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THE PUNJAB FORENSIC SCIENCE AGENCY ACT, 2007

(XIII of 2007)

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TEXT

**¹THE PUNJAB FORENSIC SCIENCE AGENCY ACT, 2007
(XIII of 2007)**

[30th October, 2007]

**An
Act**

to establish the Punjab Forensic Science Agency for forensic examination of documents, materials, equipment, impressions or other objects.

Preamble.— Whereas it is expedient to provide for the establishment and constitution of an Agency for the purpose of examination of forensic material and rendering of expert opinion in respect thereof before Court, tribunal or other authority and for connected matters;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Forensic Science Agency Act, 2007.

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

2. Definitions.— (1) In this Act:

- (a) “Act” means the Punjab Forensic Science Agency Act, 2007;
- (b) “Agency” means the Punjab Forensic Science Agency established and constituted under section 3 of the Act;
- (c) “authority” includes a police officer or a public servant authorized to hold an investigation or inquiry under any law for the time being in force;
- (d) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);
- (e) “Director General” means the Director General of the Agency appointed under section 7;
- (f) “expert” includes a qualified foreign expert working in a forensic science facility and whose evidence is admissible in the country of his origin;
- (g) “forensic material” means a document, material, equipment, impression or any other object connected with the commission of an offence, a civil cause or any other proceedings;
- (h) “Government” means the Government of the Punjab;
- (i) “inquiry” includes an administrative inquiry;

¹This Act was passed by the Punjab Assembly on 4 October 2007; assented to by the Governor of the Punjab on 29 October 2007; and was published in the Punjab Gazette (Extraordinary), dated 30 October 2007, pages 1453-1456.

- (j) “offence” means an act or omission made punishable under any law for the time being in force;
- (k) “police officer” means a police officer appointed under the Police Order, 2002 (22 of 2002), or any other person who has been conferred with the powers of a police officer under any other law for the time being in force;
- (l) “prescribed” means prescribed by the rules;
- (m) “rules” means the rules made under the Act; and
- (n) “Search Committee” means a Committee constituted for making recommendation for appointment of Director General.

(2) A word or an expression used in the Act and not defined shall mean the same as in the Code.

3. Establishment and constitution of the Agency.— (1) The Government shall, by a notification in the official Gazette, establish and constitute an Agency to be called the Punjab Forensic Science Agency.

(2) The Agency shall consist of the Director General and experts and officials as may be appointed by the Government.

(3) The Government may, by a notification in the official Gazette, absorb in the Agency a body, bureau, laboratory or any other facility of the Government concerned with the examination and rendering of expert opinion about forensic material.

(4) An officer or an employee of the body, bureau, laboratory or other facility absorbed in the Agency may opt for employment in the Agency.

(5) The officer or the employee who opts to become employee of the Agency and is otherwise qualified shall be appointed in the Agency in the prescribed manner.

4. Functions of the Agency.— The Agency shall:

- (a) undertake examination of forensic material;
- (b) render expert opinion with regard to examination of forensic material conducted by it;
- (c) procure, operate and maintain scientific instruments for examination of forensic material;
- (d) propose advancement in forensic techniques and suggest use of suitable scientific instruments for examination of forensic material;
- (e) seek clarification from the person involved in collection or handling of forensic material in the prescribed manner;
- (f) recommend the procedure for the collection, preservation and handling of forensic material;
- (g) subject to the direction of the Government, collect forensic material that requires special expertise or scientific methods for collection and preservation;

- (h) maintain record for examination of forensic material, including record pertaining to the identity of a person connected with or accused of an offence, in the prescribed manner;
- (i) promote general awareness on matters relating to forensics; and
- (j) perform any other function connected with or ancillary to the above functions.

5. Superintendence of the Agency.— The superintendence of the Agency shall vest in the Government and shall be exercised in the prescribed manner.

6. Administration of the Agency.— The administration of the Agency shall vest in the Director General.

7. Appointment of the Director General.— (1) The Government shall appoint the Director General on the recommendation of the Search Committee.

