Kar. 677
- Telephonic message recorded by police not FIR, 1970 PCr.LJ 111
- Accused cannot claim an opportunity of hearing before registration of FIR PLD 2003 Lah 228.
- Any doubt in lodging FIR and commencement of investigation gives rise to a benefit in favor of accused, 2004 SCMR 1185
- Where a case is registered relating to fact entailing commission of both cognizable and non-cognizable offences, Section 155(2) is not attracted and police can investigate all such cases without permission of a Magistrate, 1998 PCr.LJ 1718; 2004 PCr.LJ 387.
- FIR can be lodged by a minor, 1999 PCr.LJ 694
- It is not necessary for complainant to be an eye-witness of occurrence. Law could be set in motion by any person, 2006 SCMR 1786.
<table>
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<tr>
<th>155</th>
<th>Information in non-cognizable cases²</th>
<th><strong>Summary:</strong> Police direct complaint to be forwarded to Magistrate of 1st or 2nd Class in non-cognizable offences.</th>
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<tbody>
<tr>
<td>Text: “When information is given to an officer in charge of a police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the [Magistrate].”</td>
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<td>[See Police Rules 1934: 24.1 and 24.3]</td>
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<tr>
<th>200</th>
<th>Examination of complainant</th>
<th><strong>Summary:</strong> Complainant examined on oath and reduced to writing and shall be signed by complainant and Magistrate.</th>
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<tbody>
<tr>
<td>Text: “A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate: provided as follows: (a) when the complaint is made in writing nothing herein</td>
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</tbody>
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² No police officer shall investigate in non-cognizable cases without order of Magistrate having power to try such case, PLJ 2000 Pesh 3;1997 PCr.LJ 1228.

² Non-cognizable offence, investigating officer filing a challan without permission of Magistrate for investigation. Such challan is a complaint and not a police report, 1980 P.Cr.L.J. 742.

² Magistrate must not lightly accept the written complaint and should not proceed to issue process until he had fully sifted the allegations made against the accused and was satisfied that prima facie the case had been made out against those who were accused of the criminal offences, PLD 2002 Karachi 115.
contained shall be deemed to require a Magistrate to examine the complaint before transferring the case under section 192 [or sending it to the Court of Sessions].

(aa) when the complaint is made in writing nothing herein contained shall be deemed to require the examination of a complainant in any case in which the complainant has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties:

(b) ***

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.”

| 202 | Postponement for issue of process |

**Summary:**

I. Court may postpone the issue of process for compelling the attendance of the person complained against, and;

II. Either inquires into the case itself or directs an inquiry or investigation to be made by [any Justice of the Peace or by] a police-officer (Sec 22-A) or by such other person as it thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

**Text:** “(1) Any Court, on receipt of a complaint of an offence of which it is authorized to take cognizance, or which has been sent to it under Section 190, sub-section (3), or transferred to it under Section 191 or Section 192, may, if it thinks fit, for reasons to be recorded postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case itself or direct an inquiry or investigation to be made by [any Justice of the Peace or by] a police-officer or by such other person as it thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of Section 200.

(2) A Court of Session may, instead of directing an investigation under the provisions of sub-section (1), direct the investigation to be made by any Magistrate subordinate to it for the purpose of ascertaining the truth or falsehood of the complaint.

(3) If any inquiry or investigation under this section is made by a person not being a Magistrate [or Justice of the Peace]
or a police-officer, such person shall exercise all the powers conferred by this Code on an officer-in-charge of a police-station, except that he shall not have power to arrest without warrant.

(4) Any Court inquiring into a case under this section may, if it thinks fit, take evidence of witnesses on oath."

<table>
<thead>
<tr>
<th>22-A</th>
<th>Powers of Justice of the Peace</th>
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<tbody>
<tr>
<td>(1) A Justice of the Peace for any local area shall, for the purpose of making an arrest, have within such area all the powers of a Police Officer referred to in section 54 and an officer in-charge of a police-station referred to in section 55.</td>
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<tr>
<td>(2) A Justice of the Peace making an arrest in exercise of any powers under subsection (1) shall, forthwith, take or cause to be taken the person arrested before the officer in-charge of the nearest police-station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.</td>
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<tr>
<td>(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him:</td>
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<tr>
<td>(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated; and</td>
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<tr>
<td>(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.</td>
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<tr>
<td>(4) Where a member of the police force on duty has been called upon to render aid under subsection (3), such call shall be deemed to have been made by a competent authority.</td>
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<tr>
<td>(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the Provincial Government:</td>
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<tr>
<td>(a) issue a certificate as to the identity of any person residing within such area, or</td>
<td></td>
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<tr>
<td>(b) verify any document brought before him by any such person, or</td>
<td></td>
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<tr>
<td>(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate, and until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully</td>
<td></td>
</tr>
<tr>
<td>203</td>
<td>Dismissal of complaints(^3)</td>
</tr>
</tbody>
</table>

\(^3\)Process was not to be issued as a matter of course. Complaint filed with inordinate delay & without sufficient material was rightly dismissed, 2006 PCr.LJ 825.
Figure 1: FIR Procedure

INFORMATION

Cognizable offences 4(f)  
FIR u/s 154

Non-Cognizable Offences 4 (n)

Entry in Roznamcha (station diary)  
Register #2

Complainant directed to Magistrate u/s 155

Magistrate to examine complainant at once u/s 200

Court u/s 200:
1. Inquire into case itself
2. Direct an inquiry or investigation to be made by Justice of the Peace or a Police Officer or such other person as it thinks fit.

22-A and FIR u/s 154

Dismissal of complaint u/s 203
## 2.1.2 Arrest
(a) Arrest Generally

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<thead>
<tr>
<th>Sections</th>
<th>Title</th>
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</table>
| 46 | Arrest how made | (1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.  
(2) Resisting endeavour to arrest. If such person forcibly resists the endeavour to arrest him or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.  
(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with [imprisonment for life.] |
| 47 | Search of place entered by person sought to be arrested | If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein. |
| 48 | Procedure where ingress not obtainable | If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance dully made, he cannot otherwise obtain admittance.  
Breaking open zanana. Provided that if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it. |
|        | Power to break open doors and     | Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of |
| 49 | windows for purposes of liberation | any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein. |
| 50 | No unnecessary restraint⁴ | The person arrested shall not be subjected to more restraint than is necessary to prevent his escape. |
| 51 | Search of arrested persons⁵ | Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him. [See Police Rules 1934: 26.3] |
| 52 | Mode of searching woman | Whenever it is necessary to cause a woman to be searched, another woman shall make the search, with strict regard to decency. [See Police Rules 1934:26.18A] |
| 53 | Power to seize offensive weapons | The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested. |

(b) Arrest without Warrant

**Summary:**

I. Section 54 of Criminal Procedure Code deals with procedure about “arrest without warrant”.
   - Arrest may be affected with or without warrant. Schedule 2, column 2 of Cr.P.C. specifies the cases in which arrest may be made without warrant. Any police officer may without an order of magistrate and without warrant arrest in following nine cases;
   - Person concerned in any cognizable offence or against whom a reasonable complaint, credible information or reasonable suspicion for cognizable offence.
   - Person in possession of implement of house-breaking
   - Proclaimed offender

⁴In case of forcible resistance, police may use all necessary force to effect the arrest, which means and includes employment of other persons to effect arrest, but suspect cannot be killed if he is not accused of an offence punishable with death or imprisonment of life, PLD 1954 Lah. 45

⁵It is not necessary that a search under the circumstances be witnessed by respectable persons from the locality, PLD 1967 Peshawar 376.
- Person in possession of stolen property
- Person obstructing police officer
- Deserter from armed forces
- Person apprehended under extradition law/concerned in offence committed outside Pakistan
- Released convict-committing break of any rule under section 565 (3) of Cr.P.C.
- Person for whose arrest a requisition has received from another police officer

II. Arrest by Officer in charge of Police Station under section 55 of Cr.P.C An officer in charge of police station may in like manner arrest or cause to be arrested;
- Person trying to conceal himself
- Person who has ostensible means of subsistence
- Habitual offender, habitual robber, house breaker, thief or who commits extortion

III. Arrest by private person under section 59 Cr.P.C
- Any private person may arrest any person who;
  - Committed non-bailable offence
  - Proclaimed offender

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<th>Sections</th>
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<th>Procedure</th>
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<tr>
<td>54</td>
<td>When police may arrest without warrant(^6)</td>
<td>(1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest: Firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned; Secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking; Thirdly, any person who has been proclaimed as an offender either under this Code or by order of the Provincial Government; Fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; Fifthly, any person who obstructs a police-officer while in the execution of his duty or who has escaped, or attempts to</td>
</tr>
</tbody>
</table>

\(^6\)When the SHO or any police officer making an investigation requires any officer subordinate to him to arrest without a warrant. He shall deliver to the subordinate officer an order in writing specifying the person to be arrest and the offence or the other cause for which the arrest is made. The officer making the arrest is required to notify to the person to be arrested the substance of the order and if so required shall show him the order, 1970 SCMR 7.
escape from lawful custody;

Sixthly, any person reasonably suspected of being a deserter from the armed forces of Pakistan [****];

Seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Pakistan which, if committed in Pakistan, would have been punishable as an offence and, for which he is, under any law relating to extradition or [****] otherwise, liable to be apprehended or detained in custody in Pakistan.

Eighthly, any released convict committing a breach of any rule made under section 565, sub-section (3);

Ninthly, any person for whose arrest a requisition has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears there from that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

| 55 | Arrest of vagabonds, habitual robbers, etc. | (1) Any officer in charge of a police station may, in like manner, arrest or cause to be arrested:

(a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put person in fear of injury.

| 56 | Procedure when police-officer deputes subordinate to arrest without warrant | (1) When any officer in charge of a police station or any police-officer making an investigation under Chapter XIV requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The officer so require shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order. |
| 57 | Refusal to give name and residence | (1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate [having jurisdiction] if so required:

Provided that, if such person is not resident in Pakistan, the bond shall be secured by a surety or sureties resident in Pakistan.

(3) Should the true name and residence of such person be not ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to nearest Magistrate having Jurisdiction. |
|---|---|---|
| 58 | Pursuit of offenders into other jurisdictions | A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in Pakistan.

Explanation. In this section 'police officer includes a police officer acting under this Code as in Azad Jammu & Kashmir.] |
| 59 | Arrest by private persons and procedure on such arrest | (1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over any person so arrested to a police-officer or, in the absence of a police-officer, take such person or causes him to be taken in custody to the nearest police-station.

(2) If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released. |
| 60 | Person arrested to be taken before Magistrate or officer in charge of police-station | A police-officer making an arrest without warrant shall, without, unnecessary delay and subject to the provisions herein contained as to bail, take and send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of a police-station. |
| 61 | Person arrested not be detained more than twenty four hours\(^7\) | No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.  
[See Police Rules 1934: 26.26] |
| 62 | Police to report apprehensions | Officers in charge of police station shall report, to the District Magistrate, or, if he so directs, to the Sub-Divisional Magistrate, the cases of all person arrested without warrant, within the limits of their respective station, whether such persons have been admitted to bail or otherwise. |
| 63 | Discharge of person apprehended | No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate. |
| 64 | Offence committed in Magistrate's presence | When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provision herein contained as to bail commit the offender to custody. |
| 65 | Arrest by or in presence of Magistrate | Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant. |
| 66 | Power, on escape, to pursue and retake | If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Pakistan. |
| 67 | Provisions of escape, to sections 47, 48 and 49 to apply to arrest under section 66 | The provisions of sections 47, 48 and 49 shall apply to arrest under section 66, although the person making any such arrest is not acting under a warrant and is not police-officer having authority to arrest. |

(c) **Warrant of Arrest**

**Summary:**

Warrant of arrest issued by the court of law in order to bring the required person in the court with help of police or other person empowered on this behalf under section 75 of Cr.P.C. Following are the essential of warrant of arrest;

\(^7\)Section 167 enables a Magistrate to pass an order extending the detention of an accused for a term to exceeding fifteen days and shall record his reasons for doing so, 2016 P.Cr.L.J. 402.
- Every warrant of arrest shall be in writing
- Signed by presiding officer of court
- In case bench of magistrate, any member of that bench
- It must bear seal of the court

**Release on furnishing security when court may direct security to be taken**

Under section 76 of Cr.P.C. if such person execute bond with sufficient securities for his attendance, it shall state:

- Number of sureties
- The amount in which they and the person for whose arrest warrant is issued are bound
- The time at which he must attend court

**Warrant to whom directed:**

Section 77-80 of Cr.P.C. says that warrant can be directed to following persons:

- Ordinary be directed to police officer
- If no police officer is immediately available and if immediate execution is necessary, court may direct it to any other person
- Warrant can be directed to several persons
- Warrant may be directed to landlords, farmers or manager of land for arrest of any escaped convict of proclaimed offender who is hiding in that land
- Such person acknowledge in writing the warrant of arrest
- Such person after arresting criminal made over with warrant to nearest police officer

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| 75      | Form of warrant of arrest: | (1) Every Warrant of arrest Issued by a Court under this Code, shall be in writing, signed by the presiding officer, or in the case of a Bench of Magistrates, by any member of such Bench and shall bear the seal of the Court.  
(2) Continuance of warrant of arrest: Every such warrant shall remain in force until cancelled by the Court which issued it, or until it is executed. |
| 76      | Court may direct security to be taken | Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a a bond with sufficient sureties for his attendance before the court at a specified time and thereafter, until otherwise directed by the Court, the officer to the warrant is directed shall take such security and shall release such person from custody.  
(2) The endorsement shall state-- (a) the number of sureties.  
(b) the amount in which they and the person for whose arrest |

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| 77 | Warrants to whom directed | (1) A warrant of arrest shall ordinarily be directed to one or more police-officers, but any Court issuing such a warrant may, if its immediate execution is necessary and, no police-officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.

(2) Warrants to several persons: When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them. |

| 78 | Warrant may be directed to landholders, etc | (1) A [Magistrate of the First Class] may direct a warrant to any landholder, farmer or manager of land within the district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

(2) Such landholder farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm of the land under his charge.

(3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest police officer, who shall cause him to be taken before a Magistrate having Jurisdiction in the case, unless security is taken under Section 76. |

| 79 | Warrant directed to police officer | A warrant directed to any police officer may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed. |

| 80 | Notification of substance of warrant | The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and if so required, shall show him the warrant. |

| 81 | Person arrested to be brought before Court without delay | The police officer or other person executing a warrant of arrest shall (subject to the provisions of Section 76 as to security) without unnecessary, delay bring the person arrested before the Court before which he is required by law to produce such person. |

<p>| 82 | Where warrant may be executed | A warrant of arrest may be executed at any place in Pakistan. [Explanation: In this section, &quot;warrant of arrest&quot; includes a warrant of arrest issued under this Code as in force in Azad Jammu and Kashmir] |</p>
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<td>83</td>
<td>(1)</td>
<td>Warrant forwarded for execution outside jurisdiction</td>
<td>When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any Magistrate or District Superintendent of Police within the local limits of whose jurisdiction it is to be executed. (2) The Magistrate or District Superintendent to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinafter provided within the local limits of his jurisdiction.</td>
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<tr>
<td>84</td>
<td>(1)</td>
<td>Warrant directed to police-officer for execution outside jurisdiction</td>
<td>When a warrant directed to a police-officer is to be executed beyond the locate limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a police-officer not below the rank of an officer-in-charge of a police station, within the local limits of whose jurisdiction the warrant is to be executed. (2) Such Magistrate or police officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the police-Officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant. (3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-Officer to whom it is directed may execute the same without such endorsement at any place beyond the local limits of the jurisdiction of the Court which issued it. (4) [Omitted by. A.O., 1949].</td>
</tr>
<tr>
<td>85</td>
<td>Procedure on arrest of person against whom warrant issued</td>
<td>When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest or is nearer than the Magistrate or District Superintendent of Police within the focal limits of whose jurisdiction the arrest was made, or unless security is taken under Section 76, be taken before such Magistrate or District Superintendent.</td>
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</table>
| 86   | Procedure by Magistrate before whom person arrested is brought | When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any Magistrate or District Superintendent of Police within the local limits of whose jurisdiction it is to be executed. (2) The Magistrate or District Superintendent to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinafter provided within the local limits of his jurisdiction. (1) Such Magistrate or District Superintendent shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court. Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, or District Superintendent or a direction has been endorsed under Section 76 on the warrant and such person is
ready and willing to give the security required by such direction, the Magistrate, or District Superintendent shall take such bail or security as the case may be, and forward the bond to the Court which issued the warrant:

[Provided further that, if the offence is not bailable or no direction has been endorsed under Section 76 on the warrant, the Sessions Judge of the sessions division in which the person is arrested may, subject to the provisions of Section 497 and for sufficient reasons, release, the person on an interim bail on such bond or security, as the Sessions Judge thinks fit and direct the person to appear by a specified date before the Court which issued the warrant and forward the bond to that Court]

(2) Nothing in this section shall be deemed to prevent a police-officer from taking security under Section 76.

| 86-A | Procedure for removal in custody to Tribal Areas | Where a person, arrested under Section 85 is to be removed in custody to, any place in the Tribal Areas, he shall be produced before a Magistrate within the local limits of whose jurisdiction the arrest was made, and such Magistrate in directing the removal shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, including the powers to order the production of evidence, as if the person arrested were charged with an offence committed within the jurisdiction of such Magistrate, and such Magistrate shall direct the removal of the arrested person in custody if he is satisfied that the evidence produced before him raises a strong or probable presumption that the person arrested committed the offence mentioned in the warrant |
2.1.3 Investigation:

Summary:
- **S.155 (2)** Investigation into non-cognizable cases
- **S.156** Investigation into cognizable cases
- **S.156-A** Investigation of offence under Section 295C, Pakistan Penal Code (Use of derogatory remarks, etc., in respect of the Holy Prophet)
- **S.156-B** Investigation against a woman accused of the offence of a Zina
- **S.161** Recoding of statements of complainant, accused and witnesses or of any person supposed to be acquainted with the facts and circumstances of the case.
- **S.162** Statements to police not to be signed, use of such statements in evidence
- **S.167** Physical remand not exceeding 14 days
- **S.168** Report of Investigation by subordinate police officer the officer incharge of the police-station
- **S.169** Investigation Officer (IO) can release the accused on insufficient evidence
- **S.170** Case to be sent to Magistrate when evidence is sufficient
- **S.173** Final report of the police officer to Magistrate

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| 155 (2)  | Investigation into non-cognizable cases | No police officer shall investigate a non-cognizable case without the order of a Magistrate of the First or Second Class having power to try such case [or send the same for trial to the Court of Session].

(3) Any police officer receiving such order may exercise, the, same powers in respect of the investigation (except the power to arrest without warrant) as an officer incharge of a police-station may exercise in a cognizable case.

[See Police Rules 1934: 25.2, 25.11] |
| 156      | Investigation into cognizable cases | (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would, have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police-office in any such case shall at any stage be called in question on the ground that the case was one, which such officer was not empowered under this section to investigate.

Any Magistrate empowered under Section 190 may order such an investigation as above mentioned.

[(4) Notwithstanding anything contained in sub-sections (2) or (3) no police-officer shall investigate an offence under Section 497 or Section 498 of the Pakistan Penal Code, except upon a complaint made by the husband of the woman,]
or, in his absence by some person who had the care of such woman on his behalf at the time when such offence was committed.]

[See Police Rules 1934: 25.1- 25.2]

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<td>156-A</td>
<td>Investigation of offence under Section 295C, Pakistan Penal Code (Use of derogatory remarks, etc., in respect of the Holy Prophet)</td>
<td>Notwithstanding anything contained in this Code, no police officer below the rank of a Superintendent of Police shall investigate the offence against any person alleged to have been committed by him under Section 295C of the Pakistan Penal Code, 1860 (Act XLV of 1860).</td>
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<tr>
<td>156-B</td>
<td>Investigation against a woman accused of the offence of a Zina</td>
<td>Notwithstanding anything contained in this Code, where a person is accused of offence of zina under the offence of zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), no police officer below the rank of a Superintendent of Police shall investigate such offence nor shall such accused be arrested without permission of the court</td>
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| 157 | Procedure where cognizable offence suspected | (1) If from information received or otherwise, an officer incharge of a police-station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the Provincial Government may, by general or special order, prescribe in this behalf to proceed, to the spot, to investigate the facts and circumstance of the case, and, if necessary, to take measures for the 'discovery and arrest of the offender:

Provided as follows: --

(a) Where local investigation dispensed with: When any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) Where police-officer in charge sees no sufficient ground for investigation: if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully... |
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<td>complying with the requirements of that sub-section, and, in the case mentioned in clause (b) such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the Provincial Government the fact that he will not investigate the case or cause it to be investigated.</td>
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| 158 | Reports under Section 157 how submitted | (1) Every report sent to a Magistrate under Section 157 shall, if the Provincial Government so directs, be submitted through such superior officer of police as the Provincial Government, by general or special order, appoints in that behalf.  
(2) Such superior officer may give such instructions to the officer in charge of the police station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate. |
| 159 | Power to hold investigation or preliminary inquiry | Such Magistrate, on receiving such report may direct an investigation or, if he thinks fit at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code. |
| 160 | Police officer's power to require attendance of witnesses | Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person, being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required. |
| 161 | Examination of witnesses by police | (1) Any police officer making an investigation under this Chapter or any police officer not below such rank as the Provincial Government may, by order in writing, require the attendance before himself of any person, being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.  
(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.  
(3) The police officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement of each such person whose statement he records. |
| 162 | Statements to police not to be signed, use of | (1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall if reduced into writing be signed by the person making it; nor shall-any |
such statements in evidence

such statement or any record thereof whether in a police-diary or otherwise or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by Section 145 of the Evidence Act, 1872. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:

Provided further, that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the Enquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons therefore) and shall exclude such part from the copy of the statement furnished to the accused.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of Section 32, clause (1) of the Evidence Act, 1872 or to affect the provisions of Section 27 of that Act.

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<th>No inducement to be offered</th>
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<td>(1)</td>
<td>No police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Evidence Act, 1872, Section 24.</td>
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<tr>
<td>(2)</td>
<td>But no police officer or other person shall prevent by any caution or otherwise, any person from making in the course of any investigation: under this Chapter any statement, which he may be disposed to make of his, own free will.</td>
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<th>164</th>
<th>Power to record statements and confessions⁸</th>
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<td>(1)</td>
<td>Any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the Provincial Government may, if he is not a police-officer, record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.</td>
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⁸Principles for a confessional statement to be admitted: 1) It should not be exculpatory 2) It should be voluntary and 3) It should be true otherwise the confessional statement is to be kept out of consideration, 2000 SCMR 785.
(1A) Any such statement may be recorded by such Magistrate in the presence of the accused, and the accused given an opportunity of cross-examining the witness making the statement.

(2) Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and statements of confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate shall record any such confession unless, questioning the person making it, he has reasons to believe that it was made voluntarily: and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect: I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and. I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him. (Signed) A.B., Magistrate

Explanation. It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

[See Police Rules 1934: 25.27-25.28]

165 Search by police-officer ⁹

(1) whenever an officer incharge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police-station of which he is incharge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station:

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⁹Search is always a violation on the rights of privacy of the owner or possessor of the house and, therefore, he should be reticent in granting permission to search the house in a mechanical manner without application of mind, 2001 P.Cr.L.J. 685
Provided that no such officer shall search, or cause search to be made, for anything which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except, --

(a) for the purpose of investigating an offence under Sections 403, 406, 408 and 409 and Sections 421 to 424 (both inclusive) and Sections 465 to 477-A (both inclusive) of the Pakistan Penal Code with the prior permission in writing of a Sessions Judge: and

(b) in other cases, with the prior permission in writing of the High Court.

(2) A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and the general provisions as to searches contained in Section 102, Section 103 shall, so far may be, apply to a search made under this section.

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier, of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided; that he shall pay for the same unless the Magistrate for Some special reason thinks fit to furnish it free of cost.

166 When officer incharge of police station may require another to issue search warrant

(1) An officer incharge of a police-station or a police-officer not being below the rank of sub-inspector making an investigation, may require an officer incharge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case In which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being So required, shall proceed according to the provisions of Section 165, and shall forward the thing found, if any, to the officer at whose request the
(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making an investigation under this chapter to search, or cause to be searched, any place in the limits of another police station, in accordance with the provisions of Section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under Section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in Section 165, sub-sections (1) and (3).

(5) The owner or occupier of the place searched shall, on application be furnished with a copy of any record sent to the Magistrate under sub-section (4):

Provided that he shall pay for the same unless the Magistrate for some special reasons thinks fit to furnish it free of cost.

167

Procedure when investigation cannot be completed in twenty-four hours

(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty four hours fixed by Section 61, and there are grounds for believing that the accusation or information is well founded, the officer in charge of the police station or the police officer making the investigation if he is not below the rank of the sub-inspector, shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

Explanation: [Omitted by the Ordinance, XXXVII of 2001, dt. 13-8-2001.]

(2) The Magistrate to whom an accused person is forwarded under, this section may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has no jurisdiction to try the case or [send] it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction;

Provided that no Magistrate of the Third Class, and no Magistrate of the Second Class not specially empowered in
this behalf by the Provincial Government shall authorise detention in the custody of the police.

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

[(4) The Magistrate, giving such order shall forward copy of his order, with his reasons for making it, to the Sessions Judge].

[(5) Notwithstanding anything contained in Sections 60 and 61 or hereinbefore to the contrary, where the accused forwarded under sub-section (2) is a female, the Magistrate shall not except—in the cases involving Qatl or dacoity supported by reasons to be recorded in writing, authorise-the detention of the accused in police custody, and the police officer making an investigation shall interrogate the accused referred to in sub- section (1) in the prison in the presence of an officer of jail and a female police officer.

(6) The officer in charge of the prison shall make appropriate arrangements the admission of the investigating police officer into the prison for the purpose of interrogating the accused.

(7) If for the purpose of investigation, it is necessary that the accused referred to in sub- section (1) be taken out of the prison, the officer in charge of the police station or the police officer making investigation, not below the rank of sub-inspector, shall apply to the Magistrate in that behalf and the Magistrate may, for the reasons to be recorded in writing, permit taking of accused out of the prison in the company of a female police officer appointed by the Magistrate:

Provided that the accused shall not be kept out of the prison while in the custody of the police between sunset and sunrise].

168 Report of Investigation by subordinate police officer
When any subordinate police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police-station.

169 Release of accused when evidence deficient
If upon an investigation under this Chapter, it appears to the officer incharge of the police station or to the police officer making the investigation that there is no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognisance of the offence on a police-report and to try the accused or send him for trial.

170 Case to be sent to Magistrate when
(1) If, upon an investigation under this Chapter, it appears to
evidence is sufficient evidence or reasonable ground as aforesaid such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or send him for trial, or if the offence is bailable and the accused is able to give security, shall take shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day-to-day before such Magistrate until otherwise directed.

(2) When the officer Incharge of a police station forwards an accused person to a Magistrate or take security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may, be necessary, to produce before him and shall require the complainant, (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before, the Magistrate as thereby directed and prosecute or, give evidence (as the case may be) in the matter of the charge against the accused.

(3) Omitted by item No. 65 (ii) of Punjab Notification No. SO(J-ff) 1-8/75 (P-V), dated 21.3.1996 for Punjab and by same Item No. of Islamabad Notification No. S.R.O. 255 (I)/96, dated 8-4-1996 for Islamabad only.]

(4) [Rep. by the Code of Criminal Procedure (Amendment Act II of 1926 Section 2]

(5) The officer in whose presence the bond is executed shall deliver a-copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Report of police officer

(1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer incharge of the police-station shall [through the Public Prosecutor]--

(a) forward to a Magistrate empowered to take cognizance of the offence on a police-report, a report in the form prescribed by the Provincial Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody or has been released on his bond, and, if so, whether with or without sureties, and

(6) communicate, in such manner as may be prescribed by the Provincial Government, the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given:
[provided that, where investigation is not completed within a period of fourteen days from the date of recording of the first information report under Section 154, the officer incharge of the police station shall, within three days of the expiration of such period, forward to the Magistrate through the Public Prosecutor, an interim report in the form prescribed by the Provincial Government stating therein the result of the investigation made until then and the Court shall commence the trial on the basis of such interim report, unless, for reasons to be recorded, the Court decides that the trial should not so commence].

(2) Where a superior officer of police has been appointed under Section 158, the report shall, in any cases in which the Provincial Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer incharge of the police-station to make further investigation.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

(4) A copy of any report forwarded under this section shall, on application, be furnished to the accused before the commencement of the inquiry or trial:

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost.

[(5) Where the officer incharge of a police station forwards a report under sub-section (1), he shall along with the report produce the witnesses in the case, except the public servants, and the Magistrate shall bind such witnesses for appearance before him or some other Court on the date fixed for trial.]
### 2.1.4 Procedure of Trial by Magistrate

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| 241-A | Supply of statements and documents to the accused | (1) In all cases instituted upon police report, except those tried summarily or punishable with fine or imprisonment not exceeding six months, copies of statements of all witnesses recorded under Sections 161 and 164 and of the inspection-note recorded by an investigating officer on his first visit to the place of occurrence, shall be supplied free of cost to the accused not less than seven days before the commencement of the trial:  
Provided that, if any part of the statement recorded under Section 161 is such that its disclosure to the accused would be inexpedient in the public interest, such part of the statement shall be excluded from the copy of the statement furnished to the accused.  
(2) In all cases instituted upon a complaint in writing, the complainant shall-  
(a) state in the petition of complaint the substance of the accusation, the names of his witnesses and the gist of the evidence which he is likely to adduce at the trial;  
and  
(b) within three days of the order of the Court under Section 204 for issue of process to the accused, file in the Court for supply to the accused, as many copies of the complaint and any other document which he has filed with his complaint as the number of the accused:  
Provided that the provisions of this sub-section shall not apply in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in discharge of his official duties], |
| 242 | Charge to be framed | When the accused appears or is brought before the Magistrate, a formal charge shall be framed relating to the offence of which he is accused and he shall be asked whether he admits that he has committed the offence with which he is charged. |
| 243 | Conviction on admission of truth of accusation | If the accused admits that he has committed the offence [with which he is charged], his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly. |

[See Police Rules 1934: 27.23]
| 244  | Procedure when no such admission is made | (1) If the Magistrate does not convict the accused under the preceding section or if the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence:

Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court.

(2) The Magistrate may, if he thinks fit on the application of the complainant or accused issue a summons to any witness directing him to attend or to produce any document or other thing.

(3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court:

provided that it shall not be necessary for the accused to deposit any such expenses in Court in cases where he is charged with an offence punishable with imprisonment exceeding six months. |
| 244-A | Statement made under Section 164 | The statement of a witness duly recorded under Section 164, if it was made in the presence of the accused and if he had notice of it and was given, an opportunity of cross-examining the witness, may in the discretion of the Court, if such witness is produced and examined, be treated as evidence in case for all purposes subject to the provisions of the Qanun-e-Shahadat, 1984. |
| 245  | Acquittal | (1) If the Magistrate upon taking the evidence referred to in Section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

(2) Sentence: Where the Magistrate does not proceed in accordance with the provisions of Section 349 he shall if he finds the accused guilty, pass sentence upon him according to law. |
| 247  | Non-appearance of complainant | If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate |
shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reasons he thinks proper to adjourn the hearing of the case to some other day:

Provided that, where the complainant is a public servant and his personal attendance, is not required, the Magistrate may dispense with his attendance, and proceed with the case:

Provided further that nothing in this section shall apply where the offence of which the accused is charged is either cognizable or non-compoundable.

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(1) If in any case instituted upon complaint or upon information given to a police-officer or to a Magistrate, one or more persons is or are accused before Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or if such person is not present direct the issue of a summons to him to appear and show cause as aforesaid.

(2) The Magistrate shall record and consider any cause which such complainant or informant may show and if he is satisfied that the accusation was false and either frivolous or vexatious may, for reasons to be recorded, direct that compensation to such amount not exceeding twenty-five thousand rupees or, if the Magistrate is a
Magistrate Of the Third Class not exceeding two thousand and five hundred rupees as he may determine be paid, by such complainant or informant to the accused or to each or any of them.

(2-A) The compensation payable under sub-section (2) shall be recoverable as an arrear of land-revenue.

(2-B) When any person is imprisoned under sub-section (2-A) the provisions of Sections 68 and 69 the Pakistan Penal Code shall, so far as may be, apply.

(2-C) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.

(3) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the Second or Third Class to pay compensation or has been so ordered by any other Magistrate to pay compensation exceeding fifty rupees may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) When an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and, where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

<table>
<thead>
<tr>
<th>250-A</th>
<th>Special summons in case of petty offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Any Magistrate of the first Class specially empowered in this behalf by the Provincial Government taking cognizance of any offence punishable only with fine shall, except for reasons to be recorded in writing, issue summons to the accused requiring him either to appear before him on a specified date in person or by an advocate or, if he desires to plead guilty to the charge, without appearing before the Magistrate, to transmit to the Magistrate before the specified date, by registered post or through a messenger, the said plea in writing and the amount of fine specified in the summons or, if he desires to appear by an advocate and to plead guilty to the charge, to authorise, in writing such...</td>
<td></td>
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</table>
advocate t6 plead guilty to the charge on his behalf and to pay the fine:

Provided that the amount of the fine specified in such summons shall not be less than twenty-five per cent. nor more than fifty per cent. of the maximum fine provided for such offence.

(2) Sub-section (1) shall not apply to an offence punishable under the Motor Vehicles Ordinance, 1965 (Ordinance XIX of 1965), or under any other law, which provides for the accused person being convicted in his absence on a plea of guilty.

### 2.1.5 Procedure of Bail

**Summary: Types / Kinds of Bail**

- Bail after arrest
- Bail before arrest

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Procedure</th>
</tr>
</thead>
</table>
| 496     | In what cases bail to be taken             | When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer incharge of a police-station or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer of Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided:

Provided further that nothing in this section shall be deemed to affect the provisions of section 107, sub-section (4), or section 117, sub-section (3).

---

**10** Bail generally:

- Application for bail is not necessary, magistrate could release him

1991 MLD 518.

- Conditions for grant of bail by a Magistrate are as follows:
  
  (a) if the person seeking bail has been placed under actual custody
  
  (b) he appears in answer to a process issued by the Court
  
  (c) he is brought before the Court by the police or some other arresting authority

PLD 1981 Lah. 2

- Magistrate cannot grant anticipatory bail, 1980 P.Cr.L.J. 17.
| 497 | When bail may be taken in cases of non-bailable offence | When any person accused of non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appears reasonable grounds for believing that he has been guilty of an offence punishable with death or [imprisonment for life or imprisonment for ten years] Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail:

Provided further that a person accused of an offence as aforesaid shall not be released on bail unless the prosecution has been given notice to show cause why he should not be so released.

[Provided further that the Court shall, except where it is of opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf or in exercise of any right or privilege under any law for the time being in force, direct that any person shall be released on bail-

(a) who, being accused of any offence not punishable with death, has been detained for such offence for a continuous period exceeding one year and whose trial for such offence has not concluded; or

(b) who, being accused of an offence punishable with death, has been detained for such offence for a continuous period exceeding two years and whose trial for such offence has not concluded.

Provided further that the provisions of the third proviso to this subsection shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the opinion of the Court, is a hardened, desperate or dangerous criminal or involved in terrorism.]

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are no reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is
delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

(5) A High Court or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.

<table>
<thead>
<tr>
<th>498</th>
<th>Power to direct admission to bail or reduction of bail</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.</td>
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</table>

<table>
<thead>
<tr>
<th>498-A</th>
<th>No bail to be granted to a person not in custody, in Court or against whom no case is registered etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nothing in section 497 or section 498 shall be deemed to require or authorise a Court to release on bail, or to direct to be admitted to bail any person who is not in custody or is not present in Court or against whom no case stands registered for the time being and an order for the release of a person on bail, or direction that a person be admitted to bail shall be effective only in respect of the case that so stands registered against him and is specified in the order or direction.</td>
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<tr>
<th>499</th>
<th>Bond of accused and sureties</th>
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</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Before any person is released on bail or released on his own bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient shall be executed by such person and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or Court, as the case may be.</td>
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<tr>
<th>500</th>
<th>Discharge from custody</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>501</th>
<th>Power to order sufficient bail when that first taken is insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.</td>
</tr>
</tbody>
</table>
Discharge of sureties

(1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the persons so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and if he fails to do so, may commit him to custody.

2.1.6 Remedies against FIR

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>Discharge of person apprehended</td>
<td>No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.</td>
</tr>
<tr>
<td>169</td>
<td>Release of accused when evidence deficient</td>
<td>If, upon an investigation under this Chapter, it appears to the officer incharge of the police-station, or to the police-officer making the investigation that there is no sufficient evidence or reasonable ground or suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or 11 [send] him for trial.</td>
</tr>
<tr>
<td>249-A</td>
<td>Power of Magistrate to acquit accused at any stage</td>
<td>Nothing in this Chapter shall be deemed to prevent a Magistrate from acquitting an accused at any stage of the case if, after hearing the prosecutor and the accused and for reasons to be recorded, he considers that the charge is groundless or that there is no probability of the accused being convicted of any offence.]</td>
</tr>
<tr>
<td>265-K</td>
<td>Power of Court to acquit accused at any stage</td>
<td>Nothing in this Chapter shall be deemed to prevent a Court from acquitting an accused at any stage of the case; if, after hearing the prosecutor and the accused and for reasons to be recorded, it considers that there is no probability of the accused being convicted of any offence.</td>
</tr>
<tr>
<td>551</td>
<td>Powers of superior officers of police.</td>
<td>Police officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.</td>
</tr>
</tbody>
</table>
CHAPTER 2.2 TRIAL PROCEDURE UNDER THE ANTI-TERRORISM ACT, 1997

Summary

1. Offences
2. First Information Report (FIR)
3. Actions under the ATA after FIR
4. Arrest, Detention, Preventive Detention
5. Remand
6. Investigation
7. Bail
8. Trial

2.2.1 Offences that attract the Anti-Terrorism Act, 1997

Pakistan Penal Code Sections---- Titles

121: Waging or attempting to wage war or abetting waging of war against Pakistan
121-A: Conspiracy to commit offences punishable by Section 121
122: Collecting arms, etc., with intention of waging war against Pakistan.
123: Concealing with intent to facilitate design to wage war.
123-A: Condemnation of the creation of the State, and advocacy of abolition of its sovereignty
124-A: Sedition
365-A: Hurt caused by corrosive substance
400: Punishment for belonging to gang of dacoits
402-A: Hijacking
402-B: Punishment for Hijacking
402-C: Punishment for harbouring hijacking, etc.
431: Mischief by injury to public road, bridge, river or channel
302: Punishment of qatl-i-amd
307: Cases in which Qisas for qatl-i-amd shall not be enforced
392: Punishment for robbery
393: Attempt to commit robbery
394: Voluntarily causing hurt in committing robbery
395: Punishment for dacoity
396: Dacoity with murder
397: Robbery or dacoity, with attempt to cause death or grievous hurt
398: Attempt to commit robbery or dacoity when armed with deadly weapon
399: Making preparation to commit dacoity
436: Mischief by fire or explosive substance with intent to destroy house, etc.
437: Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden
438: Punishment for the mischief described in Section 437 committed by fire or explosive substance
440: Mischief committed after preparation made for causing death or hurt

2.2.2 First Information Report (FIR) under the Anti-Terrorism Act, 1997

<table>
<thead>
<tr>
<th>Sections</th>
<th>Title</th>
<th>Procedure</th>
</tr>
</thead>
</table>
| 154 Cr.P.C | Information in cognizable cases. | Summary: Registration of FIR u/s 154  
Text: “Every information relating to the commission of a cognizable offence If given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer In such form as the Provincial Government may prescribe in this behalf” |

2.2.3 Actions taken under the Anti-Terrorism Act after registration of FIR

<table>
<thead>
<tr>
<th>Sections</th>
<th>Title</th>
<th>Procedure</th>
</tr>
</thead>
</table>
| 4 | Calling in of armed forces and civil armed forces in aid of civil power | (1) It shall be lawful for the Federal Government to order, and subject to sub-section (2), for the Provincial Government to secure, the presence of armed forces and civil armed forces in any area for the prevention and punishment of terrorist acts and scheduled offences in accordance with the provisions of this Act.  
(2) If, the opinion of the Provincial Government, the presence of armed forces, or civil armed forces, is necessary in order to prevent the commission of terrorist acts or scheduled offences in any area, it may request the Federal Government to direct the presence or posting of units or personnel of the armed forces, or civil armed forces, in such numbers as may be deemed necessary for the prevention or control of terrorist acts or scheduled offences.  
(3) The Federal Government may decide whether the requirements of the situation call for the deployment of-  
(i) the civil armed forces; or  
(ii) the armed forces,  
and on so deciding shall, by means of a notification in the official Gazette issued under clauses (i) or (ii) or both, authorise and direct the posting thereof. |
| 5 | Use of armed forces and civil armed forces to prevent | Any police officers, or member of the armed forces, or civil armed forces, who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of terrorist acts or scheduled offences, and, in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer |
terrorism under the Code.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may-

(i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing *** a terrorist act or a schedule offence, [it shall be lawful for any such officer, or any senior officer [after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence] to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof [:]

[Provided that an order to open tire in such circumstances shall be given by a police

officer not below the rank of BS-17 and equivalent rank, in the case of a

member of Armed Forces or civil Armed forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only
by way of last resort, and shall in no case extend to the inflicting of more
harm than is necessary to prevent the terrorist act or scheduled offence
which has given rise to the reasonable apprehension of death or grievous
hurt:

Provided further that all cases of firing which have resulted in death or
grievous injury shall be reviewed by an internal inquiry committee
constituted by the head of the law enforcement agency concerned.]

(ii) arrest without warrant, any person who has committed an act of terrorism or a scheduled offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, any such act or offence; and

(iii) enter and search, without warrant, any premises to make any arrest or to take possession of any property, firearm, weapon or article used, or likely to be used, in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the provision of section 132 of the Code shall apply to any person acting under this section.

10 Power to enter or search

If any officers of the police, armed forces or civil armed forces is satisfied
that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 8 he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same
[Provided that the concerned officer shall first record in writing his reasons for such belief and serve a copy thereof either on the person or on the premises.]

See section 8 Above.

### 2.2.4 Arrest, Detention, Preventive Detention under the Anti-Terrorism Act, 1997

<table>
<thead>
<tr>
<th>Sections</th>
<th>Title</th>
<th>Procedure</th>
</tr>
</thead>
</table>
| 111 EEE  | Powers to arrest and detain suspected persons | (1) Government if satisfied that with a review to prevent any person whose name is included in the list referred to section 11EE, it is necessary so to do, may, by order in writing, directed to arrest and detain, in such custody as may be satisfied, such person for such period as may be specified in the order, and Government if satisfied that for the aforesaid reasons it is necessary so to do, may, extend from time to time the period of such detention for a total period not exceeding twelve months.

(2) The provisions of Article 10 of the Constitution of the Islamic Republic of Pakistan shall *mutatis mutandis* apply to the arrest and detention of a person ordered under sub-section (1). |
| 111 EEEE | Preventive detention for inquiry | (1) The Government or, where the provisions of section 4 (See below) have been invoked, the armed forces or civil armed forces, as the case may be, subject to the specific or general order of the Government in this regard for a period not exceeding three months and after recording reasons thereof, issue order for the preventive detention of any person who has been concerned in any offence under this Act relating to the security or defence of Pakistan or any part thereof, or public order relating to target killing, kidnapping for ransom, and extortion/bhatta, or the maintenance of supplies or services, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned, for purpose of inquiry:

Provided that the detention of such person, including detention for further period after three months, shall be subject to the provisions of Article 10 of the Constitution.]

(2) The inquiry under sub-section (1) may be conducted by a police officer not below the rank of Superintendent of Police or through a Joint Interrogation Team (JIT) to be notified by the Government comprising a police officer not below the rank of Superintendent of Police and officers of other investigation agencies and the powers of the inquiry officer will be vested as per section 5 of the Federal Investigation Agency Act, 1974 (VIII of 1975)

[Provided that where the detention order has been issued by the armed forces or civil armed forces under sub-section (1), the inquiry shall be conducted by the JIT comprising members of armed forces or civil armed forces, as the case may be, intelligence agencies and other law enforcement agencies, including a police officer not |
below the rank of Superintendent of Police.]

[(2A) The provisions of sub-sections (1) and (2) shall remain in force for such period as may be notified by the Government from time to time:

Provided that such period shall not exceed two years from the commencement of the Anti-terrorism (Amendment) Act, 2014 (VI of 2014).]

(3) The detenue shall be produced in camera before the presiding officer of the court or in his absence before the District and Sessions Judge or the Magistrate appointed under the Shariah Nizam-e-Adl Regulation, 2009, within twenty-four hours of his detention, and before the presiding officer of the court if and when any extension in the period of detention is requested.

(4) During inquiry the concerned police officer not below the rank of Superintendent of Police or equivalent officer of the law enforcement agencies or the members of Joint Interrogation Team (JIT) as the case may be, shall have all the powers relating to search, arrest of persons and seizure of property, and other relevant material connected with the commission of offence and shall have all the powers as Police Officer has in relation to the investigation of offences under the Code or any other law for the time:

Provided that the detenue shall be kept in a detention centre so notified by the Government and the presiding officer of the court or the Magistrate, as the case may be referred in sub-section (3) shall have the authority to inspect the detention centers to ensure that the custody is in accordance with the law for the time being in force.

[(5) Any person detained under this section shall be provided facility of medical checkup as may be prescribed by rules.]

| 2.2.5 Remand |
|---|---|---|
| **Section** | **Title** | **Procedure** |
| 21E | Remand | (1) Where a person is detained for investigation, the investigating Officer, within twenty-four hours of the arrest, excluding the time necessary for the journey from the place of arrest to the Court, shall produce the accused before the Court, and may apply for remand of the accused to police custody, [or custody of any other investigating agency joined in the investigation] for which the maximum period allowed may be not less than [fifteen days and not more] than thirty days at one time:

Provided that, where an accused cannot within twenty-four hours be produced before the Court, a temporary order for police custody [or custody of any other investigating agency joined in the investigation] not exceeding twenty-four hours may be obtained form the nearest Magistrate for the purpose of producing the accused before the Court within that period. |
(2) No expansion of the time of the remand of the accused in police custody [or custody of any other investigating agency joined in the investigation] shall be allowed, unless it can be shown by the investigating Officer, to the satisfaction of the Court that further evidence may be available and the Court is satisfied that no bodily harm has been or will be caused to the accused: Provided that the total period of such remand shall not exceed [ninety] days.

(3) The Court shall be deemed to be a Magistrate for purposes of sub-section [Provided that the Magistrates appointed under the Shariah Nizame-Adl Regulation, 2009 shall also have the same powers as given to a court under this section.]

2.2.6 Investigation

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<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Procedure</th>
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</thead>
</table>
| 21 A    | Cordons for Terrorist Investigation. | (1) An area is a cordoned area for the purposes of a terrorist investigation under this Act, if it is so designate under this section.  
(2) A designation may be made only by an officer not below the rank of a [Deputy Superintendent of Police or a member of a Joint Investigation Team], if he considers it expedient for the purposes of a terrorist investigation.  
(3) If a designation is made orally, the officer making it shall confirm it in writing, as soon as is reasonably practicable.  
(4) The officer making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable.  
(5) An area may be designated a cordoned area for a maximum period of fourteen days, which may be extended in writing from time to time, with each extension specifying the additional period: Provided that a designation shall have no effect after 28 days beginning with the day on which it was made.  
(6) Where a person knows or has reasonable cause to suspect that a terrorist investigation is being conducted or is proposed to be conducted, a person commits an offence if he –  
1. (a) discloses to another, or others, anything which is likely to prejudice an investigation; or  
2. (b) interferes with material which is likely to be relevant to an investigation.  
(7) Whosoever commits an offence under sub-section (6) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years, and fine. |
(8) It is a defence for a person charged with an offence under sub-section (6) to prove -

1. (a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation; or
2. (b) that he had reasonable excuse for the disclosure or interference.

(9) For the purposes of this section:-

1. (a) a reference to conduction a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation; and
2. (b) a person interferes with any material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

### 21B Terrorist Investigation

(1) A policeman in uniform [or a member of a Joint Investigation Team]

(a) order a person in a cordoned area to leave immediately;

(b) order a person immediately to leave the premises which are wholly or partly in or adjacent to a cordoned area;

(c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;

(d) arrange for the removal of a vehicle from the cordoned area;

(e) arrange for the movement of a vehicle within a cordoned area;

(f) prohibit or restrict access to a cordoned area by pedestrians or vehicles;

(g) enter and search any premises in a cordoned area if he suspects anyone concerned with terrorism is hiding there;

(h) search and arrest any person he reasonable suspects to be a person concerned in terrorism: Provided that any search of a person shall be done by a Police person of the same sex; or

(i) take possession of any property in a cordoned area he reasonably suspects is likely to used for the purposes of terrorism.

### 21 EE 21EE. Power to call information etc

(1) The Superintendent of Police during the course of investigation or an equivalent officer of security forces operating in aid of civil power under section 4 and 5, may by an order in writing, on the request of the Joint Investigation Team,-

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made there under;

(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry or investigation;

(c) examine any person acquainted with the facts;

(d) with the permission of the Anti-terrorism Court, require any bank of financial institution, notwithstanding anything contained in any other law.
for the time being in force, to provide any information relating to any person, including copies of entries made in the bank’s or a financial institution’s book, including information of transactions saved in electronic or digital form which are reasonably believed to be connected with commission of an offence under this Act and the keeper of such books or records shall be obliged to certify the copies in accordance with law; and (e) require information or obtain record of telephone and mobile phone data, e-mail, MMS and CNIC and encrypted messages or any other information suspected to be linked in any manner with commission of an offence under this Act, from any service provider company of department.

(2) The copies obtained, information received or evidence collected in pursuance of clauses (d) and (e) of sub-section (1) shall be kept confidential and shall not be divulged to any un-authorized person or used for any purpose other than the legal proceedings under this Act.

(3) Any contravention of an order made under sub-section (1) shall be punishable with imprisonment, which may extend to two years or with fine, which may extend to one hundred thousand rupees or with both.]

### 27AA Punishment for false implication.

Where an investigating officer dishonestly and falsely involves, implicates or arrests a person alleged to have committed any scheduled offence shall be punishable with imprisonment for a term which may extend to two years or with fine, which may extend to one hundred thousand rupees or with both: Provided that action against such investigating officer shall not be taken without the prior approval of the Government.

### 2.2.7 Bail under the Anti-Terrorism Act, 1997

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Procedure</th>
</tr>
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</table>
| 21 D    | Bail  | (1) Notwithstanding the provisions of sections 439, 491, 496, 497, 498, 498A and 561 of the Code, no Court, other than an Anti-terrorism Court, a High Court or the Supreme Court of Pakistan, shall have the power or jurisdiction to grant bail to or otherwise release an accused person in a case triable by an Anti-terrorism Court.  

(2) All offences under this Act punishable with death or imprisonment * exceeding three years shall be non-bailable:  

Provided that if there appear reasonable grounds for believing that any person accused of non-bailable offence has been guilty of an offence punishable with death or imprisonment for life or imprisonment for not less than ten years, such person shall not be released on bail.  

(3) Subject to sub-section (2), the Court may admit a person to bail, unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would;  

(a) fail to surrender to custody;  
(b) commit an offence while on bail;  
(c) interfere with a witness; otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person; or  
(d) fails to comply with the condition of release (if any).  

(4) In exercising its powers in relation to a person seeking bail under this
Act the Court shall have regard to such of the following considerations (as well as to any other which it considers relevant)-

(a) the nature and seriousness of the offence with which the person is charged;
(b) the character, antecedents, associations and community ties of the person;
(c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail; and
(d) the strength of the evidence of his having committed the offence.

(5) Without prejudice to any other power to impose conditions on admission to bail, the Court admitting a person to bail under this section may impose such conditions as it considers;

(a) likely to result in the person’s appearance at the time and place required [including very high bail sureties]; or
(b) necessary in the interest of justice or for the prevention of crime [including surveillance of the person granted bail to monitor his activities and requiring him to report to the concerned police station at specified intervals as determined by the court]

(6) It shall be lawful for the person to be held in military or police protective custody in accordance with the conditions of his bail

(7) The Government or the Court may, under this section, at any time, in respect of a person charged of an offence under this Act, if it considers it necessary, by special or general order, direct special arrangements to be made as to the place at which the person is to be held in order:-

(a) to prevent his escape; or
(b) to ensure his safety or the safety of others.

### 2.2.1 Procedure of Trial

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<thead>
<tr>
<th>Sections</th>
<th>Title</th>
<th>Procedure</th>
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</table>
| 21G      | Trial of Offences | All offences under this Act shall be tried by the Anti-terrorism Court established under this Act [:]

[Provided that the Courts of Zila Qazi or Azafi Zila Qazi established under the Shariah Nizam-e-Adl Regulation, 2009 shall deemed to be the court and shall try all cases so assigned to them by the administrative judge designated under sub-section (2) or sub-section (4) of section 13, as the case may be.]

| 32       | Overriding effect of Act | 1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law but, save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this act, apply to the proceedings before [an Anti-terrorism Court] shall be deemed to be a Court of Session. (2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of section 350 of the Code shall, as far as may be, apply to the proceedings before [an Anti-terrorism Court] and for his purpose any reference in those provisions to a Magistrate shall |
be construed as a reference to [an Anti-terrorism Court].

<table>
<thead>
<tr>
<th>Procedure and Powers of Anti-Terrorism Court</th>
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</table>
| (1) An investigating officer under this Act shall be an officer or Police Officer not below the rank of Inspector or equivalent or, if the Government deems necessary Joint Investigation Team to be constituted by the Government shall be headed by an Investigating Officer of Police not below the rank of Superintendent of Police, (BS-18) and other officers of JIT may include equivalent rank from Intelligence Agencies, Armed Forces and Civil Armed Forces. The JIT shall comprise five members and for the meeting purposes the quorum shall consists of three members.

The investigating officer to the JIT, as case may be, shall complete the investigation in respect of cases triable by the court within thirty working days. The report under section 173 of the Code shall be signed and forwarded by the investigating officer of police directly to the court:

Provided that where the provisions of sections 4 and 5 have been invoked, the investigation shall be conducted by the JIT comprising members of armed or civil armed forces, as the case may be, intelligence agencies and other law enforcement agencies including an investigating officer of police not below the rank of Inspector who shall sign the report under section 173 of the Code and forward it to the Court:

Provided further that, where investigation is not completed within a period of thirty days from the date of recording of the first information report under section 154 of the code, the investigating officer or the JIT shall, within three days after expiration of such period, forward to the Court through the Public Prosecutor, an interim report under section 173 of the Code, stating therein the result of investigation made until then and the Court shall commence the trial on the basis of such interim report, unless, for reasons to be recorded, the Court decides that the trial may not so commence. The interim report shall be signed by the investigating officer of police.

(1A) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may, in respect of any case registered by or under investigation with, the Police or any other investigation agency or authority, by order in writing, entrust inquiry to any agency or authority as it may deem fit and thereupon the Police, or any other investigation agency or the authority shall transfer the record of the case to such agency or authority.

(1B) Where any person has been arrested by the armed forces or civil armed forces under section 5, he shall be handed over to the investigating officer of the police station designated for the purpose by the Provincial Government in each District.

