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PART IV

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 25th March, 1975.

No. PAS/Legis./Bill-31/64.—The Sindh Crimes Control Bill, 1974 having been passed by the Provincial Assembly of Sindh on the 12th March, 1975 and assented to by the Governor of Sindh on 25th March, 1975 is hereby published as an Act of the Legislature of Sindh:—

THE SIND CRIMES CONTROL ACT, 1975

SIND ACT NO. IV OF 1975

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated the 25th March, 1975).

AN

ACT

to provide effective machinery of law to prevent the commission and repetition of crimes and to consolidate the law relating to anti-social elements and disorderly persons in the Province of Sindh.

WHEREAS it is expedient to provide effective machinery of law to prevent the commission and repetition of crimes and to consolidate the law relating to anti-social elements and disorderly persons in the Province of Sindh; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Sindh Crimes Control Act, 1975.

Short title
and com-
mencement.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "Gherao" means and includes wrongful restraint or wrongful confinement as defined in the Pakistan Penal Code;
- (b) "Government" means the Government of Sind;
- (c) "Tribunal" means the Tribunal under section 3.

Tribunal.

3. (1) A Tribunal shall deal with cases under this Act.

(2) A District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate and a Magistrate of the first class specially empowered by Government in this behalf shall act as Tribunal within local limits of his jurisdiction.

Cognizance of cases by Tribunal.

4. A Tribunal shall take cognizance of a case under this Act when—

- (a) the person complained against resides or the act complained against is alleged to have been committed, within its jurisdiction; and
- (b) a Police Officer not below the rank of Sub-Inspector, makes a report in writing in this behalf.

Summoning of persons.

5. On receipt of the report, the Tribunal shall issue a summons requiring the person complained against to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to produce him before it:

Provided that whenever it appears to such Tribunal, upon the report of a Police Officer or upon other information (the substance of which report or information shall be recorded by the Tribunal), that there is reason to apprehend the commission of the act complained against and that such commission of the act cannot be prevented otherwise than by the immediate arrest of such person, the Tribunal may, at any time issue a warrant for his arrest.

Delivery of copy of report.

6. Every summons or warrant issued under section 5 shall be accompanied by a copy of the report and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same:

Provided that the report shall briefly state—

- (i) the acts with which the persons complained against is charged;
- (ii) the details of time and place of such acts;
- (iii) general repute of person complained or such other allegation made against him.

7. If the Tribunal has reason to believe that a person for whose appearance, or arrest, a summons or as the case may be, warrant has been issued, has absconded, or is concealing himself to evade the service of summons or execution of the warrant, it may proceed to take action under sections 87, 88 and 89 of the Code of Criminal Procedure, 1898 in respect of such person and his property.

Procedure where a person absconds or conceals himself.

8. (1) When the person complained against appears or is brought before the Tribunal in compliance with, or in execution of, a summons or warrant, issued under section 5, the Tribunal shall proceed to inquire into the truth of the report upon which action has been taken, and to take evidence as may appear necessary.

Proceedings.

(2) Such inquiry shall be made, as nearly as may be practicable, in the manner for conducting trials and recording evidence in summons cases under the Code of Criminal Procedure, 1898.

(3) Pending the completion of the inquiry under this section if the Tribunal considers that immediate measures are necessary for the prevention of the commission of the act complained against, it may, for reasons to be recorded in writing—

- (a) direct the person complained against to execute a bond, with or without sureties for maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or in default of execution until the inquiry is concluded; or
- (b) instead of taking bond for appearance of such person, order his detention for such period as may be specified or till the conclusion of the inquiry; provided that such detention shall not exceed two months unless his case has been referred to the Commissioner and the latter has, for reasons to be recorded in writing, agreed to such detention for a further period not exceeding four months.

9. Where two or more persons have been associated together in the matter under inquiry they may be dealt with in the same or separate inquiries as the Tribunal thinks fit.

Joint or separate proceedings.

