

PUNJAB CRIMINAL PROSECUTION SERVICE

ANNUAL REPORT, 2013



Submitted By:

Syed Ihtesam Qadir
Prosecutor General, Punjab

Note: This Report is submitted to the Government by Prosecutor General Punjab as required under section 13 (1) (a) of The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006

CONTENTS

Chapter-1

The Organization	5
1.1 Punjab Criminal Prosecution Service (PCPS).....	5
1.2 Salogan	5
1.3 Vision	5
1.4 Mission.....	5
1.5. Objective	5
1.5.1 Independence	5
1.5.2 Effectiveness	6
1.5.3 Efficient.....	6
1.6 Values.....	6
1.6.1 Independence, fairness and impartiality with effectiveness	6
1.6.2 Exellance.....	6
1.6.3 Communication and Co-operation.....	7
1.7 Mandate.....	7

Chapter-2

Office of the Prosecutor General Punjab	8
2.1 Functions	8
2.2 Prosecutor General Office Hierarchy	9
2.3 Prosecution Offices	10
2.4 Prosecution Officers	10
2.5 Current Vacancy Position	11
2.6 Functions, Powers and Duties of Prosecutors	13
2.6.1 Prosecutor General	13
2.6.2 Addl.Prosecutor General & Deputy Prosecutor General	14
2.6.3 District Public Prosecutors	14

2.6.4	Deputy District Public Prosecutors & Assistant District Public Prosecutors	14
-------	--	----

2.7	Operational Mchanism.....	15
-----	---------------------------	----

Chapter-3

Prosecutorial Performance	16
---------------------------------	----

3.1	Prosecution of Cases-a Perfornce Review.....	16
-----	--	----

3.2	Supreme Court of Pakistan	17
-----	---------------------------------	----

3.3	Federal Shariat Court	23
-----	-----------------------------	----

3.4	Lahore High Court.....	25
-----	------------------------	----

3.5	Special Courts – Anti- Terrorism Courts.....	37
-----	--	----

3.5.1	Special Courts—Special Magisterial Courts	39
-------	---	----

3.6	Drug Courts.....	39
-----	------------------	----

3.7	District Courts	41
-----	-----------------------	----

Chapter-4

Achievements in the Year, 2013.....	45
-------------------------------------	----

4.1	Recruitment of Prosecutors through Punjab Public Service Commission	46
-----	---	----

4.2	Promotion of Officers.....	46
-----	----------------------------	----

4.3	Code of Conduct for Public Prosecutors in Punjab	46
-----	--	----

4.4	Guidelines on Prosecutorial Decision Making.....	47
-----	--	----

4.5	Prosecution file.....	47
-----	-----------------------	----

4.6	Standrad Operating Procedure (SOP)	48
-----	--	----

4.7	Capacity Building Activity.....	54
-----	---------------------------------	----

4.7.1	Establishment of First Training Institute for Public Prosecution in Pakistan	54
-------	--	----

4.8	Provision of I.T/Office Equipments for 10 Prosecution Offices	57
-----	---	----

4.9	Provincial Coordination Cell (PCC).....	57
-----	---	----

4.10	Research Centre.....	58
------	----------------------	----

Chapter-5

Legal Impediments.....	59
5.1 Legal	59
5.1.1 Statutory Limitations	59
5.1.2 Poor Investigation.....	60
5.1.3 Collection Cell of Punjab Forensic Science Agency.....	60
5.1.4 Crime Scence Security Cell.....	61
5.2 Infrastructure.....	62
5.2.1 Poor working facility.....	62
5.2.2 Inability to retain the best legal professionals.....	62
5.2.3 Relations with Police.....	62
5.2.4 Budget position for the Financial Year 2012-2013.....	63

Chapter-6

Future Vision.....	64
6.1 Capacity Building of Human Resource.....	64
6.2 Digialization of Prosecution Service.....	64
6.3 Model Prosecution District.....	65
6.4 Provision of Infrastructural facilites to the Prosecutors.....	65
6.5 Service Structure and Financial Insentives of the Employees.....	65
6.6 Developing performance based accountability Mechanism.....	65

MESSAGE FROM THE PROSECUTOR GENERAL PUNJAB
“QUEST FOR JUSTICE BY ENSURING JUSTICE, RIGHTS AND
PEACE IN SOCIETY”

The Punjab Criminal Prosecution Service is embarking on consistent struggle against terrorism and all evils to ensure justice, equality and security that fosters the victims. Key emphasis is being placed on an independent, effective and efficient service of Prosecution of criminal cases for better coordination in the criminal justice system by use of information technologies and other modern techniques.

Our Prosecution Service is heading towards its mission, vision and goals by strengthening the lines of communication/understanding among different stakeholders. Prosecutors are trying hard to meet the highest professional standard for the maintenance of **“RULE OF LAW”**. They are committed to play pivotal role for the safe administration of justice.

SYED IHTESHAM QADIR
Prosecutor General Punjab

THE ORGANIZATION

1.1 PUNJAB CRIMINAL PROSECUTION SERVICE

Punjab Criminal Prosecution Service was established on April 08, 2006 under the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006. The first Prosecutor General was appointed on 11.02.2006.

1.2 SLOGAN:

“Quest for Justice”

1.3 VISION:

“No innocent shall be persecuted but no culprit shall go scot-free”

1.4 MISSION:

1. Effective and efficient prosecution of criminal cases
2. Ensure prosecutorial independence
3. Better coordination in criminal justice system.

1.5 OBJECTIVE:

"Access to Justice for All" by providing the people of Punjab with an independent, effective and efficient Prosecution Service.

1.5.1 INDEPENDENCE:

The prosecution service is completely independent; its decisions are and will be impartial, based on an independent and professional assessment of the available evidence and the public interest.

1.5.2 EFFECTIVENESS

All the decisions taken are motivated by the essence of the constitution of the service, and to ensure effectiveness to the optimum level. All persons, including the accused are treated fairly. All victims and witnesses are treated with respect.

1.5.3 EFFICIENT

Prosecution is done in a manner to reflect efficiency of the service and to contribute with its role in criminal justice system.

1.6 VALUES

In delivering our services to the community, we adhere to the following values.

1.6.1 INDEPENDENCE, FAIRNESS AND IMPARTIALITY WITH EFFECTIVENESS

Punjab Criminal Prosecution Service (PCPS) maintains its independence rejecting any improper or inappropriate influence or pressure. It takes decisions without fear and favour or prejudice. It acts all the times with integrity and impartiality as well as behaves in a manner that is always honest and accountable, in accordance with law, respecting the human rights of all. It serves the administration of justice and upholds the principles of public service.

1.6.2 EXCELLENCE

Punjab Criminal Prosecution Service (PCPS) is making the best use of its people and resources in order to achieve excellence in every sphere. In order to ensure this, a system of check and balance is devised to indicate gray areas. After reviewing such areas a constant betterment is always endeavored.

1.6.3 COMMUNICATION AND COOPERATION

Punjab Criminal Prosecution Service (PCPS) does communicate openly and honestly at all times showing courtesy, sensitivity and understanding, in accordance with professional duties and works in an ambiance of cooperation within our service and criminal justice system to serve better. It offers a service that is accessible whilst maintaining independence and impartiality.

1.7 MANDATE

The mandate of the Punjab Criminal Prosecution Service (PCPS) is set out in the *Punjab Criminal Prosecution Service Act 2006*. The Act calls on the PCPS to establish an independent, effective and efficient Service for prosecution of criminal cases, to ensure prosecutorial independence and for better co-ordination in the Criminal Justice System of the Province.

Chapter 2

2 OFFICE OF THE PROSECUTOR GENERAL PUNJAB:



2.1 Functions

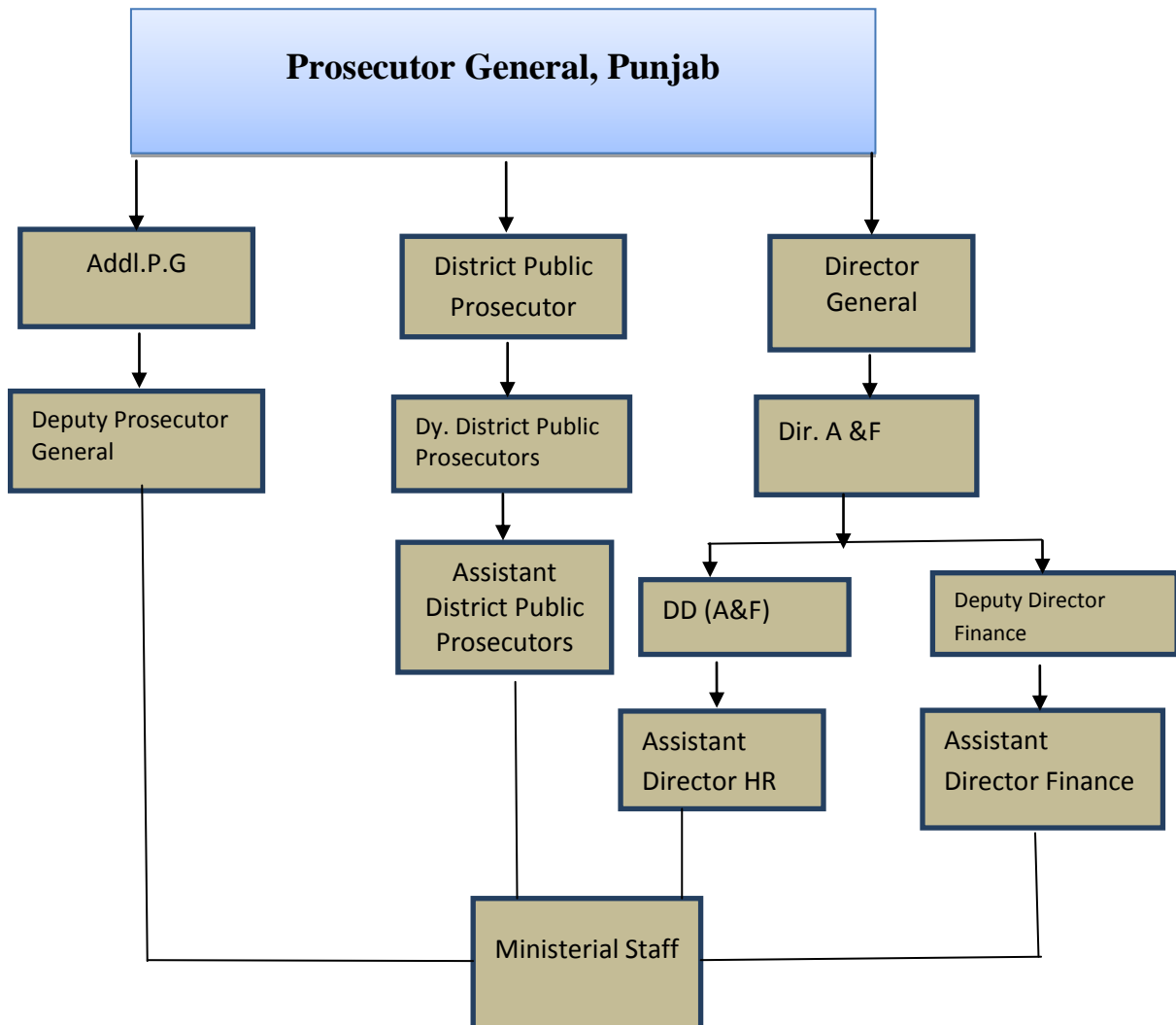
Prosecutor General is the head of the Prosecution Service. The Prosecution Service has the following functions:

- The Prosecutor General shall have a right of representation and audience on behalf of the Government in all courts including the Supreme Court, the Federal Shariat Court and the High Court.
- The Prosecutor General or if so authorized by him, an Additional Prosecutor General shall distribute work to the Prosecutors in the Supreme Court, the High Court, the Federal Shariat Court or a Special Court established under any law for the time being in force.
- The Prosecutor General shall submit an annual report of the Service to the Government within three months of the conclusion of the calendar year to which the report pertains:

Provided that the Government shall lay the report before the Provincial Assembly within two months of its receipt; and keep the Government informed about the performance of the Service.