(2) Any default on the part of an officer-in-charge of a police station, an investigating officer or any other person required by law to perform any functions in connection with the investigation, that results in, or has the effect of, delaying investigation or submission of the report under subsection (1), shall be deemed to be a willful disobedience of the orders of the [Anti-terrorism Court] and the person committing the default shall be liable
(3) The [Anti-terrorism Court] may directly take cognizance of a case triable by such court without the case being sent to it under section 190 of the Code.

(5) Where, in a case triable by [an Anti-terrorism Court] an accused has been released from police custody, [or custody of any other investigating agency joined in an investigation] under section 169 of the Code, or has been remanded to judicial custody, the [Anti-terrorism Court] may, on good grounds being shown by a public Prosecutor or a Law officer of the Government, for reasons to be recorded in writing, make an order for placing him in police custody [custody of any other investigating agency joined in investigation] for the purpose of further investigation in the case.

(6) [An Anti-terrorism Court] shall be deemed to be a Magistrate for purpose of [sub-section] (5).

[[7) The Court shall, on taking cognizance of a case, proceed with the trial from day-to-day and shall decide the case within seven days, failing which the matter shall be brought to the notice of the Chief Justice of the High Court concerned for appropriate directions, keeping in view the facts and circumstances of the case.]

[[8) An Anti-terrorism Court shall not give more than two [adjournments during the trial of the case and that also imposition of exemplary costs]. If the defense counsel does not appear after two consecutive adjournments, the Court may appoint a State Counsel with at least seven years standing in criminal matters for the defense of the accused from the panel of advocates maintained by the Court for the purpose in consultation with the Government and shall proceed with the trial of the case.

(8a) Non-compliance with the provisions of sub-section [(7) or] may render the presiding officer of the Court liable to disciplinary action by the concerned High Court.

(8b) Notwithstanding anything contained in section 7 of the Explosive Substance Act, 1908 (VI of 1908), or any other law for the time being in force, if the consent or sanction of the appropriate authority, where required, is not received within thirty days of the submission of challan in the Court, the same be deemed to have been given or accorded and the Court shall proceed with the trial of the case.]

(9) [An Anti-terrorism Court] shall not merely by reason of a change in its composition or transfer of a case under sub-section (3) of section 12, be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded.
(10) Any accused person may be tried in his absence if the [Anti-terrorism Court] after such inquiry as it deems fit, is satisfied that such absence is deliberate and brought about with a view to impeding the course, of justice:

Provided that the accused person shall not be tried under this sub-section unless a proclamation has been published in respect of him in at least [in one daily newspaper including Sindhi language] requiring him to appear at a specified place within seven days failing which action may also be taken against him under section 88 of the Code:

Provided further that the Court shall proceed with the trial after taking the necessary steps to appoint an advocate at the expense of the State to defend the accused person who is not before the Court.

Explanation.- An accused who is tried in his absence under this sub-section shall be deemed not to have admitted the commission of any offence for which he has been charged.

(11) The advocate appointed under the second proviso to sub-section (10) shall be a person selected by the [Anti-terrorism Court] for the purpose and he shall be engaged at the expense of the Government.

[(11A) Nothing contained in sub-section (10) or sub-section (11) shall be construed to deny the accused the right to consult or be defended by a legal practitioner of his own choice.]

(12) If, within sixty days from the date of his conviction, any person tried under sub-section (10) appears voluntarily, or is apprehended and brought before the [Anti-terrorism Court] and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, the [Anti-terrorism Court] shall set aside his conviction and proceed to try him in accordance with law for the offence which he is charged:

Provided that the [Anti-terrorism Court] may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfies it that he could not appear within the said period by reason of circumstances beyond his control

(14)Subject to the other provisions of this Act, [an Anti-terrorism Court] shall, for the purpose of trial of any offence, have all the powers of a Court of Sessions and shall try such offence as if it were a Court of Session as far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

### 37 Contempt of Court

An Anti-terrorism Court shall have the power to punish with imprisonment for a term which may extend to six months and with fine any person who —

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order or direction of, the Court;

(b) scandalizes the Court otherwise does anything which tends to bring the court or a person constituting the Court into hatred, ridicule or contempt;
(c) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court;

(d) does anything which, by any other law, constitutes contempt of court.

*Explanation. In this section, Court means Anti-terrorism Court.]*

<table>
<thead>
<tr>
<th>21M</th>
<th>Joint Trials</th>
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<tbody>
<tr>
<td>(1) While trying any offence under this Act, a Court may also try any other offence with which an accused may, under the Code of Criminal Procedure, 1898, be charged, at the same trial if the office is connected with such other offence.</td>
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(2) If, in the course of any trial under this Act of any offence it is found that the accused person has committed any other offence under this Act or any other law for the time being in force, the Court may convict an accused for such other offence and pass any sentence authorized by this Act or, as the case may be, such other law, for the punishment thereof.

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<thead>
<tr>
<th>23</th>
<th>Power to transfer cases to regular courts</th>
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<td>Where, after taking cognizance of an offence, [an Anti-terrorism Court] is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any court having jurisdiction under the Code, and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.</td>
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<th>21H</th>
<th>Conditional admissibility of confession</th>
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<td>Notwithstanding anything contained in the Qanoon-e-Shandat, 1984 (President’s Order No. 10 of 1984) or any other law for the time being in force, where in any court proceedings held under this Act the evidence (which includes circumstantial and other evidence) produced raises the presumption that there is a reasonable probability that the accused has committed the offence, any confession made by the accused during investigation without being compelled, before a police officer not below the rank of a Distt. Superintendent of Police, may be admissible in evidence against him, if the Court so deems fit:</td>
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Provided that the Distt. Superintendent of Police before recording any such confession, had explained to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and that no Distt. Superintendent of Police has recorded such confession unless, upon questioning the person making it, the Disst. Superintendent of Police had reason to believe that it was made voluntarily; and that when he recorded the confession, he made a memorandum at the foot of such record to the following effect;

I have explained to (....name...), that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that confession was voluntarily made. It was taken in my presence, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him”.

(Signed)

“Distt. Superintendent of Police.”

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<tr>
<th>27 B</th>
<th>Conviction on the basis of</th>
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<tr>
<td>Notwithstanding anything contained in this Act or Qanun-e-shahadat, 1984 (P.O.No. 10 of 1984) or any other law for the time being in force, a person</td>
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<tr>
<td>Section</td>
<td>Description</td>
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<tr>
<td><strong>Electronic or Forensic Evidence etc</strong></td>
<td>Accused of an offence under this Act may be convicted on the basis of electronic or forensic evidence or such other evidence that may have become available because of modern devices or techniques referred to in Article 164 of the Qanun-e-Shahadat, 1984 (P.O.No. 10 of 1984): Provided that the Court is fully satisfied as to the genuineness of such evidence</td>
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<tr>
<td><strong>21 F</strong></td>
<td><strong>Remissions</strong></td>
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<tr>
<td><strong>25</strong></td>
<td><strong>Appeal</strong></td>
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<tr>
<td><strong>31</strong></td>
<td><strong>Finality of Judgment</strong></td>
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</tbody>
</table>

The following articles of the Constitution of Pakistan create an obligation on the part of the citizens of Pakistan and the Police Services of Pakistan. With respect to law enforcement, they create an obligation upon the police to accord individuals with rights as laid down in the Constitution. This also allows citizens to be mindful of the rights they possess, bearing in mind the scope of each article which applies to them.

<table>
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<tr>
<th>Article</th>
<th>Effect on Citizens, Police or both</th>
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<tbody>
<tr>
<td><strong>4 Right of individuals to be dealt with in accordance with law, etc.</strong></td>
<td>Citizens of Pakistan and Police Services of Pakistan.</td>
</tr>
<tr>
<td>(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.</td>
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<td>(2) In particular :-</td>
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<td>(a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;</td>
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<td>(b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and</td>
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<td>(c) no person shall be compelled to do that which the law does not require him to do.</td>
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<tr>
<td><strong>8 Laws inconsistent with or in derogation of fundamental rights to be void.</strong></td>
<td>Police Services of Pakistan</td>
</tr>
<tr>
<td>(1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.</td>
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<tr>
<td>(2) The State shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void.</td>
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<td>(3) The provisions of this Article shall not apply to :-</td>
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<td>(a) any law relating to members of the Armed Forces, or of the police or of such other forces as are charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them; or</td>
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<td>(b) any of the:</td>
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<tr>
<td>(i) laws specified in the First Schedule as in force immediately before the commencing day or as amended by any of the laws specified in that Schedule;</td>
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<tr>
<td>(ii) other laws specified in Part I of the First Schedule; and no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter.</td>
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<td>(4) Notwithstanding anything contained in paragraph (b) of clause (3), within a</td>
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period of two years from the commencing day, the appropriate Legislature shall bring the laws specified in [Part II of the First Schedule] into conformity with the rights conferred by this Chapter:

Provided that the appropriate Legislature may by resolution extend the said period of two years by a period not exceeding six months.

Explanation:- If in respect of any law [Majlis-e-Shoora (Parliament)] is the appropriate Legislature, such resolution shall be a resolution of the National Assembly.

(5) The rights conferred by this Chapter shall not be suspended except as expressly provided by the Constitution.

9 **Security of person.**

No person shall be deprived of life or liberty save in accordance with law.

<table>
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<tr>
<th>10 <strong>Safeguards as to arrest and detention</strong></th>
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<tbody>
<tr>
<td>(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.</td>
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<tr>
<td>(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.</td>
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<tr>
<td>(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.</td>
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<tr>
<td>(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding [three months] unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of [three months], unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.</td>
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</table>

Explanation-I: In this Article, "the appropriate Review Board" means:-

(i) in the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and

(ii) in the case of a Person detained under a Provincial law, a Board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

Explanation-II: The opinion of a Review Board shall be expressed in terms of...
the views of the majority of its members.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, [within fifteen days] from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case:

Provided that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy [or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity].

(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.

**10A. Right to fair trial:**

For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

**12 Protection against retrospective punishment**

(1) No law shall authorize the punishment of a person:-

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

(2) Nothing in clause (1) or in Article 270 shall apply to any law making acts of abrogation or subversion of a Constitution in force in Pakistan at any time since the twenty-third day of March, one thousand nine hundred and fifty-six, an offence.

**13 Protection against double punishment and self-incrimination.**

No person:-
(a) shall be prosecuted or punished for the same offence more than once; or
(b) shall, when accused of an offence, be compelled to be a witness against himself.

14 Inviolability of dignity of man, etc.
(1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.
(2) No person shall be subjected to torture for the purpose of extracting evidence.

15 Freedom of movement, etc.
Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

16 Freedom of assembly.
Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

17 Freedom of association:
(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.
(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.
(3) Every political party shall account for the source of its funds in accordance with law.

19 Freedom of speech, etc.
Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence.

19A. Right to information:
Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

20 Freedom to profess religion and to manage religious institutions.

Citizens of Pakistan.
Subject to law, public order and morality:-

(a) every citizen shall have the right to profess, practice and propagate his religion; and

(b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

26 Non-discrimination in respect of access to public places.

(1) In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

(2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

34 Full participation of women in national life.

Steps shall be taken to ensure full participation of women in all spheres of national life.

36 Protection of minorities.

The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

37 Promotion of social justice and eradication of social evils.

The State shall:

(a) promote, with special care, the educational and economic interests of backward classes or areas;

(b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;

(c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;

(d) ensure inexpensive and expeditious justice;

(e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;

(f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;

(g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;

(h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and

(i) decentralise the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.
CHAPTER 3.1: RELEVANT RULES OF BUSINESS, 1973

Schedule II, Rule 3 (3), Distribution of Business among the Divisions

18. Interior Division

1. Internal security; matters relating to public security arising out of dealings and agreements with other countries and international organizations.

2. Preventive detention for reasons of State connected with defence, external affairs or the security of Pakistan or any part thereof; and for reasons, connected with the maintenance of public order or the maintenance of supplies and services essential to the community; persons subjected to such detention.

11. Pardons, reprieves, reprieves, remissions, commutation, etc. (excluding personnel belonging to the Armed Forces), issuance of warrant of execution of death sentence.


13. Policy coordination of, and higher training in Civil Defence and A.R.P. matters

18. Coordination of policy matters relating to Police.

19. Coordination of anti-smuggling measures.

20. Matters relating to Federal Police Forces, their establishment etc.

21. Administrative Control of the Civil Armed Forces (i.e. Frontier Corps including Balochistan Constabulary 2 [and Frontier Constabulary]) Rangers and Coast Guards.

27. Surrender of criminals and accused persons to Government outside Pakistan

30. Administrative Control of National Police Academy.

33. To act as National Central Bureau to keep liaison with the INTERPOL.
CHAPTER 4: FREQUENTLY REFERENCED LAWS

CHAPTER 4.1: FREQUENTLY USED SECTIONS OF THE PAKISTAN PENAL CODE, 1860

4. Extension of Code to extra-territorial offences. The provisions of this Code apply also to any offence committed by:-

[(1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan;]

(4) any person on any ship or aircraft registered in Pakistan wherever it may be.

21."Public servant". The words "public servant" denotes a person falling under any of the descriptions herein after following, namely:-

Second: Every Commissioned Officer in the Military, Naval or Air Forces of Pakistan while serving under the Federal Government or any Provincial Government;

Third: Every Judge;

Fourth: Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court; and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth: Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth: Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh: Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth: Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth: Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue process, or to investigate, or to report, or any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government, and every officer in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty;

Tenth: Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh: Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an elections.
22. **Movable property**. The words "movable property" are intended to include corporeal property of every description, except land and thing attached to the earth, or permanently fastened to anything which is attached to the earth.

23. "**Wrongful gain**, "Wrongful loss", "Gaining Wrongfully", "Losing Wrongfully".

"Wrongful gain.

"Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

"Wrongful loss".

Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

“Gaining wrongfully, Losing wrongfully”.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

24. "**Dishonestly**". Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

25. "**Fraudulently**". A person is said to do, a thing fraudulently if he does that thing with intent to defraud but not otherwise.

26. "**Reason to believe**". A person is said to have “reason to believe" a thing if he has sufficient cause to believe that thing but not otherwise.

27. **Property in possession of wife, clerk or servant.** When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

28. "**Counterfeit**". A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practiced.

29. "**Document**". The word "document" denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

30. "**Valuable security**". The words "valuable security denote a document which is, or purports to be a document whereby any legal right is created, extended, transferred restricted, extinguished or released, or whereby, any person acknowledges that he lies under legal liability, or has not certain legal right.

31. "**A will**". The words "a will" denote any testamentary document.

32. **Words referring to acts include illegal omissions.** In every part of this Code, except where contrary intention appears from the context, words which refer to acts done extend also to illegal omission.

33. "**Act**, "**Omission**". The word "act" denotes as well a series of acts as a single act; the word "omission" denotes as well a series of omissions as a single omission.
34. Acts done by several persons in furtherance of common intention. When a criminal act is done by several persons, in furtherance of the common intention of all, each such person is liable for that act in the same manner as if it were done by him alone.

35. When such an act is criminal by reason of its being done with a criminal knowledge or intention: Whenever an act, which is criminal only by reason of its being with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with the knowledge or intention.

36. Effects caused partly by act and partly by omission: Whoever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

37. Co-operation by doing one of several acts constituting an offence: When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

38. Persons concerned in criminal act may be guilty of different offences: Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

39. "Voluntarily": A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

40. "Offence": Except in the chapters and sections mentioned in clauses 2 and 3 of this section, the word "offence" denotes a thing made punishable by this Code. In Chapter IV, Chapter V-A and in the following sections, namely, Sections 64, 65, 66, 67, 71, 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word "offence" denotes a thing punishable under this Code, or under, any/special or local law as hereinafter defined. And in Sections 141, 176, 177, 201, 202, 212, 216 and 441 the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

41. "Special law": A "special law" is a law applicable to a particular subject.

42. "Local Law": A "local law" is a law applicable only to a particular part of the territories comprised in Pakistan.

43. "Illegal", "Legally bound to do": The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action, and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

44. "Injury": The "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

52. "Good faith": Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

52-A. "Harbour": Except in Section 157, and in Section 130 in the case in which the harbour is given by the wife or husband of a person harboured, the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms; ammunition or means of conveyance, or assisting a person by any means, whether of the same kind as, those enumerated in this section or not, to evade apprehension.
53. Punishments: The punishments to which offenders are liable under the provisions of this Code are:

Firstly, Qisas;
Secondly, Diyat;
Thirdly, Arsh;
Fourthly, Daman;
Fifthly, Ta'zir;
Sixthly, Death;
Seventhly, Imprisonment for life;
Eighthly, Imprisonment which is of two descriptions, namely:--
(i) Rigorous, i.e., with hard labour;
(ii) Simple;
Ninthly, Forfeiture of property;
Tenthly, Fine

75. Enhanced punishment for certain offenders under Chapter XII or Chapter XVII after previous conviction: Whoever, having been convicted:

(a) by a Court in Pakistan of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, or [omitted] shall be guilty of any offence punishable under either of those Chapters with the imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years.

76. Act done by a person bound, or by mistake of fact believing himself bound, by law: Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not reason of a mistake of law in good faith believes himself to be, bound by law to do it.

79. Act done by a person justified, or by mistake of fact believing himself justified, by law: Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

80. Accident in doing a lawful act: Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

81. Act likely to cause harm, but done without criminal intent, and to prevent other harm: Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

82. Act of a child under seven years of age: Nothing is an offence, which is done by a child under seven years of age.

83. Act of a child above seven and under twelve of immature understanding: Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained
sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

84. Act of a person of unsound mind: Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

85. Act of a person incapable of Judgment by reason of intoxication caused against his will: Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

86. Offence requiring a particular intent or knowledge committed by one who is intoxicated: In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who doe the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87. Act not Intended and not known to be likely to cause death or grievous hurt, done by consent: Nothing which is not intended to cause death, or grievous hurt, and which is not known by doer to be likely to cause death, or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

88. Act not intended to cause death, done by consent in good faith for person's benefit: Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

90. Consent known to be given under fear or misconception: A consent is not such a consent as is intended by any action of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person: If the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

Consent of child: Unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

96. Things done in private defence: Nothing is an offence which is done in the exercise of the right of private defence.

97. Right of private defence of the body and of property: Every person has a right, subject to the restrictions contained in Section 99, to defend;

First: His own body, and the body of any other person, against any offence affecting the human body;

Secondly: The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.
98. Right of private defence against the act of a person of unsound mind, etc.: When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

99. Act against which there is no right of private defence: There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised:

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

100. When the right of private defence of the body extends to causing death: The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:

First: Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

Secondly: Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly: An assault with the intention of committing rape;

Fourthly: An assault with the intention of gratifying unnatural lust.

Fifthly: An assault with the intention of kidnapping or abduction.

Sixthly: An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

101. When such right extends to causing any harm other than death: If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Section 99 to the voluntary causing to the assailant of any harm other than death.

102. Commencement and continuance of the right of private defence of the body: The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.
103. When the right of private defence of property extends to causing death: The right of private
defence of property extends, under the restrictions mentioned in Section 99, to the voluntary Causing
of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the
attempting to commit which, occasions the exercise of the right, be an offence of any of the
descriptions hereinafter enumerated, namely:-

First: Robbery;
Secondly: House-breaking by night;
Thirdly: Mischief by fire committed on any building, tent or vessel, which building, tent or
vessel is used as a human dwelling or as a place for the custody of property;
Fourthly: Theft, mischief or house-trespass, under such circumstances as may reasonably cause
apprehension that death or grievous hurt will be the consequence, if such right of private defence is
not exercised.

104. When such right extends to causing any harm other than death: If the offence, the
committing of which, or the attempting to commit which, occasions the exercise of the right of private
defence, be theft, mischief or criminal trespass, not of any of the descriptions enumerated in the last
preceding section that right does not extend, to the voluntary causing of death, but dose extend,
subject to the restrictions mentioned in Section 99, to the voluntary causing to the wrong-doer of any
harm other than death.

105. Commencement and continuance of the right of private defence of property: The right of
private defence of property commences when a reasonable apprehension of danger to the property
commences.

The right of private defence of property against theft continues till the offender has affected his retreat
with the property or either the assistance of the public authorities is obtained, or the property has been
recovered.

The right of private defence of property against robbery Continues as long as the offender causes or
attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant
death or of instant-hurt or of instant personal restraint continues.

The right of private defence of property against criminal trespass or mischief continues as long as the
offender continues in the commission of criminal trespass or mischief.

The right of private defence of property against house breaking by night continues as long as the
house-trespass which has been begun by such house-breaking continues.

106. Right of private defence against deadly assault when there is risk of harm to innocent
person: If in the exercise of the right of private defence against an assault which reasonably causes
the apprehension of death, the defender be so situated that he cannot effectually exercise that right
without risk of harm to an innocent person, his right of private defence extends to the running of that
risk.

107. Abetment of a thing: A person abets the doing of a thing, who:

First: Instigates any person to do that thing; or
Secondly: Engages with one or more other person or, persons in any conspiracy for the doing of
that thing, if an act or illegal omission takes place in pursuance of that conspiracy, And in order to the
doing of that thing; or
Thirdly: Intentionally aids, by any act or illegal omission, the doing of that thing.
108. Abettor: A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same Intention or knowledge as that of the abettor.

108-A. Abetment in Pakistan of offences outside it: A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan.

109. Punishment of abetment if the Act abetted committed In consequence and where no express provision is made for its punishment: Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code, for the punishment of such abetment, be punished with the punishment provided for the offence:

Provided that, except in case of Ikrah-i-Tam, the, abettor of an offence referred to in Chapter XVI shall be liable to punishment of ta'zir specified for such offence including death.

110. Punishment of abetment if person abetted does act with different intention from that of abettor: Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with intention or knowledge of the abettor and with no other.

111. Liability of abettor when one act abetted and different act done: When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly, abetted it:

Provided the act done was a probable consequence of the abetment; and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

112. Abettor when liable to cumulative punishment for act abetted and for act done: If the act for which the abetter is liable under the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor: When an act is abetted with the intention on the part of the abettor of causing a particular effect and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

114. Abettor present when offence is committed: Whenever any person, who if absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

120-A. Definition of criminal conspiracy: When two or more persons agree to do, or cause to be done,

(1) an illegal act, or

(2) an act which is not illegal by illegal means such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.
120-B. Punishment of criminal conspiracy:

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both

141. Unlawful assembly: An assembly of five or more persons is designated an "unlawful assembly" if the common object of the persons composing that assembly is:-

First: To overawe by criminal force, or show of criminal force, the Federal or any Provincial Government or Legislature, or any public servant in the exercise of the lawful power of such public servant; or

Second: To resist the execution of any law, or of any legal process, or

Third: To commit any mischief or criminal trespass, or other offence; or

Fourth: By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth: By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

142. Being member of unlawful assembly: Whoever being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of any unlawful assembly.

143. Punishment: Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

144. Joining unlawful assembly armed with deadly weapon: Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly/shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse: Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

146. Rioting: Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

147. Punishment for rioting: Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

148. Rioting, armed with deadly weapon: Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be
punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

149. Every member of unlawful assembly guilty of offence committed in prosecution of common object: If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

150. Hiring, or conniving at hiring, of persons to join unlawful assembly: Whoever hires or engages, or employs, or promotes, or connives at the hiring engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such Unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

151. Knowingly joining or continuing in assembly of five or more persons after it has commanded to disperse: Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months or with fine, or with both.

152. Assaulting to obstructing public servant when suppressing riot, etc.: Whoever assaults or threatens to assault, or obstructs or attempts to obstruct a public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.

153. Wantonly giving provocation with intent to cause riot if rioting be committed; if not committed:

Whoever malignantly, or wantonly, by doing anything which is illegal, lives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence if rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

172. Absconding to avoid service of summons or other proceeding: Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such -summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to 49[one thousand five hundred rupees] 49, or with both; or, if the summons or notice or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to 50[three thousand rupees] 50, or with both.

176. Omission to give notice or information to public servant by person legally bound to give it:

Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to 58[one thousand five hundred rupees] 58, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the
apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both; or, if the notice or information required to be given is required by an order passed under sub-section (1) of Section 565 of the Code of Criminal Procedure, 1898 (V of 1898) with imprisonment, of either description for a term which may extend to six months, or with fine which may extend to 59[three thousand rupees] 59, or with both.

188. Disobedience to order duly promulgated by public servant: Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to 71[six hundred rupees] 71, or with both; and if such disobedience causes or tends to cause danger to human' life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to 72[three thousand rupees] 72, or with both.

201. Causing disappearance of evidence of offence, or giving false information to screen offender: Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false;

if a capital offence:

shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life:

and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine:

if punishable with less than ten years' imprisonment:

and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longer term of the imprisonment provided for the offence, or with fine, or with both.

211. False charge of offence made with intent to injure: Whoever with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed as offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

212. Harbouring offender: Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment,
if a capital offence:

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine,

if punishable with imprisonment for life, or with imprisonment:

and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence is punishable with imprisonment which may extend to one year, and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

"Offence" in this section includes, any act committed at any place out of Pakistan, which, if committed in Pakistan, would be punishable under any of the following sections, namely 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460 and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Pakistan.

Exception: This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

216. Harboung offender who has escaped from custody or whose apprehension has been ordered: Whenever any person convicted of, or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say;

if a capital offence:

if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life, or with imprisonment:

if the offence is punishable with imprisonment for life or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one fourth part of the longest term of the imprisonment provided for such offence or with fine, or with both.

"Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of Pakistan which, if he had been guilty of it in Pakistan would have been punishable as an offence, and for which he is under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Pakistan, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Pakistan.

Exception: This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

216-A. Penalty for harbouring robbers or dacoits: Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of
screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Exception: This provision does not extend to the case in which the harbour is by the husband or wife of the offender.]

221. Intentional omission to apprehend on the part of public servant bound to apprehend: Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say--

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for, an offence punishable with death; or

with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years; or

with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

225. Resistance or obstruction to lawful apprehension of another person: Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescue or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for life, or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

or, if the person to be apprehended or rescued or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to imprisonment for life or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

279. Rash driving or riding on a public way: Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to [two years] or with fine which may extend to [three thousand rupees], or with both

299. Definitions: In this Chapter, unless there is anything repugnant in the subject or context:
(a) "adult" means a person who has attained the age of eighteen years;
(b) "arsh" means the compensation specified in this Chapter to be paid to the victim or his heirs under this Chapter;
(c) "authorised medical officer" means a medical officer or a Medical board, howsoever designated, authorised by the Provincial Government;
(d) "daman" means the compensation determined by the Court to be paid by the offender to the victim for causing hurt not liable to arsh;
(e) "diyat" means the compensation specified in Section 323 payable to the heirs of the victim;
(f) "Government" means the Provincial Government;
(g) "ikrah-e-tam" means putting any person, his spouse or any of his blood relations within the prohibited degree of marriage in fear of instant death or instant, permanent impairing of any organ of the body or instant fear of being subjected to sodomy or ziha-bil-jabr;
(h) "ikrah-e-naqis" means any form of duress which does not amount to ikrah-i-tam;
(i) "minor" means a person who is not an adult;
(ii) "offence committed in the name or on the pretext of honour" means an offence committed in the name or on the pretext of karo kari, siyah kari or similar other customs or practices;
(j) "qatl" means causing death of a person;
(k) "qisas" means punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed qatl-i-AMD in exercise of the right of the victim or a Wali;
(l) "ta'zir" means punishment other than qisas, diyat, arsh, or daman; and
(m) "wali" means a person entitled to claim qisas.

300. Qatl-e-Am: Whoever, with the intention of causing death or with the intention of causing bodily injury to a person, by doing an act which in the ordinary course of nature is likely to cause death, or with the knowledge that his act is so imminently dangerous that it must in all probability cause death, causes the death of such person, is said to commit qatl-e-am.

301. Causing death of person other than the person whose death was intended: Where a person, by doing anything which he intends or knows to be likely to cause death, causes death of any person whose death he neither intends nor knows himself to be likely to cause, such an act committed by the offender shall be liable for qatl-i-am.

302. Punishment of qatl-i-am: Whoever commits qatl-i-am shall, subject to the provisions of this Chapter be:
(a) punished with death as qisas;
(b) punished with death or imprisonment for life as ta'zir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or
(c) punished with imprisonment of either description for a term which may extend to twenty-five years, where according to the injunctions of Islam the punishment of qisas is not applicable.
Provided that nothing in this clause shall apply to the offence of qatl-i-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of (a) and (b), as the case may be.

303. **Qatl committed under ikrah-i-tam or ikrah-i-naqis:** Whoever commits qatl:

(a) under Ikrah-i-tam shall be punished with imprisonment for a term which may extend to twenty-five years but shall not be less than ten years and the person causing 'ikrah-i-tam' shall be punished for the kind of Qatl committed as a consequence of ikrah-i-tam; or

(b) under 'ikrah-i-naqis' shall be punished for the kind of Qatl committed by him and the person, causing 'ikrah-i-naqis, shall be punished with imprisonment for a term which may extend to ten years.

304. **Proof of qatl-i-amd liable to qisas, etc.:**

(1) Proof of qatl-i-amd shall be in any of the following forms, namely:

(a) the accused makes before a Court competent to try the offence a voluntary and true confession of the commission of the offence; or

(b) by the evidence as provided in Article 17 of the Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984).

(2) The provisions of sub-section (1) shall, mutatis, mutandis, apply to a hurt liable to qisas.

305. **Wali:** In case of qatl, the wali shall be--

(a) the heirs of the victim, according to his personal law [but shall not include the accused or the convict in case of qatl-i-amd if committed in the name or on the pretext of honour]; and

(b) the Government, if there is no heir.

306. **Qatl-i-amd not liable to qisas:** Qatl-i-Amd shall not be liable to qisas in the following cases, namely:

(a) when an offender is a minor or insane:

Provided that, where a person liable to qisas associates himself in the commission of the offence with a person not liable to qisas, with the intention of saving himself from qisas, he shall not be exempted from qisas;

(b) when an offender causes death of his child or grand-child, how low-so-ever; and

(c) when any wali of the victim is a direct descendant, how low-so-ever, of the offender.

307. **Cases in which Qisas for qatl-i-amd shall not be enforced:**

(1) Qisas for qatl-i-amd shall not be enforced in the following cases, namely:

(a) when the offender dies before the enforcement of qisas;

(b) when any wali voluntarily and without duress, to the satisfaction of the Court, waives the right of qisas under Section 309 or compounds under Section 310 and

(c) when the right of qisas devolves on the offender as a result of the death of the wali of the victim, or on, the person who has no right of qisas against the offender.

(2) To satisfy itself that the wali has waived the right of qisas under Section 309 or compounded the right of qisas under Section 310 voluntarily and without duress the Court shall take down the statement of the wali and such other persons as it may deem necessary on oath and record an opinion
that it is satisfied that the Waiver or, as the case may be, the composition, was voluntary and not the result of any duress.

308. Punishment in qatl-i-amd not liable to qisas, etc.:

(1) Where an offender guilty of qatl-i-amd is not liable to qisas under Section 306 or the qisas is not enforceable under clause (c) of Section 307, he shall be liable to diyat:

Provided that, where the offender is minor or insane, diyat shall be payable either from his property or, by such person as may be determined by the Court:

Provided further that where at the time of committing qatl-i-amd the offender being a minor, had attained sufficient maturity of being insane, had a lucid interval, so as to be able to realize the consequences of his act, he may also be punished with imprisonment of either description for a term which may extend to [twenty-five years] as ta'zir.

Provided further that, where the qisas is not enforceable under clause (c) of Section 307, the offender shall be liable to diyat only if there is any wali other than offender and if there is no wali other than the offender, he shall be punished with imprisonment of either description for a term which may extend to [twenty-five years] years as ta'zir.

(2) Notwithstanding anything contained in sub-section (i), the Court, having regard to the facts and circumstances of the case in addition to the punishment of diyat, may punish the offender with imprisonment of either description for a term which may extend to [twenty-five years] years, as ta'zir.

309. Waiver (Afw) of qisas in qatl-i-amd:

(1) In the case of qatl-i-amd, an adult sane wali may, at any time and without any compensation, waive his right of qisas:

Provided that the right of qisas shall not be waived;

(a) where the Government is the wali, or

(b) where the right of qisas vests in a minor or insane.

(2) Where a victim has more than one Wali any one of them may waive his right of qisas:

Provided that the wali who does not waive the right of qisas shall be entitled to his share of diyat.

(3) Where there are more than one victim, the waiver of the right of qisas by the wali of one victim shall not affect the right of qisas of the wali of the other victim.

(4) Where there are more than one offenders, the waiver of the right of qisas against one offender shall not affect the right of qisas against the other offender.

310. Compounding of qisas (Sulh) in qatl-i-amd:

(1) In the case of qatl-i-amd, an adult sane wali may, at any time on accepting badal-i-sulh, compound his right of qisas:

Provided that a female shall not be given in marriage or otherwise in badal-i-sulh.

(2) Where a wali is a minor or an insane, the wali of such minor or insane wali may compound the right of qisas on behalf of such minor or insane wali:

Provided that the value of badal-i-sulh shall not be less than the value of diyat.

(3) Where the Government is the wali, it may compound the right of qisas:
Provided that fee value of badi-i-sulh shall not be less than the value of diyat.

(4) Where the badl-i-sulh is not determined or is a property or a right the value of which cannot be determined in terms of money under Shari'ah, the right of qisas shall be deemed to have been compounded and the offender shall be liable to diyat.

(5) Badl-i-sulh may be paid or given on demand or on a deferred date as may be agreed upon between the offender and the wali.

310-A. Punishment for giving a female in marriage or otherwise in badal-i-sulh, wanni or swara: Whoever gives a female in marriage or otherwise compels her to enter into marriage, as badal-i-sulh, wanni or swara or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

311. Ta’zir after waiver or compounding of right of qisas in qatl-i-amd: Notwithstanding anything contained in Section 309 or Section 310, where all the wali do not waive or compound the right of qisas, or [if] the principle of fasad-fil-arz the Court may, having regard to the facts and circumstances of the case, punish an offender against whom the right of qisas has been waived or compounded with [death or imprisonment for life or] imprisonment of either description for a term of which may extend to fourteen years as ta’zir

Provided that if the offence has been committed in the name or on the pretext of honour, the imprisonment shall not be less than ten years.

312. Qatl-i-amd after waiver or compounding of qisas: Where a wali commits qatl-i-amd of a convict against whom the right of qisas has been waived under Section 309 or compounded under Section 310, such wali shall be punished with-

(a) qisas, if he had himself, waived or compounded the right of qisas against the convict or had knowledge of such waiver or composition by another wali, or

(b) diyat, if he had no knowledge of such waiver or composition.

313. Right of qisas in qatl-i-amd:

(1) Where there is only one wali, he alone has the right of qisas in qatl-i-amd but, if there are more than one, the right of qisas vests in each of them.

(2) If the victim-

(a) has no wali, the Government shall have the right of qisas; or

(b) has no wali other than a minor or insane or one of the wali is a minor or insane, the father or if he is not alive the paternal grandfather of such wali shall have the right of qisas on his behalf:

Provided that, if the minor or insane wali has no father or paternal grandfather, how high-so-ever, alive and no guardian has been appointed by the Court, the Government shall have the right of qisas on his behalf.

314. Execution of qisas in qatl-i-amd:

(1) Qisas in Qatl-i-amd shall be executed by a functionary of the Government by causing death of the convict as the Court may direct.

(2) Qisas shall not be executed until all the wali are present at the time of execution, either personally or through their representatives authorised by them in writing in this behalf: Provided that
where a wali or his representative fails to present himself on the date, time and place of execution of qisas after having been informed of the date, time and place as certified by the Court, an officer authorised by the Court shall give permission for the execution of qisas and the Government shall cause execution of qisas in the absence of such wali.

(3) If the convict is a woman who is pregnant, the Court may, in consultation with an authorised medical officer, postpone the execution of qisas up to a period of two years after the birth of the child and during this period she may be released on bail on furnishing of security to the satisfaction of the Court, or, if she is not so released she shall, be dealt with as if sentenced to simple imprisonment.

315. Qatl shibh-i-amd: Whoever, with intent to cause harm to the body or mind of any person, causes the death of that or of any other person by means of a weapon or an act which in the ordinary course of nature is not likely to cause death is said to commit qatl shibh-i-amd.

316. Punishment for Qatl shibh-i-amd: Whoever commits qatl shibh-i-amd shall be liable to diyat and may also be punished with imprisonment of either description for a term which may extend to [twenty-five years] as ta'zir.

317. Person committing qatl debarred from succession: Where a person committing qatl-i-amd or Qatl shibh-i-amd is an heir or a beneficiary under a will, he shall be debarred from succeeding to the estate of the victim as an heir or a beneficiary.

318. Qatl-i-khata: Whoever, without any intention to cause death of, or cause harm to, a person causes death of such person, either by mistake of act or by mistake of fact, is said to commit qatl-i-khata.

319. Punishment for qatl-i-khata: Whoever commits qatl-i-khata shall be liable to diyat:

Provided that, where qatl-i-khata is committed by a rash or negligent act, other than rash or negligent driving, the offender may, in addition to diyat, also be punished with imprisonment of either description for a term which may extend to five years as ta'zir.

320. Punishment for qatl-i-khata by rash or negligent driving: Whoever commits qatl-ikhata by rash or negligent driving shall, having regard to the facts and circumstances the case, in addition to diyat, be punished with imprisonment of either description for a term which may extend to ten years.

321. Qatl-bis-sabab: Whoever, without any intention, cause death of, or cause harm to, any person, does any unlawful act which becomes a cause for the death of another person, is said to commit qatl-bis-sabab.

322. Punishment for qatl-bis-sabab: Whoever commit qatl bis-sabab shall be liable to diyat.

323. Value of diyat:

(1) The Court shall, subject to the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah and keeping in view the financial position of the convict and the heirs of the victim, fix the value of diyat which shall not be less than the value of thirty thousand six hundred and thirty grams of silver.

(2) For the purpose of sub-section (1), the Federal Government shall, by notification in the official Gazette, declare the value of Silver, on the first day of July each year or on such date as it may deem fit, which shall be the value payable during a financial year.

324. Attempt to commit qatl-i-amd: Whoever does any act with such intention or knowledge, and under such circumstances, that, if he by that act caused qatl, he would be guilty of qatl-i-amd, shall be punished with imprisonment for either description for a term which may extend to ten years but shall not be less than five years if the offence has been committed in the name or on the pretext of
honour] 129, and shall also be liable to fine, and, if hurt is caused to any person by such act, the offender shall, in addition to the imprisonment and fine as aforesaid, be liable to the punishment provided for the hurt caused:

Provided that where the punishment for the hurt is qisas which is not executable, the offender shall be liable to arsh and may also be punished with imprisonment of either description for a term which may extend to seven years.

326. Thug: Whoever shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with Qatl, is a thug

328. Exposure and abandonment of child under twelve years by parent or person having care of it: Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

332. Hurt:

(1) Whoever causes pain, harm, infirmity or injury to any person or impairs, disables, disfigures, defaces or dismembers any organ of the body or part thereof of any person without causing his death, is said to cause hurt.

(2) The following are the kinds of hurt:

(a) Itlaf-i-udw
(b) Itlaf-i-salahiyyat-i-udw
(c) shajjah
(d) jurh and
(e) all kinds of other hurts

333. Itlaf-i-udw: Whoever dismembers, amputates, severs any limb or organ of the body of another person is said to cause Itlaf-i-udw.

336. Punishment for itlaf-i-salahiyyat-i-udw: Whoever, by doing any act with the intention of causing hurt to any person, or with the knowledge that he is likely to cause hurt to any person, causes itlaf-i-salahiyyat-i-udw of any person, shall, in consultation with the authorised medical officer, be punished with qisas and if the qisas is not executable, keeping in view the principles of equality in accordance with the Injunctions of Islam, the offender shall be liable to arsh and may also be punished with imprisonment of either description for a term which may extend to ten years as taz’ir.

337. Shajjah:

(1) Whoever causes, on the head or face of any person, any hurt which does not amount to itlaf-i-udw or itlaf-i-salahiyyat-i-udw, is said to cause shajjah.

(2) The following are the kinds of shajjah namely:-

(a) Shajjah-i-Khafifah
(b) Shajjah-i-mudihah
(c) Shajjah-i-hashimah
(d) Shajjah-i-munaqqilah
(e) Shaijah-i-ammah and
(f) Shaijah-i-damighah

(3) Whoever causes shajjah:

(i) without exposing bone of the victim, is said to cause shajjah-i-khafifah;
(ii) by exposing any bone of the victim without causing fracture, is said to cause shajjah-imudihah;
(iii) by fracturing the bone of the victim, without dislocating it, is said to cause shajjah-ihashimah;
(iv) by causing fracture of the bone of the victim and thereby the bone is dislocated, is said to cause shajjah-i-munaqqilah;
(v) by causing fracture of the skull of the victim so that the wound touches the membrane of the brain, is said to cause shajjah-i-ammah;
(vi) by causing fracture of the skull of the victim and the wound ruptures the membrane of the brain is said to cause shajjah-i-damighah.

338. Isqat-i-Hamal: Whoever causes woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, or providing necessary treatment to her, is said to cause isqat-i-hamal.

338-A. Punishment for Isqat-i-hamal: Whoever cause isqat-i-hamal shall be liable to punishment as ta'zir-

(a) with imprisonment of either description for a term which may extend to three years, if isqat-i-hamal is caused with the consent of the woman; or
(b) with imprisonment of either description for a term which may extend to ten years, if isqat-i-hamal is caused without the consent of the woman:

Provided that, if as a result of isqat-i-hamal, any hurt is caused to woman or she dies, the convict shall also be liable to the punishment provided for such hurt or death as the case may be.

340. Wrongful confinement: Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

342. Punishment for wrongful confinement: Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term, which may extend to one year, or with fine which may extend to [three thousand rupees] or with both.

344. Wrongful confinement for ten or more days: Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term, which may extend to three years, and shall also be liable to fine.

353. Assault or criminal force to deter public servant from discharge of his duty: Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

354. Assault or criminal force to woman with intent to outrage her modesty: Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby
outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.

355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation: Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

359. Kidnapping: Kidnapping is of two kinds: Kidnapping from Pakistan and kidnapping from lawful guardianship.

360. Kidnapping from Pakistan, etc.: Whoever conveys any person beyond the limits of Pakistan without the consent of that person, or of some person legally authorised to consent on behalf of that person is said to kidnap that person from Pakistan.

363. Punishment for kidnapping: Whoever kidnaps any person from Pakistan or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

365-A. Kidnapping or abducting for extorting property, valuable security, etc.: Whoever kidnaps or abducts any person for the purpose of extorting from the person kidnapped or abducted, or from any person interested in the person kidnapped or abducted any property, whether movable or immovable, or valuable security, or to compel any person to comply with any other demand, whether in cash or otherwise, for obtaining release of the person kidnapped or abducted, shall be punished with death or imprisonment for life and shall also be liable to forfeiture of property.

366-A. Procuration of minor girl: Whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

366-B. Importation of girl from foreign country: Whoever imports into Pakistan from any country outside Pakistan any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

403. Dishonest misappropriation of property: Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

405. Criminal breach of trust: Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

406. Punishment for criminal breach of trust: Whoever, commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to [seven] years, or with fine, or with both.

409. Criminal breach of trust by public servant, or by banker, merchant or agent: Whoever being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life or
with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

411. Dishonestly receiving stolen property: Whoever dishonestly receives or retains, any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

412. Dishonestly receiving stolen property in the commission of a dacoity: Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

417. Punishment for cheating: Whoever cheats shall be punished with imprisonment of either description for a term, which may extend to one year, or with fine, or with both.

420. Cheating and dishonestly Inducing delivery of property: Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment, of either description for a term which may extend to seven years, and shall also be liable to fine.

503. Criminal Intimidation: Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

506. Punishment for criminal intimidation: Whoever commences the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

If threat be to cause death or grievous hurt, etc.:

And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

511. Punishment for attempting to commit offences punishable with imprisonment for life or for a shorter terms: Whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term of imprisonment provided for that offence or with such fine as is provided for the offence, or with both.
### 4.1.1 Chart of Cognizable, Bailable and Compoundable Offences

<table>
<thead>
<tr>
<th>Section</th>
<th>Whether the Police may arrest without warrant or not</th>
<th>Whether bailable or not</th>
<th>Whether compoundable or not</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>109. Punishment of abetment if the Act abetted committed In consequence and where no express provision is made for its punishment:</td>
<td>May arrest without warrant if arrest for offence abetted may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the original offence is bailable</td>
<td>This offence will be compoundable if the original offence is compoundable.</td>
<td>The same punishment as for the offence abetted</td>
</tr>
<tr>
<td>110. Punishment of abetment if person abetted does act with different intention from that of abettor:</td>
<td>May arrest without warrant if arrest for offence abetted may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the original offence is bailable</td>
<td>This offence will be compoundable if the original offence is compoundable.</td>
<td>The same punishment as for the offence abetted</td>
</tr>
<tr>
<td>111. Liability of abettor when one act abetted and different act done:</td>
<td>May arrest without warrant if arrest for offence abetted may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the original offence is bailable</td>
<td>This offence will be compoundable if the original offence is compoundable.</td>
<td>The same punishment as for the offence intended to be abetted</td>
</tr>
<tr>
<td>113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor:</td>
<td>May arrest without warrant if arrest for offence abetted may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the original offence is bailable</td>
<td>This offence will be compoundable if the original offence is compoundable.</td>
<td>The same punishment as for the offence committed</td>
</tr>
<tr>
<td>114. Abettor present when offence is committed:</td>
<td>May arrest without warrant if arrest for offence abetted may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the original offence is bailable</td>
<td>This offence will be compoundable if the original offence is compoundable.</td>
<td>The same punishment as for the offence committed</td>
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</tr>
<tr>
<td>120-B Punishment of criminal conspiracy:</td>
<td>May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.</td>
<td>This offence will be bailable if the offence which is the object of the conspiracy is bailable.</td>
<td>Not compoundable</td>
<td>The same punishment as that provided for the abetment of the offence which is object of the conspiracy.</td>
</tr>
<tr>
<td>Any other criminal conspiracy</td>
<td>Shall not arrest, without warrant.</td>
<td>Bailable</td>
<td>Not compoundable</td>
<td>Imprisonment of either description for six months or fine, or both.</td>
</tr>
<tr>
<td>141. Unlawful assembly:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>142. Being member of unlawful assembly:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>143. Punishment:</td>
<td>May arrest without warrant</td>
<td>Bailable</td>
<td>Not Compoundable</td>
<td>Imprisonment of either description for 6 months, or fine, or both.</td>
</tr>
<tr>
<td>144. Joining unlawful assembly armed with deadly weapon:</td>
<td>May arrest without warrant</td>
<td>Bailable</td>
<td>Not Compoundable</td>
<td>Imprisonment of either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse:</td>
<td>May arrest without warrant</td>
<td>Bailable</td>
<td>Not Compoundable</td>
<td>Imprisonment of either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>146. Rioting:</td>
<td>May arrest</td>
<td>Bailable</td>
<td>Will be</td>
<td>Imprisonment of</td>
</tr>
<tr>
<td>147. Punishment for rioting:</td>
<td>without warrant</td>
<td>compoundable if committed with another compoundable offence</td>
<td>either description for 2 years, or fine, or both.</td>
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</tr>
<tr>
<td>148. Rioting, armed with deadly weapon:</td>
<td>May arrest without warrant</td>
<td>Bailable</td>
<td>Will be compoundable if committed with another compoundable offence.</td>
<td>Imprisonment of either description for 3 years, or fine, or both.</td>
</tr>
<tr>
<td>149. Every member of unlawful assembly guilty of offence committed in prosecution of common object:</td>
<td>According as arrest may be made without warrant for the offence or not.</td>
<td>This offence will be bailable if the original offence is bailable.</td>
<td>Will be compoundable if committed with another compoundable offence.</td>
<td>The same as for the offence.</td>
</tr>
<tr>
<td>150. Hiring, or conniving at hiring, of persons to join unlawful assembly:</td>
<td>May arrest without warrant.</td>
<td>This offence will be bailable if the offence committed by the person hired is bailable.</td>
<td>Will be compoundable if committed with another compoundable offence.</td>
<td>The same as for a member of such assembly, and for any offence committed by any</td>
</tr>
<tr>
<td>151. Knowingly joining or continuing in assembly of five or more persons after it has commanded to disperse:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Will be compoundable if committed with another compoundable offence.</td>
<td>Imprisonment of either description for 6 months, or fine, or both.</td>
</tr>
<tr>
<td>152. Assaulting to obstructing public servant when suppressing riot, etc.:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, or fine or both.</td>
</tr>
<tr>
<td>153. Wantonly giving provocation with intent to cause riot</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description</td>
</tr>
<tr>
<td>172. Absconding to avoid service of summons or other proceeding:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 month or fine of 1,500 rupees, or both.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Action</td>
<td>Bailable</td>
<td>Compoundable</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>176.</td>
<td>Omission to give notice or information to public servant by person legally bound to give it:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If the notice or information required respects the commission of an offence, etc.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If the notice or information is required by an order passed under subsection (1) of section 565 of the CrPC.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td>188.</td>
<td>Disobedience to order duly promulgated by public servant:</td>
<td>Shall not arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If such disobedience causes danger to human life, health or safety, etc.</td>
<td>Shall not arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td>201.</td>
<td>Causing disappearance of evidence of offence, or giving false information to screen offender:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If punishable with imprisonment for life or imprisonment for 10 years.</td>
<td>Shall not arrest without warrant</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td>If punishable with less than 10 years imprisonment.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of a quarter of longest term, and of the description, provided for the offence, or fine, or both.</td>
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</tr>
<tr>
<td><strong>211. False charge of offence made with intent to injure:</strong></td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment or either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>If offence charged punishable with imprisonment for 7 years or upwards.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 7 years, and fine.</td>
</tr>
<tr>
<td>If offence charged be capital, or punishable imprisonment for life.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 7 years, and fine.</td>
</tr>
<tr>
<td><strong>212. Harbouring offender:</strong></td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 5 years, and fine.</td>
</tr>
<tr>
<td>If punishable with imprisonment for life, or with imprisonment for 10 years.</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, and fine.</td>
</tr>
<tr>
<td>If punishable with imprisonment for 1 year and not for 10 years.</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment for 1 quarter of the longest term, and of the description, provided for the offence, or fine, or both.</td>
</tr>
<tr>
<td><strong>216. Harbouring offender who has escaped from custody or whose apprehension has been ordered:</strong></td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either, description for 7 years, and fine.</td>
</tr>
<tr>
<td>If punishable with imprisonment for life, or with</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, with or</td>
</tr>
<tr>
<td>Section</td>
<td>Offence Description</td>
<td>Bailability</td>
<td>Compoundability</td>
<td>Punishment</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>225.</td>
<td>Resistance or obstruction to lawful apprehension of another person:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If charged with an offence punishable with imprisonment for life, or imprisonment for 10 years.</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If the person is sentenced to imprisonment for</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td>216-A</td>
<td>Penalty for harbouring robbers or dacoits:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Rigorous imprisonment for 7 years.</td>
</tr>
<tr>
<td>221.</td>
<td>Intentional omission to apprehend on the part of public servant bound to apprehend:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If punishable with imprisonment for life, or imprisonment for 10 years.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
<tr>
<td></td>
<td>If with imprisonment for less than 10 years.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
</tr>
</tbody>
</table>

If with imprisonment of 10 years.

If with imprisonment for 1 year, and not for 10 years.

If charged with an offence punishable with imprisonment for life, or imprisonment for 10 years.