(2) The Director General shall be a qualified expert in one or more disciplines of forensic science in accordance with the prescribed standards.

²[(3) The Director General shall hold office for a term of five years but the Government may, in special circumstances, extend the term of office of the Director General for such period as it may determine.]

(4) The Government shall determine the terms and conditions of service of the Director General which shall not be varied during his term in office.

(5) The Government may, after notice and inquiry in the prescribed manner, remove the Director General during the tenure of his office on the ground of inefficiency, misconduct, corruption or inability to perform functions due to medical reasons.

(6) The Director General may tender his resignation to the Government and shall cease to hold office upon acceptance of his resignation.

8. Administrative and financial powers of the Director General.— The Director General shall exercise such administrative and financial powers as may be prescribed.

9. Experts.— (1) The Government shall appoint an expert in the prescribed manner.

(2) No person shall be appointed as an expert unless he is qualified to conduct examination of a forensic material.

(3) A person appointed in the Agency as an expert shall be deemed as an expert appointed under section 510 of the Code and a person specially skilled in a forensic material under Article 59 of the Qanun-e-Shahadat Order, 1984 (X of 1984).

(4) The Government or the Agency shall not entrust examination of a forensic material to a person who has been convicted of an offence related to giving false evidence under any law for the time being in force.

²Substituted by the Punjab Forensic Science Agency (Amendment) Act 2016 (XXII of 2016), published in the Punjab Gazette (Extraordinary), dated: 20 April 2016, pp. 4643-4644, s.2.

10. Expert opinion.— (1) A Court, tribunal or authority may send to the Agency, a forensic material related to investigation or proceedings before it, for examination and expert opinion.

(2) The Agency shall authenticate and send expert opinion to a Court, tribunal or authority in the prescribed manner.

(3) An expert opinion shall carry the name and designation of the expert who conducted the examination.

11. Clarification in case of certain opinion.— (1) If an expert opinion is not clear, the Court, tribunal or authority may refer it to the Agency for clarification on a specific question.

(2) The Agency shall, on receipt of the reference, send clarification on the question to the Court, tribunal or authority.

(3) If the condition of the forensic material or any other fact does not allow submission of a clear answer to the question, the Agency shall state its inability to answer the question.

12. Re-examination of forensic material.— (1) A person affected by the opinion of an expert, may for a sufficient cause, submit an application for re-examination before the Court, tribunal or authority other than a police officer before which the opinion is rendered or the Court or tribunal before which the opinion is submitted by the authority.

(2) If the Court, tribunal or authority is satisfied that there are sufficient grounds for re-consideration of the opinion, it may, for reasons to be recorded in writing, direct the Agency to re-examine the forensic material.

(3) The Director General shall, on receipt of the direction, constitute a panel of three or more experts to re-examine the forensic material or refer the same to a forensic examination facility for examination and opinion.

(4) The Director General shall submit the finding of the expert or the forensic facility and his opinion to the Court, tribunal or authority.

13. Offence.— (1) If an expert or official of the Agency knowingly or negligently renders false, incorrect or misleading opinion before a Court, tribunal or authority, he shall be punished with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

(2) An offence under this Act shall be triable by a Court of Sessions.

(3) The Court shall not take cognizance of an offence under this Act unless the Director General makes a complaint in writing in the prescribed manner.

14. Appeal.— A person aggrieved by an order or sentence passed under section 13 may, within thirty days, prefer an appeal to the Lahore High Court.

15. Annual Performance report.— (1) The Agency shall submit its annual performance report to the Government before July 31 in a year;

(2) The Government shall, within the period of one month of the receipt of the annual performance report, submit the same in the Provincial Assembly of the Punjab.

16. Act to be read in conjunction with other laws.— The provisions of this Act shall be read in conjunction with and not in derogation of any other law for the time being in force.

17. Power to make rules.— The Government may make rules for giving effect to the provisions of this Act.