

PUNJAB CRIMINAL PROSECUTION SERVICE

ANNUAL REPORT, 2012



Submitted By:

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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



Voice raising in Quest for Justice to alleviate the oppression and injustice from society and set the standards for expeditious and economical justice as guaranteed by the Constitution of Islamic Republic of Pakistan has pushed me to step forward for plucking those hurdles affecting smooth rail of criminal justice system. To my end though I am responsible for giving an acceptable effective shape to prosecution service yet the system as a whole recommends the prosecution the main pillar of justice sector, being ally to other stakeholders to provide maximum assistance to police and the judiciary; I have made every possible effort to accomplish this sacred task.

Calculating the year 2012, the challenges for Prosecution Service were defective Police Investigation and slow material assistance by the Police to the Prosecutors in the court for effective prosecution which has affected even the most sensitive cases of terrorism in the province. Police procedures are not explicit enough to meet the contemporary challenges and rapidly changing crime patterns. There are issues of professional cooperation between Police and Prosecutors which are now discussed frequently at highest forums but awaits solid actions. Due to statutory limitations, role of a prosecutor still needs to be made decisive. Criminal Procedure only details the role of Police and Courts yet statutory amendments to bring Prosecutor's role at par with other stakeholders of Criminal Justice System is the need of the day. The organizational culture of the Prosecution Service is also challenging, though the young promising PPSC selected Prosecutors at all tiers have added quality to service yet there is need for developing performance based accountability procedures. There is some progress towards this end. The Code of Conduct and performance standards for officers and their staff have been implemented and these documents will help improve developing the accountability procedures. The third challenge was the work progress reporting system being done through

manual work. To bring more efficiency and transparency in the prosecutorial work reporting system, a project on digitalization of Prosecution Department has been approved by the Provincial Government and will materialize in the next three years. Capacity building initiatives that remained in its embryonic stage is now taking an apt shape. Proper training modules for basic induction training have been developed. Four Induction trainings have been conducted during 2012 as compared to only two such trainings in last six years. Collaboration with German Assistance Organization GIZ on behalf of German Government has resulted in establishment of first ever Prosecutor Training Institute in Pakistan. GIZ is also collaborating with Prosecution Service to develop an in house training capacity by training master trainers. They have conducted a Training Need Assessment to properly assess training needs and have helped in redesigning and developing Induction and Expert Training Modules.

Proper infrastructure for efficient working of the prosecutors always remained a challenge for proper and smooth working. This challenge is now being addressed to some extent by approval of a project for the provision of office furniture to all the prosecution offices in the Punjab.

There has been a significant progress towards achieving the Organizational goals in shape of circulation of Prosecution Guidelines to every Prosecutor, establishment of Center for Professional Development for Prosecutors in the Punjab, start of proper induction and expert trainings, digitalization of Prosecution Department and provision of office equipment to Prosecution Offices in the Punjab. However, there also remain challenges toward this progress in shape of less recognized Prosecution Service, statutory impediments, less empowerment of prosecutors, absence of proper Management and Information System and absence of performance based accountability standards.

The organization sticks to its slogan, Quest for Justice. The unhindered quest for justice demands gigantic socio-political and cultural change in the contemporary milieu. That is why the legendary slogan dictates the Prosecution Service to go a long way from where it stands today. Struggling side by side with other institutions for achieving the desired environment, it also falls to the share of a prosecutor to create a regime of trust with the public. This struggle

for creating a reservoir of trust in the public will only be possible with the collective efforts of my team of Prosecutors.

I am confident that we will achieve our cherished goals with the Grace of Almighty Allah. I have full confidence upon my team of Prosecutors.

SADAQAT ALI KHAN
PROSECUTOR GENERAL PUNJAB

1. THE ORGANIZATION

1.1 Punjab Criminal Prosecution Service

(Prosecution Service) was established on April 08, 2006 under the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006. First Prosecutor General graced his seat on 11.02.2006. The slogan, vision, mission and values of Prosecution Service are briefly outlined as:

1.2 Slogan:

“Quest for Justice”

1.3 Vision:

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

1.4 Mission:

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

1.5 Values:

The core value of the functionaries of Prosecution Service is that they accomplish their responsibility with utmost dedications and exercise their powers justly, fairly, honestly, with due diligence, in public interest and to make their supreme efforts for upholding justice. It is the primary duty of prosecutors to maintain honor and dignity of their profession. They shall follow the Code of Conduct for Public Prosecutors. they shall perform their functions independently, freely, objectively without fear or fervuor. Their behavior shall always be professional, in accordance with law, rules and ethics. It is obligatory on the part of prosecutors to follow the guidelines issued by the Prosecutor

