



NO SO (Legal-II)/Pros:/1-6/2019/1215-36
GOVERNMENT OF BALOCHISTAN
PROSECUTION DEPARTMENT
(Section: Legal-II)

OUR FAITH CORE, FREEDOM FREE PAKISTAN

Dated Quetta, the 21st September, 2023.

To,

1. The Registrar Supreme Court of Pakistan Quetta Registry.
2. The Registrar High Court of Balochistan
3. The Principal Secretary to Government Balochistan, Quetta.
4. The Principal Secretary to Chief Minister Balochistan, Quetta.
5. The Senior Member, Board of Revenue Balochistan, Quetta.
6. The Chairman, Chief Minister's Inspection Team, Quetta
7. The Additional Chief Secretary (Dev.) GOB, P&D Department, Quetta.
8. The Additional Chief Secretary Home and Tribal Affairs Department, Quetta.
9. The Additional Secretary (Staff) to Chief Secretary Balochistan, Quetta.
10. The Inspector General of Police, Balochistan.
11. ✓ All the Administrative Secretaries, to Government of Balochistan. *Law Dept.*
12. All the District and Sessions Judges in Balochistan.
13. The Chairman, Balochistan Public Service Commission, Quetta.
14. The Advocate General Balochistan, Quetta.
15. The Prosecutor General Balochistan.
16. All the APGs in Balochistan.
17. All DPPs in Balochistan.
18. The Deputy Secretary Cabinet, S&GAD, Government of Balochistan.

Subject: BALOCHISTAN PROSECUTION DELEGATION OF POWERS RULES
2023.

The undersigned is directed to refer to the approved minutes of the meeting of Balochistan Cabinet dated 12.09.2023 and enclose a copy of the Balochistan Prosecution Delegation of Powers Rules, notified under section 15 of the Balochistan Prosecution Service (Constitution, Functions and Powers) Act 2023, for the information and further appropriate action, please.

(NAZEER AHMED)
Section Officer (Legal-II)
Tel:9202958 Fax 9202944
2023

Copy for information to: -

1. The Director General, Public Relations, Balochistan, Quetta. *With the request for coverage, Publicity & Public Awareness.*
2. The Chief Comptroller, Balochistan Printing Press, *with the request of printing the Balochistan Prosecution Delegation of Powers Rules, 2023 in next gazette of Balochistan*
3. P.S to Hon'ble Minister for Prosecution Department, Balochistan.
4. P.S to the Secretary, Prosecution Department, Quetta.
5. Master File.

(NAZEER AHMED)
Section Officer (Legal-II)
Tel:9202958 Fax 9202944



Dated Quetta the 21st September, 2023

NOTIFICATION

NO.SO(Legal-II)/Pros:/1-6/2019/237-53 In exercise of powers vested under section 15 of Balochistan Prosecution (constitution, functions and Powers Act 2003, the Government of Balochistan is pleased to make the Delegation of Powers Rules of Prosecution Services of Balochistan.

1. **Short title, application and commencement:** (1) These Rules may be called the Balochistan Prosecution Service, Delegation of Powers Rules 2003.

(2) They shall apply to all the authorities who exercise powers or undertake lawful correspondence on subjects of under Pre-Trial, During Trial and Post-Trial Prosecutorial services in Balochistan.

(3) These Rules come into force at once.

2. **Definitions.** In these Rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) "Appendix" means the appendices attached with these Rules.

(b) "Challan" means the final report of Investigation Agency under section 173 or 174 of Cr.P.C.

(c) "Check list" means the observations about the completion or deficiencies found in a Police Report received, under section 173 Cr.P.C, recorded and communicated to the Investigation officer by the authorized Public Prosecutor on the prescribed format as appended to these Rules.

(d) Code means the Pakistan Criminal Procedure Code 1898.

(e) "Division" means a Division notified under the Balochistan Revenue Act 1967 (W.P Act, XVII of 1967)

(f) "Inspection" Means a systematic cross-checking of the record of criminal cases and record of office management, of a Public Prosecutor by an officer authorized under these Rules.

(g) "Pauper" means a poor accused person, determined and notified by a criminal court of competent jurisdiction and provided defense services of a Defense Counsel from amongst a list of Pauper counsels notified and maintain by the Prosecutor General in cases before the High Court, Federal Shariat Court and Supreme Court and by the concerned District Public Prosecutor, in case of lower judiciary.

