



**OFFICE OF THE
PROSECUTOR GENERAL
PUNJAB**



No. S-I&I/PGP/2024/
Dated Lahore, the 16th March, 2024

**STANDARD OPERATING PROCEDURES FOR
POLICE PROSECUTION CO-OPERATION IN THE
PROVINCE OF PUNJAB IN ALL KINDS OF OFFENCES**

Introduction

Whereas Police and Prosecution are part and parcel of the criminal justice system,
And whereas an effective investigation and prosecution is not possible without
cooperation and coordination of both departments,

And whereas there is an urgent need to remove the coordination gaps using
information technology and the latest devices. So that the public can benefit from
both departments for dispensation of justice and better law & order situation.

Now therefore, both Heads of Departments do hereby adopt the following standing
orders to be executed in future in their respective departments.

Background

Previously both departments have already agreed on various standard operating
procedures for police and prosecution cooperation in the province of the Punjab
which are still in field vide documents dated 14th December 2011, 10th October
2013, and 13th December 2019. However, the earlier documents have restricted
application in specified offences only and use of information technology has not
been mentioned therein. Therefore, the present Standard Operating Procedure is
being executed to improve mutual coordination in a comprehensive manner for
effective investigation and fair prosecution in all kinds of offences in all over the
Punjab.

Co-operation

The principle of full co-operation between police and prosecution is accepted and

is strongly recommended. The “prosecution team” ethos will emerge, and it will lead to better quality criminal cases, fit for prosecution. In this way a culture of fair prosecution shall be established.

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 always used. Confrontational language and behavior must be avoided.

Independence

This SOP respects the current constitutional and statutory independence of each institution. The police is responsible for investigation whilst the prosecution service is responsible for prosecuting cases in court. This separation of the two functions vested in each institution should continue. The Prosecution has advisory role over the investigation process. The Prosecutor may issue guidelines for effective and efficient investigation in a specific case.

Inter-dependence

The investigation and prosecution processes aim to achieve the same outcome – that of effective, efficient, fair and robust prosecutions to deliver justice for victims, witnesses and the public of Punjab. To this extent, the investigation and prosecution is seen as the same process and they must be on same page. Fair prosecution is not possible without an effective investigation and good investigation is not possible without proper guidance of the prosecution. Both stages are inter-dependent on each other.

To achieve this outcome, it is essential that the respective functions are seen as inter-dependent. The principle of independent functions carried out to achieve inter-dependent outcomes is accepted by both police and prosecution service.

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 pre-trial and trial stage of a criminal case in all kinds of offences.

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.

Co-operation Tiers

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

- i. Primary Level: Covers In-charges Investigation, SHOs, I.O.s and concerned Prosecutors, District Public Prosecutors and includes Joint Investigation Team in Terrorism cases. This level shall be created at each police station.
- ii. Mid level: Covers Regional Police Officers / District Police Officers, DSP investigation, SP investigation, District Public Prosecutor, DPGs and APGs. 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. This level shall be created at each District.
- iii. High Level: Covers the headquarter level i.e. Inspector General Police and Prosecutor General, Punjab, Addl. I.G Police, DIG Investigation, Deputy Prosecutor General, Additional Prosecutor Generals and other officers accordingly if needs. This level shall be created at provincial level. This shall be the approval and reporting level.

For effective and smooth cooperation WhatsApp groups shall be constituted at all levels for speedy and smooth coordination.

Integration of Pol.com and CFMS

Police and Prosecution have developed their respective information systems which

are known as Pol.com and CFMS. These systems shall be integrated for better coordination and mutual assistance. In this regard a proper mechanism shall be created to integrate and further utilization.

Training and Educational Sessions

In order to create an effective system, joint sessions of training and coaching shall be arranged for Investigation Officers and Concerned Prosecutors for their better training and education. So that they will familiar with the latest judgments of the Superior Courts in order to avoid common errors in the investigation and prosecution.

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:

PRE-TRIAL STAGE/ From registration of FIR till conclusion of challan

Police

It has been observed by the Hon'ble Lahore High Court in numerous cases that there is lack of coordination between police and prosecution specially at the initial stage of investigation that is from registration of FIR till conclusion of the challan report.

As per Section 12 of the Punjab Criminal Prosecution Service Act, 2006, it is the statutory duty of the police to provide a hard copy of each FIR to the concerned District Public Prosecutor. The concerned police officers shall make ensure that hard copies of all FIRs are regularly sent to the District Public Prosecutors in each district.

After the registration of the FIR, it will be the duty of Investigation Officer to take line of inquiry under the Rules 4.14 to 4.18 of the Code of Conduct for Prosecutors, 2017. Thereafter, the Investigation Officer shall conduct the investigation in accordance with the line of inquiry issued by the concerned Prosecutor.

Senior Police Officers of the District shall legally bound their I.Os to obtain lines

of inquiry from the concerned prosecutor soon after the registration of FIR. In this regard a memorandum may be added in the police diary to the effect that lines of inquiry has been obtained from the concerned prosecutor in each case.

The mechanism of issuance of line of inquiry shall also be incorporated into the information systems of both departments so that digital monitoring may be possible.

Police shall bring into notice of prosecution, incidence of a crime, immediately by providing a copy of the FIR to the DPP Office or informing through mutually shared I.T Networking System or by any available Telecommunication Facility, whatever is first available.

The I.O will share his observations of first visit to the scene of occurrence with the prosecutor.

