

# PUNJAB CRIMINAL PROSECUTION SERVICE

ANNUAL REPORT, 2014



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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.

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## **MESSAGE OF PROSECUTOR GENERAL PUNJAB**

Punjab Criminal Prosecution Service was established on 08<sup>th</sup> April, 2006 as an independent service for criminal cases in Punjab with an object for developing regulatory process for Prosecution Service to ensure the effective, fair, impartial and efficient prosecution of criminal offences to promote high standards and principles in administration of criminal justice, including procedures to guard against or address miscarriages, in support of the *Rule of Law*. The Punjab Government taking keen interest to promote the professional interest of prosecutors and to enhance recognition of their crucial role in achieving criminal justice.

Our prosecution service is a part of *National Action Plan* working to alleviate the oppression, tyranny and injustice in society to ensure inexpensive and expeditious justice.

Terrorism is the core issue at the *National* and *International* level. We have **grave** and **stern concern** to eliminate Terrorism and to purge our society from Terrorists to establish *Rule of Law*.

**SYED IHTESHAM QADIR**  
Prosecutor General Punjab

# **1 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.

### **1.1.1 SLOGAN:**



### **1.1.2 VISION:**

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

### **1.1.3 MISSION:**

1. Effective and Efficient Prosecution of Criminal Cases
2. Ensure prosecutorial independence
3. Better coordination in criminal justice system.

### **1.1.4 OBJECTIVE:**

*"Access To Justice For All" by providing to people of the Punjab with an Independent, effective and efficient Prosecution Service.*

### **1.1.5 INDEPENDENCE:**

The prosecution service is completely independent; its decisions have been and will be impartial which are based upon an independent and professional assessment of the available evidence.

### **1.1.6 EFFECTIVENESS:**

All the decisions taken are motivated by the essence of the constitution of the service, and ensure its effectiveness to the optimum level. All

persons, including the accused are treated fairly. All victims and witnesses are treated with respect and true professional skills.

#### **1.1.7 EFFICIENT:**

Prosecution is conducted in a manner to reflect efficiency of the service and to contribute its desired role in the system of criminal administration and justice.

#### **1.1.8 VALUES:**

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

### **1.2 INDEPENDENCE, FAIRNESS AND IMPARTIALITY WITH EFFECTIVENESS**

Punjab Criminal Prosecution Service (PCPS) maintains its independence by rejecting any improper or inappropriate influence or pressure. It takes decisions without fear and bias or prejudice. It acts all the time with integrity and impartiality vis-à-vis 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 in a way that upholds the principles of public service.

#### **1.2.1 EXCELLENCE**

Punjab Criminal Prosecution Service (PCPS) is trying its level best to utilize its manpower 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 progressive betterment is endeavored.

#### **1.2.2 COMMUNICATION AND COOPERATION**

Punjab Criminal Prosecution Service (PCPS) communicates openly and honestly all the times, 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 to all whilst maintaining independence and impartiality.

### **1.2.3 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.



## 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 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
- v. Prosecutor General Office, (LHC), Multan Bench, Multan
- vi. Prosecutor General Office, (LHC), Bahawalpur Bench, Bahawalpur
- vii. 09 Prosecution Offices, Anti-Terrorism Court
- viii. 06 Prosecution Offices, Drug Court
- ix. 36 Prosecution Offices, District Head Quarter
- x. 84 Sub-Divisional Prosecution Offices

### 2.2.1 PROSECUTION OFFICERS

Presently the Punjab Criminal Prosecution Service comprises of 2938 employees. The existing strength of 945 Prosecutors and 1993 officials are stationed in 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 was followed by prosecutors on temporary/contract basis 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 of prosecutors working on contract basis with regular ones selected through the Punjab Public Service Commission has been completed and 869 prosecutors have been selected on merit based Policy of the Government and now working in the Service;

### 2.2.2 CURRENT VACANCY POSITION OF PROSECUTORS:

Sr. No.	Name of Post	BPS	Sanctioned Strength	Working Strength	Vacant
1	<b>PROSECUTOR GENERAL PUNJAB</b>	21	1	1	0
2	Addl. Prosecutor General	19	18	9	9
3	Dy. Prosecutor General	18	68	39	29
4	District Public Prosecutors	19	40	28	12
5	Dy. District Public Prosecutors	18	328	271	57
6	Asst. District Public Prosecutors	17	796	598	198
7	Personal Assistant	16	35	19	16
8	Assistant	14	56	42	14
9	Stenographer	14	60	28	32
10	Data Entry Operator	12	2	2	0

11	Cashier	11	1	0	1
12	Accountant	11	1	0	1
13	Clerk	7	965	950	15
14	Drivers	5	35	26	9
15	Dak Runner/Dispatch Rider	4	5	4	1
16	Naib Qasid	2	925	918	7
17	Mali	2	1	1	0
18	Chowkidar	2	2	1	1
19	Sweeper	2	2	1	1
<b>Total</b>			<b>3341</b>	<b>2938</b>	<b>403</b>

## 2.3 FUNCTIONS, POWERS AND DUTIES OF PROSECUTORS

### 2.3.1 Prosecutor General

Administration of the Prosecution Service vests with the Prosecutor General. The Additional Prosecutor Generals, Deputy Prosecutor Generals and Public Prosecutors in Special Courts are under direct supervision of the Prosecutor General whereas all the Prosecutors in the districts are working 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 and Banking Court etc.). He has right of audience and representation on behalf of the Government in all the Courts of the Punjab. 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 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.

### **2.3.2 PROSECUTOR GENERALS WHO HAVE SERVED THE SERVICE**

<b>Sr. #</b>	<b>Name of the Prosecutor Generals</b>	<b>From</b>	<b>To</b>
1.	Justice (R) Ch. Mushtaq A. Khan	11.02.2006	18.08.2008
2.	Mr. Shaigan Sharif Malik, Sec. PPD Addl. Charge as Prosecutor General	06.09.2008	02.03.2009
3.	Justice (R) Zahid Hussain Bokhari	02.03.2009	01.11.2010
4.	Mr. Qaiser Saleem, DG (Inspection) Addl. Charge Prosecutor General (A&F)	02.11.2010	14.02.2011
5.	Mr. Humayun Mazhar Sheikh, AS PPD Addl. Charge Prosecutor General (A&F)	14.02.2011	11.04.2011
6.	Mr. M. Suleman DG(Inspection) Addl. Charge Prosecutor General (A&F)	28.05.2011	26.10.2011
7.	Mr. Ashtar Ausaf Ali	26.10.2011	31.01.2012
8.	Mr. Sadaqat Ali Khan	14.02.2012	28.10.2013
9.	Mr. Asjad Javaid Ghural	25.11.2013	22.06.2014
10.	Justice (R) Syed Ihtesham Qadir	23.06.2014	Till date

### **2.3.3 Additional Prosecutor Generals & Deputy Prosecutor Generals**

Additional Prosecutor Generals and Deputy Prosecutor Generals conduct prosecution under section 11 of the Prosecution Act, 2006 before superior courts i.e. Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore. In addition to that, they are also obliged to perform any of the power delegated by the Prosecutor General, Punjab. Presently there are 09 Regular Additional Prosecutor Generals and 08 District Public Prosecutors working as Additional Prosecutor Generals on 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.

### **2.3.4 District Public Prosecutors**

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

### **2.3.5 Deputy District Public Prosecutors & Assistant District Public Prosecutors**

The duty of Deputy District Public Prosecutor and Assistant District Public Prosecutor working in districts is to tender advice and guidance to Police during course of investigation for the purpose collecting available evidence and to scrutinize the Police Reports of their concerned police stations. Moreover, their duty is to conduct prosecution of criminal cases at Sessions and Magisterial Courts as and when deputed. Feeling aggrieved of any order/judgment by any Sessions or Magisterial Courts prepare appeals, Revisions, cancellations of bails and any other order as recommended by the District Appeal Committee.

#### **2.3.5.1 District Appeal Committees**

In all the Districts, an appeal committee has been established in the office of the District Public Prosecutors, which evaluates the cases decided as to whether any judgment or order needs to be impugned or not. If committee recommends that order/judgment may be assailed, then the case is either forwarded to the concerned regional offices of the Prosecutor General Punjab. The Regional office after getting necessary opinion and sanction proceed accordingly.

**SUMMARY OF ALL EXAMINED AND FILED STATE CASES  
(ORDINARY+ATA) DURING 2014**

SR. NO.	CASE CATEGORY	TOTAL NO. CASES/JUDGMENT EXAMINED IN APPEAL COMMITTEE	NO. OF CASES FIT FOR FILING	NO. OF CASES NOT FIT FOR FILING	PENDING CASES	TOTAL NO. FILED CASES	CURRENT STATUS		
							DISMISSED	ALLOWED	PENDING
1	APPEALS	559	139	418	2	139	1	0	138
2	CANCELLATION OF BAIL	271	82	183	6	82	20	1	61
3	WRIT PETITIONS	43	14	29	0	14	2	1	11
4	REVISION PETITIONS	62	18	44	0	18	0	0	18
5	CPLA	67	26	39	2	26	7	0	19
<b>GRAND TOTAL</b>		<b>1002</b>	<b>279</b>	<b>713</b>	<b>10</b>	<b>279</b>	<b>30</b>	<b>2</b>	<b>247</b>

**CONSOLIDATION PROGRSS REPORT FOR 2014**

<i>SR. #</i>	<i>CATEGORY OF PETITIONS</i>	<i>TOTAL NO. OF FILED CASES</i>
1	APPEAL AGAINST ACQUITTTAL	174
2	APPEAL FOR ENHANCEMENT	10
3	CANCELLATION OF BAILS	98
4	ITRA COURT APPEAL	3
5	TRANSFER APPLICATION	1
6	WRIT PETITIONS	15
7	REVISION PETITIONS	19
8	CPLA	26
<b>TOTAL NO. OF FILED CASES</b>		<b>346</b>