- The Prosecutor General may issue general guidelines to the Prosecutors or officers responsible for investigation for effective and efficient prosecution.
- The Prosecutor General or the District Public Prosecutor may, refer to the authority, competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him and is prejudicial to the prosecution.

2.2 PROSECUTOR GENERAL, OFFICE HIERARCHY



2.3 Prosecution Offices

A precise list of Prosecution offices is as follows:

- i. Prosecutor General Punjab, Head Office, Lahore
- ii. Prosecutor General Office Supreme Court of Pakistan / Federal Shariat Court, Islamabad
- iii. Prosecutor General Office, (LHC) Lahore
- iv. Prosecutor General Office, (LHC), Rawalpindi Bench, Rawalpindi
- iv. Prosecutor General Office, (LHC), Multan Bench, Multan
- v. Prosecutor General Office, (LHC), Bahawalpur Bench, Bahawalpur
- vi. 09 Prosecution Offices, Anti-Terrorism Court
- vii. 06 Prosecution Offices, Drug Court
- ix. 36 Prosecution Offices, District Head Quarter
- x. 84 Sub-Divisional Prosecution Offices

2.4 Prosecution Officers

Presently the Punjab Criminal Prosecution Service comprises of 2902 employees. The existing strength of 868 Prosecutors and 2034 officials are stationed in 142 offices of the Service throughout the province of the Punjab.

Prosecution Service became functional in the year, 2006. The initial inductees in Prosecution Service were the former officers performing the functions of prosecution in Police and Law Departments. They were given one time option to join newly established Criminal Prosecution Service. The induction of regular employees were followed by prosecutors on temporary contracts as stop gap arrangement till the arrival of regular Prosecutors selected through Punjab Public Service Commission. As a result of judgment of the August Supreme Court of Pakistan and initiative of the Government of the Punjab, the

process of replacing prosecutors working on contract basis with regular ones selected through the Punjab Public Service Commission has almost been completed and more than 868 prosecutors have been selected on merit based Policy of the Government are now functioning in the Service.

2.5 CURRENT VACANCY POSITION:

Sr.No.	Name of the Post	Sanctioned Strength	Working Strength
1	Prosecutor General	01	01
2	Additional Prosecutor General	18	08 + (08 DPP Acting as stopgap arrangement)
3	Deputy Prosecutor General	50	21
4	District Public Prosecutors	40	16
5	Deputy District Public prosecutors	328	208
6	Assistant District Public Prosecutors	796	614
Total:-		1233	876

DETAILED VACANCY POSITION

Sr. #	Name of Post	BPS	Sanctioned Strength	Working Strength	Vacant
1	Prosecutor General	21	1	1	0
2	Director General (A&F)	20	1	1	0
3	Additional Prosecutor General	19	18	8	10
4	District Public Prosecutor	19	40	16	24
5	Director (Admn & Finance)	19	1	0	1
6	Deputy Prosecutor General	18	50	21	29
7	Deputy District Public Prosecutor	18	328	213	115
8	Director Human Resource	18	1	1	0
9	Deputy Director (Finance & Budget)	18	1	1	0
10	Assistant District Public Prosecutor	17	796	614	182
11	Assistant Director Human Resource	17	2	2	0
12	Law Officer	17	4	0	4
13	Assistant Director	17	1	0	1
14	Superintendent	16	44	8	36
15	Senior Data Processor	16	1	0	1
16	Private Secretary	16	1	0	1
17	Personal Assistant	16	38	19	19
18	Assistant	14	57	42	15
19	Stenographer	14	62	29	33
20	Data Entry Operator	12	2	2	0
21	Cashier	11	1	0	1
22	Accountant	11	1	0	1
23	Clerk	7	1009	967	42
24	Drivers	5	37	26	11
25	Dak Runner/Dispatch Rider	4	5	4	1
26	Naib Qasid	2	1008	924	84
27	Mali	2	1	1	0
28	Chowkidar	2	2	1	1
29	Sweeper	2	2	1	1
Total			3515	2902	613

2.6 FUNCTIONS, POWERS AND DUTIES OF PROSECUTORS

2.6.1 Prosecutor General

Administration of the Prosecution Service vests in the Prosecutor General. The Additional Prosecutors General, Deputy Prosecutors General and Public Prosecutors in Special Courts are under direct supervision of the Prosecutor General whereas all the Prosecutors in the districts are under his general control. He distributes prosecutorial work to different Prosecutors in the Supreme Court, Federal Shariat Court, High Court and Special Courts of criminal jurisdiction (Anti-Terrorism Courts, Anti-Corruption Courts, Drug Courts, etc.). He has right of audience and representation on behalf of the Government in all the Courts of the country. He may delegate any of his powers to an Additional Prosecutor General or Deputy Prosecutor General. He is empowered to issue guidelines to Prosecutors and Investigating Officers of Police for better and efficient prosecution of criminal cases. He can recommend initiation of disciplinary proceedings against any public servant connected with investigation or prosecution of criminal cases for defective investigation or prosecution. He is competent to withdraw from prosecution of any person either generally or in respect of any one or more offences for which he is being tried where the offences are punishable up to seven years and stop prosecution in any case on behalf of the Government. The Prosecutor General shall submit an Annual Report of the Service and keep the Government informed about the performance of the Service.

The Prosecutor Generals who have served the Service from 2006 to 2013

SR #.	NAME OF THE PROSECUTOR GENERALS	FROM	TO
1.	Justice (R) Ch. Mushtaq A. Khan	11.02. 2006	18.08. 2008
2.	Justice (R) Zahid H. Bokhari	03.03. 2009	01.11. 2010
3.	Ashtar Ausaf Ali	26.10. 2011	31.01.2012

4.	Sadaqat Ali Khan	14.02. 2012	28.10. 2013
5.	Mr. Asjad Javaid Ghural	25.11.2013	Till Date

2.6.2 Additional Prosecutor General & Deputy Prosecutor General

Additional Prosecutors General and Deputy Prosecutors General conduct prosecution before superior courts i.e. Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore, under Section 11 of the Prosecution Act, 2006. In addition to that they are also obliged to perform any of the delegated power of the Prosecutor General, Punjab assigned to them. Presently there are 08 Regular Additional Prosecutors General and 8 other Additional Prosecutors General working as stopgap arrangement in the Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore. Additionally they are also supervising prosecutorial work as Incharge Regional offices Prosecutor-General Punjab at the Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore and its benches.

2.6.3 District Public Prosecutors

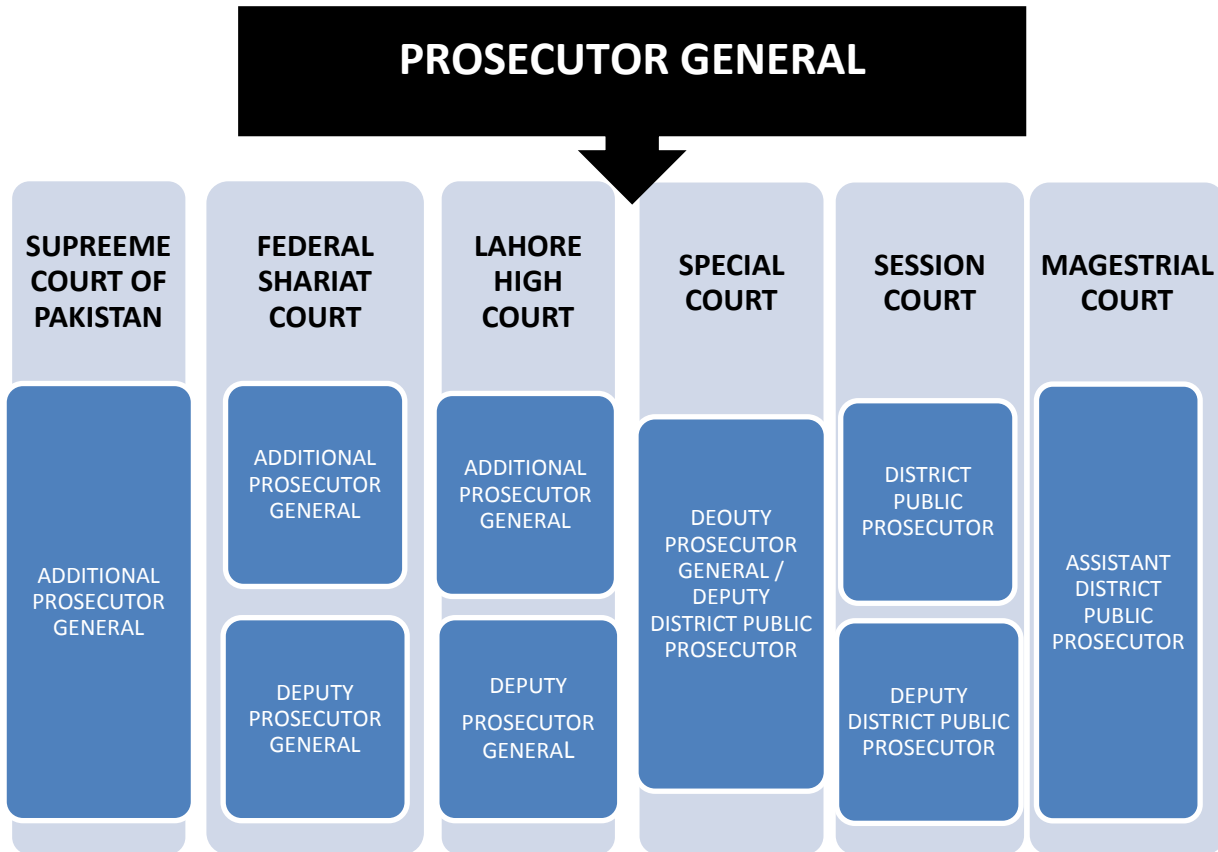
The District Public Prosecutor is the administrative head of the Prosecution Service in the district. The important function of a District Public Prosecutor is to distribute prosecutorial work to the subordinate Prosecutors in Sessions and Magisterial Courts. He also supervises prosecutorial work of the subordinate Prosecutors and exercises authority over administrative and financial functions of district prosecution office.

