

**THE SPECIAL PROSECUTORS (TERMS AND
CONDITIONS) RULES, 2001**

I N D E X

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S.R.O. No. 811(I) 2001.—In exercise of the powers conferred by section 77 of the Control Narcotic Substances Act, 1997 (XXV of 1997), read with sections, 50 and 71 thereof, 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, 2001.**

2. They shall come into force at once.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context :—

(i) “Act” means the Control of Narcotic Substances Act, 1997 (XXV of 1997).

(ii) “law officer” means Law Officer of Anti Narcotics Force;

(iii) “regional director” means Regional Director of Anti Narcotics Force;

(iv) “special court” means a court established under section 46 of the Act; and

(v) “special prosecutor” means a prosecutor appointed under section 50 of the Act.

3. **Qualifications of special prosecutor.**—(1) The Special Prosecutor shall be practising advocate of High Court with at least five years experience and shall neither have been guilty of misconduct during his professional career nor convicted of any offence nor dismissed from Government service nor declared as an insolvent and who —

- (a) is a member of District Bar Association and High Court Bar Association; and
- (b) is a citizen of Pakistan.

4. **Terms of appointment.**—(1) The Director-General Anti-Narcotics Force, may approved Special Prosecutors, in consultation with the Law, Justice and Human Rights Division, on such retainerhip fee as mutually agreed upon and shall enter into an agreement to this effect with the respective Regional Director or Law Officer of Anti Narcotics Force, Headquarters, and conduct the proceedings before the special courts and the appellate courts.

(2) The Special Prosecutor shall not appear in a narcotic case before any court in defence of an accused.

(3) In case he commits any act or omission against the interest of Anti Narcotics Force or he intentionally does not pursue a case on proper lines, his appointment may be terminated with immediate effect by the Director-General.

(4) The Special Prosecutor, by writing under his hand, shall, with a notice of at least two months in advance, to the Regional-Director concerned, terminate the agreement otherwise he shall have to refund the already received fee.

(5) 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 in the special court or any other court including the appellate court as mutually agreed.

(6) Where a special prosecutor has to attend a case outside the station of his employment, he shall be entitled to TA/DA in addition to his other emoluments as per entitlement of an officer of the National Pay Scale 20 or as agreed otherwise and shall —

(a) attend the Anti Narcotics Force cases regularly in the courts and intimate the progress of each case to the respective Regional Director or Law officer and be available to them at an appointed time and place for any discussion or advice; and

(b) advise the law officers in legal matters including drafting of appeals and preparation of parawise comments on appeals made by or against the Anti Narcotics Force.

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Sd/-
MUHAMMAD ASHRAF CHEEMA,
Deputy Secretary.