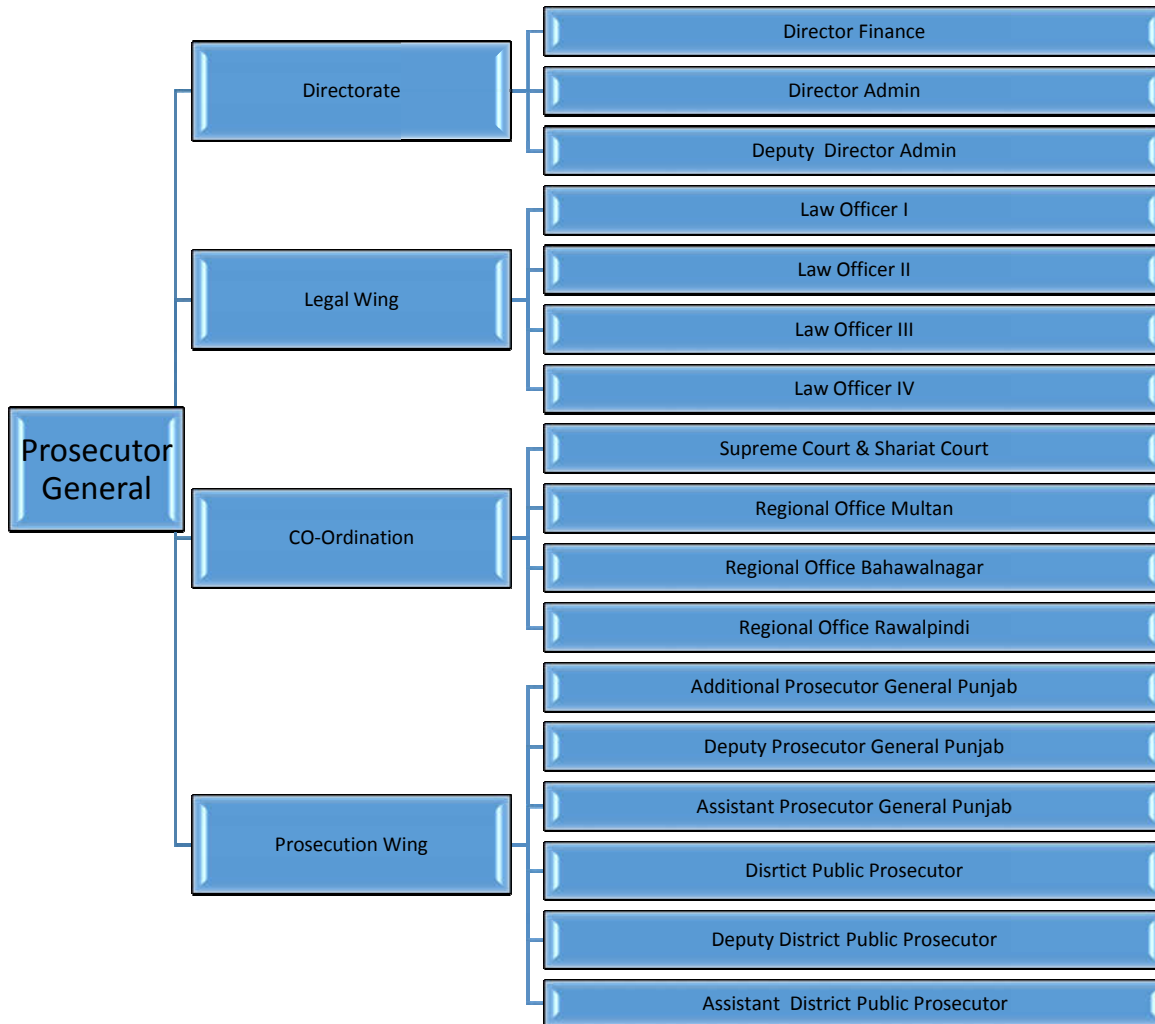
**2.3.5.2 District challan scrutiny committee**

There is also District Challan Scrutiny Committee in each district which supervises the scrutiny process by the Prosecutors and recommended or advices parameters to check the report.

### 2.3.5.3 Training to Investigating Officers

To enhance the working relationship between the police and Prosecution. Mutual knowledge sharing cum training programmes is arranged by the Prosecutors for the investigating officers.

## 2.4 CHAIN OF COMMAND





### **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 to the 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, quick, independent and fair trial strict adherence to the best practices and standards of due process of law are another unique feature of official Prosecution. Effective prosecution is an integral part of a successful criminal justice system. A statistical synopsis of the actually contested cases by the parties and decided at all levels of the Judicial hierarchy mentioned below will show the analytic picture of the prosecutorial performance.

1. Supreme Court of Pakistan
2. Lahore High Court
3. Special Courts Anti-Terrorism
4. Special Courts Anti-Corruption
5. Drug Courts, Punjab
6. Punjab Environmental Tribunal, Lahore
7. District Courts

A gist of the current performance and review of the cases conducted by Prosecutors in year 2014 individually as well as collectively is highlighted as under:

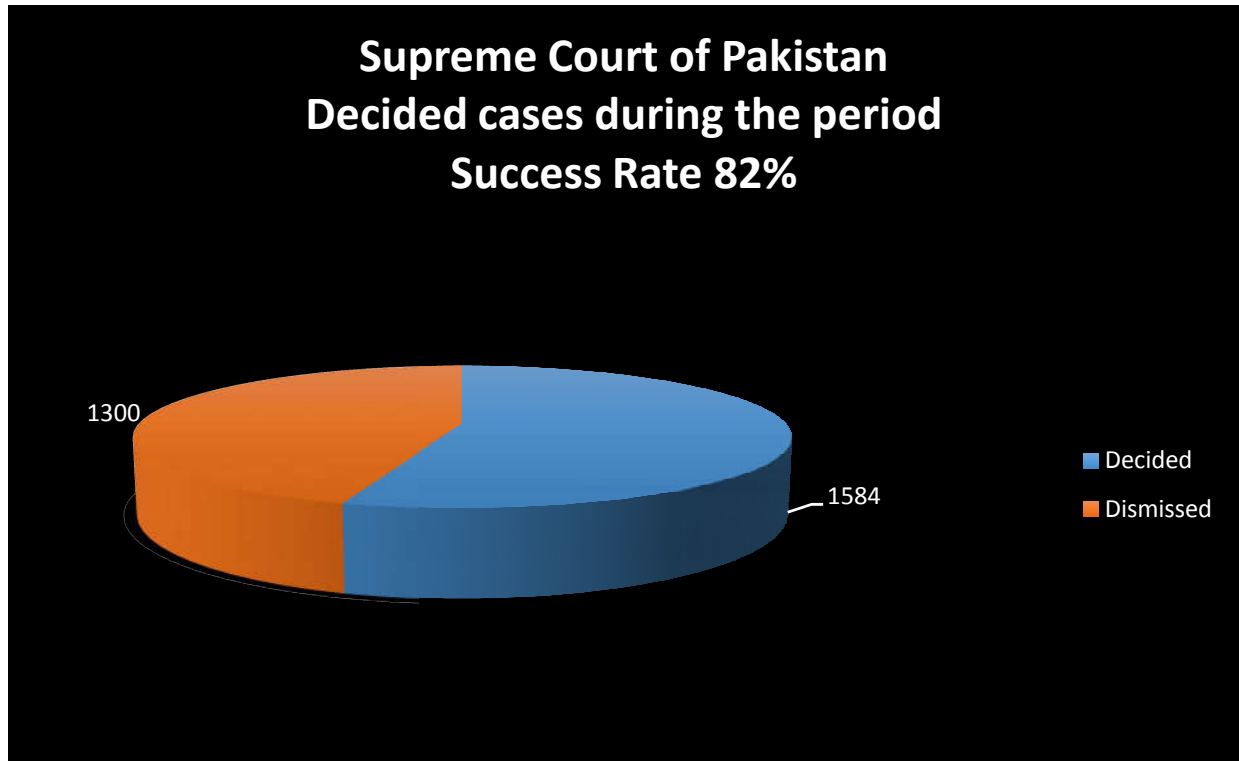
### 3.1.1 Supreme Court of Pakistan



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 2014 and opted the International prosecution norms in assisting the court in deciding the cases.

**SUPREME COURT OF PAKISTAN**  
**CASES DECIDED DURING THE PERIOD 01.01.2014 TO 31.12.2014**  
**Principal Seat + Lahore Registry**

Name of the Bench	Total	Dismissed	Acquitted/Allowed	Converted
Principal Seat	963	811	151	1
Lahore Registry	621	489	122	10
<b>Grand Total</b>	<b>1584</b>	<b>1300</b>	<b>273</b>	<b>11</b>



**SUMMARY OF ALL EXAMINED AND FILED STATE CASES**  
**IN THE HONORABLE SUPREME COURT OF PAKISTAN DURING 2014**

SR. NO.	CASE CATEGORY	TOTAL NO. CASES/ JUDGMENT EXAMINED IN APPEAL COMMITTEE	NO. OF CASES FIT FOR FILING	NO. OF CASES NOT FIT FOR FILING	PENDING CASES	TOTAL NO. FILED CASES	CURRENT STATUS		
							DISMISSED	ALLOWED	PENDING
1	CPLA	67	26	41	0	26	7	0	19
<b>GRAND TOTAL</b>		<b>67</b>	<b>26</b>	<b>41</b>	<b>0</b>	<b>26</b>	<b>7</b>	<b>0</b>	<b>19</b>

### 3.1.2 Lahore High Court, Lahore

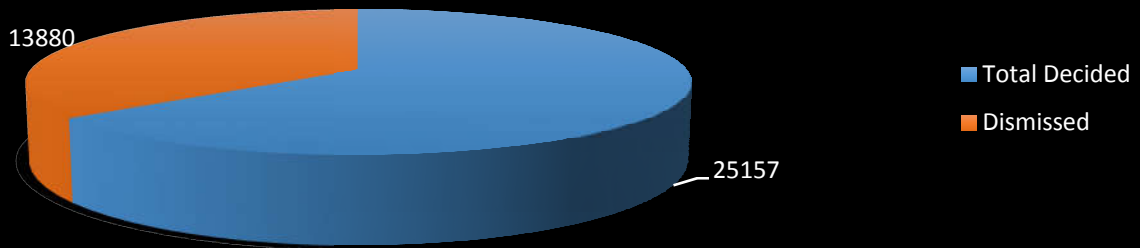


Lahore High Court has Appellate jurisdiction across the Punjab. The PCPS extends its services through learned Additional Prosecutor Generals and Deputy Prosecutor Generals, District Public Prosecutors and Deputy District Public Prosecutors who are conscious towards their prosecutorial skills having absolute grip of law. PCPS strived in adhering to its effective, fair and independent prosecution service while conducting prosecutions, before the Hon'ble Lahore High Court, and its Hon'ble benches. In 2014, 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 rate remained 55% as a whole.