2.6.4 Deputy District Public Prosecutors & Assistant District Public Prosecutors

Tender advice and guidance to Police during course of investigation for the purpose to collect admissible evidence and scrutinize the Police Reports.

Conduct prosecution of criminal cases in Session and Magisterial Courts in the districts.

2.7 OPERATIONAL MECHANISM



Chapter 3

3. PROSECUTORIAL PERFORMANCE

3.1 Prosecution of cases – A performance review

According to the commonplace perception, the rate of conviction is generally considered a crucial criterion for evaluating performance of prosecutors in criminal cases. The successful prosecution, however, should not be assessed merely by rate of conviction of the criminal cases. Effective prosecution implies victory of justice, fairness and equity. Several factors contribute for dispensation of wholesome justice in the criminal justice system such as neutral, objective and thorough investigation by professionally mature, well-trained and impartial police investigators, fair, independent and just trial and strict adherence to the best practices and standards of due process of law. Sound prosecution is integral part of a successful criminal justice system. A statistical synopsis of the actually contested cases by the parties and decided at the following level of the Judiciary will show the analytic picture of the prosecutorial performance.

1. Supreme Court of Pakistan
2. Federal Shariat Court
3. Lahore High Court
4. Special Courts i.e. Anti-Terrorism, Drug Courts etc.
5. District Courts

A gist of the current performance and review of the cases conducted by Prosecutors of the Service in year 2013 individually as well as collectively is highlighted as under:

3.2 Supreme Court of Pakistan



The Punjab Criminal Prosecution Service (PCPS) is committed to adhere standardized prosecutorial services before the Final Appellate Court of Pakistan; Hon'ble Supreme Court of Pakistan at Principal Seat Islamabad and Lahore Registry. PCPS has extended an independent, fair, and effective prosecution in 2013 and opted the international prosecution norms in assisting the court in deciding the cases.

SUPREME COURT OF PAKISTAN
From 01.01.2013 to 31.12.2013
Principal Seat

Nature of Prosecutor / Case	Dismissed	Dismissed as Withdrawn	Allowed	Leave Granted	Disposed Of	Total
Mr. Asjad Javaid Gural, APG						
Death Sentence	10	0	0	2	1	13
Life Imprisonment	8	0	0	2	0	10
Other Sentences	9	0	3	9	2	23
Bail Petitions	23	1	7	0	2	33
Bail Before Arrest Petitions	6	0	1	0	0	7
Cancellation of Bail	5	0	0	0	0	5
Suspension of Sentence	6	0	0	0	0	6
Appeal Against Acquittal	11	0	0	1	0	12
TOTAL	78	1	11	14	5	109
Ch. Zubair Ahmad Farooq, APG						
Death Sentence	10	1	5	0	0	16
Life Imprisonment	16	1	0	0	0	17
Other Sentences	13	0	3	1	0	17
Bail Petitions	10	0	2	0	0	12
Bail Before Arrest Petitions	0	0	1	0	0	1
Cancellation of Bail	4	0	0	0	0	4
Suspension of Sentence	6	0	0	0	0	6
Appeal Against Acquittal	22	0	0	2	0	24
TOTAL	81	2	11	3	0	97
Ch. M. Waheed Khan, APG						
Death Sentence	2	0	0	7	0	9
Life Imprisonment	7	0	2	3	0	12
Other Sentences	23	0	2	7	0	32
Bail Petitions	12	0	4	0	1	17
Bail Before Arrest Petitions	0	0	0	0	0	0

Nature of Prosecutor / Case	Dismissed	Dismissed as Withdrawn	Allowed	Leave Granted	Disposed Of	Total
Cancellation of Bail	3	0	1	0	0	4
Suspension of Sentence	1	0	0	1	0	2
Appeal Against Acquittal	29	0	0	15	0	44
TOTAL	77	0	9	33	1	120
Ch. M. Sarwar Sidhu, APG						
Death Sentence	0	0	0	0	1	1
Life Imprisonment	4	0	5	0	0	9
Other Sentences	18	0	2	0	3	23
Bail Petitions	2	0	1	0	0	3
Bail Before Arrest Petitions	0	0	0	0	0	0
Cancellation of Bail	3	0	1	0	0	4
Suspension of Sentence	24	0	5	0	6	35
Appeal Against Acquittal	13	0	0	1	1	15
TOTAL	64	0	14	1	11	90
Syed Ahmad Raza Gillani, APG						
Death Sentence	29	1	1	28	0	59
Life Imprisonment	29	3	8	10	2	52
Other Sentences	30	0	4	6	0	40
Bail Petitions	18	0	0	1	1	20
Bail Before Arrest Petitions	0	0	0	2	0	2
Cancellation of Bail	4	0	0	0	0	4
Suspension of Sentence	5	0	1	0	0	6
Appeal Against Acquittal	48	0	0	7	0	55
TOTAL	163	4	14	54	3	238
GRAND TOTAL	463	7	59	105	20	654

SUPREME COURT OF PAKISTAN
From 01.01.2013 to 31.12.2013
Lahore Registry

Nature of Prosecutor / Case	Dismissed	Dismissed as Withdrawn	Allowed	Leave Granted	Disposed Of	Total
Mr. Asjad Javaid Ghural, APG						
Death Sentence	0	1	0	0	0	1
Life Imprisonment	0	0	1	0	0	1
Other Sentences	3	1	0	0	0	4
Bail Petitions	0	0	0	0	0	0
Bail Before Arrest Petitions	1	0	0	0	0	1
Cancellation of Bail	0	0	0	0	0	0
Suspension of Sentence	1	0	0	0	0	1
Appeal Against Acquittal	5	2	1	0	0	8
TOTAL	10	4	2	0	0	16
Mr. Mazhar Sher Awan, APG						
Death Sentence	3	0	3	35	0	41
Life Imprisonment	72	0	7	46	0	125
Other Sentences	147	1	10	25	1	184
Bail Petitions	152	24	66	0	10	252
Bail Before Arrest Petitions	38	1	27	0	1	67
Cancellation of Bail	158	1	4	0	4	167
Suspension of Sentence	19	3	2	0	2	26
Appeal Against Acquittal	225	3	12	30	5	275
TOTAL	814	33	131	136	23	1137
Mr. Zubair Ahmad Farooq, APG						
Death Sentence	3	0	0	0	0	3
Life Imprisonment	17	0	5	9	0	31
Other Sentences	32	0	0	11	0	43
Bail Petitions	45	20	25	0	0	90

Nature of Prosecutor / Case	Dismissed	Dismissed as Withdrawn	Allowed	Leave Granted	Disposed Of	Total
Bail Before Arrest Petitions	9	5	8	0	0	22
Cancellation of Bail	75	6	2	0	2	85
Suspension of Sentence	7	2	1	0	0	10
Appeal Against Acquittal	238	0	1	27	0	266
TOTAL	426	33	42	47	2	550
Syed Ahmad Raza Gillani, APG						
Death Sentence	0	0	0	4	0	4
Life Imprisonment	8	0	1	3	0	12
Other Sentences	5	0	0	0	2	7
Bail Petitions	19	0	7	0	0	26
Bail Before Arrest Petitions	3	0	8	0	0	11
Cancellation of Bail	13	0	1	0	0	14
Suspension of Sentence	5	0	0	0	0	5
Appeal Against Acquittal	17	0	0	1	0	18
TOTAL	70	0	17	8	2	97
Ch. M. Sarwar Sidhu, APG						
Death Sentence	0	0	0	0	0	0
Life Imprisonment	0	0	0	0	0	0
Other Sentences	0	0	0	0	0	0
Bail Petitions	4	0	2	0	0	6
Bail Before Arrest Petitions	1	0	2	0	0	3
Cancellation of Bail	0	0	0	0	0	0
Suspension of Sentence	0	0	0	0	0	0
Appeal Against Acquittal	0	0	0	0	0	0
TOTAL	5	0	4	0	0	9
Total	1325	70	196	191	27	1809

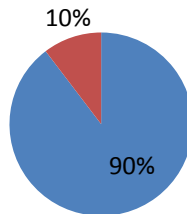
SUPREME COURT OF PAKISTAN
From 01.01.2013 to 31.12.2013

Principal Seat + Lahore Registry

Name of the Bench	Dismissed	Dismissed as Withdrawn	Allowed	Leave Granted	Disposed Of	Total
Principal Seat	463	7	59	105	20	654
Lahore Registry	1325	70	196	191	27	1809
Grand Total	1788	77	255	296	47	2463

**Total Conviction Rate in Supreme Court of Pakistan
During the Year 2013**

■ Dismissed ■ Allowed



3.3 Federal Shariat Court



PCPS is extending its prosecutorial services before Federal Shariat Court of Pakistan. In 2013, PCPS involved its prosecutorial services which lead to decision of 251 cases. PCPS's success was evaluated 52% on the whole. It would be worth mentioning over here that the overall number of cases, pending before the Hon'ble Federal Shariat Court of Pakistan, are decreasing day by day since "Women Protection Act, 2006", came into force.