If charged with a capital offence.
| 279. Rash driving or riding on a public way: | May arrest without warrant. | Bailable | Not compoundable. | Imprisonment of either description for 2 years or fine of 3,000 rupees, or both. |
| 299. Definitions: | N/A | N/A | N/A | N/A |
| 301. Causing death of person other than the person whose death was intended: | | | | |
| 302. Punishment of qatl-i-amd: | | | | |
| 303. Qatl committed under ikrah-i-tam or ikrah-i-naqis: | May arrest without warrant. | Not bailable. | Compoundable. | Imprisonment of either description for 25 years but not less than 10 years. |
| (a) Qatl under ikrah-i-tam. | | | | |
| (c) Qatl under ikrah-i-naqis. | May arrest without warrant. | Not bailable. | Compoundable. | Punishment provided for the kind of qatl committed. |
| 304. Proof of qatl-i-amd liable to | N/A | N/A | N/A | N/A |
| 305. Wali: | N / A | N / A | N / A | N / A |
| 306. Qatl-e-amd not liable to qisas: | N / A | N / A | N / A | N / A |
| 307. Cases in which Qisas for qatl-i-amd shall not be enforced: | N / A | N / A | N / A | N / A |
| 309. Waiver (Afw) of qisas in qatl-i-amd: | N / A | N / A | N / A | N / A |
| 310. Compounding of qisas (Sulh) in qatl-i-amd: | N / A | N / A | N / A | N / A |
| 310-A. Punishment for giving a female in marriage or otherwise in badal-i-sulh, wanni or swara: | Shall not arrest without warrant. | Not bailable. | Not compoundable. | Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000. |
| 311. Ta'zir after waiver or compounding of right of qisas in qatl-i-amd: | Shall not arrest without warrant. | Not bailable. | Compoundable | Death or imprisonment for life or imprisonment of either description up to 14 years, but shall not be less than 10 years if the offence has been committed in the name or on pretext of karokari, siyah |

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<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Arrest</th>
<th>Bailable</th>
<th>Compoundable</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>312. Qatl-i-amd after waiver or compounding of qisas:</td>
<td>Shall not arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Qisas or diyat.</td>
<td></td>
</tr>
<tr>
<td>313. Right of qisas in qatl-i-amd:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>314. Execution of qisas in qatl-i-amd:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>316. Punishment for Qatl shibh-i-amd:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>317. Person committing qatl debarred from succession:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Diyat and imprisonment of either description for 5 years.</td>
<td></td>
</tr>
<tr>
<td>318. Qatl-i-khata:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>320. Punishment for qatl-i-khata by rash or negligent driving:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Diyat and imprisonment of either description for 10 years.</td>
<td></td>
</tr>
<tr>
<td>322. Punishment for qatl-bissabab:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>323. Value of diyat:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>324. Attempt to commit qatl-i-</td>
<td>May arrest without</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Imprisonment of either description for 10 years, but</td>
<td></td>
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<td>amd:</td>
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<td></td>
<td>shall not be less than 5 years if the offence has been committed in the name or on the pretext of karo kari, siyah kari or similar other customs or practices and fine, qisas or arsh in case of hurt and imprisonment up to 7 years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>327. Punishment for being a thug:</td>
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</tr>
<tr>
<td>328. Exposure and abandonment of child under twelve years by parent or person having care of it:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 7 years, or fine, or both.</td>
<td></td>
</tr>
<tr>
<td>332 Hurt:</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td></td>
</tr>
<tr>
<td>333. Itlaf-i-udw:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Qisas or arsh, and imprisonment of either description for 10 years.</td>
<td></td>
</tr>
<tr>
<td>334. Punishment for Itlaf-i-udw:</td>
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</tr>
<tr>
<td>337. Shajjah:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Daman, and imprisonment of either description for two years.</td>
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<tr>
<td>337-A.</td>
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</tr>
<tr>
<td>(i) Shajjah-i-khafifah</td>
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</tr>
<tr>
<td>(ii) Shajjah-i-mudihah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Qisas or arsh, and imprisonment of either description for 5 years.</td>
<td></td>
</tr>
<tr>
<td>(iii) Shajjah-i-hashimah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Arsh, and imprisonment of either description for 10 years.</td>
<td></td>
</tr>
<tr>
<td>(iv) Shajjah-i-munaqqilah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Arsh, and imprisonment of either description for 10 years.</td>
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</tr>
<tr>
<td>(v) Shajjah-i-ammah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Arsh, and imprisonment of either description for 14 years.</td>
<td></td>
</tr>
<tr>
<td>337-D. Jaifah:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Damiyah</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Daman, and imprisonment of either description for one year.</td>
<td></td>
</tr>
<tr>
<td>(ii) Badi’ah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman, and imprisonment of either description for 3 years.</td>
<td></td>
</tr>
<tr>
<td>(iii) Mutalahimah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman and imprisonment of either description for 3 years.</td>
<td></td>
</tr>
<tr>
<td>(iv) Mudihah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman and imprisonment or either description for 5 years.</td>
<td></td>
</tr>
<tr>
<td>(v) Hashimah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman and imprisonment of either description for 5 years.</td>
<td></td>
</tr>
<tr>
<td>(vi) Munaqqilah</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman and imprisonment of either description for 7 years.</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Arrest Without Warrant</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Sentence</td>
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<tr>
<td>337-G.</td>
<td>Hurt by rash or negligent driving:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Arsh or daman, and imprisonment of either description for 5 years.</td>
</tr>
<tr>
<td>337-H. (1)</td>
<td>Hurt by rash or negligent act:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Arsh or daman, and imprisonment of either description for 3 years.</td>
</tr>
<tr>
<td>337-H. (2)</td>
<td>A rash or negligent act to endanger human life or personal safety of others:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Imprisonment of either description for 3 months, or with fine, or with both.</td>
</tr>
<tr>
<td>337-I.</td>
<td>Hurt by mistake (khata):</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Arsh or daman, for the kind of hurt caused.</td>
</tr>
<tr>
<td>337-J.</td>
<td>Hurt by poison:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Arsh or daman, provided for the kind of hurt caused and imprisonment of either description for 10 years.</td>
</tr>
<tr>
<td>337-K.</td>
<td>Hurt for extorting confession etc.:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Qisas, arsh or daman, provided for the kind of hurt caused and imprisonment of either description for 10 years.</td>
</tr>
<tr>
<td>337-L. (a)</td>
<td>Hurts other than specified in sections here-to-before:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Daman, and imprisonment of either description for 7 years.</td>
</tr>
<tr>
<td>337-L. (b)</td>
<td>Other hurts not covered here-to-before:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Daman or imprisonment of either description for two years or with both.</td>
</tr>
<tr>
<td>337-M.</td>
<td>Hurt not liable to qisas:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Arsh, ta’zir and punishment provided for the kind of hurt caused.</td>
</tr>
<tr>
<td>337-N.</td>
<td>Hurt where</td>
<td>May arrest</td>
<td>Not bailable.</td>
<td>Compoundable</td>
<td>Arsh, ta’zir and</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Arrest Without Warrant</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Additional Information</td>
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<tr>
<td>qisas cannot be enforced:</td>
<td></td>
<td>without warrant.</td>
<td></td>
<td></td>
<td>punishment provided for the kind of hurt caused, but ta’zir shall not be less than one-third of the maximum imprisonment provided for the offence where the offender is a previous convict, habitual or hardened, desperate or dangerous criminal, or if the offence has been committed by him in the name or on pretext of karo kari, siyah kari, or similar other customs or practices.</td>
</tr>
</tbody>
</table>

<p>| 338. Isqat-i-Hamal: | | | | | |
| 338-A. (a) Isqat-i-haml with consent: | May arrest without warrant. | Not bailable. | Compoundable | Imprisonment of either description for 3 years and punishment provided for the kind of hurt or death, if caused. |
| 338-A. (b) Isqat-i-haml without consent: | May arrest without warrant. | Not bailable. | Compoundable | Imprisonment of either description for 10 years and punishment provided for the kind of hurt or death, if caused. |
| 338-C. Isqat-i-janin: | May arrest without warrant. | Not bailable. | Compoundable | Diyat, ta’zir and imprisonment of either description for 7 years and punishment provided for the kind of hurt or death, if caused. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Type</th>
<th>Bailable</th>
<th>Compoundable</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>340.</td>
<td>Wrongful confinement:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Imprisonment of either description for 1 year or fine of 3,000 rupees or both.</td>
</tr>
<tr>
<td>342.</td>
<td>Punishment for wrongful confinement</td>
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<tr>
<td>344.</td>
<td>Wrongful confinement for ten or more days:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, and fine.</td>
</tr>
<tr>
<td>353.</td>
<td>Assault or criminal force to deter public servant from discharge of his duty:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>354.</td>
<td>Assault or criminal force to woman with intent to outrage her modesty:</td>
<td>May arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>355.</td>
<td>Assault or criminal force with intent to dishonour person, otherwise than on grave provocation:</td>
<td>Shall not arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable.</td>
<td>Death or imprisonment for life and fine.</td>
</tr>
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<td>363.</td>
<td>Punishment for kidnapping:</td>
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<td></td>
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</tr>
<tr>
<td>360.</td>
<td>Kidnapping from Pakistan, etc.:</td>
<td>N /A</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>366-A.</td>
<td>Procuration of minor girl:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 10 years, and</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Action</td>
<td>Bailable</td>
<td>Compoundable</td>
<td>Punishment</td>
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<tr>
<td>403.</td>
<td>Dishonest misappropriation of property:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable when permission is given by the Court before which the prosecution is pending.</td>
<td>Imprisonment of either description for 2 years, or fine, or both.</td>
</tr>
<tr>
<td>405.</td>
<td>Criminal breach of trust:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, or fine, or both.</td>
</tr>
<tr>
<td>409.</td>
<td>Criminal breach of trust by public servant, or by banker, merchant or agent:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, or fine, or both.</td>
</tr>
<tr>
<td>411.</td>
<td>Dishonestly receiving stolen property:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Imprisonment of either description for 3 years, or fine, or both.</td>
</tr>
<tr>
<td>417.</td>
<td>Punishment for cheating:</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Compoundable when permission is given by the Court before which the prosecution is pending.</td>
<td>Imprisonment of either description for 1 year, or fine, or both.</td>
</tr>
<tr>
<td>420.</td>
<td>Cheating and dishonestly inducing delivery of property:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable when permission is given by the Court before which the prosecution is pending.</td>
<td>Imprisonment of either description for 7 years and fine.</td>
</tr>
<tr>
<td>503. Criminal Intimidation:</td>
<td>Shall not arrest without warrant.</td>
<td>Not bailable.</td>
<td>Compoundable.</td>
<td>Imprisonment of either description for 2 years, or fine or both.</td>
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<tr>
<td>506. Punishment for criminal intimidation:</td>
<td>According as the offence is one in respect of which the police may arrest without warrant or not.</td>
<td>This offence will be bailable if the offence contemplated is bailable.</td>
<td>Compoundable when the offence attempted is compoundable.</td>
<td>Imprisonment for life, or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, daman, or both.</td>
<td></td>
</tr>
<tr>
<td>511. Punishment for attempting to commit offences punishable with imprisonment for life or for a shorter terms:</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 year, fine, or both.</td>
<td></td>
</tr>
<tr>
<td>If punishable with death, imprisonment for life, imprisonment exceeding 7 years, amputation of hand or foot or both hand and foot or with or whipping exceeding 80 stripes with or without any other of the said punishment.</td>
<td>May arrest without warrant.</td>
<td>Not bailable.</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 year, fine, or both.</td>
<td></td>
</tr>
<tr>
<td>If punishable with imprisonment for 3 years and upwards but not exceeding 7 years or with whipping not exceeding 80 stripes with or without imprisonment.</td>
<td>May arrest without warrant.</td>
<td>Not bailable, except in cases under the Arms Act, 1878, section 19, which shall be bailable.</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 year, fine, or both.</td>
<td></td>
</tr>
<tr>
<td>If punishable with imprisonment for 1 year and upwards but less than 3 years or with whipping not exceeding 40 stripes with or without imprisonment.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 year, fine, or both.</td>
<td></td>
</tr>
<tr>
<td>If punishable with imprisonment for less than 1 year or with whipping not exceeding 10 stripes with or without imprisonment or with fine only.</td>
<td>Shall not arrest without warrant.</td>
<td>Bailable</td>
<td>Not compoundable.</td>
<td>Simple imprisonment for 1 year, fine, or both.</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 4.2: FREQUENTLY USED SECTIONS OF QANUN-E-SHAHADAT ORDER, 1984

2. Interpretation: (1) In this Order, unless there is anything repugnant in the subject or context—

(a) "Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence;

(b) "Document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose recording that matter;

(c) "Evidence" includes;

(i) all statements which the Court permits or requires be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence; and

(ii) all documents produced for the inspection of the Court; such documents are called documentary evidence;

(d) "fact" includes—

(i) anything, state of things, or relation of things capable of being perceived by the senses and

(ii) any mental condition of which any person is conscious.

(2) One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of the Order relating to the relevancy of facts.

(3) The expression "facts in issue" includes any fact from which, either by itself or in connection with other facts the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding, necessarily follows.

(4) A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

(5) A fact is said to be disproved when after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

(6) A fact is said not to be proved when it is neither proved nor disproved.

(7) Whenever it is provided by this Order that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

(8) Whenever it is directed by this Order that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

(9) When one fact is declared by the Order to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

3. Who may testify: All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind or any other cause of the same kind:
Provided that a person shall not be competent to testify if he has been convicted by a Court for perjury or giving false evidence.

Provided further that the provisions of the first proviso shall not apply to a person about whom the Court is satisfied that he has repented thereafter and mended his ways.

Provided further that the Court shall determine the competence of a witness in accordance with the qualifications prescribed by the injunctions of Islam as laid down in the Holy Qur'an and Sunnah for a witness, and, where such witness is not forthcoming the Court may take the evidence of a witness who may be available.

4. Judges and Magistrates: No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as Judge or Magistrate, or as to anything which come to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

5. Communications during marriage: No person who is or has been married shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclosed any such communication, unless the person who made its, or his representative-in-interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

6. Evidence as to affairs of State: No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

7. Official communications: No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure. Explanations In this Article, a communications includes communications concerning industrial or commercial activities carried on, directly or indirectly, by the Federal Government or a Provincial Government or any statutory body or corporation or company set up or controlled by such Government.

8. Information as to commission of offences: No Magistrate or Police officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

15. Witness not excused from answering on ground that answer will criminate: A witness shall not be excused from answering any Question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceedings, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

16. Accomplice: An accomplice shall be a competent witness against an accused person, except in the case of an offence punishable with hadd and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

17. Competence and number of witnesses: (1) The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance With the injunctions of Islam as laid down in the Holy Qur'an and Sunnah:"

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(2) Unless otherwise provided in any law relating to the enforcement of Hudood or any other special law: —

(a) in matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly; and

(b) in all other matters, the Court may accept, or act on the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

18. Evidence may be given of facts in issue and relevant facts: Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant and of ho others.

19. Relevancy of facts forming part of some transaction: Facts, which though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant whether they occurred at the same time and place or at different times and places.

20. Facts which are the occasion, cause or effect of facts in issue: Facts which are the occasion, cause or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

21. Motive, preparation and, previous or subsequent conduct: (1) Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

(2) The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

22. Facts necessary to explain or introduce relevant facts: Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue, or relevant fact happened, or Which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

23. Things said or done by conspirator in reference to common design: Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy, as for the purpose of showing that any such person was a party to it.

24. When facts not otherwise relevant become relevant: Facts not otherwise relevant are relevant—(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or nonexistence of any tacit in issue or relevant fact highly probable or improbable.

27. Facts showing existence of state of mind, or of body, or bodily feeling: Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily
feeling, are relevant, when the existence of any such state of mind or body or bodily feeling is in issue or relevant.

28. Facts bearing on question whether act was accidental or intentional: When there is a question whether an act was accidental or intentional, or done with a particular knowledge or intention, the fact that such act formed part of a series or similar occurrence; in each of which the person doing the act was concerned, is relevant.

30. Admission defined: An admission is a statement, oral or documentary which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons and under the circumstances, hereinafter mentioned.

37. Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding: A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

38. Confession to police officer not to be proved: No confession made to a police officer shall be proved as against a person accused of any offence.

39. Confession by accused while in custody of police not to be proved against him: Subject to Article 10, no confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against person. Explanation: In this Article, "Magistrate" does not include the head of a village discharging magisterial function unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1898 (Act V of 1898).

40. How much of information received from accused may be proved: When any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

46. Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant: Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot, be found, or, who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable, are themselves relevant facts in the following cases:

(1) When it relates to cause of death: When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question. Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which cause of his death comes into question.

(2) Or is made in course of business: When the statement is made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him; or of the date of a letter or other document usually dated, written or signed by him.
(3) Or against interest of maker: When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose or would have exposed him to a criminal prosecution or to a suit for damages.

(4) Or gives opinion as to public right or customs or matters of general interest: When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence, of which it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter has arisen.

(5) Or relates to existence of relationship: When the statement relates to the existence of any relationship by blood, marriage or adoption between persons as to whose relationship by blood marriage or adoption the person making the statement had special means of knowledge, and when the statement was made before question in dispute was raised.

(6) Or is made in will or deed relating to family affairs: When the statement relates to the existence of any relationship by blood, marriage or adoption between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, of in any family pedigree, or upon any tombstone, family portrait or other things on which such statements are usually made and when such statement was made before the question in dispute was raised.

(7) Or In document relating to transaction mentioned in Article 26, paragraph (a): When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in Article 26, paragraph (a).

(8) Or is made by several persons and expresses feelings relevant to matter in question: When the statement was made by a number of parsons, and expressed feelings or impressions on their part relevant to the matter in question;

59. Opinions of experts: When the Court has to form an opinion upon a point of foreign law, or of science/or art, or as to identity Of hand-writing or finger impressions; the opinions upon that point of persons specially skilled in such foreign law science or art, or in questions as to identity of hand-writing or finger impressions-are relevant facts. Such persons are called experts.

60. Facts bearing upon opinions of experts: Facts not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinion are relevant.

61. Opinion as to hand-writing when relevant: When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any parson acquainted with the hand-writing of the person by whom it is supposed to be written or signed that it was or it was not written or signed by that person, is relevant fact.

Explanation: A person is said to be acquainted with the hand-writing of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

67. In criminal cases previous good character relevant: In criminal proceedings the fact that the person accused is of a good character is relevant.

68. Previous bad character not relevant, except in reply: In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it become relevant.
70. **Proof of facts by oral evidence:** All facts, except the contents of documents, may be proved by oral evidence.

71. **Oral evidence must be direct:** Oral evidence must, in all cases whatever be direct, that is to say—

   If it refers to a fact, which could be seen, it must be the evidence of a witness who says he saw it;

   If it refers to a fact, which could be heard, it must be the evidence of a witness who says he heard it;

   If it refers to a fact, which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

   If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

   Provided that the opinions of experts expressed in any treaties commonly offered for sale and the grounds on which such opinions are held, maybe proved by the production of such treaties if the author is dead, or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable:

   Provided further that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection:

   Provided further that, if a witness is dead, or cannot be found or has become incapable of giving evidence, or his attendance cannot be procured without an amount of delay or expense which under the circumstances of the case the Court regards as unreasonable, a party shall have the right to produce, “shahada ala al-shahadah” by which a witness can appoint two witnesses to depose on his behalf, except in the case of Hudood.

73. **Primary evidence:** "Primary evidence“ means the document itself produced for the inspection of the Court.

74. **Secondary evidence:** "Secondary evidence means and includes—

   (1) certified copies given under the provisions hereinafter contained ;

   (2) copies made from the original by mechanical process which is themselves insure the accuracy of the copy, and copies compared with such copies ;

   (3) copies made from or compared with the original.

   (4) counterparts of documents as against the parties who did not execute them ;

   (5) oral accounts of the contents of a document given by some person who has himself seen it.

77. **Rules as to notice to produce:** Secondary evidence of the contents of the documents referred to in Article 76, paragraph (a), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, or to his advocate, such notice to produce it as is prescribed by Law and, if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

   Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it: —

   (1) when the document to be proved is itself a notice ;
(2) when, from the nature of the case, the adverse party must know that he will be required to produce it;

(3) when it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4) when the adverse party or his agent has the original in Court;

(5) when the adverse party or his agent has admitted the loss of the document;

(6) when the person in possession of the document is out of reach of, or not subject to, the process of the Court.

78. Proof of signature and handwriting of person alleged to have signed or written document produced: If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

129. Court may presume existence of certain facts: The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

140. Cross-examination as to previous statements in writing: A witness may be cross-examined as to previous statements made by him in writing or reduce into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

150. Question by party to his own witness: The Court may, in its discretion, permit the person who calls a witness to put any questions to him, which might be put in cross-examination by the adverse party.

151. Impeaching credit of witness: The credit of a witness may be impeached in the following ways by the adverse party or with the consent of the Court, by the party who calls him:

(1) by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be un-worthy of credit;

(2) by proof that the witness has been bribed, or has accepted the offer of a bribe, or has received any other corrupt inducement to give his evidence;

(3) by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4) when a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

153. Former statements of witness may be proved to corroborate later testimony as to same fact: In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact at or about the time when the fact took place, or before any authority legally competent to investigate the facts; may be proved.

155. Refreshing memory: (1) A witness may, while under examination, fresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.
(2) The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read if he knew it to be correct.

(3) Whenever a witness may refresh his memory by reference to any document, he may with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

(4) An expert may refresh his memory by reference to professional treaties.

157. Right of adverse party as to writing used to refresh memory: Any writing referred to under the provisions of the two last proceeding Articles must be produced and shown to the adverse party if he requires it, such party may, if he pleases, cross-examine the witness thereupon.

158. Production of documents: (1) A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to in its admissibility. The validity of any objection shall be decided on by the Court

(2) The Court, if it sees fit may inspect the document unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

(3) If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the translator disobeys such direction, he shall be held to have committed an offence under Section 166 of the Pakistan Penal Code (Act XLV of 1860).

164. Production of evidence that has become available because of modern devices, etc.: In such cases as the Court may consider appropriate, the Court may allow to be produced any evidence that may have become available because of modern devices or techniques.
CHAPTER 5: RELEVANT SECTIONS OF SPECIAL LAWS

5.1 THE EXPLOSIVES ACT, 1884

Sections:

7. Power to make rules conferring powers of inspection, search, seizure, detention and removal.—(1) The [Government] [* * *], may make rules consistent with this Act authorizing any officer, either by name or in virtue of his office—

(a) to enter, inspect and examine any place, carriage [aircraft] or vessel in which an explosive is being manufactured, possessed, used, sold, transported [exported] or imported under a license granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported [exported] or imported in contravention of this Act or of the rules made under this Act;

(b) to search for explosives therein;

(c) to take samples of any explosive found therein on payment of the value thereof; and

(d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

(2) The provisions of the [Code of Criminal Procedure, 1898 (Act V of 1898)] relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

8. Notice of accidents.—(1) Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage [aircraft] or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel [or aircraft], or the person in charge of the carriage, as the case may be, shall [within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the [Secretary to the Government, Home Department] and] to the officer in charge of the nearest police-station.

(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with fine which may extend to five 51[thousand] rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months, or with fine, or with both.

9. Inquiry into accidents.—(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, carriage [aircraft] or vessel under the control of any of [the armed forces of Pakistan], an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate [* * * *] shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1898 (V of 1898), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.
(3) The person holding an inquiry under this section shall make a report to the Government stating the causes of the accident and its circumstances.

(4) The Government may make rules—

(a) to regulate the procedure at inquiries under this section;

(b) to enable the [Secretary to the Government, Home Department] to be present or represented at any such inquiry;

(c) to permit the [Secretary to the Government, Home Department] or his representative to examine any witnesses at the inquiry;

(d) to provide that where the [Secretary to the Government, Home Department] is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;

(e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

9A. Inquiry into more serious accidents.—(1) The Government may, where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the [Secretary to the Government, Home Department] or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) Where the Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

(3) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860).

(4) Any person holding an inquiry under this section may exercise, such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Government shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The Government may make rules for regulating the procedure at inquiries under this section.

10. Forfeiture of explosives.—When a person is convicted of an offence punishable under this Act or the rules made under this Act, the Court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

13. Power to arrest without warrant persons committing dangerous offences. — Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, [aircraft or vessel], may be apprehended without a warrant by a Police-officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or conservator of the port, [or the officer-in-charge of the airport], and be removed
from the place where he is arrested and conveyed as soon as conveniently may be before a [Judicial Magistrate].

5.2 The Explosive Substances Act, 1908

NOTE: This is now covered by the FIA Act, Schedule – item no. 2

Sections:

3. Punishment for causing explosion likely to endanger life or property.— Any person who unlawfully and maliciously causes by any explosive substance an explosion of nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with [death or imprisonment for life].

4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.— Any person who unlawfully and maliciously—
   (a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in [Pakistan] of a nature likely to endanger life or to cause serious injury to property; or
   (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in [Pakistan], or to enable any other person by means thereof to endanger life or cause serious injury property in [Pakistan]; shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with [imprisonment for life or any shorter term which shall not be less than seven years].

5. Punishment for making or possessing explosives under suspicious circumstances.
   — Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with [imprisonment for a term which may extend to fourteen years].

6. Punishment of abettors.— Any person who by the supply of or solicitation for money, the providing of premises, the supply of material, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

5.3 The Probation of Offenders Ordinance, 1960

Sections:

4. Conditional discharges, etc.— 1) Where a court by which a person, not proved to have been previously convicted, is convicted of an offence punishable with imprisonment for not more than two years is of opinion, having regard to:—
   (a) the age, character, antecedents or physical or mental condition of the offender, and
   (b) the nature of the offence or any extenuating circumstances attending the commission of the offence,

That it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may, after recording its reasons in writing, make an order discharging him after if admonition, or, if the court thinks fit, it may likewise make an order discharging him subject to the condition that he enters into a bond, with or without sureties, for committing no offence and being of good behaviour during such period not exceeding one year from the date of the order as may be specified therein.
(2) An order discharging a person subject to such condition as aforesaid is hereafter in this Ordinance referred to as “an order for conditional discharge”, and the period specified in any such order as “the period of conditional discharge”.

(3) Before making an order for conditional discharge, the court shall explain to the offender in ordinary language that if he commits any offence or does not remain of good behaviour during the period of conditional discharge he will be liable to be sentenced for the original offence.

(4) Where a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

5. **Power of court to make a probation order in certain cases.**— (1) Where a court by which—

(a) any male person is convicted of an offence not being an offence under Chapter VI or Chapter VII of the Pakistan Penal Code, or under sections 216A, 328, 382, 386, 387, 388, 389, 392, 393, 397, 398, 399, 401, 402, 455, or 458 of that Code, or an offence punishable with death or transportation for life, or

(b) any female person is convicted of any offence other than an offence punishable with death, is of opinion that, having regard to the circumstances including the nature of the offence and the character of the offender, it is expedient to do so, the court may, for reasons to be recorded in writing, instead of sentencing the person at once, make a probation order, that is to say, an order requiring him or her to be under the supervision of a probation officer for such period, not being less than one year or more than three years, as may be specified in the order;

Provided that the court shall not pass a probation order unless the offender enters into a bond, with or without sureties, to commit no offence and to keep the peace and be of good behaviour during the period of the bond and to appear and receive sentence if called upon to do so during that period:

Provided further that the court shall not pass a probation order under this section unless it is satisfied that the offender or one of his sureties, if any, has a fixed place of abode or a regular occupation within the local limits of its jurisdiction and is likely to continue in such place of abode or such occupation, during the period of the bond.

(2) While making a probation order, the court may also direct that the bond shall contain such conditions as in the opinion of the court may be necessary for securing supervision of the offender by the probation officer and also such additional conditions with respect to residence, environment, abstention from intoxicants and any other matter which the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender and for rehabilitating him as an honest, industrious and law-abiding citizen.

(3) When an offender is sentenced for the offence in respect of which a probation order was made, that probation order shall cease to have effect.

7. **Failure to observe conditions of the bond.**— (1) If the court by which an offender is bound by a bond under section 5 has reason to believe that the offender has failed to observe any of the conditions of his bond, it may issue a warrant for his arrest or may, if it thinks fit, issue summons to the offender and his sureties, if any, requiring them to appear before it at such time as may be specified in the summons.

(2) The court before which an offender is brought or appears under sub-section (1) may either remand him to judicial custody until the case is heard or admit him to bail, with or without sureties, to appear on the date of hearing.

(3) If the court, after hearing the case, is satisfied that the offender his failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) of section 5, it may forthwith—
(a) sentence him for the original offence, or

(b) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one thousand rupees:

Provided that the court imposing the fine shall take into account the amount of compensation, damages or costs ordered to be paid under section 6.

(4) If a fine imposed under clause (b) of sub-section (3) is not paid within such period as the court may fix, the court may sentence the offender for the original offence.

11. Effects of discharge and probation.— (1) A conviction of an offence, for which an order is made under section 4 or section 5 for discharging the offender after the due admonition or conditionally or placing him on probation, shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the provisions of this Ordinance:

Provided that where an offender, being not less than eighteen years of age at the time of his conviction of an offence for which an order discharging him conditionally or placing him on probation is made, is subsequently sentenced under this Ordinance for that offence, the provisions of this sub-section shall cease to apply to the conviction.

(2) Without prejudice to the foregoing provisions of this section, the conviction of an offender who is discharged after due admonition or conditionally, or who is placed on probation, shall in any event be disregarded for the purposes of any law which imposes any disqualification or disability upon convicted persons, or authorizes or requires the imposition of any such disqualification or disability.

(3) The foregoing provisions of this section shall not affect—

(a) any right of any such offender to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence (6) the revisiting or restoration of any property in consequence of the conviction of any such offender.

5.4 The Pakistan Criminal Law (Amendment) Act, 1958

Sections:

5. Offences to be tried by Special Judges.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law, the offences specified in the Schedule shall be triable exclusively by a special Judge.

(2) The appropriate Government may, from time to time, by notification in the Official Gazette, include in the Schedule such other offences as it deems necessary or expedient.

(3) All cases relating to the offences specified in the Schedule and pending in any Court other than the Court of a Special Judge immediately before the commencement of the Criminal Law Amendment Act, 1953 (XXXVI of 1953), or this Act shall, on such commencement, stand transferred to the Court of the Special Judge having jurisdiction over such cases.

(4) Whenever an offence is included in the Schedule by a notification of the appropriate Government made under subsection 1[(2)], all cases relating to that offence pending in any Court other than the Court of a Special Judge immediately before such notification shall stand transferred to the Court of the Special Judge having jurisdiction over such cases.

(5) In respect of cases transferred to a Special Judge under the proviso to subsection 2[(3)] of section 4 or by virtue of subsection (3) or subsection (4) of this section, such Judge shall not, by reason of the said transfer, be bound to recall and rehear any witness who has given evidence in the case before
transfer and may act on the evidence already recorded by or produced before the Court which tried the case before the transfer.

(6) For the purpose of trial before a Special Judge, the provisions of Chapter XVIII of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not be applicable but a Special Judge may, in any case where he deems it necessary, order an investigation by any police officer in whose jurisdiction the offence was wholly or partly committed.

(7) When trying an offence under this Act a Special Judge may also charge with and try other offences not so triable with which the accused may, under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to the joinder of charges, be charged at the same trial.

6. Procedure in trial of cases and powers of Special Judges. (1) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), except those of Chapter XXXVIII of that Code, shall, in so far as they are not inconsistent with this Act, apply to the proceedings of the Court of a Special Judge and for the purposes of the said provision, the Court of a Special Judge shall be deemed to be a Court of Session trying cases without the aid of assessors or jury, and a person conducting prosecution before the Court of a Special Judge shall be deemed to be a Public Prosecutor.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), in the case of any offence punishable under sections 161 to 165, section 165A, sections 406 to 409, section 420, sections 465 to 468 or section 477A of the Pakistan Penal Code, (XLV of 1860), or under section 5 of the Prevention of Corruption Act, 1947 (II of 1947), at any stage of investigation or enquiry, a District Magistrate or Sub-Divisional Magistrate or a Magistrate of the first class, and at any stage of trial the Special Judge, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, may for reasons to be recorded in writing tender pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof and any pardon so tendered shall, for the purpose of sections 339 and 339A of the Code of Criminal Procedure, 1898 (Act V of 1898), be deemed to have been tendered under section 337, or, as the case may be, under section 338 of that Code:

Provided that in every case where a person has accepted a pardon deemed to have been tendered under section 337, the Magistrate shall, without making any further enquiry, send the case for trial to the Court of the Special Judge having jurisdiction over such case.

(3) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to trial of cases under this Act in so far as they are not inconsistent with the provisions of this Act.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law, previous sanction of the appropriate Government shall be required for the prosecution of a public servant for an offence under this Act and such sanction shall be sufficient for the prosecution of a public servant for an offence triable under this Act:

Provided that in cases where the complaint or report referred to in subsection (1) of section 4 is not accompanied by such sanction, the Special Judge shall, immediately on receipt of the complaint or report, address, by letter, the appropriate Government in the matter, and if the required sanction is neither received nor refused within sixty days of the receipt of the letter by the appropriate Government, such sanction shall be deemed to have been duly accorded:

Provided further that no such sanction shall be required in respect of a case transferred under the proviso to subsection 1[(3)] of section 4 or by virtue of subsection (3) or subsection (4) of section 5, if such sanction in respect thereof has been duly accorded or deemed to have been so accorded before the case is so transferred.
Provided that in every case where a person has accepted a pardon deemed to have been tendered under section 337, the Magistrate shall, without making any further enquiry, send the case for trial to the Court of the Special Judge having jurisdiction over such case.

(3) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to trial of cases under this Act in so far as they are not inconsistent with the provisions of this Act.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law, previous sanction of the appropriate Government shall be required for the prosecution of a public servant for an offence under this Act and such sanction shall be sufficient for the prosecution of a public servant for an offence triable under this Act:

Provided that in cases where the complaint or report referred to in subsection (1) of section 4 is not accompanied by such sanction, the Special Judge shall, immediately on receipt of the complaint or report, address, by letter, the appropriate Government in the matter, and if the required sanction is neither received nor refused within sixty days of the receipt of the letter by the appropriate Government, such sanction shall be deemed to have been duly accorded:

Provided further that no such sanction shall be required in respect of a case transferred under the proviso to subsection 1[(3)] of section 4 or by virtue of subsection (3) or subsection (4) of section 5, if such sanction in respect thereof has been duly accorded or deemed to have been so accorded before the case is so transferred.

7. Special rules of evidence.__(1) When any person is charged before a Special Judge with an offence triable under this Act, the fact that such person or any other person through him or on his behalf, is in possession, for which he cannot satisfactorily account, of pecuniary resources, or property disproportionate to his known sources of income, or that such person has, on or about the time of offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved, and may be taken into consideration by the Special Judge as a relevant fact in deciding whether he is guilty of the particular offence with which he is charged.

(2) Where in any trial before a Special Judge of an offence punishable under sections 161 to 165 of the Pakistan Penal Code (Act XLV of 1860), it is proved that an accused person has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person, any gratification (other than legal remuneration) or any valuable thing, or any pecuniary advantage from a person or the agent of a person, for any favour shown or promised to be shown by the accused person, it shall be presumed, unless the contrary is proved, that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification, or that valuable thing, or pecuniary advantage to himself or some other person, as the case may be, as a motive or reward such as is mentioned in sections 161, 162 and 163 of the said Code or, as the case may be, without consideration or for a consideration which he knew to be inadequate.

(3) Where in any trial of an offence punishable under section 165A of the Pakistan Penal Code (Act XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give the gratification or valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the said Code or, as the case may be, without consideration or for a consideration which he knew to be inadequate.

(4) Notwithstanding anything contained in subsections (2) and (3), the Court may decline to draw the presumption referred to in either of the said subsections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

11. Bail and imprisonment.__(1) Notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force,
offences triable by a Special Judge under this Act shall be deemed to be non-bailable. (2) Any offence triable under this Act which is punishable with simple imprisonment shall be deemed to be punishable with imprisonment of either description.

5.5 **The West Pakistan Maintenance of Public Order Ordinance, 1960**

**NOTE:** These powers have been transferred to the provinces.

**Sections:**

3. **Power to arrest and detain suspected persons.**— (1) Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for such period as may, subject to the other provisions of this section, be specified in the order, and Government, if satisfied that for the aforesaid reasons it is necessary so to do, may, [* * *] extend from time to time the period of such detention, [for a period not exceeding six months at a time.]

[Explanation I]— For the purposes of this section—

(i) ‘dealing in the black-market’ or ‘hoarding’ as defined in the Hoarding and Black Market Act, 1948; or

(ii) an act of smuggling punishable under the Sea Customs Act, 1878, or the Land Customs Act, 1924, or under any other law for the time being in force; [or]

[(iii) an act which is an offence under the Drugs Act, 1976 (XXXI of 1976);] shall be deemed to be an act prejudicial to the maintenance of public order.

[Explanation II]— Whoever is or was a member of an association or its Executive Committee, which association is or has been declared to be unlawful under any law for the time being in force in the province, at any time during the period of seven days immediately before it was so declared to be unlawful, or remains or becomes a member of such an association or is on the Executive Committee thereof after it has been so declared to be unlawful shall be deemed to be acting in a manner prejudicial to be public order for the purposes of this section.]

[(2) If a District Coordination Officer or a public servant authorized in this behalf by the Government has reasons to believe that a person, within his territorial jurisdiction has acted, is acting or is about to act in a manner which is prejudicial to public safety or maintenance of public order, he shall immediately refer the matter to the Government.]

(3) (a) An order of arrest under sub-section (1) may be addressed to a police officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may be necessary. The police officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under sub-section (7).

(b) A police officer not below the rank of Sub-Inspector, if satisfied on receipt of credible information that a person against whom an order of arrest or of arrest and detention has been made under this section is present within such officer’s jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him [.] [and thereupon commit the arrested person to such custody as may be prescribed under sub-section (7), or if he receives any requisition in this behalf from the police officer or other person to whom the warrant of arrest for the person arrested is addressed, make over the custody of the arrested person to such police officer or other person.]

(4) On receipt of a reference under sub-section (2), Government may,—

(a) reject the reference; or

(b) make an order of arrest and detention in terms of sub-section (1).

(5) No person shall be detained under this section for a period exceeding three months unless the Board, before the expiry of the period of three months, has reviewed his case and reported that there is, in its opinion, sufficient cause for such detention.
If the detention of a person is required for more than three months, the Government shall, as early as possible but not later than two weeks before the expiry of such period, request the Chief Justice of the Lahore High Court to appoint a Board to be known as the Review Board.

The Board shall consist of a chairman and two other persons, each of whom is or has been a judge of the Lahore High Court.

If the Government is of the opinion that a person shall be detained for a period exceeding three months, the Government shall immediately after the appointment of the Board, refer the case of the person to the Board for review and report before the expiry of each period of three months.

The Board shall, after considering the material placed before it, affording the detained person an opportunity of being heard in person, taking into account the representation or any other document submitted by the person and calling for such further information as it may require from the Government, submit its report, before the expiry of each period of three months, to the Government as to whether, in its opinion, there is sufficient cause for the further detention of the person.

The opinion of the Board shall be expressed in terms of the views of the majority of its members.

The proceedings and the report of the Board, except the part of the report in which the opinion of the Board is expressed, shall be confidential.

If the Board reports that there is, in its opinion, no sufficient cause for the further detention of the detained person, the Government shall rescind the detention order and direct the release of the person on the expiry of the period of three months.

If the Board reports that there is, in its opinion, sufficient cause for the further detention of the detained person, the Board shall determine the place of detention of the person and fix a reasonable subsistence allowance for his family which is to be paid by the Government.

If a detention order of a person is made under this section, the authority making the order:

(a) shall, within fifteen days of the detention of the person, communicate to the person the grounds on which the order has been made, and shall afford the person the earliest opportunity of making a representation to the Government against the detention order;
(b) may refuse to disclose facts to the detained person which the authority considers to be against public interest to disclose; and
(c) shall furnish to the Board all documents relevant to the case unless a certificate signed by the Secretary to the Government, Home Department, to the effect that it is not in the public interest to furnish any document to the Board, is produced.

Where a representation is made to Government under sub-section (6), Government may, on consideration of the representation and giving the person detained an opportunity of being heard, modify, confirm or rescind the order.

So long as there is in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as Government may from time to time prescribe by general or special order.

If Government or a District Coordination Officer has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section has absconded or is concealing himself so that such order cannot be executed, Government or the District Coordination Officer, as the case may be, may:

(a) forward a copy of the order, with a declaration that such person cannot be found, to a magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be arrested and detained were a warrant issued by the magistrate;
(b) by order notified in the official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for
him to comply therewith and that he had within the period specified in the order, informed
the officer concerned of the reasons which rendered compliance therewith impossible and
of his whereabouts or taken all possible steps to give such information, be punishable with
imprisonment for a term which may extend to three years or with fine, or with both.

(9) Government may at any time, subject to such conditions as it may think fit to impose, release
a person detained under this section and may require him to enter into a bond, with or without
sureties, for the due observance of the conditions.

(10) A District Coordination Officer or a public servant authorized under sub-section (2) may
summon and interrogate or cause the summoning and interrogation of a person including a person arrested
or detained under this section, if in his opinion such interrogation is likely to lead to the discovery of
information which may enable the more effective exercise of powers under this Ordinance, whether in
respect of the person interrogated or any other person, and the person being interrogated is bound to
truthfully answer the questions pertaining to the subject of the inquiry.

(11) The limitation of duration of detention of a person and mandatory submission of the case of a
detained person to the Board under this section shall not apply in case of a person who, for the time being, is
an enemy alien.

4. Powers of photographing, etc. of suspected persons.– (1) Government or other authority
making an arrest or directing the arrest of a person under section 3 may by order direct that the
arrested person shall—

(a) let himself be photographed;
(b) allow his finger and thumb-impressions to be taken; and
(c) furnish specimens of his handwriting and signature.

(2) If any person contravenes any order made
under this section, he shall be punished with
imprisonment for a term which may extend to six months or with fine or with both.

5. Power to control suspected persons.– (1) Government or the District Coordination Officer,
if satisfied with respect to any particular person that with a view to preventing him from acting in any
manner prejudicial to public safety or public interest or the maintenance of public order, it is
necessary so to do, may by order in writing, give any one or more of the following directions, namely,
that such person—

(a) shall not enter, reside or remain in any area that may be specified in the order;
(b) shall reside or remain in any area that may be specified in the order;
(c) shall remove himself from, and shall not return to, any area that may be specified in the
order;
(d) shall conduct himself in such manner or abstain from such acts, as may be specified in the
order; and
(e) shall enter into a bond, with or without sureties for the due observance of the directions
specified in the order.

(2) An order under sub-section (1) made by the District Coordination Officer shall not, unless
Government by special order otherwise directs, remain in force for more than three months from the
making thereof.

(3) Government may at any time cancel or vary any order made by the District Coordination Officer
under sub-section (1).

(4) An order under clause (a) of sub-section (1) made by Government may specify as the area to
which the order relates, the whole province or any part thereof, and an order made by the
District Coordination Officer may specify as such area the whole district or any part thereof:

Provided that no such order made by Government shall direct the exclusion or removal from the
province of any person ordinarily resident in the province and no such order made by the District
Coordination Officer shall direct the exclusion or removal from the district of any person ordinarily
resident in that district.

(5) If an order has been made under sub-section (1), the authority making the order shall, within
fifteen days, communicate to the person to whom a direction has been issued, the grounds on which
the order has been made and shall afford the person the earliest opportunity of making a
representation against the order.]
Where a representation is made to Government against an order passed under sub-section (1), Government may, on consideration of the representation and after giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

No order under clause (b) of sub-section (1) shall have effect for a period exceeding three months unless the Board has reported, before the expiry of the said period, that there is, in its opinion, sufficient cause for making of such order and all the ancillary provisions of section 3 shall, mutatis mutandis, apply to the reference made to the Board.

An order made under sub-section (1) shall remain in force for such period not exceeding two years as may be specified in the order.

6. Power to control publications.— (1) Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by order in writing addressed to a printer, publisher or editor—

(a) prohibit the printing or publication in any document or class of documents of any matter relating to a particular subject or class of subjects for a specified period, or in a particular issue or issues of a newspaper or periodical;

(b) require that any matter be published in any particular issue or issues of a newspaper or periodical, and may while doing so specify the period during which and the manner in which such publication shall take place;

(c) require that any matter relating to a particular subject or class of subjects shall before publication be submitted for scrutiny;

(d) prohibit for a specified period the publication of any newspaper, periodical, leaflet, or other publication, or the use of any press;

(e) require that the name and address of any person concerned in the supply or communication of any news, report or information be furnished to such authority as may be specified in the order;

(f) require that any document connected with the news, report or information referred to in clause (e) be delivered to such authority as may be specified in the order:

Provided that when an order is made under clause (a), (c) or (d),—

(i) no such order shall remain in force for more than two months from the making thereof;

(ii) [* * * * * * * * * * * * * *]

(2) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be, communicate to such person, the grounds on which the order has been made, inform him that he is at liberty to make a representation against the order to Government and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

Where a representation is made to Government against an order passed under sub-section (1), Government may on consideration of the representation and giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

In the event of disobedience of an order under this section Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any publication concerned and of any printing press or other instrument or apparatus used in the production of the publication:

Provided that no such order of seizure shall be passed without giving the printer, publisher or editor affected an opportunity of showing cause against the proposed order.

6-A. Prohibition of certain speeches, etc.— (1) A person shall not, by words spoken or written, or through visible representation, directly or by implication:

(a) support, propagate or promote any terrorist, act of terrorism, terrorist organization or proscribed organization;

(b) evoke or attempt to evoke sympathy or compassion for any terrorist, act of terrorism, terrorist organization or proscribed organization;
(c) project, commend or glorify any terrorist, act of terrorism, terrorist organization or proscribed organization;
(d) challenge, thwart, undermine or oppose any action of any law enforcement agency against any terrorist, act of terrorism, terrorist organization or proscribed organization; and
(e) jeopardize any ongoing security operation against any terrorist, act of terrorism, terrorist organization, or proscribed organization.

(2) If a person contravenes any provision of subsection (1), he shall be liable to punishment of imprisonment which may extend to three years and fine which shall not be less than fifty thousand rupees but shall not exceed two hundred thousand rupees.

(3) In this section:
(a) ‘terrorist and terrorism’ shall have the same meaning as assigned to these expressions under the Anti-Terrorism Act, 1997 (XXVII of 1997); and
(b) ‘proscribed organization’ means an organization proscribed under section 11B of the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force.

7. Power to prohibit entry in the Punjab of newspapers etc.– (1) If the Government, a District Coordination Officer or a public servant authorized in this behalf by the Government is satisfied that the action is necessary for the purpose of preventing or combating an activity which is prejudicial to the maintenance of public order, it or he may, by notification, prohibit for a specified period the entry in the Punjab or in any part of the Punjab of a newspaper, periodical, leaflet or any other publication.

(2) No order under sub-section (1) shall remain in force for a period exceeding two months.

(3) The person, against whom an order has been made under sub-section (1), may make a representation to the Government or the authority making the order and the Government or the authority may modify, confirm or rescind the order on such representation.

(4) In the event of disobedience of an order under this section, the Government or the authority making the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of the newspaper, periodical, leaflet or other prohibited publication.

(5) No order of seizure under sub-section (4) shall be passed without giving a person affected an opportunity to show cause against the order.

8. Power to secure report of public meetings.– (1) A District Coordination Officer may, by order in writing depute one or more police officers not below the rank of head constable, or other persons to attend any public meeting for the purpose of causing a report to be made of the proceedings.

(2) Any such order shall operate as a direction to the persons responsible for the convening or the conduct of the meeting to admit free or charge the persons so deputed.

Explanation– For the purpose of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

8-A. Recording of certain speeches.– (1) The incharge of a local area police station with the permission of Sub Divisional Police Officer may direct, in writing, the organizer of a public meeting to make audio or video record of all the speeches made in a public meeting and submit, within twenty four hours from the time of conclusion of the last speech, or before noon on the next day, whichever is earlier, an unedited copy of such recording to such officer who shall immediately acknowledge receipt of the recording.

(2) The officer receiving the recording under subsection (1) shall transmit the recording to such officer or authority as may be prescribed or nominated by the Government.

(3) If a person contravenes any provision of subsection (1), he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees.

(4) In this section:
(a) “organizer” means the person or persons who has or have organized the public meeting or invited people to attend the same and includes owner, manager or in charge of the place where public meeting is held; and
(b) “public meeting” shall have the same meanings as assigned to the expression in section 8.]

10. Power to issue search warrants.-- The power to issue search warrants conferred by section 98 of the Code shall be deemed to include the power to issue warrants for--
(a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to public safety or the maintenance of public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;
(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;
and the provisions of the Code shall, so far as may be, apply to searches, made under the authority of any warrant issued and to the disposal of any property seized under this section.

11. General power of search.-- Any authority on which any power is conferred by or under this ordinance may by general or special order authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of--
(a) ascertaining whether it is necessary or expedient to exercise such power; or
(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or
(c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or conditions prescribed in the exercise of such power.

12. Power to give effect to orders, etc.-- (1) Any authority, officer or person who is empowered by or in pursuance of this Ordinance to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.
(2) Where in respect of any of the provisions of this Ordinance there is no authority, officer or person empowered, to take action prescribed by or under this Ordinance, Government may take or cause to be taken such steps and use, or cause to be used, such force as may in the opinion of Government be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.
(3) The power to take steps under sub-section (1) or sub-section (2) includes the power to enter upon any land or other property whatsoever.

13. Penalty.-- Whoever contravenes any provision of this Ordinance or disobeys or neglects to comply with any order made or direction given in accordance with its provisions shall, where no express provision is made by this Ordinance for the punishment of such contravention, disobedience, or negligence, be punished with imprisonment which may extend to three years, or with fine, or with both.

16. Dissemination of rumours, etc.-- Whoever--
(a) makes any speech, or
(b) by words whether spoken or written or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,
shall be punished with imprisonment which may extend to three years, or with fine, or with both if such speech, statement, rumour, or report--
(i) causes or is likely to cause fear or alarm to the public or to any section of the public;
(ii) furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order.

17. **Possession or conveyance of prescribed or prohibited documents.**—(1) Whoever, without lawful authority—
   
   (a) has in his possession, or on premises in his occupation or under his control, or
   
   (b) carries for delivery to another person otherwise than through the post,
   
   any document in respect of which a notification under section 7 is in force, or of which the importation has been prohibited under the Sea Customs Act, 1878[46], or in respect of which an order of forfeiture has been made under any law for the time being in force or any document prejudicial to public safety or the maintenance of public order shall, unless he proves that he was unaware of the nature of the document, be punished with imprisonment which may extend to one year, or with fine, or with both.

   (2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document of the nature referred to in sub-section (1) shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[18-A. **Uniforms of an agency.**—(1) A person shall not manufacture, possess, buy or sell uniform of police or of any other organization notified by the Government except under licence from the police or, as the case may be, such other notified organization.

   (2) The manner, duration, terms and conditions, revocation of a licence and other related matters may be prescribed by rules and until so prescribed, may be determined by the police or, as the case may be, such other notified organization.

   (3) If a person contravenes any provision of subsection (1) or violates any conditions of the licence, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees, and any such uniforms shall be seized and forfeited to the Government.

   (4) Nothing in this section shall apply to a person who is in the service of police or of other notified organization and is authorized by the police or, as the case may be such other organization to manufacture, possess or sell the uniform of police or the organization.]

19. **Tampering with public servants.**—Whoever induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant shall be punished with imprisonment which may extend to one year, or with fine, or with both.

20. **Sabotage.**—(1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to,—

   (a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government or any local authority;

   (b) any railway (as defined in the Railways Act, 1890), tramway, road, canal, bridge, culvert, causeway, aerodrome or any telegraph, telegraph line or post (as defined in the Telegraph Act, 1885);

   (c) any rolling-stock of a railway or tramway, or any aircraft;

   (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

   (2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

   (3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

   (4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.
22. **Offence under Ordinance to be cognizable and nonbailable.**—Notwithstanding anything contained in the Code every offence punishable under this ordinance shall be cognizable and nonbailable.

5.6 **Pakistan Arms Ordinance, 1965**

**NOTE:** Gone to the provinces. Is also included in FIA Act, Schedule – item no. 9

**Sections:**

4. **Unlicensed sale and repair prohibited:** (1) No person shall sell or keep, offer or expose for sale, an arms, ammunition, or military stores, or undertake the repairs of any arms, except under a licence and in the manner and to the extent permitted thereby.

(2) Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same, but every person so selling arms or ammunition to any person shall, without unnecessary delay, give to the Magistrate of the district or to the officer, incharge of the nearest police station notice of the sale and of the purchaser's name and address.

6. **Power to establish searching posts:** Government may, at any place along the boundary line between the Province and an Acceding State and at such distance within such line as it deems expedient, or at any place in the Province that it may deem proper, establish searching posts at which any person, vessel, vehicle or any other type of transport or any type of package or container in transit may be stopped and searched for arms, ammunition and military stores by any officer empowered by Government in this behalf by name or in virtue of his office.

7. **Arrest of persons conveying arms, etc., under suspicious circumstances:** (1) When any person found carrying or conveying any arms, ammunition, military stores, whether covered by a licence or not, such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried or conveyed by him with intent to use them, or that the same may be used for any unlawful purpose any person may without warrant apprehend him and take such arm ammunition or military stores from him.

(2) Any person so apprehended him and take such arms, ammunition or military stores so taken by a person not being a Magistrate or a police officer, shall be delivered over as soon as possible to a police officer.

(3) All persons apprehended by or delivered to, police officer and all arms, ammunition and military store seized by or delivered to any such officer under the section shall be taken without unnecessary delay before Magistrate.

8. **Prohibition of going armed without licence:** (1) No person shall go armed with any arms except under a licence and to the extent and in the manner permitted thereby.

(2) Any person so going armed without a licence or in contravention of its provision maybe disarmed by any Magistrate, police officer or other person empowered by Government in this behalf by name or by virtue of his office.

(3) Nothing in sub-sections (1) and (2) shall apply to a person carrying arms under a written authority issued in accordance with the rules.

10. **In certain cases arms to be deposited at police station or with licensed dealers:** (1) Any person possessing arms, ammunition or military stores the possession whereof, has, in consequence of the cancellation or expiry of a licence or of an exemption or the death of the licensee or otherwise, become unlawful, shall without unnecessary delay deposit the same either with the officer incharge of the nearest police station or, at his option and subject to such conditions as Government may by rule prescribe, with a licensed dealer:
Provided that where, within one month of the expiry of a licence an application for its renewal has
been made by registered post or by hand the retention by the holder of such licence of the arms,
ammunition or military stores covered by the licence shall be deemed to be lawful until such time as
the licence has been renewed or its renewal refused.

(2) When arms, ammunition or military stores have been deposited under sub-section (1), the
depositor, or in case of his demise, his legal heir, shall, at any time before the expiry of such period as
Government may by rules prescribe, be entitled—

(a) to receive back anything so deposited the possession of which by him or his legal heirs has
become lawful; and
(b) to dispose, or authorise the disposal, of anything so deposited by sale or otherwise to any person
whose possession of the same would be lawful, and to receive the proceeds of any such sale:
Provided that nothing in this sub-section shall be deemed to authorise the return or disposal of
anything the confiscation of which has been directed under Sec. 20.

(3) All things deposited under sub-section (1) and not returned or disposed of under sub-section (2)
within the prescribed period therein referred to, shall be forfeited to Government.

(4) (a) Government may make rules consistent with this Ordinance for carrying into effect the
provisions of this section.
(b) In particular and without prejudice to the generality of the foregoing provision. Government may
by rules prescribe—
(i) the conditions subject to which arms, ammunition or military stores may be deposited with a
licensed dealer ; and
(ii) the period after the expiry of which things deposited as aforesaid shall be forfeited under
subsection (3).

11-B. Prohibition of keeping, carrying, or displaying arms: (1) The Federal Government may, and
if so directed by the Federal Government, the Provincial Government shall, by general or special
order, prohibit the keeping, carrying or display of arms at such places or times or on such occasions as
may be specified in the order.

(2) In particular, and without prejudice to the generality of sub-section (1), an order issued
thereunder may prohibit—

(a) the keeping of arms within the premises of educational institutions and the premises of the hostels
or boarding and lodging houses relating or affiliated thereto; and
(b) the carrying or display of arms at fairs or in gatherings or processions of a political, religious,
ceremonial or sectarian character or in the premises of Courts of law or public offices.

(3) Any person keeping, carrying or displaying any arms in contravention of an order issued under
sub-section (1) may be disarmed by the Magistrate, police officer or other person empowered by
Government in this behalf.

12. Cancellation and suspension of licences: (1) Any licence may be cancelled or suspended—
(a) by the officer by whom the same was granted or by any authority to which he may be subordinate,
or any District Magistrate within the local limits of whose jurisdiction the holder of such licence may
be, when for reasons to be recorded in writing and after giving the holder of the licence an opportunity
of showing cause against the proposed cancellation or suspension, such officer, authority or
Magistrate deems it necessary for the security of the public peace to cancel or suspend such licence ; or
(b) by any Judge or Magistrate before whom the holder of such licence is convicted of an offence
against this Ordinance or against the rules and Government may by a notification in the official
Gazette, cancel or suspend all or any licences throughout the Province or any part thereof,
(2) An appeal against an order of cancellation or suspension under clause (a) of sub-section (1) may be made by the person whose licence has been cancelled or suspended to the immediate official superior to the authority making the order, within sixty days of the receipt by him of a copy of the order where appeal lies to Government, and where appeal lies to any other authority, within thirty days of the receipt by him of a copy of the order.

13. Penalty for breach of Sections 4, 5, 8 to 11: Subject to the provisions of Sections 13-A and 13-B, whoever commits any of the following offences, namely:—
(a) sells, or keeps, offers or exposers for sale, any arms, ammunition or military stores, or under takes the repairs of any arms in contravention of the provisions of Section 4;
(b) fails to give notice of the sale of arms and ammunition and of the purchaser's name and address as required by Section 4;
(c) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under Section 5;
(d) goes armed in contravention of the provisions of Section 8;
(e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of Section 9;
(f) fails to deposit arms, ammunition or military stores as required by Section 10;
(g) intentionally makes any false entry in a record or account which by a rule made under clause (d) of Section 11 he is required to keep;
(h) intentionally fails to exhibit anything which by a rule made under clause (f) of Section 11 he is required to exhibit; or
(i) keeps, carries or displays any arms in contravention of an order issued under Section 11-B; shall be punished with imprisonment for a term which may extend to seven years or with fine, or with both:
Provided that the punishment for an offence committed in respect of any rifle of .303 bore or over, musket of .410 bore or over, pistol or revolver of .441 bore or over or ammunition which, can be fired from such musket, pistol or revolver, shall be imprisonment for a term which is not less than three years, shall be imprisonment for a term Which is not less than three years.

13-A. Penalty for breach of Section 4 in respect of cannon or automatic weapon, etc.: Who ever sells, or keeps, offers or exposers for sale any arms, ammunition or military stores, such as klashnikov, a G-III rifle or any other type of assault rifle, or ammunition which can be fired from such weapon, in contravention of the provisions of Section 4, shall be punishable with imprisonment for a term which may extend to fourteen years and shall not be less than seven years, fine and forfeiture of property.