**LAHORE HIGH COURT, LAHORE**  
**CASES DECIDED DURING THE PERIOD 01.01.2014 TO 31.12.2014**  
**Main Registry, Bahawalpur Bench, Multan Bench & Rawalpindi Bench**

<b>Name of the Bench</b>	<b>Total</b>	<b>Dismissed</b>	<b>Acquitted/Allowed</b>	<b>Converted</b>
Principal Seat	15122	8182	6758	182
Bahawalpur Bench	2610	1202	1371	37
Multan Bench	6135	3700	2356	79
Rawalpindi Bench	1624	796	792	36
<b>Grand Total</b>	<b>25491</b>	<b>13880</b>	<b>11277</b>	<b>334</b>

**LAHORE HIGH COURT, LAHORE**  
**CASES DECIDED DURING THE YEAR 2014**  
**SUCCESS RATE 55%**



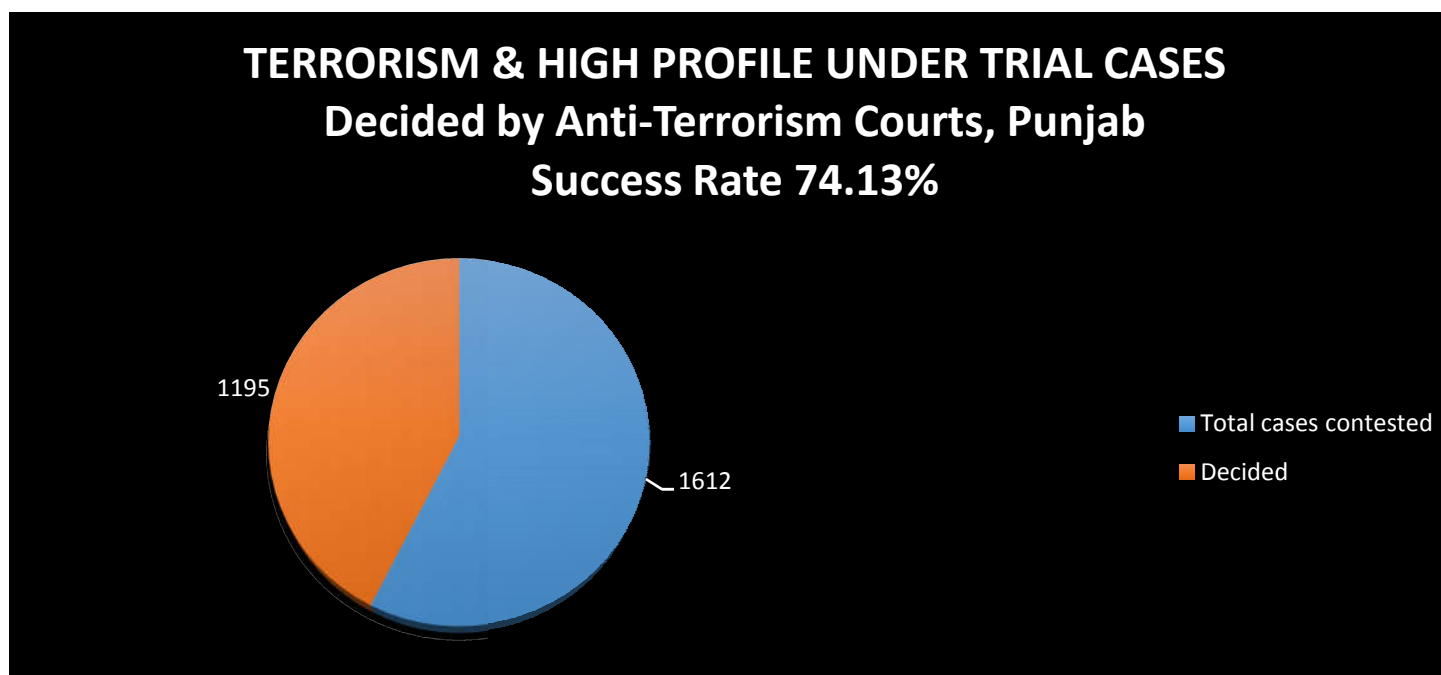
**SUMMARY OF ALL EXAMINED AND FILED STATE CASES DURING 2014**  
**LAHORE HIGH COURT, LAHORE**

SR. NO.	CASE CATEGORY	TOTAL NO. CASES/JUDGMENT EXAMINED IN APPEAL COMMITTEE		NO. OF CASES FIT FOR FILING		NO. OF CASES NOT FIT FOR FILING		PENDING CASES		TOTAL NO. FILED CASES		CURRENT STATUS					
		ORDINARY	ATA	ORDINARY	ATA	ORDINARY	ATA	ORDINARY	ATA	ORDINARY	ATA	DISMISSED		ALLOWED		PENDING	
												ORDINARY	ATA	ORDINARY	ATA	ORDINARY	ATA
1	APPEALS	217	342	93	46	122	296	2	0	93	46	0	1	0	0	93	45
2	CANCELLATION OF BAIL	125	146	21	61	100	83	4	2	21	61	7	13	1	0	13	48
3	WRIT PETITIONS	3	40	0	14	3	26	0	0	0	14	0	2	0	1	0	11
4	REVISION PETITIONS	43	19	14	4	29	15	0	0	14	4	0	0	0	0	14	4
<b>GRAND TOTAL</b>		<b>388</b>	<b>547</b>	<b>128</b>	<b>125</b>	<b>254</b>	<b>420</b>	<b>6</b>	<b>2</b>	<b>128</b>	<b>125</b>	<b>7</b>	<b>16</b>	<b>1</b>	<b>1</b>	<b>120</b>	<b>108</b>

### 3.1.3 Anti-Terrorism Courts, Punjab

#### Terrorism & High Profile Under Trial Cases W.E.F. 01.01.2014 TO 31.12.2014

Previous balance	Fresh institution	Total	Conviction	Acquittal on merits	Acquittal u/s 265-K Cr.P.C	Acquittal in disagreed cancellation or discharge reports	Conviction in disagreed cancellation reports	No of accused convicted	No of accused acquitted	Transferred	Consigned	Total	Present balance
374	1238	1612	196	238	346	5	0	290	1516	178	232	1195	417



**SUMMARY OF ORDINARY CASES FILED ON BEHALF OF STATE IN THE YEAR OF 2014**  
**STATE APPEALS, REVISIONS, WTIR PETITIONS, CANCELLATION OF BAIL PETITIONS, ETC**  
**(ATA CASES) 2014**

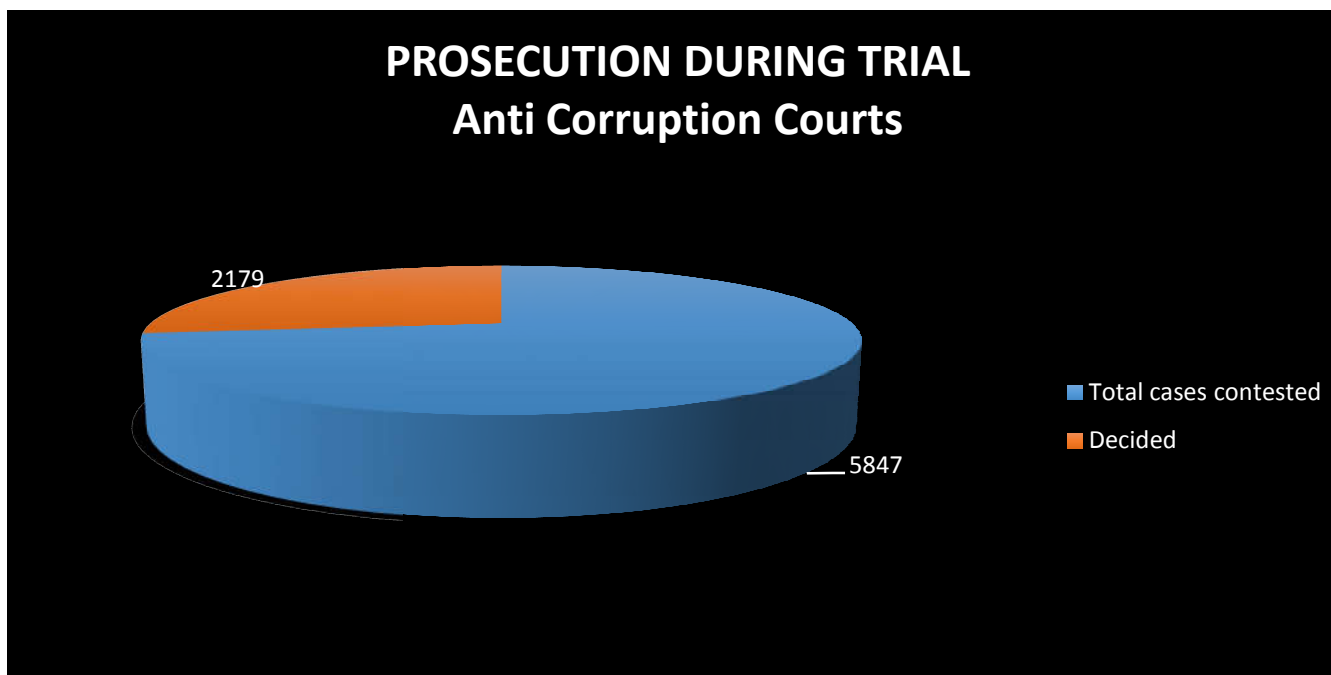
SR. NO.	CASE CATEGORY	TOTAL NO. OF CASES/JUDGMENT EXAMINED IN APPEAL COMMITTEE	NO. OF CASES FIT FOR FILING	NO. OF CASES NOT FIT FILING	PENDING CASES	TOTAL NO. OF CASES FILED	CURRENT STATUS		
							DISMISSED	ALLOWED	PENDING
1	APPEALS	342	40	295	5	40	1	0	39
2	CANCELLATION OF BAIL PETITIONS	146	48	93	5	48	13	0	35
3	WRIT PETITIONS	40	14	23	3	14	2	1	11
4	REVISION PETITIONS	19	4	15	0	4	0	0	4
<b>GRAND TOTAL</b>		<b>547</b>	<b>106</b>	<b>426</b>	<b>13</b>	<b>106</b>	<b>16</b>	<b>1</b>	<b>89</b>



### 3.1.4 Anti Corruption Courts

#### PROSECUTION DURING TRIAL W.E.F. 01.01.2014 TO 31.12.2014

Previous balance	Fresh institution	Total	Conviction	Acquittal on merits	Acquittal u/s 249-A Cr.P.C	Acquittal in cancellation reports agreed by PP	Conviction in cancellation reports agreed by PP	Acquittal in disagreeing with 9(7) unfits reports	Conviction in disagreeing with 9(7) unfits reports	Transferred	Consigned	Total Decided	Present balance
4244	1603	5847	50	193	497	587	1	0	0	20	831	2179	3668