FEDERAL SHARIAT COURT OF PAKISTAN

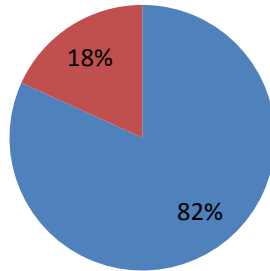
From 01.01.2013 to 31.12.2013

Principal Seat + Lahore Registry

Name of the Bench	Dismissed	Disposed Off	Allowed	Sent Reduced	Undergone	Compromise	Pending	Total
Principal Seat	21	1	2	1	0	0	77	102
Lahore Registry	125	45	41	5	28	0	0	244
Grand Total	146	46	43	6	28	0	77	346

Total Success Rate in Supreme Court of Pakistan During the Year 2013

■ Dismissed ■ Allowed



3.4 Lahore High Court



Lahore High Court has Appellate jurisdiction across the Punjab. The PCPS extend its services through learned Additional Prosecutor Generals and Deputy Prosecutor Generals who are conscious towards their prosecutorial skills having absolute grip of law. PCPS strived in adhering its effective, fair and independent prosecution service while conducting prosecutions, before the Hon'ble Lahore High Court, extended through Additional Prosecutor Generals and Deputy Prosecutor Generals. In 2013, PCPS's prosecutors furnished their prosecutorial responsibilities in deciding 26407 cases by Hon'ble Lahore High Court Lahore; including benches at Bahawalpur, Multan and Rawalpindi. Collectively PCPS's success rated 64% as whole.

LAHORE HIGH COURT, PRINCIPAL SEAT

CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF THE PROSECUTOR	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Acquitted/Negative	Converted/Confirmed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
1	Mr. Abdul Samad (APG)	0	0	0	0	1	0	84	185	4	2	0	0	19	106	0	0	401	106	295
2	Madam Muqadas Tahira (APG)	0	0	0	0	2	4	158	153	2	6	2	7	11	88	0	0	433	179	254
3	Ch. Karamat Ali (APG)	0	0	0	0	0	0	58	17	0	0	0	0	1	0	0	0	76	59	17
4	Mr. Saeed Ahmed Shaikh (APG)	0	6	0	0	8	0	268	265	4	0	2	3	5	50	0	0	611	283	328
5	Ch. Muhammad Ishaq (DPG)	0	0	1	3	5	10	801	270	5	9	1	11	2	93	0	0	1211	821	390
6	Mian Muhammad Awais Mazhar(DPG)	3	4	0	0	16	9	566	493	2	20	6	15	19	66	0	1	1220	631	589
7	Mr. Muhammad Khurram Khan (DPG)	4	2	0	0	7	8	359	230	5	2	4	4	25	37	0	0	687	401	286

8	Mr. Muhammad Naeem Sheikh (DPG)	4	1	0	0	48	34	405	333	1	1	6	11	28	88	0	1	961	493	468
9	Mr. Muhammad Akhlaq (DPG)	1	0	0	0	14	16	266	338	10	2	3	9	33	79	0	1	772	320	452
10	Mr. Tassawar Ali Khan Rana (DPG)	37	34	0	0	53	57	295	337	1	7	6	15	44	108	0	0	994	442	552
11	Mr. Shahid Bashir (DPG)	15	11	1	4	22	15	0	1	0	0	0	3	3	2	0	1	78	45	33
12	Mr. Muhammad Mustafa Ch. (DPG)	20	9	2	4	34	53	279	253	0	0	0	10	66	136	1	2	869	405	464
13	Mr. Muhammad Amjad Rafiq, DPG	1	1	0	2	5	7	178	149	1	4	3	5	14	56	0	0	426	207	219
14	Mr. Munir Sayial, DPG	21	15	0	0	23	82	76	144	0	1	3	22	16	55	0	0	458	140	318
15	Mirza Abid Majeed (DPG)	95	114	0	61	157	184	242	301	0	0	4	50	6	75	0	0	1289	565	724
16	Mr. Humayoon Aslam (DPG)	7	11	0	1	13	20	185	148	0	1	10	9	37	55	0	0	497	254	243

LAHORE HIGH COURT, PRINCIPAL SEAT

CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF THE PROSECUTOR	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Converted /Confirmed	Acquitted	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
17	Ch. Muhammad Jahangir (DPG)	0	0	0	0	8	11	207	295	0	0	4	3	5	104	0	0	637	224	413
18	Ch. Arshad Mahmood, DPG	48	101	0	45	0	0	0	0	0	0	0	17	0	19	0	0	230	93	137
19	Mr. Muhammad Tariq Javaid (DDPP)	7	14	1	0	19	93	112	121	0	0	0	6	13	55	0	2	443	153	290
20	Mr. Nisar Virk (DDPP)	0	0	0	0	6	7	550	511	1	21	6	7	43	110	0	2	1264	628	636
21	Ch. Muhammad Akram Tahir (DDPP)	0	0	0	0	1	0	389	415	1	11	2	2	11	184	0	0	1016	414	602

22	Mr. Aqeel-ur-Rehman, DDPP	1	1	0	0	6	3	195	102	0	0	0	0	8	20	0	0	336	210	126
23	Mr. Mian Imran Rahim, DDPP	0	0	0	0	1	0	150	136	1	4	3	3	24	40	0	0	362	182	180
24	Mr. Nasir Mahmood Sial, DDPP	0	0	0	0	2	1	183	268	0	9	3	3	0	16	0	0	485	197	288
25	Mr. Nawaz Shahid, DDPP	0	0	0	0	3	7	245	206	3	1	5	7	6	102	0	0	585	260	325
Total		264	324	5	120	454	621	6251	5671	41	101	73	222	439	1744	1	10	16341	7712	8629

LAHORE HIGH COURT, MULTAN BENCH

CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF THE PROSECUTOR	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Converted /Confirmed	Acquitted	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
1	Rana Abdul Majeed (APG)	0	0	0	0	0	10	54	102	6	11	0	4	50	66	0	0	303	115	188
2	Mr. M. Abdul Wadood (DPG)	0	4	0	0	3	8	246	167	8	7	1	5	31	93	0	0	573	288	285
3	Mian Abdul Qayoom (APG)	0	0	0	0	0	5	128	137	10	4	2	5	16	40	0	0	347	150	197
4	Mr. Shoukat Ali Ghauri (APG)	0	0	0	0	0	3	239	366	17	20	3	9	19	58	4	7	745	288	457
5	Mr. Hassan Mahmood Khan (DPG)	4	0	7	1	4	88	509	498	0	16	20	89	87	234	0	0	1557	641	916

6	M. Saeed Ahmed Mumtaz (APG)	0	0	3	2	3	12	90	132	2	5	2	3	22	45	0	0	321	124	197
7	Ch. M. Akber (DPG)	1	0	0	0	0	4	508	277	3	10	3	23	35	122	0	0	986	557	429
8	Malik Riaz Ahmed (DPG)	3	0	25	22	19	43	270	362	6	5	2	8	26	81	0	0	872	347	525
9	Mr. Muhamma d Ali Shahab, DPG	3	2	0	0	1	10	95	190	7	4	0	1	23	66	0	0	402	126	276
10	Malik Muhamma d Jaffar (DPG)	1	36	0	0	23	38	214	356	12	15	4	2	57	171	0	0	929	314	615
Total		12	42	35	25	53	221	2353	2587	71	97	37	149	366	976	4	7	7035	2950	4085

LAHORE HIGH COURT, RAWALPINDI BENCH

CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF THE PROSECUTOR	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Converted /Confirmed	Acquitted	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
1	Mirza Usman Baig (DPG)	6	0	1	9	3	27	126	90	3	13	10	15	29	26	0	0	358	196	162
2	Rana Kashif (Law Officer)	18	12	0	1	14	36	133	143	0	1	4	9	36	49	0	0	456	207	249
3	Syed Ali Raza (Law Officer)	2	0	0	0	2	18	32	27	2	2	4	6	9	16	0	0	120	51	69
4	Ch. Muhammad Yousaf (DDPP)	0	0	0	0	0	4	29	19	0	2	0	0	3	7	0	0	64	34	30
5	Mr. Shahid Zafar (ADPP)	0	0	0	0	2	6	57	42	0	1	3	2	3	8	0	0	124	66	58

6	Ch. Qaisar Mushtaq, ADPP	0	0	0	0	0	0	12	8	0	0	0	0	0	1	0	0	21	12	9
7	Ch. Sagheer Mushtaq	0	0	0	0	0	0	23	18	0	0	0	0	0	0	0	0	41	23	18
Total		26	12	1	10	21	91	412	347	5	19	21	32	80	107	0	0	1184	589	595

LAHORE HIGH COURT, BAHAWALPUR BENCH
CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF THE PROSECUTOR	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Converted /Confirmed	Acquitted	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
1	Malik Muhammad Latif (DPG)	1	0	4	1	5	7	397	266	0	7	3	13	46	37	0	0	787	460	327
2	Ch. Khalid Pervaiz (DPG)	6	2	6	3	3	23	274	232	0	0	1	4	15	23	0	0	592	302	290
3	Mr. Muhammad Ali Shahaab (DPG)	0	0	0	4	3	0	19	7	0	0	0	0	13	2	0	0	48	39	9
4	Ch. Asghar Ali Gull(DPG)	10	6	2	10	9	24	114	140	0	0	2	3	38	57	0	0	415	183	232
5	Mr. Khalid Hanif Malhi (APG)	0	0	0	0	0	0	2	0	0	0	0	0	2	1	0	0	5	4	1
Total		17	8	12	18	20	54	806	645	0	7	6	20	114	120	0	0	1847	988	859

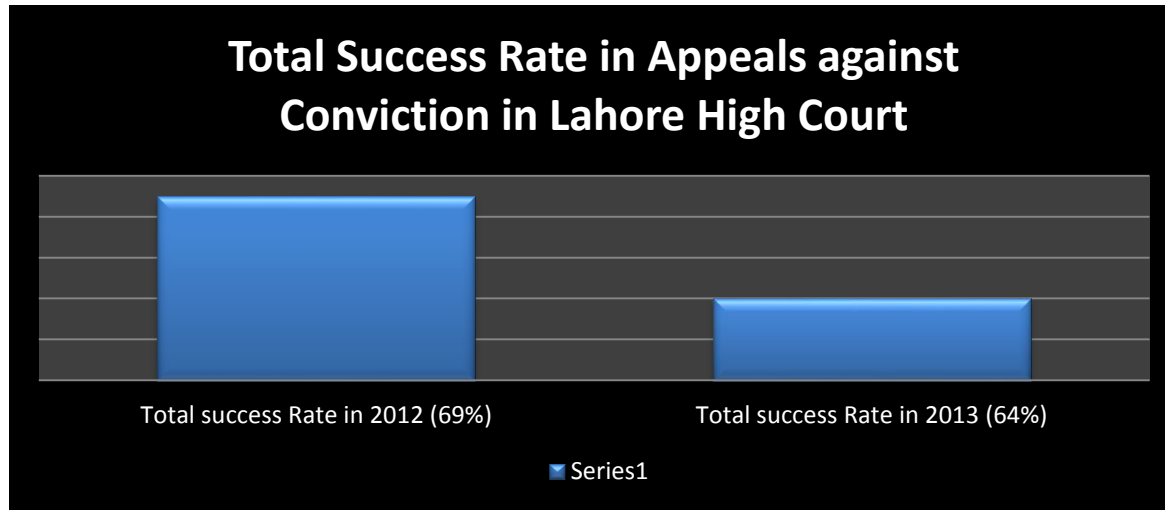
LAHORE HIGH COURT, ALL BENCHES

CASES DECIDED DURING THE PERIOD 01/01/2013 TO 31/12/2013

Sr. No	NAME OF BENCH	MURDER REFERENCE		APPEAL AGAINST ACQUITTAL		APPEAL AGAINST CONVICTION		BAIL		CANCELLATION OF BAIL		REVISION		MISC		STATE APPEAL		GRAND TOTAL		
		Converted /Confirmed	Acquitted	Allowed	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed	Not Allowed	Accepted	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Total Cases Decided	Allowed	Dismissed
1	LAHORE, PRINCIPAL SEAT	264	324	5	120	454	621	6251	5671	41	101	73	222	439	1744	1	10	16341	7712	8629
2	MULTAN BENCH	12	42	35	25	53	221	2353	2587	71	97	37	149	366	976	4	7	7035	2950	4085
3	RAWALPINDI BENCH	26	12	1	10	21	91	412	347	5	19	21	32	80	107	0	0	1184	589	595
4	BAHAWALPUR BENCH	17	8	12	18	20	54	806	645	0	7	6	20	114	120	0	0	1847	988	859
Grand Total		319	386	53	173	548	987	9822	9250	117	224	137	423	999	2947	5	17	26407	12239	14168