13-B. Penalty for breach of Section 8 or Section 9 in respect of cannon or automatic weapon, etc.: Whoever:
(a) goes armed with a cannon, grenade, bomb, rocket or a light or heavy automatic or semi-automatic weapon, such as klashinkov, a G-III rifle or any other type of assault rifle, in contravention of the provisions of Section 8; or
(b) has in his possession or under his control any of the arms or weapons referred to in clause (a), or ammunition which can be fired from such weapon, in contravention of Section 9; shall be punishable with imprisonment for a term which may extend to ten years and shall not be less than three years and fine.

14. Certain breaches of Sections 4, 6, 9 and 21: Whoever:
(a) [Deleted by the West Pakistan Arms (Amendment) Act. LII of 1973, S.3];
(b) on any search being made under Section 21, conceals or attempts to conceal any arms, ammunition or military stores, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both:
Provided that the punishment for an offence committed of any—
(a) cannon, grenade, bomb or rocket; or
(b) light or heavy automatic weapon, rifle of .303 bore or over musket of .410 bore or over or paid or revolver of .441 bore or ammunition which can be fired from such weapon, rifle, musket, pistol or revolver, shall be imprisonment for a term which is not less than two years.
16. Knowingly purchasing arms, etc. from unauthorized persons: Whoever:-
(a) Knowingly purchases any arms, ammunition or military stores from any person not licenced or authorized under Subsection(2) of Section 4 to sell the same; or
(b) Delivers any arms ammunition or Military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same, Shall be punished with imprisonment for a term which may extend to three years or with fine or with both:
Provided that the punishment for an offence committed in respect of any –

(a) Cannon, grenade, bomb or rocket; or
(b) Light or heavy automatic weapon, rifle of .303 bore or over musket .410 bore or over a pistol or revolver of .441 bore or over, or ammunition which can be from such weapons, rifle, musket, pistol or revolver, Shall be imprisonment for a term which is not less than one year.

18. Penalty for failure to give information under Section 23: Any person who in the absence of reason able excuse, the burden of proving which shall lie upon such person, fails to give information to the nearest police officer or Magistrate in respect of any offence under sub-section (1) or sub-section (2) of Section 23 of which he becomes aware or which he has reason to suspect, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 500 or with both.

20. Power to confiscate: When any person is convicted of any offence punishable under this Ordinance, committed by him in respect of any arms, ammunition or Military stores, it shall be in the discretion of the committing Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores and any vessel, vehicle or any other type of transport used to convey the same, and any type of package or container in which the same may have been concealed, together with the other contents of such package or container shall be confiscated:
Provided that where such conviction is in respect of an offence punishable under this Ordinance with imprisonment for not less than twelve months, the Court or the Magistrate convicting such person shall direct that the whole or any portion of such arms, ammunition or military stores shall be confiscated.

21. Search and seizure by Magistrate: Whenever any Magistrate or an officer incharge of a police station has reason to believe that any person residing within the local limits of his jurisdiction:
(a) has in his possession any arms, ammunition or military stores for any unlawful purpose ; or
(b) that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace; such Magistrate or such police officer having first corded the grounds of his belief, may cause a search to made of the house or premises occupied by such person or in which such Magistrate or such police officer is reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by licence or exemption, in safe custody for such time as he thinks necessary.

22. Seizure end detention by Government: Government may at any time order or cause to seize any arms, ammunition or military stores in the possession of any person, notwithstanding that such person is lawfully entitled to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

23. Information be given regarding offences: (1) Every person aware of the commission of any offence punishable under this Ordinance shall in the absence or reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest police officer or Magistrate.

(2) Every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest police officer or Magistrate regarding any package or container in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against the Ordinance has been or is being committed.
24. Searches In the case of offences how conducted: When a search is to be made for any of the purposes of this Ordinance, such search shall be made under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

26. Power to take census Of arms: (1) Government may, from time to time, by notification in the official Gazette, direct a census to be taken of any arms in any area, and empower any person by name or in virtue of his office or take such census.

(2) On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him, if he so requires.

5.7 The Criminal Law (Special Provisions) Ordinance, 1968

Sections:

4. Cognizance of scheduled offences.— (1) The Deputy Commissioner shall have exclusive jurisdiction to take cognizance of a scheduled offence committed within the district to which he is so appointed for the time being; and such cognizance may be taken by him—

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a report in writing of such facts made by a police officer; or

(c) upon information received from any person other than a police officer or upon his own knowledge or suspicion that such offence has been committed:

Provided that cognizance of an offence under section 14 shall not be taken except upon a complaint made by the husband of the woman, or in his absence by some person who had the care of such woman on his behalf at the time when such offence was committed.

(2) When the Deputy Commissioner takes cognizance of a scheduled offence under clause (c) of sub-section (1), he shall, before constituting a Tribunal under section 5, inform the accused that he is entitled to have the case decided by another Deputy Commissioner, and if the accused, or any of the accused, if there be more than one, objects to the case being decided by the Deputy Commissioner who has so taken cognizance of the offence, the matter shall be reported to the Commissioner, who shall transfer the case to another Deputy Commissioner and the Deputy Commissioner to whom the case is so transferred shall proceed in the matter provided in section 5.

(3) Where a person is accused of more offences than one and any such offence is not a scheduled offence, the Deputy Commissioner shall proceed in accordance with the provisions of this Ordinance only in respect of the scheduled offence or offences.

(4) Where it appears to any magistrate, Court or other authority enquiring into or trying any offence that such offence is a scheduled offence, such magistrate, Court or authority shall stay further proceedings in respect of such offence and refer it to the Deputy Commissioner for proceeding in accordance with the provisions of this Ordinance.

9. Procedure before the Tribunal.— (1) For the purpose of coming to a finding on a question referred to it, the Tribunal shall give opportunity to the parties to appear before it and proceed to hear the complainant, if any, and record such evidence as may be adduced in respect of the accusation or on behalf of the accused or as may be called for by the Tribunal:

Provided that the Tribunal may in its discretion refuse to take or hear any evidence which in its opinion is being tendered for the purpose of causing vexation or delay or for defeating the ends of justice:
Provided further that the provisions of sections 121 to 126 of the Evidence Act, 1872 (I of 1872) shall apply to any proceedings before a Tribunal as they apply to proceedings before a Judge or a Magistrate.

(2) The Tribunal shall give the parties an opportunity of cross-examining the witnesses deposing against them.

(3) The Tribunal may administer oath to a witness in such form or manner, not inconsistent with the religion of the witness, as it deems fit.

12. Punishment.— Where the Deputy Commissioner convicts a person under section 11—

(a) he shall pass upon him any sentence of fine, whatever may be the punishment provided for the offence in the Pakistan Penal Code, 1860 (XLV of 1860);

(b) he may, in lieu of, or in addition to, such fine—

(i) pass a sentence of imprisonment of either description for a term which may extend to seven years; or

(ii) in respect of any offence punishable with transportation or imprisonment of either description not exceeding five years;

(iii) subject to confirmation by the Commissioner, pass a sentence of transportation or imprisonment of either description for a term exceeding seven years but not exceeding fourteen years; or

(iv) subject to the provisions of section 393 of the Code of Criminal Procedure, 1898 (V of 1898), pass a sentence of whipping, or of whipping and imprisonment of either description not exceeding five years:

Provided that no sentence of whipping shall be passed for an offence under sections 121, 121-A, 122, 123, 124-A, 125, 126, 127, 144, 150, 216, 216-A, 400, 401, 402, 494 or 495 of the Pakistan Penal Code (XLV of 1860):

Provided further that no sentence of transportation or imprisonment shall be passed for an offence for a term exceeding that provided for that offence under the Pakistan Penal Code, 1860 (XLV of 1860).

14. Women punishable for adultery.— A married woman who, knowingly and by her own consent, has sexual intercourse with any man who is not her husband shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

15. Scheduled offences to be cognizable.— (1) All scheduled offences shall be cognizable.

(2) Any private person may arrest or cause to be arrested any person who is reasonably suspected of being concerned in any scheduled offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of having been so concerned and, without unnecessary delay, make over or cause to be made over the person so arrested to a police officer or, in the absence of a police officer, take such person so arrested or cause him to be taken in custody to the nearest police station or State Levies Force.

17. Security for keeping the peace.— (1) Where the Deputy Commissioner—

(a) is satisfied that any person within his District has either a blood feud, or occasioned cause of quarrel likely to lead to blood-shed; or

(b) is of opinion that it is necessary for the purpose of preventing murder, or culpable homicide not amounting to murder, to require a person within his District to execute a bond under this section for keeping the peace,
The Deputy Commissioner may order the person to execute a bond with or without sureties (not exceeding two in number), for his good behaviour or for keeping the peace, as the case may be, during such period, not exceeding three years, as the Deputy Commissioner may fix.

(2) The Deputy Commissioner may make an order under sub-section (1)—

(a) on the recommendation of a Tribunal; or

(b) after enquiry as provided in section 19.

(3) Pending the completion of an enquiry for the purposes of sub-section (2), the Deputy Commissioner may, if he considers that immediate measures are necessary for preventing any offence referred to in sub-section (1), direct a person in respect of whom the enquiry is to be held, to execute a bond, with or without sureties (not exceeding two in number), for keeping the peace or maintaining good behaviour for a period not exceeding one month, and detain him in custody till such bond is executed.

(4) Where a person has been convicted in accordance with the finding of a Tribunal of an offence punishable under section 302, section 304, section 307 or section 308 of the Pakistan Penal Code 1860 (XLV of 1860), the Deputy Commissioner, at the time of passing the sentence, or the Commissioner, at the time of deciding the appeal, may make an order under sub-section (1) with respect to that person.

(5) Where the Deputy Commissioner makes an order under sub-section (1) on the recommendation of a Tribunal he shall record his reasons for acting on the recommendation.

(6) Where the Commissioner or the Deputy Commissioner is of opinion that sufficient grounds exist for making an order under sub-section (1), he may, either in lieu of, or in addition to, such order, by order in writing, direct that the person concerned shall notify his residence and any change of residence in the manner prescribed by section 565 of the Code of Criminal Procedure, 1898 (V of 1898), during such term, not exceeding three years, as may be specified in the order.

19. Procedure for enquiry.—(1) An enquiry for the purposes of section 17 or section 18 shall be conducted in the presence of the person or persons required to furnish a bond and shall provide an adequate opportunity to such person or persons—

(a) of showing cause why a bond shall not be required:

(b) of cross-examining any witnesses not called for by himself or themselves who may testify to the necessity or otherwise for the execution of a bond;

(c) of having his or their witnesses examined;

Provided that the Deputy Commissioner may, in his discretion, refuse to hear any evidence which he feels is being tendered for the purposes of vexation or delay or for defeating the ends of justice:

Provided further that the provisions of sections 121 to 126 of the Evidence Act, 1872 (I of 1872), shall apply to proceedings under this section as they apply to proceedings before a Judge or a Magistrate.

(2) The Deputy Commissioner shall record his order under this section with the reason for making an order under section 17, shall be liable to be forfeited, if the person bound thereby to be of good behaviour or to keep the peace, as the case may be, commits or attempts to commit, or abets the commission of, any offence punishable under Chapter XVI of the Pakistan Penal Code, 1860 (XLV of 1860).

(2) A bond executed under section 18 shall be liable to be forfeited, if the person bound thereby to be of good behaviour or to keep the peace, as the case may be, commits or attempts to commit, or abets the commission of, any offence punishable with imprisonment in respect of any member of the opposite family or faction to which the bond related.
(3) If, while a bond executed under section 18 is in force, the life of any member of either family or faction is unlawfully taken or attempted, the Deputy Commissioner may declare the bond of all or any of the members of the other family or faction along with their sureties (if any) to be forfeited, unless it is shown to his satisfaction that the homicide or attempt was not committed by or in consequence of the abetment of any member of that family or faction.

21. **Imprisonment in default of security.**— (1) Where a person ordered to give security under section 17 or section 18, does not give security on or before the date on which the period for which the security is to be given commences, he shall be committed to prison, or, if he is already in prison, be detained in prison until that period expires, or until within that period he furnishes the required security.

(2) Imprisonment for failure to give security under section 17 or section 18 may be rigorous or simple, as the officer requiring the security directs in each case.

**5.8 Federal Investigation Agency Act, 1974**

**Sections:**

**4. Superintendence and administration of the Agency:**

1. The Superintendence of the Agency shall vest in the Federal Government.
2. The administration of the Agency shall vest in the Director General who shall exercise in respect of the Agency such of the powers of an Inspector General of Police under the Police Act, 1861 (V of 1861), as may be prescribed by rules.

**5. Powers of the members of the Agency:**

1. Subject to any order which the Federal Government may make in this behalf, the members of the Agency shall, for the purpose of an inquiry or investigation under this Act, have throughout Pakistan such powers, including powers relating to search, arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of a Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force.
2. Subject to rules, if any, a member of the Agency not below the rank of a Sub-Inspector may, for the purposes of any inquiry or investigation under this Act, exercise any of the powers of an officer-in-charge of a Police Station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be an officer-in-charge of a Police Station discharging his functions as such within the limits of his station.
3. Without prejudice to the generality of the provisions of the sub-section (1) and sub-section (2), any member of the Agency not below the rank of Sub-Inspector authorized by the Director General in this behalf may arrest without warrant any person who has committed, or against whom a reasonable suspicion exists that he has committed, any of the offences referred to sub-section (1) of Section 3.
4. For the purpose of the exercise by the members of the Agency of the powers of an officer-in-charge of a Police Station,” Police Station” includes any place declared, generally or specially, by the Federal Government to be a Police Station within the meaning of the Code.
5. If, in the opinion of a member of the Agency conducting an investigation, any property which is the subject-matter of the investigation is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such member may, by order in writing, direct the owner or any person who is, for the time being, possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous
permission of that member and such order shall be subject to any order made by the Court having jurisdiction in the matter.

6. Any contravention of an order made under sub-section (5) shall be punishable with rigorous imprisonment for a term which may be extend to one year, or with fine, or with both.

5-A. Certain Officers of the Agency deemed to be public Prosecutors: Notwithstanding anything contained in any order law for the time being in force the Assistant Directors (Legal) and the Deputy Directors (Law) of the Agency shall be deemed to be Public Prosecutors and shall be competent to institute and conduct any proceedings in cases sent up for trial by the Agency in the Special Courts constituted under any law and the courts subordinate to the High Court. (Added through FIA (Amendment) Ordinance 2002).

10. Repeal:

1. The Pakistan Special Police Establishment, 1948 (VII of 1948), and the Special Police and Provincial Police (Amalgamation) Order, 1962 (P.O. No.1 of 1962), hereinafter referred to respectively as the said Ordinance and the said Order, are hereby repealed.

2. Upon the repeal of the said Ordinance:
   i. All persons who were members of the Special Police immediately before such repeal, including the specified persons shall stand transferred to the Agency and shall, subject to sub-section (5), be entitled to the same terms and conditions to which they were entitled immediately before such repeal; and
   ii. Any inquiry or investigation pending with the Special Police immediately before such repeal shall continue to be conducted by the Agency.

3. Notwithstanding the repeal of the said order, but subject to sub-section (4), every specified person shall continue to be appointed in or under the Provincial Police in or under which he was holding a post immediately before the commencement of this Act.

4. On the recommendation of the Director General and with the concurrence of the Provincial Government concerned, the Federal Government, may direct that such of the specified persons referred to sub-section (3) as may, within thirty days of the commencement of this Act, express their willingness to serve in or under the Agency shall be appointed to posts in or under the Agency.

5. A specified person referred to in clause (a) of sub-section (2) and a person in respect of whom a direction is issued under sub-section (4) shall, upon the repeal of the said ordinance or, as the case may be, the issue of such direction, cease to hold a post in or under the Provincial Police concerned and shall be entitled to the same terms and conditions of service to which he was entitled immediately before such repeal or the issue of such directions.

- **Federal Investigation Rules, 1975**
  Not relevant for our purposes.

- **Federal Investigation Agency (Inquiries and Investigations) Rules, 2002**
  Not relevant for our purposes.

**5.9 The Prevention of Anti-National Activities Act, 1974**

**NOTE:** Is now included in FIA Act, Schedule – item no. 15.

Sections:

8. Power to notify places used for purposes of an anti-national association. —(1) Where an association has been declared anti-national by a notification issued under section 3, the Federal Government may, by notification in the official Gazette notify any place which in its opinion is used for the purposes of such association, hereinafter referred, to as the notified place.
Explanation.— For the purposes of this sub-section, "place includes a house or building, or part thereof, and a tent or vessel".

(2) On the issue of a notification under sub-section (1) in respect of any place, the District Magistrate within the local limits of whose jurisdiction such notified place is situate, or any officer not below the rank of [an Executive Magistrate] authorised by him in writing in this behalf, shall make, in the presence of two respectable witnesses, a list of all movable properties found in such place.

(3) If, in the opinion of the District Magistrate, any articles mentioned in the list are, or may be used for the purposes of the anti-national association, he may make an order prohibiting any person from using the articles have in accordance with the written orders of the District Magistrate.

(4) The District Magistrate may thereupon make an order that no person who, at the date of the notification, was not residing in the notified place shall, without the permission of the District Magistrate, enter, or be on or in, the notified place:

Provided that no such order shall be made in respect of any person who is a near relative of, or has any professional business with, any person who was residing in the notified place at the date of the notification.

(5) Where in pursuance of sub-section (4) any person is granted permission to enter, or to be on or in, the notified place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the District Magistrate.

(6) Any police officer, not below the rank of a sub-inspector, or any other person authorised in this behalf by the Federal Government may search any person entering, or seeking to enter or being on or in, the notified place and may detain any such person for the purpose of searching him:

Provided that no female shall be searched in pursuance of this sub-section except by a female.

(7) If any person is in the notified place in contravention of an order made under sub-section (4), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Federal Government.

(8) Any person aggrieved by a notification issued in respect of a place under sub-section (1) or by an order made under sub-section (3) or sub-section (4) may, within thirty days from the date of the notification or order, as the case may be, make an application to the District Judge within the local limits of whose jurisdiction such notified place is situate—

10. Penalty for being member of an anti-national association. Whoever is and continues to be a member of an association declared anti-national by a notification issued under section 3 or takes part in meetings of any such association, or contributes to, or receives or solicits any contribution for the purpose of, any such association or in any way assists the operations of any such association, shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine.

11. Penalty for dealing with funds of an anti-national association. If any person on whom an order has been served under sub-section (1) of section 7 in respect of any moneys, securities or credits pays, delivers, transfers or otherwise deals in any manner whatsoever with such money, securities or credits in contravention of the order, he shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine, and, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the court trying such contravention may also impose on such person an additional fine to recover from him the amount of the moneys or credits, or the market value of the securities, in respect of which the order has been contravened or such part thereof as the court may deem fit.

12. Penalty for contravention of an order made in respect of a notified place. —(1) Whoever knowingly and wilfully is in, or effects or attempts to effect entry into, a notified place in contravention of an order made under sub-section (4) of section 8 in respect thereof shall be punishable with imprisonment for a term which may extend to one year, and shall also be liable to fine.

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(2) Whoever uses any article in contravention of an order in respect thereof made under sub-section (3) of section 8 shall be punishable with imprisonment for a term which may extend to one year, and shall also be liable to fine.

13. Punishment for anti-national activities. —(1) Whoever—
(a) takes part in or commits, or
(b) advocates or abets, or attempts to advocate or abet, the commission of, any anti-national activity, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.
(2) Whoever, in any way, assists any anti-national activity of any association declared anti-national under section 3, shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

5.10 THE SUPPRESSION OF TERRORISTS ACTIVITIES (SPECIAL COURTS) ACT, 1975

Sections:
5. Taking of cognizance.— (1) The officer-in-charge of a police station shall complete the investigation and forward directly to the Special Court a report under section 173 of the Code within fourteen days in respect of a case triable by such Court:

Provided that the Special Court may extend the time, within which such report is to be forwarded in a case where good reasons are shown for not doing so within the time specified in this sub-section.

(2) Any default on the part of an officer-in-charge of a police station, an investigating officer or any other person required by law to perform any functions in connection with the investigation, which results in, or has the effect of delaying the investigation or the submission of the report under sub-section (1), shall be deemed to be a wilful disobedience of the order of the Special Court and dealt with under the law accordingly.

(3) The Special Court may directly take cognizance of a case triable by such Court without the case being sent to it under section 190 of the Code.

8. Burden of Proof.— Where any person accused of having committed a scheduled offence is found to be in Possession of, or to have under his control, any article or thing which is capable of being used for, or in connections with, the Commission of such offence, or is apprehended, in circumstances which lead to raise a reasonable suspicion that he has committed such offence, he shall be presumed to have committed the offence unless he can prove that he had not in fact committed the offence.

8 A. Notwithstanding anything contained in the Code or any other Law for the time being in force or any judgments of any Court, the provisions of sub-section (8) shall apply with immediate effect to bail applications and proceedings in respect thereof pending in any Court immediately before coming into force of this Ordinance.

5.11 THE PREVENTION OF GAMBLING ACT, 1977

Sections:
4. Penalty for being found in common gaming-house.— (1) Whoever is found in any common gaming-house playing or gaming with cards dice, counters, money or other instruments of gaming, or for the purpose of gaming, whether for any money, wager or stake or otherwise, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.
(2) Any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

5. **Penalty for gaming in a public place.**— Whoever is found gaming in any public place, street or thoroughfare, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

6. **Penalty for gaming in private places, etc.**— Whoever is found gaming in any house, room, tent, enclosure, vehicle, vessel or other place shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

7. **Enhanced punishment for subsequent offences.**— Whoever, having been convicted of any offence under this Act, again commits any such offence shall be punishable for every such subsequent offence with imprisonment for a term which may extend to three years, or with fine which may extend to two thousand rupees, or with both.

8. **Power to enter and search.**— If a District Magistrate, Sub-divisional Magistrate, Magistrate of the first class upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used as a common gaming-house, or that an offence under section 6 is being committed at or in any place, he may ---

(a) enter such place at any time with such assistance as he may require and using such force as may be necessary:

Provided that, if such place is in the actual occupancy of a woman who, according to custom, does not appear in public, the officer so entering such place shall give notice to her that she is at liberty to withdraw and, after allowing reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter the place;

(b) search such place for any instruments of gaming kept or concealed therein, and also the person of all those who are found in that place, except the women;

(c) seize and take possession of gaming moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein or upon any person found therein; and

(d) take into custody all persons, except women, found in that place, whether or not then actually gaming.

9. **Presumption with respect to common gaming-house and persons present therein.**— When any cards, dice, gaming-tables, gaming clothes, gaming-boards or other instruments of gaming are found in any house, room tent, enclosure, vehicle, vessel or other place entered or searched under the provisions of section 8, or upon any person found therein, it shall be presumed, until the contrary is proved, that such house, room, tent, enclosure, vehicle, vessel or other place is used as a common gaming-house and that any person found therein was there present for the purpose of gaming, although no play was actually seen by the officer making the entry or search.

### 5.12 Prohibition (Enforcement of Hadd) Order, 1979

#### Sections:

3. **Prohibition of manufacture, etc, of intoxicants.** (1) Subject to the provisions of clause (2) whoever:

(a) import, exports, transports, manufactures or processes any intoxicant; or

(b) bottles any intoxicant; or

(c) sells or serves any intoxicant; or

(d) allows any of the acts aforesaid upon premises owned by him or in his immediate possession; shall be punishable with imprisonment of either description for a term, which may extend to five years and with whipping not exceeding thirty stripes, and shall also be to fine.

(2) Whoever -
(i) imports, exports, transports, manufactures, or traffics in, opium or coca leaf or opium or coca derivatives; or
(ii) finances the import, export, transport, manufacture, or trafficking of, opium or coca leaf or opium or coca derivatives; shall be punishable with imprisonment for life or with imprisonment, which is not less than two years and with whipping not exceeding thirty stripes, and shall also be liable to fine.]

4. Owning or possessing intoxicant: Whoever owns, possesses or keeps in his custody any intoxicant shall be punished with imprisonment of either description for a term, which may extend to two years, or with whipping not exceeding thirty stripes, and shall also be liable to fine:

Provided that nothing contained in this Article shall apply to a non-Muslim foreigner or to a non-Muslim citizen of Pakistan who keeps in his custody at or about the time of a ceremony prescribed by his religion a reasonable quantity of intoxicating liquor for the purpose of using it as a part of such ceremony:

Provided further that if the intoxicant in respect of which the offence is committed is heroin, cocaine, opium or coca leaf, and the quantity exceeds ten grams in the case of heroin or cocaine or one kilogram in the case of opium or coca leaf, the offender shall be punishable with imprisonment for life or with imprisonment which is not less than two years and with whipping not exceeding thirty stripes, and shall also be liable to fine.]

12. Arrest on suspicion of violation of Article 8 or Article 11:

(1) No police officer shall detain or arrest any person on suspicion that he has taken an intoxicant in violation of Article 8 or Article 11 unless he has asked such person to accompany him to an authorised medical officer for examination and such person either refuses to so accompany him or, having been examined by the medical practitioner, is certified by him to have taken an intoxicant.

(2) Whoever contravenes the provisions of clause (1) shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to five hundred rupees, or with both.

13. Punishment for vexatious delay: Any officer or person exercising powers under this order who vexatiously and unnecessarily delays forwarding to a prohibition officer any person arrested or any Article seized under this order shall be punished with fine which may extend to one thousands rupees.

15. Confiscation how ordered: (1) In any case involving liable to confiscation under this Order, the Court deciding the case may order such confiscation despite the acquittal of the person charged.

(2) When an offence under this Order has been committed but the offender is not known or cannot be found, or when anything liable to confiscation under the Order and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the collector or other Prohibition Officer in charge of the District or any other officer authorised by the Provincial Government in this behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizure of the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any which they produce in support of their claims.

16. Cognizance of certain offences: (1) The following offences shall be cognizable, namely:-

(a) an offence punishable under Article 3; and
(b) an offence punishable under Article 4, Article 8 or Article 11, if committed at a public place.

(2) No Court shall take cognizance of an offence punishable under-

(a) Article 12 or Article 13, save on a complaint made by the person in respect of whom the offence has been committed; and
(b) Article 20, save on a complaint made by, or under the authority of, a Prohibition Officer.
20. Penalty for the breach of condition of licence: In the event of any breach by the holder of a licence, or by his servant or by one acting with his expert or implied permission on his behalf, of any of the terms and conditions of the licence, such holder shall, in addition to the cancellation or suspension of the licence and in addition to any other punishment to which he may be liable under this Order, be punishable with imprisonment [for life or with imprisonment which is not less than two years] I and with fine, unless proves that he exercised all due diligence to prevent such breach, and any such person who commits any breach shall, whether he acts with or without the permission of the holder of the licence also be liable to the same the punishments.

23. Powers of Prohibition Officer: In addition to the powers conferred on him by the foregoing provisions of this Order, a Prohibition Officer shall have all the powers conferred on the officer in charge of a police station while conducting an investigation into cognizable offence.

5.13 OFFENCES AGAINST PROPERTY (ENFORCEMENT OF HUDDOOD) ORDINANCE, 1979

Sections:

2. Definitions: In this Ordinance, unless there is anything repugnant in the subject or context," (a) "adult" means a person who has attained the age of eighteen years of puberty;

(b) "authorised medical officer" means a medical officer,, whosoever designated, authorised by Government;

(c) "hadd" means punishment ordained by the Holy Qur'an or Sunnah;

(d) "hirz" means an arrangement made for the custody of property:

(e) "imprisonment for life" means imprisonment till death;

(f) "nisab" means the 'nisab' as laid down in Section 6;

(g) "tazir" means any punishment other than 'hadd' and all other terms and expressions not defined in this Ordinance shall have the same meaning as in the Pakistan Penal Code (Act XLV of 1860), or the Code of Criminal Procedure, 1898 (Act V of 1898):

6. Nisab: The 'nisab' for theft liable to 'hadd' is four decimal four five seven (4.457) grams of gold, or other property of equivalent value, at the time of theft.

7. Proof of theft liable to hadd: The proof of theft >to 'hadd' shall be in one of the following forms, namely:

(a) the accused pleads guilty of the commission of theft liable to 'hadd'; and

(b) at least two Muslim adult male witnesses, other than the victim of the theft, about whom the Court is satisfied, having regard to the requirements of 'tazkiyah-al-shuhood', that they are truthful persons and abstain from major sins (kabair), give evidence as eyewitnesses of the occurrence:

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslim: Provided further that the statement of the victim of the theft or the person authorised by him shall be recorded before the statement of the eye-witnesses are recorded.

8. Commission of theft liable to 'hadd' by more than one person: Where theft liable to 'hadd' is committed by more than one person and the aggregate value of the stolen property is such that, if the property is divided equally amongst such of them as have entered the 'hirz' each one of them gets a share which amounts to, or exceeds, the 'nisab' the 'hadd' shall be imposed on all of them who have entered the Hirz, whether or not each one of them has moved the stolen property or any part thereof.
9. Punishment of theft liable to 'hadd': (1) Whoever commits theft liable to 'hadd' for the first time shall be punished with amputation of his right hand from the joint of the wrist.

(2) Whoever commits theft liable to 'hadd' for the second time shall be punished with amputation of his left foot up to the ankle.

(3) Whoever commits theft liable to 'hadd' for the third time, or any time subsequent thereto, shall be punished with imprisonment for life.

(4) Punishment under sub-section (1) or sub-section (2) shall not be executed unless it is confirmed by the Court to which an appeal from the order of conviction lies, and, until the punishment is confirmed and executed the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

(5) In the case of a person sentenced to imprisonment for life under sub-section (3), if the Appellate Court is satisfied that he is sincerely penitent, he may be set at liberty on such terms and conditions as the Court may deem fit to impose.

(6) Amputation shall be carried out by an authorized medical officer.

(7) If, at the time of the execution of 'hadd' the authorised medical officer is of the opinion that the amputation of hand or foot may cause the death of the convict, the execution of 'hadd' shall be postponed until such time as the apprehension of death ceases.

10. Cases in which Hadd shall not be imposed: 'Hadd' shall not be imposed in the following cases, namely: -

(a) when the offender and victim of the theft are related to each other as-

(i) spouses;

(ii) ascendants, paternal or maternal;

(iii) descendants, paternal or maternal;

(iv) brothers or sisters of father or mother; or

(v) brothers or sisters or their children;

(b) when a guest has committed theft from the house of his host;

(c) when a servant or employee has committed theft from the 'hirz' of his master or employer to which he is allowed access;

(d) when the stolen property is wild-grass, fish, bird, dog, pig, intoxicant, musical instrument or perishable foodstuffs for the preservation of which provision does not exist;

(e) when the offender has a share in the stolen property the value of which, after deduction of his share, is less than the 'nisab';

(f) when a creditor steals his debtor's property the value of which after deduction of the amount due to him, is less than the 'nisab';

(g) when the offender has committed theft under 'ikrah' or 'iztrar'.

12. Return of stolen property: (1) If the stolen property is found in the original or in an identifiable form, or in a form into or for which it may have been converted or exchanged, it shall be caused to be returned to the victim, whether it is in the possession of, or has been recovered from, the offender or any other person.
(2) If the stolen property is lost or consumed while in the offender's possession and the 'hadd' is enforced against him the offender shall not be required to pay compensation.

13. Theft liable to Tazir: Whoever commits theft, which, is not liable to 'hadd' or for which proof in either of the forms mentioned in Section 7 is not available, or for which 'hadd' may not be imposed or enforced under this Ordinance, shall be liable to Tazir.

15. Definition of 'Haraabah': When any one or more persons, whether equipped with arms or not, make show of force for the purpose of taking away the property of another and attack him or cause wrongful restraint or put him in fear of death or hurt such person or persons, are said to commit 'haraabah'.

16. Proof of 'Haraabah': The provisions of Section 7 shall apply mutatis mutandis for the proof of haraabah.

17. Punishment of 'Haraabah': (1) Whoever, being an adult, is guilty of haraabah in the course of which neither any murder has been committed nor any property has been taken away shall be punished with whipping not exceeding thirty stripes and with rigorous imprisonment until the Court is satisfied of his being sincerely penitent: Provided that the sentence of imprisonment shall in no case be less than three years.

(2) Whoever, being an adult, is guilty of haraabah in the course of which no property has been taken away but hurt has been caused to any person shall, in addition to the punishment provided in sub-section (1), be punished for causing such hurt in accordance with such other law as may for the time being are applicable.

(3) Whoever, being an adult, is guilty of haraabah in the course of which no murder has been committed but property the value of which amounts to or exceeds, the nisab has been taken away shall be punished with amputation of his right hand from the wrist and of his left foot from the ankle:

Provided that, when the Offence of haraabah has been committed conjointly by more than one person, the punishment of amputation shall be imposed only if the value of share of each one of them is not less than the nisab:

Provided further that, if the left hand or the right foot of the offender is missing or is entirely unserviceable, the punishment of amputation of the other hand or foot, as the case may be, shall not be imposed, and the offender shall be punished with rigorous imprisonment for a term which may extend to fourteen years and with whipping not exceeding thirty stripes.

(4) Whoever, being an adult, is guilty of haraabah in the course of which he commits murder shall be punished with death imposed as hadd.

(5) Punishment under sub-section (3) except that under the second proviso thereto, or under sub-section (4), shall not be executed unless it is confirmed by the Court to which an appeal from the order of conviction lies, and if the punishment be of amputation, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

(6) The provisions of sub-section (6) and sub-section (7) of Section 9 shall apply to the execution of the punishment of amputation under this section.

19. Return of property taken away during 'haraabah': The provisions of Section 12 shall apply mutatis mutandis for return of the property taken away during haraabah so, however, that sub-section (2) of the said section shall have effect as if, for the word Hadd therein, the words "punishment of amputation of death" were substituted.

21. Punishment for "Rassagiri", or "Patharidari": (1) Whoever extends patronage, protection or assistance in any form to, or harbours, any person or group of persons engaged in the theft of cattle,
on the understanding that he shall receive one or more of the cattle in respect of which the offence is committed, or a share in the proceeds therefore, is said to commit "Rassagiri" or "patharidari".

(2) Whoever commits "Rassagiri" or "Patharidari" shall be punished with rigorous imprisonment for a term which may extend to fourteen years, or with whipping not exceeding seventy stripes, and with confiscation of all his immovable property and with fine.

22. Punishment for attempt to commit offence punishable by this Ordinance: Whoever attempts to commit, an offence punishable under this Ordinance, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall where no express provision is made by this Ordinance for the punishment of such attempt, be punished with imprisonment of either description for a term which may extend to ten years.

23. Application of certain provisions of Pakistan Penal Code (Act XLV of 1860): (1) Unless otherwise expressly provided in this Ordinance, the provisions of Sections 34 to 38 of Chapter II, Section 71 and Section 72 of Chapter III and Section 149 of Chapter VIII of the Pakistan Penal Code (Act XLV of 1860), shall apply, mutatis mutandis in respect of offences under this Ordinance;

(2) Whoever is guilty of the abetment of an offence liable to Hadd under this Ordinance shall be liable to the punishment provided for such offence as 'tazir'.


Provided that, if it appears in evidence that the offender has committed a different offence under any other law, he may, if the Court is competent to try that offence and to award punishment therefore, be convicted and punished for that offence:

Provided further that an offence punishable under Section 9 or Section 17 shall be triable by a Court of Session and not by a Magistrate authorised under Section 30 of the said Code and an appeal from an order under either of the said sections or from an order under any other provisions of this Ordinance which imposes a sentence of imprisonment for a term exceeding two years], shall lie to the Federal Shariat Court:

Provided further that a trial by a Court of Session under this Ordinance shall ordinarily be held at the headquarters of the Tehsil in which the offence is alleged to have been committed.

(2) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to the confirmation of the sentence of death, shall apply, mutatis mutandis to confirmation of sentences under this Ordinance.

(3) The provisions of sub-section (3) of Section 391 or Section 393 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(4) The provisions of Chapter XXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in respect of punishment awarded under Section 9 or Section 17 of this Ordinance.

5.14 THE OFFENCE OF ZINA (ENFORCEMENT OF HUDOOD) ORDINANCE, 1979

Sections:

2. Definitions: In this Ordinance, unless there is anything repugnant in the subject of context:

(a) "adult" means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty;
(aa) "confession" means, notwithstanding any judgement of any court to the contrary, an oral statement, explicitly admitting the commission of the offence of zina, voluntarily made by the accused before a court of sessions having jurisdiction in the matter or on receipt of a summons under section 203A of the Code of Criminal Procedure, 1898 (Act V of 1898).

(b) "hadd" means punishment ordained by the Holy Quran or Sunnah;

(c) "Muhsan" means:

(i) a Muslim adult man who is not insane and has had sexual intercourse with a Muslim adult woman who, at the time he had sexual intercourse with her, was married to him and was not insane; or

(ii) a Muslim adult woman who is not insane and has had sexual intercourse with a Muslim adult man who, at the time she had sexual intercourse with him, was married to her and was not insane; and

5. **Zina liable to hadd:** (1) Zina is zina liable to hadd if:

(a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be married; or

(b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be, married.

(2) Whoever is guilty of Zina liable to hadd shall, subject to the provisions of this Ordinance, -

(a) if he or she is a muhsan, be stoned to death at a public place; or

(b) if he or she is not muhsan, be punished, at a public place; with whipping numbering one hundred stripes.

(3) No punishment under sub-section (2) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies; and if the punishment be of whipping; until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

5A. **No case to be converted, lodged or registered under certain provisions:** No complaint of zina under section 5 read with section 203A of the Code of Criminal Procedure, 1898 and no case where an allegation of rape is made shall at any stage be converted into a complaint of fornication under section 496A of the Pakistan Penal Code (Act XLV of 1860) and no complaint of lewdness shall at any stage be converted into a complaint of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance 1979 (Ordinance No. VII of 1979) or an offence of similar nature under any other law for the time being in force.

8. **Proof of zina liable to hadd.** Proof of zina liable to hadd shall be in one of the following forms, namely:-

(a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence; or

(b) at least four Muslim adult male witnesses, about whom the Court is satisfied, having regard to the requirements of tazkiyah al-shuhood, that they are truthful persons and abstain from major sins (kabair), give evidence as eye-witnesses of the act of penetration necessary to the offence:

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.
20. Application of Code of Criminal Procedure 1898 and amendment:- (1) The provisions of the Code of Criminal Procedure, 1898, hereafter in this section referred to as the Code, shall apply, mutatis mutandis in respect of cases under this Ordinance:

Provided that an offence punishable under this Ordinance shall be triable by a Court of Session and not by a Magistrate authorised under section 30 of the said Code and an appeal from an order the Court of Session shall lie to the Federal Shariat Court:

Provided further that a trial by a Court of Session under this Ordinance shall ordinarily be held at the headquarters of the Tehsil in which the offence is alleged to have been committed.

(2) The provision of the Code relating to the confirmation of the sentence of death shall apply, mutatis mutandis, to confirmation of sentences under this Ordinance.

(3) The provision of sub-section (3) of section 391 or section 393 of the Code shall not apply in respect of the punishment of whipping awarded under this Ordinance.

(4) In the Code, section 561 shall stand repealed.

5.15 The Offence of Qazf (Enforcement of Hadd) Ordinance, 1979

Sections:

2. Definitions:- In this Ordinance, unless there is anything repugnant in the subject of context:

(a) "adult", "hadd" and "zina" have the same meaning as in the Offence of Zina (Enforcement of Hudood) Ordinance, 1979; and"

(b) all other terms and expressions not defined in this Ordinance shall have the same meaning as in the Pakistan Penal Code or the Code of Criminal Procedure, 1898.

3. Qazf. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishers an imputation of zina concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation, or hurt the feelings, of such person, is said except in the cases hereinafter excepted, to commit qazf.

First Exception (Imputation of truth which public good requires to be made or published):- It is not qazf to impute zina to any person if the imputation be true and made or published for the public good. Whether or not it is for the public good, is a question of fact.

Second Exception (Accusation preferred in good faith to authorized person):- Save in the cases hereinafter mentioned, it is not qazf to prefer in good faith an accusation of zina against any person to any of those who have lawful authority over that person with respect to the subject matter of the accusation.

(a) A complainant makes an accusation of zina against another person in a Court, but fails to produce four witnesses in support thereof before the Court.

(b) According to the finding of the Court, a witness has given false evidence of the commission of zina or zina-bil-jabr.
According to the finding of the Court, the complainant has made a false accusation of zina-bil-jabr.

5. **Qazf liable to hadd.** Whoever, being an adult, intentionally and without ambiguity commits qazf of zina liable to hadd against a particular person who is a muhsan and capable of performing sexual intercourse is, subject to the provisions of this Ordinance, said to commit qazf liable to hadd.

6. **Proof of qazf liable to hadd:** (1) Proof of qazf liable to hadd shall be in one of the following forms namely:-

(a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence;

(b) the accused commits qazf in the presence of the Court; and

(c) at least two Muslim adult male witnesses, other than the victim of the qazf, about whom the Court is satisfied, having regard to the requirements of tazkiyah al-shuhood that they are truthful persons and abstain from major sins (Kabair), give direct evidence of the commission of qazf:

Provided that, if the accused in a non-Muslim, the witnesses may be non-Muslims

Provided further that the statement of the complainant or the person authorised by him shall be recorded before the statements of the witnesses are recorded.

(2) The Presiding Officer of a Court dismissing a complaint under section 203A of the Code of Criminal Procedure, 1898 or acquitting an accused under section 5 of the Offense of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance VII of 1979), if satisfied that the offence of qazf liable to hadd has been committed, shall not require any proof of qazf and shall proceed to pass sentence under section 7.

8. **Who can file a complaint:** No proceedings under this Ordinance shall be initiated except on a 4[4] or a complaint lodged in a Court by the following, namely:-

(a) if the person in respect of whom the qazf has been committed be alive, that person, or any person authorised by him; or

(b) if the person in respect of whom the qazf has been committed be dead, any of the ascendants or descendants of that person.

9. **Cases in which hadd shall not be imposed or enforced:** (1) Hadd shall not be imposed for qazf in any of the following cases, namely:-

(a) when a person has committed qazf against any of his descendants;

(b) when the person in respect of whom qazf has been committed and who is a complainant has died during the pendencey of the proceedings; and

(c) when the imputation has been proved to be true.

(2) In a case which, before the execution of hadd, the complainant withdraws his allegation of qazf, or states that the accused had made a false confession or that any of the witnesses had deposed falsely, hadd shall not be enforced.

14. **Lian:** (1) When a husband accuses before a Court his wife who is muhsan within the meaning of section 5, of zina and the wife does not accept the accusation as true, the following procedure of lian shall apply, namely:-

(a) the husband shall say upon oath before the Court: "I swear by Allah the Almighty and say I am surely truthful in my accusation of zina against my wife (name of wife)" and, after he has said so
four times, he shall say: "Allah's curse be upon me if I am a liar in my accusation of zina against my wife (name of wife)"; and
(b) the wife shall, in reply to the husband's statement made in accordance with clause (a), say upon oath before the Court: "I swear by Allah the Almighty that my husband is surely a liar in his accusation of zina against me" and, after she has said so four times, she shall say: "Allah's wrath be upon me if he is truthful in his accusation of zina against me".

(2) When the procedure specified in sub-section (1) has been completed, the Court shall pass an order dissolving the marriage between the husband and wife, which shall operate as a decree for dissolution of marriage and no appeal shall lie against it.

17. Application of the Code of Criminal Procedure, 1898. (1) Unless otherwise expressly provided in the Ordinance, the provisions of the Code of Criminal Procedure, 1898, hereinafter referred to as the said Code, shall apply mutatis mutandis, in respect of cases under this Ordinance: 10[10

Provided that an offence punishable under section 7 shall be triable by a Court of Sessions and not by or before a Magistrate authorized under section 30 of the said Code and an appeal from an order of the Court of Sessions shall lie to the Federal Shariat Court.

Provided further that an appeal by, or proceeding before the Court of Session under this Ordinance shall ordinarily be held at the headquarters of the Tehsil in which the offence is alleged to have been committed or, as the case may be, the husband who has made the accusation ordinarily resides.

5.16 THE SPECIAL COURTS FOR SPEEDY TRIALS ACT, 1987

Sections:

7. Taking of cognizance.—(1) The officer-in-charge of a police station shall complete the investigation and forward directly to the Special Court a report under section 173 of the Code within fourteen days in respect of a case triable by such Court: Provided that the Special Court may extend the time within which such report is to be forwarded in a case where good reasons are shown for not doing so within the time specified in this subsection.

(2) Any default on the part of an officer in-charge of a police station, an investigation officer or any other person required by law to perform any functions in connection with the investigation, which results in, or has the effect of delaying the investigation or the submission of the report under subsection (1) shall be deemed to be a wilful disobedience of the order of the Special Court and dealt with under the law accordingly.

(3) The Special Court may directly take cognizance of a case triable by such Court without the case being sent to it under section 190 of the Code.

(4) In case triable by a Special Court, order for detention of an accused in police custody under Section 167 of the Code shall be obtained from the Special Court concerned which shall record reasons for authorizing or refusing such detention: Provided that where an accused cannot within twenty-four hours be produced before the Special Court, a temporary order for police custody not exceeding twenty four hours may be obtained from the nearest Magistrate, for the purpose of producing the accused before the Special Court within that period.

(5) Where, in a case triable by the Special Court, an accused has been released from police custody under Section 169 of the Code, or has been remanded to judicial custody, the Special Court may, on sufficient grounds being shown by a Public Prosecutor or a Law Officer of the Government for the
reasons to be recorded in writing, make an order for placing him in police custody for a period not exceeding seven days for the purpose of further investigation in the case.

(6) For the purposes of sub-sections (4) and (5), a Special Court shall be deemed to be a Magistrate.

5.17 THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1992

Sections:

2. Definitions.- In this Act, unless there is anything repugnant in the subject or content,—

(a) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
(b) “Government” means the Federal Government;
(c) “Civil armed forces” means the Pakistan Rangers, the Frontiers Crops, Pakistan Coast Guards, Frontier Constabulary or any other force notified by the Government as such;
(d) “Notification” means a notification published in the official Gazette;
(e) “Public Prosecutor” means a Public Prosecutor” or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 12;
(f) “Schedule offence” means an offence specified in the Schedule being an offence committed in a terrorist affected area;
(g) “Special Court” means a Special Court established under section 6;
(h) “terrorist affected area” means an area declared as a terrorist affected area under section 3;
(i) “Zone” means a zone constituted under section 3;
(j) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to the code or any provision thereof shall in relation to an area in which the Code or such provision is not in force be construed as a reference to the corresponding law or the relevant provisions of the corresponding law, if any, in force in that area.

4. Use of Police and Civil Armed Forces, etc.— (1) if a Magistrate on receiving a police report or other information is of the opinion—

(a) that any person in the zone is harbouring criminals, keeping as hostage any person who has been kidnapped or abducted, indulging in violence constituting a cognizable offence or acting in breach of an order for the time being in force prohibiting the assembly of more than five persons or violation of curfew or transporting weapons or firearms, ammunition or explosive substances or carrying weapons or firearms, ammunition or explosive substances on his person whether openly or concealed, in breach of law or for unlawful purposes;

(b) that it is necessary to destroy any illicit arms dump or prepared or fortified position or shelter from which armed attacks are made or are likely to be made or any structure used a straining camp for armed insurgents or utilized as a hideout by armed gangs of dacoits or anti state elements or absconders wanted for any offence;

(c) that it is necessary to arrest any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence; or

(d) that it is necessary to enter and search without warrant any place to make arrest of any such person or to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or recovery of any arms, ammunition or explosive substances or lethal weapons believed to be unlawfully kept; may be verbal orders require such person
to comply with law desist from indulge in unlawful activity, surrender himself or anything in his control.

(2) If his orders under subsection (1) are not complied with, the Magistrate after such warning as may be sufficient in his opinion and use of force become necessary for the purpose of securing compliance with the said orders may direct the officer or Junior Commissioned Officer or the police or civil armed forces officers at his disposal to secure such compliance and to use necessary force even to the extent of causing death.—

(a) against any person referred to in clause (a) of the said sub section;

(b) to destroy any illicit arms dumps prepared or fortified position or shelter from which armed attacks are made or are likely to be made or any structure used as training camp for armed insurgents or utilized as a hideout by armed gangs of dacoits or anti-state elements or absconders wanted for any offence;

(c) to arrest without warrant any person referred to in clause of the said sub section; or

(d) to enter and search with warrant, any place to make arrest of any such person or to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or any arms ammunition or explosive substances or lethal weapons believed to be unlawfully kept.

5. Power of police, civil armed forces, etc. - (1) When the Magistrate cannot be communicated with any police officer not below the rank of Sub-Inspector or an officer of equivalent rank in the civil armed forces or a Naib Subedar may after sufficient warning use necessary force even to the extent of causing death.—

(a) against any person referred to in clauses (a) of sub section (I) of section 4; or

(b) to destroy any illicit arms dump prepared or fortified position or shelter from which armed attacks are made or are likely to be made or any structure used as training camp for armed insurgents or utilized as a hideout by armed gangs of dacoits or anti-state elements or absconders wanted for any offence; or

(c) to arrest without warrant any person referred to in clause of sub section (I) of section 4; or

(e) to enter and search without warrant any place to make arrest of any such person to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or any arms, ammunition or explosive substances or lethal weapons believed to be unlawfully kept.

(2) The officer referred to in subsection (I) shall, at the first opportunity as and when it becomes practicable for him to communicate with magistrate, do so and shall hence forward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

11-A. Admissibility of confession made before Police. - Notwithstanding anything contained in section 38 of the Qanun-e-Shahadat, 1984 (P.O. 10 of 1984), the confession made by a person accused of a scheduled offence before a police-officer not below the rank of Deputy Superintendent of Police maybe proved against such person; Provided that the Special Court may for admission of confession in evidence, require the police-officer to produce the complete record of such confession, including video-audio tapes and other devices which were used for recording of the confession.

14. Protection of witnesses. - (1) All proceedings before a Special Court shall be conducted in open Court. Provided that where the Public Prosecutor so applies or the Special Court considers it necessary so to do for any reason, any proceedings or part thereof may be held in camera.
(2) A Special Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of the witness secret.

(3) In particular and without prejudice to the generality of the provisions of sub section may include---
(a) the holding of the proceedings at a protected place:
(b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any record of the case accessible to public: and
(c) the issuing of any directions for securing the identity and addresses of the witnesses are not disclosed.

(4) Any person who contravenes any direction issued under subsection (2) shall be punishable with rigorous imprisonment for a term of three years and with fine which may extend to ten thousand rupees.

5.18 THE ANTI-NARCOTICS FORCE ACT, 1997

Sections:

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-
(a) “Code” means the Code of Criminal Procedures, 1898 (Act V of 1898);
(b) “Director-General” means the Director General of the Force:
(c) “Force” means Anti Narcotics Force under section 3;
(d) “police” means a police-force constituted by the Federal Government or Provincial Government under the Police Act, 1861 (V of 1861);
(f) “prescribed” means prescribed by rules under this Act; and
(g) “rules” means rules made under this Act.

(2) The words and expressions used but not defined herein shall have the same meaning as assigned to them in the Control of Narcotic Substances Ordinance, 1996 (XCIV of 1996).

3. Constitution of the Force (1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute a Force to be called the Anti-Narcotics Force.

(2) The Force shall consist of a Director-General to be appointed by the Federal Government and such number of other officials as the Federal Government may, from time to time, appoint to be members of the Force.

(3) On commencement of this Act the Pakistan Narcotics Control Board constituted under the Government of Pakistan Planning Division's Resolution dated the 8th March, 1973, and Anti-Narcotics Task Force constituted under the Anti-Narcotics Task Force Ordinance, 1994 (LXXVI of 1994), shall stand merged and all personnel, including officers, ministerial staff and the contingent staff of the said Board and Task Force shall, subject to the provisions of section 11 become members of the Force and be governed in accordance with this Ordinance 'and the rules made thereunder.

(4) The Force shall for all intents and purposes be successor of Pakistan Narcotics Control Board and Anti-Narcotics Task Force in respect of all cases, inquiries, investigation, assets, liabilities, rights, obligations and privileges and matters related thereto or connected therewith. (5) Notwithstanding
anything contained in the General Clauses Act, 1897 (IV of 1897), anything done or action taken before the commencement of this Act, under the Anti-Narcotics Task Force Ordinance, 1994 (LXXVI of 1994), or otherwise by the Pakistan Narcotics Control Board in so far it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under this Act.


(2) The Administration of the Force shall vest in the Director-General who shall exercise in respect of the Force all powers of an Inspector-General of Police under the Police Act, 1861 (V of 1861), and all other powers under the Act.

(3) In case of any officers and members from the Armed Forces, the Director-General shall have all powers conferred by or under the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), and the Pakistan Navy Ordinance, 1961 (XXXVI of 1961), respectively as an officer empowered to convene a General Court Martial:

Provided that such powers shall be exercised only by the Director-General who is in the regular service of any of the Armed Forces.

5. Functions of the Force.—The Force shall

(a) inquire into, investigate and prosecute all offences relating to, or connected with, preparation, production, manufacture, transportation, illicit trafficking or smuggling of intoxicants, narcotics and chemical precursors or reagents used in the manufacture of narcotics, or any offence committed in the course of the same transaction under any law for the time being in force, including an attempt or conspiracy to commit, or any offence committed in the course of the same transaction under any law for the time being in force, including an attempt or conspiracy to commit, or any abetment of, any such offence, or any offence committed under the Control of Narcotics Substances Ordinance, 1996 (XCIV of 1996), or the Prohibition (Enforcement of Hadd) Order, 1979 (P.O. 4 of 1979),

(b) trace and freeze the assets;

(c) Provide assistance and advice to other enforcement agencies on all matters in the field of narcotics and to collect information from all national and international enforcement agencies about illicit narcotic traffic and traffickers;

(d) Maintain liaison with all national or international narcotics authorities, organizations, bodies, associations and societies and represent Pakistan in such conferences, seminars and workshops arranged by any such organization or narcotics related matters

(e) Arrange and co-ordinate training of own staff and members of other enforcement agencies in various aspects of narcotics enforcement;

(f) Co-ordinate the project and schemes for elimination and destruction of poppy cultivation; and

(g) Perform any other related functions which may be assigned to it by the Federal Government.

6. Power of the members of the Force. (1) The members of the Force shall, for the purpose of any inquiry or investigation under this Act, have throughout Pakistan such powers, including the powers relating to search, arrest of persons and seizures of property, and such duties, privileges and liabilities as a police officer has in respect of offences under the Code or any other law for the time being in force.

(2) Save when the Director-General otherwise direct, a member of the Force, not below the rank of an Inspector may, for the purpose of any inquiry or investigation under this Act, exercise all the powers of an officer incharge of a police station in any area in which he is for the time being and, when so
exercising such powers, shall be deemed to be the officer in charge of a police station discharging his functions as such within the limits of his station.

(3) Without prejudice to the generality of the provisions of subsection (1) and subsection (2), any member of the Force not below the rank of Inspector, authorized by the Director-General in this behalf, may arrest without warrant any person who has committed, or against whom a reasonable suspicion exists that he has committed, any of the offences relating to Narcotics referred to in clause (a) of section 5.

(4) Notwithstanding anything contained in any other law for the time being in force, a member of the Force not below the rank of Inspector, authorized by the Director-General, may inquire, investigate and trace the assets of a person who has committed an offence referred to in clause (a) of section 5 or when in his opinion, there is a reasonable suspicion that the said assets were acquired through illicit involvement in narcotics, and may, for this purpose, require a bank or other financial institution or departments, whether under the control of Government or otherwise to furnish such information as he may specify.