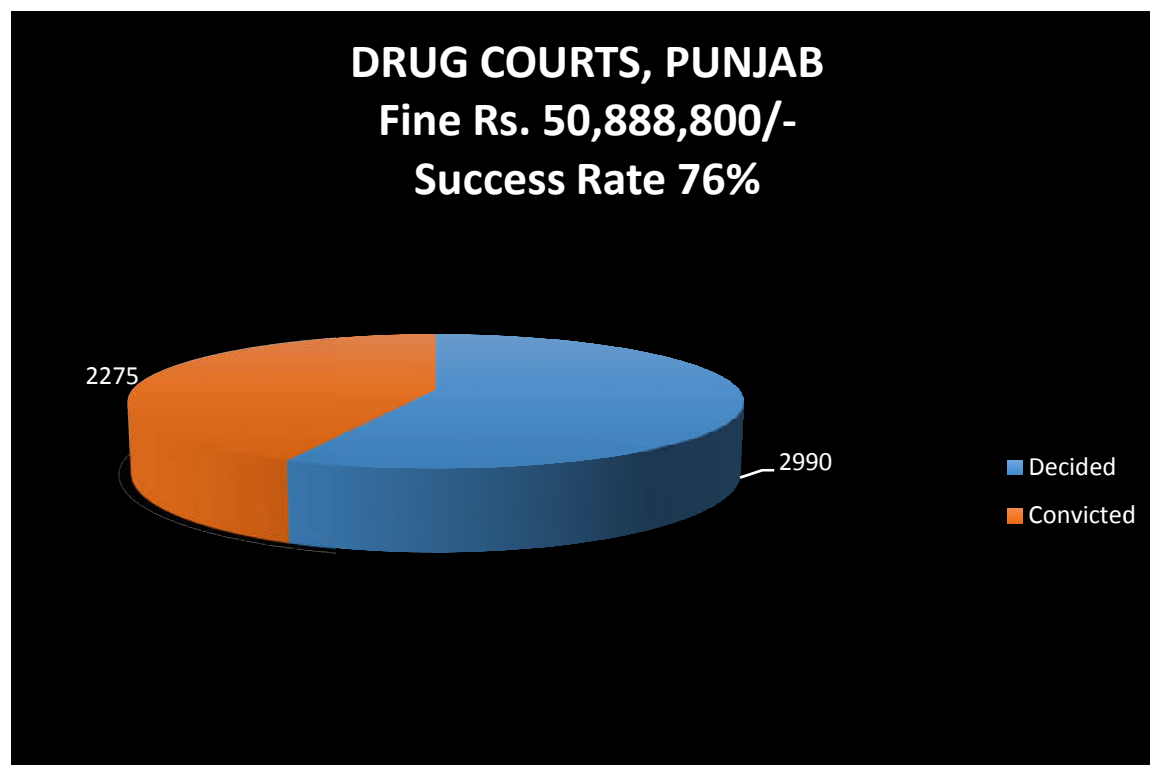
**SUMMARY OF ORDINARY CASES FILED ON BEHALF OF STATE IN THE YEAR OF 2014**  
**STATE APPEALS, REVISIONS, WTIR PETITIONS, CANCELLATION OF BAIL PETITIONS, ETC**  
**REGARDING ANTI-CORRUPTION COURTS 2014**

SR. NO.	CASE CATEGORY	TOTAL NO. OF CASES/JUDGMENT EXAMINED IN APPEAL COMMITTEE	NO. OF CASES FIT FOR FILING	NO. OF CASES NOT FIT FILING	PENDING CASES	TOTAL NO. OF CASES FILED	CURRENT STATUS		
							DISMISSED	ALLOWED	PENDING
1	APPEALS	87	61	22	4	61	1	0	60
2	CANCELLATION OF BAIL PETITIONS	9	6	3	0	6	2	0	4
3	WRIT PETITIONS	1	0	1	1	0	0	0	0
4	CPLA	5	3	2	0	3	0	0	3
<b>GRAND TOTAL</b>		<b>102</b>	<b>70</b>	<b>28</b>	<b>5</b>	<b>70</b>	<b>3</b>	<b>0</b>	<b>67</b>

### 3.1.5 Drug Courts

#### DETAIL OF CASES OF ALL DRUG COURTS, PUNJAB Period from 01.01.2014 to 31.12.2014

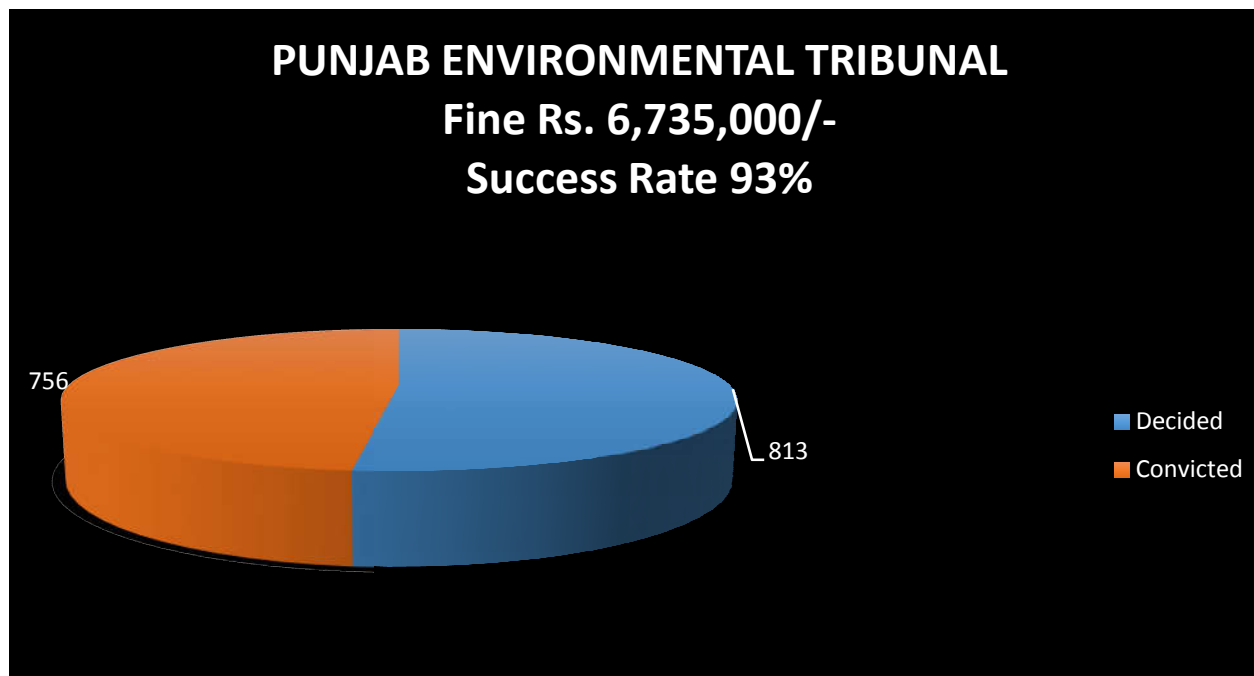
Previous Balance	Fresh Institution	Total	Decided During		Consigned u/s 512 Cr.P.C.	Total Disposal	Fine Imposed	Pendancy
			Conviction	Acquittal				
2092	2699	4791	2275	138	577	2990	Rs. 50,888,800	1801



### 3.1.6 Environmental Court

#### PUNJAB ENVIRONMENTAL TRIBUNAL, LAHORE

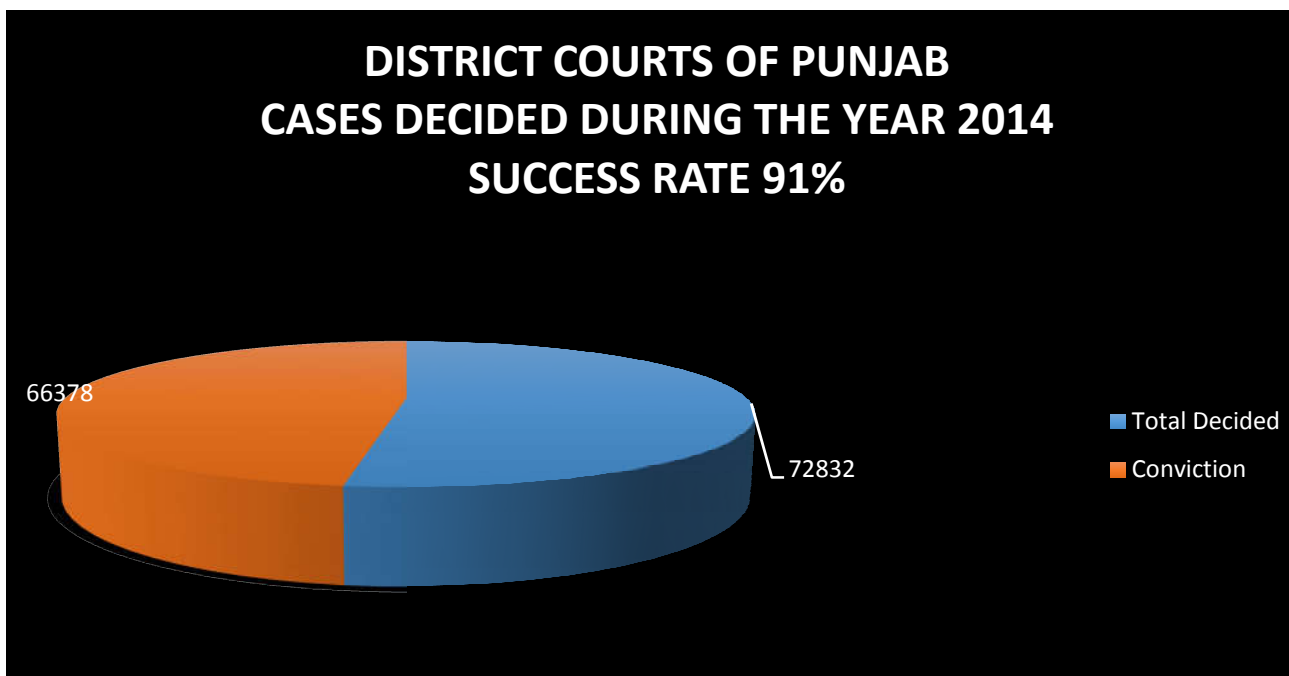
Opening Balance	Fresh Complaints	Total	Decided	Convicted		Compliance of EPO	Acquitted		Total Fine	Pending Cases
				Fine	Imprisonment		On Merit	On Technical Ground		
1835	312	2147	813	349	0	407	0	57	6,735,000	1334



### 3.1.7 District Courts

#### TOTAL CASES DECIDED IN ALL DISTRICT COURTS OF PUNJAB

Pervious Balance	Fresh Institution	Total	Contested				Un-Contested		Total Decided	Consigned by Court		Trials in which prosecution is Withdrawn	Total Disposal	Total Pendency
			Total Decided	Convictions	Acquittals after contesting the case	Success Rate	Acquittal u/s 249-A Cr.P.C. due to reselling of witness	Acquittal due to Compromise		249 Cr. P.C.	512 Cr. P.C.			
413832	270369	684201	72832	66378	6454	91%	30642	22416	125890	30676	91261	121937	247827	436374



**SUMMARY OF ORDINARY CASES FILED ON BEHALF OF STATE IN THE YEAR OF 2014**  
**STATE APPEALS, REVISIONS, WTIR PETITIONS, CANCELLATION OF BAIL PETITIONS, ETC**  
**(ORDINARY) 2014**