Appeals against Conviction in Lahore High Court, During 2012 & 2013

Total appeal against conviction decided in year 2012	Success Rate %	Total appeal against conviction decided in year 2013	Success rate %
1002	69%	1535	64%



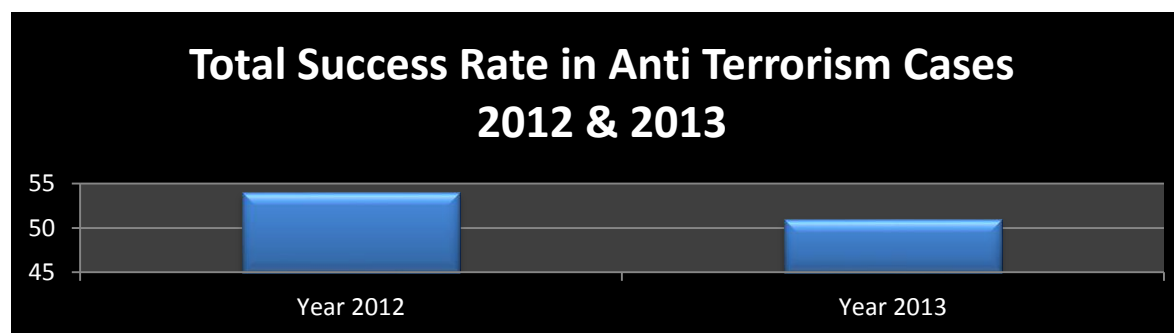
3.5. Special Courts - Anti Terrorism Courts

Terrorism & High Profile Cases Under Trial / Decided in Anti Terrorism Courts Punjab W.E.F 01/01/2013 to 31/12/2013

Sr. #.	Name of Courts / Name of the Prosecutor	Opening Balance	New Institution during this period	Total Cases	Acquittal Cases		Conviction Cases	Total Decided Cases	Consigned to Record	Transferred to Ordinary Courts	Total Penden cy
					Due to Resiling witnesses	On Merits					
1	ATC I Lahore Mr. Mr. Malik Amjad, DDPP	23	50	73	10	15	7	32	10	2	29
2	ATC II Lahore Mr. Shabbir, DDPP	20	57	77	7	19	7	33	12	4	28
3	ATC III Lahore Mr. Shahid Riyaz Malik, DDPP	24	57	81	9	10	8	27	13	3	38
4	ATC IV Lahore Mr. Ghulam Abbas, DDPP	31	20	51	4	4	8	16	7	0	28
5	ATC I Gujranwala Mr. Kamran Mehmood	11	62	73	16	11	13	40	13	0	20
6	ATC II Gujranwala Mr. Rana Abid, DDPP	19	72	91	24	16	12	52	13	1	25
7	ATC I Rawalpindi Mr. Muhammad Afzal, DDPP	30	26	56	14	5	10	29	7	0	20
8	ATC II Rawalpindi Mr. Abdul Hafeez, DDPP	32	38	70	11	13	14	38	14	1	17
9	ATC I Multan, Mr. Arshad Naeem Iqbal	34	68	102	12	10	15	37	5	0	60
10	ATC I Faisalabad, Mr. Gohar Ameen	19	55	74	18	16	17	51	14	0	9
11	ATC Sargodha, Mr. Akram Ansari, DDPP	26	35	61	8	8	14	30	5	1	25

12	ATC Bahawalpur, Mr. Arshad Saeed, DDPP	41	61	102	28	8	21	57	16	1	28
13	ATC D.G. Khan I, Mr. Ijaz Haider, DDPP	76	13	89	9	17	15	41	17	0	31
14	ATC D.G. Khan II, No Court	0	45	45	10	6	4	20	4	0	21
Total		386	659	1045	180	158	165	503	150	13	379

Year	Opening balance	Fresh Institution	Total cases	Contested		Total decided	Consigned /transferred to ordinary courts	Pending
				Acquittal Due to Resiling witnesses	Acquitted Convicted			
2012	336	729	1065	290	124 145	559	120	386
2013	386	666	1052	181	160 165	506	167	379



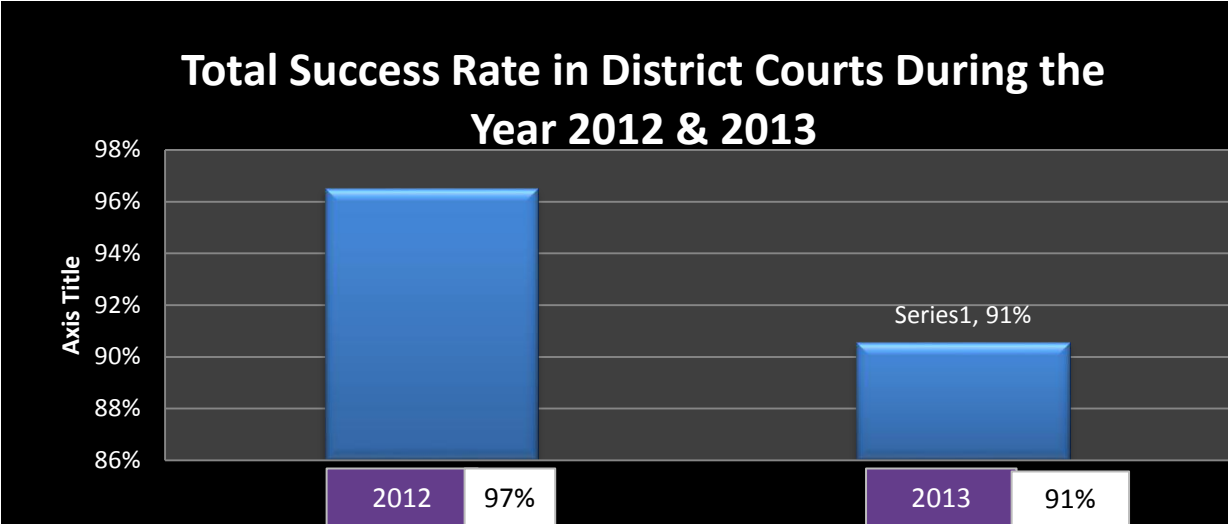
3.5.1 Special Courts - Special Magisterial Courts

Performance analysis of the cases in special courts during the year 2011 and 2012 is enumerated as under:

Courts / Category	Total Cases Contested		Convicted		Success Rate %	
	2012	2013	2012	2013	2012	2013
Price Control	3026	2980	2989	2874	99%	96%
Essential Commodity	151	160	151	154	100%	96%
Adulteration of Food Items	652	702	641	689	98%	98%
Weights & Measure	2039	1869	2023	1814	99%	97%
Hoarding	297	185	290	174	97%	94%

3.6 Drug Courts Punjab

Period	Total Decided	Conviction	Success Rate %
2012	2640	2548	97%
2013	3654	3309	91%



3.7 District Courts

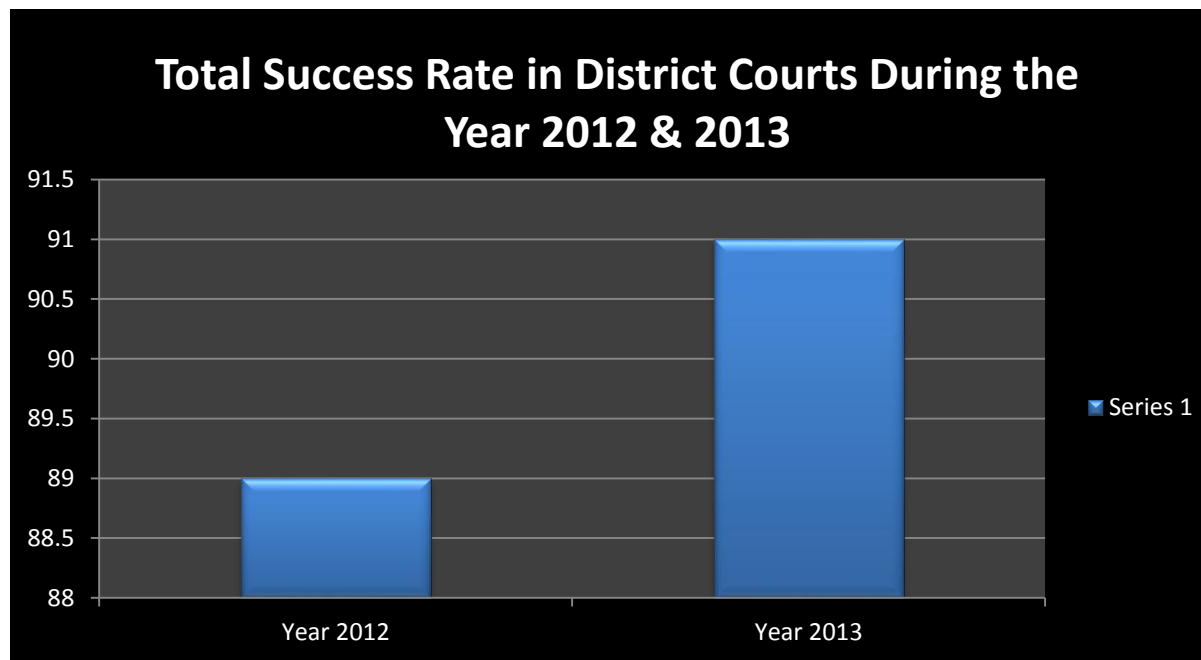
TOTAL DECIDED CASES IN ALL 36 DISTRICTS Period from 01.01.2013 to 31.12.2013

