

[AS PASSED BY THE NATIONAL ASSEMBLY]

**A
Bill**

to provide for establishment of Federal Prosecution Service

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

It is hereby enacted as follows: ---

CHAPTER -1

PRELIMINARY

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

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

CHAPTER -II

ESTABLISHMENT, CONSTITUTION AND ADMINISTRATION OF THE SERVICE

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

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

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

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

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

4. Superintendence and administration of the Service: (1) The Government shall exercise superintendence over the Service to achieve the objectives of this Act.

(2) The administration of the Service shall, in the prescribed manner, vest in the Federal Prosecutor General.

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

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

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

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

5. Appointment of Federal Prosecutor General. (1) The Federal Prosecutor General shall be the head of the Service and shall be appointed by the Government on such terms and conditions as the Government may determine.

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

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

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

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

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

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

c. has, for a period of not less than fifteen years held a judicial office in Pakistan;

d. has, for a period of not less than five years performed functions of an Additional Prosecutor General; or

e. has, for a period of not less than seven years, performed functions of a District Public Prosecutor, or has performed functions of a prosecutor in Pakistan for not less than fifteen years

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