(h) "Public Prosecutor" means an officer appointed by Government of Balochistan in the manner provided under section 6 of the Prosecution Service (Constitution Functions and Powers) Act 2003 and Service Rules thereof to provide victim-centered, pre-trial, during- trial and post-trial prosecutorial services on behalf of state of Islamic Republic of Pakistan to ensure sanctity of public life, honor and property.

(i) "Rules" means the Delegation of Powers Rules of Prosecution Services of Balochistan.

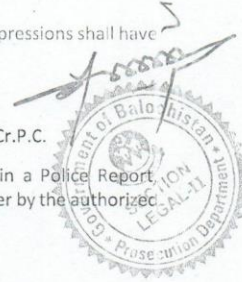
(j) "Scrutiny" means the process of undertaking detailed analysis of the Police/Investigation report of section 173 and 174 of Pakistan Criminal Procedure Code, by a Public Prosecutor authorized under these rules, before submission to the court of competent jurisdiction.

3. **Distribution of Prosecution work:** (a) The District Public Prosecutor Shall distribute the Prosecution work in the district as provided under section 5 (5) of the Act in the manner described under the Job Description and appendix-1 of these Rules.

(b) The Prosecutor General Shall distribute the work of Prosecution appeals and supervision of other supervisory Prosecutorial services as per their Job Description, on the basis of one Revenue Division to one Additional Prosecutor General, except where S/he is required to appear in person as per her/his Job Description and appendix-1 of these Rules.

4. **Scrutiny of the Police/Levies/ Investigation Report:** (a) The Scrutiny and pre-trial supervision of Police/Levies/ I.O Reports shall be undertaken by such Public prosecutors who are appointed on regular basis, and made responsible to Prosecute the case before competent criminal court as provided under the Job description and appendix-1 of these rules.

(b) The Public Prosecutor responsible for scrutiny of a Police/Levies/ Investigation Report, shall fill all the fields of the prescribed check list, attached with these Rules as Appendix-2 and communicate to the concerned Investigation officer within forty-eight hours.



(b)* The Public Prosecutor responsible for scrutiny of a Police/Levies/ Investigation Report, shall fill all the fields of the prescribed check list, attached with these Rules as Appendix-2 and communicate to the concerned Investigation officer within forty-eight hours.

(C) In absence of a Public Prosecutor of the requisite rank due to leave or vacancy, the District Public Prosecutor may assign her/his duties to a public Prosecutor who is higher in rank but not below her/his status.

5. **Withdrawal of a criminal case:** All the cases for withdrawal of criminal cases/First information report shall be processed by the Home and Tribal Affairs and the concerned District Public Prosecutor shall approach the competent criminal court for withdrawal of the case with prior approval of the Chief Minister.

6. **Communication of reasons of acquittals and less commensurate punishments:** The Prosecutor General being the Head of Administration of Prosecution service, under section 5 (2) of the Act, shall gather and submit the consolidated statements of Acquittal and Less Commensurate punishments at the trial as well as at appeal level, to the Government on daily basis as required under section 11 (3) of the Act, on the prescribed format attached with these Rules as Appendices-3,4,5,6.

7. **Inspection of Prosecution record:** There shall be undertaken an annual inspection of criminal cases and Prosecution offices by the authorities mentioned in Appendix-1 of these rules at least once in a year, and tour notes with regard to issues, suggested solutions and responsibility shall be shared with Government of Balochistan, Prosecution Department and other stakeholders.

BY ORDERS OF
GOVERNOR BALOCHISTAN

(GHULAM ALI BALOCH)
Secretary Prosecution.

The Chief Controller,
Printing and Stationary
Department, Balochistan, Quetta
For publication and provision of
20 copies of the Gazette.

No. Even. Dated. Even.