Districts	Previous Balance	Fresh Institution	Contested				Un-Contested				Consigned by Court	Trials in which prosecution is Withdrawn	Grand Total	Pending
			Convictions	Acquittals on Merit	Total Decided	Success Rate	Decided under section 249-A Cr.P.C.	Decided under Section 265-K Cr.P.C.	Compromise	Total Decided				
Attock	4176	2493	1618	175	1793	90%	376	72	371	2612	192	0	2804	3865
Bahawalpur	13774	5334	1122	167	1289	87%	613	121	604	2627	5097	0	7724	11384
Bahawalnagar	12864	9063	1738	1068	2806	62%	761	243	1519	5329	3859	0	9188	12739
Bhakkhar	4389	2781	708	217	925	77%	259	46	280	1510	1316	0	2826	4344
Chakwal	4761	2138	1102	505	1607	69%	729	276	681	3293	605	0	3898	3001
Chiniot	4980	3736	1128	24	1152	98%	550	149	263	2114	932	0	3046	5670
D.G.Khan	5682	4523	1067	136	1203	89%	766	82	337	2388	3630	0	6018	4187
Faisalabad	33900	20645	3754	178	3932	95%	2312	325	1572	8141	11670	0	19811	34734
Gujranwala	25297	18848	3790	259	4049	94%	1784	228	1167	7228	16553	0	23781	20364

Gujrat	8027	7578	2322	154	2476	94%	951	178	510	4115	1454	0	5569	10036
Hafizabad	4095	6019	1163	73	1236	94%	478	111	415	2240	2838	0	5078	5036
Jhang	8735	4029	1075	104	1179	91%	352	329	230	2090	1596	0	3686	9078
Jhelum	2683	2618	1356	147	1503	90%	433	293	534	2763	356	0	3119	2182
Kasur	13040	9490	1402	199	1601	88%	898	148	459	3106	5132	0	8238	14292
Khushab	3153	1927	676	78	754	90%	303	44	219	1320	284	0	1604	3476
Khanewal	9803	6296	1213	23	1236	98%	813	355	708	3112	3141	0	6253	9846
Lahore	91243	25892	6589	52	6641	99%	2883	177	1603	11304	28756	0	40060	77075
Layyah	2623	2476	742	6	748	99%	582	49	448	1827	571	0	2398	2701
Lodhran	7897	4336	1130	72	1202	94%	457	108	439	2206	1094	0	3300	8933
M.B.Din	9966	690	861	11	872	99%	652	98	313	1935	1442	0	3377	7279
Multan	15532	17331	3603	175	3778	95%	1006	119	996	5899	7901	0	13800	19063
Muzaffargarh	11097	7587	1577	412	1989	79%	277	162	1072	3500	4987	0	8487	10197
Mianwali	6000	4621	1324	101	1425	93%	237	62	442	2166	653	0	2819	7802
Nankana Sahib	8703	3960	1230	64	1294	95%	760	124	280	2458	2607	0	5065	7598
Narowal	4816	3496	1027	523	1550	66%	558	88	335	2531	988	0	3519	4793
Okara	14490	377	1008	6	1014	99%	994	194	450	2652	3429	0	6081	8786

Pakpattan	5275	6613	1116	307	1423	78%	859	141	523	2946	2182	0	5128	6760
Rajanpur	5278	4034	1508	254	1762	86%	369	53	804	2988	1387	0	4375	4937
Rahim Y. Khan	18274	9489	1730	154	1884	92%	1329	192	646	4051	5058	0	9109	18654
Rawalpindi	15102	12156	3645	512	4157	88%	1336	112	1120	6725	4471	0	11196	16062
Sialkot	13195	7430	3083	81	3164	97%	1107	89	1133	5493	3336	0	8829	11796
Sheikhupura	21091	7070	1284	35	1319	97%	5563	649	2453	9984	5639	0	15623	12538
Sargodha	11286	7433	2366	5	2371	100%	1066	214	1338	4989	3174	0	8163	10556
Sahiwal	6991	7717	1232	41	1273	97%	1244	147	371	3035	3820	0	6855	7853
T.T. Singh	3638	5780	1530	29	1559	98%	1192	175	965	3891	853	0	4744	4674
Vehari	12020	7599	2026	249	2275	89%	759	187	609	3830	4248	0	8078	11541
Total	443876	253605	63845	6596	70441	91%	35608	6140	26209	138398	145251	0	283649	413832

Year	Contested				Un-contested				Consigned	Grand total
	Conviction	Acquittal on merit	Decide	Success rate	Decided u/s 249-A Cr.P.C	Decided u/s 265-K Cr.P.C	Compromise	Total decided	Consigned by court	
2012	73631	8744	82375	89%	30057	5088	28996	146516	137921	284437
2013	63845	6596	70441	91%	35608	6140	26209	138398	145251	283649



Chapter 4

4. ACHIEVEMENTS IN THE YEAR, 2013

The Punjab Criminal Prosecution Service became operational in 2006, but it was unable to perform the entire scope of its functions due to deficient structural, financial and organizational resources and lack of skilled manpower in the beginning. During 2008, the Prosecution Service established its key administrative structure and most of the court work was handled, but the contours of new relationship with Investigation Agencies were yet to be defined. Liaison with Police authorities started taking shape in 2009 which paved way for four top level Police Prosecutor Coordination Conferences during 2010. The major breakthrough came through removal of Contract Officers and their replacement by the selectees from the Punjab Public Service Commission in 2010. The constructive process of capacity building started in 2009, which continued in all subsequent years. During 2009 to 2011, short trainings (5 – 7 days) were mostly conducted by international organizations like Asian Development Bank, the United States Department of Justice and Civilian Capacity Building for Law Enforcement Agencies.

Then the Directorate of Inspection was established on 01.07.2006, it was declared as an attached department on 28.02.2008 and it became functional on 17.04.2009. No well-defined set of instructions like Performance Standards Document, Guidelines for Prosecutors etc. were formally developed or issued by the Prosecution Service till 2011. During 2012 all basic documents like Prosecution Act, 2006, Code of Conduct, Prosecutor General Guidelines and Performance Standard Document were printed in one binding “Prosecutorial Guidelines” and widely circulated to every member of the Service. Well Structured training programs i.e. Basic Induction Training, Expert Training

and TOTs were introduced in 2012. In 2013 department conducted 19 trainings and 377 prosecutors were trained with the assistance of GIZ/German Government under Support Punjab Prosecution Service (SPPS) Project. Center for Performance Development of Public Prosecutors in Punjab (CPD) has been established at Chung, Lahore (Inside Police Training College premises) for capacity building of Prosecutors with the assistance of GIZ.

Some of the significant steps taken by Prosecution Department towards public delivery initiative are enumerated below:

4.1 Recruitment of Prosecutors through Public Service Commission

Recruitment of Prosecutors through Punjab Public Service Commission also continued during 2013 and 135 Assistant District Public Prosecutor (BS-17) and 2 Deputy District Public Prosecutors (BS-18) were appointed.

4.2 Promotion of Officers

Department has promoted 5 Deputy District Public Prosecutors as District Public Prosecutors on acting charge basis and 68 Assistant District Public Prosecutors as Deputy District Public Prosecutors.

4.3 Code of Conduct for Public Prosecutors in Punjab.

This document is a mandatory requirement under section 17 of the Prosecution Act, 2006. It is worth mentioning here that efforts have been made to develop the Code since 2006; but the same had not been successful until professional consultation with CCBLE team, whose significant input and contribution finally enabled the Departmental Committee to develop a monitoring and performance assessment mechanism. The document provides

the value-based tool for prosecutorial conduct and links it with performance-based accountability.

4.4 Guidelines on Prosecutorial Decision Making.

This document is developed under section 10 (1) of Prosecution Act, 2006. It elaborates the methodology by which a prosecutor reaches his conclusion to prosecute or not to prosecute a case under his charge. Since prosecutorial decision making is a substantial matter, this document is helpful for the prosecutors in terms of policy guidelines.

4.5 Prosecution File.

Although it is mandatory requirement under section 13(7) of the Prosecution Act, 2006 for every prosecutor to maintain an independent file in a prescribed manner for all cases under his charge but no such design/pattern/format had been evolved by the Department. In the year 2013 Department got printed specified prosecution file folders and to witness it as an accomplished venture successful piloting has taken place. It is not only helpful to keep the whole record of a case by a prosecutor which is not only available to him round the clock, but a very valid measure for the administration to constantly gauge the quality of prosecution

PROSECUTION FILE

In the Court of _____

In Re _____

Versus

— District _____ SUB DIVISION _____

File No.		year	
----------	--	------	--

Name of prosecutor	Date of Handling File	
	From	To

FIR No.	Date	Time of Registration	Offence U/S	Act	Nature of Crime	Date of occurrence	Time of Occurrence	Place of occurrence	Connected case if any

4.6 **A Joint Committee of Police and Prosecutors** was constituted. The Committee developed **Standard Operating Procedures on Police Prosecution Cooperation** and placed it before the decision making authorities of the Police and Prosecution. A document signing ceremony was held on 10.10.2013 and the SOP was signed by the Prosecutor General Punjab and Mr. Khan Baig Inspector General of Police, Punjab. The document has been circulated to all tiers of the two organizations.

STANDARD OPERATING PROCEDURE FOR POLICE PROSECUTOR CO-OPERATION IN THE PROVINCE OF THE PUNJAB

Introduction

This SOP sets out an effective mechanism of Police Prosecutor relationship and indentifies areas for improvement.

Principle

The underlying theme adopted in this SOP is one of effectiveness through inter-dependence.

Co-operation

The principle of full co-operation between police and prosecution is accepted and is strongly recommended and the “prosecution team” will lead to better quality prosecution of criminal cases.

Language of Co-operation

Senior police and prosecution officers must encourage a culture of co-operation amongst all ranks and all staff. Language of co-operation shall be used at all times. Confrontational language and behavior must be avoided.

Legislative framework

The principles and operating procedures adopted herein are consistent with current legislative framework existing in the Punjab.

Scope of Co-operation

Police Prosecution Co-operation shall extend to all steps of administrative and judicial criminal process that includes investigation and trial stage of a criminal case.