10. For the purpose of conducting inquiry under this Act, the Tribunal shall have all powers of a District Magistrate under the Code of Criminal Procedure, 1898 for, issuing summonses and warrants, compelling attendance of witnesses, production of documents, examination of witnesses and the persons complained against, issuing Commissions for examination of witnesses, inspection of sites and such other matters not provided for in this Act but may be necessary for completion of the inquiry.

Powers of Tribunal.

11. Whenever any Tribunal is succeeded by another Tribunal, the Tribunal so succeeding may act on the evidence recorded by its predecessor or partly recorded by its predecessor and partly recorded by it or may re-examine any or all of the witnesses or hear the inquiry denovo, as it deems fit; provided that the person complained against shall not have the right to a denovo trial or to recall any person, examined previously.

Procedure by Succeeding Tribunal.

Tribunal
deemed to
be court.

12. The Tribunal and the appellate or revisional authority under this Act shall, for the purpose of section 480 of the Code of Criminal Procedure, 1898, be deemed to be a Court and the proceedings before the Tribunal or appellate or revisional authority shall be deemed to be judicial proceedings.

Evidence.

13. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the Tribunal may, for the purpose of inquiry under this Act, receive and consider the evidence of general repute that the person complained against is a habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community or is a previous convict or he was bound over on previous occasion for maintaining good behaviour.

(2) If the Tribunal is satisfied that the person complained against is notorious, dangerous or influential, it may, record evidence in camera, inspect the locality in which the person complained against resides or the act complained against is committed and take such steps as may be necessary for ascertaining the truth of the report.

Security for
good
behaviour
from
habitual
offenders.

14. If the Tribunal is satisfied, as a result of inquiry held under this Act, that the person complained against—

- (i) runs a gambling den or earns his livelihood from such den; or
- (ii) keeps a place where illicit intoxicants are consumed or earns his livelihood from such place or engages in the illicit manufacture, storage, purchase or sale of intoxicants; or has the reputation of engaging in illicit manufacture, storage, purchase or sale of intoxicants and narcotic drugs; or
- (iii) runs a brothel as defined in the West Pakistan Suppression of Prostitution Ordinance, 1961, or is a tout of prostitutes or lives wholly or partly on earnings of prostitutes; or
- (iv) frequents gambling dens or unlicensed places where illicit intoxicants are consumed or houses of prostitutes for immoral purposes; or
- (v) frequents hospitals, Nursing homes, or any educational institution for immoral purposes or to cause annoyance to the inmates or visitors of such institutions; or
- (vi) is frequently drunk or disorderly in public, or behaves riotously in public by entering into affrays or otherwise disturbs public peace; or
- (vii) is in the habit of driving rashly or at high speed to the annoyance or danger to the safety, of the public; or
- (viii) frequently teases, annoys, molests or follows any woman, girl or boy under 18 years of age for an immoral purpose; or

- (ix) frequently kidnaps or abducts, women, persons of unsound mind or minors, or frequently seduces married women; or
- (x) frequently causes disaffection or prejudice among, or prevents or interferes with the discipline, health or training of, or the performance of their duties by, members of the armed forces; or
- (xi) frequently brings into hatred or contempt, or excites disaffection towards the armed forces or any section thereof; or
- (xii) frequently promotes feelings of enmity and hatred between different classes or sects of citizens; or
- (xiii) not being labourer, is in the habit of instigating labourers to resort to illegal strike or gherao or acts of violence or disorder; or
- (xiv) frequently resorts to stoning or setting fire to public or private vehicles or causing damage to public or private property; or
- (xv) frequently hijacks any vehicle, or vessel; or
- (xvi) is in the habit of travelling without ticket in train, tram or any other public vehicle; or
- (xvii) is in the habit of or has reputation of habitually, entering into or departing from, or taking or bringing any goods out of or to Pakistan, in contravention of any prohibition or restriction under any law for the time being in force; or
- (xviii) is in the habit of, making livelihood, or extorting money or other property or, receiving any concession or favour from any one by any form of intimidation or influence; or
- (xix) habitually receives or deals in property which he knows or has reason to believe to be stolen; or
- (xx) is by habit a robber, dacoit, house-breaker, thief or pick-pocket or habitually protects or harbours such offenders or aids in the concealment or disposal of stolen property; or
- (xxi) is by habit a forger, or habitually counterfeits or habitually and intentionally utters counterfeit coins; or
- (xxii) is by habit a black marketeer, hoarder, adulterator, of articles used for human consumption or drugs or medicines; or
- (xxiii) makes a livelihood by cheating, fraud or dishonest means or acts as an intermediary between bribegivers and corrupt officials or persons in public life, or is a black-mailer or collects "Goonda Tax" or works as a tout in matters of litigation; or
- (xxiv) has no ostensible means of subsistence or cannot give satisfactory account of himself; or