(5) If, in the opinion of a member of the Force, conducting an inquiry investigating or tracing any assets under subsection (4), which is likely to be removed, transferred or otherwise disposed of, such member may, notwithstanding anything contained in any other law for the time being in force, by order in writing direct the owner or any person who is for the time being in possession thereof, not to remove, transfer, or otherwise dispose of such property in any manner except with the previous permission of that member and such order shall be subject to any order made by the Court having jurisdiction in the matter.

(6) Any contravention of any order made under subsection (4) or (5) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(7) Any member of the Force may, in performance of his functions and exercise of powers as may be prescribed, seek assistance from all officers of police, customs, excise, Federal Investigation Agency or any other investigation agency or authority or civil armed forces.

(8) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may, in respect of any case registered by or under investigation of police, customs, excise, Federal Investigation Agency or any other investigation agency or authority, by order in writing, entrust inquiry or such investigation to the Force, and thereupon the police, customs, excise, Federal Investigation Agency or any other investigation agency or authority shall transfer the record of the case to the Force.

(9) The Force may, in accordance with the law, establish as many police stations as are required for the efficient functioning of the Force and all Police Stations of Anti-Narcotics Task Force and Pakistan Narcotics Control Board shall be deemed to be the police stations of the Force. Explanation. For the purpose of this Ordinance, the expression "police station" means and includes any place declared, as such, by the Federal Government or a Provincial Government to be a police station within the meaning of the Code.

8. Punishment (1) The following minor and major punishments shall, be awarded to the officers and members of staff of the Force, namely:-

(a) Minor Punishments,

(i) Censure;

(ii) forfeiture of approved service up to two years;

(iii) withholding of promotion up to one year;
(iv) stoppage of increment for a period not exceeding three years without cumulative effect;

(v) fine to any amount not exceeding one month's pay;

(vi) confinement to quarters for a term not exceeding fifteen days, with or without punishment, drill, extra guard, fatigue other duty; and

(vii) extra drill not exceeding fifteen days, fatigue or other duties;

(b) Major Punishments

(i) Reduction in rank;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service

(2) Removal from service does not, but dismissal from service does disqualify for future employment.

(3) In this section removal or dismissal from service does not include the discharge of person—

(a) appointed on probation, during the period of probation or in accordance with probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or

(c) engaged under a contract, in accordance with the terms of the contract;

9. Grounds of punishment.—Where, a member, in the opinion of the Authority—

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

(c) is corrupt or may reasonably be considered corrupt because—

(i) he is, or any of his dependents or any other person claiming through him, or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or any property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means; or

(iii) he has a reputation of being corrupt; or

(d) he is engaged or is reasonably suspected of being engaged in subversive or narcotics activities, or is reasonably suspected of being associated with those engaged in subversive or narcotics activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore, prejudicial to national security and interest of State, The, authority may impose on him one or more punishments specified in, subsection (1) of section 8.

10. Authority to award punishment. The authorities to award punishment under section 8 are specified in the Schedule to this Act

11. Terms of Service (1) All personnel’s up to the rank of Inspector and their equivalent in the ministerial staff of the Force may elect to be governed by the existing terms of service applicable to them and such option shall be sent to the Director-General, of the Force within such period as may be
decided by the Director-General failing which they shall be deemed to have opted to serve under this Act.

(2) The personnel’s not opting to serve in accordance with the terms of this Ordinance may, at the discretion of the Director-General be placed at the disposal of Federal Government for adjustment elsewhere.

12. Conduct and Discipline. (1) The police Act, 1861 (V of 1861), the Police Rules, 1934, and the Punjab Police (Efficiency and Discipline) Rules, 1975, shall, mutatis mutandis, be applicable to all members up to the rank of an Inspector if not inconsistent with the provisions of this Act or where operation of any provision thereof is excluded by the Director-General by a specific order made in this behalf.

(2) Subject to subsection (1), all members of the Force, including the ministerial staff except those on deputation from the armed forces, shall be governed by the Civil Servants Act, 1973 (LXXI of 1973), and rules made thereunder.

13. Members to serve anywhere. Every member of the Force shall be deemed to be always on duty and be liable to serve anywhere within or without Pakistan.

Notwithstanding anything contained in the Code, all Directors, Deputy Directors and Assistant Directors of the Force, shall be ex officio public prosecutors in respect of all offences relating to narcotic and specified in clause (a) of section 5, for trial before the Special Court or any other Court when so directed by the Director-General and may conduct the proceedings in the said Court and deal with any matter connected therewith or ancillary thereto.

5.19 THE CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

Sections:

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

(a) “addict” means a person physically or mentally dependent on any narcotic drug or psychotropic substance or a person who habitually uses narcotic drugs or psychotropic substances;

(b) “assets” means any property owned, controlled or belonging to an accused, whether directly or indirectly, or in the name of his spouse or relatives or associates whether within or without Pakistan for which they cannot reasonably account;

(c) “associate”, in relation to an accused, means—

(i) any individual who is, or has, at the relevant time been ordinarily residing in the residential premises, including out-houses and servant-quarters of an accused;

(ii) any individual who, is or has, at the relevant time been managing the affairs or keeping the accounts of an accused;

(iii) any association of persons, body of individuals, firm or private limited company within the meaning of companies Ordinance, 1984 (XLVII of 1984), of which an accused is, or has, at the relevant time been a member, partner or director;

(iv) any individual who is, or has been, at the relevant time a member, partner or director of any association of persons, body of individuals, firm or a private limited company referred to in sub-clause (iii);

(v) a trustee of any trust created by an accused; or
(vi) where the Special Court, for reasons to be recorded, considers that any property of an accused is held on his behalf by any other person, such other person;

(d) “cannabis (hemp)” means—

(i) cannabis resin (charas) that is, the separated resin, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish.

(ii) The flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known; and

(iii) Any mixture with or without neutral materials of any of the above forms of cannabis or any drink prepared therefrom;

(e) “cannabis plant” means any plant of the genus cannabis;

(f) “coca bush” means the plant of any species of the genus Erythroxylon;

(g) “coca derivative” means—

(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture or production of cocaine;

(ii) ecgonine, that is, leavoecgonine having the chemical formula C9H15No3H2O and all chemical derivatives of leavo-ecgonine including benzoylecgonice from which it can be recovered;

(iii) cocaine, that is, methyl-benzoyl-leavo-ecgonine having the chemical formula C17H21No4 and its salts; and

(iv) all preparations containing more than 0.1 per cent of cocaine;

(h) “coca leaf” means:-

(i) the leaf of the coca bush except a leaf from which all ecgonine, cocaine or any other ecgonine alkaloids have been removed;

(ii) any mixture thereof, with or without neutral material, but does not include any preparation containing not more than 0.1 per cent of cocaine;

(j) “controlled delivery” means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances or chemical precursors to pass out of, through or into Pakistan, with the knowledge and under the supervision of the Federal Government with a view to identifying persons involved in the commission of offences cognizable under this Act;

(k) “controlled substance” means any substance which may be used for the production or manufacture of narcotic drugs or psychotropic substance;

(l) “conveyance” means a conveyance of any description whatsoever and includes, any aircraft, vehicle, vessel, railways or animal;

(m) “Director-General” means Director-General of the Anti-Narcotics Force or any other officer appointed by the Federal Government to perform the duties and functions of the Director-General under this Act;

(n) “foreign court” means a court of competent jurisdiction of a foreign country recognised by the Federal Government from time to time;
(o) “freezing” means prohibiting by an order made by the Special Court or an officer authorised under this Act the transfer, conversion, disposal or movement of any assets and includes the holding, controlling, assuming custody or managing any assets in pursuance of such order and, in the case of assets which are perishable the disposal thereof;

(p) “manufacture”, in relation to narcotic drugs or psychotropic substances, includes:

(i) all processes by which such drugs or substances may be obtained;

(ii) refining of such drugs or substances;

(iii) transformation of such drugs or substances; and

(iv) making or preparing such drugs or substances;

(q) “manufactured drug” includes:

(i) all coca derivatives, medicinal hemp, opium derivatives, cannabis in any form and any mixture of stalks and flowering or fruiting tops of the Indian hemp plant (cannabis sativa L.) Acetic anhydride; and

(ii) any other narcotic substance which the Federal government may, by notification in the official Gazette made in pursuance of recommendations of any International Convention or otherwise, declare to be a manufactured drug;

(r) “medicinal hemp” means any extract or tincture of hemp;

(s) “narcotic drug” means coca leaf, cannabis, heroin, opium, poppy straw and all manufactured drugs;

(t) “opium” means:

(i) poppy straw, that is to say, all parts of the poppy plant (papaver somniferum or any other species of Papaver) after mowing, other than the seeds,

(ii) the spontaneously coagulated juice of capsules of poppy which has not been submitted to any manipulations other than those necessary for packing and transport; and

(iii) any mixture, with or without natural materials, of any of the above forms of opium, but does not include any preparation containing not more than 0.2 per cent of morphine;

(u) “opium derivative” includes:

(i) medicinal opium, that is, opium which has undergone the process necessary to adapt it for medicinal use;

(ii) prepared opium, that is, opium which has undergone the process necessary to operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;

(iii) morphone, that is, the principal alkaloid of opium having the chemical formula C17H19NO3 and its salts;

(iv) diacetylmorphine, that is, the semi synthetic substance, also known as diamorphine or heroin, having the chemical formula C21H23NO5 and its salts; and

(v) all preparations containing more than 0.2 per cent of morphine, or containing any diacetylmorphine;

(w) “poppy straw” means all the parts, except the seeds, of the opium poppy after mowing;
(x) “Poppy straw concentrate” means the material obtained after the poppy straw has been subjected to a process for the concentration of its alkaloids;

(y) “Prescribed” means prescribed by rules made under this Act;

(z) “Property” includes:-

(i) all forms of property, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, real estate or personal property of every description;

(ii) property used to commit, or to abet the commission of, an offence punishable under this Act;

(iii) all kinds of shares or interest in an corporate body, company, firm, business concern, society or fund; and

(iv) all documents of title to land, goods or property, wherever situated, money or valuable security issued by the Government;

(Za) “psychotropic substance” means the substances, specified in the Schedule to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance;

(Zb) “relative”, in relation to an accused, means the spouse or any lineal descendant of the empowered to exercise the powers of the Special Court under this act; and

(Zc) “special Court” means the Special Court established under section 46 or any other Court empowered to exercise the powers of the Special Court under this Act; and

(Zd) “tracing” means the finding out the true nature, source, disposition, movement or ownership of assets and includes determining the movement or conversion of assets by any means, and “trace” shall be construed accordingly.

4. Prohibition of cultivation of narcotic plants

No one shall cultivate any cannabis plant, coca bush or opium poppy, or gather any portion of a cannabis plant, coca bush or opium poppy:

Provided that the Federal Government or a Provincial Government authorised by the Federal Government may, subject to such conditions as it may prescribe, permit under a licence cultivation or gathering of any such narcotic plant or any portion thereof exclusively for medical, scientific or industrial purposes.

5. Punishment for contravention of section 4

Whoever contravenes the provisions of section 4 shall be punishable with imprisonment which may extend to seven years, or with fine, or with both.

6. Prohibition of possession of narcotic drugs etc

No one shall produce, manufacture, extract, prepare, possess, offer of sale, sell, purchase, distribute, deliver on any terms whatsoever, except for medical, scientific or industrial purposes in the manner and subject to such conditions as may be specified by or under this Act or any other law for the time being in force.

7. Prohibition of import or export of narcotic drugs, etc

(1) No one shall:-

(a) import into Pakistan;
(b) export from Pakistan;
(c) transport within Pakistan; or
(d) tranship;

any narcotic drug, psychotropic substance or controlled substance, save in accordance with rules made under sub-section (2) and in accordance with the conditions of any licence, permit or authorization for that purpose which may be required to be obtained under those rules.

(2) The Federal Government may make rules permitting and regulating the import into and export from Pakistan, transport within Pakistan and transshipment of narcotic drugs, psychotropic substances or controlled substances, and such rules may prescribe the ports or places at which any kind of narcotic drug, psychotropic substance or controlled substance may be imported, exported, transported within Pakistan or transshipped, the form and conditions of licence, permit or authorities by which such licences, permits or authorization may be granted, the fees that may be charged therefor, any other matter required to have effective control of the Federal Government over such import, export, transportation and transshipment.

8. Prohibition on trafficking or financing the trafficking of narcotic drugs etc

No one shall:-

(a) organize, manage, traffic in, or finance the import, transport, manufacturing or trafficking of, narcotic drugs, psychotropic substances or controlled substances; or
(b) use violence or arms for committing or attempt to commit an offence punishable under this Act.

9. Punishment for contravention of sections 6, 7 and 8

Whoever contravenes the provisions of Section 6, 7 or 8 shall be punishable with:

(a) imprisonment which may extend to two years, or with fine, or with both, if the quantity of the narcotic drug, psychotropic substance or controlled substance is one hundred grams or less;
(b) imprisonment which may extend to seven years and shall also be liable to fine, if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred grams but does not exceed one kilogram;
(c) death or imprisonment for life or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be up to one million rupees, if the quantity of narcotic drug, psychotropic substance or controlled substance exceeds the limits specified in clause (b):

Provided that if the quantity exceeds ten kilograms the punishment shall not be less than imprisonment for life.

10. Prohibition on owning, operating premises or machinery for manufacture of narcotic drugs, etc

No one shall own, manage, operate or control any premises, place, equipment or machinery for the purpose of manufacture or production of cannabis, cocaine, opium, opium with the conditions of a licence and payment of such fees as may be prescribed.

11. Punishment for contravention of Section 10

Whoever contravenes the provisions of section 10 shall be punishable with imprisonment which may extend to twenty-five years but shall not be less than ten years and shall also be liable to fine which shall not be less than one million rupees.
12. Prohibition of acquisition and possession of assets derived from narcotic offences

No one shall knowingly:

(a) Possess, acquire, use, convert, assign or transfer any assets which have been derived, generated or obtained, directly or indirectly, either in his own name or in the name of narcotic substances which constitutes an offence punishable under this Act, the Customs Act, 1969 (IV of 1969), the Prohibition (Enforcement of Hadd) order, 1979 (P.O. No. 4 of 1979), or under any other law for the time being in force, or constituted and offence under any law repealed by this Act; the Control of Narcotic Substances Ordinance, 1996 (XCIV of 1996) or any other law repealed by this Act;

(b) hold or possess on behalf of any other person any assets referred to in clause (a); and

(c) conceal or disguise the true nature, source, location, disposition, movement, title, or ownership of such assets by making false declaration in relation thereto.

13. Punishment for contravention of section 12

Whoever contravenes the provisions of section 12 shall be punishable with imprisonment which may extend to fourteen years but shall not be less than five years and shall also be liable to fine which shall not be less than the prevailing value of the assets and such assets shall also be liable to forfeiture to the Federal Government.

14. Prohibition on aiding, abetment or association in narcotic offences

No one shall, within or outside Pakistan, participate in, associate or conspire to commit, attempt to commit, aid, abet, facilitate incite, induce or counsel the commission of an offence punishable under this Act.

Explanation.-For the purpose of this section, a person shall be deemed to have associated with, conspired, aided, abetted, facilitated, incited, induced or counseled an offence within the meaning of this section if he does anything in a place beyond Pakistan; or

(a) would constitute an offence if committed within Pakistan; or

(b) under the laws of such other place, is an offence relating to narcotic drugs, psychotropic substances or controlled substances having all the legal substances having all the legal or analogous conditions required to constitute it as an offence punishable under this Act.

15. Punishment for contravention of Section 14

Whoever participates in, associates, conspires to commit, attempts to commit, aids, abets, facilitates, incites, induces or counsels the commission of an offence in contravention of Section 14 shall, whether such offence be or be not committed in consequence of such participation, association, conspiracy, aid, abetment, facilitation, inducement or counseling, and notwithstanding anything contained in section 116 of the Pakistan penal Code (Act XLV of 1860), be punishable with the punishment provided for the offence or such lesser punishment as may be awarded by the Court.

Court Decisions

Allegation being recovery of 5 Kg. Of opium from the petitioner-Learned judges fo the High court directing the trial Court below to conclude-Trial of the case within three months-The plea with the trial court therefor was that Notification conferring special court’s powers on it had not been issued-Held That: Such Notification had since been issued the trial of the case be now concluded within the prescribed period-Leave to appeal refused. 2000 PSC (Crl.) SC (Pak) 908

16. Punishment for offence for which no punishment is provided
Whoever contravenes any provision of this Act or any rule or order made, or any licence, permit or authorization issued here-under, for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fine thousand rupees, or with both.

17. Obstructions to officers

Whoever hinders or obstructs any officer in the performance of his functions under this Act or wilfully furnishes to such officer any information which is, to his knowledge or belief, false in material particulars shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

21. Power of entry, search, seizure and arrest without warrant

(1) Where an officer, not below the rank of sub-Inspector of police or equivalent authorized in this behalf by the Federal Government or the Provincial Government, who from his personal knowledge or form information controlled substance in respect of which an offence punishable under this Act has been committed is kept or concealed in an building, place, premises or conveyance, and a warrant for arrest or search cannot be obtained against such person without affording him an opportunity for the concealment of evidence or facility for this escape, such officer may:-

(a) enter into any such building, place, premises or conveyance;
(b) break open any door and remove any other obstacle to such entry in case of resistance;
(c) seize such narcotic drugs, psychotropic substances and controlled substances and other materials used in the manufacture thereof and any other article which he has reason to believe to be liable to confiscation under this Act, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act; and
(d) detain, search and, if he thinks proper, arrest any person whom he has reason to believe to have committed an offence punishable under this Act.

(2) Before or immediately after taking any action under sub-section (1), the officer referred to in that sub-section shall record the grounds and basis of his information and proposed action and forthwith send a copy thereof to his immediate superior officer.

22. Power to seizure and arrest in public places

An officer authorized under section 21 may:-

(a) seize, in any public place or in transit, any narcotic drug, psychotropic substances or controlled substance in respect of which he has reason to believe that an offence punishable under this Act has been committed, and, alongwith such drug, substance or any other article liable to confiscation under this Act and any document or other article punishable under this Act; and
(b) detain and search any person whom he has reason to believe to have committed an offence punishable under this Act, and if such person has any narcotic drug, psychotropic substance or controlled substance in his possession and such possession appears to him to be unlawful, arrest him.

Explanation.-For the purpose of this section, the expression “public place” includes any public conveyance, hotel, shop or any other place intended for use by, or accessible to the public.

23. Power to stop and search conveyance

An officer referred to in section 19, may, if he has reason to suspect that an conveyance I, or is about to be, used for the transport of any narcotic drug, psychotropic substance or controlled substance in
respect of which he suspects that any provision of this Act has been or is being, or is about to be, contravened at any time, stop such conveyance or, in the case of an aircraft, compel it to land and:

(a) rummage and search the conveyance or part thereof;

(b) examine and search any goods on or in the conveyance; or

(c) if it becomes necessary to stop the conveyance, he may use all reasonable force for stopping it.

24. Undercover and controlled delivery operations

(1) Subject to sub-section (2) and to any treaty, arrangement or understanding with any foreign State to which Pakistan may from time to time be party, the Federal Government may give approval in writing to controlled delivery operations, for the purpose of gathering evidence in Pakistan or elsewhere relating to the commission of any offence against this Act or a similar law of a foreign State.

(2) Approval may not be given under sub-section (1) unless the Federal Government:

(a) suspects that persons, whose identity may or may not be known, have engaged in, are engaging in or are about to engage in, conduct constituting an offence against this Act or a similar law of a foreign State; and

(b) is satisfied that the proposed operations are properly designed to give such persons an opportunity to manifest that conduct or provide other evidence of it.

(3) The Federal Government may give approval from time to time for a period not exceeding three months.

(4) Without limiting the generality of sub-section (1), the activities which may be undertaken by an authorised participant in the course of and for the purposes of a controlled delivery and undercover operation include:

(a) allowing any conveyance to enter or leave Pakistan;

(b) allowing any narcotic drug, psychotropic substance, manufactured drug controlled substance, property or other thing in or on the conveyance to be delivered or collected;

(c) using such force as may be reasonable in the circumstances to enter and search the conveyance;

(d) placing a tracking device in or not the conveyance; and

(e) allowing any person who has possessing or custody of the narcotic drug, psychotropic substance, manufactured drug, controlled substance, property or other thing to enter or leave Pakistan.

(5) Notwithstanding anything contained in any other law for the time being in force an authorized participant in an undercover operation or a controlled delivery shall not incur any criminal liability by taking part in it in accordance with the terms of approval.

(6) Any drug of dependence, controlled chemical, controlled equipment or controlled material imported into Pakistan in the course of an approved undercover operation or controlled delivery shall be liable to be dealt with as if it were a prohibited import for the purposes of the Customs act, 1969 (iv of 1969).

25. Mode of making searches and arrest

The provisions of the code of Criminal Procedure, 1898, except those of Section 103, shall, mutandis, apply to all searches and arrests in so far as they are a not inconsistent with the provisions of section 2, 21, 22 and 23 to all warrants issued and arrests and searches made under these sections.
26. Punishment for vexatious entry, search, seizure or arrest

Any person empowered under Section 20 or Section 21 who:-

(a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, any building, place, premises or conveyance;

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug, psychotropic substance, controlled substance or any other article or document relating to any offence under this Act; and

(c) vexatiously and un-necessarily detains, searches or arrests any person, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to twenty-five thousand rupees.

27. Disposal of persons arrested and articles seized

(1) Every person arrested and articles seized under a warrant issued under section 20 shall be forwarded without delay to the authority by whom the warrant was issued; and every person arrested and article seized under section 20 or section 21 shall be forwarded without delay to:

(a) the officer-in-charge of the nearest police station; and

(b) the Special Court having jurisdiction.

(2) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary under the law for the disposal of such person or article.

28. Powers to invest officers of law enforcement agencies with powers of an officer-in-charge of a police station

The Federal Government may invest any officer of law enforcement agency or any other officer within their respective jurisdiction with the powers of an officer-in-charge of a police station for the investigation of offence under this Act.

31. Power to call for information

(1) An officer authorised under section 21 may, during the course of an enquiry in connection with the contravention of any provision of this Act:

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act, or any rule or order made thereunder;

(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry;

(c) examine any person acquainted with the facts and circumstances of the case; and

(d) require any band or financial institution, notwithstanding anything contained in any other law for the time being in-force, to provide any information whatsoever.

32. Articles connected with narcotics

1) Whenever an offence has been committed which is punishable under this Act, the narcotic drug, psychotropic substance or controlled substance, materials, apparatus and utensils in respect of which, or by means of which, such offence has been committed shall be liable to confiscation:

2) Any narcotic drug, psychotropic substance or controlled substance lawfully imported, transported, manufactured, possessed, or sold along with, or in addition to, any narcotic drug, psychotropic
32. Substance or controlled substance which is liable to confiscation under sub-section (1) and the receptacles or packages, and the vehicles, vessels and other conveyances used in carrying such drugs and substances shall likewise be liable to confiscation;

Provided that no vehicle vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be, committed.

33. Procedure for making confiscation

(1) In the trial of offences under this Act, whether the accused in convicted or acquitted, the Special Court shall decide whether any article frozen or seized in connection with such offence is liable to confiscation.

(2) Where any article seized under this Act appears to be liable to confiscation under Section 32, but the person who committed the offence in connection therewith is not known or cannot be found, the Special Court may inquire into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of freezing or seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim:

Provided further that if any such article, other than a narcotic drug, psychotropic substance or controlled substance is liable to speedy and natural decay, or if the Special Court is of opinion that its sale would be for the benefit of its owner, he may at any time direct it to be sold and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person who is not convicted under this Act and claims any right to property which has been confiscated under sub-section (2) may, within thirty days, apply to the Special Court for setting aside the order of confiscation:

Provided that the period of thirty days may be extended for such further period as may be deemed appropriate by the court in the event of the said person not having knowledge of the confiscation.

(4) A narcotic drug, psychotropic substance or controlled substance seized under this Act shall be disposed of under Section 516A of the Code of Criminal Procedure, 1898 (Act V of 1898).

38. Tracing of assets

(1) On receipt of a complaint or credible information or where reasonable suspicion exists about any person that he has acquired assets through illicit involvement in narcotics, within or without Pakistan, an officer empowered under Section 21 or any other person authorised under section 37, shall proceed to trace and identify such assets.

(2) On receipt of authenticated information from a foreign court of competent jurisdiction that a citizen of Pakistan has been charged for an offence which is also an offence under this Act, an officer empowered under Section 21 or any other person authorised under section 37 shall proceed to trace and identify the assets of the said person, and subject tot the provision of sub-section (3) may freeze the said assets.

(3) Information about such assets shall be laid before to the Special Court for the purpose of Section 13 and Section 19 in case action under this Act or any other law for the time being in force is initiated and in case the person who has committed the offence is outside Pakistan, before the High Court for the purpose of forfeiture of assets under Section 40.

(4) The actions referred to in sub-sections (1) and (2) may include any inquiry, investigation or survey in respect of any person, premises, place, property, conveyance documents and books of accounts.
42. Punishment for acquiring property in relation to which proceedings have been taken under this Act

Any person who knowingly acquires any assets which have been frozen under this act shall be punishable with imprisonment for a term which may extend to three years and with fine.

44. Management of assets frozen or forfeited under the Act.

(1) The Federal Government may, by a notification in the official Gazette, appoint any officer of the Federal Government or a provincial Government as it may think fit to perform the functions of an Administrator of the assets frozen or forfeited under this order.

(2) The Administrator appointed under sub-section (1) shall take such actions and exercise such powers as the Federal Government may direct for the maintenance and disposal of the assets which are frozen or forfeited to the Federal Government.

5.20 The Anti-Terrorism Act, 1997

The Anti-Terrorism Act, 1997 has been reviewed in detail in Chapter 2.2 of this Handbook.

5.21 The Juvenile Justice System Ordinance, 2000

Sections:

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “borstal institution” means a place where child offenders may be detained and given education and training for their mental, moral and psychological development;

(b) “child” means a person who at the time of commission of an offence has not attained the age of eighteen years;

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

(d) “guardian” means a parent or a person who has actual care of the child and includes such relative who is willing to bear the responsibility of the child;

(e) “juvenile court” means a court established under section 4;

(f) “offence” means an offence punishable under any law for the time being in force; and

(g) “Probation Officer” means a person appointed under the Probation of Offenders Ordinance, 1960 (XLV of 1960), or such person as the Provincial Government may appoint to perform the functions of Probation Officer under this Ordinance.

10. Arrest and bail.— (1) Where a child is arrested for commission of an offence, the officer incharge of the police station in which the child is detained shall, as soon as may be, inform—

(a) the guardian of the child, if he can be found, of such arrest and inform him of the time, date and name of the juvenile court before which the child shall be produced; and

(b) the concerned Probation Officer to enable him to obtain such information about the child and other material circumstances which may be of assistance to the juvenile court for making inquiry.

(2) Where a child accused of a non-bailable offence is arrested, he shall, without any delay and in no case later than twenty-four hours from such arrest, be produced before the juvenile court.

(3) Without prejudice to the provisions of the Code, a child accused of a bailable offence shall, if already not released under section 496 of Code, be released by the juvenile court on bail, with or without surety, unless it appears that there are reasonable grounds for believing that the release of the child shall bring him into association with any criminal or expose the child to any danger, in which case, the child shall be placed under the custody of a Probation Officer or a suitable person or
institution dealing with the welfare of the children if parent or guardian of the child is not present, but shall not under any circumstances be kept in a police station or jail in such cases.

(4) The juvenile court shall, in a case where a child is not granted bail under sub-section (3), direct for tracing the guardian of such child and where the guardian of the child is traced out, the juvenile court may immediately release the child on bail.

(5) Where a child under the age of fifteen years is arrested or detained for an offence which is punishable with imprisonment of less than ten years, shall be treated as if he was accused of commission of a bailable offence.

(6) No child under the age of fifteen years shall be arrested under any of the laws dealing with preventive detention or under the provisions of Chapter VIII of the Code.

(7) Notwithstanding anything contained in the Code and except where a juvenile court is of the opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf or in exercise of any right or privilege under any law for the time being in force, a child who, for commission of an offence, has been detained, shall be released on bail,—

(a) if, being accused of an offence punishable with death has been detained for such an offence for a continuous period exceeding one year and whose trial for such an offence has not concluded;
(b) if, being accused of any offence punishable for imprisonment for life has been detained for such an offence for a continuous period exceeding six months and whose trial for such offence has not concluded; or
(c) who, being accused of any offence not punishable with death, or imprisonment for life, has been detained for such an offence for a continuous period exceeding four months and whose trial for such an offence has not concluded:

Provided that where a child of the age of fifteen years or above is arrested, the Court may refuse to grant bail if there are reasonable grounds to believe that such child is involved in an offence which in its opinion is serious, heinous, gruesome, brutal, sensational in character or shocking to public morality or he is a previous convict of an offence punishable with death or imprisonment for life.

5.22 THE JUVENILE JUSTICE RULES, 2001

Sections:

2. Definitions.—(1) In these rules, unless there is something repugnant in the subject or context.—

(a) “Incharge” means a person appointed by the [provincial Government] as incharge of the Borstal Institution.
(b) “Income” mean all those juveniles who are placed and detained in [a] Borstal Institution;
(c) “Juvenile” means a person who at the time of commission of an offence has not attained the age of eighteen years [or a child as defined in the juvenile System Ordinance, 2000];
(d) “parole officer” means a person appointed by the provincial Government to perform the function of parole officer in the Reclamation and Probation Department under the good conduct prisoners Probational Release Act, 1926 (Act X of 1926) and other rules framed and enforce for the time being.
(e) He and its derivative are hereinafter used for any juvenile whether male or female.
(f) the words importing singular number include plural number and the words importing plural number include singular number.

(2) “Words and expression” used but not defined shall have the same meanings as assigned in the respective laws.

9. Transfer of juvenile.—All juveniles already ordered to be detained under any of the laws pertaining to the juveniles, shall immediately by transferred to the Borstal institution.
2. Definition.---In this Ordinance, unless there is anything repugnant in the subject or context,

(a) “benefit” includes monetary profit, proceeds or payment in cash or in kind;
(b) “child” means any person who has not attained the age of eighteen years;
(c) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
(d) “coercion” means the use of force, violence, physical restraint, deception, fraud or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of infliction of serious harm;
(e) “document” related to human trafficking includes a passport, a travel documents and any identification document used by law enforcement authorities;
(f) “exploitative entertainment” means all activities in connection with human sports or sexual practices or sex and related abusive practices;
(g) “Government” means the Federal Government;
(h) “human trafficking” means obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person’s subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3;
(i) “inhuman sports” include all sports involving, as a matter of normal course, infliction of physical or mental injury on a person against his will, intention or reasonable expectation;
(j) “organized criminal group” means a structured group of two or more persons, existing for a period of time and acting in concert with the aim of committing any offence under this Ordinance, in order to obtain, directly or indirectly, any financial or other material benefit and includes a person knowingly receiving or disbursing benefits accruing from the commission of any offence in relation to human trafficking by an organized criminal group; and
(k) “victim” means the person who is the subject of or against whom any offence under this Ordinance has been committed.

3. Punishment for human trafficking. ---The human trafficking shall be punishable as under:

(i) Whoever knowingly plans or executes any such plan for human trafficking into or out of Pakistan for the purpose of attaining any benefit, or for the purpose of exploitative entertainment, slavery or forced labour or adoption in or out of Pakistan shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine: Provided that in case of an accused who, in addition to committing an offence as aforesaid has also been guilty of kidnapping or abducting or any attempt thereto in connection with such offence, the imprisonment may extend to ten years with fine: Provided further that whoever plans to commit an offence under this clause but has not as yet executed the same shall be punishable with a term of imprisonment, which may extend to five years and shall also be liable to fine.

(ii) Whoever knowingly provides, obtains or employs the labour or services of a person by coercion, scheme, plan or method intended to make such person believe that in the event of non-performance of such labour or service, he or any other person may suffer from serious harm or physical restraint or legal proceedings, shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine: Provided that if the commission of the offences under this clause involves kidnapping or abduction or any attempt thereto, the term of imprisonment may extend to ten years with fine:

Provided further that payment of any remuneration in lieu of services or labour of the victim shall not be treated as mitigating circumstance while awarding the punishment.

(iii) Whoever knowingly purchases, sells, harbours, transports, provides, detains or obtains a child or
a woman through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him or her into or out of Pakistan or with intention thereof, for the purpose of exploitative entertainment by any person and has received or expects to receive some benefit in lieu thereof shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine: Provided that if the commission of the offence under this clause involves kidnapping or abduction or any attempt thereto of the victim, the term of imprisonment may extend to fourteen years with fine: Provided further that plea, if any, taken by the biological parents of the child shall not prejudice the commission of offence under this clause.

(iv) Whoever knowingly takes, confiscates, possesses, conceals, removes or destroys any document related to human trafficking in furtherance of any offence committed under this Ordinance or to prevent or restrict or attempt to prevent or restrict, without lawful authority, a person’s liberty to move or travel shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine.

4. Offences committed by organized criminal groups. --- Where an organized criminal group is guilty of any offence under clauses (i),(ii),(iii) or (iv) of section 3, the term of imprisonment or each member of such group involved in the commission of such offence shall not be less than ten years imprisonment and may extend to fourteen years where the purpose of trafficking of a victim is exploitative entertainment and shall also be liable to fine.

5. Repetition of commission of offences. --- Whoever repeats the commission of an offence under this Ordinance, the term of imprisonment may extend to fourteen years and the offender shall also be liable to fine.

5.24 The Prevention and Control of Human Trafficking Rules, 2004

Sections:

2. Definitions.- In these Rules, unless there is anything repugnant in the subject or context.-

(a) “court” means the court having jurisdiction to try the offences under the Ordinance;

(b) “Government” means the Federal Government.

(c) “Non-Governmental Organizations” means the Non-Governmental organizations notified by the Government under these rules from time to time;

(d) “Ordinance” means the Prevent and Control of Human Trafficking Ordinance 2002 (LIX of 2002); and

(e) “victim” shall have the same meaning as defined in the Ordinance.

(2) Words and expression used but not defined in these rules shall have the same meaning as in the Ordinance.

3. Recording statement and custody of the victim.- (1) A victim of an offence under the Ordinance, shall be produced before the court for recording his statement under section 164 of the
Code of Criminal Procedure, 1998 (V of 1998), except where the victim is unable, or otherwise not feasible for any reason to be recorded in writing, to get his statement recorded.

(2) In case the victim is an un-accompanied child or a destitute women, the court before whom such victim is produced may pass an order to keep him in a shelter home established by the Government or by the Non-Government Organizations for accommodation, food and medical treatment;

Provided that where the victim is not satisfied with the Non-Governmental Organization to which his custody was given by the court, he may apply to the court for alternate shelter.

(3) The court may, for the welfare of the victim, hand over the custody to any of his blood relation after requiring a bound from the custodian for safe custody of the victim and his production before the court at the time and place mentioned in the bond and shall continue to produce until otherwise directed.

7. Recording evidence and repatriation of the victim.- (1) Where a victim is not a citizen of Pakistan, the court shall record the evidence of the victim at the earliest. If the victim is no more required for the trial, the court may direct the Government to facilitate such victim for this repatriation;

Provided that the victim whose presence is considered necessary by the court for the trial of the case or his immediate repatriation is not possible, shall be entitled to apply to the National Alien Registration Authority for his temporary registration as alien or for work permit.

(2) If the repatriation of the victim is decided, the Government shall in consultation with the concerned Embassy or, as the case may be, the High Commission of the country to which the victim belongs, make necessary arrangements for its safe return.

(3) The Non-Governmental Organizations may provide assistance to the Government in the process of repatriation of the victim.

(4) The Government shall establish special funds for repatriation of the victim.

(4) The Government shall establish special funds for preparation of the victim.

5.25 The Investigation for Fair Trial Act, 2010

Sections:

2. Application.—(1) The provisions of this Act shall apply to—

(a) all citizens of Pakistan within or outside Pakistan;

(b) all persons within Pakistan or on board on any ship or aircraft registered in Pakistan wherever it may be; and

(c) all transactions or communications originated or concluded within Pakistan or originated or concluded outside Pakistan by any person.

(2) Any person liable for investigation under the provisions of this Act for a scheduled offence committed partly or fully outside Pakistan shall be dealt with according to the provisions of this Act in the same manner as if such an offence had been committed within Pakistan.

3. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—
(a) 'applicant' means, Directorate General Inter Services Intelligence, the three Services Intelligence Agencies, Intelligence Bureau and Police;

(b) 'authorized officer', means any officer not below the rank of BPS-20 or equivalent who is working with the applicant and is notified under Section 4 to represent the applicant when making application or taking up any proceedings under this Act;

(c) 'competent authority' includes the Judge;

(d) 'Court' means the High Court;

(e) 'Designated Agency or Body' means any one or more Agency or Body designated by the Federal Government through notification for the purposes of this Act, having capability for implementing warrant of interception;

(f) 'expert', means a person qualified or trained or experienced in conducting surveillance or interception who is nominated by the applicant or the Federal Government as an expert for analysis of the intercepted materials;

(g) 'Intercepted material' means evidence collected under Section 17 and will refer,--

(i) for the purposes of 'Surveillance' to, include,--

(a) data, information or material in any documented form, whether written, through audio visual device, CCTV, still photography, observation or any other mode of modem devices or techniques obtained under this Act; and

(b) documents, papers, pamphlets, booklets; and

(ii) for the purposes of 'Interception' to, include,--

mails, SMS, IPDR (internet protocol detail record) or CDR (cell detail record) and any form of computer based or cell phone based communication and voice analysis. It also includes any means of communication using wired or wireless or IP (internet protocol) based media or gadgetry;

(h) 'Judge' means a Judge of the High Court;

(i) 'Minister' means the Federal Minister for Interior;

(j) 'Register' means the register maintained under subsection (2) of Section 9 by the Judge, containing the serial number of the file received by the Judge in Chambers which has been returned to the applicant for safe custody, and the register shall also contain name, contact, address of the authorized person and the applicant;

(k) 'Suspect' means a person in respect of whom there is a suspicion that he may be involved in any scheduled offence and includes foreigners and groups as well as organizations;

(l) 'Schedule' means schedule to this Act;

(m) 'Scheduled offence' means an offence specified in schedule I;

(n) 'Service provider' means any person, entity or company related to any equipment, technology, data, circumstances that given it ability or power or control to implement the warrants issued under Sections 11 and 21;
(p) 'Warrant' means warrant of surveillance or interception, and includes warrant issued under Sections 11 whereby the applicant is allowed by the Judge to collect evidence through interception, recording through audio or video or any means of communication or surveillance of movements and actions through minimum interference in property and privacy of any person including human intelligence.

4. Notification of authorized officer. — The applicant shall, before making an application, first notify an appropriate officer not below BPS-20 or equivalent, duly authorized by him to represent the said applicant for making an application under this Act.

5. Record of Suspicious Conduct. — In case where any official of an applicant has reasons to believe that any person is likely to be associated with or is beginning to get associated with, any act leading to a scheduled offence, or is in the process of beginning to plan such an act, or is indulging in such a conduct or activity that arises suspicion that he is likely to plan or attempt to commit any scheduled offence and, therefore, it may be necessary to obtain warrant of surveillance or interception, he shall prepare a report thereof with supporting.

6. Material to be placed before the Minister. — An official of the applicant who has prepared the report under Section 5 shall present the same through the Head of the Department to the Minister for permission to make application to the Judge for issuance of the warrant of surveillance or interception.

8. Application for issuance of warrant. — After permission from the Minister, application for issuance of warrant shall be made by the authorized officer to the Judge,

(a) preferably in the manner prescribed in schedule II;

(b) in case, the nature of warrant requested to be issued requires different description, then the application shall be made in writing on the letter head of the applicant justifying the issuance of warrant by mentioning all necessary details with supporting material along with proposed draft for warrant; and

(c) the application for the issuance of warrant shall be accompanied by,—

(i) a signed statement and affidavit of the authorized officer that the contents of the report and application are true and correct to the best of his information, knowledge and belief, and that the warrant shall be used only and exclusively for preventing or lawfully investigating a scheduled offence or to collect evidence in respect thereof and the same shall neither be misused in any manner, nor shall the approval of the warrant, be abused to interfere or intervene in the privacy of any person; and

(ii) details of all warrants obtained previously in respect of the person against whom the warrant is sought

15. Sanction in case of arbitrary request for warrant. — Where the Judge is of the view that any request for the issuance of warrant is based on insufficient or irrelevant considerations or it has resulted in undue and inappropriate interference in the privacy of any person or that the material and information collected or received within the period mentioned in Section 14 demonstrate that the officer concerned did not apply himself fully while making an application for the warrant, then he may recommend departmental action against the officer concerned.
16. **Authorization under the warrant.**— (1) The warrant of surveillance or interception to be issued by the Judge may authorize and allow the lawful doing of any or all of the following acts, namely--

(a) interception and recording of telephonic communication of the suspect with any person;

(b) video recording of any person, persons, premises, event, situation etc;

(c) interception or recording or obtaining of any electronic transaction including but not limited to e-mails, SMS etc;

(d) interception and taking over of any equipment used in the communication in respect of which the warrant is issued, including but not limited to telephone, cell phone, mobile sims, electronic database, demonstrating linking of electronic communication with the database belonging to the persons in respect of whom the warrant has been issued:

Provided that the Judge shall authorize take-over of equipment only where the material or statement of the authorized officer discloses a substantial threat or possibility or an attempt to commit a scheduled offence;

(e) collection of evidence through any modern devices in addition to the ones mentioned above;

(f) use of human intelligence;

(g) covert surveillance and property interference; and

(h) access to any information or data in any form related to a transaction, communication or its content.

(2) Any other form of surveillance or interception that the Federal Government may notify in this behalf.

17. **Method of executing the Warrant.**— (1) Where the warrant is issued, the applicant in case of the warrant of interception, shall approach the designated agency or body, for serving the same on service provider in the manner provided for in Schedule III and the designated agency or body shall duly serve the said warrant on the service provider or give effect to it within seven days.

(2) The service provider shall not extend technical facilities of interception to any person or organization other than the Designated Agency or Body.

(3) Where nature of surveillance or interception is such that it is not necessary to serve the warrant on anyone, then the same shall not be served and its issuance alone shall be sufficient basis to collect evidence.

(4) While executing the warrants each applicant shall act within the mandate provided for it under the law.

20. **Service provider to cooperate.**— In the event the service provider declines, fails or interferes in any manner in the execution of warrant then he shall be liable to have committed an offence under this Act for obstructing investigation and justice and shall be punished with fine up to ten million rupees.
21. **Service provider to ensure confidentiality.**— The service provider shall also be responsible for ensuring the confidentiality of the execution of warrant from his staff members except those necessary to execute the warrant and in case of unauthorized disclosure or misuse of data by any of his staff member, the officials of the service provider and the concerned staff shall be punished with imprisonment which may extend to one year or with fine which may extend to ten million rupees.

23. **Admissibility of warrant based information.**—(1) Notwithstanding anything contained in the Qanun-e-Shahadat Order, 1984 (P.O. 10 of 1984) or any other law for the time being in force, the evidence including data, information, documents or any other material collected or received under this Act shall be admissible as evidence in the legal proceedings.

   (2) Nothing contained in sub-section (1), shall debar the admissibility of evidence collected or received, prior to the coming into force or this Act, under the provisions of any other law for the time being in force.

24. **Presumption of validity of warrant.**— The warrant of surveillance and interception whenever presented in the Trial Court or any other Court, shall be presumed to have been validly and lawfully issued.

   (2) The intercepted material collected or received pursuant to the warrant of surveillance or interception under this Act and the material based on which the warrant of surveillance or interception was applied for by the applicant shall be admissible in evidence.

34. **Prohibition of misuse of intercepted material**—(1) The material intercepted pursuant to the warrant of surveillance or interception shall not be used by any official of the applicant or of the Court or any other person associated with any function under this Act other than in accordance with the provisions of this Act.

   (2) Any person who violates the provisions of sub-section (1), shall be punished with imprisonment of up to five years or with fine up to ten million rupees or with both.

36. **Power to make rules, issue guidelines and orders.**— The Federal Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act, and issue guidelines or orders in pursuance of this Act and the rules made there under.

### 5.26 THE PROTECTION OF PAKISTAN ACT, 2014

**Sections:**

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,---

   (a) “armed forces” means the Military, Naval and Air Forces of Pakistan and the Reserves of such Forces;
(b) civil armed forces” means Police, Frontier Constabulary, Frontier Corps, Pakistan Coast Guards, Pakistan Rangers or any other civil armed force notified by the Government as such;

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

(d) “enemy alien” means a militant

(a) whose identity is unascertainable as a Pakistani, in the locality where he has been arrested or in the locality where he claims to be residing, whether by documentary or oral evidence; or

(b) who has been deprived of his citizenship, under the Pakistan Citizenship Act, 1951 (II of 1951), acquired by naturalization;

(e) “Government” means the Federal Government;

(f) “militant” means any person who:

(a) wages war or insurrection against Pakistan, or

(b) raises arms against Pakistan, its citizens, the armed forces or civil armed forces: or

(c) takes up, advocates or encourages or aids or abets the raising of arms or waging of war or a violent struggle against Pakistan; or

(d) threatens or acts or attempts to act in a manner prejudicial to the security, integrity or defence of Pakistan; or

(e) commits or threatens to commit any scheduled offence;

(i) a person who commits any act outside the territory of Pakistan for which he has used the soil of Pakistan for preparing to commit such act that constitutes scheduled offence under this Act and the laws of the State where such offence has been committed, including an act of aiding or abetting such offence; or

(ii) any person against whom there are reasonable grounds that he acts under the directions or in concert or conspiracy with or in furtherance of the designs of an enemy alien;

(g) “Police” includes all police forces established by the Provincial Governments or the Federal Government;

(h) “Preparing to commit a scheduled offence” means any act, prior to an attempt, whereby a person equips or adorns himself with the means and instruments necessary for the commission of such offence and includes the possession, storage, fabrication or transport of explosives’, firearms, instruments, articles, suicide jackets or vehicles designed to be used in such commission;

(i) “Prosecuting agency” means a prosecuting agency established by the Government for the prosecution of offences falling under this Act;

(j) “Prosecutor General” means the person appointed as Prosecutor General by the Government under section 12 of this Act;

(k) “Schedule” means a Schedule annexed to this Act;

(l) “Scheduled offence” means an offence as set out in the Schedule;

(m) “security of Pakistan” shall have the same meaning as is assigned to it in Article 260 of the Constitution;

(n) ‘Special Court” means the Special Court established under section 8 of this Act; and
(o) “Special Judicial Magistrate” means the Special Judicial Magistrate appointed under section 8 of this Act.

3. **Use of armed forces and civil armed forces to prevent scheduled offences.**--(1) Any police officer not below BS-15 or member of the armed forces, or civil armed forces who is present or deployed in any area may, on reasonable apprehension of commission of a scheduled offence after giving sufficient warning, use the necessary force to prevent the commission of a scheduled offence, and in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the Code.

(2) In particular and without prejudice to generality of sub-section (1), an officer of the police not below BS-15 or member of the armed forces or civil armed forces in the above situation may,---

(a) after giving prior warning use such force as may be deemed necessary or appropriate, keeping in view all the facts and circumstances of the situation, against any person who is committing or in all probability is likely to commit a scheduled offence, it shall be lawful for any such officer after forming reasonable apprehension that death, grievous hurt may be caused by such act, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;

Provided that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous hurt shall be reviewed in an internal inquiry conducted by a person appointed by the head of the concerned law enforcement agency:

Provided further that all cases of firing which have resulted in death may, if the facts and circumstances so warrant, be also reviewed in a judicial inquiry conducted by a person appointed by the Federal Government.

*Explanation.*-Reasonable apprehension that death or grievous hurt may be caused, may, inter alia, be based on the following grounds, namely:---

(i) credible prior information about a person, who is identified on site or is suspected to be that person and such person either attempts to resist arrest by force or refuses a command to surrender and his action may lead to grievous hurt or death;

(ii) prior information but without any clear identification of individual(s) in an area who may have been or are going to be involved in the planning, commission or financing of a scheduled offence to carry out action as mentioned in paragraph (i) above:

(iii) appreciation of circumstances on the scene that a person can cause harm and the situation may lead to grievous hurt or, a judgment based on event(s) on site;

(iv) threatening movement of a person who is in possession of a firearm or reaching for a firearm, to target law enforcing personnel or a member of the public which may lead to grievous hurt or death; or

(v) prior information or a judgment on the site that the person may cause to signal or personally trigger an explosion which can cause harm or a person assisting in commission of such a crime that may lead to grievous hurt or death.
(b) arrest, without warrant, any person who has committed a scheduled offence or against whom a reasonable suspicion or credible information exists that he has committed, or is about to commit any such act or offence; and

(c) enter and search, without warrant any premises to make any arrest or to take possession of any fire-arm, explosives, weapon vehicle, instrument or article used, or likely to be used, in the commission of any scheduled offence:

Provided that after the search, the circumstances justifying it and the items recovered shall be reported within two days to Special Judicial Magistrate for the area by the officer conducting the search.

(3) Nothing contained in sub-section (1) or sub-section (2) shall affect the provisions of Chapter IX of the Code and the provisions of Section 132 of the Code shall apply to any person acting under this section.

4. **Application of Code.** - The provisions of the Code, insofar as these are not inconsistent with this Act shall be applicable thereto.

5. **Investigations.** - (1) All the scheduled offences shall be cognizable and non-bailable.

(2) All scheduled offences, where armed forces/civil armed forces are acting in aid of civil authority, shall be inquired into and investigated by a Joint Investigation Team comprising of one gazetted police officer and two officers from the armed forces/civil armed forces. The joint Investigating Team shall be headed by the Police Officer as armed forces. The Joint Investigation Team shall be headed by the Police Officer as aforesaid.

(3) Whenever a person is arrested or detained in custody under clause (b) or clause (c) of sub-section (2) of Section 3 and it appears that the inquiry or investigation cannot be completed within the period of twenty-four hours, the head of Joint Investigation Team or any other officer acting under him, excluding the time necessary for journey from the place of arrest or detention to the Court shall produce him before a Special Judicial Magistrate and may apply for remand of the accused to the custody of the police or custody of any other investigating agency.

(4) A Special Judicial Magistrate may remand the accused, from time to time, in such custody as such Special Judicial Magistrate thinks fit for a term not exceeding sixty days:

Provided that the Special Judicial Magistrate shall not remand an accused person to custody under this section for a period exceeding fifteen days at a time.

Provided further that all such reports requesting for further custody of the accused shall be submitted through the Public Prosecutor.

(5) A person arrested or detained under this Act who falls within the meaning of clause (d) of section 2 of this Act shall be considered an enemy alien and subject to provisions of section 15 presumed to have joined waging war or insurrection against Pakistan.

6. **Preventive Detention.** — (1) The Government may by an order in writing authorize the detention of a person for a period specified in the order shall not exceed ninety days if the Government has reasonable grounds to believe that such person is acting in a manner prejudicial to the integrity, security, defense of Pakistan or any part thereof or external affairs of Pakistan or public order or maintenance of supplies and service:

Provided that detention of such person shall not in accordance with the provisions of Article 10 of the Constitution.
Provided further that without prejudice to the above, an enemy alien may be detained by the Government to prevent him from acting as aforesaid for such period as may be determined by it from time to time in accordance with Article 10 of the Constitution.

Explanation: A person connected or reasonably believed to be connected with the preparation, attempt or commission of a scheduled offence or a person acting in concert or under direction of an enemy alien, or a person falling under sub-section (5) of Section 5 shall be deemed to be a person acting in the manner stated above.

(2) In areas where the Federal Government or the Provincial Government has called Armed forces in aid of civil power under Article 245 of the Constitution or where any civil armed force has been called by the Federal Government or Provincial Government in aid of civil power under the Anti-terrorism Act, 1997 (XXVII of 1997), the said requisitioned force may detain any enemy alien or militant, in designated internment camps after a notification to that effect:---

Provided that detention of such person shall be in accordance with the provisions of Article 10 of the Constitution.

(3) At any time during the said notification or upon its withdrawal, such interne may be handed over to Police or any other investigating agency for formal investigation and prosecution.

(4) The Federal Government shall make Regulations to regulate the internment orders, internment camps, mechanisms for representation against the internment orders and judicial oversight of such camps, subject to the provisions of sub-section (2) of section 9.

(5) Any person, arrested or detained by the armed forces or civil armed forces kept under arrest or detention before the coming into force of the Prevention of Pakistan (Amendment) Ordinance, 2014 (Ordinance I of 2014) shall be deemed to have been arrested or detained pursuant to the provisions of this Act if the offence in respect of which such arrest or detention was made also constitutes an offence under this Act.

9. Place of inquiries, investigations and trials etc.--(1) The Government, on the report of a prosecuting agency, may determine the place of custody, inquiry, investigation and trial of a scheduled offence anywhere in Pakistan.

(2) Subject to the Constitution,---

(a) the Government, Joint Investigation Team, armed forces or civil armed forces may, in the interest of the security of its personnel or for the safety of the detainee or accused or intern, as the case may be, or for any other reasonable cause withhold the information except from a High Court or the Supreme Court regarding the location of the detainee or accused or intern or internment centre established or information with respect to any detainee or accused or interne or his whereabouts:---

Provided that the judge or judges to whom disclosure is made may decide to treat it as privileged information in the public interest; and

(b) the Government may not in the interest of the security of Pakistan disclose the grounds for detention or divulge any information relating to a detainee, accused or interne who is an enemy alien or a militant.

(3) A person convicted of a scheduled offence subject to direction of the Government may be confined at any place in Pakistan including the prisons established by the Provincial and Federal Governments.

13. Protection of judges, prosecutors and witnesses etc.--The Government shall take appropriate measures to provide adequate security to the prosecution witnesses, investigating officers,
prosecutors, Special Judicial Magistrates and Judges of the Special Courts and for this purpose may establish, anywhere in Pakistan, high security prisons with Court rooms.


5.27 INJURED PERSONS (MEDICAL AID) ACT, 2004

Sections:

4. Non-interference by the police.— No police official or officer shall interrupt or interfere during the period an injured person is under treatment in a hospital except with the written permission of the Incharge of the hospital:

Provided that such permission shall not be given unless it is necessary in connection with an investigation which may be carried out in the hospital so long as the injured person is under treatment.

8. The injured person not to be taken to a police station.— (1) Under no circumstances an injured person be taken to a police station before necessary medical aid and treatment is given.

(2) The police officer is bound to ensure that the injured person is treated in a hospital as provided in this Act before any medico-legal procedure is undertaken. The police officer shall not in any way influence the doctor or to give any opinion about the type and details of injury of the injured person.

10. Awareness campaign.— An awareness campaign shall be carried out regularly to educate the public, medical professionals and the police about medico-legal procedures.

13. Instructions.— The Government may issue instruction from time to time to carry out the purposes of this Act and the defaulting doctor or the police official or officer shall be liable to disciplinary action for contravention of such instructions, besides the penalty to which he may be liable under section 11.

5.28 NATIONAL ACCOUNTABILITY ORDINANCE, 1999 (AS AMENDED UP TO 2010)

Sections:

10. Punishment for corruption and corrupt practices: (a) [A holder of public office, or any other person who commits the offence of corruption and corrupt practices shall be punishable with [rigorous] imprisonment for a term which may extend to 14 years [and with fine] and such of the assets and [pecuniary resources] of such [holder of public office or person, as are] found to be disproportionate to the known sources of his income or which [are] acquired by money obtained through corruption and corrupt practices whether in his name or in the name of any of his dependents, or benamidars shall be forfeited to the appropriate Government [, or the concerned bank or financial institution as the case may be.]