SR. NO.	CASE CATEGORY	TOTAL NO. OF CASES/JUDGMENT EXAMINED IN APPEAL COMMITTEE	NO. OF CASES FIT FOR FILING	NO. OF CASES NOT FIT FILING	PENDING CASES	TOTAL NO. OF CASES FILED	CURRENT STATUS		
							DISMISSED	ALLOWED	PENDING
1	APPEALS	217	93	119	5	93	0	0	93
2	CANCELLATION OF BAIL PETITIONS	125	21	99	5	21	7	1	13
3	WRIT PETITIONS	3	0	3	0	0	0	0	0
4	REVISION PETITIONS	43	13	27	3	13	0	0	13
5	CPLA	67	26	39	2	26	7	0	19
<b>GRAND TOTAL</b>		<b>455</b>	<b>153</b>	<b>287</b>	<b>15</b>	<b>153</b>	<b>14</b>	<b>1</b>	<b>138</b>

## **4 Center for Professional Development of Public Prosecutors**

### **4.1 Establishment of First Training Institute for Public Prosecutors in Pakistan**

Centre for professional Development (CPD) was initially established as a training academy for the prosecutors in the Punjab to cater the professional requirement of prosecutors for administrative and prosecutorial skills to play a vital role in the criminal justice system. After the inducting Prosecutors of upper and lower tiers in the Prosecution service through Punjab Public Service Commission in the year 2010, the Public Prosecution Department used to get conducted the trainings of the prosecutors in different institutions e.g. Punjab Judicial Academy and Management & Professional Development Department (MPDD) as there existed no training institution of its own of Public Prosecution Department. It was the need of the hour to establish a training Institute for the Prosecutors of their own. The then Worthy Secretary Prosecution and the then Prosecutor General Punjab succeeded to accept the services of a donor agency of Germany known as GIZ with a program/project of Support to Punjab Prosecution Service (SPPS)

**In June 2012**, Prosecutor General Punjab entered into a triparte Memorandum of Understanding with Punjab Police and GIZ, whereby GIZ agreed to refurbish a training Institute for Public Prosecutors in a building “Old Investigation Hall” owned by Punjab Police located at Police Training College Chung. The building was completed in October 2012 and handed over to this Department along with hostel facility for 40 officers, in close vicinity of Training Centre within the Police Training College, Chung. This training Institute is first of its own kind in Pakistan. This institute is very much functional and various training Sessions have been conducted during the year 2013 and 2014 i.e. Induction Training Courses (for Assistant District Public Prosecutors), Expert Trainings (for Deputy District Public Prosecutors, District Public Prosecutors, Deputy Prosecutor Generals and Additional Prosecutor Generals). Establishment of four Regional Prosecution Training Centers 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



#### 4.2 Directorate of Training:

The untiring efforts of Worthy Secretary Prosecution supported by the Prosecutor General, who visualized the training facility a permanent institute, were realized and Centre for Professional Development has now been declared as attached Department by the Government. It was because of The CPD and its usefulness in sphere of capacity building that marked a great success and the Department realized **“to keep abreast of time and to cater the training needs of professional force of Prosecutors, a well ordained and permanent training outfit is essential”**.

#### 4.3 Establishment of CPD as attached Department on 05<sup>th</sup> July, 2014



- First of its nature in the Country



- Regional Training center at Rawalpindi functional
- Sustainable trainings
- Opportunity for other provinces
- New techniques like micro-teaching and e-learning to be used in trainings
- Pivotal in mentoring system in the prosecution offices
- Research in the best Prosecution practices throughout the World
- Feedback to improve service delivery

#### **4.3.1 Lay out of Current Functional Setup.**

As the process of transformation is underway, therefore currently the CPD is running under the headship of a Director, Two Deputy Directors and Seven directing staff of Grade-17

There are three working sections.

1-Training

2-Admin

3-Resarch

#### **4.3.2 Types of trainings**

- Induction Training for newly recruited Prosecutors
- Expert Training
- Promotion linked Training
- Training for Master Trainers
- National Prosecutors Training Diploma.
- Training of officers and staff on financial matters, office work and ICT.
- Police-Prosecution Cooperation training



**4.3.2.1 TRAINING OF PROSECUTORS**



**4.3.2.2 TRAINING OF STAFF**

### 4.3.3 Capacity Building Activity

Training and capacity building activity is on the run under the superintendence of Public Prosecution Department

Details of trainings conducted during the year 2013 and 2014 are as under:

During the year 2014, some profound steps taken and serious efforts have been made to streamline capacity building of Prosecutors.

#### 4.3.3.1 Trainings So far Conducted

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	02.09.13 To 17.01.14	138 Days (Four & A Half Months)	National Prosecutors Training Diploma	22 (DDPPs)

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)
<b>Total Beneficiaries</b>						<b>377</b>

<b>Sr. #</b>	<b>Location</b>	<b>Sponsoring Agency</b>	<b>Date</b>	<b>Duration (Days)</b>	<b>Subject</b>	<b>Number of Participants</b>
1.	CPD, Chung, Lahore	GIZ-SPPS Program	25.08.14 to 20.09.14	(Four Weeks)	Mandatory Induction Training	36 (ADPPs) {08 from KPK}
2.	PIM Lahore	GIZ-SPPS Program	09.10.14 to 11.10.14	3 Days	I.T Skills	20 (Ministerial Staff)
3.	CPD, Chung, Lahore	GIZ-SPPS Program	22.10.14 to 23.10.14	2 Days	Financial Management & DDO Powers	13 (ADPPs, DDPPs, DPPs)

4.	CPD, Chung, Lahore	GIZ-SPPS Program	24.10.14 to 25.10.14	2 Days	Financial Management & DDO Powers	13 (J. Cs, Assistant, Accountant)
5.	Gujranwala	GIZ-SPPS & UNODC	05.11.14 to 07.11.14	3 Days	Police-Prosecution Cooperation	07 (ADPPs, DDPPs,)
6.	Faisalabad	GIZ-SPPS & UNODC	17.11.14 to 19.11.14	3 Days	Police-Prosecution Cooperation	16 (ADPPs, DDPPs,)
7.	PIM Lahore	GIZ-SPPS Program	19.11.14 to 21.11.14	3 Days	I.T Skills	20 (Ministerial Staff)
8.	PIM Lahore	GIZ-SPPS Program	24.11.14 to 26.11.14	3 Days	I.T Skills	20 (Ministerial Staff)
9.	PIM Lahore	GIZ-SPPS Program	27.11.14 to 29.11.14	3 Days	I.T Skills	20 (Ministerial Staff)
10.	CPD, Chung, Lahore	GIZ-SPPS Program	20.10.14 to 21.11.14	(Four Weeks)	Mandatory Induction Training	36 (ADPPs)
11.	Regional Training Center Rawalpindi	GIZ-SPPS Program	26.11.14 to 27.11.14	2 Days	Financial Management & DDO Powers	10 (ADPPs, DDPPs, DPPs)
12.	Regional Training Center Rawalpindi	GIZ-SPPS Program	28.11.14 to 29.11.14	2 Days	Financial Management & DDO Powers	10 Junior Clerks
<b>Total Beneficiaries</b>						<b>459</b>

#### 4.4 Training Modules

- **Induction Training** (Almost 20 Modules in following areas)

- ✓ Advocacy skills
- ✓ Prosecutorial Decision Making skills
- ✓ Criminal Law and Procedure Expertise
- ✓ Criminal Evidence
- ✓ Police Powers and Investigations
- ✓ Criminal Trial Skills
- ✓ Joint Police-Prosecutor training
- ✓ DNA & Medical Experts
- ✓ Study visits: Forensic Science Agency

- **Expert Training**

- ✓ Advocacy Skills
- ✓ General & Technical Skills
- ✓ Digital Evidence
- ✓ Forensic Evidence --- Collection & Evaluation
- ✓ Police Powers and Investigations

##### 4.4.1 Development of first Departmental Training Modules

Department developed post induction training modules for Assistant District Public Prosecutors with the assistance of Management & Professional Development Department (MPDD), Punjab. These modules addressed seven areas of training namely, Prosecutorial skills, basic legal concepts, relevant laws of prosecution, and management skills for prosecutorial practices, mock trials, administrative management skills and computer literacy skills. Total 74 modules were developed on aforementioned areas of training.

##### 4.4.2 Sessions of Induction Trainings of ADPPs at CPD:

**Six sessions of 4-Weeks Induction Trainings** for Assistant District Public Prosecutors were conducted From 01.01.2013 to 31-12-2013 in which 216 newly inducted prosecutors were trained. **Six sessions of 4-weeks Induction Training** for Assistant District Public Prosecutors were conducted from 01.01.2014 to 20<sup>th</sup> of October, 2014.

**Five sessions of 2-Weeks Expert Training for Senior Prosecutors (APG, DPP, DPG and DDPPs)** was conducted from 01.01.2013 to 31-12-2013 in which 94 senior prosecutors were trained.

#### **4.4.3 National Prosecutors Training Diploma for Anti-Terrorism**

A diploma program was designed for Prosecutors of Anti-Terrorism Courts and was scheduled from 02.09.2013 to 17.01.2014 in which 22 senior prosecutors from other three Provinces of Pakistan were trained.

#### **4.4.4 Training Need Assessment Survey:**

GIZ under SPPS Project conducted a Training Need Assessment (TNA) Survey by interviewing Prosecutors working at different levels. On the basis of these interviews, TNA Survey Report helpful in identifying the areas of Prosecutorial practices which needed an immediate attention for their improvements. 30 Prosecutors working at different levels i.e. Additional Prosecutor Generals, Deputy Prosecutor Generals, Assistant Prosecutor General, District Public Prosecutors, Deputy District Public Prosecutors and Assistant District Public Prosecutors were interviewed. Subjects considered most important by these officers were as follows:

- HR in criminal proceedings
- Rehabilitation of victims of crime
- Witness Protection Program
- Measures of crime prevention
- Collaboration with Investigation Agencies
- Interrogations skills
- Problems of certain areas of crime
- Rhetoric skills
- Legal language skills
- Procedural law and trial tactics
- Efficient work management
- Supervisory staff and staff management skills
- IT skills and usage of data bases

#### **4.4.5 Modules for training developed in the light of TNA**

A Committee comprising of senior prosecutors of the department was notified in November 2012 for reviewing and developing training modules with GIZ. The Committee jointly with GIZ team, reviewed training modules, earlier developed by the



department in collaboration with MPDD and TNA Survey Report recommended updated version of Basic Induction Training Modules for ADPPs. This became the basis of Induction level training at Center for Professional Development for Public Prosecutors at Chung. The duration of Basic Induction Training was reduced to 4-Weeks as compared to 6-Weeks in MPDD. Total seven areas were identified by the committee and the GIZ team. These areas are Advocacy skills, criminal evidence, criminal procedure, ethics and professional conduct, fire arms and ballistics, fundamentals of Forensic Science, legal medicine, police investigations and powers with 35 modules.