General in public interest and keep themselves well conversant and abreast of the latest case-law as well as up-to-date legal developments. They are expected to be respectful to the courts, to the parties, opposing counsels and they shall never lose temper while performing their official duties. In order to impart fair and effective prosecution service, the prosecutors should create atmosphere of harmony and cooperate with the Police, the Courts, members of all the Legal fraternity, Defense Counsels and other Government Agencies and should perform their duties strictly in accordance with law and in a spirit of mutual cooperation. They should observe the dress code and the code of conduct prescribed by the Prosecution Service, Punjab Bar Council and Pakistan Bar Council where applicable. It is their primary duty to uphold the rule of law and to safeguard the fundamental rights guaranteed under the Constitution of Islamic Republic of Pakistan, 1973.

1.6 Historical Background

After independence in 1947, Pakistan inherited British system of criminal justice. Under section 492 of Code of Criminal Procedure, 1898, Provincial Government is empowered to appoint generally or for any class of cases in any local area one or more Public Prosecutors. The provisions of section 495 (4), Cr.P.C. impose a specific bar to an officer of police to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted. In the light of above provision, the Punjab Government appointed Law Officers (Deputy District Attorneys and Assistant District Attorneys) from Law Department to conduct prosecution of cases before the Sessions Courts, whereas Legal Inspectors of Punjab Police were allowed to conduct prosecutions as Public Prosecutors before the Courts of Magistrates. In superior courts, prosecution in criminal cases was being conducted by the Law Officers of Advocate General and State Counsels. Whereas prosecution in Anti-Terrorism Courts was conducted by the Special Public Prosecutors, appointed by the Punjab Government on contract basis. Prior to 2006, the prosecution service was scattered into different segments and authorities without uniformity which destructed the

effective role of prosecution in criminal justice system. A comparative analysis of administrative set up of criminal prosecutions is given below;

COURT	PROSECUTING OFFICER	DEPARTMENT
Magisterial Courts	Police Prosecutors/Inspector Legal	Police Service
Session Courts	District Attorney/ Deputy District Attorney	Law & Parliamentary Affair Department Government of the Punjab
Special Courts (Anti-Terrorism, Anti-Corruption, Drug Courts, Environmental Tribunal, Special Judicial Magistrate, Consumer Courts)	Special Prosecutors	Law & Parliamentary Affair Department Government of the Punjab / Home Department
Lahore High Court	Advocate General/ Additional Advocate General/ Assistant Advocate General/ State Counsel	Office of Advocate General Punjab
Federal Shariat Court of Pakistan	Advocate General/ Additional Advocate General Assistant Advocate General	Office of Advocate General Punjab
Supreme Court of Pakistan	Advocate General/ Additional Advocate General	Office of Advocate General Punjab

Hamood-ur-Rehman Law Commission Report published in 1971 emphasized separation of prosecution from the Police Establishment but it was not until 2006 that prosecution under the control and supervision of the Police and was separated and brought under one umbrella of an independent and effective Prosecution Service at all the tiers of the judicial hierarchy in Punjab.

Federal Government as a policy initiative under Access to Justice Program, directed the Interior Division on 16th January, 2002 to ensure establishment of an independent prosecution service in each Province. Previously in Punjab, the functions of criminal prosecution were performed under the administrative control of the Law Department,

Government of the Punjab in Session Courts and Superior Courts, whereas prosecution in the Magisterial Courts was conducted by the Police Prosecutors. In order to implement the directions of the Federal Government, initially the criminal prosecution was placed under the administrative control of the Home Department on 21.07.2004 and subsequently Public Prosecution Department was established on 18.10.2005.

1.7 Departmental Structure

1.7.1 Public Prosecution Department (PPD)

consists of two attached departments as follows:

- i. Prosecutor General Punjab.
- ii. Directorate General of Inspection.

Core Functions of the Department are:

- i. Legislation, policy formulation and planning for Public Prosecution Service.
- ii. Inspection and monitoring of the working and the service. delivery of criminal Prosecution Service through Directorate of Inspection.
- iii. Administration of the "Punjab Criminal Prosecution Service Act, 2006."
 - Recruitment and Promotion
 - Transfer / Posting of Officers BS-16 and above
 - Training / Capacity Building of Human Resource
 - Budgetary and financial control etc.

1.7.2 Prosecutor General Punjab

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

Core functions of Prosecution Service are:

- i. Conduct prosecution of all criminal cases before criminal courts, i.e. Trials, Appeals, Writs, Revisions, etc. on behalf of the Government:
 - Scrutiny of Reports submitted by the police under section 173, Cr.P.C.
 - Submits result of scrutiny in writing to the court as to the available evidence and applicability of offence against all or any of the accused as per facts and circumstances of the case.

