

**THE PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION,
FUNCTIONS AND POWERS) (AMENDMENT) ACT 2017**

(Act XX of 2017)

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¹**THE PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION,
FUNCTIONS AND POWERS) (AMENDMENT) ACT 2017**

(Act XX of 2017)

[08 November 2017]

An Act further to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

It is necessary further to amend the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*) to rationalize the provisions regarding the Punjab Criminal Prosecution Service and to deal with ancillary matters.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 6 of Act III of 2006.— In the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*), for brevity cited as the Act, in section 6:-

(i) for subsection (1) and subsection (2), the following shall be substituted:

“(1) The 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:

Provided that the terms and conditions of service of the Prosecutor General shall not be varied during the initial or extended term of his office.

(2) The Prosecutor General shall hold office for a term of three years but the Government may, after evaluation of the performance of the Prosecutor General in the prescribed manner, extend that term for a further period of two years.

(ii) subsection (3) shall be omitted.”

3. Amendment in section 9 of Act III of 2006.— In the Act, in section 9:

(a) for subsection (7), the following shall be substituted:

“(7) The Prosecutor shall submit, in writing, to the Magistrate or the Court, the result of his assessment as to the available evidence and applicability of offences against all or any of the accused as per facts and circumstances of the case and the Magistrate or the Court shall give due consideration to such submission.”; and

(b) after subsection (7), as substituted, the following new subsection (8) shall be added:

“(8) If an accused pleads guilty or, as the case may be, at the time the Prosecutor sums up the case, the Prosecutor

¹This Act, which amended the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (III of 2006); was passed by the Punjab Assembly on 25 October 2017; assented to by the Governor of the Punjab on 30 October 2017; and, was published in the Punjab Gazette (Extraordinary), dated 08 November 2017, pages 3141-42.

shall propose to the Magistrate or the Court the punishment which, in his opinion, the accused should be awarded.”.

4. Amendment in section 13 of Act III of 2006.– In the Act, in section 13, in subsection (2), for the words “supervision and control”, the word “directions” shall be substituted.

5. Repeal.– The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Ordinance 2017 (XI of 2017) is hereby repealed.