[(b) The offences specified in the Schedule to this Ordinance shall be punishable in the manner specified therein.

(c) The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.]
18. Cognizance of offences  (a) The Court shall not take cognizance of any offence under this Ordinance except on a reference made by [the Chairman NAB or an officer of the NAB duly authorized by him.]

(b) A reference under this Ordinance shall be initiated by the National Accountability Bureau on—

(i) a reference received from the appropriate government; or

(ii) receipt of a complaint; or

(iii) [its] own accord.

[(c)] Where the Chairman NAB, or an officer of the NAB duly authorized by him, is of the opinion that it is, or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry or investigation.]

(d) The responsibility for inquiry into and investigation of an offence alleged to have been committed under this Ordinance shall rest on the NAB to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman [NAB] [or by an officer of the NAB duly authorized by him].

(e) The Chairman NAB and such members, officers or servants of the NAB shall have and exercise, for the purposes of an inquiry or investigation the power to arrest any person, and all the powers of an officer-in-charge of a Police Station under the Code, and for that purpose may cause the attendance of any person, and when and if the assistance of any agency, police officer or any other official or agency, as the case may be, is sought by the NAB such official or agency shall render such assistance provided that no person shall be arrested without the permission of the Chairman [NAB] or any officer [of NAB] duly authorized by the Chairman NAB:

(f) Any Inquiry [or] Investigation under this Ordinance shall be completed expeditiously as may be practical and feasible.

(g) The Chairman NAB, [or an officer of the NAB duly authorized by him, shall appraise the material and the evidence placed before him during the inquiry and the investigation, and if he decides that it would be proper and just to proceed further [and there is sufficient material to justify filing of a reference], he shall refer the matter to [a] Court.

(h) If a complaint is inquired into and investigated by the NAB and it is concluded that the complaint received was prima facie frivolous or has been filed with intent to malign or defame any person, the Chairman [NAB] or Deputy Chairman NAB or [an officer of the NAB duly authorised by the Chairman NAB], may refer the matter to the court, and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

20. Reporting of suspicious financial transactions

(a) Notwithstanding anything contained in any law for the time being in force, it shall be the duty of all banks and financial institutions to take prompt and immediate notice of all unusual or large transactions [in an account], which have no apparently genuine economic or lawful purpose and upon bonafide professional judgment of the Bank [or financial institution] that such transactions could constitute or be related to [an offence under this Ordinance], the manager or director of such [Bank or] financial institution shall report all such transactions to the Chairman NAB forthwith by the quickest possible mode of communication to be confirmed in writing.
(b) Whosoever fails to supply the information in accordance with subsection (a) shall be punishable with rigorous imprisonment, which may extend to 5 years, [and] with fine.

23. Transfer of property void

(a) Notwithstanding anything contained in any other law for the time being in force after the Chairman NAB has initiated [an inquiry or] investigation into [any offence] under this Ordinance, alleged to have been committed by an accused person, [accused] person or any relative or associate of [accused] person or any other person on his behalf, shall not transfer by any means whatsoever, [or] create a charge on any property owned by him or in his possession, while the inquiry, investigation or proceedings are pending before the NAB or the Court; and any transfer of any right; title or interest or creation of a charge on such property shall be void.

(b) Any person who transfers, or creates a charge on property in contravention of sub-section (a) shall be punishable with rigorous imprisonment for a term, which may extend to three years and shall also be liable to fine not exceeding the value of the property involved [:]

[Provided that such transfer of any right, title or interest or creation of a charge on such property shall not be void if made with the approval of the Court, subject to such terms and conditions as the Court may deem fit.]

24. [ARREST]

(a) The Chairman NAB shall have the power, at any stage of the [inquiry or] investigation under this Ordinance, to direct that the accused, if not already arrested, shall be arrested.

(b) If the Chairman, NAB [, or an officer of the NAB duly authorized by him], decides to refer the case to a Court, such reference shall contain the substance of the [offence or offences as the case may be,] alleged to have been committed by the accused and a copy of such reference shall be forwarded to the Registrar of the Court to which the case has been sent to try the accused, and another copy shall be delivered to the accused.

(c) The provision of sub-section (a) shall also apply to cases, which have already been referred to the Court.

(d) Notwithstanding anything contained in the Code, where the holder of a public office or any other person accused of an offence is arrested by NAB under this Ordinance, NAB shall, as soon as may be, inform him of the grounds and substance on the basis of which he has been arrested and produce him before, the [Court] within a period of twenty-four hours of arrest excluding the time necessary for the journey from the place of arrest to the [Court] and such person shall, having regard to the facts and circumstances of the case, be liable to be detained in the custody of NAB for the purpose of inquiry and investigation for a period not exceeding ninety days [and the Court may remand an accused person to custody not exceeding fifteen days at a time and for every subsequent remand the Court shall record reasons in writing copy of which shall be sent to the High Court.]

(e) All persons presently in custody shall immediately upon coming into force of this sub-section, unless previously produced before [a] Court be produced before such Court as provided in sub-section (d) and the Order authorizing retention of custody by NAB shall be deemed to relate to the date of arrest; and]

[(f) The Chairman NAB may declare and notify any place as [a police station or] a sub-jail at his discretion.]
31. [Prohibition to hamper investigation]

(a) Notwithstanding anything contained in any other law for the time being in force, if any person concerned with the inquiry investigation and prosecution of a case consciously and deliberately and with malice compromises, hampers, misleads, jeopardizes or defeats an [inquiry or] investigation of a case under process before NAB or any concerned agency or authority or the [Court or any other Court] he shall be [guilty of an offence under this Ordinance punishable with rigorous imprisonment for a term which may extend to ten years].

(b) No person will be proceeded [against] under this section except with the sanction of a committee [comprising] the Chairman NAB, Deputy Chairman NAB and the Prosecutor General Accountability.

[31-A.Absconding to avoid service of warrants.

[(a)] Whoever absconds in order to avoid being served with any process issued by any Court or any other authority or officer under this Ordinance or in any manner prevents, avoids or evades the service on himself of such process or conceals himself to screen himself from the proceedings or punishment under this Ordinance shall be guilty of an offence [under this Ordinance] punishable with imprisonment which may extend to three years notwithstanding the provisions of section 87 and 88 of [Code], or any other law for the time being in force.

[(b) Notwithstanding the provisions of section 18 it shall not be necessary to file a reference under this section in cases where a reference is pending before the Court.]

5.29 NATIONAL COUNTER TERRORISM AUTHORITY ACT, 2013

Sections:

10. Deputy National Coordinator. (1) There shall be a Deputy National Coordinator of the Authority to be appointed by the Federal Government for a tenure of three years.

(2) The Deputy National Coordinator shall be an eminent professional of known integrity and competence in BPS-21 or equivalent and may be appointed in rotation from bureaucracy or Police Service of Pakistan.

(3) The National Coordinator may delegate any of his powers under sub-section (1) of section 9 to the Deputy National Coordinator with the approval of the Board subject to such conditions and limitations as may be specified in this behalf by the board.

11. Appointment of officers, staff etc., by the Authority. (1) The Authority may, from time to time appoint, either through direct recruitment or through deputation, such officials, experts or consultants as it may consider necessary for the performance of functions in the prescribed manner.

(2) The Authority shall prescribe service regulations, with the approval of the Board for the appointment, promotion and transfer of officers, staff, experts and consultants, their terms and conditions of service including additional financial incentives such as special salaries, allowances, pension or gratuity etc., constitution and management of pension and gratuity and shall be competent to take disciplinary action against them.

(3) All appointments of officers and staff etc. shall be made with the approval of the Board and their security clearance shall be carried out by Directorate General ISI.
CHAPTER 6: USE OF FORCE

Law enforcement officials and in particular, the police force, is tasked with the duty to maintain law and order within the state. In order to be able to fulfil their responsibilities of ensuring public safety and preventing and detecting crime the police authorities are granted a number of powers, including the power to use force and firearms.

Force is used to subdue or control an unwilling subject, either by verbal command or physical action. In performing their functions, the police must only use force when strictly required and to the extent necessary. Any force used should be proportionate to the seriousness of the offence and to the legitimate objective. The intentional lethal use of firearms is an extreme measure and should be undertaken only when strictly unavoidable. The use of force cannot be exercised arbitrarily and to that end both the domestic legal framework as well as international guidelines provide accountability mechanisms that must be strictly adhered to.

6.1 Use of Force Defined

The International Association of Chiefs of Police (IACP) in its study, Police Use of Force in America 2001, defined “Use of Force” as:

"The amount of effort required by police to compel compliance by an unwilling subject."

The term ‘Use of Force’ is not defined sensu stricto in the domestic legislation of Pakistan. However, in section 349 of the Pakistan Penal Code, 1860, Force has been defined as,

“A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other’s body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other’s sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First: By his own bodily power.
Secondly: By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.
Thirdly: By inducing any animal to move, to change its motion, or to cease to move."

The ‘use of force’ is mainly governed by international human rights law and domestic law. The Constitution of Pakistan provides some fundamental guarantees with respect to police powers and the use of force by security personnel. The constitutional safeguards listed below mirror international human rights guarantees that follow it.

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6.2 Constitution of the Islamic Republic of Pakistan, 1973

The Constitution provides for certain fundamental rights with respect to police powers and the use of force. They are as follows:

**Article 9. Security of person** — No person shall be deprived of life or liberty saves in accordance with law.

**Article 10. Safeguards as to arrest and detention** — (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding three months unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of three months, unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, within fifteen days from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case:

Provided that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity.
(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.

**Article 14. Inviolability of dignity of man, etc.** – (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of extracting evidence.

**Article 16. Freedom of assembly** – Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

### 6.2.1 Use of Force under International Human Rights Law

The exercise of the power to use force may violate the most basic human rights such as the right to life, liberty and security of a person and the respect for his/her inherent dignity. Police use of force which adds to a violation of the right to life represents a clear defeat of one of the prime purposes of policing, that of maintaining the safety and security of persons.

**Article 3 of the Universal Declaration of Human Rights**: “Everyone has the right to life, liberty and security of person.

**Article 6 of the International Covenant on Civil and Political Rights**, states that: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

**Article 7 of International Covenant on Civil and Political Rights**, which both read: “No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment”; and

**Article 2 of the UN Convention Against Torture**, which reads:

“1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.”

### 6.2.2 Use of Force under International Humanitarian Law

Humanitarian law or the law of war governs the conduct of hostilities paradigm as opposed to the law enforcement model, which prevails during times of peace. Humanitarian law provisions do not apply to peacetime operations but it contains provisions on the use of force during law enforcement:

**Article 43 of The Hague Convention IV of 1907** provides that the Occupying Power “shall take all [...] measures [...] to restore, and ensure [...] public order and safety [...]”.

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Article 42 of The Third Geneva Convention relative to the Treatment of Prisoners of War of 1949 establishes that the use of weapons against those “who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.”

6.3 Use of Force in the Light of Domestic Case Law — Basic Principles Enunciated

The Judgments cited below express the basic principles that govern the use of force i.e. proportionality, legality accountability and necessity. These requirements are found under The UN Code of Conduct for Law Enforcement Officials (CCLEO) of 1979 and The UN Basic Principles on The Use Force and Firearms by Law Enforcement Officials (BPUFF) of 1990 and are used by international courts, human rights bodies and international institutions as a reference in their deliberations.

6.3.1 Proportionality:

- Muhammad Khalil v The State

  To cause forceful blows using a knife (chhuri) on vital body parts resulting in instant death in retaliation for injuries sustained on non-vital parts was deemed to be “quite excessive and manifestly disproportionate exceeding the right of private defence.”

- Suo Motu Case No.10 Of 2011, Brutal Killing of a Youngman by Rangers

  “…None of the Police and Rangers officials present on the spot helped the deceased (then injured) as a result whereof he succumbed to injuries in their presence. The manner, in which the death of Sarfraz Ahmed deceased has occurred, clearly indicates barbarism because once he had been overpowered, as it was evident from the video clips, he was not to be fired upon in any case and at the best the Rangers personnel could have handed him over to the police, if there was an allegation of his being involved in the commission of some offence.”

- Muhammad Yar v. The State

  “… the person exercising the right of private defence must be careful in modulating his acts. It must be proportionate and commensurate with the quality and character of the act it is intended to meet and what is done in excess is not protected under the law…”

In the abovementioned cases the superior courts of Pakistan have discussed the principle of proportionality when using force against a lawful subject. The principle seeks to determine whether there is a balance between the benefits of the use of force and the possible consequences and harm caused by its use. To put it briefly, law enforcement officials are only allowed to use force when it becomes unavoidable and/or if it is for the purpose of saving another life. Any excesses will be open to sanctions therefore the requirement of proportionality must be strictly followed.

6.3.2 Legality:

- Syed Ghulam Abbas Bokhari V Raja Mushtaq Ahmad

  “In order to maintain the law and order situation, law-enforcing agencies have been protected and section 5 of the Anti-Terrorism Act, 1997 empowers forces to prevent acts of terrorism by applying

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13 2000 YLR 351
14 PLD 2011 SC 799
15 2012 SCMR 1014
16 2014 YLR 201, Lahore
force. Even otherwise, actions of forces in performing official duties were protected by the general exceptions available in Ss.76, 79, 80 and 81 of Penal Code, 1860,

Here it is markedly desired that interpretation of the above mentioned legal provisions may not be permitted to be made liberally in favour of forces so that innocent people may not be killed by gun plays on pretext of observations made through this judgment because forces are constitutionally and legally mandated to jealously safeguard the life, liberty and property of the subjects...”

Legality is another important aspect that has to be observed when using force. According to this principle, force is to be used only for lawful enforcement purposes and there are no exceptions or excuses for the unlawful use of force. If the use of force is not aimed at achieving a legitimate objective as established in domestic legislation (e.g. punishment, use of physical means to obtain a confession), it is unlawful per se.

6.3.3 Accountability:

- **Ch. Muhammad Yaqoob and others V The State and others**
  “...The right of private self defence is to be used as a shield to ward off an unwarranted attack to a person or property but it cannot be used as a vehicle for provoking an attack. In other words it is to be exercised as a preventive measure and not for launching an attack for retaliatory purpose. The court will not measure his action in golden scaled but would extend due concession on account of human error of judgment in such a situation. No encounter no question of private self defence... an encounter will not entitle a police party to kill indiscriminately the persons who are allegedly involved in the encounter as the basic requirement provided inter alia in section 9 PPC... Secondly the police personnel themselves cannot be the sole arbiter on the question whether the killing of certain persons in an alleged encounter was warranted by but it is for the competent Court of law to decide the above question...”

In order to ensure checks and balances on the wide powers granted to law enforcement personnel, the law requires enforcement agencies to be held accountable for the fulfilment of their duties and their compliance with the legal and operational framework. The case cited above stresses the importance of penalizing arbitrary conduct and omissions. It also emphasises the need for this to be done by the competent forum.

6.3.4 Necessity:

- **Muhammad Rafique v Anayat Ali and 3 others**
  It was not proved that the accused was armed with a pistol. The right to private defence does not provide a license or an unlimited to go on causing exclusive harm to the opponent.

  “...Such a right commences only when a reasonable apprehension arises from an attempt or threat to commit an offence. It is to be exercised as a preventive measure and not for launching attack...” Four successive pistol shots were not a proportionate response to blows of bottle and stone.

Lastly, when using force, the requirement of necessity should always be respected. The principle of necessity, serves to determine whether force should be used at all and if so, to what extent. Furthermore, it requires that the amount of force used should be the minimum that can still be

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171992 SCMR 1983

182013 PCr.LJ 835
considered effective and it must stop once the objective has been achieved or is no longer achievable. The dictum in the abovementioned case upholds the concept of necessity rather strictly. Firstly, by using the phrase “preventive measure” it disallows reckless attacks and secondly it mandates the need for “a reasonable apprehension” of harm, before the right to use force can be exercised.

6.4 Operational Framework of Use of Force

The following laws deal with the concept of use of force under Pakistan’s domestic legislative framework.

i. Criminal Procedure Code, 1898
ii. Pakistan Penal Code, 1860
iii. Anti-Terrorism Act, 1997
iv. Police Order, 2002
v. Protection of Pakistan Act, 2014

Relevant provisions from each have been extracted and inserted under the operational heads below:

6.4.1 Use of Force in Law Enforcement Operations

The Anti-Terrorism Act, 1997

Section 5. Use of armed forces and civil armed forces to prevent terrorism.- (1) Any police officers, or member of the armed forces, or civil armed forces, who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of terrorist acts or scheduled offences, and, in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the Code.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may-

(i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing *** a terrorist act or a schedule offence, [it shall be lawful for any such officer. or any senior officer [after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence] to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof [:]

[Provided that an order to open tire in such circumstances shall be given by a police officer not below the rank of BS-17 and equivalent rank, in the case of a member of Armed Forces or civil Armed forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the terrorist act or scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt: (ii) arrest without warrant, any person who has committed an act of terrorism or a scheduled offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, any such act or offence; and
(iii) enter and search, without warrant, any premises to make any arrest or to take possession of any property, firearm, weapon or article used, or likely to be used, in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the provision of section 132 of the Code shall apply to any person acting under this section.

**Protection of Pakistan Act, 2014**

**Section 3. Use of armed forces and civil armed forces to prevent scheduled offences**— (1) Any police officer not below BS-15 or member of the armed forces, or civil armed forces who is present or deployed in any area may, on reasonable apprehension of commission of a scheduled offence after giving sufficient warning, use the necessary force to prevent the commission of a scheduled offence, and in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the Code.

(2) In particular and without prejudice to generality of sub-section (1), an officer of the police not below BS-15 or member of the armed forces or civil armed forces in the above situation may, --

a) after giving prior warning use such force as may be deemed necessary or appropriate, keeping in view all the facts and circumstances of the situation, against any person who is committing or in all probability is likely to commit a scheduled offence, it shall be lawful for any such officer after forming reasonable apprehension that death, grievous hurt may be caused by such act, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;

Provided that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous hurt shall be reviewed in an internal inquiry conducted by a person appointed by the head of the concerned law enforcement agency:

Provided further that all cases of firing which have resulted in death may, if the facts and circumstances so warrant, be also reviewed in a judicial inquiry conducted by a person appointed by the Federal Government.

**6.4.1.1 Self Defence**

**Pakistan Penal Code, 1860**

**Section 96. Things done in private defence**— Nothing is an offence which is done in the exercise of the right of private defence.

**Section 97. Right of private defence of the body and of property**— Every person has a right, subject to the restrictions contained in Section 99, to defend;

**First:** His own body, and the body of any other person, against any offence affecting the human body;

**Secondly:** The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.
Section 98. Right of private defence against the act of a person of unsound mind, etc. — When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Section 99. Act against which there is no right of private defence—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a public servant acting in good faith under colour, of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Section 100. When the right of private defence of the body extends to causing death—

The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—

First: Such an assault as may reasonable cause the apprehension that death will otherwise be the consequence of such assault;

Secondly: Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly: An assault with the intention of committing rape;

Fourthly: An assault with the intention of gratifying unnatural lust

Fifthly: An assault with the intention of kidnapping or abduction.

Sixthly: An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

6.4.2 Use of Force Against Unlawful Assemblies

Criminal Procedure Code, 1898

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19 Taj Muhammad v Bacha Muhammad and another, 2013 PCr.LJ 1858: “... the reasonableness of the apprehension is a question of fact which depends upon the weapon used the manner of using it, the nature of assault or other surrounding circumstances.”
Section 127. Assembly to disperse on command of magistrate or police officer—
(1) Any [Executive Magistrate] or officer in charge of a police-station may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Section 128. Use of civil force to disperse—If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any [Executive Magistrate] or officer in charge of a police-station, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer, soldier, sailor or airman in the armed forces of Pakistan ..., and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Section 130. Duty of officer commanding troops required by magistrate to disperse assembly—
(1) When a Magistrate determines to disperse any such assembly by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Police Rules of 1934

Rule 14.55 Use of force against crowds.—(1) Instructions regarding the use of force by the police against crowds are as follows:---

The use of force by the Police is regulated entirely by the provisions of the law. Those provisions are contained in Chapter V (especially Sections 46 and 50), and Chapter IX (especially Sections 127 and 128) of the Criminal Procedure Code.

(a) The main principle to be observed is that the degree of force employed shall be regulated according to the circumstances of each case. The object of the use of force is to quell a disturbance of the peace, or to disperse an assembly which threatens such disturbance and has either refused to disperse or shows a determination not to disperse; no ulterior objects, such as punitive or repressive effect, shall be taken into consideration.

(b) Any officer in charge of a police station or police officer of higher rank has power, independently of the authority of a Magistrate, to call upon an unlawful assembly to disperse and to use force to disperse it. (See Section 127, Criminal Procedure Code). When a Magistrate other than an honorary Magistrate) is present or can be communicated with without such delay as would prejudice the situation, an assembly shall not be called upon to disperse nor shall force be used to disperse it without orders of such Magistrate, provided that, if a gazetted police officer is present, and no Magistrate having first class or higher powers is present, such police officer shall independently in ordering an assembly to disperse. In other circumstances the senior police officer present, having the powers of an officer in charge of a police station, shall act on his own responsibility, but shall communicate with and report his action to the senior Magistrate, who may be accessible, as soon as possible. Whether acting under the orders of a Magistrate or not, once the order to disperse a crowd has been given, the method by which force shall be applied and the degree of force to be used shall be decided by the senior police officer present; provided that, if the District Magistrate is himself present, he, as head of the police force of the district, shall be recognised to be the senior police officer present. For the purposes of this rule a Sub-Divisional Magistrate within his sub-division shall have the status of a District Magistrate, i.e. he shall be recognised by all police officers of the sub-division as the senior police officer, and shall power to decide the method and degree of force to be used.
(c) All attempts to disperse a crowd by warnings, exhortation, etc; shall be made before it is declared an unlawful assembly and, as such, ordered to disperse. Once an order to disperse has been defied, or when the attitude of a crowd is obviously defiant, force shall be used without hesitation. The degree of force used shall be the minimum which the responsible officer, with the exercise of due care and attention, decides to be necessary for the effective dispersal of the crowd and the making of such arrests as may be desired. The degree and duration of the use of force shall be limited as much as possible, and the least deadly weapon which the circumstances permit shall be used.

(d) The effectiveness of force depends mainly upon the determination with which it is applied; its direction against the most defiant section of the crowd to be dispersed and its absolute control. Failure to act on this principle results inevitably in more force being applied and more dangerous weapons being used than would otherwise have been necessary. It is not possible to lay down any more definite rule as to when different methods different weapons shall be used. The officer responsible is required to decide this in each case on consideration of the strength and attitude of the crowd to be dispersed, and the strength of the force available for its dispersal.

(e) When the responsible police officer, whether acting under the orders of a Magistrate or independently, considers that the use of firearms is necessary, he shall, unless circumstances make such action impossible, warn the crowd that if they do not immediately disperse, fire with live ammunition will be opened upon them. If the District Magistrate or, in a subdivision, the sub-divisional officer is present, his orders shall invariably be obtained immediately the necessity of opening fire becomes imminent.

(f) In order that the decision to open fire may be promptly acted upon without loss of control or confusion, the responsible police officer shall, as soon as it appears likely that the use of firearms will be necessary, tell off a detachment of armed police to be held in readiness. When fire is to be opened, the responsible police officer shall decide the minimum volume necessary to be effective in the circumstances and shall give precise orders accordingly, as to the particular men or files who are to fire and the number of rounds to be fired; and whether volleys or independent aimed shots are to be fired, and shall ensure that this orders are not exceeded and that no firing contrary to or without orders takes place. Whatever volume of fire is ordered, it shall be applied with the maximum of effect; the aim shall be kept low and directed at the most threatening parts of the crowd; in no circumstances shall firing over the heads of or at the fringes of the crowd be allowed. Since buckshot is not an effective charge at any range at which it is safe to use it, Government has directed that the use of buckshot ammunition against crowds should be prohibited.

(g) When no Magistrate is present, the police officer in command, as is contemplated in the Criminal Procedure Code, shall be responsible for the opening of fire invariably, whether the order to use firearms has been given by a Magistrate, or by a police officer, the order to cease fire shall be given as soon as the unlawful assembly shows disposition to retire or disperse.

(h) While the disposition of the police must be left to the police officer in command, every precaution should be taken that a force armed with firearms is not brought so close to a dangerous crowd, as to risk it either being overwhelmed by numbers or being forced to inflict heavy casualties. If the use of firearms cannot be avoided, firing should be carried out form a distance sufficient to obviate the risk of the force being rushed and to enable strict fire-control to be maintained.

(i) On occasions of religious festivals police carrying firearms should ordinarily not be employed to escort processions. They should be posted in front or in the rear of the procession where they are in least danger of being thrown into confusion by the mob and cab be kept under the control of the officer in command and their petty officers.
(j) On occasions when firearms have been used against unlawful assemblies it should be the duty of the Magistrate, if one is present, to make adequate arrangements for the care of the wounded persons and for their removal to hospital and also for the disposal of the dead, if any. He should also, then and there, draw up a full report in consultation with the senior police officer present, stating all the circumstances and noting the number of rounds of ammunition issued and expended. If no Magistrate is present, this report shall be prepared by the senior police officer who shall also take all possible action with regard to wounded and dead.

(2) The following instruction govern the action of the police when the use of military force becomes necessary:

(a) A police officer, of whatever rank, has no authority to require any officer, commissioned or non-commissioned, in command of a military detachment to use force in dispersing a crowd. Any Magistrate may make such a requisition (Section 130, Criminal Procedure Code) and, in emergencies when no Magistrate can be communicated with, commissioned officer of the regular army may himself order military force to be used. When no Magistrate is available and troops are present and their intervention is, in the opinion of the senior police officer present necessary, that officer shall inform the senior commissioned regular army officer present of the situation, requesting his assistance in support of the police if necessary. The military officer receiving such report will decide whether to act on it.

(b) When military force has been set in motion for the dispersal of a crowd, any police force previously employed in contact with such crowd shall be withdrawn to prevent confusion. The senior police officer present and the officer commanding the troops shall confer as to the method and exact time of such withdrawal, and as to the subsequent employment of the police provided that, if the District Magistrate is down absolutely, the normal procedure should be for the police to be so withdrawn as to leave a free field of action to the troops, and to be used thereafter (a) in support of the troops for making arrests and pursuing a broken mob, (b) for guarding the flanks and rear of the troops form attack and preventing the out break of disturbance in other areas.

(c) It must be noted that, when the order to disperse and unlawful assembly by military force has been given, the senior police officer on the spot and all police at the time within the area where military force is being employed come under the orders of the senior military officer present, who is in charge of the operation of dispersal, and remain under the his orders to this extend and for the period necessary, but the latter must consult the senior police officer present in any action he thinks it necessary to take. When control of the situation is definitely handed over by the senior civil officer to the military authorities, the police force come fully under military control.

(NOTE.—These instructions are in conformity with the secret instructions on the subject issued by the Government of India, Army Department).

(3) Only an officer in charge of police station (and police officer superior in rank of virtue of Section 551, Criminal Procedure Code) can act under Section 127, Criminal Procedure Code. When any other police officer encounters an unlawful assembly, he should immediately send for a Magistrate or a police officer empowered to act under Section 127, Criminal Procedure Code. Should be unlawful assembly commit any overt act of violence before the arrival of such Magistrate or police officer, the senior police officer on the spot, in virtue of other powers conferred by the law, should take such action as is necessary to deal with the situation. Section 149, Criminal Procedure Code, empowers every police officer to interpose for the purpose of preventing, and requires that every police officer shall, to the best of his ability, prevent the commission of any cognizable offence. Section 152, Criminal procedure Code empowers a police officer of his own authority to interpose to prevent shall police officers have the same right of private defence which is granted to every person. Every police officer should be fully acquainted with this right which is laid down in Section 96 to 106, Indian Penal Code, 97, Indian Penal
Code, makes it clear that every person, and therefore, every against any offence affecting the human body and the property of any other person as well as of himself, against any act which is an offence falling under the definition theft, robbery, mischief or criminal trespass. The extent to which the right of private defence may be exercised is laid down in Sections 99, 100, 101 and 103, and the period during which the right exists is explained in Sections 102 and 105.

**Police Order, 2002**

**Section 119. Power to give direction to the public**— Subject to rules, a police officer not below the rank of a Sub-Inspector may, give such directions as may be necessary to:

(a) direct the conduct and behaviour or actions of persons constituting processions or assemblies on roads or streets; (b) prevent obstructions —
(i) on the occasion of processions and assemblies; (ii) in the neighbourhood of places of worship during the time of worship; and (iii) when a street or public place or place of public resort may be thronged or liable to be obstructed.
(c) keep order on streets, mosques, churches or other places of worship and places of public resort when these may be thronged or liable to be obstructed.

**Section 120. Regulation of public assemblies and processions and licensing of the same**— (1) Head of District Police or Assistant or Deputy Superintendent of Police may as occasion require, direct the conduct of assemblies and processions on public roads, or in public streets or thoroughfares and prescribe the routes by which and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect any assembly in any such road, street or thoroughfare, or to form a procession which would, in his judgement, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such processions shall apply for a licence.

(3) On such application being made, he may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to permitted to take place and otherwise giving effect to this Article:

Provided that no fee shall be charged on the application for, or grant of any such licence.

**Section 121. Powers with regard to assemblies and processions violating the conditions of licence**— (1) Head of District Police or Assistant or Deputy Superintendent of Police or Inspector of police or an officer in-charge of a police station may stop any procession which violates the conditions of a licence granted under the last foregoing Article, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

**Section 124. Erecting of barriers in streets, etc.** — Any police officer may in an emergency temporarily close any street or public place through erection of barriers or other means, to prohibit persons or vehicles from entering such area.

**Section 132. Control of camps, parades, etc.** — If Head of District Police is satisfied that it is necessary in the interest of maintenance of public order, he may by a special order prohibit or restrict throughout the district or any part thereof all meetings and assemblies of persons for the purpose of training in the use of arms or taking part in any such camp, parade or procession.
6.4.3 Use of Force at the Time of Arrest

Criminal Procedure Code, 1898

Section 46 (2). Resisting endeavour to arrest— If such person forcibly resists the endeavour to arrest him or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.

Section 46 (3). Arrest how made— Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with [imprisonment for life.]

Section 49. Power to break open doors and windows for purposes of liberation— Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Section 50. No unnecessary restraint— The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Section 51. Search of arrested persons— Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.

Section 165. Search by police-officer— (1) Whenever an officer in charge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purpose of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is attached and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made, for such thing in any place within the limits of such station.

[Provided that no such officer shall search, or cause search to be made, for anything which is in the custody of any bank or banker as defined in the Bankers Books Evidence Act, 1891 (XVIII of 1891), and relates or might disclose any information which relates, to the bank account of any person except:

(a) for the purpose of investigating an offence under sections 403, 406 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477-A (both inclusive) of the Pakistan Penal Code, with the prior permission in writing of a Sessions Judge; and

(b) in other cases, with the prior permission in writing of the High Court.]

(2) A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may after recording in writing his reasons for so doing require any officer sub-ordinate to him to make the search, and he shall deliver to such subordinate officer an
order in writing specifying the place to be searched, and, so far as possible, the thing for which search is to be made: and such subordinate officer may thereupon search for such things in such place.

(4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in section 102 and section 103 shall, so far as may be, apply to a search made under this section.

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

**Police Order, 2002**

**Section 125. Power to search suspected persons or vehicles in street, etc. —**

When in a street or a place of public resort a police officer on reasonable grounds suspects a person or a vehicle to be carrying any article unlawfully obtained or possessed or likely to be used in the commission of an offence, he may search such person or vehicle; and if the account given by such person or possessor of the vehicle appears to be false or suspicious, he may detain such article after recording in writing the grounds of such action and issue a receipt in the prescribed form and report the facts to the officer in-charge of the police station for informing the court for proceeding according to law against the person.

**Anti-Terrorism Act, 1997**

**Section 10. Power to enter or search**—If any officers of the police, armed forces or civil armed forces is satisfied that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 8 he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same. [Provided that the concerned officer shall first record in writing his reasons for such belief and serve a copy thereof either on the person or on the premises.]

6.4.4 Use of Force in Custody

**Criminal Procedure Code, 1898**

**Section 50. No unnecessary restraint**—The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

6.4.5 Accountability

**Police Order, 2002**

**Section 35. Responsibility on complaints of neglect and excesses by police —**

(1) Where the Zila Nazim on the basis of any complaint or information has reason to believe that any police official has committed an act of neglect, failure or excess, or the Union Public Safety Committee on its own motion or on receipt of a complaint from an aggrieved person reports to the Zila Nazim about police neglect, failure or excess, the Zila Nazim may direct Head of District Police to take remedial measures, including registration of First Information Report in a cognizable offence
in appropriate cases within the period specified by him and the Zila Nazim shall inform the [concerned Commission at the District level] accordingly.

(2) Head of District Police or the concerned competent authority shall immediately take remedial measures, and may suspend the concerned official where necessary, initiate an enquiry and take appropriate action in accordance with law.

(3) Head of District Police shall without delay inform the Zila Nazim and [concerned Commission at the District level] of the action taken by him pursuant to the directions given under clause (1) and forward a copy of the final report of enquiry within forty-five days of such directions

Section 155. Penalty for certain types of misconduct by police officers – (1) Any police officer who-

(a) makes for obtaining release from service as police officer, a false statement or a statement which is misleading in material particulars or uses a false document for the purpose;
(b) is guilty of cowardice, or being a police officer of junior rank, resigns his office or withdraws himself from duties without permission;
(c) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;
(d) is guilty of any violation of duty;
(e) is found in a state of intoxication, while on duty;
(f) malingers or feigns or voluntarily causes hurt to himself with the intention to render himself unfit for duty;
(g) is grossly insubordinate to his superior officer or uses criminal force against a superior officer;
or
(h) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything.

shall, on conviction, for every such offence be punished with imprisonment for a term which may extend to three years and with fine.

(2) Prosecution under this Article shall require a report on writing by an officer authorized in this behalf under the rules [to be made by the Government].

Section 171. No police officer to be liable to any penalty or payment of damages on account of acts done in good faith in pursuance of duty. – No police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Order or any other law for the time being in force or any rule, order or direction made or given therein.

Anti-Terrorism Act, 1997

Section 5 (2). Use of armed forces and civil armed forces to prevent terrorism—

In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may-

(i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing *** a terrorist act or a schedule offence, [it shall be lawful for any such officer. or any senior officer [after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence] to
fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof [::]

[Provided that an order to open fire in such circumstances shall be given by a police officer not below the rank of BS-17 and equivalent rank, in the case of a member of Armed Forces or civil Armed forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the terrorist act or scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous injury shall be reviewed by an internal inquiry committee constituted by the head of the law enforcement agency concerned.]

Protection of Pakistan Act, 2014

Section 2 (a). Use of armed forces and civil armed forces to prevent scheduled offences—

(2) In particular and without prejudice to generality of sub-section (1), an officer of the police not below BS-15 or member of the armed forces or civil armed forces in the above situation may,---

a) after giving prior warning use such force as may be deemed necessary or appropriate, keeping in view all the facts and circumstances of the situation, against any person who is committing or in all probability is likely to commit a scheduled offence, it shall be lawful for any such officer after forming reasonable apprehension that death, grievous hurt may be caused by such act, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;

Provided that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous hurt shall be reviewed in an internal inquiry conducted by a person appointed by the head of the concerned law enforcement agency:

Provided further that all cases of firing which have resulted in death may, if the facts and circumstances so warrant, be also reviewed in a judicial inquiry conducted by a person appointed by the Federal Government.
CHAPTER 7: PREVENTIVE DETENTION

7.1 PREVENTIVE DETENTION DEFINED:

Preventive detention is detention without criminal charge.

Deprivation of liberty is an action that may extend beyond what will be considered preventive detention for the purposes of this section. International law also does not adhere to a singular definition of this type of deprivation of liberty in either the humanitarian or human rights law regime. Preventive detention/administrative detention/internment, terms that may be used interchangeably, shall be the focus of this chapter, again, defined as detention without criminal charges.

This form of detention aims essentially to prevent serious future harm, based on a person’s activity, rather than on the express commission of a crime. Leaving aside the internment of POWs in an IAC, preventive detention may be understood as the:

deposition of liberty ordered by the executive authorities when no specific criminal charge is made against the individual concerned\(^{21}\)

and as an:

exceptional measure of control that may be ordered for security reasons in armed conflict, or for the purpose of protecting State security or public order in non-conflict situations, provided that in both contexts, the requisite criteria have been met.\(^{22}\)

7.2 PREVENTIVE DETENTION IN INTERNATIONAL HUMAN RIGHTS LAW

Under the International Covenant on Civil and Political Rights (ICCPR):

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.\(^{23}\)

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.\(^{24}\)

Detention may be considered arbitrary if it is unlawful or unjust.\(^{25}\) General Comment 35 under the ICCPR adds that an initially lawful detention may otherwise become unlawful if a periodic


\(^{24}\) Id. at art. 9(4).

\(^{25}\) CLAIRE MACKEN, Preventive Detention and the Right of Personal Liberty and Security under the International Covenant on Civil and Political Rights, 1966, 5.
reevaluation of the grounds for detention is not completed. Additionally, the reasons for detention must be established by law, but must not be overly broad so as to be arbitrary.

7.3 Preventive Detention under Pakistani Law

The preventive detention apparatus in Pakistan may be divided into two parallel regimes: one that operates under the declaration of an emergency within FATA through the Actions (in Aid of Civil Power) Regulations, 2011 (AACPR); the second, which operates as a permanent feature of anti-terrorism legislation, both during and in the absence of an emergency, stemming from Article 10 of the Constitution of Pakistan. This Article 10 regime is further operationalized through the Maintenance of Public Order Ordinance, 1960; the Public Order Detenu Rules, 1962, underneath the Maintenance of Public Order Ordinance; Anti-Terrorism Act, 1997; and the Protection of Pakistan Act, 2014. Law enforcement authorities primarily operate under the Article 10 regime.

Preventive detention falls generally under the duties of the Ministry of Interior as per the Federal Government’s Rules of Business. The subordinate law enforcement authorities underneath the Ministry of Interior, intelligence agencies subordinate to the Ministry of Defence and the respective counterterrorism departments of each province or territory’s police department are empowered to use preventive detention under the framework provided by law.

7.4 Grounds for Detention

Under the Constitution’s Article 10 regime, several national security-based laws provide grounds upon which persons may be detained:

Article 10 of the Constitution of Pakistan provides:

No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defense of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services.

The Protection of Pakistan Act, 2014 allows for the detention of persons:

acting in a manner prejudicial to the integrity, security, defense of Pakistan or any part thereof or external affairs of Pakistan or public order or maintenance of supplies and services

AND any enemy alien

Enemy Aliens:

- militants whose identity is unascertainable as a Pakistani, in the locality where he was arrested or in the locality where he claims to be residing, whether by documentary or oral evidence
- a militant who was deprived of his citizenship, under the Pakistan Citizenship Act, 1951, acquired by naturalization

---

26 UN Human Rights Committee (HRC), General comment no. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, ¶ 12.
27 Id. ¶ 34.
28 Pakistan Const. (1973) art. 10(4).
30 Id. at § 2(d).
Militants:

Means any person who

- Wages war or insurrection against Pakistan
- Raises arms against Pakistan, its citizens, the armed forces or civil armed forces
- Takes up, advocates, encourages or aids or abets the raising of arms or waging of war or a violent struggle against Pakistan
- Threatens or acts or attempts to act in a manner prejudicial to the security, integrity or defense of Pakistan
- Commits or threatens to commit any scheduled offence, including:
  - a person who commits any act outside the territory of Pakistan for which he has used the soil of Pakistan for preparing to commit such act that constitutes scheduled offence under this Act and the laws of the State where such offence has been committed, including an act of aiding or abetting such offence; or
  - any person against whom there are reasonable grounds that he acts under the directions or in concert or conspiracy with or in furtherance of the designs of an enemy alien

The Anti-Terrorism Act, 1997 allows for the detention of persons:

- concerned in terrorism
- an activist, office bearer or an associate of an organization kept under observation, or
- in any way concerned or suspected to be concerned with such organization or affiliated with any group or organization suspected to be involved in terrorism or sectarianism or acting on behalf of, or at the direction of, any person or organization proscribed under this Act
- any person who has been concerned in any offence under this Act relating to the security or defense of Pakistan or any part thereof, or public order relating to target killing, kidnapping for ransom, and extortion/bhatta, or the maintenance of supplies or services, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, for purpose of inquiry

The Maintenance of Public Order Ordinance, 1960 permits the detention of persons:

Acting in any manner prejudicial to public safety or to the maintenance of public order

Whoever is or was a member of an association […], which association is or was declared to be unlawful under any law for the time being in force in the province

31Id. at § 2(f).
33Id. at § 11EEE(1).
### Other Laws That Provide a Preventive Detention Mechanism

<table>
<thead>
<tr>
<th>Law</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security of Pakistan Act, 1952 Section 3(b)</td>
<td>Any person: Acting in any manner prejudicial to the defense or the external affairs or the security of Pakistan, or any part thereof it is necessary so to do, may make an order […] directing that he be detained</td>
</tr>
<tr>
<td>Foreigners Act, 1946 Section 3(2)(g)</td>
<td>Any person may be detained or confined: In the interest of the security of Pakistan</td>
</tr>
</tbody>
</table>

### 7.5 Procedures for Preventive Detention

**7.5.1 Procedural Safeguards During Preventive Detention**

<table>
<thead>
<tr>
<th><strong>Article 10 Regime</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Protection of Pakistan Act, 2014</strong></td>
</tr>
<tr>
<td>- Federal Government[^34]</td>
</tr>
<tr>
<td>- Armed Forces &amp; Civil Armed Forces called under Article 245 of the Constitution through the procedure of the Anti-Terrorism Act[^35]</td>
</tr>
</tbody>
</table>

**Authority to Detain**

<table>
<thead>
<tr>
<th><strong>Anti-Terrorism Act, 1997</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Federal Government[^36]</td>
</tr>
<tr>
<td>- Armed Forces[^37]</td>
</tr>
<tr>
<td>- Civil Armed Forces[^38]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maintenance of Public Order Ordinances, 1960</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Federal Government[^39]</td>
</tr>
<tr>
<td>- Provincial Government[^40]</td>
</tr>
</tbody>
</table>

**Time Limit on Detention**

<table>
<thead>
<tr>
<th><strong>Constitution of Pakistan, Article 10</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- 3 months[^41]</td>
</tr>
<tr>
<td>- May not exceed 8 or 12 months as prescribed[^42]</td>
</tr>
</tbody>
</table>

[^34]: PoPA, supra note 9, at § 6(1).
[^35]: Id. at § 6(2).
[^36]: ATA, supra note 12, at § 11EEE.
[^37]: Id. at § 11EEEE.
[^38]: Id.
[^41]: PAKISTAN CONST., supra note 8, at art. 10(4).
Protection of Pakistan Act, 2014

- 90 days
- Enemy Alien detained for a period of time as determined in accordance with the Constitution

Anti-Terrorism Act, 1997

- Initial period of 3 months
- May not exceed 12 months

Maintenance of Public Order Ordinance, 1960

- 6 months in Sindh and Khyber Pakhtunkhwa
- 3 months in Punjab and Balochistan

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<table>
<thead>
<tr>
<th>Article 10 Regime</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Constitution of Pakistan, Article 10</strong></td>
</tr>
</tbody>
</table>
| - Every 3 months
- Detainee must be present for review to establish sufficient cause

| **Constitution of Pakistan, Article 199** |
| - Any person may file an application directing that a person within the Court’s jurisdiction be produced

**Right to Challenge the Lawfulness of Detention**

Protection of Pakistan Act, 2014

- In accordance with Article 10

Anti-Terrorism Act, 1997

- Produce detainee in camera before judicial authority within 24 hours
- Judicial authority means a presiding officer of the court, or District and Sessions Judge or Magistrate

Maintenance of Public Order Ordinance, 1960

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42 *Id.* at art. 10(7).
43 PoPA, *supra* note 9, at § 6(1).
44 *Id.*
45 ATA, *supra* note 12, at § 11EEE(1).
46 *Id.* at §11EEE(1).
47 West Pakistan Maintenance of Public Order Ordinance, 1960, *supra* note 19 [with minor changes to provincial law].
49 PAKISTAN CONST., *supra* note 8, at art. 10(4).
50 *Id.*
51 *Id.* at Art. 199(1)(b)(i).
52 PoPA, *supra* note 9, at § 6(1).
53 ATA, *supra* note 9, at § 6(1).
54 *Id.*
In accordance with Article 10

### Article 10 Regime

#### Constitution of Pakistan

**Article 10**
- Review Board is appointed by the Chief Justice of Supreme Court and consists of a Chairman and two others, each current or former judges of the Supreme Court of a High Court

#### Protection of Pakistan Act, 2014
- Detention of persons shall be in line with Article 10

#### Anti-Terrorism Act, 1997
- Detention after 3 months is subject to the provisions of Article 10

**Article 199**
- On the application of any person, make an order directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner

### Article 10 Regime

#### Constitution of Pakistan, Article 10
- Every 3 months

#### Protection of Pakistan Act, 2014
- Detention in accordance with Article 10

#### Anti-Terrorism Act, 1997
- Further detention governed under Article 10

#### Maintenance of Public Order Ordinance, 1960
- Every 3 months

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55 West Pakistan Maintenance of Public Order Ordinance, 1960, supra note 19.
56 PAKISTAN CONST., supra note 8, at art. 10(4).
57 PoPA, supra note 9, at § 6(1).
58 ATA, supra note 12, at § 11EEEEE(1).
59 PAKISTAN CONST., supra note 8, at art. 199(1)(b)(i).
60 PAKISTAN CONST., supra note 8, at art. 10(4).
61 PoPA, supra note 9, at § 6(1).
62 ATA, supra note 12, at § 11EEEEE(1).
63 Punjab Maintenance of Public Order Ordinance, 1960, supra note 20, at § 5-c.
Article 10 Regime

**Constitution of Pakistan, Article 10**
- Disclose grounds within 15 days\(^\text{64}\)

**Protection of Pakistan Act, 2014**
The Detaining Authority may,
- in the interest of the security of its personnel
- for the safety of the detainee
- for any other reasonable cause
withhold the information except from a High Court or the Supreme Court regarding the location of the detainee or internment center established or information with respect to any detainee and his whereabouts\(^\text{65}\).

The Government may choose NOT, in the interest of the security of Pakistan, to disclose the grounds for detention or divulge any information relating to a detainee who is an enemy alien or a militant.\(^\text{66}\)

**Maintenance of Public Order Ordinance, 1960**
- Disclose grounds to detainee within 15 days\(^\text{67}\)

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**Article 10 Regime**

**Protection of Pakistan Act, 2014**
- Detainee held in recognized place of detention as notified\(^\text{68}\)
- The Federal Government shall make Regulations to regulate the internment orders, internment camps, and appeal mechanisms against the internment orders.\(^\text{69}\)

**Anti-Terrorism Act, 1997**
- Detainee kept in a detention center notified by Government\(^\text{70}\) and court officer has authority to inspect facilities\(^\text{71}\)

**Maintenance of Public Order Ordinance, 1960**
- Place of detention determined by Review Board\(^\text{72}\)

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\(^{64}\)Pakistan Const., supra note 8, at art. 10(5).
\(^{65}\)PoPA, supra note 9, at § 9(2)(a).
\(^{66}\)Id. at § 9(2)(b).
\(^{67}\)West Pakistan Maintenance of Public Order Ordinance, 1960, supra note 19, at § 6.
\(^{68}\)PoPA, supra note 9, at § 6(2).
\(^{69}\)Id. at § 6(4).
\(^{70}\)ATA, supra note 12, at § 11EEE(4).
\(^{71}\)Id.
\(^{72}\)West Pakistan Maintenance of Public Order Ordinance, 1960, supra note 19.
Article 10 Regime

Anti-Terrorism Act, 1997

Detainee shall be provided access to medical care 73

Maintenance of Public Order Ordinance (Detenu Rules)

Access to Medical Care

In cases where it is necessary to remove a detenu to a hospital outside the jail for operative or other special treatment, which cannot conveniently be given in the jail itself, the orders of the Provincial Government shall be obtained through the Director of Prisons 74

7.5.2 Conditions of Detention

Police Order, 2002

Whoever being a police officer:

- vexatiously and unnecessarily detains, searches or arrests any person;
- or
- inflicts torture or violence to any person in his custody

shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

Section 156(c)-(d)

Prison Rules, 1978

Every officer of a prison shall at all times avoid all conduct likely to unduly irritate or annoy any prisoner, and shall treat every prisoner humanly and with tact, good temper, and strict impartiality. He shall listen, without displaying impatience or irritation, to every complaint or report which any prisoner may at any time make to him, and shall show all such kindness and consideration to every prisoner as is compatible with the firm and effective discharge of his duties.

Rule 1065(i)

No officer shall, at any time, under any circumstances or under any pretext, strike any prisoner otherwise than in exercise of the right of private defense or in pursuance of his duty in giving effect to punishment lawfully inflicted or to any other provision of law.

No officer shall in the discharge of his duties, at any time use more force than is absolutely necessary for the purpose of enforcing the law and

73 ATA, supra note 12, at § 11EEE(5).
74 West Pakistan Public Order Detenu Rules, 1962 (May 8, 1962), § 37(1)
carrying out his duties.  

Rule 1066(i)-(ii)

No officer of a prison, other than the Superintendent, shall at any time award any punishment to any prisoner or, otherwise than in accordance with law and the orders of the Superintendent, inflict any punishment on any prisoner.

No officer of any prison shall use violent, abusive, insulting or unnecessarily irritating language to any prisoner.  

Rule 1069

Prison Rules, 1978

No undue interference with the religion of a prisoner is permitted

Rule 681(i)

Every prisoner is allowed to offer his devotions in a peaceful manner

Rule 681(ii)

Prison Rules, 1978

State prisoners that are not allowed to fund a diet of their choice are provided the prison diet available for other convicted prisoners

Rule 430

Maintenance of Public Order Ordinance (Detenu Rules)

Detenus of Class I and Class II shall be provided with diet on the same scale as is for the time being prescribed for convicted prisoners of A and B classes, respectively

Detenus of either class may receive food from private sources in the same manner as ordinary prisoners

Section 5

Prison Rules, 1978

State prisoners that are not maintaining themselves financially shall be provided with clothing, bedding and other necessaries as prescribed

Rule 431

Maintenance of Public Order Ordinance (Detenu Rules)

A detenu may wear his own clothes, and may with permission of the Superintendent, obtain extra clothes and bedding [...]. A detenu who is unable to provide himself with sufficient clothing and bedding [...] will be supplied by the Superintendent with clothing and bedding on the same scale as is prescribed for ordinary prisoners.
Section 6(1)

**Maintenance of Public Order Ordinance (Detenu Rules)**

No detenu shall be permitted to have an interview with any relative or friend unless the person seeking the interview:

- Is approved by the Government
- Has obtained special permission from the Deputy Inspector General of Police of the Criminal Investigation Department at least four days in advance

**Section 11**

No detenu shall be allowed more than one interview in a fortnight, and not more than three person shall be permitted to visit a detenu at an interview.

**Section 15**

The Deputy Inspector-General of the Criminal Investigations Department may, in special cases, increase the number of persons permitted to be present at any interview and the number of interviews allowed to a detenu in a fortnight. All orders passed by him in exercise of this power shall be reported to the Provincial Government.

**Section 19**

**Maintenance of Public Order Ordinance (Detenu Rules)**

Detenus of Class I shall ordinarily be permitted to write four letters and detenus of Class II two letters each per week.

**Section 21(1)**

**Maintenance of Public Order Ordinance (Detenu Rules)**

Detenus shall be permitted to engage in useful work to enable them to make good use of their time, and suitable employment may be provided for them in their own yards and barracks, if they so desire, at the direction of the Superintendent, provided they shall not be employed in any office or clerical work.

**Section 34(3)**

**Prison Rules, 1978**

The search of female prisoners shall be conducted by female staff.

**Rule 21**

Female prisoners are to be kept separate from male prisoners, no matter the classification.

**Rule 305**

Female prisoners, at all times, including outside the confines of the women’s prison (i.e. during transfer) shall be accompanied by female prison staff.
Rule 311

Women are provided with clothing and sanitary supplies as per their gender-specific needs

Rule 518
CHAPTER 8: HUMAN RIGHTS OBLIGATIONS OF LAW ENFORCEMENT AGENCIES

The Islamic Republic of Pakistan has ratified seven of nine core human rights conventions, as a result of which, certain obligations pertaining to human rights protection and promotion have been created. These seven core covenants include: the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Rights of the Child (CRC), Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities (CRPD).

The Universal Declaration of Human Rights (UDHR), though aspirational in nature, contains several articles relevant to law enforcement. These include: Article 3 (everyone has the right to life, liberty and security of person); Article 5 (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; Article 7 (all are equal before the law and are entitled without any discrimination to equal protection of the law); Article 9 (no one shall be subjected to arbitrary arrest and detention); Article 11(1) (everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence); Article 19 (everyone has the right to freedom of expression and opinion); and Article 20 (everyone has the right to freedom of peaceful assembly and association, and no one may be compelled to belong to an association).

8.1 EFFECT OF RATIFICATION

Many of the rights enlisted within the aforementioned conventions have been transposed into domestic law, thereby making them enforceable before Pakistani courts. Some of these laws include, but are not limited to, the following:

- Balochistan Compulsory Education Act 2014
- Sindh Right of Children to Free and Compulsory Education Act 2013
- Sindh Domestic Violence (Prevention and Protection) Act 2013
- Protection against Harassment of Women at the Workplace Act 2010
- Child Protection and Welfare Act (CPWA) 2010
- Protection of Breastfeeding and Child Nutrition Ordinance 2002
- Bonded Labour System (Abolition) Act 1992

Despite this, human rights violations remain rampant, often being perpetrated by police and other law enforcement agency officials.

There is little to no understanding of the concept of human rights among law enforcement agencies and their officials due to which violations committed often go unpunished, and direct violations are carried out by the officials themselves. Further, there is a lack of
awareness regarding the fact that these obligations are indeed binding not just on law enforcement agencies but all arms of the State.

As a dualist State, Pakistan incorporates international law into its domestic legal framework through a two-stage process. First, the international legal instrument is signed and ratified/acceded to. Second, implementing legislation is promulgated by the relevant legislative assembly to give the international legal obligations domestic effect.

In this regard, there are international and national laws governing and regulating the conduct of law enforcement officials in the area of human rights protection.

8.2 Domestic Law

Article 14(2) of the Constitution 1973 (herein referred to 'the Constitution'), provides: "No person shall be subjected to torture for the purpose of extracting evidence". This is a clear prohibition against the use of torture for a specific purpose, i.e. extracting evidence. It can also be seen as creating an obligation on police officials to refrain from using torture for the purposes of extracting evidence.

Further, there are certain provisions within the Constitution, i.e. 'fundamental rights, which require protection by all arms of the State, including the police. Article 9 of the Constitution stipulates: "No person shall be deprived of life or liberty save in accordance with law". Article 10 delineates safeguards as to arrest and detention, stating that no one who is arrested "shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice". Further, law enforcement agencies have an obligation to produce "every person who is arrested and detained in custody" before a magistrate "within a period of twenty-four hours of such arrest" (Article 10(2)). The right to fair trial is guaranteed under Article 10A.