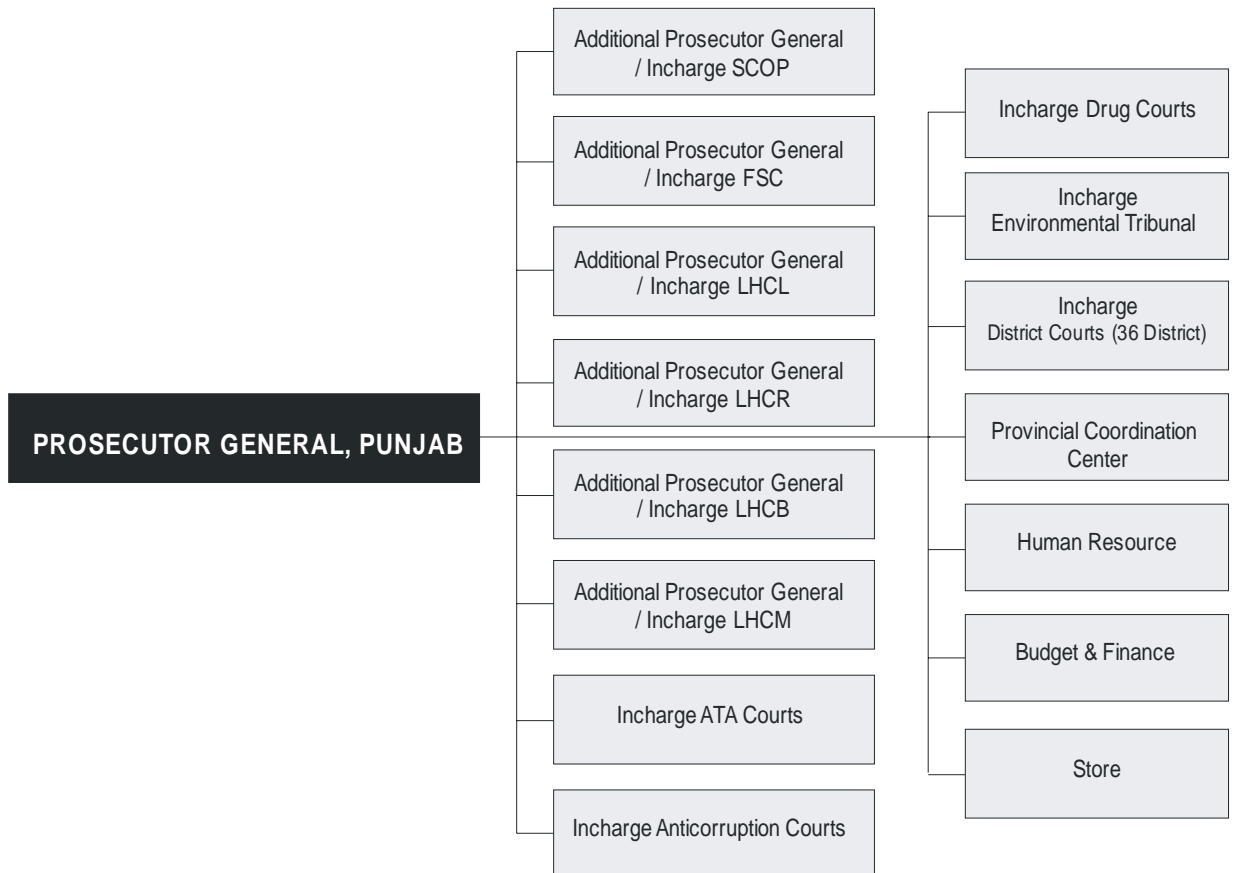
ii. Administration of prosecutorial work:

- Distribution of prosecutorial work
- Maintenance of records
- Reporting

1.7.3 Directorate of Inspection

Directorate of Inspection was established on 28.02.2008 but it became functional on 17.04.2009. Sole function of the Directorate of Inspection is to conduct inspection of the offices of prosecution service established at district level for ensuring effective prosecutorial work in accordance with the Act / Rules and the directions/guidelines issued by the Office of Prosecutor General Punjab/Department.

1.8 Organizational Structure – Prosecutor General Office



1.9 Prosecution Offices

Presently the Punjab Criminal Prosecution Service comprises 2800 employees. The existing strength of 800 Prosecutors and 2000 employees are stationed in 142 offices of the Service throughout the province of the Punjab.