It is note-worthy that up-dating the training modules and research is a constant feature at CPD the glimpse of latest suggested and updated training modules is reflected below;

### **Suggested Module for Promotion Linked Training of ADPPs to DDPPs**

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- **Service laws**

- PEEDA
- Punjab Civil Service Act 1974 & Rules
- Leave Rules 1981
- Related Provisions of Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006

- **DDO powers**

- Various aspects of Financial Discipline and prevailing financial system in the Province, Districts & Tehsils with special reference to **Prosecution Department**
- Punjab Financial Rules, 1980
- How to Prepare Budget, Statements of Excess and surrender
- Maintenance of Cash Book and Stock Registers
- Duties and Responsibilities of DDOs
- Delegation of Financial Powers Rules (amendment) 2011
- How to Prepare/maintain Service Books and Leave Accounts
- Reconciliation of Accounts, dealing with Audit Observations / Audit Paras
- How to prepare various kinds of bills
- Punjab TA Rules
- PPRA Act and Rules, 2009.

- **Remand & Bails**
  - The purposes and type of police custody
  - Grounds of Remand
  - Role of prosecutor at Remand hearings
  - Definition and types of bails
  - Nature of proceedings: what does a tentative assessment mean?
  - What are the main grounds of bail: evidentiary standards and considerations in all types of bail;
  - When further bail applications can be made?
  - How to structure application for cancellation of bail
  - Dealing with application of suspension of sentence
  - Gender distinction in bail
  - Bail and remand under special laws
  
- **Scrutiny of Police Reports**
  - Nature and objective of scrutiny of police reports
  - Coordination with police in formulation of reports
  - Role of prosecutors in the scrutiny of reports
  - Identification of defects and get them rectified if possible
  - Prosecutorial advice: nature and extent
  - Drafting of scrutiny reports
  - Drafting of objection memos
  
- **Prosecutorial Decision Making**
  - Comparative study of Prosecutorial Decision Making
  - Decision Making Guidelines with special reference to Prosecution Act & Manual
  - Prosecutorial Tests
  - Results of Scrutiny
  - Nature & Stages of Prosecutorial Decision Making

- **Modern Techniques**
  - IT Skills
  - Microsoft Office
  
- **Forensic Evidence**
  - Medical/ Toxicology/ Serologist Report
  - What can be proven from a medical report?
  - What is the best method to extract evidence/testimony from a doctor?
  - Admissibility of Reports
  - Challenging the findings of reports
  
- ***FORENSIC BALLISTIC REPORT***
  - What is it going to prove?
  - Establishing the link between weapon and bullet instead of working condition
  - Establishing whether gun was used by a particular accused
  
- ***HANDWRITING EXPERT***
  - What is handwriting expert looking at?
  - Admissibility
  - Preliminary Suppositions in the absence of expert opinion
  - Can handwriting be faked?
  
- ***CYBER CRIME – FORENSIC TECHNICAL REPORTS***
  - Where do investigators look?
  - Internet Service Provider (ISP) and Records
  - Requisitioning records from Email Service Providers
  - What can a Forensic Technical Report prove?
  - Admissibility
  - How Forensic Analysis is applied on Computers/Laptops/Mobile Phones?

- Understanding the process to explain it to the judge in a comprehensive way.
- ***DNA EVIDENCE***
  - From where can DNA be extracted from?
  - What does the Test prove?
  - Relevance in cases – not limited to rape cases alone.
  - Admissibility of Evidence
  - Historical overview – The Innocence Project in the US – Re-evaluating old convictions against DNA tests.
- ***AUDIO/VISUAL EVIDENCE***
  - Spectrograph Testing
  - Admissibility of Reports
  - Common perceptions – challenging claims that audio/video evidence is fake.
  - How to introduce such evidence in Court?
- ***PHOTOGRAPHIC EVIDENCE***
  - Responsibility of Collection of photographic evidence.
  - What can be proved by photographic evidence?
  - Protecting and re-enacting the crime scene
  - Manners and methods of tendering & proving forensic evidence
- **Preparation of Criminal Trial**
  - Preparation of case file
  - Question as to jurisdiction and cognizance
  - Comprehensive analysis of the case
  - Sequence of facts
  - Availability of proof
  - Identifying supportive and negative facts

- Examination of Inquest report , MLR & PMR
  - Examination of others reports
  - Selection of evidence (witnesses & documents)
  - List of proposed admissions
  - connecting evidence to the issues
  - Stance of accused
  - Case strategy
  - Relief Alternative
- **Conduct of Trial**
    - Contents and format of a charge
    - Principles and procedures relevant to Joint charge and Joint Trial
    - Identification and consequences of defective charge
    - Role of prosecutor during recording of evidence
    - How to identify and produce documentary and oral evidence?
    - Examination of expert
    - The principles and procedures of using accused as prosecution witness
    - Procedures of calling witness not included in the calendar of witnesses
    - Use of evidence of witnesses who are not present in court
    - Competence and compellability
    - Recording of evidence through commissions, Shahada al Shahada
    - Examination in chief, form of questions, Principles and procedures for allowing witnesses to refresh memory, when and how declare a witness hostile, status on declaration, prohibition of certain questions.
    - Cross examination, aims of cross examination, forms of questions to be asked in cross examination, previous inconsistent statements, restriction on cross examinations.
    - Re-examination; forms of questions
    - Court's Power to decide question of admissibility

- Principles of privilege against self- incrimination & exceptions
  - Principles and procedure for examination of accused and defence witnesses, different aspects of (340(2),342 & 265-F
  - Evidence of accused against co-accused
  - Adverse inferences
  - Cross examination of accused
  - Evidence of bad character and previous conviction
  - Additional Evidence
  - Written Arguments
  - Summing up (arguments)
- **Criminal Evidence**
    - Admissibility and Relevance of Evidence
    - Evaluation of Evidence
    - Forms and Burdens of Proof
    - Hearsay evidence, Bad Character and Expert Evidence
- **Appeals & Revisions**
    - Purpose of appeal
    - Appeals from judgments of the Court of Magistrates
    - Appeals from the judgments of session's court
    - Appeal from the judgments of High court
    - Powers of Courts on appeal
    - Powers of Courts on Revision
    - Grounds of appeal against acquittal
    - Limitation for filing of appeal
    - Steps which a Prosecutor should take when making a recommendation for and preparing grounds of appeal
    - Law relating to hearing fresh evidence during the appeal,
    - principles and procedure in appeals

- What matters are subjected to revisions?
- Suomotu Revision powers
- Concept of application for enhancement of sentences or revision
- **Legal Drafting**
  - General drafting skills
    - How to construct body of draft?
    - How to use facts and law?
    - How to Identify Evidence through Drafts?
  - Structuring an appeal against acquittal
  - Cancellation of bail
  - Revision
- **Powers of police & Investigation**
  - First Responder
  - Procedure of body dispatch
  - Powers in order to post mortem
  - Transmission of Parcels of articles/samples/viceras for analysis
  - Preparation of injury statement
  - Preparation of inquest Report and duly filling of all columns
  - Preparation of unscaled site plan by investigating officer and scaled site plan either by draftsman or by Halqa Patwari.
  - Drafting of Challan under chapter 27 (Police Rules 1934)
  - Seizures and searches
  - Case property
  - Excerpts from “Zimnis”

- Identification of suspect
- Securing and Recording of evidence at crime scene
- Collection and preserving of evidence
- Preparation of Police Brief
- Road Certificates
- Reports of experts
- Powers of arrest
- Warrants and execution
- **Anti-Terrorism Act 1997**
  - Concept of Terrorism
  - Emerging trends in terrorism post 9/11 and incident of Peshawar
  - Prominent Terrorist Groups in Pakistan
  - International measures to curb terrorism and Pakistan's response, especially With respect to 5th Schedule of ATA
  - Pakistan's measures to tackle terrorism
  - ATA 1997
  - What is Terrorism? Act of Terrorism and its essential ingredients and its Punishments
  - Proscription of an organization & its De-proscription
  - Cases of 11-EE
    - Cases of 11-EEE
    - Cases of 11-EEEE
  - Forfeiture & Custody of case property



- Investigation
  - Authority to investigate
  - Supervision
  - JIT
  - Submission of report u/s 173
- Cognizance
  - SuoMotu
  - Complaint
  - Police Report
- Prosecutorial Scrutiny (Prosecution Act, 19-B)
- Search & Arrest u/s 19-A
- Protection of Judges, Prosecutors etc u/s 21
- Investigation
- Bail
  - Procedure & Grounds
- Remand
- Recording of confession, admissibility and consequences
- Trial
  - Trial precedence
  - Trial in absentia
  - Procedure
  - Presumption (Explosive & DNA Evidence)
  - Section 9 & 11-W
- Appeal
  - Procedure
  - Limitations
  - Who can file appeal?
- Transfer of cases

- Salient Features of Protection of Pakistan Act & Investigation for Fair trial Act, 2013

- **Anti-corruption Laws**

- Corruption and Bribery
- Misconduct and offences under PPC
- Public Servant, Government Servant and Citizens of Pakistan
- Initiation of proceedings
  - FIR
  - Enquiry
  - Complaint
  - Trap cases
- Investigation
  - Police Officer
  - ACE
- Bail and Remand
- Sanction for Prosecution
  - Law & Rules relating to sanction
- Trial of offences
  - Procedure for trial
  - Evidence of accused
  - Prosecution
  - Presumptions
  - Punishment

- **Drug Laws**

- Offences, Prohibition and Punishments

- Initial Steps
  - Premises inspection
  - Codal Formalities
  - Forms preparation
  - Sampling
- Initiation of proceedings
  - Preparing a report of default
  - Authority to whom it is sent
  - Procedure of PQCB
  - Right of accused in the proceedings
- Filing complaint before the court
- Issuance of process
- Charge
- Trial
  - Procedure relating to trial
  - Manner of exhibiting document
  - Calling of experts
- Imprisonment and sentence
  - Limit of sentence
- Appeal
  - Limitation
  - Who is competent to file
  - forum

- **Control of Narcotics Substance, 1997**

**Duration..... Half Day**

- Prohibition, offences, Punishment
- Investigation, search & Arrest
- Recovery, custody, freezing and disposal of property
- Sampling, sealing and dispatching of property
- Examination of chemical Report and its admissibility
- Examination of Report U/S 173 Cr. P.C

- Bail & Remand
- Trial of offences

- **Forensic Accounting**

**Contents of Module:**

- Kinds of fraud and Pakistan Penal Code.
- Money laundering in terrorism cases.
- Public sector accounting systems,
- Financial statements etc.,
- Different fraud schemes and characteristics of fraudsters
- Applicable provisions of PPC and other relevant laws
- Frauds in procurements in the public sector,
- Rules made under Public Procurement Regulatory Authority

**Recent Work developed in CPD**

1. Module template
2. Module development Policy
3. Training Evaluation Criteria
4. Training Manual
5. Module on violence against women
6. Module on Anti-corruption Laws

**Future Vision and Suggestions.**

- Promotion linked Trainings.