Police Prosecution Co-operation shall be in all cases falling under Pakistan Penal Code 1860 and other Special Criminal laws, especially Anti-terrorism Act, 1997 till the final decision of the case.

Areas of Co-operation

Without prejudice to the scope of co-operation special focus shall be given to the following categories of offences:

Pakistan Penal Code, 1860

1. Offences of homicide
2. Offences of rape/unnatural offence
3. Offence of robbery/dacoity
4. Offences of narcotics (death sentence)
5. Offence of relating to religion/blasphemy
6. Offence against state

Anti-Terrorism Act, 1977

1. Offences relating to explosive substance
2. Offences of suicidal attacks
3. Offences of sectarian violence
4. Offences of multiple murder
5. Offences of Kidnapping for ransom
6. Offences of violence against women/acid throwing
7. Offences committed within court premises.

Co-operation Tiers

For the convenience of cooperation, there will be three tiers of co-operation;

- I. Primary Level: Covers I.O.s and concerned Prosecutors and includes Joint Investigation Team in Terrorism cases.
- II. Mid level: Covers Regional Police Officers/District Police Officers and District Public Prosecutors. This level shall streamline the co-operation mechanism by monitoring the process by interactive and intra-active strategy, settling the grievances and reporting to the higher level.
- III. High level: Covers the headquarter level i.e. Inspector General Police and Prosecutor General, Punjab. This shall be approval and reporting level.

Respective Duties

Without prejudice to the requirements of respective statutes, rules, regulations, standing departmental instructions of the parties, their respective duties toward each other shall be as follows:

Primary level
(Investigation stage)

Police

Police shall bring into notice of Prosecution, incidence of a crime, immediately by providing a copy of the FIR to the DPP Office concerned as required under Section 12(1) of the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006 and informing through mutually shared I.T. networking system or by any available telecommunication facility, whatever is first available.

Not limited to but particularly, Police shall seek guidance from Prosecutor during investigation on identification parade, physical remand, bail matters connected with the investigation in cases related to offences as mentioned in the preceding para (Areas of cooperation).

If an investigation is not completed, or cannot be completed within the time prescribed by law, the reasons for the delay shall be communicated to the prosecutor.

If I.O fails to trace the unknown accused, despite all efforts, he shall prepare initial/interim report while mentioning all the efforts taken for the arrest of the accused and produce it before the concerned prosecutor who will forward the same to the court for judicial order with request to the court to obtain sanction from the Hon'ble High Court for examining

witnesses and recording of evidence in terms of Section 512 Code of Criminal Procedure.

All the police reports under Section 173 of the Code in aborted, untraced and abated cases within the stipulated period.

Police shall also submit reports under Section 173 of the Code in aborted, untraced and abated cases within the stipulated period.

The I.O shall seek advice and assistance of prosecutor in drafting of the report under Section 173 Cr.P.C.

A full trial file for prosecution shall be prepared by the police, in addition to the police and judicial files, and sent to the prosecutor to maintain the prosecution file. This shall include all relevant papers, documents, statements etc. Where a document is required and is necessary the prosecutor shall call for the same. Upon this the relevant document shall be provided by the police.

The I.O. shall prepare police brief to assist prosecutor in the decision-making process and on receiving the police report under Section 173 Code of Criminal Procedure, the concerned prosecutor shall give result of his scrutiny as to available evidence and applicability of the offences against all or any of the accused as per facts and circumstances of the case as required u/s 9(7) of the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006.

Prosecutor

The prosecutor shall provide advice as to the preservation and collection of evidence in accordance with best crime scene preservation practices.

The prosecutor shall discuss early investigative support and the evidential requirements of that particular case with the I.O.

The prosecutor shall advise the I.O according to the checklist of the case.

The prosecutor shall with all due expeditious assistance in preparation of the Report under Section 173 Cr.P.C paying particular attention to the procedural, legal substantive and evidential requirements of the case. Engagement at this early stage must be undertaken with the trial process

in mind. The “scrutiny” of Report under Section 173 Cr.P.C should be at this early stage.

The Prosecutor and I.O, upon certifying a case fit for trial, shall keep the District Public Prosecutor informed of all developments and progress including attendance of witnesses.

The prosecutor will use all his skill, knowledge, experience, expertise and professionalism to ensure that the case is prosecuted fairly and robustly. He will undertake thorough preparation of the case prior to hearing.

Mid level

The regional Police Officer (RPO) District Police Officers (DPO) should hold fortnightly meetings with District Public Prosecutors and Special Public Prosecutors of the respective Anti-Terrorism Courts to streamline procedures and issues that affect matters of co-operation between police and prosecution service. Briefings of such meetings should be sent to all quarters concerned.

Special cells shall be constituted under close supervision of DPO and DPP to monitor the progress of investigation and arrest of absconding suspect/accused especially in areas of concern mentioned above. DPP will nominate a prosecutor at every sub-division level for the purpose mentioned above.

Dispute arising during interaction shall be dealt with at mid level by committee specially constituted for the purpose.

Mode of Co-operation

The interaction between police and prosecution service at primary and mid level shall be through consultative meetings. These meetings shall be frequent. However, meeting agenda and proceeding notes showing decisions and targets achieved in continuity shall be recorded, to be shared by both the parties.

Communication

In order to devise better and effective means of communication interfaced wireless devices will be made available to the District Public Prosecutors, focal persons be identified at various benches of the High

court and the Supreme Court of Pakistan. Also Directories will be developed for limited circulation. Both Prosecutors and the Police will be encouraged to communicate with each other via short message service (SMS) and e-mails and template to this end will be developed in consultation.

Request & Refusals.

All requests for pre-trial advice shall be positively dealt with by the prosecutor. Any refusal to provide advice and assistance shall be reported to District Public Prosecutor or a designated senior prosecutor.

A refusal to follow early investigative advice shall be reported to a designated senior police officer.

A senior prosecutor and a senior police officer shall be designated for the purposes of dealing with refusal. All refusals shall be considered by the designated senior officers jointly. Refusals shall be treated with due seriousness. Appropriate inquiry shall be made by the designated officers. Unjustified refusal shall be appropriately dealt with. These joint mechanisms shall operate at District level.

Monitoring & Data

Mechanism for monitoring & data requirements shall be adopted at district levels.

A separate note of all liaisons, details of advice and assistance sought and given shall be kept on file for record and continuity purposes. These notes shall be made at the same time and reviewed jointly.

A jointly formal record of outcomes shall be maintained by the police & prosecution of all requests for early investigative advice and assistance.

Senior officers, designated for dealing with refusal, shall maintain a joint record of all refusals.

Each case in which a request for pre-trial advice and assistance has been made shall be monitored for progress and its outcome. A formal joint record shall be made of outcomes in such cases.

Reporting Mechanisms

A joint quarterly report shall be submitted to police and prosecutor headquarters.

Circulation & Review

This SOP shall be made available to all relevant parties with a direction to comply with the contents therein. This SOP shall be reviewed periodically, as determined by Prosecutor General and Inspector General of Police.

This document is hereby signed on 10th October 2013.

Khan Baig
Inspector General Police,

Sadaqat Ali Khan
Prosecutor General Punjab

4.7 Capacity Building Activity

Training and capacity building chapter of public prosecutors is performing well under the headship of Prosecutor General Punjab and under the superintendence of Public Prosecution Department.

4.7.1 Establishment of first Training Institute for Public Prosecutors in Pakistan

Department entered into a tripartite Memorandum of Understanding in June 2012 with Punjab Police and GIZ, whereby GIZ agreed to refurbish a Training Institute for Public Prosecutors in a building owned by Punjab Police and called “Old Investigation Hall” located at Police Training College Chung. The building was completed in October 2012 and handed

over to the Department along with hostel facility for 40 officers by refurbishing a building known as “New Hostel Building” in close vicinity of Training facility at PTC Chung. This training Institute is first of its kind in Pakistan. This institute is very much functional and various trainings have been conducted during the year 2013 i.e. Induction Trainings (for Assistant District Public Prosecutors), Expert Trainings (for Deputy District Public Prosecutors, Deputy Prosecutor Generals and Additional Prosecutor Generals). Establishment of four Regional Prosecution Training Center at Rawalpindi, Multan, Gujranwala and Bahawalpur is also underway with the assistance of GIZ. These Centers would supplement the training needs of officers and officials.



During 2013 some profound steps and serious efforts were made to streamline capacity building of Prosecutors. (List provided by PPD)

Sr. #.	Location	Sponsoring Agency	Date	Duration (Days)	Subject	Number of Participants
1	CPD, Chung, Lahore	GIZ-SPPS Program	28.01.13 to 23.02.13	26 Days (Four Weeks)	Mandatory Induction Training	36(ADPPs)
2	Police Training Academy, Islamabad	British High Commission, Islamabad	04.03.13 to 08.03.13	05 Days	Kidnap for Ransom Training Course	01(APG)
3	Margala Hotel, Islamabad	GIZ-SPPS Program	11.03.13 to 22.03.13	12 Days (Two Weeks)	Expert Training for Senior Prosecutors	20(DPPs, DPG, DDPPs)

4	Federal Judicial Academy, Islamabad	Federal Judicial Academy, Islamabad	11.03.13 to 16.03.13	06 days	Colloquium on Modern Investigation & Evidence Collection Techniques	04(ATC Prosecutors)
5	PC, Bhurban	UNODC	18.03.13 to 22.03.13	05 Days	Police Prosecutor Cooperation	02(DPGs)
6	PC, Bhurban	UNODC	25.03.13 to 28.03.13	05 Days	Police Prosecutor Cooperation	02 (ADPPs Female)
7	CPD, Chung, Lahore	GIZ-SPPS Program	25.03.13 to 20.04.13	26 Days (Four Weeks)	Mandatory Induction Training	36(ADPPs)
8	Federal Judicial Academy, Islamabad	Federal Judicial Academy, Islamabad	25.03.13 to 30.03.13	06 days	Role of law officers Vis-à-vis disposal of criminal Cases	09(DDPP/ADPP)
9	Marriott Hotel, Islamabad	UNODC Pakistan	20/05/13 to 24/05/13	05	Police Prosecutor Co-operation	12(DDPP, ADPP)
10	CPD, Chung, Lahore	GIZ-SPPS Program	03/06/13 to 10/06/13	7 days	Case Study Methods	16(DPGs, Asst.P.G., DPPs, DDPPs, ADPP)
11	CPD, Chung, Lahore	GIZ- SPPS Program	24/06/13 To 05/7/13	11	Expert Level Training on Forensic Evidence, Forensic Accounting etc.	20(APGs, DPG, DPPs, DDPPs)
12	MPDD, Lahore	Public Prosecution Department	10/06/13 to 19/07/13	38(Six Weeks)	Mandatory Induction Training	35(ADPPs)
13	Hospitality inn	GIZ- SPPS Program	26/08/13 To 06/9/13	11	Expert Level Training on Forensic Evidence, Forensic Accounting etc.	18(APGs, DPG, DPPs, DDPPs)
14	CPD, Chung, Lahore	GIZ-SPPS Program	20.08.13 to 14.09.13	26 Days (Four Weeks)	Mandatory Induction Training	36 (ADPPs)
15	MPDD	CAPRI	02.09.2013 To	138 Days (Four & A	National Prosecutors Training Diploma	22 (DDPPs)

