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# **THE PUNJAB CRIMINAL PROSECUTION SERVICE INSPECTORATE ACT 2018**

**(XX of 2018)**

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**TEXT**

**'THE PUNJAB CRIMINAL PROSECUTION SERVICE INSPECTORATE ACT  
2018**

**(XX of 2018)**

*[24<sup>th</sup> May, 2018]*

**An  
Act**

*to introduce an effective system of monitoring and inspection of the Punjab Criminal Prosecution Service.*

It is necessary to introduce an effective system of monitoring and inspection of the Punjab Criminal Prosecution Service through an Inspectorate; and, to provide for matters ancillary thereto;

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

**1. Short title, commencement and extent.**– (1) This Act may be cited as the Punjab Criminal Prosecution Service Inspectorate Act 2018.

- (2) It shall come into force at once.
- (3) It shall extend to whole of the Punjab.

**2. Definitions.**– (1) In this Act:

- (a) “Act” means the Punjab Criminal Prosecution Service Inspectorate Act 2018;
- (b) “data” includes any information in soft or hard form relating to investigation and prosecution of a criminal case;
- (c) “Director General” means the Director General of the Inspectorate appointed under the Act;
- (d) “Directorate” means the Directorate General of Monitoring and Evaluation, Punjab Public Prosecution Department;
- (e) “Government” means Government of the Punjab;
- (f) “Inspectorate” means the Punjab Criminal Prosecution Service Inspectorate established under the Act;
- (g) “prescribed” means prescribed by rules;
- (h) “record” includes the report of a police officer, opinion of a prosecutor or proceedings taken by him in a criminal case, proceedings taken by a parole officer or a copy of an order or judgment passed by a court;
- (i) “rules” means the rules made under the Act; and

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<sup>1</sup>This Act was passed by Provincial Assembly of the Punjab on 16 May 2018; assented to by the Governor of the Punjab on 21 May 2018; and, was published in the Punjab Gazette (Extraordinary), dated: 24 May 2018, pp.8129-8131.

(j) "Service" means the Punjab Criminal Prosecution Service.

(2) A word or expression used in the Act but not defined shall have the same meaning as is assigned to it in the Code of Criminal Procedure 1898 (*V of 1898*) or, as the case may be, the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 (*III of 2006*).

**3. The Inspectorate.**— (1) The Government may, by notification in the official Gazette, reconstitute the Directorate as the Punjab Criminal Prosecution Service Inspectorate.

(2) Subject to subsection (3), the Inspectorate shall consist of a Director General, a Director, Chief Inspectors, Inspectors and such other employees as may be prescribed and, until so prescribed, as the Government may determine.

(3) Not less than one half of employees of the Inspectorate connected with inspection shall be persons who have been public prosecutors for a minimum period of three years.

**4. Functions of the Inspectorate.**— The Inspectorate shall:

- (a) monitor the performance, work and conduct of the Service;
- (b) carry out periodic inspections of the Service;
- (c) advise the Government on improvement of the Service;
- (d) cause studies and research on the working of the Service for purposes of reforms of the Service;
- (e) take steps and measures to improve efficiency of the Service; and
- (f) perform such other connected functions as are assigned to it by the Government or as are necessary for carrying out the purposes of the Act.

**5. Powers to summon record.**— (1) The Inspectorate may, for effective and meaningful inspection of the Service, require any information or record maintained by:

- (a) an investigation agency;
- (b) an agency or a department of the Government empowered to sanction prosecution under the law;
- (c) the Punjab Forensic Science Agency;
- (d) prisons in the Province; and
- (e) the Directorate of Reclamation and Parole.

(2) Every agency or department of the Government shall extend cooperation and assistance to the Inspectorate in the discharge of its functions under the Act or the rules and supply information or record in such form and manner as may be prescribed.

(3) The Inspectorate and its employees shall cooperate with any other body or organization established by the Government for conduct of inspection of the Service.

**6. Superintendence of the Inspectorate.**— The superintendence and control of the Inspectorate shall vest in the Government and shall be exercised in the manner prescribed.

**7. Director General.**— (1) The Government shall appoint the Director General who shall have such qualifications and experience and shall be appointed on such terms and conditions as may be prescribed and, until so prescribed, as the Government may determine.

(2) The Director General shall be the Chief Executive Officer of the Inspectorate and unless sooner removed in the prescribed manner, hold office for a period of three years or for such further period as the Government may, in the light of the satisfactory performance, determine.

(3) The Director General shall exercise such powers and perform such functions as may be prescribed or assigned to him by the Government and be responsible for running day to day affairs of the Inspectorate.

**8. Inspection programme.**—(1) The Inspectorate may prepare a programme for periodic inspection of the Service in such manner as may be prescribed.

(2) The Director General shall cause a copy of the inspection report sent to the Government and to the Prosecutor General for appropriate action.

(3) When an inspection has been carried out on the request of any other agency or department of the Government, a copy of the inspection report shall be sent to the head of that agency or department.

**9. Annual report.**— The Director General shall, by 30<sup>th</sup> September each year, submit annual performance report to the Government *inter alia* showing all the major activities performed by the Inspectorate during the previous financial year and its future plans and the Government shall lay it before the Provincial Assembly of the Punjab.

**10. Power to make rules.**— The Government may make rules for carrying out the purposes of the Act.

**11. Removal of difficulties.**— If any difficulty arises in giving effect to or applying the provisions of this Act or the rules, the Government may, within two years from the commencement of the Act, make such order, not inconsistent with the Act or the rules, as may be necessary for removal of such difficulty.

**12. Indemnity.**— No suit, prosecution or other legal proceedings, shall lie against an officer of the Inspectorate in respect of anything done or attempted to be done by him in good faith under the Act.

**13. Savings.**— All appointments made, actions taken and notifications issued by the Government before the commencement of this Act, with respect to the Directorate, shall be deemed to have been made, taken and issued under the Act.