

Islamabad, the 10<sup>th</sup> July, 2013

NOTIFICATION

S.R.O (1)/2013. In exercise of the power conferred by section 77 of the Control of Narcotic Substances Act, 1997 (XXV of 1997), the Federal Government is pleased to make the following rules, namely:-

1. **Short title and commencement.**\_\_\_\_ (1) These rules may be called the Special Prosecutors (Terms and Conditions) Rules, 2013.

(2). They shall come into force at once.

2. **Definitions.**\_\_\_\_ In these rules, unless there is anything repugnant in the subject or context –

(a) "Act" means the Control of Narcotics Substances Act, 1997 (XXV of 1997);

(b) "Authorized Officer" means the Director General, Anti Narcotics Force law officer of Anti-Narcotics Force or an officer of the Division concerned duly authorized, as the case may be;

(c) "Law officer" means an officer of the Anti-Narcotics Force authorized by the Director General to deal with court cases for prosecution under the Act and

(d) "Special Prosecutor" means a Special Prosecutor appointed under section 50 of the Act on the terms and conditions specified in these rules.

3. **Appointment of Special Prosecutor.**\_\_\_\_ (1) The Special Prosecutor shall be a person who is a citizen of Pakistan and practicing as an advocate of a High Court with experience in legal matters preferably of dealing with drug cases and criminal cases, and shall neither have been guilty of misconduct during his professional career nor convicted of any offence of moral turpitude nor dismissed from Government service nor declared as an insolvent.

(2) The Special Prosecutor may be appointed by the Director General, Anti Narcotics Force in consultation with Law and Justice Division on such monthly retainerhip fee as may be agreed upon through an agreement executed between the Special Prosecutor and the authorized officer in this behalf

4. **Terms of appointment.**\_\_\_\_ (1) The Special Prosecutor shall conduct proceedings under the Act in narcotics cases on behalf of the Federal Government before special courts and appellate courts and shall not appear in any narcotics case in defence of an accused.

(2) Where a Special Prosecutor commits any act or omission against the interest of the Government or intentionally does not pursue a case assigned to him, his appointment may be terminated on two months prior notice by Director General, Anti Narcotics Force.

(3) A Special Prosecutor may, by writing under his hand, with either a notice of at least two months in advance to the Director General, Anti Narcotics Force of forfeiting his retainership fee for the period falling short of the notice period, terminate the agreement.

(4) Where a Special Prosecutor is appointed in a particular case, he shall be paid fifty per cent of the fee in advance and the remaining amount shall be paid on completion of the trial by the court including the appellate court as mutually agreed.

(5) Where a Special Prosecutor is required to attend a case outside the station of his employment, he shall be entitled to traveling allowance in addition to his retainership fee as per entitlement of an officer of Basic Pay Scale 20 for his journey on official tour or as agreed otherwise.

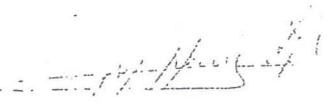
(6) The Special Prosecutor shall attend regularly assigned cases in the courts and intimate progress of each case to the concerned officer or law officer and shall be available to them at an appointed day, time and venue for any discussion or advice.

(7) The Special Prosecutor shall give advice to the law officers as may be required by them on legal matters including drafting of appeals and preparation of paras on appeals on appeals filed in any court under the Act by or against the Federal Government.

5. Repeal. The Special Prosecutor (Terms and Condition) Rules, 2001 and the Special Prosecutor (Terms and Condition) Rules, 2012 are hereby repealed.

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