			17.01.2014	Half Months		
16	Hospitality inn	GIZ- SPPS Program	16-9-2013 To 27-9-2013	11	Expert Level Training on Forensic Evidence, Forensic Accounting etc.	18 (APGs, DPG, DPPs, DDPPs)
17	CPD, Chung, Lahore	GIZ-SPPS Program	30.09.13 to 02.11.13	26 Days (Four Weeks)	Mandatory Induction Training	36 (ADPPs)
18	CPD, Chung, Lahore	GIZ-SPPS Program	18.11.13 to 14.12.13	26 Days (Four Weeks)	Mandatory Induction Training	36 (ADPPs)
19	Hospitality inn	GIZ- SPPS Program	25-11-2013 TO 07-12-2013	11	Expert Level Training on Forensic Evidence, Forensic Accounting etc.	18 (APGs, DPG, DPPs, DDPPs)
Total Beneficiaries						377

4.8 Provision of IT/Office Equipment for 10 Prosecution Offices

GIZ under SPPS Project has also assisted the Department with the provision of Office and I.T. Equipment for Prosecution Offices including libraries for the Prosecutors during 2013. This provision of equipment and law books has added quality the working of these offices.

4.9 Provincial Coordination Cell (PCC)

Punjab Criminal Prosecution Service created a Provincial Coordination Centre (PCC) on 15.11.2010 and made functional in Prosecutor General Office w.e.f. 13.12.2010 and PCC was established to act as a source of flow of information and data pool of the Service. After the establishment of PCC all Superior Court, Special Courts and District Courts to complete the networking and smooth flow of information between the head office of the service and its sub offices.

4.10 Research Centre

Punjab Criminal Prosecution Service has established a Research Centre, which works under the supervision and control of the Prosecutor General Punjab, for the purpose of research and to collect the precedents set by the Hon'ble Superior Courts of Pakistan; wherefrom the selected necessary judgments are intimated/circulated amongst the prosecutors to update them with respect to the new legal propositions. The Research Centre is also working to publish Prosecution Magazine quarterly.

Chapter 5

5 LEGAL IMPEDIMENTS

5.1 LEGAL

Following are some of the hampering factors for prosecution.

5.1.1 Statutory Limitations

The Code of Criminal Procedure clearly defines the role of Police and Judges but not of a Prosecutor. Section 173 Cr.P.C. which is considered as governing-gateway for a case to enter judicial process from administrative criminal process, was amended in 1992 just to add the name of the Prosecutor without affirmatively defining his role. True independence of prosecution not only facilitates the criminal justice system to deal with the innocent victims of false accusations justly and timely but also decreases the undue burden on the judiciary consequentially improving its capacity to handle case load and focusing on quality of cases. It is, therefore, expedient that suitable amendments in Procedural laws as well as Prosecution Act be made to redefine the role of a prosecutor that is actually harmonious with an independent spirit of prosecution.

5.1.2 Poor Investigation

Physical evidence from the crime scene can be indispensably helpful to connect a culprit with commission of offence. Crime scene preservation as required by Police Rules, 1934 and forensic detection are important for a successful investigation now a day. Traditional, stereotype and self-styled investigative patterns instead of true fact-finding efforts made on modern scientific lines/techniques leave so many gaps which ultimately result in

acquittal of the offenders. Poor / defective investigation of criminal cases is one of the major causes of prosecution failure in the judicial process.

If fortunately the investigating officer become successful in collecting and preserving physical evidence from the spot or any other evidence which requires scientific analysis and report thereof, here the system has to confront another problem to achieve the goal by way of late sending of evidence to the Forensic Science Agency by the Police or late issuance of report by the said agency, even in some cases lost of report has also been pointed out. The basic problem behind the same is that, there is only one collection cell of Forensic Science Agency for 36 district of Punjab.

5.1.3 COLLECTION CELL OF PUNJAB FORENSIC SCIENCE AGENCY

It is proposed to the Government of the Punjab to establish collection cells of Punjab Forensic Science Agency at the Punjab District level. It is pertinent to mention that there is only one collection cell/main office of Punjab Forensic Science Agency situated in Lahore. The said office deals with all the 36 Districts in this concern.

Either the reports of Punjab Forensic Science Agency are sent very late or, sometimes misplaced. It is an alarming situation. The rush of work is the main hurdle for the smooth functioning of Punjab Forensic Science Agency.

It is further highlighted that due to missing of reports of Punjab Forensic Science Agency, the courts acquit the accused persons because the photocopies of the reports of Punjab Forensic Science Agency are not admissible in law.

If the Collection Cells of Punjab Forensic Science Agency are established at the district level, it is positively expected that there will be smooth functioning of Punjab Forensic Science Agency.

In this concern all the prosecutors are directed as follows;

- a. The concerned prosecutors shall ensure that the forensic report, if required, must be attached with the Challan / Police report before submission in the court.
- b. If it is not possible to attach the forensic report with the police report at the time of submission of report, the concerned prosecutors shall note the particulars of the pending forensic report in Challan register and forward a separate report in this regard to the District Public Prosecutor.
- c. All prosecutors appearing in courts shall examine the pending cases to trace out the cases in which the required forensic reports are not available in the judicial file and submit the report in this regard to the District Public Prosecutor.
- d. All District Public Prosecutors shall take up the matter with D.G. Punjab Forensic Science Agency, and forward the particulars of all cases in which the forensic reports are pending highlighting those cases whose trial are being or may be delayed due to non-availability of forensic reports with a copy to Home Secretary, Secretary, Public Prosecution and Prosecutor General.
- e. All District Public Prosecutors shall ensure that forensic reports shall be forwarded to the court in the manner as prescribed in section 173 of the Code of Criminal Procedure read with rule 25.56(3) of Police Rules, 1934.
- f. The concerned District Police Heads may also be sensitized to follow up the matter of pending reports and collection of articles/case property submitted to PFSA immediately after receipt of the report.

5.1.4 CRIME SCENE SECURITY CELL

It is an alarming situation that crime scene remain unprotected and unsecured after the occurrence. Secured crime scene is crucial for the collection of evidence. It has been observed that after the occurrence, evidence is destroyed because of non-security of crime scene. People attract to the scene of crime and damage and destroy the prosecution evidence. If the crime scene is

secured/barricades, the law enforcing agencies can collect evidence for the occurrence safely, it will connect accused persons with the commission of the crime.

It is proposed that suitable measures may be initiated for crime scene security. A cell for crime scene security may also be established in future.

5.2 INFRASTRUCTURE.

5.2.1 Poor working facilities

There is a serious need to upgrade and improve the existing infrastructural facilities by providing adequate transport, suitable office space, furniture and other working tools / equipment to the Prosecutors. Lack of proper infrastructure and absence of reasonable working environment for the officers and officials of the Service are adversely affecting their performance.

5.2.2 Inability to retain the best legal professionals

This is because of the less developed service structure, inadequate fringe benefits as well as lower remuneration in comparison to other stakeholders of criminal justice system like Police and Judiciary whose emoluments are much higher. In the days of high inflation, financial pressures upon the officers and officials hamper smooth running of the official work.

5.2.3 Relationship with Police

Police and Prosecutors are integral parts of criminal justice system. Especially at an early stage of investigation of criminal case, a Prosecutor has not only an advisory but a crucial role to play. Police and Prosecution coordination is not up to the desired mark. However, cooperation of Police and Prosecution is improving day by day due to more interaction between the two organizations at the higher level.

5.2.4 Budget position for the Financial Year 2012-2013

Modified Budget for 2012-13	Total Expenditure	Balance	% overall balance after June 2013
1,078,414,500	919,637,601	158,776,899	12.9

A comparison of the Budget for the Punjab Criminal Prosecution Service pertaining to the fiscal years 2010-12 and 2011-13 are shown to elaborate the tendency of financial allocation to the department. Major portion of the budget allocated to the Prosecution Service consists of salary component. Non-salary part by no means is sufficient to cater for the requirements of the Service. Financial constraint is the mother of so many indicated deficiencies and limitations. The inadequate funding is a great hurdle in the smooth and efficient working of the Service.

Chapter 6

6. FUTURE VISION

6.1 Capacity Building of Human Resource

The Department believes in intensive capacity building of its HR as vehicle of change and improved service delivery. Separate training wing is being planned to be established in Prosecution Department. Comprehensive training policy is being formulated in consultation with Management and Professional Development Department. Network of Training facilities in shape of Centre for Professional Development (CPD) and Regional Training Centers at Rawalpindi, and Bahawalpur are already near completion and two other regional training centers are to be established,



6.2 Digitalization of Prosecution Service:

A three year ADP Scheme titled “Computerization of the Department of Public Prosecutors” is at the stage of approval for 2013-14. The purpose of the project is to implement Case Flow Management System (CFMS) developed by National Judicial Policy Making Committee (NJPMC) with customized changes, to establish information/data pool on the process of prosecutorial work like maintenance of Prosecutor file, attending remands, scrutiny of police reports, disposal of cases by courts and detail of appeals/revisions/review filed. Digitalization of Prosecution Department will contribute in improvement of transparency and enhancing public trust in Prosecution Service.

6.3 Model Prosecution District:

Prosecution Department is working on the establishment of a model prosecution district with the help of GIZ under SPPS Project. The model district will be provided with modern infrastructural facilities for piloting implementation of prosecutorial management and information system.



6.4 Provision of infrastructural facilities to the prosecutors:

Prosecution Service considers provision of the best facilities and an attractive working environment to the Prosecutors as an essential part of its future vision.

6.5 Service structure and financial incentives of the employees:

Prosecution Department has envisioned better and improved service structure and suitable financial incentives for its employees to increase their work efficiency. Consistent efforts are being made to gradually improve the status of the Prosecutors but the governmental help and interest is a key feature for the success of this vision.

6.6 Developing performance based accountability mechanism

The Public Prosecution Department has already started working on developing performance based accountability mechanism which will be implemented as and when the pre-requisites shall be in place by the end of this year 2014.
