

**THE ¹[KHYBER PAKHTUNKHWA] SUPPRESSION OF
CRIMES ORDINANCE, 1978.**

²[KHYBER PAKHTUNKHWA] ORDINANCE No. III OF 1978.

[14th March, 1978.]

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

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**AN
ORDINANCE**

to make provisions to deal more effectively with the offences against life and property in the³[Khyber Pakhtunkhwa].

WHEREAS it is expedient to make provisions to deal more effectively with the offences against life and property in the⁴[Khyber Pakhtunkhwa] and for the matter connected therewith; Preamble.

AND WHEREAS the Governor of the⁵[Khyber Pakhtunkhwa] is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the⁶[Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the⁷[Khyber Pakhtunkhwa] Suppression of Crimes Ordinance, 1978.
- (2) It extends to the whole of the⁸[Province of the Khyber Pakhtunkhwa].
- (3) It shall come into force on and from the 15th day of March, 1978.

Short title,
extent and
commence-
ment.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2. In this Ordinance, unless the context otherwise requires,_____ Definitions.
- (a) “Government” means the Government of the¹[Khyber Pakhtunkhwa];and
 - (b) “Serious offence” means an offence punishable with death, imprisonment for life, or with imprisonment for a term which may extend to two years or more.
- 3.(1) Where from the circumstances of any case, there appears to be good reason to believe that the inhabitants of any area or part thereof, or any of them, have— Fines on inhabitants accessory, to crime.
- (a) abetted or are concerned in the commission of any serious offence against person or property; or
 - (b) failed to render, when called upon by the District Magistrate or any public servant, assistance in their power to discover the offender concerned in the commission of any serious offence against person or property; or
 - (c) harboured any offender or person suspected of having taken part in the commission of a serious offence against person or property; or
 - (d) suppressed material evidence of the commission of serious offence against person or property, the District Magistrate may, with the previous sanction of Government, impose such fine, not exceeding one lac rupees, as he considers proper, on the male adult inhabitants of the area or part thereof, or any of them as a whole, as the case may be, after holding a summary enquiry and affording them an opportunity to show cause against the proposed action.
- (2) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (1) among the inhabitants of the area or part thereof who are liable collectively to pay it.
- (3) The District Magistrate may, while making an order under this section, direct that the person liable to pay fine, shall, in default of payment, undergo imprisonment for a term not exceeding six months.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(4) Fines imposed under this Ordinance shall, in default of payment, be recoverable in the manner provided in section 386 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

4. (1) Any party aggrieved by an order made under section 3 may, within thirty days of such order, prefer an appeal to Government. Appeal.

Explanation.—In computing the period of thirty days, the day on which the order to be appealed against was made and the time requisite for obtaining copy thereof, shall be excluded.

(2) An order made by Government on appeal under sub-section (1) shall be final:

Provided that Government shall not make any order on an appeal without giving the aggrieved party an opportunity of being heard.

5. In proceedings under this Ordinance the inhabitants of the area concerned shall be entitled to be represented by a legal practitioner of their choice. Appearance of legal practitioner.

6. No proceedings under this Ordinance and no order made or decision given in any such proceeding shall be called in question in any Court or before any other authority. Jurisdiction of court barred.

7. No suit, prosecution or other legal proceeding shall lie against any person or Government for anything which is in good faith done or intended to be done under or in pursuance of this Ordinance or any rule or order made thereunder. Indemnity.

8. Government may, by Notification in the official Gazette, make rules for carrying out the purposes of this Ordinance. Power to make rules.

9. In the ¹[Khyber Pakhtunkhwa](Villages and Small Towns Patrol and Protection) Ordinance, 1972,—
Amendment of ²[Khyber Pakhtunkhwa] Ord. No. IX of 1972.

- (a) Section 13 and section 14 shall be omitted; and
- (b) in section 15, the comma, figures and word “, 13 or 14” shall be omitted.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