1. The Registrar Supreme Court of Pakistan Quetta Registry.
2. The Registrar High Court of Balochistan.
3. The Principal Secretary to Governor Balochistan, Quetta.
4. The Principal Secretary to Chief Minister Balochistan, Quetta.
5. The Senior Member, Board of Revenue Balochistan, Quetta.
6. The Chairman, Chief Minister's Inspection Team, Quetta.
7. The Additional Chief Secretary (Dev:) GOB, P&D Department, Quetta.
8. The Additional Secretary (Staff) to Chief Secretary Balochistan, Quetta.
9. All the Administrative Secretaries, to Government of Balochistan.
10. All District and Session Judges in Balochistan _____
11. The Chairman, Balochistan Public Service Commission, Quetta.
12. The Advocate General Balochistan, Quetta.
13. The Prosecutor General Balochistan.
14. All APG's in Balochistan _____
15. All DPP's in Balochistan _____
16. The Deputy Secretary Cabinet Government of Balochistan.

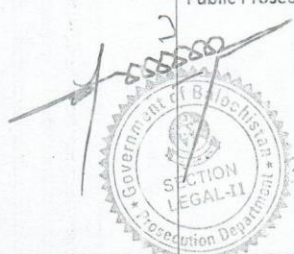
(NAZEER AHMED)
Section officer (Legal-II)
Tel:9202953



09
2023

APPENDIX-1

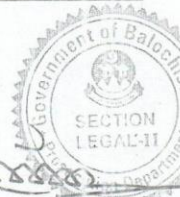
S.NO	POWERS	NATURE OF POWERS DELEGATED	AUTHORITY	EXTENT AND CONDITION IF ANY
1	Prosecution services at the level of Magistrate 1 st class.	To pass challans/Investigation Reports of an investigation Agency and appear in the criminal cases triable by a Judicial Magistrate of 1st Class.	Assistant District Public Prosecutor	With prior approval of the concerned District Public Prosecutor.
2	Prosecution services at the level of Additional Sessions Judge.	To pass challans/Police Reports of criminal cases from above the jurisdiction of a first class magistrate and up to punishments of 10 years imprisonment before the Additional Sessions Judge of competent jurisdiction.	Deputy District Public Prosecutor	With prior approval of the concerned District Public Prosecutor.
3	Prosecution services at the level of Sessions Judge.	To pass challans of an Investigation Agency, file appeals and appear in the criminal cases carrying punishment beyond 10 years imprisonment before the Sessions Judge/Additional Sessions Judge of competent jurisdiction	District public Prosecutor	With prior intimation of the concerned Additional Prosecutor General and Prosecutor General.
4	Bail cancellation application	Prosecution sanction to file bail cancellation application, appeal, Review or Revision against the order of a criminal Court.	Administrative Secretary Prosecution Department.	On the basis of reasons conveyed under section 11/3 of prosecution Act 2003, legal and factual grounds to assess the fitness of case for filing such Appeal, Revision and Review, by the concerned DPP/Additional Prosecutor General through Prosecutor General, well before the time limit stipulated by the law for filing such appeal/Review or Revision.



5	Prosecution at Supreme Court High Court	Prosecutor General in cases fixed before Supreme Court and Bench-1 of Balochistan High Court and the designated Additional Prosecutor Generals for all other benches of Balochistan High Court.	Prosecution of Appeals/Revisions and Review at the stage of at the stage of High Court and Supreme Court	a. With the prior sanction to file appeals, review and revision against acquittals or less commensurate punishments, where state is the appellant. b. In case of appeals, reviews and revision against the convictions, the designated Additional Prosecutor shall effectively defend the contention of prosecution on behalf of the state, under intimation to the Prosecutor General.
6	Withdrawal of Prosecution/criminal case	Power to withdraw the prosecution of a criminal case from any court carrying any amount of fine.	Administrative Secretary Prosecution Department.	On the request of the concerned Investigation Agency through Home and Tribal Affairs department and with prior approval of the Chief Minister.
7	Payment of Pauper Counsels at Magistrate Level	Appointment and sanction of payment of fee to counsels engaged to defend pauper accused persons facing criminal charges at the level of 1 st class Magistrate in Lower Judiciary.	District Public Prosecutor.	With prior orders of a court of competent jurisdiction, shall be selected by the concerned accused pauper from amongst the list of Pauper Counsels maintained by the District Public Prosecutor, having at least three years, experience of active legal practice.
8	Appointment and Payment of Pauper Counsels at the Level of Sessions Judge	Appointment and sanction of payment of fee to counsels engaged to defend pauper accused persons facing criminal charges at the level of Sessions Judge.	District Public Prosecutor	With prior orders of a Sessions court of competent jurisdiction, shall be selected by the concerned accused pauper from amongst the list of Pauper Counsels maintained by the District Public Prosecutor, having at least five years, experience of active legal practice of the Sessions Court and High Court.
9	Appointment: Payment of Pauper Counsels at the Level of High Court	Appointment and sanction of payment of fee to counsels engaged to defend pauper accused	Prosecutor General	With prior orders of High Court of competent jurisdiction, shall be selected by the