A precise list of offices is as follows:

- i. Prosecutor General Punjab, Head Office, Lahore
- ii. Prosecutor General Office Supreme Court of Pakistan / Federal Shariat Court, Islamabad
- iii. Camp Office Prosecutor General Punjab, (LHC) Lahore
- iv. Prosecutor General Office, (LHC), Rawalpindi Bench, Rawalpindi
- iv. Prosecutor General Office, (LHC), Multan Bench, Multan
- v. Prosecutor General Office, (LHC), Bahawalpur Bench, Bahawalpur
- vi. 09 Prosecution Offices, Anti-Terrorism Court
- vii. 07, Prosecution Offices, Drug Court
- ix. 36 Prosecution Offices, District Head Quarter
- x. 84 Sub-Divisional Prosecution Offices.

1.10 Prosecution Officers

Prosecution Service became functional in January, 2007. The initial inductees in Prosecution Service were the former officers performing the functions of prosecution in Police and Law Departments. They were given one time option to join newly established Criminal Prosecution Service. The induction of regular employees were followed by prosecutors on temporary contracts as stop gap arrangement till the arrival of regular Prosecutors selected through Punjab Public Service Commission. As a result of judgment of the August Supreme Court of Pakistan and initiative of the Government of the Punjab, the process of replacing prosecutors working on contract basis with regular ones selected through the Punjab Public Service Commission has almost been completed and more than 700 prosecutors selected on merit based policy of the Government are now functioning in the Service.

1.11 Recruitment Process and Current HR Status:

Sr.No.	Name of the Post	Sanctioned Strength	Working Strength	Method of Recruitment
1	Prosecutor General	01	01	Appointment for three years on specific terms and conditions which cannot be varied during his tenure
2	Additional Prosecutor General	18	15	50% on the recommendation of PPSC on regular basis in terms of section 8(4) of the Prosecution Act, 2006 and 50% through promotion from the Deputy Prosecutor Generals in terms of section 8(3) of the Act ibid
3	Deputy Prosecutor General	50	25	50% on the recommendation of PPSC in terms of section 8(4) of the Prosecution Act, 2006 and 50% through promotion in terms of section 8(3) of the Act ibid
4	District Public Prosecutors	40	27	25% on the recommendation of PPSC on regular basis and 75% through promotion from Deputy District Public Prosecutors.
5	Deputy District Public prosecutors	328	131	25% on the recommendation of PPSC on regular basis and 75% through promotion from the Assistant District Public Prosecutors.
6	Assistant District Public Prosecutors	796	606	100% on the recommendation of PPSC on regular basis

Total:-	1234		
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1.12 Functions And Operational Mechanism Of Prosecution Service

Main function of a Public Prosecutor under Prosecution Act is to conduct prosecution of criminal cases on behalf of the State. Prosecutor performs prosecutorial work at both, the administrative stage of criminal process (Scrutiny of Police Reports) and at the judicial stage (Trials and Appeals).

1.12.1 Prosecution in the Superior Courts

Administration of the Prosecution Service vests in the Prosecutor General, Punjab. The Public Prosecutors, Additional Prosecutors General and Deputy Prosecutors General shall perform their functions under the control and supervision of the Prosecutor General whereas all the Prosecutors in the districts are under his general control. He distributes prosecutorial work to different Prosecutors in the Supreme Court, Federal Shariat Court, High Court and Special Courts of criminal jurisdiction (Anti-Terrorism Courts, Anti-Corruption Courts, Drug Courts, etc.). He has right of audience and representation on behalf of the Government in all the concerned Courts. He may delegate any of his functions to an Additional Prosecutor General or Deputy Prosecutor General. He is empowered to issue guidelines to Prosecutors and Investigation 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 authorized to withdraw from prosecution of any person with permission of the court, where punishment is up to seven years and stop prosecution in any case on behalf of the Government. The Prosecutor General submits an Annual Report of the Service and keeps the Government informed about the performance of the Service.

1.12.2 Prosecution in the District Courts

The District Public Prosecutor is the administrative head of the Prosecution Service in the district under the overall supervision of the Prosecutor General. The important

function of a District Public Prosecutor is to distribute prosecutorial work to the subordinate Prosecutors in Session and Magisterial Courts in a district. He also supervises prosecutorial work of the subordinate Prosecutors and exercises authority over administrative and financial functions of prosecution in the district.