(Team CPD has completed its spade work on the carving of module for promotion linked trainings of Public Prosecutors i.e. ADPPs to DDPPs, DDPPs to DPP & DPGs to APGs).

- Induction Trainings of DPGs.

- Joint trainings of Police and Prosecutors.
- IT skill enhancement trainings of ministerial staff.
- Management Trainings of CPD staff.
- Joint Trainings of Judicial Officers and Prosecutors as are prevalent in the contemporary training institutes in the world.
- Introduction of **mentoring** system in the province.
- Shifting of CPD to 85-Shahjamal, Lahore.

## **5 GUIDELINES SO FAR ISSUED**

### **5.1 ACTION AGAINST DELINQUENT POLICE OFFICIALS**

It is the statutory duty of the District Public Prosecutors to establish liaison with the District Police Officers or any other appropriate authority to pursue such like complaints effectively. Needless to point out all the District Public Prosecutors of the Punjab are members of concerned District Criminal Justice Coordination Committee established under Article 110 of the Police Order, 2002, therefore, in future all the District Public Prosecutors shall effectively raise such issues in writing before the appropriate authorities and especially will bring it into the kind notice of learned District & Session Judge under intimation to this office.

### **5.2 INSTRUCTIONS REGARDING CASES OF JUVENILE ACCUSED**

Complaints regarding careless conduct of Prosecutors in cases of trials of **Juvenile accused** were being received from various corners. It became necessary for this office to issue immediate instructions to all the DPPs and their subordinate Prosecutors, that the Prosecutors must assist the Courts carefully in respect of trials of a **Juvenile** or youthful offenders and ensure that no **Juvenile** shall be charged-with or tried for an offence with an adult offender and if a question arises for the determination of age of an offender, the Prosecutor shall assist the Court carefully on the basis of medical report or any enquiry for the determination of the age of the offender. The report of a probation officer submitted to the **Juvenile** Court shall be treated as confidential and during trial when **child** who has been brought before a **Juvenile** Court and is found to be suffering from serious illness, whether physical or mental, and requires proper treatment, the Prosecutor shall assist the Court to send such a **child** to a reformatory or a medical institution where treatment shall be given to **child** at the expenses of the State.

### **5.3 LEGAL OPINION FOR SECTION 124-A PPC**

Every word of speech intentionally delivered by the accused to bring into hatred or contempt to incite disaffections towards the Government established by law which is

calculated to disturb the tranquility of the State and to leads the innocent public to do subversive acts against the State and disrupt the civic life practically. In such like exigencies the investigating officer has to request for the sanction for prosecution of section 124-A PPC but legally the investigating officer has to record the statements of Government employees for the support of initial complaint of a private citizen. It is appropriate to direct the investigating officer that he should record the statements under section 161 Cr. P.C. of some Government employees, then insert section 124-A PPC and thereafter the Home Department is fully empowered to grant sanction for Prosecution under section 124-A PPC which clearly falls within the purview of Chapter VI of Criminal Procedure Code.

#### **5.4 SCRUTINY OF REPORT u/s 173 Cr. P.C**

The District Public Prosecutors have been directed to supervise the working of their subordinate Prosecutors strictly in accordance with the spirit of Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006. Needless to say that section 13(4) is self explanatory that the Prosecutors, working under the supervision and control of the District Public Prosecutors, shall keep the concerned District Public Prosecutor informed about the progress of all criminal cases under their charge. Moreover, it is the duty of the Prosecutors to prepare a report in writing under section 9(7) of Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006 regarding the available evidence and applicability of offences against all or any of the offenders as per facts and circumstances of the case.

#### **5.5 DELEGATION OF POWERS**

##### **5.5.1 POWER OF EARNED LEAVE**

Power of leave on full pay, half pay, extra-ordinary leave, leave on medical grounds with medical certificate other than Ex-Pakistan leave upto 60 (sixty) days have been delegated to all the District Public Prosecutors/Incharge Regional offices in the entire province in accordance with rule 35(4) of the Revised Leave Rules, 1981.

Whereas all the DPPs/Incharge Regional Offices shall exercise their power to sanction with prior intimation to this office and forward a copy to the Director General (Inspection) besides maintaining leave account of all officials regularly at their respective offices.

The DPPs/Incharge Regional Offices have further been directed to follow the Revised Leave Rules, 1981 while sanctioning the same fairly, honestly and within four corners of law.

### **5.5.2 Appointing Authority & Right of Departmental Proceedings**

As per notification dated 06.07.2014 relating to amendment in Prosecutor General Punjab (Miscellaneous Posts) Service Rules, 2011 to be read with letter No. SOR-I(S&GAD)1-3/2003 dated 13.02.2013 the concerned DPPs have been declared appointing authority for staff from BS-01 to BS-14 excluding some of BS-12 posts.

Further the concerned DPPs have been authorized regarding initiation of departmental proceedings under PEEDA Act, 2006 against officials and submit final outcome of the proceedings to the office of the Prosecutor General Punjab, Worthy Secretary, Public Prosecution Department and Directorate of Inspection in each case and also submit consolidated report about the disciplinary cases on 20<sup>th</sup> date of each month.



## 5.6 ONLINE SYSTEM FOR SCRUTINY OF REPORT u/s 173 Cr. P.C

Dashboard Cases (1) New FIR Cause List Closed Cases Appeals Performas Assistant District Public Prosecutor

### Report 173 Registration

This form is used to add the details of Report 173. The fields that are common to FIR are pre-populated for you.

From FIR Report Accused Documents Recommendations Scrutiny Objections Objections [Send to IO](#) [Send to court](#)

Whether the report u/s 173 is duly signed / verified by a gazetted Police Officer?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether all required papers/documents are attached to the police and judicial files?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether all the columns of the report u/s 173 are duly and correctly filled in?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Does the list of case property entered in the report u/s 173 tallies with the list given in the Road Certificate?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether there was any delay in lodging of FIR? If so, what was the reason?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the plan of scene of crime has been prepared according to Police Rules instructions?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the list of stolen/snatched property bears the signature of the complainant and the officer who prepared the list?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the medico legal reports, post mortem reports, inquests reports statements of injuries, chemical examiner's report, serologist report, DNA/RNA report are attached?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Is the documentary evidence part of public record? If so, have certified copies been obtained.	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Has all the documentary evidence relied upon by police attached with the police report? Who is in possession of original documents?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether search and seizure was conducted in accordance with law.	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In murder and hurt cases, whether the investigation Officer inspected the place of occurrence and entered all details in his inspection Note?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In case of Abduction / Kidnapping whether the statements of recovered abductee recorded under section 161 and 164 of the Code of Criminal Procedure	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In rape cases whether the victim has been medically examined with final opinion of the Doctor?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In rape cases whether any DNA/RNA tests got conducted, if required for evidence?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In rape cases whether potency test of the accused person been conducted by the Medical Officer?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Are the marginal witnesses to a document or those familiar with the handwriting of the executants of the document are prosecution witnesses and will they be available to testify?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the list of property recovered, produced or seized in the case has been correctly prepared, dated and signed by witnesses and the officer(s) preparing them?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
If recovery of weapons of offence has been effected, has the place, wherefrom recovery effected, given in recovery memo?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Has the weight of recovered weapon entered in recover memo?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Has the sketch of recovered weapon drawn and attached to the Challan?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Have the recovered articles properly sealed?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether all recovered weapons and all other case property been entered in Register no. 19 of the concerned Police Station and corresponding number is mentioned in the relevant memos in red ink?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the identification certification certificates of the accused have been attached to the challan?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Which of the accused are previous convicts and whether evidence regarding the same has been attached?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Has Police explained final outcomes with regard to every important accused in the report?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the accused confessed before the Magistrate and his statement recorded u/s 164 of the Code?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether copies of statements (legible and duly verified by the Investigation Officer) for delivery to the accused as required u/s 265-C of the Code, attached to the Challan?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether search slips of the accused was sent to the Bureau and has any reply received?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Were remands regularly taken and was the Challan prepared in time?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
If there is delay in submission of challan whether reasons given? Mention the delay in number of days beyond statutory period of 14 days.	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Is the police brief complete according to Government instructions? Note defects	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether all necessary witnesses have been listed and their connection with the complainant noted?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
In case where there is apprehension of resiling of witnesses, have their statements got recorded u/s 164 of the Code at early stage of the case?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether a motive for commission of alleged offence been established by investigation Officer?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether all the bail bonds and personal bonds of the accused persons and addresses of the accused and witnesses have been attached to the challan or not?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether proceedings under section 87/88 of the Code have been properly initiated? If yes, then is full description of the absconder/s, list of property owned by him, original warrants of arrest and proclamation report of the process server and proceedings taken by the I.O. u/s 87/88 of the Code attached with the Challan?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether age of the charged accused has been ascertained in appropriate cases?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether statements of prosecution witnesses were properly recorded?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether evidence of witnesses corroborated by the medical evidence and recoveries?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether in all cases registered under Anti-Terrorism Act, 1997 investigation been conducted by joint investigation Team as required u/s 19(1) of the Act?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether information regarding the police officer who prepared a report u/s 173 is available.	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether more than one person / agency has investigated the case and if so are all the investigation results available?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No
Whether the Challan was thoroughly scrutinized, before submitting to the Trial Court, keeping particularly in view the deficiencies/omissions/lacunas pointed out in different judgments of Hon'ble Apex Courts from time to time?	<input type="radio"/> N/A	<input type="radio"/> Yes	<input type="radio"/> No

[Save Objections](#)

- If you have any objection regarding investigating officer, go to ‘Send to IO’ written at the top and by clicking on this you will be able to enter objections which can be shown in the ‘Objections’ tab once you assign a resolution date to those objections. Press ‘Send to IO’ after entering objections.

- Once the objections are raised you can do three things
  - i) Resolve (If the objection is resolved in given time)
  - ii) Ignore (If the objection cannot be resolved at all)
  - iii) Give a new date to resolve the objection (If the objection needs more time than allotted)

You cannot send this case to court without resolving or ignoring objection. After resolving all objections click on ‘Send to court’.

Dashboard Cases (1) New FIR Cause List Closed Cases Appeals Proformas Monthly Assistant District Public Prosecutor

Objection has been successfully marked as ignored

### Report 173 Registration

This form is used to add the details of Report 173. The fields that are common to FIR are pre-populated for you.

From FIR Report Accused Documents Recommendations Scrutiny Objections

Send to IO Send to court

Objection Type	Objection	Assigned on	Expected date to resolve	Status	Update	Modified On
Defects	Rough Crime Plan not attached	Today, 10:50	2014-10-14	Unresolved	resolve ignore	Not Updated Yet!
Defects	Wrong Offence Section	Today, 10:50	2014-10-14	Resolved	-	Today, 10:50
General	Not Signed by the relevant authority	Today, 10:50	2014-10-14	Ignored	-	Today, 10:51

- You will be asked to enter 'Scrutiny Result' before sending it to the court. Enter result and click 'Send to court'.