		persons facing criminal charges at the level of High Court.		concerned accused pauper from amongst the list of Pauper Counsels maintained by the Prosecutor General, having at least five years, experience of active legal practice of the High Court.
10	Appointment and Payment of Pauper Counsels at the Level of High Court	Appointment and sanction of payment of fee to counsels engaged to defend pauper accused persons facing criminal charges at the level of Supreme Court.	Prosecutor General	With prior orders of High Court of competent jurisdiction, shall be selected by the concerned accused pauper from amongst the list of Pauper Counsels maintained by the Prosecutor General, having at least five years, experience of active legal practice of the Supreme Court.
11	Payment to state Counsels	Payment of a State Counsel on daily wages up to Rs.2000 /Day or as revised from time to time before the Additional or Sessions Judge.	District Public Prosecutor of the concerned district.	Appointed by Secretary Prosecution, with prior approval of such vacancy and its time period by Government of Balochistan, Finance Department.
12	Payment to state Counsels at the level of Supreme Court and High Court	Payment of State Counsels on daily wages at the rate of more than 2000 and up to Rs.3500 or as revised from time to time for Prosecution of criminal appeal Review and Revision before High Court, Federal Shariat Court and supreme Court of Pakistan.	Additional Prosecutor General with concurrence of Prosecutor General	Appointment by Secretary Prosecution, with prior approval of such vacancy and its time period by Government of Balochistan Finance Department.
13	Inspection of record of criminal cases and office record ADPP and DDPP offices	Inspection of record of criminal cases and office of Assistant Public Prosecutors and Deputy District Public Prosecutors	The District Public Prosecutor/Additional prosecutor General/ Prosecutor General/ Secretary Prosecution	With prior intimation to the prosecutors, with date and time of inspection, followed by a precise report on observations, actions to be taken and responsibility fixed.
14	Inspection of record of criminal cases and office record District public Prosecutors	Inspection of record of criminal cases and office of District Public Prosecutors	Additional prosecutor General/ Prosecutor General/ Secretary Prosecution	With prior intimation to the District Public Prosecutor mentioning date and time of inspection followed by a precise report on observations, actions

				to be taken and responsibility fixed.
15	Inspection of record of criminal cases and office record of Additional prosecutor Generals	Inspection of offices and criminal cases record of Additional Prosecutor Generals/Deputy Prosecutor Generals	Prosecutor General/ Secretary Prosecution	With prior intimation of the concerned office of prosecutor with date and time of inspection followed by a precise report on observations, actions to be taken and responsibility fixed.
16	Inspection of record of criminal cases and office record of Prosecutor General	Inspection of criminal cases and office record of the offices of Prosecutor Generals/Deputy Prosecutor Generals	Chief Secretary, Chairman Chief Minister's Inspection team, Secretary Prosecution,	With prior intimation of the concerned office of prosecutor with date and time of inspection followed by a precise report on observations, actions to be taken and responsibility fixed.



(Nazeer Ahmed)
 Section officer (Legal-II) 21/09/2023
 Tel: 9202958

APPENDIX-2
(See Rule 4(b))

CHECKLIST FOR SCRUTINY OF CHALLAN

(To be filled with pen and attached with file/record of all criminal cases and copy supplied to Investigation Agency as well as the government with the report under section 11 (3) of the Act to accord approval for filing appeals)