Police, as all other arms of the State, have an obligation to respect the inviolability of dignity of man (Article 14), the right to freedom of movement (Article 15), the right to freedom of assembly (Article 16), equality of citizens (Article 25) and non-discrimination in respect of access to public places (Article 26). Certain Constitutional provisions may contain an unstated, implicit duty for law enforcement officials. For instance, Article 25A on the right to education, while not directly relevant to police officials, implicitly requires that said officials ensure that they investigate cases where children are being prevented from exercising this right.

Similarly, there are provisions enlisted within the Pakistan Penal Code 1860 (herein referred to as 'PPC'), that define the different forms of hurt that can be inflicted against a person, while simultaneously prohibiting them and providing penalties in cases of violations. The police are not exempt from these penalties in the event that they commit a violation of any of the provisions of the PPC.
8.3 International Law

Each convention ratified by Pakistan creates a set of obligations pertaining to human rights. Each of these relevant provisions will be discussed with regard to the corresponding obligation on law enforcement officials, particularly the police. Summaries of the provisions relevant to law enforcement agencies and their operations are reproduced below, along with the corresponding obligations created thereunder.

### 8.3.1 International Covenant on Civil and Political Rights

<table>
<thead>
<tr>
<th>Relevant Provision</th>
<th>Corresponding Obligation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 2</strong> (right to legal recourse to those whose rights have been violated even where the violation was committed by someone acting in an official capacity)</td>
<td>- Registration of complaints against police officials who abuse their authority&lt;br&gt;- Independent inquiries into the conduct of police officers allegedly violating human rights</td>
</tr>
<tr>
<td><strong>Article 6</strong> (right to life and right not to be arbitrarily deprived of it)</td>
<td>- Duty not to carry out extrajudicial killing(s) and/or refuse orders pertaining to the same&lt;br&gt;- Ensuring access to medical facilities for persons arrested, detained and/or imprisoned&lt;br&gt;- Duty to disperse unlawful assemblies with minimum use of force, which must be necessary in the circumstances&lt;br&gt;- Force is to be used only for lawful law enforcement purposes&lt;br&gt;- No exceptions or excuses are permitted for unlawful use of force&lt;br&gt;- Use of force should be proportional to lawful objectives&lt;br&gt;- Restraint is to be exercised in the use of force&lt;br&gt;- Damage and injury are to be minimized&lt;br&gt;- Officer to identify himself/herself, give a clear warning and allow adequate time for warning to be obeyed&lt;br&gt;- Medical aid to be rendered to all injured persons</td>
</tr>
<tr>
<td><strong>Article 7</strong> (prohibition against torture and cruel, inhuman or degrading treatment or punishment)</td>
<td>- Duty not to mistreat detainees and/or persons arrested and/or imprisoned&lt;br&gt;- Duty to prevent sexual assault, rape and other violent crimes against female detainees and prisoners&lt;br&gt;- Duty to punish perpetrators of torture, etc.</td>
</tr>
<tr>
<td>Article 9 (right to liberty and security)</td>
<td>Article 10 (humane treatment of persons deprived of their liberty)</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>- Children to be treated in a manner which promotes their sense of dignity and worth</td>
<td>- All persons deprived of their liberty to be treated with humanity and respect for the inherent dignity of the human person</td>
</tr>
<tr>
<td>- Ensuring all complaints of torture and cruel, inhuman or degrading treatment or punishment are fully and properly investigated</td>
<td>- No detainee to be subjected to torture, cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats</td>
</tr>
<tr>
<td>- Strongly prohibit and severely punish every act of torture or cruel, inhuman or degrading treatment or punishment</td>
<td>- Detained persons to be held only in officially recognized places of detention, and their family and legal representatives are to receive full information in this regard</td>
</tr>
<tr>
<td></td>
<td>- Detainee has right to be informed of reason for detention and any charges against him/her</td>
</tr>
<tr>
<td></td>
<td>- Detainees have the right to contact with the outside world, including family members and legal representatives</td>
</tr>
<tr>
<td></td>
<td>- Religious and moral beliefs of detainees to be respected</td>
</tr>
<tr>
<td></td>
<td>- Detainees to be kept in humane facilities designed to preserve health</td>
</tr>
<tr>
<td></td>
<td>- Adequate food, water, shelter, clothing, medical services, exercise and items of personal hygiene to be safeguarded for detainees</td>
</tr>
<tr>
<td></td>
<td>- Police must carry out regular, periodic checks of detainees to</td>
</tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
| Article 12 (right to liberty of movement) | Ensure safety and security  
- Police to report immediately any suspicion of mistreatment of detainees, physical or mental  
- Police/jail staff must provide for meals, meeting basic dietary needs, at regular times, and with no more than 15 hours between morning and evening meals  
- Establish and announce appropriate range of penalties for police violations, from suspension, pay docking and termination, to criminal prosecution for serious violations |
| Article 14 (due process and fair trial guarantees) | All police actions must respect the principles of legality, necessity, non-discrimination, proportionality and humanity  
- Police must seek a warrant or court order, whenever possible, before conducting searches and arrests. Warrantless searches and arrests should be the exception, carried out only when reasonable and with due cause  
- Anyone arrested shall be informed, at the time of arrest, of the reasons for his/her arrest  
- Anyone who is arrested shall be promptly informed of any charges against him/her  
- Anyone arrested shall be promptly brought before a judicial authority  
- Anyone who is arrested has the right to appear before a judicial authority for the purpose of having the legality of his/her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful |
| Article 14 (due process and fair trial guarantees) | Confessions cannot be extracted pursuant to torture and cruel, inhuman or degrading treatment or punishment  
- All police officials must maintain political independence and impartiality at all times  
- Police to develop standardized procedures for the recording of information during investigations  
- Crime scenes to be carefully processed, and evidence carefully collected and preserved  
- All suspects to be treated as innocent persons  
- Police must keep a detailed record of all interviews conducted  
- Investigations shall be competent, thorough, prompt and impartial  
- Confidentiality and care in the handling of sensitive information |
to be exercised at all times

- No one shall be compelled to confess or to testify against himself/herself
- Police must never seek or rely on a confession as the basis for a case – the purpose of investigations should be to secure independent evidence
- Before proceeding to any investigatory action, police must ask themselves if it is legal and if it will hold up in court. Further, they must assess its necessity and whether or not the action is unduly intrusive
- Anyone who is arrested has the right to trial within a reasonable time, or to release
- Detention pending trial shall be the exception rather than the rule
- All arrested or detained persons shall have access to lawyer or other legal representative as well as adequate opportunity to communicate with that representative
- Everyone charged with a penal offence shall be presumed innocent until proven guilty in a fair trial
- Victims of human rights violations to be informed of their role in formal proceedings, the scope, timing and progress of proceedings and the disposition of their cases
- Unnecessary delay in the handling of victims' cases shall be avoided

**Article 17**
(protection against arbitrary or unlawful interferences with privacy, family, home or correspondence)

- Police must seek a warrant or court order, whenever possible, before conducting searches
- Detainees have the right to contact their family members

**Article 21** (right of peaceful assembly)

- Non-violent means are to be attempted first with regard to dispersing crowds
- Force should not be used against a lawful and peaceful assembly
- No exceptions or excuses are permitted for unlawful use of force
- All incidents involving the use of force or firearms shall be reported to and reviewed by superior officials
- Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders
Firearms are to be used only in extreme circumstances, i.e. in self-defence or defence of others against imminent threat of death or serious injury, or to prevent a particularly serious crime that involves a grave threat to life or to arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat

- Police cannot impose unnecessary limitations on the right to peaceful assembly

### Article 26 (non-discrimination guarantee)
- Police must maintain impartiality and political independence
- Police must treat victims of human rights violation with compassion and be sensitive in their investigations

### 8.3.2 Convention on the Elimination of all forms of Discrimination Against Women

<table>
<thead>
<tr>
<th>Relevant Provision</th>
<th>Corresponding Obligation</th>
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</table>
| Article 5 (sex role stereotyping and prejudice) | - Police must ensure they protect the right of women to equal enjoyment and protection of all human rights  
- Police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials or private persons, in the home, in the community, or in official institutions  
- Violence against women is a crime and must be treated as such, including when it occurs within the family  
- Police shall take rigorous official action to prevent the victimization of women, and shall ensure that revictimization does not occur as a result of the omissions of police or gender-insensitive enforcement practices  
- Arrested or detained women shall not suffer discrimination  
- Arrested or detained women shall be protected from all forms of violence, exploitation and discrimination  
- Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary, or other career and administrative matters  
- Police must treat domestic violence crimes as legally equivalent to other assaults  
- Police must respond promptly to domestic violence and sexual violence calls; inform victims of available medical, social and psychological and material support; provide transportation to a |
safe place

- Police must investigate domestic violence thoroughly and professionally; interview victims, witnesses, neighbours and medical professionals

- Police must prepare detailed reports of domestic violence incidents and follow-up carefully, both with superiors and the victim; check reports against previous incidents in the files; and take all necessary action to prevent reoccurrence

- Ensure that a female officer is present during all contact with women offenders and women victims of crime

- Male police must defer completely to female colleagues, where possible, when the accused/victim is a woman

- Male police officials shall abstain from, and discourage, gender-insensitive conversations and jokes in the workplace

- Police must adopt internal policies prohibiting discrimination against female officers on the basis of pregnancy or maternity

8.3.3 Convention on the Rights of the Child

<table>
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<tr>
<th>Relevant Provision</th>
<th>Corresponding Obligation</th>
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| Article 3 (best interests of the child) | - Children shall be treated in a manner which promotes their sense of dignity and worth  
- Children must be treated in a manner that facilitates their reintegration into society and reflects the best interests of the child  
- Children must be treated in a manner that takes into account the needs of a person that age  
- Children shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment  
- Children shall not be subjected to corporal punishment  
- The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential  
- Officials dealing with juveniles shall be specially trained and personally suited for that person |
| Article 11 (kidnapping) | - If a child has allegedly been kidnapped, police must immediately investigate the matter |
| Article 16 (right to privacy) | - Any and all records pertaining to the child, maintained by the police, must be sealed and handled with a great deal of care and confidentiality |
| Article 19 (protection from all forms of violence) | Police must promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities  
Superior officials must closely supervise staff assigned to deal with juveniles, and investigate and redress any incidents of abuse, mistreatment or exploitation of children  
Periodic and unannounced visits of inspectors to juvenile facilities |
| Article 34 (sexual exploitation) | Detained children shall be separated from adult detainees  
The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time  
Weapons shall not be carried in juvenile institutions  
Officials dealing with juveniles shall be specially trained and personally suited for that purpose  
Police officials are to advise juveniles on available psychological and medical facilities  
Child victims of sexual exploitation must be treated with compassion and sensitivity by police officials |
| Article 37 (detention and punishment) | Children shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment  
Detention or imprisonment of children shall be an extreme measure of the last resort, and detention shall be for the shortest possible time  
Children shall be separated from adult detainees  
Detained children shall receive visits and correspondence from family members  
The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time  
Weapons shall not be carried in juvenile institutions  
Periodic and unannounced visits of inspectors to juvenile facilities shall be provided for  
Parents are to be notified of any arrest, detention, transfer, sickness, injury or death |

8.3.4 Convention Against Torture
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<th>Relevant Provision</th>
<th>Corresponding Obligation</th>
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</thead>
</table>
| Article 10 (training of law enforcement personnel and other persons involved in custody, interrogation or treatment of anyone subjected to any form of arrest, detention or imprisonment) | • All victims of crime, abuse of power or human rights violations shall be treated with compassion and respect  
• Police shall exercise due diligence to prevent acts of torture or other ill-treatment being carried out against persons in custody, under interrogation or persons being subjected to any form of arrest, detention or imprisonment |
| Article 11 (obligation of State party to systematically review interrogation rules, instructions, methods and practices) | • Police must ensure that the following practices are strictly prohibited and punished when committed: electric shocks, systematic beatings, punching and kicking, striking with wooden batons or metal bars, burning, water-boarding, near-asphyxiation, forcing detainees to assume stressful positions, being stripped naked and/or sexually assaulted  
• Any and all complaints of torture or cruel, inhuman or degrading treatment or punishment must be immediately investigated in an impartial manner  
• Police must investigate whenever there are reasonable grounds to suspect that an act of torture or ill-treatment has occurred even when no official complaints have been made  
• Reparation must be provided to victims |
| Article 12 (prompt and impartial investigation in cases where there is reasonable ground to believe that an act of torture has been committed) | • Police must investigate whenever there are reasonable grounds to suspect acts of torture or cruel, inhuman or degrading treatment or punishment has occurred, even when no official complaints have been made  
• Those responsible for acts of torture or other ill-treatment must be brought to justice  
• Reparation must be provided to victims following a prompt and impartial investigation  
• No threats or coercion may be used to secure withdrawal of a complaint  
• Police must establish and announce an appropriate range of penalties for police violations, from suspension, pay docking and termination, to criminal prosecution for serious violations |
| Article 14 (right to | • Police must firmly prohibit, immediately investigate and severely |
obtain redress and receive adequate compensation) punish, including through initiation of criminal action, every act of torture or cruel, inhuman or degrading treatment or punishment

- Police must establish and announce an appropriate range of penalties for police violations
- Complaints against police officials must be registered immediately, and without any attempt to coerce or threaten the victim into withdrawing said complaint
- Adequate reparation must be made/compensation paid to all victims of torture or cruel, inhuman or degrading treatment or punishment

| Article 16 (acts of cruel, inhuman or degrading treatment or punishment by public officials to be prevented) | Police officials must carry out regular, periodic checks of detainees to ensure safety and security
- Measures for discipline and order are to be set out by police and these shall not exceed those necessary for safe custody, nor shall they be inhumane
- Police must immediately report any suspicion of mistreatment of detainees, physical or mental
- Establishment and enforcement of stringent penalties for police violations |

The general international law and standards pertaining to the conduct of law enforcement officials must be delineated. The starting point for this is the Code of Conduct for Law Enforcement Officials (herein referred to as 'the Code'). The Code was adopted, without a vote, by the General Assembly through resolution 34/169 of 17 December 1979. The fact that this was adopted without a vote indicates strong endorsement by all states, including Pakistan.

**8.3.5 Code of Conduct for Law Enforcement Officials**

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<tr>
<th>Provision of the Code</th>
<th>Relevant Substance</th>
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<td>Article 1 of the Code stipulates: &quot;Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all</td>
<td>The commentary to Article 1 provides: &quot;(a) The term 'law enforcement officials' includes all officers of the law, whether appointed or elected, who exercise police powers, especially powers of arrest or detention.&quot;</td>
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persons against illegal acts, consistent with the high degree of responsibility required by their profession”.

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<th>Article 2 of the Code sets out the responsibility of all law enforcement officials, in the performance of their duties, to respect and protect human dignity, and maintain and uphold the human rights of all persons.</th>
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<td>It is clear, from this provision, that there is an obligation on all law enforcement officials, wherever they may be, to respect, protect and uphold human rights. The commentary to Article 2 clarifies the human rights being referred to in the Code as those enlisted within the UDHR, ICCPR, CAT, ICERD and other relevant Conventions.</td>
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<th>Article 3 of the Code prohibits law enforcement officials from using force except 'when strictly necessary and to the extent required for the performance of their duty'.</th>
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<td>The commentary clarifies that the use of force must be in compliance with the principle of proportionality. Further, it provides that the 'use of firearms is considered an extreme measure'.</td>
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<th>Article 4 creates an obligation on law enforcement officials to ensure the confidentiality of 'matters of a confidential nature'.</th>
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<th>Article 5 enunciates the express prohibition against torture or other</th>
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<td>'The commentary to the Article clarifies that while torture has been defined in the CAT, the term 'cruel, inhuman or degrading treatment or punishment' has not been so as to 'extend the widest possible protection against abuses, whether physical or mental'.</td>
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<td>Article 6 of the Code states that law enforcement officials are to ensure ‘the full protection of the health of persons in their custody’, particularly emphasizing that ‘immediate action’ should be taken whenever medical attention is required.</td>
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<td>Article 7 of the Code provides that law enforcement officials shall not ‘commit any act of corruption’ – in fact, it stipulates that they should ‘rigorously oppose and combat all such acts’.</td>
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The UN also issued Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials. These provide that the principles enunciated within the Code shall be ‘reflected in national legislation and practice’. The Guidelines emphasize that all law enforcement officials should be adequately remunerated and be guaranteed appropriate working conditions.

**8.3.6 The Ten Basic Standards**

Based on the United Nations law enforcement, criminal justice and human rights standards, Amnesty International prepared a document entitled '10 Basic Human Rights Standards for Law Enforcement Officials' (herein referred to as 'the Standards'). The ten basic standards are intended to serve as guidelines for the training and conduct of police officials.
The basic standards enunciated by Amnesty International include the following. Firstly, "everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups". This requires that the police respect, protect and uphold those rights entrusted to them, which the Standards identify for inclusion as the following:

- Everyone has the right to liberty and security of the person;
- No one shall be subjected to arbitrary arrest, detention or exile;
- All persons deprived of their liberty have the right not to suffer torture or cruel, inhuman or degrading treatment;
- Everyone is entitled without any discrimination to equal protection of the law;
- Everyone has the right to a fair trial;
- Everyone has the right to freedom of movement;
- Everyone has the right to peaceful assembly;
- Everyone has the right to freedom of expression.

Description under Basic Standard 1 provides: "No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may they invoke superior orders or exceptional circumstances such as a state of war or threat of war, or political instability or other public emergency as a justification for such acts. Special attention should be given to the protection of human rights of members of potentially vulnerable groups, such as children, the elderly, women, refugees, displaced persons and members of minority groups".

Basic Standard 2 requires that all victims of crime be treated with compassion and respect, with a particular focus on their safety and privacy. In this regard, police officials should take, if necessary, measures to ensure the protection and safety of victims from retaliation and intimidation. They must inform victims of the availability of health and social services, without delay. Further, they must, without delay, provide specialist care for female victims of violence. Investigative techniques utilized by the police cannot degrade women victims of violence. The special needs of victims need to be taken into account by police officials, especially when harm inflicted was based on race, colour, gender, sexual orientation, age, language, religion, nationality, political or other opinion, disability, ethnic or social origin, etc.

Basic Standard 3 prohibits law enforcement officials from using force 'except when strictly necessary and to the minimum extent required under the circumstances'. Further, the Standard lays down the conduct of police in the event that lawful use of force is unavoidable. In this situation, police officers must:

- Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- Minimize damage and injury, and respect and preserve human life;
- Ensure that all possible assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment;
Where injury or death is caused by the use of force by police officers, they shall report the incident promptly to their superiors, who should ensure that proper investigations of all such incidents are carried out.

Basic Standard 4 stipulates that law enforcement agencies must avoid using force when policing unlawful but non-violent assemblies. Further, they must use force to the minimum extent necessary to disperse violent assemblies. The use of firearms is discouraged and strictly limited to the objectives provided in Basic Standard 5, which provides that 'lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others'. Standard 5 provides: "The use of firearms is an extreme measure which must be strictly regulated, because of the risk of death or serious injury involved". Police officers cannot use firearms except for the following objectives:

- Self-defence or in defence of others in imminent threat of death or serious injury;
- Prevention of particularly serious crime, involving a grave threat to life;
- Arresting a person presenting such a danger and resisting the police officer's authority, or prevention of said person's escape.

Basic Standard 6 states that no arrest can be made unless there are legal grounds for the same, and such arrest must be carried out in accordance with lawful arrest procedures. The following guidelines are given in this regard:

- Arrest or detention shall only be carried out in strict accordance with the provisions of the law and by those competent officials authorized for said purpose;
- Only those powers granted to police, with regard to arrest, can be exercised by them;
- Informing anyone arrested of the reasons for the arrest, at the time of arrest;
- Police must record the time of the arrest, reasons for the arrest, precise information identifying the place of custody, and the identity of the law enforcement officials concerned (these records must be communicated to the detained person or his/her lawyers);
- Officials carrying out arrests must identify themselves to the person arrested and to to others witnessing the event;
- Police officers and officials making arrests must wear name tags or numbers so as to make them clearly identifiable;
- Police vehicles should be identified as such and should carry number plates at all times;
- A person should not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other officer authorized by law to exercise judicial power, and be entitled to a trial within a reasonable time, or to release. It should not be the general rule that persons awaiting trial are detained in custody;
- All detainees must be kept only in recognized places of detention and these places of detention should be visited regularly by qualified and experienced persons appointed by/responsible to a competent authority.

Basic Standard 7 stipulates that police must 'ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance'. The following requirements are provided:
• Detainees should be promptly informed of their rights (including the right to lodge complaints about their treatment);

• Any detainee who cannot speak or understand the language utilized by the relevant authorities is entitled to receive information and assistance, free of charge, of an interpreter;

• A foreign detainee should be promptly informed of his/her right to communicate with the relevant diplomatic mission/consulate;

• Police officers must ensure that all detainees are fully able to avail themselves of the right to notify family members or others immediately;

• Accurate information on the arrest, place of detention, transfer and release of detainees must be made promptly available by police officers in a place where relatives and others concerned can obtain said information;

• Relatives and others should be able to visit a detainee as soon as possible after he/she is taken into custody;

• Every detainee must be promptly informed after his/her arrest of his/her right to legal counsel (the right to communicate regularly and confidentially with his/her lawyer must be facilitated);

• A prompt medical examination of the detainee by an independent doctor after he/she is taken into custody;

• Female detainees are entitled to medical examination by a female doctor.

Basic Standard 8 provides that all detainees be treated humanely and that there is no infliction, instigation or toleration of any act of torture or ill-treatment. In the event that such an act is ordered, police officials must refuse to obey the same. Record-keeping is an essential component in ensuring humane treatment and redressal of violations. The Standard provides that law enforcement officials be instructed that 'rape of women in their custody constitutes an act of torture that will not be tolerated'. Any other form of sexual abuse may also constitute torture or cruel, inhuman or degrading treatment. The Standard stipulates that the term 'cruel, inhuman or degrading treatment or punishment' must be interpreted to the widest extent possible. No detainee can be compelled to confess or incriminate himself/herself or to testify against another person. No violent methods or threats may be used against the detainee during interrogation. Female guards must be present during the interrogation of female detainees. Further, children should only be detained as a last resort and for the shortest possible time. They must be given 'immediate access to relatives, legal counsel and medical assistance'. Detainees must be kept separate from imprisoned persons.

Registers should not be tempered with and must include the following information:

• Name and identity of detainee
• Reasons for his/her arrest or detention
• Names and identities of officials who arrested or transported the detainee
• Date and time of arrest and of transportation to the place of detention
• Time, place and duration of each interrogation and the name of the person or persons conducting it;
• The time of the detainee's first appearance before a judicial authority;
• Precise information concerning the place of custody;
• Date, time and circumstances of the detainee's release or transfer to another place of detention.
Basic Standard 9 provides that no order should be carried out, or cover up conducted, for extrajudicial executions or "disappearances". Further, any orders instructing the same must be refused. Standard 9 states: "No one should be arbitrarily or indiscriminately deprived of life. An extrajudicial execution is an unlawful and deliberate killing carried out by, or on the order of, someone at some level of government, whether national, state or local, or with their acquiescence". There are certain elements that constitute an extrajudicial execution. It must be deliberate and not accidental and it must violate national laws, such as those which prohibit murder, and/or international standards prohibiting the arbitrary deprivation of life. The unlawfulness of an extrajudicial execution is distinguished from a justifiable killing in self-defence, a death resulting from use of force consistent with international standards, and killing in an armed conflict situation, which is not prohibited by International Humanitarian Law.

Lastly, Basic Standard 10 states that all breaches of these basic standards are to be reported to a senior officer and to the office of the public prosecutor.
CHAPTER 9 – POLICE AND PRISONS

THE PRISONS ACT, 1894

3. Definitions.— In this Act—

(1) “prison” means any jail or place used permanently or temporarily under the general or special orders of a [Provincial Government] for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the [Provincial Government] under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by the [Provincial Government], by general or special order, to be a subsidiary jail:

(2) “criminal prisoner” means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) “convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871:

(4) “civil prisoner” means any prisoner who is not a criminal prisoner:

(5) “remission system” means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) “history-ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;

(7) and (7-A) [13][* * *].

(8) “medical subordinate” means an Assistant Surgeon, Apothecary or qualified hospital Assistant: and

(9) “prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

43. Power to arrest for offence under section 42.— When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

PAKISTAN PRISON RULES, 1978

Rule 2. In the Prisons Act—

(i) "Prison", means any jail or place used permanently or temporarily, under the general or special orders of the Provincial Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include: —

(a) any place for the confinement of prisoners who are exclusively in the custody of Police; and
(b) any place specially appointed by Government under section 541 of Code of Criminal Procedure, 1898;

**Identification of prisoners on admission. Rule 15.**

Before admitting a prisoner, the Assistant Superintendent in-charge of admission shall question him and ascertain that his name and other particulars correspond with those entered in his warrant or order and shall give a receipt in the prescribed form to the Police escort.

**Report of unexplained injuries. Rule 20.**

When a prisoner with injuries on his body is admitted into a prison from police custody he shall be examined immediately by the Medical Officer. If the examination reveals unexplained injuries not already recorded in the medico-legal report accompanying the prisoner, a report shall at once be made to the [Sessions judge and officer Incharge of the Prosecution] and the Superintendent of Police.

**Police registered prisoners. Rule 61.**

P. R. Slips sent by the Police shall be attached with the warrants and a note to this effect made on the warrants. Police registered prisoners are divided into two classes, namely, P. R. and P.R. T. Letters T.R.' indicate that a prisoner is "Police registered" and shall be released from the prison in which he is confined at the time of his release. Letters P.R.T. indicate that a prisoner is "Police registered" and that he is to be transferred one month prior to his release to the prison of the district noted on the slip as his native district. The registration of a prisoner as P.R.T. shall be recorded in red ink in the admission register and release register. The fact of a prisoner, being P.R. or P.R.T. shall have no effect in his classification. P.R. Slip received after a prisoner has been transferred to some other prison should be forwarded to that prison under registered cover. P.R. Slip of a prisoner shall be sent to the Superintendent of Police of the district of which he is resident, a fortnight before he is due for release.

**Finger impression slip of P.R. Prisoners. Rule 62.**

The finger impression slips of P.R. convicts shall be prepared in the presence of and signed by (a) Magistrate

(b) a Gazetted Police Officer or

(c) the Superintendent of the Prison. In all cases the portion of the P.R. Slip which classifies a convict as P.R. or P.R.T. shall be signed by the Superintendent of the Police.

**Property to be received by prison official. Rule 68.**

All cash, jewellery, articles of clothing and other property received with or found on the person of a prisoner, on his admission to the prison or sent subsequently by the police, or tendered for him by his relatives or friends, prior to his release, shall be received and taken over by the Assistant Superintendent incharge of admission or other Officer on duty.

**List of property to be entered in admission register and read over to the prisoner. Rule 69.**

Such money and property shall be entered in the admission register and prisoner's property register and in the list of prisoner's property attached with prisoner's warrants and read over to the prisoner in the presence of the Superintendent, who shall attest the entries in the register and in the list of prisoner's property. If the prisoner can write, he shall be required to sign the list in token of its correctness, otherwise his thumb impression shall be affixed thereto. Entries in the admission register shall also be signed by the Deputy Superintendent as far as cash, jewellery, and other valuable properties are concerned, and by the Assistant Superintendent in-charge of the prisoner's property in regard to clothing and other articles. Any list sent by the police with the 26 property shall be filed with the warrant.
Prisoner in respect of whom order under section 565, Cr.P.C. is made to notify their intended residence. Rule 118.

(i) Fourteen days before any prisoner, in respect of whom an order under section 565, Criminal Procedure Code has been made, is to be released, the Superintendent shall explain to the prisoner the nature of the order and the requirements of the rules made by the Government under said section and shall call upon him to state the place at which he intends to reside after release.

(ii) The Superintendent shall then report to the Superintendent of Police the name and other particulars necessary for identification of the prisoner and the place at which such prisoner intends to reside after release. Note. The Court making an order under section 565, Criminal Procedure Code (directing a prisoner to notify his residence after release) shall send a copy of such order with the commitment warrant to the Superintendent of the prison in which the prisoner is sent. Section 565 of Criminal Procedure Code. 565. Order for notifying address of previously convicted offender.—

(1) When any person having been convicted—

(a) by a Court in Pakistan of an offence punishable under section 215, section 489-A, section 489-B, section 489-C, or section 489-D of the Pakistan Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years or upwards, (his address must be conveyed to police). ***************

(b) is again convicted of any offence punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Sessions, 2 [District Magistrate, Sub-Divisional Magistrate] or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of 3 *** imprisonment on such person, also order that his residence, and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The 4 [Provincial Government] may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) Any order under this section may also be made by an Appellate Court or by the High Court when exercising its power of revision.

Release of Police Registered prisoners. Rule 139.

(i) P.R.T. slips of prisoners shall be forwarded by the prison to the Deputy Inspector General of Police, Special Branch direct at least one month before the date of release.

(ii) P.R. slips of prisoners should be sent to the Superintendent of Police of the district in which the prisoner has his home, at least a fortnight prior to release.

(iii) P.R. and P.R.T. slips should be dispatched under registered cover and if sent locally a receipt should be obtained from the Police Officer.

Procedure when P.R.T. prisoner is unfit to travel. Rule 160.

If a P.R.T. prisoner is unfit for transfer on account of illness thirty days before release, he shall be transferred if he recovers in time and is fit to undertake the journey. If he remains unfit till the date of his release, the Superintendent of Police of his" district, and the local Superintendent of Police shall be informed and the prisoner shall be released in the usual way.

Notice for requisition of Police escorts. Rule 169.
Notice of the intended transfer of prisoners or the production of prisoners before a court shall be given in writing to the Superintendent of Police three days before the guard is required. Earlier intimation should be given whenever possible. When transfer is to be effected immediately for special reasons, escort should be requisitioned by telephone. Requisition for the Police escort should state the number and class of prisoners to be guarded, whether men or women and if there are any violent or dangerous characters amongst them. Note Condemned prisoners, dacoits and lifers should be mentioned as such and classed as dangerous prisoners

**Duty of Superintendent with regard to prisoners to be sent to court. Rule 170.**

Upon delivery of any order under section 41 of the Prisoners Act, 1900 to the Superintendent of the Prison in which the prisoner named therein is confined, whether prisoner be confined in a prison located within the district other that in which court passing or counter-signing the order for attendance of the prisoner is located, that officer shall cause him to be taken to the court in which his attendance is required, so as to be present in such court at the time in such order mentioned and shall cause him to be detained in custody in or near the court until he has been examined or the Judge or the Magistrate authorize him to be taken back to the prison in which he was confined. The Superintendent of the police is responsible for providing escort and for the safe custody of prisoner till he is redelivered to the prison

**Scale of Police escort for prisoners. Rule 173.**

The scale of police escort for prisoners is,— For one prisoner Two Constables. From two to four prisoners Two constables. From five to nine prisoners/ One head constable and three constable From ten to twelve prisoners One head constable and four constables. If the prisoner or prisoners are desperate' and dangerous, the Superintendent of Police furnishing; the escort may increase the strength at his discretion. Police escort shall be held responsible for the safe custody of prisoners until they are again made over to the prison.

**Imposition of fetters on transfer. Rule 175.**

(i) Prisoners admitted to Class 'A or Class B' shall not wear fetters when traveling by rail or road unless the Superintendent of Police for reasons to be recorded in writing so requires.

(ii) Prisoners confined for offences punishable under sections 224, 225-B, 302, 303, 304,307, 308/392, to 402 of the Pakistan Penal Code, 1860, shall while traveling by rail or road wear fetters if the Superintendent of Police in the case of an under-trial prisoner and the Superintendent of Jail, in the case of a convicted prisoner for reasons to be recorded in writing considers it necessary.

(iii) Condemned prisoners and escapee prisoners shall wear fetters on transfer.

(iv) When bar fetters are imposed the prisoners shall be transported by a Police van or other conveyance.

(v) Women prisoners and juvenile prisoners shall not wear fetters.

(vi) When the Medical Officer certifies in his report book that a prisoner, owing to age or infirmity, is unfit to be fettered he shall not be fettered. Sections 302,303,307,308 of Pakistan Penal Code 302. Punishment of qatl-i-amd. Whoever commits qatl-i-amd shall, subject to the provisions of this Chapter, be—

(a) punished with death as qisas;

(b) punished with death or imprisonment for life as ta'zir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or
(c) punished with imprisonment of either description for a term which may extend to twenty-five years where according to the injunctions of Islam the punishment of qisas is not applicable.

42: "Provided that nothing in this clause shall apply to offence to qatl-i-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of clause (a) or clause (b), as the case may be."

43[303. Qatl committed under ikrah-i-tam or ikrah-i-naqis. Whoever commits qatl,— (a) under ikrah-i-tam shall be punished with imprisonment for a term which may extend to twenty-five years but shall not be less than ten years and the person causing "ikrah-i-tam' shall be punished for the kind of qatl committed as a consequence of his ikrah-i-tam; or (b) under "ikrah-i-naqis' shall be punished for the kind of qatl committed by him and the person causing "ikrah-i-naqis' shall be punished with imprisonment for a term which may extend to ten years.

44[307. Cases in which qisas for qatl-i-amd shall not be enforced. Qisas for qatl-i-amd shall not be enforced in the blowing cases, namely:— (a) when the offender dies before the enforcement of qisas; (b) when any wali voluntarily and without duress, to the satisfaction of the Court, waives the right of qisas under Section 309 or compounds under Section 310; and (c) when the right of qisas devolves on the offender as a result of the death of the wali of the victim, or on the person who has no right of qisas against the offender.

45(2) To satisfy itself that the wali has waived the right of qisas under Section 309 or compounded the right of qisas under Section 310 voluntarily and without duress the Court shall take down the statement of the wali and such other persons as it may deem necessary on oath and record an opinion that it is satisfied that the waiver or, as the case may be, the composition, was voluntary and not the result of any duress.

Illustrations

(i) A kills Z, the maternal uncle of his son B. Z has no other wali except D the wife of A. D has the right of qisas from A. But if D dies, the right of qisas shall devolve on her son B who is also the son of the offender A. B cannot claim qisas 69 against his father. Therefore, the qasis cannot be enforced.

(ii) B kills Z, the brother of her husband A. Z has no heir except A. Heir A can claim qisas from his wife B. But if A dies, the right of qisas shall devolve on his son D who is also son of B, the qisas cannot be enforced against B. 308. Punishment in qatl-i-amd not liable to qisas, etc. (1) Where an offender guilty of qatl-i-amd is not liable to qisas under Section 306 or the qisas is not enforceable under clause (c) of Section 307, he shall be liable to diyat: Provided that, where the offender is minor or insane, diyat shall be payable either from his property or, by such person as may be determined by the Court: Provided further that, where at the time of committing qatl-i-amd the offender being a minor, had attained sufficient maturity, or being insane had a lucid interval, so as to be able to realise the consequences of his act, he may also be punished with imprisonment of either description for a term which may extend to 46[twenty-five] years as ta'zir; Provided further that, where the qisas is not enforceable under clause (c) of Section 307, the offender shall be liable to diyat only if there is any wali other than offender and if there is no wali other than the offender, he shall be punished with imprisonment of either description for a term which may extend to 47[twenty-five years as ta'zir]. (2) Notwithstanding anything contained in sub-section (1), the Court, having regard to the facts and circumstances of the case in addition to the punishment of diyat, may punish the offender with imprisonment of either description for a term which may extend to 48[twenty-five] years, as ta'zir. 392. Punishment for robbery. Whoever commits robbery shall be punished with rigorous imprisonment for a term which 49[shall not be less than three years nor more than] ten years, and shall also be liable to fine; and, if the robbery be committed on the Highway 50[xxx] the imprisonment may be extended to fourteen years. 402. Assembling for purpose of committing
dacoity. Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

**Food of prisoners on transfer. Rule 176.**

(i) Prisoners on transfer or about to be sent to court shall be given cocked food before leaving the prison.

(ii) If the journey is a short one and the prisoner will reach the prison before the next meal, he shall get his food from that prison on arrival.

(iii) If the journey is such that the prisoner cannot reach the prison before meal time, the Officer-in-charge of the Police escort shall receive diet money for each prisoner at the rate of [three rupees]51 per meal. All advances for diet money or for incidental expenses shall be accounted for by the official to whom the money is entrusted.

(iv) It is the duty of the Police escort to see that new prisoners get their food before they are taken to the prison if they are likely to arrive there too late for a meal.

**Diet of prisoners removed from prison. Rule 177.**

The Inspector-General shall from time to time fix the scale of diet for prisoners removed under these rules. The Officer-in-charge of the escort shall provide and ensure" that each prisoner receives diet in accordance with such scale. When the court is situated in the same station 'where the prisoner is confined, the Superintendent shall supply the prisoners cooked food before sending them to court. When the court is situated at a distance, diet, money at the rate of fifty paisas [three rupees]52 per prisoner per meal shall be, paid to the Police escort by the Superintendent.

**Superior class prisoners may travel in a higher class. Rule 181.**

Normally third class railway accommodation shall be provided for prisoners. Superior class prisoners may, however, travel in second class and if they pay the difference in railway fare both for themselves and for the Police escort they may be allowed to travel in a higher class.

**Adjustment of travelling expenses. Rule 182.**

(i) The expenses for the Police escort shall be paid by the Police Department. All expenses connected with the transfer of prisoners shall be borne by the despatching prison.

(ii) The Superintendent shall furnish the warder incharge or the Police Officer, as the case may be, with a railway pass on the credit note system or bus fare if a bus is requisitioned for the prisoners and the warder if one accompanies the party. The Superintendent of the receiving prison shall issue a railway pass for the return journey of warder. In case the transfer is outside the Province, the railway pass for the return journey should be issued in advance by the despatching prison.

(iii) When reserved accommodation is requisitioned, 72 payment should be made according to the number of compartments required for the whole party of guard and the prisoners irrespective of the number carried in compartment at the rate of fares, on the full marked carrying capacity of the compartment, subject to a minimum charge of Rs.5 per compartment per journey.

(iv) Prisoners and guard, when the number of prisoners does not exceed twelve shall be paid for at the ordinary rates for the actual number travelled.

(v) When for any reason prisoners are conveyed by mail train, higher rates chargeable for journeys by such trains, must be paid.
(vi) The police will pay for their tickets in cash and a railway pass for the balance of tickets required shall be issued by the Superintendent but no charges shall be made for police escort provided with seats in compartment hired for prisoners.

(vii) An endeavour should be made to transfer prisoners in such numbers at a time that the Prison Department may not be put to loss owing to vacant seats.

**Police Department to defray conveyance of under-trial prisoners. Rule 183.**

The Police Department shall defray all charges of every kind relating to the conveyance of all under-trials to and from courts.

**Conveyance to prisoners travelling by road. Rule 185.**

(i) Prisoners who have to travel by road, on transfer shall be provided with conveyance or conveyance allowance. Carriage hire will not, however, be allowed when the distance does not exceed one mile.

(ii) Women prisoners shall be provided with a suitable conveyance and shall travel during day time. A woman warder should invariably accompany them on transfer.

(iii) Condemned prisoners shall be moved to and from a railway station in Police lorries, where Police lorries are not available, they shall be conveyed in some other suitable conveyance.

**Prisoners to be searched before transfer. Receipt to be taken. Rule 186.**

(i) Before transfer the prisoners shall be paraded inside the prison, and the Deputy Superintendent shall satisfy himself that all the prisoners have sufficient clothing and are properly dressed.

(ii) Prisoners shall ordinarily wear their own clothes while on transfer. Those who have no clothes of their own, or whose clothes have been disposed of otherwise, shall wear prison clothes.

(iii) They shall be carefully searched in the presence of the Assistant Superintendent in-charge of transfers and of the Officer-in-charge of the Police escort, from whom a receipt shall be taken for the prisoners property and documents handed over to him. They must thoroughly satisfy themselves that the letters are securely riveted and the ankle ring do not come off the heels, if the prisoners are fettered.

**Duties of Warder or Police Officer incharge of prisoners. Rule 188.**

The presence of a warder does not affect the responsibility of the Police escort for the safe custody of the prisoners on transfer. The duties of the warder shall be:

(a) to arrange and provide the prisoners with food and water when necessary. He shall carry enough buckets or earthen pitchers for storing water;

(b) to preserve carefully and be responsible for the safe custody and safe delivery of the documents and property of all sorts sent with the prisoners;

(c) to return safely to the prison from which the party was dispatched, the clothing and other Government property sent with the prisoners;

(d) to obtain receipts from the Assistant Superintendents incharge of admissions of the receiving prison for the prisoners' property and documents made over to him;

(e) to take every precaution to secure the immunity of the prisoners from sickness and injury; and

(f) to allow only the authorised food in the journey.

**Receipts for prisoners, etc., Government property to be returned. Rule 190.**
The receiving prison shall duly acknowledge the receipt of the prisoners and, of the documents and property relating to them. One copy should be made over to the Police and the other sent to the dispatching prison. Identical articles of clothing and other Government property sent with the prisoners shall be returned to the dispatching prison.

**Illness of a prisoner on transfer Ultimate disposal. Rule 193.**

When a prisoner on transfer becomes ill as to be unable to complete the journey, he should be left at the nearest Police Station and taken when sufficiently well to be moved, to the nearest prison where he shall be received. His warrant, property and all papers connected with him should be made over to the Superintendent of the prison, where he is detained who shall inform the Superintendent of the prisons from and to which the prisoner was proceeding, of the occurrence. On recovery the prisoner shall be forwarded with his papers, etc., to his destination. In the case of death, the fact, with date, shall be noted on his warrant, which with the other papers and property accompanying him shall be returned to the prison from whence he came.

**Death of a prisoner before he can be received in any prison. Rule 194.** If a prisoner dies on transfer and before he can be received in any prison en route, the Officer incharge of the police escort should report the fact to the 53[Sessions Judge or the nearest Magistrate] as the case may be, in which the death takes place, with a view to an enquiry being held into the circumstances attending it. A copy of the proceedings, together with the warrant, documents and property accompanying the prisoner, should be forwarded to the Superintendent of the prison from where he came. Such Superintendent shall submit a copy of the proceedings of the inquiry to the Inspector General.

**Transfer of prisoners to Civil Hospitals in case of serious illness. Rule 197.**

(i) Where it is necessary to remove a convicted prisoner or an under trial prisoner to hospital outside the prison for operative or other special treatment which cannot conveniently be given in the prison itself:

(a) The orders of Government shall be obtained through the Inspector-General, in cases in which a convicted or under trial prisoner is to be admitted to the hospital for treatment provided that in, emergent cases the Superintendent of the prison is authorised to anticipate the sanction of Government and if he does so, he should make an immediate report through the Inspector-General.

(b) In cases in which a convicted or under-trial prisoner is taken to hospital for treatment as an outpatient only or for X-ray examination, the Superintendent of the prison is empowered to authorise this visit himself.

(ii) The discretion given to the Superintendent to anticipate the sanction of Government, does not apply to cases in which it is proposed to remove a prisoner to a hospital in another station. In such cases the orders of the Inspector General must be obtained in advance, and the Inspector General will make an immediate report to Government in all cases in which he allows prisoners to be so moved in anticipation of sanction.

(iii) In all cases in which a prisoner is removed to a hospital for the purpose of an operation, the removal should take place as close as possible to the time fixed for operation and the prisoner should be brought back to the prison hospital as soon as this can conveniently be done.

(iv) Prisoners admitted in hospital outside the prison shall always be guarded by the Police.

(v) All expenses incurred by the hospital authorities in connection with the treatment of prisoners from prison will be borne by the Health Department.

**Remission under section 401 of Criminal Procedure Code. Rule 218.** Special remission is awarded by Government on occasions of public rejoicing. It is granted unconditionally under section 401 (i) of
the Criminal Procedure Code, 1898, and is not governed by these rules. COMMENTS Classification of convicts. Remissions under Pakistan Prison Rules, 1978, are of two kinds; ordinary and special; it is provided in R. 218 of Pakistan Prison Rules, 1978, that special remission is awarded by Government on occasions of public rejoining and is granted unconditionally under S. 401(1), Cr.P.C. and is not governed by Pakistan Prison Rules, 1978 and under the proviso to S. 401, Cr.P.C. there is no total denial of remission. Denial is only in respect of remission granted by Provincial Government under S. 401, Cr.P.C. in respect of sentences awarded under Chapter XVI of Penal Code, 1860, and in respect of a class of criminals who committed offence in the name or on the pretext of Karo Kari, Siah Kari or similar other customs and practices; in addition to the fact that under proviso to S. 401, Cr.P.C. there is no total denial of remission, a reasonable classification based on intelligible differentia is available.60 91 6. PLD2007Kar. 139(p). Section 401 of Criminal Procedure Code 1898. "401.(1) Power to suspend or remit sentences.—

(1) When any person has been sentenced to punishment of an offence, the Provincial Government may at any time without conditions or upon any conditions -which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the Provincial Government for the suspension or remission of a sentence, the Provincial Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been. suspended or remitted is, in the opinion of the Provincial Government, not fulfilled, the Provincial Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-Officer without warrant and remanded to undergo the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(4-A) The provisions of the above subsections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.

(5) Nothing herein contained shall be deemed to interfere with the right of the President or of the Central Government when such right is delegated to it to grant pardons, reprieves, respites or remissions of punishment.

(5-A) Where a conditional pardon is granted by the President or in virtue of any powers delegated to it by the Central Government, any condition thereby imposed, of 92 whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.

(6) The Provincial Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with. COURT OBSERVATION/GOVERNMENT DIRECTIONS The High Court held vide Cr.L.J.1998 page 921 Pehawar that no Amnesty or Government remission is valid to convicts under Qisas/Diyat cases with conviction consent. Same was upheld by Lahore High Court vide pet. 23185 of 1999 on April 2, 2001. Remission by President or Governor is otherwise valid only after date of conviction. The Punjab Government directions under Court citations also held, invalid posting of Amnesty remissions in the Qisas/Diyat convictions vide letter No. S.O. (M.P.) 3-8/99 dated July 31,2001.
Classification of under-trial prisoners. Rule 248.

(i) There shall be only two classes of under trial prisoners-

(a) better class; and

(b) ordinary class.

(ii) better class will include those under-trial prisoners who by social status, education or habit of life have been accustomed to a superior mode of living and will correspond to A and B class of convicted prisoners. Ordinary class will include all others and will correspond to C class.

(ii-a) Those undertrial prisoners who pass matriculation or higher examination in 1st Division during their stay in" the pil shall be allowed better class jail facilities with effect from the date the result is announced.

(iii) Before an under trial, prisoner is brought before a competent Court, it will be at the discretion of the Officer [not below the rank of Assistant Superintendent/Deputy Superintendent of police having jurisdiction in the area] to properly classify him. After he is brought before the Court, he be classified by that Court, subject to the approval of the provincial Government. COMMENTS Superior class in jail, entitlement to. Petitioner had impugned order of Sessions Judge whereby accused, who was convicted under S. 302, P.P.C. was held entitled to superior class in jail where accused was presently confined. Accused simply a Graduate from Karachi university and neither other qualification had been mentioned which could show accused was an exceptionally highly educated or professionally qualified person nor any evidence was brought on record to show that accused had status of superior mode of Accused had not been reported to have been suffering from serious disease which could have been an alternate ground for granting him better class in jail. High Court in exercise of its revisional jurisdiction, set aside order passed by Sessions Judge where by superior class was granted to the accused in i’ by misinterpreting provisions of R. 248(b)(iii) of Pakistan Prison Rules.


When an order for detention in the Reformatory School has been passed, the youthful offender shall be sent without passing through the prison, by the [Sessions Judge] to the Reformatory School. There should be sent with him a copy of the judgment of the Criminal Court together with a short history showing any crime for which he may have been previously punished, the status and character of his parents or guardians and any other facts known to the Police, which might be useful in his correctional treatment.


As soon as a prisoner is sentenced to death, the police officer who attends the trial, will inform the Superintendent” of the prison of the fact. If the sentence is passed by the Sessions Judge, that officer will issue a warrant of commitment pending confirmation of the sentence by the High Court. When the sentence has been confirmed by the High Court or is passed by the High Court, a warrant of execution will be transmitted by the Session Judge, or the High Court as the case may be, to the Superintendent of the prison in which the condemned prisoner is confined.


(i) When the execution is to take place inside the prison, a guard of twelve warders shall be present at the main gate with rifles and ten rounds of ammunition per man, half an hour before the time fixed for execution. The guard shall not enter the prison unless called upon to suppress any disturbance or when spectators are admitted.

(ii) When the execution is to take place outside the prison walls for any reason, the Superintendent shall send intimation of the fact to the Superintendent of police, two clear days before the date fixed.
for the execution to enable him to arrange for the attendance of Police guard of one Sub-Inspector, two Head Constables and twelve Constables and more: if any disturbance is apprehended. The police guard will be in addition to the warder guard of the prison which shall also fall in the same manner as when the execution is inside the prison

**Disposal of money or other property recovered by police at arrest. Rule 374.**

(i) Money or other property found on the person of or belonging to an under-trial prisoner other than necessary wearing apparel, is taken charge of by the Police, who is required to enter on the back of the prisoner's warrant a list of all such articles. In the case of a prisoner sentenced to imprisonment the articles shall be forwarded to the prison to which he is committed.

(ii) Articles of clothing brought to prison by an unconvicted prisoner shall be entered in the appropriate column of admission register.

**Report of previous convictions. Rule 382.**

(i) The Superintendent of Police shall invariably inform the Superintendent Jail about the nature and back-ground of dangerous characters on their admission to Jail enabling Jail authorities to take timely precautions for their safety and security in the Jail.

(ii) When the Superintendent or any prison official receive information that an under-trial prisoner has been previously convicted, such information shall be communicated forthwith to the Court concerned.

**Search of prisoners going to Courts. Rule 389.**

A receipt shall be obtained from the officer in charge of the escort for the under-trial prisoners sent to courts and such officer shall certify in the gate keeper's register that he has searched the prisoners. All under-trial prisoners shall be searched again at the main gate on return from the courts before they are being taken over from the police.

**Notice of discharge or release on bail. Rule 392.**

If an under-trial prisoner is discharged in court or released on bail while attending court, the notification of the fact should be brought back by the Police escort who took charge of the prisoners for conveyance to court. If the notification is not received the same day, the Superintendent shall without delay call the attention of the court to the matter.

**Conveyance charges to be paid by the Police. Rule 393.**

The expenditure of every kind including cost of diet incurred during conveyance of under-trial prisoners to and from courts or from one district to another shall be paid by the Police.

**Disciplinary action against under-trial prisoners outside the precincts of prisons. Rule 400.**

Under-trial prisoners who commit certain offences while being conveyed from a prison by road or rail to the courts and from the courts or other places back to prison, may be punished by the Superintendent. An under-trial prisoner does not cease to be under the control of the Superintendent when being taken from the prison to a court or from a court back to prison. The fact that a Police escort accompanies a prisoner does not release him from the control of the Superintendent as regards punishment for an act which constitutes a prison offence.

**Transfer of a mental patient to mental hospital. Rule 445.**

On receipt of an order from Government for the removal of a mental patient, the Superintendent shall transfer him to the mental hospital specified, with the following documents:-

(a) The Government order directing his transfer.
(b) His descriptive roll in form No.9 of the mental hospital manual.

(c) The medical certificate in form No.3 of Schedule I of Lunacy Act IV, 1912. (Replaced by Mental Health Ordinance, VIII of 2001) If the mental patient is a convicted prisoner, the following documents shall be sent in addition:-

(d) Warrant of imprisonment.

(e) Remission sheet.

(f) History ticket and private property (if any).

(g) A copy of the Court's judgment in his case. Explanation 1. If the Court's judgment does not contain full particulars of the offence committed, a copy of the Police report on the arrest, or that of the Police roznamcha, should accompany the mental patient.

Explanation 2. Government property accompanying a mental patient on transfer to a mental hospital should be 161 returned to the dispatching prison.

Punjab Amendment: After rule 545-A, the following rule 545-B shall be inserted:-

115[Rule545-B.

Participation in funerals.—

(i) The Provincial Government or the District Coordination Officer 196 may permit a well behaved prisoner to participate in the funeral of his blood or other relative of the first degree subject to his safety and security under adequate police escort.

(ii) The prisoner shall not leave the place specified in the permission order.

(iii) The police escort shall be responsible for the safety and security of the prisoner when the prisoner is attending the funeral and this responsibility shall commence when the prisoner is taken out of the prison and continue till his readmission into the prison.

(iv) The duration of permission granted under this rule may not ordinarily exceed twelve hours, depending on the circumstance of each case, which shall not include the time consumed for journey, to and from the" prison.] Notifi. No. SO (MP) 9-1-G/2008 (P), dated 4.8.2008.

Reference to Magistrate: Rule 573.

When in the opinion of the Superintendent any of the following offences are established against a prisoner; he shall get a case registered against him at the local Police Station for judicial trial:-

(a) offence punishable under section 224 of the 'Pakistan Penal Code;

(b) offence punishable under sections 148, 304-A, 325 and 326 of the Pakistan Penal Code; and


Powers of Superintendent: Rule 574.

It shall be in the discretion of the Superintendent to determine, with respect to any act which constitutes both a prison offence and an offence under the Pakistan Penal Code other than an offence included in the preceding rule, whether, he will use his own powers of punishment or get a case registered against him at the local Police Station for judicial trial.

Assistance from district authorities: Rule 610.
(i) The Superintendent shall, in consultation with the Superintendent of Police and the [Zila Nazim], make such arrangement for a concerted plan of action in the case of an outbreak or escape, as may seem advisable.

(ii) The Deputy Superintendent shall, on the occurrence of an escape or outbreak, send word to the officer-in-charge of the nearest police station.

(iii) In the case of a serious riot or combined insubordination, amongst the prisoners, the Superintendent shall immediately inform the [Zila Nazim] and the Superintendent of Police who shall afford all possible assistance to the Superintendent if required by him.

(iv) In case of an escape, intimation shall be sent by telephone to the District Police lines for assistance in the recapture of the prisoner. 1. Subs, for "District Magistrate" by Notifi. No. SO (Prs) 18-1/2002, dt. 12.1.2002.

(v) Whenever it is necessary to place prisoners in confinement in any place without the walls of the prison, the Superintendent shall apply to the Superintendent of Police for such police guard as may in the opinion of the latter officer, be necessary and the Superintendent of Police shall supply such guard accordingly.

(vi) In every case in which any prisoners are guarded by the police under the provisions of the preceding sub-rule, the responsibility for the sole custody of the prisoners shall rest with the police.

(vii) If from any cause, any prison, at any time become temporarily insecure, the Superintendent shall inform the Superintendent of Police of the fact, and it shall be the duty of that officer to supply such police guard as he may think necessary to provide for the safety of the prisoners until the prison is made secure.

Notice of an escape to be sent to Police Officers: Rule 611.

When an escape has taken place and attempts at recapture have been ineffectual immediate notice shall be sent to the Superintendent of Police and to the [Zila Nazim], together with a descriptive roll of the prisoner giving all the information available, including his usual place of residence, etc. If the prisoner belongs to a district other than that in which he was confined, similar reports and descriptive roll shall be sent to the [District Coordination Officer] of that district, the Superintendent of Railway Police and the [District Coordination Officer] of all the districts he is likely to traverse on his way to his home. The information may also be sent by telegraph to the Police of other districts.

Report to the Inspector-General and Home Secretary: Rule 612.

(i) The Superintendent shall immediately report, by telegram, the occurrence of an escape or any other serious unusual event-, to the Inspector-General and the Home Secretary.