Pre-trial advice of Prosecution shall be positively dealt with. Advice should include any further steps to be taken by the I.O, including lines to pursue and advice on how to strengthen the evidential basis of the case. All potential difficulties with the case shall be discussed with solutions suggested. Pre-trial advice, assistance and support will minimize the need for curing remedial and non-remedial defects in the Police reports and will minimize the number of cases deemed not fit for trial.

I.O shall frequently discuss checklist with prosecutor to ensure smooth progress of the cases and will follow the advise given by the Prosecutor.

Not limited to but particularly, Police shall seek pre-trial advice from Prosecutor on, identification parade, remand and pre-trial bail matters.

If an investigation is not completed, or cannot be completed within the time prescribed by law i.e 14-days, the reasons for the delay shall be communicated to the Court through 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.

All the police reports under section 173 Cr.P.C shall be submitted to the Prosecution within 14 days after the registration of FIR. If the investigation cannot be completed within 17 days, the I.O shall submit an interim report till the conclusion of report under section 173 Cr.P.C.

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

In the event that there is insufficient evidence available during an investigation, the I.O shall prepare a cancellation report and forward a copy to the court through the relevant prosecutor for judicial verdict.

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 – the prosecution file. This shall include all relevant papers, documents, statements etc. Where a document is required and is necessary the prosecutor shall request the same. Upon this request the relevant document shall be provided.

The I.O shall, during pre-trial stage prepare Police Brief, especially in high profile / terrorism cases, to assist prosecutor in the decision-making process.

Prosecutor

The prosecutor shall provide pre-trial 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 expedition assist in the 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, upon certifying a case fit for trial, shall keep the I.O informed of all developments and progress.

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.

Mechanism for submission of reports under section 173 Cr.P.C. (Challan)

1. The Prosecution Department has already constituted Prosecution Facilitation Centers at all district level wherein the Pre-Trial Prosecutors are available during the office hours for assistance and coordination with the Investigation Officers.
2. The investigation officer shall submit the final report under section 173 Cr.P.C. The I.O shall be provided with an informal receipt for receiving the challan for scrutiny purposes only.
3. The Concerned Prosecutor may retain the challan for scrutiny purposes till 3 days from receiving the same from I.O.
4. After completion of 3 days, either the challan shall be return to the I.O for removal of defects or it shall be submitted in the court.
5. If the reports under section 173 of Cr.P.C is returned to I.O for removal of defects then it cannot be treated that challan has been submitted in the court.
6. A formal receipt that the challan has been submitted in the court will be issued only when the defects have been removed accordingly.
7. A letter regarding defect that is called report under section 9 (5) shall be uploaded in the information system for information and knowledge of police department.

8. All cancellation reports shall be submitted to the prosecutor after taking recommendations from the concerned SP. No cancellation report will be entertained without forwarded by the SP as enshrined in the Rule 24.7 of Punjab Police Rules, 1934.

Trial Stage

The I.O and prosecutor shall keep the victims and witnesses informed of the progress through process serving agency.

Due care and attention shall be paid to the needs and interests of victims and witnesses, including limiting the number of times they have to attend the Court.

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.

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 device 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), WhatsApp and e-mails and templates to this end will be developed in consultation.

Requests & 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.

Accountability

After executing this document, both departments will issue official orders internally for implementation on the SOPs. In case of violations or non-observance of these SOPs strict departmental actions shall be taken against the delinquent officials. Each department is duty bound to keep inform the other department regarding action taken against the delinquent official. Zero-tolerance policy shall be observed for implementation of the SOPs. In case of violation of these SOPs, a written complaint shall be forwarded which shall be addressed accordingly.

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 joint 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.

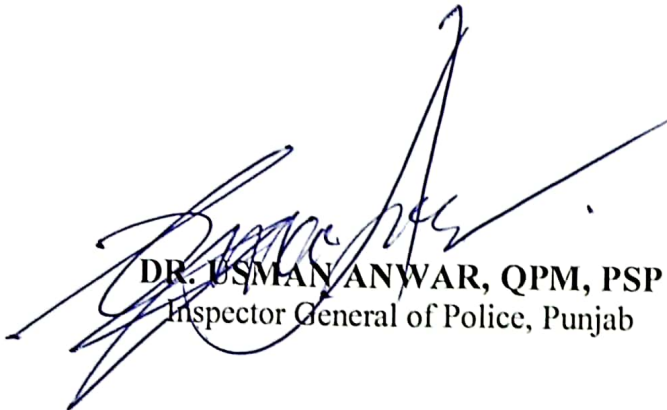
Reporting Mechanisms

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

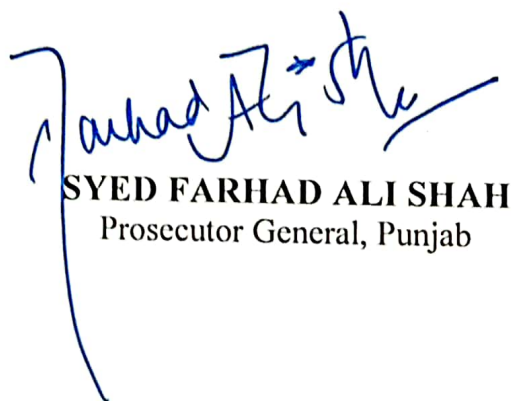
Circulation & Review

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 the Joint Committee.

This document is hereby presented for signatures of the Hon'ble heads of the Police and Prosecution on this 16th Day of March, 2024.



DR. USMAN ANWAR, QPM, PSP
Inspector General of Police, Punjab



SYED FARHAD ALI SHAH
Prosecutor General, Punjab