NAME AND DESIGNATION OF SCRUTINIZING PROSECUTOR _____

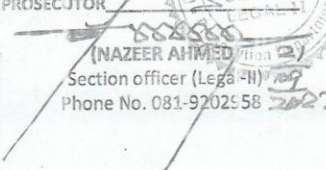
S.#	Checklist Question	Yes	No	Remarks
1.	Whether the report u/s 173 is duly signed / verified by the concerned Station House Officer.			
2.	Whether all required papers/documents are attached to the police and judicial files?			
3.	Whether all the columns of the report u/s 173 of the code are duly and correctly filled in?			
4.	Does the list of case property entered in the report u/s 173 of the code tallies with the list given in the Road Certificate?			
5.	Whether there was any delay in lodging of FIR? If so, what was the reason?			
6.	Whether the plan of scene of crime has been prepared according to Police Rules instructions?			
7.	Whether the list of stolen /snatched property bears the signature of the complainant and the officer who prepared the list?			
8.	Whether the medico legal reports, post mortem reports, inquests reports statements of injuries, chemical examiners report, serologist report, DNA/RNA report are attached?			
9.	Is the documentary evidence part of public record? If so, have certified copies been obtained.			
10.	Has all the documentary evidence part of public record? If so, have certified copies been obtained.			
11.	Whether search and seizure was conducted in accordance with law.			
12.	In murder and hurt cases, whether the Investigation Officer inspected the place of occurrence and entered all details in his inspection note?			
13.	In case of Abduction / Kidnapping whether the statements of recovered abductee recorded under section 161 and 164 of the code of criminal procedure.			
14.	In rape cases whether the victim has been medically examined with final opinion of the Doctor?			
15.	In rape cases whether any DNA/RNA tests got conducted, if required for evidence?			
16.	In rape cases whether potency test of the accused person been conducted by the Medical Officer?			
17.	Are the marginal witnesses to a document or those familiar with the handwriting of the executants of the document are prosecution witnesses and with they be available to testify?			
18.	Whether the list of property recovered, produced or seized in the case has been correctly prepared, dated and signed by witnesses and the officer(s) preparing them?			
19.	If recovery of weapons of offense has been effected, has the place, wherefrom recovery effected, given in recovery memo? And the date on which same has been sent to FSL for expert opinion .			
20.	Has the weight of recovered explosive substance/drugs/contraband entered in recover memo?			
21.	Has the sketch of recovered weapon drawn and attached to the Challan?			
22.	Have the recovered articles properly sealed?			
23.	Whether all recovered weapons and all other cases property been entered in Register No.19 of the concerned Police Station and corresponding number is mentioned in the relevant Memo in red ink?			



24.	Whether the identification certification certificates of the accused have been attached to the challan?			
25.	Which of the accused are previous convicts and whether evidence regarding the same has been attached?			
26.	Has Police explained final outcomes with regard to every important accused in the report?			
27.	Whether the accused confessed before the Magistrate and his statement recorded U/S 164 of the Code?			
28.	Whether copies of statements (legible and duly verified by the Investigation Officer) for delivery to the accused as required u/s 265-C of the Code, attached to the Chalan?			
29.	Whether search slips of the accused was sent to the Bureau and has any reply received?			
30.	Were remands regularly taken and was the challan prepared in time?			
31.	If there is delay in submission of challan whether reasons given? Mention the delay in number of days beyond statutory period of 14 days.			
32.	Is the police brief complete according to Government instructions? Note defects			
33.	Whether all necessary witnesses have been listed and their connection with the complainant noted?			
34.	In case where there is apprehension of resiling of witnesses, have their statements got recorded u/s 164 of the Code at early stage of the case in the manner provided under the law?			
35.	Whether a prima facie motive for commission of alleged offence been established by Investigation Officer?			
36.	Whether all the bail bonds and personal bonds of the accused persons and addresses of the accused and witnesses have been attached to the challan or not			
37.	Whether proceedings under section 87/88 have been properly initiated? If yes, than is full description of the absconder/s, list of property owned by him, original warrants of arrest and proclamation report of the process server and proceedings taken by the I.O. u/s 87/88 of the Code attached with the Challan?			
38.	Whether age of the charged accused implicated, has been ascertained in appropriate cases?			
39.	Whether statements of prosecution witnesses were properly recorded?			
40.	Whether evidence of witnesses corroborated by the medical evidence and recoveries?			
41.	Whether in all cases registered under Anti-Terrorism Act, 1997 investigation been conducted by Joint Investigation Team as required u/s 19(1) of the Act?			
42.	Whether information regarding the police officer who prepared a report U/S 173 of the code is available.			
43.	Whether more than one person / agency has investigated the case and if so are all the investigation results available?			
44.	Whether the Challan was thoroughly scrutinized, before submitting to the Trial Court, keeping particularly in view the deficiencies/omissions/lacunas pointed out in different judgements of Hon'ble Apex Courts from time to time.			
45.	Whether audio, video evidence /digital/ cyber, modern device evidences, collected by investigating officer and sent to the FSL for authentication as per laid down procedure..			