(ii) A brief report of every escape shall be submitted to the Inspector-General police. The Superintendent shall conduct an enquiry as soon as after the occurrence as possible and shall forward a detailed report to the Inspector-General along with his findings. A copy of the judgment in the case of a prisoner tried for escape shall also be submitted to the Inspector-General. In the case of escapes not entirely due to negligence, but in part to some defect in the buildings or in the method of guarding, it is necessary to point out such defects clearly.

(iii) A report of the recapture of a prisoner shall be made to the Inspector-General giving particulars of the date and circumstances of recapture and such additional details of the escape as may be elicited from the prisoner.

(iv) Every attempt to escape, and the particulars in each case, shall be reported to the Inspector-General along with the descriptive roll of the prisoner.
Reward for recapture: Rule 614.

(i) Superintendent may recommend any person for grant of suitable reward by the Inspector-General after the consideration of all the circumstances for the recapture of any 220 escaped prisoner.

(ii) The Inspector-General is empowered to sanction an amount not exceeding Rs. 100 in any one case for the recapture of any prisoner.

(iii) No reward for the recapture of a prisoner who escapes from police custody shall be paid by the Prison Department, but the case may be referred to the Police Department for consideration of reward.

Explanation 1--Any Government servant may receive without special permission any reward offered for the arrest of a criminal, etc.

Explanation 2.--When two or more persons have been instrumental in recapture of an escaped prisoner, the reward shall be divided amongst them in such manner as the Inspector-General may direct.

Certain prisoners not to be entrusted with knives etc: Rule 621.

(i) A full report of every serious assault committed by a prisoner as an officer of the prison and of every serious disturbance or combined outbreak amongst prisoners shall be submitted to the Inspector-General.

(ii) Prisoners of a sulky, morose or violent temper shall on no account be entrusted with a knife or other implement which can be used as a weapon of assault.

(iii) All locks in use in a prison shall be examined daily and any lock found defective shall be put up before the Deputy Superintendent who shall immediately replace it with a serviceable one.

(iv) Even in case of a cognizable crime which is to form the subject of police and magisterial enquiry and subsequently ends in a criminal trial, the Superintendent shall at once conduct an enquiry, and submit his report to the Inspector-General with special reference to prison discipline and rules. If he finds that any officials is at fault, he shall 222 state how he proposes to deal with them.

Power to arrest for offences under section 42: Rule 688.

When any person, in the present of any officer of a prison, commits any offence specified in section 42" of the Prisons Act and refuses on demand of such officer to state his name and residence, or gives a name and residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police Officer and therefore such Police Officer shall proceed as if the offence had been committed in his presence (section 43 Prisons Act, 1894).

Report of death to be made to the [Sessions Judge] and the Police. Rule 735.

In every case of sudden, unnatural or violent death or supposed suicide, or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner, or whenever any prisoner dies from the effect of punishment or injury, a report shall forthwith be made to the [Sessions Judge], who shall depute a first class Magistrate to hold an inquest inside the prison under section 174 of the Criminal Procedure Code and ask the Medical Superintendent to conduct the post-mortem examination. The Magistrate and the Medical Superintendent shall forward their reports to the Superintendent. A report of such death shall also be made to the Officer Incharge of the nearest Police Station. 2002. 3. Subs, for "District Magistrate" Punjab Notification No. SO (Prs.) 18-1/2002, dt. January 12, 2002

Medical Officers empowered to make post-mortem. Rule 739.
The following officers are empowered in view of section 173(3) of the Criminal Procedure Code to conduct postmortem examination

(a) District Medical Superintendent.
(b) Medical Officer in-charge of a Civil Hospital.
(c) Police Surgeon.
(d) Whole-time Senior Medical Officers of Central Prisons.

Provision for custody prisoners: Rule 759.

(i) All prisoners in a prison in excess of accommodation shall be provided with temporary shelter in huts or tenants pitched inside or outside the main enclosure walls.

(ii) The safe custody of prisoners accommodated outside the prison shall be entrusted to the Police.

(iii) The Superintendent shall apply to the Inspector General for sanction to entertain such temporary establishment as may be necessary.

(iv) In case of emergency and before arrangements can be made to have tents or huts erected the workshop may be utilized to afford the necessary shelter, provided that all articles likely to facilitate escape or to be used as dangerous weapons are removed.

No prisoner to be allowed to visit the bazar: Rule 839. No prisoner shall at any time, upon any pretext, or for any purpose whatsoever, whether accompanied by warders or police escort be permitted to proceed to or visit any bazar, market or any unauthorised place.

Visitors, powers of Government, to appoint: Rule 913.

(i) Visitors of prisons shall be:-

(a) ex-officio officials and

(b) non-officials appointed by name.

(ii) The following officers and others, whom the Government may from time to time so appoint, shall be ex officio visitors of prisons situated within the areas under their charge, or within their jurisdictions:-

(a) [Zila Nazim].
(b) District and Sessions Judge.
(c) [District Co-ordination Officer].
(d) Deputy Inspector General of Police.
(e) Superintendent of Police.
(f) [Executive District Officer (Health)].
(g) Director of Reclamation and Probation.
(h) [Executive District officer (Agricultural)].
(i) Head of Department of Social Work, Psychology and Psychiatry of the University.
(j) Administrator, Auqaf Department.
(k) Director of Industries.
Appointment of non-official visitors: Rule 917.

(i) A selection board under the chairmanship of the District Co-ordination Officer consisting of the local numbers of the National and Provincial Assemblies, Superintendent of Police, Superintendent of Prison and the Secretary of the Prisoners Aid Society, shall be constituted for appointment of non-official visitors. The Secretary of the Prisoners Aid Society will be the Secretary of the board. Six months before the expiry of the term of non-official visitors, the secretary will arrange for a meeting of the board and place before the members the proposed names. The selection board shall then make recommendations to the Provincial Government. Two names shall be sent for each vacancy of the non-official visitors.

(ii) The Minister for Prisons and the Home Secretary may also nominate any person, to be non-official visitor to any prison in the province on the basis of their personal information regarding his interest in the welfare of prisoners.

(iii) The appointment of non-official visitors shall be made by the Government and notified in the Provincial Gazette.

(iv) The Secretary of the selection board shall take care to ensure, before placing the names before the board that well educated gentlemen with good record of social service to their credit, are recommended. He shall place detailed information before the board, about their special qualifications such as education, interest in prison reforms, social work and capability in finding employment for prisoners on release. In the case of re-appointment of the previous non-official visitors, a full report about the work done by them, shall accompany the recommendations.

(v) The most suitable persons to be appointed as nonofficial visitors are psychologists, social workers, doctors, men of letters, industrialists and philanthropists. Retired Government officials are also suitable for such appointment.

(vi) Members of the Provincial Assembly who represent urban or rural constituencies may, during the term of their 322 membership, be appointed ex-officio non-official visitors of the prisons situated in their constituencies. [Provided that MNAs/Senators shall also be appointed as ex officio non-official visitors of the prisons situated in their respective constituencies]. Explanation.--Every Member of the Provincial Assembly shall have the authority to visit prisons in his constituency as soon as he is elected as Member of the Provincial Assembly. Punjab Amendment: In rule 917, for sub-rule (vi), the following sub-rule shall substituted:- "(vi)

(a) A member of the National Assembly, the Senate and the Provincial Assembly of the Punjab may, during the term of his membership, be appointed ex-officio non-official visitor of the prison situated in the district concerned.

(b) Every Member of the Provincial Assembly of the Punjab shall have the authority to inspect the prison of the district concerned during office hours with prior intimation.

(c) Where there is no prison in the district concerned, a Member of the Provincial Assembly of the Punjab shall have the authority to inspect the prison in which the prisoner of the district concerned is kept. Explanation:-For the purpose of this sub-rule, the "district concerned" shall, for a member of the National Assembly and the Provincial Assembly of the Punjab, elected against general seats, be the district of his constituency and for a Senator a Member of the National Assembly and the Provincial Assembly of the Punjab elected against seat reserved for women and non-Muslims, be the district where such Senator or Member, as the case may be, is registered as a voter. Notifi. No. SO (Prs) 23-1/2005, dt. 13.11.2006. Unreported Statutes [PLD 2004-09 Supp. II. P. 638]
(vii) Secretaries of the Prisoners Aid Societies shall "be appointed ex-officio non-official visitors of prisons in their respective districts. The term of appointment of these gentlemen shall be conterminous with their office. The [District Co-ordination Officer] while submitting proposals 323 for the appointment of the Secretaries as ex-officio non-official visitors shall also forward the necessary draft notifications.

(viii) The [District Co-ordination Officer] will maintain the rosters of ex-officio visitors for the purpose of monthly visits to the prisons in their respective districts.

(ix) For Women's Prison and at prisons where women prisoners are confined, lady non-official visitors should be appointed from amongst prominent lady social workers and lady teachers of industrial homes.

**Board of visitors: Rule 920.**

Once in every quarter not less than two officio and one non-officio visitors, of which one unless prevented by unavoidable cause, shall be the [District Coordination Officer] shall constitute a Board and visit the prison of which they are visitors The [District Co-ordination Officer] shall be ex-officio Chairman of the Board. The Board shall meet at the prison on a date to be fixed by the [District Coordination Officer] and will inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners food and see that it is of good quality and properly cooked, inspect the punishment register and satisfy themselves that it is kept up-to-date.

Note.-The District Co-ordination Officer and the Superintendent of Police shall not delegate their functions under this rule to any of their subordinates.

**Admission of the police officers and the interrogation of prisoners by them: Rule 930.**

(i) The Superintendent of Police or a Deputy Superintendent of Police may, for any purpose connected with the discharge of his duties as such police officer, be permitted to enter the prison at any time.

(ii) Police officers of subordinate rank who may be detailed for duty, shall be permitted to enter the prison:

(a) for the purpose of recognising old offenders, at the time of the Superintendent's weekly parade and

(b) for the purpose of conducting operations for the identification of prisoners during working hours on any week day.

(iii) No police officer shall, at any time, upon any pretext whatsoever, be allowed to enter any women's ward or any cell or compartment in which any woman is confined without the permission in writing of the Superintendent.

(iv) No police officer shall be permitted to interrogate any prisoner, except in so far as may be necessary for the identification of such prisoner, without an order in writing from the [District Co-ordination Officer] addressed to the Superintendent.

(v) Any interview, permitted under an order from the [District Co-ordination Officer] shall take place in the presence of the Deputy Superintendent or other proper officer of the prison, but out of his hearing.

Explanation.—For the purposes of sub-rule (ii), prison officer shall give every assistance by parading separately, if required, any prisoners whom the Police may desire to inspect for the purposes of identification.
Rank of officer deputed to interrogate a prisoner: Rule 931.

A Police Officer deputed to interrogate a prisoner under the provisions of sub-rules (iv) and (v) of the preceding rule shall ordinarily not be below the rank of an Assistant Sub-Inspector.

Police Officer to be in uniform: Rule 932.

No subordinate Police Officer shall be admitted to a prison unless he is in proper uniform.

Examination of newly admitted prisoners: Rule 1056.

The Junior Medical Officer shall examine all newly admitted prisoners carefully and under the supervision of the Medical Officer, record, in the admission register and history tickets, all the particulars required by rules 18 and 979, and to satisfy himself that the private clothing of newly admitted prisoners are cleaned, and, if necessary, disinfected before removal to the godown.

Note.—When a prisoner with injuries on his body admitted into a prison from Police custody, his medical examination shall be conducted in the manner prescribed in rule 19.

Headquarters Prison to maintain list of approved candidates: Rule 1116.

(i) The Headquarters Prison shall maintain a list of approved candidate suitable in every respect for appointment as warders. A descriptions roll of each candidate showing his name, father's name, caste, age, height, chest measurement physical fitness, identification marks, thumb impression, residence, education and Military service, etc., shall be kept by the Headquarters Prison. The applicant shall be intimated the fact of his acceptance and pending his being called on to fill a permanent vacancy, should be employed in any temporary vacancy which may occur in the affiliated prisons. Ordinarily the affiliated prisons shall not employ any temporary warders themselves. These temporary warders will be considered for selection of permanent posts if their word and conduct has been satisfactory.

(ii) The characters and antecedents of candidates shall be verified through the Police Department before employment.

Temporary warders in emergencies: Rule 1132.

(i) When, for any sufficient reason, it is necessary to entertain warders in excess of the sanctioned strength and the matter is so urgent that the previous sanction of the Inspector General cannot be obtained. The Superintendent may in anticipation of sanction, entertain such number of additional warders as may be necessary, but an immediate reference shall be made to the Inspector General.

(ii) Temporary warders must conform to the standard laid down in rule 1113 of these Rules. Very exceptional cases, if any, should be referred to Inspector General for relaxation.

(iii) The character and antecedents of temporary warders shall be verified through the Police prior to employment.

(iv) Only those person shall be entertained as temporary warders who are considered fit for confirmation in due course.

Instructions for keeping registers: Rule 1242.

The following instructions for keeping the registers shall be carefully attended to:-

Register No. 1.—Admission register or under trial prisoners:-

Register No. 2. Admission register of convicted prisoners:-

Register No. 3.—Release diary:-
Register No. 4.—Transfer register of prisoners:

Column 6.—Full detail of documents such as warrant, remission sheet, property sheet, etc., sent along with a prisoner on transfer, shall be given in this column.

Column 7.—Cash property of a prisoner sent along on transfer, shall be entered in this column.

Column 8.—Transfer charges (if any) such as diet money, conveyance allowance, etc., shall be entered in this column.

Column 11.—Receipt of the Police escort shall be obtained in this column.

Register No. 5.—Alphabetical register of convicted prisoners:

Register No. 6.—Register of valuable Articles.

Register No. 7.—Prisoners private cash account register:

Register No. 8.—Punishment register of prisoners:

Register No. 9.—General abstract of prisoners:

Register No. 10.—Barrack or party wise distribution of prisoners:

Register No. 11.—Interview register:

Register No. 12.—Generally lock-up register:

Register No. 13.—Prison cash book:

Register No. 14. and 15.—Register of other contingencies and contingencies:

Register No. 16.—Book of purchase:

Registers No. 17 and 18.—Register of letters received and dispatched:
ANNEXURES

WARRANT OF PRECEDENCE FOR THE ISLAMIC REPUBLIC OF PAKISTAN

The Warrant of Precedence for Pakistan is a protocol list at which Government of Pakistan functions and officials are seated according to their rank and office. In supersession of the Home Affairs Division Notification No. 21/2/61/Public dated 7 March 1963 as amended from time to time, the following Warrant of Precedence for Pakistan is published for general information.

<table>
<thead>
<tr>
<th>Article</th>
<th>Appointment/Designation</th>
<th>Grade/Pay Scale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>President of Pakistan</td>
<td>The Commander in Chief of the Armed Forces of Pakistan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Prime Minister of Pakistan</td>
<td>Immediately after the President</td>
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<tr>
<td>2</td>
<td>Chairman of the Senate of Pakistan</td>
<td>Above the Speaker of National Assembly</td>
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<td></td>
<td>Speaker of the National Assembly of Pakistan</td>
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<td></td>
<td>Vice President of Pakistan</td>
<td>Not in position now</td>
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<tr>
<td>3</td>
<td>Chief Justice of Pakistan</td>
<td></td>
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<tr>
<td></td>
<td>Deputy Prime Minister of Pakistan</td>
<td>Not in position now</td>
<td></td>
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<tr>
<td></td>
<td>Senior Federal Ministers</td>
<td>Exclusively Includes Defence/Foreign Ministers</td>
<td></td>
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<tr>
<td>4</td>
<td>Governors of the Provinces</td>
<td>Within their respective Charges</td>
<td></td>
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<tr>
<td></td>
<td>President of Azad Jammu and Kashmir</td>
<td>Within his own State</td>
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<tr>
<td></td>
<td>Senior Federal Ministers in their own Provinces</td>
<td>Next to the Governor of the Same Province</td>
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<tr>
<td></td>
<td>Prime Minister of Azad Jammu and Kashmir</td>
<td>Next to the President of Azad Jammu and Kashmir within his own State</td>
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<td></td>
<td>Leader of the Opposition in National Assembly</td>
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<td>5</td>
<td>Leader of the House in the Senate</td>
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<td></td>
<td>Leader of opposition in the Senate</td>
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<td></td>
<td>Federal Ministers to the Government of Pakistan</td>
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<tr>
<td>Position</td>
<td>Rank</td>
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<tr>
<td>Attorney General to the Government of Pakistan</td>
<td>If of the status of Federal Minister</td>
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<tr>
<td>President and Prime Minister Azad Jammu &amp; Kashmir and Governors and Chief Minister of Provinces outside their charge</td>
<td>Always after Federal Ministers, Minister of the States, Special Assistants/Advisor to the Prime Minister (with Cabinet Rank)</td>
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<tr>
<td>Rector of the Islamic International University</td>
<td>BPS-Apex Scale</td>
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<tr>
<td>Chairman Consultative Committee on Economic Policy</td>
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<tr>
<td>Ambassador-at-Large</td>
<td>BPS-Apex Scale</td>
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<tr>
<td>Deputy Chairman to the Senate of Pakistan</td>
<td>Accredited to Selected Countries only</td>
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<tr>
<td>Deputy Speaker to the National Assembly of Pakistan</td>
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<tr>
<td>6 Advisors to the President of Pakistan</td>
<td>With Cabinet Rank (Not in position now)</td>
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<tr>
<td>Chairman Joint Chiefs of Staff Committee (Five/Four Star)</td>
<td>O-Special</td>
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<tr>
<td>Chief of the Army Staff (Five/Four Star)</td>
<td>O-Special</td>
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<tr>
<td>Chief of the Naval Staff (Five/Four Star)</td>
<td>O-Special</td>
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<tr>
<td>Chief of the Air Staff (Five/Four Star)</td>
<td>O-Special</td>
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<tr>
<td>7 Ambassadors and High Commissioners accredited to Pakistan (according to their respective dates of accreditation)</td>
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<tr>
<td>8 Ex-President of Pakistan</td>
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<tr>
<td>Ex-Prime Minister of Pakistan</td>
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<td>9 Deleted</td>
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<tr>
<td>10 Ministers of States to the Government of Pakistan</td>
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<tr>
<td>Governor State Bank of Pakistan</td>
<td>BPS-Apex Scale</td>
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<tr>
<td>Chairman Securities and Exchange Commission of Pakistan</td>
<td>BPS-Apex Scale</td>
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<tr>
<td>Special Assistants to the Prime</td>
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<td>Dignitary</td>
<td>Rank</td>
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<td>Minister</td>
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<td>Advisers to the Prime Minister</td>
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<tr>
<td>Generals of Pakistan Army</td>
<td>O-10</td>
<td>Of the Status of Vice Chief of Army Staff</td>
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<tr>
<td>The Auditor General of Pakistan</td>
<td>BPS-Apex Scale</td>
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<tr>
<td>Secretaries General to the Federal Government</td>
<td>BPS-Apex Scale</td>
<td>In charge of Ministry or Division</td>
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<tr>
<td>Chairman Federal Public Service Commission</td>
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<td>Senior distinct official appointed by President</td>
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<td>Note:- The Inter-se seniority of dignitaries till article 10 will be determined in order as indicated above</td>
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<tr>
<td>Envoys Extraordinary and Ministers Plenipotentiary</td>
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<td>Accredited to Pakistan</td>
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<tr>
<td>Chief Election Commissioner</td>
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<td>Wafaqi Mohtasib</td>
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<td>Ombudsman</td>
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<tr>
<td>Judges of the Supreme Court of Pakistan</td>
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<tr>
<td>Chief Justice Federal Shariat Court</td>
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<tr>
<td>Chairman of the Council of Islamic Ideology</td>
<td></td>
<td>If he is or has been a Judge of the Supreme Court</td>
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<tr>
<td>Chief Ehtasab Commissioner</td>
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<tr>
<td>Chief Justice of the High Courts</td>
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<tr>
<td>Vice Chief of Naval Staff (Three Star)</td>
<td>O-9</td>
<td>If holding the rank of Vice Admiral</td>
<td></td>
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<tr>
<td>Vice Chief of Air Staff (Three Star)</td>
<td>O-9</td>
<td>If holding the rank of Air Marshal</td>
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<tr>
<td>Lieutenant Generals (Three Star)</td>
<td>O-9</td>
<td>Commanders of Geographical Commands of Pakistan Army</td>
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<tr>
<td>Speakers of the Provincial Assemblies</td>
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<tr>
<td>Ministers of the Provincial Governments</td>
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<tr>
<td>Lieutenant Generals and Equivalents (Three Star)</td>
<td>O-9</td>
<td>Corps Commanders and Principal Staff Officers of Armed Forces</td>
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<tr>
<td>Visiting Ambassadors/High Commissioners</td>
<td></td>
<td>Of the Foreign countries not accredited to Pakistan</td>
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<tr>
<td>Deputy Chairman Planning</td>
<td>BPS-22</td>
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<td>Commission</td>
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<td>16</td>
<td>Members of the Senate/National Assembly of Pakistan</td>
<td>To take precedence over all others in the said group</td>
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<td></td>
<td>Judges/Puisne Judges of the High Courts</td>
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<tr>
<td></td>
<td>Controller General of Accounts, Pakistan</td>
<td>BPS-22</td>
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<tr>
<td></td>
<td>Federal Secretaries</td>
<td>BPS-22 &amp; 21</td>
<td>In charge of Ministries and Divisions, including Principal Secretary to the President</td>
</tr>
<tr>
<td></td>
<td>Chairman of the Council of Islamic Ideology</td>
<td>If he is or has been a Judge of High Court</td>
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<td></td>
<td>Secretary Generals of the Senate/National Assembly</td>
<td>BPS-22</td>
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<tr>
<td></td>
<td>Inspector General of Police (Three Star)</td>
<td>If in BPS-22</td>
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<tr>
<td></td>
<td>Director General Intelligence Bureau</td>
<td>BPS-22</td>
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<td></td>
<td>Director General Pakistan Institute of Development Economics</td>
<td>BPS-22</td>
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<td></td>
<td>Members of the Central Zakat Council</td>
<td>BPS-22</td>
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<tr>
<td>17</td>
<td>Attorney General for Pakistan</td>
<td>A senior lawyer designated by federal government not with a status of cabinet Rank</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>All Gun-Salute Rulers of State</td>
<td>Of State merged in or acceded to Pakistan (No longer applicable now)</td>
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<tr>
<td>19</td>
<td>Charge d’Affairs</td>
<td>A pied of Foreign Countries</td>
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<tr>
<td></td>
<td>Vice Chief of the Naval Staff (Two Star)</td>
<td>O-8</td>
<td>Of the rank of Rear Admiral</td>
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<tr>
<td></td>
<td>Deputy Chief of the Air Staff (Two Star)</td>
<td>O-8</td>
<td>Of the rank of Air Vice Marshal</td>
</tr>
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<td></td>
<td>Major General &amp; Equivalents (Two Star)</td>
<td>O-8</td>
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<tr>
<td></td>
<td>Members of the Planning Commission</td>
<td>BPS-21 &amp; 22</td>
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<tr>
<td></td>
<td>Visiting Ambassador/High Commissioners of Pakistan</td>
<td>BPS-21 &amp; 22</td>
<td>If on duty</td>
</tr>
<tr>
<td></td>
<td>Vice Chancellors of Universities</td>
<td>MP-I</td>
<td>Highly qualified Meritorious</td>
</tr>
<tr>
<td>No.</td>
<td>Position</td>
<td>Classification</td>
<td>Note</td>
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<tr>
<td>20</td>
<td>Chief Secretaries to the Provincial Government</td>
<td>BPS-22</td>
<td>Professors of HEC recognized Universities</td>
</tr>
<tr>
<td>21</td>
<td>Surveyor General of Pakistan</td>
<td>BPS-21</td>
<td>If declared of the status of Secretaries/Additional Secretary to the Federal Government</td>
</tr>
<tr>
<td></td>
<td>Chairman of Statutory Bodies set up by the Government</td>
<td>BPS-21 &amp; 22</td>
<td>Inside the limits of Islamabad Capital Territory</td>
</tr>
<tr>
<td></td>
<td>Chief Commissioner, Islamabad Capital Territory</td>
<td>BPS-21</td>
<td>Of the status of federal additional secretary</td>
</tr>
<tr>
<td></td>
<td>Acting Secretaries to the Government of Pakistan</td>
<td>BPS-21</td>
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<td></td>
<td>Additional Secretaries to the Federal Government</td>
<td>BPS-21</td>
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<tr>
<td></td>
<td>Inspector Generals of Police (Two Star)</td>
<td>BPS-21</td>
<td>Provincial Police Officer (PPO) and Commandant Frontier Constabulary (CFC)</td>
</tr>
<tr>
<td></td>
<td>Additional Chief Secretaries to the Provincial Government</td>
<td>BPS-21</td>
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<tr>
<td></td>
<td>Senior Member Board of Revenue</td>
<td>BPS-21</td>
<td>Provincial Government</td>
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<td></td>
<td>Principal Administrative Staff College</td>
<td>BPS-22</td>
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<tr>
<td>22</td>
<td>Ministers and Deputy High Commissioners</td>
<td></td>
<td>Of Minister's Rank in Embassies/High Commissions located in Pakistan</td>
</tr>
<tr>
<td>23</td>
<td>All Non-Gun Salute Rulers of State</td>
<td></td>
<td>Of State acceded to/ merged in Pakistan (No more applicable)</td>
</tr>
<tr>
<td>24</td>
<td>Members of Provincial Assemblies</td>
<td></td>
<td>With in province will take precedence over all others in said group</td>
</tr>
<tr>
<td></td>
<td>Chairman Provincial Public Service Commissions</td>
<td>BPS-21 &amp; 22</td>
<td>High qualified Official appointed by Governor of the same Province</td>
</tr>
<tr>
<td></td>
<td>Director General Military Lands and Cantonments</td>
<td>BPS-21</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brigadiers and equivalents (One Star)</td>
<td>O-8</td>
<td>Including defense attaches (DAs) and station commanders</td>
</tr>
<tr>
<td></td>
<td>Additional Inspector Generals of Police (Two Star)</td>
<td>BPS-21</td>
<td>Including Regional/Capital City Police Officers in BPS-21</td>
</tr>
<tr>
<td></td>
<td>Advocate Generals to the Provincial</td>
<td></td>
<td>A senior lawyer nominated by</td>
</tr>
<tr>
<td>Position</td>
<td>Rank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Governments</td>
<td>provincial government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consuls General</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Controller of Imports and Exports</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Engineer/Advisor, Pakistan PWD</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Economist in Planning Commission</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioners in charge of administrative divisions</td>
<td>BPS-20 &amp; 21 Basing on the size of Division</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Joint Secretaries/Joint Secretaries to the Federal Government</td>
<td>BPS-20 &amp; 21 Including Joint Secretary to the National Assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provincial Secretaries</td>
<td>BPS-20 &amp; 21 Federal Joint/Senior Joint Secretaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counselors of Embassies/Legations and High Commissioners</td>
<td>Of foreign and Commonwealth countries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy High Commissioners</td>
<td>Not holding the Rank of Minister</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members, Central Board of Revenue</td>
<td>BPS-20 &amp; 21 If of the status of Senior Joint/Joint Secretaries to the Federal Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members, Federal Public Service Commission</td>
<td>BPS-21 &amp; 22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solicitor to the Government of Pakistan</td>
<td>BPS-20 &amp; 21 If of the status of Senior Joint/Joint Secretaries to the Federal Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Investment Promotion and Supplies</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Geological Survey</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Public Relations</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Radio Pakistan</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Telegraph and Telephone</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Post Office</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Health</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Economic Advisor</td>
<td>BPS-20 &amp; 21 Senior Joint Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Grade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Finance Advisor</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Education Advisor</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General International Islamic Institute</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Finance Service Academy</td>
<td>BPS-22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Civil Services Academy</td>
<td>BPS-22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draftsman to the Government of Pakistan</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Joint Secretary/Joint Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayor of a Corporation</td>
<td>(City District Nazim) always after Commissioners of Divisions</td>
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</tr>
<tr>
<td>Members Provincial Zakat Council</td>
<td>Selected persons and Government officials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visiting Ministers Plenipotentiary</td>
<td>Of foreign Countries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pro Vice Chancellors of Universities</td>
<td>MP-II or PBS-22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meritorious Professors of HEC recognized Universities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 District and Session Judge</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director General Civil Aviation</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor Generals to the Provincial Governments</td>
<td>Nominated person or Government Official</td>
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<td></td>
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<tr>
<td>Military, Naval and Air Attaches to Embassies, High Commissioners and Legations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairmen Provincial Statutory Bodies</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Trade Commissioners</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Of Foreign and Commonwealth Governments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deans of the Faculties</td>
<td>BPS-22</td>
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<tr>
<td>Meritorious professors of HEC Recognized Universities</td>
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<td></td>
</tr>
<tr>
<td>26 Colonels and Equivalents</td>
<td>O-6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>less holding Appointments of Station Commanders</td>
<td></td>
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</tr>
<tr>
<td>Surveyor General of Pakistan</td>
<td>BPS-21</td>
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<tr>
<td>Accountant Generals of Provinces</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Military Accountant General</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Commercial Manager, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Mechanical Engineer, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Grade</td>
<td></td>
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<tr>
<td>-------------------------------------------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Chief Controller of Stores, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Traffic Manager, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Operating Superintendent, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councils and First Secretaries</td>
<td>BPS-19 &amp; 20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To Embassies, High Commissions and Legations of Foreign Governments</td>
<td></td>
<td></td>
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<tr>
<td>District Nazims</td>
<td>Chairman, District Councils</td>
<td></td>
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</tr>
<tr>
<td>Deputy Auditor General of Pakistan</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Conservator of Forests</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Engineer, Provincial PWD</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Director General Intelligence Bureau</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Inspector General of Police (One Star)</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Including Regional/Capital City Police Officers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directors of Agriculture Department</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directors of Health Service</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director Public Instructions</td>
<td>BPS-20</td>
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<td></td>
</tr>
<tr>
<td>Special Secretaries to the Provincial Governments</td>
<td>BPS-19 &amp; 20</td>
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<tr>
<td>Trade Commissioners</td>
<td>Of Foreign and Commonwealth Governments</td>
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<td></td>
</tr>
<tr>
<td>Finance Advisor/Chief Account Officers, Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Inspector of Railways</td>
<td>BPS-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspector General of Forests to the Government of Pakistan</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspector Generals of Prison to Provincial Government</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal of Degree/Medical/Engineering Colleges</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director Railways Wing</td>
<td>BPS-19 &amp; 20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heads of Departments of Universities</td>
<td>BPS-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professors</td>
<td>BPS-20 &amp; 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges and HEC recognized universities respectively</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Additional District and Session Judges</td>
<td>BPS-20</td>
<td></td>
</tr>
<tr>
<td>----</td>
<td>---------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Lieutenant Colonels and equivalents</td>
<td>O-5</td>
<td></td>
</tr>
</tbody>
</table>
| 27 | Additional Commissioner                | BPS-19 & 20
| 27 | Deputy Commissioners / District Coordination Officers / Political Agents | BPS-18, 19 & 20
| 27 | Basing on the size of administrative district and also act in capacity in absence of District Magistrate / Collector within Districts / Agencies |
| 27 | Assistant Inspector Generals of Police/Senior Superintendents of Police | BPS-19
| 27 | Including District Police Officers of Large Districts |
| 27 | Commissioners of Agriculture Development Department | BPS-20 |
| 27 | Commissioners of Animal Husbandry Department | BPS-20 |
| 27 | Commissioners of Income Tax Department | BPS-20 |
| 27 | Executive District Officers            | BPS-19 |
| 27 | Postmaster General                    | BPS-20 |
| 27 | Command Controller of Military Accounts | BPS-20 |
| 27 | Federal Deputy Secretaries            | BPS-19
| 27 | Including Deputy Secretaries to the President and National Assembly |
| 27 | Director Radio Pakistan               | BPS-19 |
| 27 | Finance Advisors                      | BPS-19
| 27 | Joint, POF (Wah), Navy and Air Force |
| 27 | Controller of Imports and Exports     | BPS-20 |
| 27 | Deputy Financial Advisor              | BPS-19 |
| 27 | Provincial Additional Secretaries     | BPS-19
<p>| 27 | Of Provincial Cadre                   |
| 27 | Directors of Provincial Departments   | BPS-19 |
| 27 | Chairman District Zakat Committee     | Nominated person or Government official |
| 27 | Chairman Municipal Committee          | Elected person |
| 27 | Chairman Karachi Port Trust           | Nominated person or Government official |</p>
<table>
<thead>
<tr>
<th>Position</th>
<th>BPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of Income-Tax Appellate Tribunal</td>
<td>20</td>
</tr>
<tr>
<td>Deputy Chief Engineer</td>
<td>19 &amp; 20</td>
</tr>
<tr>
<td>Principal Officer, Mercantile Marine Department, Karachi</td>
<td>20</td>
</tr>
<tr>
<td>Provincial Director Generals</td>
<td>20</td>
</tr>
<tr>
<td>Secretaries to the Provincial Assemblies</td>
<td>19</td>
</tr>
<tr>
<td>Secretaries of Provincial Railway Board</td>
<td>19</td>
</tr>
<tr>
<td>Principal of Government Inter Colleges</td>
<td>19</td>
</tr>
<tr>
<td>Principal Medical Officers</td>
<td>20</td>
</tr>
<tr>
<td>Registrar Co-operative Societies</td>
<td>20</td>
</tr>
<tr>
<td>Associate Professors</td>
<td>19 &amp; 20</td>
</tr>
<tr>
<td>Majors and equivalents</td>
<td>O-4</td>
</tr>
<tr>
<td>Tehsil Nazims</td>
<td></td>
</tr>
<tr>
<td>Superintendents of Police</td>
<td>18</td>
</tr>
<tr>
<td>Collectors of Central Excise and Land Customs</td>
<td>19</td>
</tr>
<tr>
<td>Deputy Director General Investment Promotion and Supplies Department</td>
<td>19</td>
</tr>
<tr>
<td>Deputy Director General Telegraph and Telephone Department</td>
<td>19</td>
</tr>
<tr>
<td>Superintending Engineer</td>
<td>19</td>
</tr>
<tr>
<td>Chief Medical Officer</td>
<td>19</td>
</tr>
<tr>
<td>Secretaries to Provincial Public Service Commission</td>
<td>19</td>
</tr>
<tr>
<td>Senior Civil Judge cum Magistrate</td>
<td>18 &amp; 19</td>
</tr>
<tr>
<td>Principal Information Officers</td>
<td>18 &amp; 19</td>
</tr>
<tr>
<td>District Officers</td>
<td>18</td>
</tr>
<tr>
<td>Director of Inspection, Income Tax</td>
<td>19</td>
</tr>
<tr>
<td>Assistant Professors</td>
<td>18 &amp; 19</td>
</tr>
<tr>
<td>Holders of President's Award of Pride</td>
<td></td>
</tr>
<tr>
<td>Rank/Position</td>
<td>Code</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
</tr>
<tr>
<td>Captain/Town Nazim</td>
<td>Chairman Union/Town Councils</td>
</tr>
<tr>
<td>Senior Medical Officers</td>
<td>BPS-18</td>
</tr>
<tr>
<td>Executive Engineers</td>
<td>BPS-18</td>
</tr>
<tr>
<td>Second Lieutenant / Lieutenant and equivalents</td>
<td>O-1 and O-2 respectively</td>
</tr>
<tr>
<td>Civil Judge cum Judicial Magistrate</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Assistant Commissioners / Assistant Coordination Officers / Assistant Political Agents / Tehsil Municipal Officers</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Assistant and Deputy Superintendents of Police</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Tehsil Municipal Officers</td>
<td>BPS-17 &amp; 18</td>
</tr>
<tr>
<td>Lecturers</td>
<td>BPS-17 &amp; 18</td>
</tr>
<tr>
<td>Section Officers</td>
<td>BPS-17 &amp; 18</td>
</tr>
<tr>
<td>Assistant Accountant Generals</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Deputy/Assistant District Officers</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Local Audit Officers</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Medical Officers</td>
<td>BPS-17</td>
</tr>
<tr>
<td>Sub Divisional Officers (Engineers)</td>
<td>BPS-17</td>
</tr>
</tbody>
</table>

**EXPLANATORY NOTES**

1. The entries in the above table, which are in alphabetical order in each article, apply exclusively to the persons entered therein, and while regulating their relative precedence with each other accordingly to the number of the article, do not give them any precedence over member of the non-official community resident in Pakistan, who shall take their place according to usage.

2. Officers in the above table will take precedence in order of the numbers of entries. Those included in one number will take precedence inter-se according to date of entry into the number. When two or more officers enter an article on the same, their inter-se seniority will be fixed on the basis of length of class 1 service. Officers of the defense service will rank inter-se in accordance with their seniority.

3. When an officer holds more than one position in the table he will be entitled to the highest position accorded to him.
4. An officer on entering an article, by virtue of a change in his office to an article lower than that which was occupied by him immediately preceding this change, will take his seniority in the lower article with effect from the date of his entry into the higher article: provided that if he re-enters a lower article in which he was included earlier, he will take his seniority in that lower article from the original date of his entry into it.

5. All officers not mentioned in the above table whose rank is regulated by comparison with rank in the army, will have the same rank with reference to civil servants as is enjoyed by military officers of equal grades, but officers of defense force will have precedence over all others in respective articles.

6. All persons not mentioned in the above table, who hold an ex-officio rank, will be placed in the same article as persons holding that rank.

7. All ladies, unless by virtue of holding an appointment themselves, they are entitled to a higher position in the table, will take place according to the rank herein assigned to their husbands.

8. The inter-se seniority of the gun-salute rulers will be determined on the basis of the gun-salute admissible to each ruler. In case two or more rulers having equal number of gun-salute, their inter-se seniority will be determined with reference to the date of accession to the ‘gaddi’. In the case of other rulers, who are not entitled to gun-salute, their inter-se seniority will be determined on the basis of accession to the gaddi (no longer applicable now).

9. All other persons who may not be determined in this table will take rank according to general usage, which is to be explained and determined by the president in case any question shall arise.

10. Retired civil and military officers will be placed at the end of the articles in which they were included immediately before their retirement.

11. Seniority of the officers will be determined with reference to the holding appointment mentioned in the article, irrespective of the grades which they possess.
## Pakistan Police Stations

<table>
<thead>
<tr>
<th>Province</th>
<th>Police Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punjab</td>
<td>708</td>
</tr>
<tr>
<td>Sindh</td>
<td>583</td>
</tr>
<tr>
<td>KP</td>
<td>268</td>
</tr>
<tr>
<td>Balochistan</td>
<td>109</td>
</tr>
<tr>
<td>Islamabad</td>
<td>19</td>
</tr>
<tr>
<td>Railways</td>
<td>46</td>
</tr>
<tr>
<td>G-B</td>
<td>60</td>
</tr>
<tr>
<td>AJK</td>
<td>45</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>1838</strong></td>
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</table>

It is to be noted that there are 52 Police Stations of the Federal Investigation Agency.

Updated in May, 2013
### Police Strength

- *Sanctioned Police Strength, updated in May 2014*

<table>
<thead>
<tr>
<th>Category</th>
<th>PPO/IGP</th>
<th>Addl.LG</th>
<th>DIG</th>
<th>SSP</th>
<th>SP</th>
<th>ASP</th>
<th>DSP</th>
<th>Insp.</th>
<th>S.I</th>
<th>ASI</th>
<th>HC</th>
<th>FC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punjab</td>
<td>1</td>
<td>14</td>
<td>37</td>
<td>77</td>
<td>183</td>
<td>810</td>
<td>3531</td>
<td>15327</td>
<td>12966</td>
<td>18688</td>
<td>126035</td>
<td></td>
<td>177669</td>
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<tr>
<td>Sindh</td>
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<td>07</td>
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<td>1348</td>
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<td>6</td>
<td>27</td>
<td>81</td>
<td>267</td>
<td>284</td>
<td>833</td>
<td>6467</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>08</strong></td>
<td><strong>30</strong></td>
<td><strong>107</strong></td>
<td><strong>269</strong></td>
<td><strong>443</strong></td>
<td><strong>1212</strong></td>
<td><strong>657</strong></td>
<td><strong>6854</strong></td>
<td><strong>25416</strong></td>
<td><strong>29732</strong></td>
<td><strong>54433</strong></td>
<td><strong>300960</strong></td>
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## Registers Maintained by Police Stations

<table>
<thead>
<tr>
<th>Register</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Register I.</td>
<td><strong>First Information Report (FIR)</strong></td>
</tr>
<tr>
<td>Register II.</td>
<td>Station Diary</td>
</tr>
<tr>
<td>Register III.</td>
<td>Standing Book Order. (2 parts)</td>
</tr>
<tr>
<td>Register IV.</td>
<td>Register of Absconders and Deserters. (4 parts)</td>
</tr>
<tr>
<td>Register V.</td>
<td>Register of Correspondence (2 parts)</td>
</tr>
<tr>
<td>Register VI.</td>
<td>Miscellaneous Register (4 parts)</td>
</tr>
<tr>
<td>Register VII.</td>
<td>Cattle Pound Register (2 parts)</td>
</tr>
<tr>
<td>Register VIII.</td>
<td>Criminal tribes Register (2 parts)</td>
</tr>
<tr>
<td>Register IX.</td>
<td>The Village Crime Register (5 parts), Part V is known as Conviction Register.</td>
</tr>
<tr>
<td>Register X.</td>
<td>The Surveillance Register (2 parts)</td>
</tr>
<tr>
<td>Register XI.</td>
<td>Index to History Sheets and Personal Files (2 parts)</td>
</tr>
<tr>
<td>Register XII.</td>
<td>Register of Information Sheet dispatched. (a) Copies of Information Sheet received. (n)</td>
</tr>
<tr>
<td>Register XIII.</td>
<td>Notice received. (n) Copies of Look-out Notices received.</td>
</tr>
<tr>
<td>Register XIV.</td>
<td>Minute Book for Gazette Officers</td>
</tr>
<tr>
<td>Register XV.</td>
<td>File Book of Inspection Records</td>
</tr>
<tr>
<td>Register XVI.</td>
<td>The Register of Births and Deaths (Vital Statistics)</td>
</tr>
<tr>
<td>Register XVI.</td>
<td>Register of Government Officials and Property (4 parts)</td>
</tr>
<tr>
<td>Register XVII.</td>
<td>Register of Licenses (6 Parts)</td>
</tr>
<tr>
<td>Register XVIII.</td>
<td>Receipt Books for Arms, Ammunition and Military Stores</td>
</tr>
<tr>
<td>Register XIX.</td>
<td>The Store Room Register</td>
</tr>
<tr>
<td>Register XX.</td>
<td>Cash Accounts</td>
</tr>
<tr>
<td>Register XXI.</td>
<td>File Book of Road Certificates</td>
</tr>
<tr>
<td>Register XXII.</td>
<td>Printed Receipt Books (a) Police Gazette, (b) Criminal Intelligence Gazette</td>
</tr>
<tr>
<td>Register XXIII.</td>
<td>Police Rules</td>
</tr>
<tr>
<td>Register XXIV.</td>
<td>Charge Notes of Officers In-charge of Police Stations</td>
</tr>
<tr>
<td>Register XXV.</td>
<td>Blank Register (Confidential Information)</td>
</tr>
</tbody>
</table>

Source: Police Rules, 1934, Chapter XXII Police Station, PR 22.45
THE NATIONAL POLICE BUREAU

National Police Bureau

Source: National Police Bureau Website. Available at: http://www.npb.gov.pk/?page_id=74
JUDICIAL STRUCTURE OF PAKISTAN

Source: Available at: http://humshehri.org/civics/court-structure/
**STRENGTH OF JUDGES**

The sanctioned strength of judges of the superior and administrative courts is listed below:

### Superior Courts

<table>
<thead>
<tr>
<th>Court</th>
<th>Supreme Court of Pakistan</th>
<th>Federal Shariat Court</th>
<th>Lahore High Court</th>
<th>High Court of Sindh</th>
<th>High Court of Balochistan</th>
<th>Peshawar High Court</th>
<th>Islamabad High Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strength</td>
<td>CJ+16</td>
<td>CJ+7 (3 to be Ullema)</td>
<td>CJ+59</td>
<td>CJ+39</td>
<td>CJ+10</td>
<td>CJ+19</td>
<td>CJ+6</td>
</tr>
</tbody>
</table>

### Subordinate Courts

<table>
<thead>
<tr>
<th>Court</th>
<th>Punjab</th>
<th>Sindh</th>
<th>Balochistan</th>
<th>KPK</th>
<th>ICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>District &amp; Sessions Judge</td>
<td>37 (+ 84 ex-cadre)</td>
<td>27</td>
<td>30</td>
<td>25</td>
<td>2</td>
</tr>
<tr>
<td>Addl. District &amp; Sessions Judge</td>
<td>607</td>
<td>115</td>
<td>32</td>
<td>103</td>
<td>30</td>
</tr>
<tr>
<td>Senior Civil Judge &amp; Civil Judges-cum-Judicial Magistrates</td>
<td>1722</td>
<td>362</td>
<td>204 (Member Majis-e-Shura)</td>
<td>322</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Qazi 30)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2450</td>
<td>504</td>
<td>312</td>
<td>450</td>
<td>88</td>
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</tbody>
</table>

### Administrative Staff of Superior Courts

<table>
<thead>
<tr>
<th>Court</th>
<th>Supreme Court of Pakistan</th>
<th>Federa l Sharia</th>
<th>Lahore High Court</th>
<th>High Court of</th>
<th>Peshawa r High Court</th>
<th>High Court of Balochistan</th>
<th>Islamabad High Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>746</td>
<td>250</td>
<td>2070</td>
<td>1307</td>
<td>637</td>
<td>498</td>
<td>387</td>
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</tbody>
</table>

### Special Courts and Tribunals

1. Wafaqi Mohtasib
2. Banking Mohtasib
3. Federal Tax Ombudsman
4. Federal Insurance Ombudsman
5. Federal Ombudsman for Protection Against Harassment of Women at Workplace
### Institutional Disposal of Cases by Special Courts/Tribunals

The following table shows the institution/disposal of cases by special courts/tribunals during the year 2013.

<table>
<thead>
<tr>
<th>Sr. #</th>
<th>Title of Tribunals/ Special Courts</th>
<th>Number of Courts</th>
<th>Pendency on 1-1-2013</th>
<th>Institution during the year</th>
<th>Transferred during</th>
<th>Total</th>
<th>Disposal during the year</th>
<th>Balance on 31-12-2013</th>
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<tbody>
<tr>
<td>1</td>
<td>Accountability Courts</td>
<td>22</td>
<td>388</td>
<td>280</td>
<td>109</td>
<td>559</td>
<td>159</td>
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<tr>
<td>2</td>
<td>Anti Dumping Appellate Tribunal</td>
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<td>2</td>
<td>44</td>
<td>0</td>
<td>46</td>
<td>0</td>
<td>46</td>
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<tr>
<td>3</td>
<td>Appellate Tribunal Inland Revenue</td>
<td>4</td>
<td>9447</td>
<td>11179</td>
<td>294</td>
<td>20920</td>
<td>6966</td>
<td>13954</td>
</tr>
<tr>
<td>4</td>
<td>Customs Appellate Tribunals</td>
<td>8</td>
<td>2712</td>
<td>4873</td>
<td>790</td>
<td>6795</td>
<td>2416</td>
<td>4379</td>
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<tr>
<td>5</td>
<td>Drug Courts</td>
<td>9</td>
<td>2473</td>
<td>3784</td>
<td>0</td>
<td>6257</td>
<td>3680</td>
<td>2577</td>
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<tr>
<td>6</td>
<td>Environmental Protection Tribunals</td>
<td>4</td>
<td>279</td>
<td>86</td>
<td>-15</td>
<td>350</td>
<td>138</td>
<td>212</td>
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<td>7</td>
<td>Foreign Exchange Regulation Appellate Boards</td>
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<td>0</td>
<td>341</td>
<td>21</td>
<td>320</td>
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<td>8</td>
<td>Special Courts (Central)</td>
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<td>5918</td>
<td>486</td>
<td>11478</td>
<td>4738</td>
<td>6740</td>
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<tr>
<td>9</td>
<td>Special Courts (CNS)</td>
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<td>1580</td>
<td>33</td>
<td>2571</td>
<td>1008</td>
<td>563</td>
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<tr>
<td>10</td>
<td>Special Courts (Customs, Taxation &amp; Anti Smuggling)</td>
<td>4</td>
<td>677</td>
<td>566</td>
<td>0</td>
<td>1243</td>
<td>437</td>
<td>806</td>
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<td>11</td>
<td>Special Courts (Offences in Banks)</td>
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<td>1215</td>
<td>403</td>
<td>119</td>
<td>1499</td>
<td>186</td>
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<td>12</td>
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<td>18</td>
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<td>71</td>
<td>1</td>
<td>70</td>
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<tr>
<td>13</td>
<td>Banking Courts</td>
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<td>175</td>
<td>69732</td>
<td>26785</td>
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<td>14</td>
<td>Commercial Courts</td>
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<td>15</td>
<td>Federal Service Tribunals</td>
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<td>3556</td>
<td>3092</td>
<td>0</td>
<td>6648</td>
<td>1268</td>
<td>5380</td>
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<tr>
<td>16</td>
<td>Competition Appellate Tribunal</td>
<td>1</td>
<td>51</td>
<td>24</td>
<td>0</td>
<td>75</td>
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<td>49</td>
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<td>Provincial Service Tribunals</td>
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<td>Anti Corruption Courts (Provincial)</td>
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<td>Consumer Courts</td>
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<td>4990</td>
<td>505</td>
<td>8185</td>
<td>5061</td>
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<td>21</td>
<td>Labour Courts</td>
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<td>101</td>
<td>26799</td>
<td>13367</td>
<td>13432</td>
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<tr>
<td>22</td>
<td>Labour Appellate Tribunals</td>
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<td>7296</td>
<td>2651</td>
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<td>10342</td>
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<td>23</td>
<td>Child Protection Court</td>
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<td>24</td>
<td>Lahore Development Authority Tribunal</td>
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<td>11</td>
<td>0</td>
<td>73</td>
<td>24</td>
<td>49</td>
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</tbody>
</table>

Grand Total: 227 | 111187 | 92414 | 924 | 202676 | 79328 | 123531

Source: The Annual Report 2013 of Administrative Tribunal and Special Courts, published by the Law and Justice Commission of Pakistan, Islamabad
**COURTS JURISDICTION**

**Supreme Court**

1. Art184(1) Original jurisdiction in inter-governmental disputes, issues declaratory judgments;
2. Art184(3) Enforcement of Fundamental Rights involving an issue of public importance;
3. Art 185(2) Appeal from judgment/order of High Court in criminal cases, tried in original and/or appellate capacity and having imposed death penalty or life imprisonment;
4. Art185(2) Appeal in civil cases when the value of claim exceeds fifty thousand rupees;
5. Art185(2) Appeal when High Court certifies that the case involves interpretation of the Constitution;
6. Art185(3) Appeal(subject to grant of leave) from High Court judgment/order;
7. Art186 Advisory jurisdiction on any question of law involving public importance, referred by the President;
8. Art187 Issues directions/orders for doing complete justice in a pending case/matter;
9. Art188 Review of its judgment/order;
10. Art204 Punishment for contempt;
11. Art212 Appeal from administrative courts/tribunals; and

**Federal Shariat Court**

1. Art203-D To determine whether a provision of law is repugnant to the Injunctions of Islam
2. Art203DD Revisional jurisdiction in cases under Hudood laws;
3. Art203E Review of its judgment/order;
4. Art203E Punishment for contempt; and
5. Entertains appeals from judgment/order of criminal courts trying Hudood cases.

**High Court**

1. Art199(1) Issues 5 writs, namely, mandamus, prohibition, certiorari, habeas corpus and quo warranto;
2. Art199(2) Enforcement of Fundamental Rights;
3. Art203 Supervision/control of Subordinate Courts;
4. Art204 Punishment for contempt;
5. Appeal under S.100 of CPC;
6. Review under S.114of CPC;
7. Revision under S.115 of CPC;
8. Appeals under S. 410 of CrPC;
9. Appeals against acquittal under S. 417 of CrPC;
10. Appeals against judgment/decreed/order of tribunals under special laws;
11. Issues directions of the nature of habeas corpus under S.491 of CrPC;
12. Intra-court appeal at Lahore High Court, High Court of Sindh and Islamabad High Court.
13. The Karachi Bench of High Court of Sindh has original jurisdiction in civil cases of the value of rupees fifteen million and above. The Islamabad High Court has original jurisdiction in civil cases of the value of rupees one hundred million and above.

Subordinate Courts

District& Sessions Judge/Additional District& Session Judge

1. Appeal against judgment/decree of a Civil Judge under S. 96 of CPC as well as other laws specifically provided in the respective enactments egrent law and family law, etc.
2. Appeal against order under S.104 of CPC;
3. Revision under S.115 of CPC;
4. Original jurisdiction in suits upon bills of exchange, Hundies or promissory notes under Order XXXVII of CPC;
5. Murder trial under S. 265 A of the CrPC and all other trials involving death penalty under the Anti-Terrorism Act, Control of Narcotic Substances Act, etc.
6. Criminal trial under Hudood laws;
7. Appeals under S. 423 of CrPC;
8. Revision under S.435 of CrPC;
9. Issues directions of the nature of habeas corpus under S. 491 of CrPC as well as Justice of Peace under S.22-A&B of Cr.PC; and
10. Decides pre-arrest bail applications under S. 498 of Cr. PC.

(The original jurisdiction of District Judge is limited to rupees fifteen million and in Islamabad Capital Territory rupees one hundred million)

Civil Judge 1st Class

1. Tries all civil suits, there is no pecuniary limit on its jurisdiction;
2. In certain jurisdictions, also designated as Rent Controller;
3. In certain jurisdictions, also designated as Judge, Family Court and Guardian Judge;
4. At Karachi, pecuniary jurisdiction limited to rupees fifteen million (Karachi Courts Order 1956); at Islamabad limited to rupees one hundred million;
5. In certain jurisdictions designated as Magistrate empowered under S. 30 of CrPC.

Civil Judge 2nd Class

1. Tries civil suit up to the value of rupees five hundred thousand in Punjab, rupees fifty thousand in Khyber Pakhtunkhwa and rupees fifteen thousand in Balochistan.
2. In certain jurisdictions, designated as Rent Controller/Judge, Family Court and Guardian Judge.

Civil Judge 3rd Class

Tries civil suit up to the value of rupees one hundred thousand in Punjab.

Magistrate 1st Class

Tries offences punishable upto 3 years imprisonment and fine upto rupees fifty thousand.
Magistrate 2nd Class
Tries offences punishable upto 1 year imprisonment and fine upto rupees fine thousand.

Magistrate 3rd Class
Tries offences punishable upto 1 month imprisonment and fine upto rupees one thousand.

STRENGTH OF LAW OFFICERS AND LAWYERS

Law Officers of Federation and Provinces

<table>
<thead>
<tr>
<th>Designation</th>
<th>Federal</th>
<th>Punjab</th>
<th>Sindh</th>
<th>KPK</th>
<th>Balochistan</th>
<th>ICT</th>
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<tbody>
<tr>
<td>Attorney General</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Deputy Attorney</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Standing</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
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<td>Legal</td>
<td>44</td>
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<td>-</td>
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<tr>
<td>Advocate General</td>
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<td>1</td>
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</tr>
<tr>
<td>Additional</td>
<td>-</td>
<td>20</td>
<td>10</td>
<td>12</td>
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<td>-</td>
</tr>
<tr>
<td>Deputy</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>-</td>
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</tr>
<tr>
<td>Assistant</td>
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<td>18</td>
<td>12</td>
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