- (xxv) frequently writes in hand, cyclostyles, prints, publishes, distributes, circulates, sells or offers for sale, or causes to be written in hand, cyclostyled, printed, published, distributed, circulated, sold or offered for sale, seditious, defamatory, abusive or blasphemous pamphlets, news-sheets or hand bills or obscene book or picture or such other object; or
- (xxvi) frequently writes or paints or causes to be written or painted on walls, plinths, steps, platforms, pavements, road beds or such other place, seditious, defamatory, blasphemous, abusive or obscene, slogans or words, visible to the public; or
- (xxvii) frequently tampers with or impairs the efficiency or impedes the working, of any canal; or
- (xxviii) frequently harbours persons entering Pakistan illegally or conives at or facilitates the entry or exit of such persons; or
- (xxix) frequently indulges in, or encourages, anti-national activity as defined in the Prevention of Anti-National Activities Act, 1974; or
- (xxx) frequently possesses illegally or causes to be so possessed or uses or causes to be used, any bomb, sten gun, machine gun, automatic rifle, grenade, rocket, dynamite or other explosive; or
- (xxxi) frequently indulges in making obnoxious telephone calls; or
- (xxxii) is in the habit of unauthorizedly occupying, or digging in or constructing or in any other manner encroaching upon the land belonging to Government, or any local council, autonomous body or Co-operative Housing Society; or
- (xxxiii) frequently trespasses upon or illegally takes possession of private property, by show of force and retains such property by force; or
- (xxxiv) is so desperate and dangerous as to render his being at large without security, hazardous to the community; or
- (xxxv) abets the commission of any of the acts mentioned in the aforesaid clauses or breach of any order made under this Act;

it shall require him to furnish a bond with one or more sureties, for such period not exceeding three years and for such amount as may be specified to be of good behaviour; provided that where he is a minor, the bond executed by surety or sureties only may be accepted.

Release of
person
complained
against.

15. If on inquiry under this Act, the Tribunal is satisfied that it is not necessary to require the person complained against to execute the bond under section 14, it shall make an entry on the record to that effect, and if such person is in custody only for the purposes of enquiry, shall release him, or, if such person is not in custody, shall discharge him.

Failure to
furnish
Bond.

16. (1) If the person complained against fails to execute the bond under section 14 he shall be committed to prison, or if he is already in prison be detained in prison, and the detention shall be for a period till he executes the bond or until the term of the order expires, as the case may be, or the Tribunal makes any other order about him.

(2) Imprisonment for failure to execute the bond under sub-section (1) for the acts or offences under clauses (iv), (v), (vi), (viii) and (xxxi) of section 14 shall be simple and for acts or offences under other clauses of section 14 shall be rigorous.

17. The Tribunal may refuse to accept any surety offered, or may reject any surety previously accepted by such Tribunal or its predecessor on the ground that such surety is not a fit person for the purposes of the bond: **Surety.**

Provided that before so refusing to accept or rejecting any such surety, the Tribunal shall hold an inquiry into the fitness of the surety:

Provided further that, before making an order rejecting any surety who has previously been accepted, the Tribunal shall issue summons or warrant, as it thinks fit, and cause the person for whom the surety is bound, to appear or to be brought before it.