Dashboard Cases (1) New FIR Cause List Closed Cases Appeals Proformas Monthly Assistant District Public Prosecutor

### Report 173 Registration

This form is used to add the details of Report 173. The fields that are common to FIR are pre-populated for you.

From FIR Report Accused Documents Recommendations Scrutiny Objections

Send to IO Send to court

Police Station: 7  
District Name: Lahore  
FIR Number: 513/14  
Date/Time Fir: Oct 15  
Offence Sections:

For ATA 7A Enter Offence Sections

Add Offence:

Complainant Name: Asim Khan  
Complainant Address: Cantt Lahore

Next

Send To Court

Result of scrutiny

Scrutiny

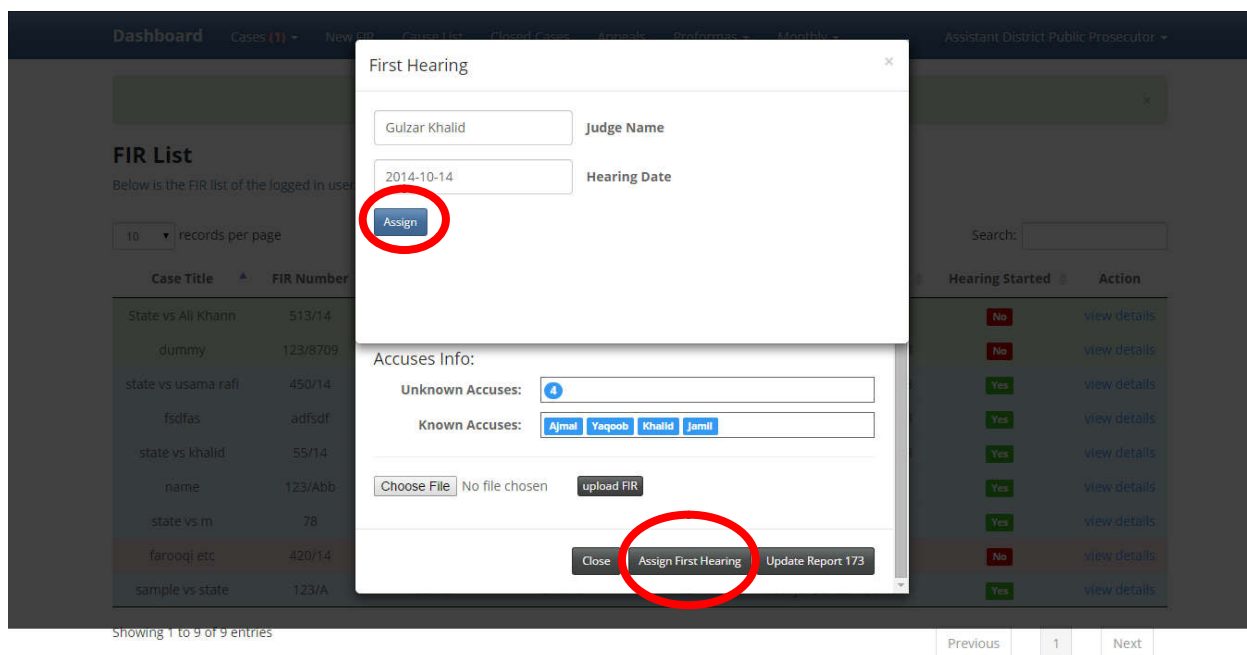
Theft robbery

Give Analysis here...

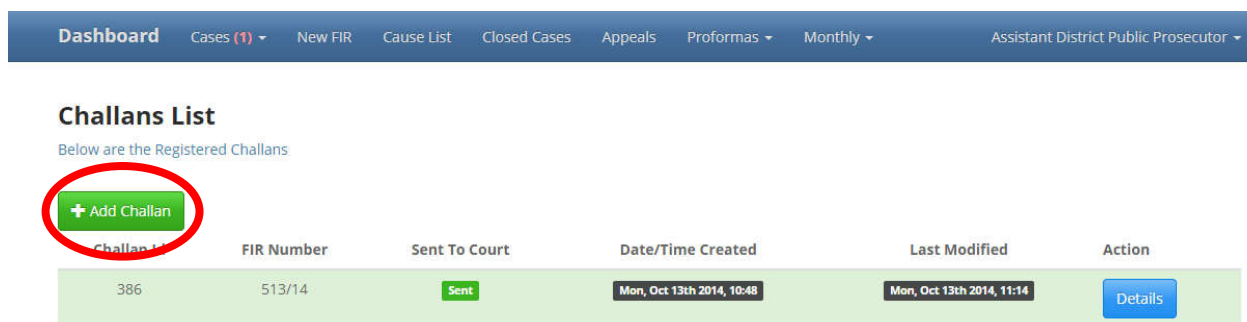
Give Conclusion here...

Send To Court

- After sending to court you will be redirected to the list of cases. Click on 'view details' of the respective case and 'Assign first hearing'. You will have to enter the name of the judge and first date of hearing.



- If you want to add another challan related to same FIR just click on ‘Update Report 173’ and you will be given an option to enter another challan.



## 5.7 Model Prosecution Office

Prosecution Department has established a Model Prosecution office at District Lahore, Tehsil Cantt. with the help of GIZ under SPPS Project. The Model office has been equipped with modern infrastructural facilities for implementation of prosecutorial management and information system.

## **5.8 Developing Performance Based Accountability Mechanism**

The Public Prosecution Department has already started working on developing performance based accountability mechanism which has been implemented to some extent, however, some pre-requisites are yet to be implemented so far.

## **5.9 Poor Case Management, Causes and Proposals**

For all this best intentions, the efforts of the revised PCPS have not been able to translate into a set of best practices that can ensure optimal efficiency due to structural issues in the system of case management in criminal justice system. Lack of accountability and transparency are major impediments in efforts to minimize delays in judicial proceedings and a huge pendency of backlogged cases in the criminal justice system of Pakistan. This problem arises from an archaic case management system that tracks cases through physical case files and archives which are extremely prone to data tampering, corruption by clerical staff, and damage through a lack of maintenance. This becomes especially acute in the criminal justice process where cases are initiated and carried through their life cycle by three major institutions of the police, the prosecution services, and the lower courts. A lack of integration and uniformity in their case management systems, even in their current form, has resulted in no meaningful consolidation of crime and criminal prosecution analytics and a total absence of transparency in the process. Delays, defective police investigations, and judicial are all exacerbated by this lack of transparency. In the final analysis, in terms of policy making and reform implications, the current case management system doesn't easily allow for responsibility and accountability for misconduct in the criminal justice process.

We propose to replace the current system with an effective case management and analytical oversight system to improve the overall efficiency and transparency in the criminal prosecution process. In the currently archaic system of case management employed in the lower courts of Pakistan an extremely high number of pending and backlogged cases are a major impediment to speedy and cost effective

access to justice for millions of citizens. In most cases, this is not due to judicial malfeasance but procedural delays that are inherently prone to a slower case flow through the various stages of case proceedings. This is largely down to the design of the case management system currently in use in the lower courts where all data on case files is entered manually by clerks with poor computer literacy. In addition to this, all data is managed on physical case files and tabulated on a hundreds of case ledgers, which themselves are poorly archived in the judicial archives.

This problem becomes increasingly acute in cases invoking criminal law. Criminal proceedings are primarily initiated by the Police<sup>1</sup> which, through its investigation officers, prepare case materials (eyewitness testimony, evidence, trial witnesses, medical and DNA reports, etc) and prepares them in a *challan* known as Report 173 for the public prosecutor. The police send the preliminary FIR to the persecutor and is bound by completing the case file within 14 days of the FIR being concluded. This report is carried on for all intents and purposes as the primary judicial file once the prosecutor passes it on to the court for formal trial proceedings. For their part, the public prosecutors scrutinize and find shortcomings in the case files, sending them back to the investigating officers with expected return dates. In most cases, the 173 Report undergoes several alterations before being passed on to the trial courts.

There are a number of ways in which the current system does not ensure the highest level of procedural legal compliance for criminal defendants. Intrinsicly linked to this phenomenon is the lack of accountability on the public prosecutor and other parties to the pre-trial process like the police department. Backlogs resulting from this occur in two primary ways;

- (i) The pre-trial period takes an indefinite amount of time due to procedural negligence or a lack of compliance on part of the prosecution and/or the police; and

- (ii) Objections raised during the trial process over the validity of the procedural safeguards maintained in preparing the Report 173. In both cases, the backlog creates a highly inefficient and costly pre-trial and trial process.

Specifically, when discussing the lack of accountability, there are a few important implications to be noted. Insofar as the work of public prosecutors and the lower trial courts is concerned, a senior monitoring judge, a Justice of the High Court, is appointed to ensure that there is no discretionary procedural misconduct and inefficiency in the criminal justice system. Typically, a monitoring judge has a high volume of cases to sort out (approx. 3500 case/week) without appropriate electronic case management and analytic tools. The result is a lack of effective supervisory controls and rectification measures by the monitoring judges, despite the best intentions of those charges with maintaining accountability. Similarly, for the respective police secretariats charged with ensuring compliance and professional behavior in the investigation process. Though our research may present several policy-making implications, the design and application of our research focuses on two things. Firstly, on improving the capacities of the public prosecutor in the provision of criminal justice for defendants and accused persons. Secondly, to give meaningful analytical insights to monitoring judges of the Lahore High Court and regulators in the PCPS and enable them for more effective regulation and performance analysis in the lower judiciary in Punjab.

### **5.10 Research Objectives and Design**

The primary purpose of our research application is to ensure a more efficient management of cases through a workflow that achieves two objectives; greater transparency in the pretrial and trial procedure regarding the cataloguing of case data and court orders; and analytical analysis tools for monitoring judges to ensure compliance of prescribed procedural standards. We achieve this by implementing a three step process that does not add to the existing workflow for public prosecutors which would be the primary executors of our proposed system. All three stages of the case management

system are designed to ensure the greatest transparency in the subsequent stages, along with negating the risk of data tampering at subsequent stages in the pre-trial process, which is a possibility with a high likelihood and incidence in the current system.







IN THE NAME OF ALLAH THE MOST BENEFICENT AND THE MOST MERCIFUL

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ  
شَتَانُ قَوْمٍ عَلَىٰ ءَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ  
خَبِيرٌ بِمَا تَعْمَلُونَ ﴿٨﴾

اے ایمان والو! اللہ کے حکم پر خوب قائم ہو جاؤ! انصاف کے ساتھ گواہی دیتے (ف ۳۶) اور تم کو کسی  
قوم کی عداوت اس پر نہ ابھارے کہ انصاف نہ کرو اور انصاف کرو وہ پرہیز گاری سے زیادہ قریب ہے  
اور اللہ سے ڈرو بے شک اللہ کو تمہارے کاموں کی خبر ہے