SIGNATURE OF SCRUTINIZING PROSECUTOR


 (NAZEER AHMED)
 Section officer (Legal-II)
 Phone No. 081-9202558



(APPENDIX-3)

PERFORMA FOR DAILY STATEMENT OF ACQUITTAL CASES AT TRIAL STAGE, UNDER SECTION 11 (3) OF PROSECUTION SERVICE (CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT _____

S.NO	NAME OF DISTRICT	NAME OF THE COURT	CASE NO/ FIR NO	OFFENCE UNDER SECTIONS OF LAW	DATE OF SUBMISSION OF POLICE/LEVEES REPORT/CHALLAN	DATE AND VERDICT OF JUDGEMENT	REASONS FOR ACQUITTAL/ LESS COMMENSURATE PUNISHMENT	ASSESSMENT ABOUT THE FITNESS OF CASE FOR FILING OF AN APPEAL/REVIEW OR REVISION AGAINST THE JUDGEMENT	ANY RECOMMENDATION ON WEAKNESSES OF INVESTIGATION, TO GET RECTIFIED	OTHER WEAKNESSES OF INVESTIGATION, DURING SCRUITY OF POLICE CHALLAN, 3. INFECTIVE PURSUIT OF CASE BY PUBLIC PROSECUTOR	1. NAME AND DESIGNATION OF PROSECUTOR WHO PASSED THE CHALLAN OF THE CASE 2. NAME AND DESIGNATION OF THE OFFICER WHO PROSECUTED THE CASE IN THE COURT
1											

NAME AND SIGNATURE OF THE DISTRICT PUBLIC PROSECUTOR

SIGNATURE

(Mazeer Ahmed)

Section officer (Legal-II)

Tel: 9202996

09/07/2023



(APPENDIX-4)
(See Rule 6)

PERFORMA FOR DAILY STATEMENT OF LESS COMMENSURATE PUNISHMENTS AT TRIAL STAGE, UNDER SECTION 11 (3) OF PROSECUTION SERVICE (CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT _____

S.NO	FIR NO / CA SE NO	POLICE/LEVIES STATION	OFFENCE UNDER SECTION OF LAW	TITLE OF THE TRIAL COURT	DATE OF ANNOUNCEMENT OF JUDGEMENT	SENTENCE AWARDED	PRESCRIBED PUNISHMENT UNDER THE LAW	REASONS FOR AWARDDING OF LESS COMMENSURATE PUNISHMENT	ASSESSMENT FOR FILING A REVIEW/REVISION	1. NAME OF THE PROSECUTOR WHO PASSED THE CHALLAN OF THE CASE 2. NAME OF THE OFFICER WHO PROSECUTED THE CASE

NAME AND SIGNATURE OF THE DISTRICT PUBLIC PROSECUTOR

SIGNATURE _____

(Nazeer Ahmed)
Section officer (Legal-II) 09
Tel: 92029956 2023



(APPENDIX-5)
 (See Rule 6)
PERFORMA FOR DAILY STATEMENT OF ACQUITTAL CASES AT APPEAL STAGE, UNDER SECTION 11 (3) OF PROSECUTION SERVICE
(CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT _____

S.NO	NAME OF POLICE LEVIES STATION	CASE FIR NO AND DATE	APPEAL CASE NO	OFFENCE UNDER SECTIONS OF LAW	TITLE OF THE APPEAL COURT/BENCH	DATE OF ANNOUNCEMENT OF JUDGEMENT	REASONS FOR ACQUITTAL	RECOMMENDATIONS FOR FURTHER APPEAL/REVIEW/REVISION	NAME OF THE OFFICER WHO PROSECUTED THE CASE BEFORE THE APPELAT COURT

NAME AND SIGNATURE OF THE DISTRICT PUBLIC PROSECUTOR

SIGNATURE _____

(Nazeer Ahmed)
 Section officer (Legal-II)
 Tel:9202938



21
 09
 2023