

**GOVERNMENT OF THE ¹[Khyber Pakhtunkhwa]
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION.

2nd February, 1977.

No. 13/8-SOTA-1(HD)/76(A)--- In exercise of the powers conferred by section 31 of the Provincially Administered Tribal Areas Criminal Law (Special Provisions) Regulation, 1975, (²[Khyber Pakhtunkhwa] Regulation I of 1975), the Government of ³[Khyber Pakhtunkhwa] are pleased to make the following rules, namely:---

1. *Short title and commencement.*---(1) These rules may be called the Provincially Administered Tribal Areas Criminal Law (Special Provisions) Rules, 1977.

(2) They shall come into force at once.

2. *Definitions.*--- In these rules, unless the context otherwise requires,---

(a) "Form" means a form appended to these rules;

(b) "President" means the President of a Jirga;

(c) "Reference" means a reference made to a Jirga for decision under the Regulation.

(d) "Regulation" means the Provincially Administered Tribal Areas Criminal Law (Special Provisions) Regulation, 1975; and

(e) "Section" means a section of the Regulation.

3. *Convening the meeting of the Jirga*---(1) Immediately after constituting the Jirga under section 6,7 or 11, the Deputy Commissioner shall communicate to the President the names of the other members of the Jirga, and require him within 15 days of the receipt of his directions or within such longer period as the Deputy commissioner in the Special circumstances of a particular case may specify to convene a meeting of the Jirga for the purpose of enquiring into the question referred to it for decision.

(2) On receipt of the direction under sub-rule (1), the President shall send a request in writing to the members of the Jirga specifying therein the date, time and place of the

1 Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

2 Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

3 Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

meeting and shall also require the attendance of the parties and their witnesses on that date, and at that time and place.

(3) When the accused is in custody, the President shall by his warrant require the production of the accused before the Jirga on the date, time and place specified under sub-rule (2) or on any other date to which the enquiry before the Jirga may be adjourned.

4. *Procedure when a member of the Jirga is interested in a Party.*--- (1) If any member of the Jirga is personally interested in or is prejudiced against any party to the reference made to the jirga, he shall disclose such fact to the President, who shall thereupon refer the matter to the Deputy Commissioner for appointing another person as member in the place of such member.

(2) If a member of a jirga dies, refuses to act, becomes incapacitated from acting or fails, to attend any meeting of the jirga without sufficient cause, the President shall refer the matter to the Deputy Commissioner for appointment of another member in the place of such member.

(3) In appointing a member under sub-rule (1) or sub-rule (2), the Deputy Commissioner shall follow the procedure laid down in section 6.

5. *Proceedings of jirga to be from day to day.*--- the jirga shall proceed with the reference from day to day unless for any special reason to be recorded in writing by the President, an adjournment for a longer period is deemed necessary.

6. *Memorandum of evidence to be maintained by the President.*---(1) The President, shall in his own hand or under his supervision, maintain a memorandum of the evidence tendered before the jirga and shall sign the same.

(2) The parties shall be entitled to copies of the memorandum of evidence maintained under sub-rule (1) at the rates prescribed for copies granted by Magisterial Courts.

7. *Jirga to record reasons where it refuses to hear any evidence.*--- Where the jirga refuses to hear any evidence on the ground that it is being rendered for the purposes of vexation, delay or defeating the ends of justice, it shall record its reasons for such refusal.

8. *Sittings of Jirga.*--- The jirga shall hold its sittings at such place or places as may be specified by the Deputy Commissioner provided that if the jirga deems fit, it may also meet at a place where the offence which has been referred for decision to the jirga or any material part thereof is alleged to have been committed, or the cause of action arose, or any place in the vicinity of such place.

9. *Compounding of offences.*---(1) The offences triable under the Regulation may be compounded, if the aggrieved party is agreeable to the composition.

(2) Where it is proved to the satisfaction of the authority competent to allow the offence to be compounded that the aggrieved party is agreeable to the composition.

10. *Composition of offences by Jirga.*--- All offences which are punishable with imprisonment not exceeding seven years may be compounded before the Jirga.

11. *Composition of offences with the permission of Deputy Commissioner.*---(1) All offences which are punishable with imprisonment exceeding seven years may be compounded with the permission of the Deputy Commissioner.

(2) An application for the composition of an offence under this rule may be submitted to the Deputy Commissioner or to the Jirga to which the question of guilt or innocence of the persons accused to such offences has been referred.

(3) Where the application is made to the Jirga, it shall submit the same to the Deputy Commissioner with its recommendations whether the permission for compounding the case may be granted or refused.

(4) Where the application is made to the Deputy Commissioner and the case is being inquired into by the Jirga, the Deputy Commissioner may call for a report from the Jirga, and, pending disposal of the application, may stay the proceedings before the Jirga.

12. *Permission for compounding of offences after conviction.*--- When an accused has been convicted and an appeal or a revision petition is pending, no offence shall be compounded without the permission of the authority before which the appeal or revision petition is pending.

13. *Effect of composition.*--- The composition of an offence under these rules shall have the effect of an acquittal of the accused with whom the offence has been compounded.

14. *Free supply of copy of orders in appeal.*--- Parties shall be entitled to copies, free of cost, of the orders passed by the Commissioner in appeal or by Government in revision.

15. *Register of Revision.* --- A register of revision shall be maintained in Form 'A'.

16. *Registers to be maintained by Commissioner.*--- The Deputy Commissioner shall maintain the following Registers:---

17. *Registers to be maintained by the Deputy Commissioner.*--- The Deputy Commissioner shall maintain the following Registers:---

- (i) Register of Criminal References in Form 'C';
- (ii) Register of cases of Security Proceedings in form 'D'; and
- (iii) Register of Fines in Form 'E'.

18. *Register to be maintained by Jirga.*--- A Jirga shall maintain a register of cases referred to it in form 'F'.

ARSHAD FARID
Secretary to Government of ⁴[Khyber Pakhtunkhwa],
Home and tribal Affairs Department.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

REGISTER OF REVISION PETITION.**FORM 'A'.**

Number of appeal	Date of appeal	Date of sentence	Brief description of section convicted under and sentence awarded	Date when record called for review.	Brief description of order passed in view.	Remarks.
1	2	3	4	5	6	7

REGISTER TO BE MAINTAINED BY THE COMMISSIONER.**FORM "B".****REGISTER OF APPEALS.**

Number of appeal.	Date of appeal	Date of sentence.	Brief description of section convicted under and sentence awarded.	By whom sentence awarded	Decision of appeal along with date of announcement.	REMARKS.
1	2	3	4	5	6	7

REGISTER TO BE MAINTAINED BY THE DEPUTY COMMISSIONER.

FORM 'D'

REGISTER OF SECURITY PROCEEDINGS.

Serial No.	Name of accused and their particulars.	Abstract of circumstances constituting the alleged offence. Also previous convictions, if any.	Date of— (a) complainant or (b) receipt of information	Substance of the order	Date of order	Nature of security	Period for which security demanded	Date on which security furnished	Where security is forfeited:— (a) the date of such order; (b) the amount of security forfeited; (c) the date of recovery of the forfeited amount; and (d) the person or persons from whom the security recovered.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