18. (1) Any surety may at any time apply to Tribunal to cancel any bond executed by him and on such application the Tribunal shall issue summons or warrant, as it thinks fit, requiring the person for whom such surety is bound, to appear or to be brought before it. **Request for cancellation of bond.**

(2) When a person for whose appearance a warrant or summons has been issued under section 17 or sub-section (1) of this section, appears or is brought before the Tribunal, it shall cancel the bond executed by such person and shall order him to give, for the un-expired portion of the term of such bond, fresh security of the same description as the original security.

19. (1) The bond to be executed by the person complained against shall bind him to be of good behaviour and the commission or attempt to commit, or abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond. **Breach of bond.**

(2) Whoever contravenes any order made or disobeys any direction given under this Act shall be punished with imprisonment of either description which may extend to five years and with fine which may extend to ten thousand rupees.

Explanation.—The imprisonment under sub-section (2) shall be in addition to, and shall commence after the expiry of, the un-expired portion of the term of detention.

20. (1) Whenever the District Magistrate is of the opinion that any person imprisoned within his district for failing to give security under this Act may be released without hazard to the community or to any other person, he may order such person to be released either without conditions or upon any such condition or conditions as may be prescribed by the rules and are accepted by the person so released. **Conditions of release.**

(2) If any condition upon which any such person has been released is, in the opinion of the District Magistrate not fulfilled, he may cancel the same and in the event of such cancellation the person released shall be arrested and, unless he gives security in accordance with the terms of the original order, be committed to prison for the un-expired portion of the term for which he was in the first instance required to give the security.

Appeal.

21. (1) An appeal from an order made by the Tribunal under section 8, 14, 15, 16, 17 and 19 shall lie to the Commissioner within thirty days from the date of passing the order.

(2) Government may nominate an Additional Commissioner to hear and dispose of appeals filed under sub-section (1).

(3) For the disposal of appeals under this section procedure prescribed in the Code of Criminal Procedure, 1898 relating to appeals, shall be followed.

Power to call for record.

22. (1) The Commissioner may call for and examine the record of any proceedings before any Tribunal for the purpose of satisfying himself as to the correctness, legality or propriety of any finding or order recorded, or as to regularity of any proceeding of such Tribunal and may, pending the examination of the record, direct that, the execution of any order be suspended and if the person complained against is under detention, he may be released on bail or on his own bond.

(2) High Court may call for and examine the record of any case before Commissioner, for the purpose of satisfying itself as to the legality of any order passed by the Commissioner under sub-section (1) or section 21 and pass any orders as it deems fit.

Transfer of cases.

23. (1) The Commissioner may by an order in writing transfer a case from one Tribunal to another in his Division.

(2) The District Magistrate may by order in writing transfer a case other than the case transferred by order of the Commissioner from one Tribunal to another in his district.

Withdrawal of proceedings.

24. The Public Prosecutor, with the consent of the Tribunal, or under the orders of Government may withdraw proceedings pending before such Tribunal against any person, and upon such withdrawal, such person if in custody only for the purpose of such proceedings, shall be released or, if such person is not in custody, be discharged.

Bar to suits and prosecution.

25. No proceedings taken or orders passed under this Act shall be called in question in any Civil or Criminal Court and no Civil or Criminal proceedings shall be instituted against any person for anything done or intended to be done under this Act, or against any person or any loss or damage caused or in respect of any property as a result of act done or intended to be done under this Act.

26. Government may make rules to carry out the purposes of this Act. Power to make rules.

27. The West Pakistan Control of Goondas Ordinance, 1959 is hereby Repeal: repealed:

Provided that all proceedings pending under the West Pakistan Control of Goondas Ordinance, 1959, shall not be affected by this Act.

By order of the Speaker,
Provincial Assembly of Sind.

JAMALUDDIN ABRO,
Secretary,
Provincial Assembly of Sind.