1.13 Functions, Powers and Duties of Prosecutors

1.13.1 Prosecutor General

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

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

SR #.	NAME OF THE PROSECUTOR GENERALS	FROM	TO
1.	Justice (R) Ch. Mushtaq A. Khan	February, 11, 2006	August 18, 2008
2.	Justice (R) Zahid H. Bokhari	March 02, 2009	November 01, 2010

3.	Ashtar Ausaf Ali	October 26, 2011	January 31, 2012
4.	Sadaqat Ali Khan	February 14, 2012	Continuing

1.13.2 Additional Prosecutor General & Deputy Prosecutor General

Additional Prosecutors General and Deputy Prosecutors General conduct prosecution before superior courts i.e. Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore under section 11 of the Prosecution Act, 2006. In addition to that they are also obliged to perform any of the delegated power of the Prosecutor General, Punjab assigned to them. Presently there are 08 Regular Additional Prosecutors General, duly inducted through PPSC working 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 Camp Office of Prosecutor-General Punjab at the Supreme Court of Pakistan, Federal Shariat Court of Pakistan and Lahore High Court, Lahore and its benches.

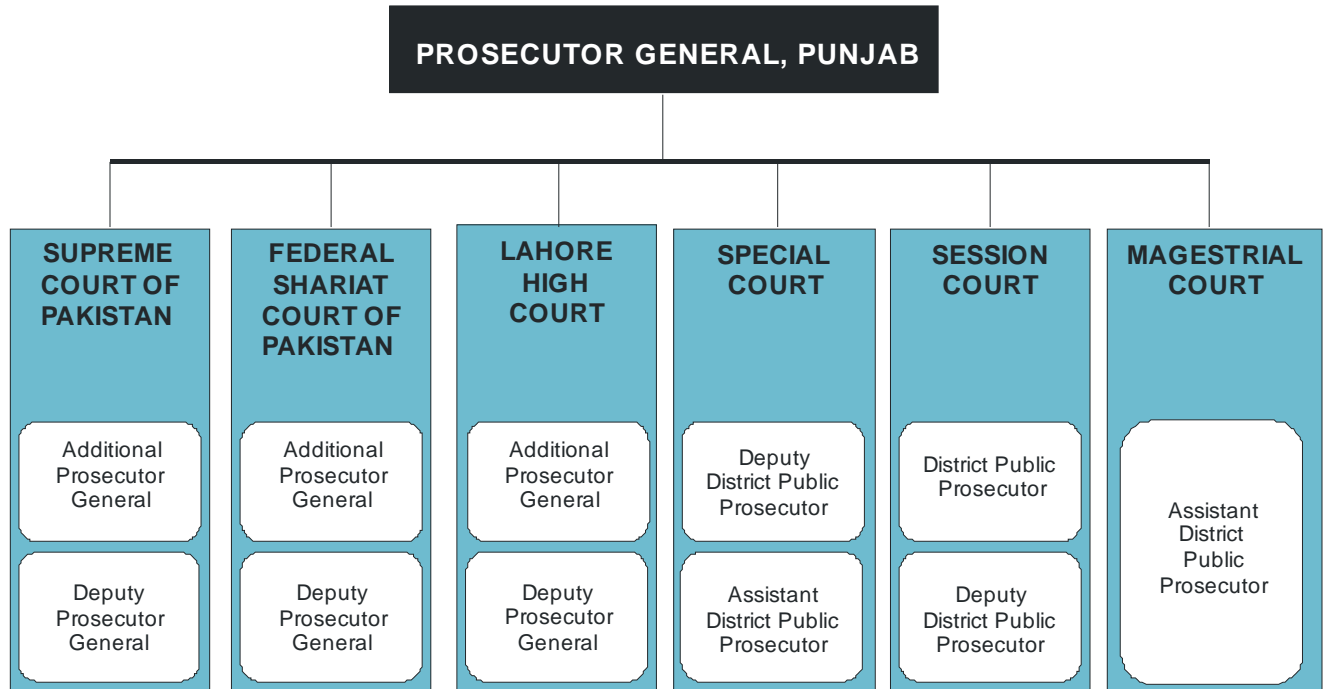
1.13.3 District Public Prosecutors

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

1.13.4 Deputy District Public Prosecutors & Assistant District Public Prosecutors

Tender advice to Police and scrutinize the Police Reports. Conduct prosecution of criminal cases in Session and Magisterial Courts in the districts.

1.14 Operational Mechanism



Exceptional adjustment of officers in different hierarchy of Courts is practiced as per need

2. PROSECUTORIAL PERFORMANCE

2.1 Prosecution of cases – A performance review

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

prosecution is integral part of a successful criminal justice system. The existence of comprehensive and well-developed investigative and legal framework/institutions is pivotally important before rational measurement of prosecutorial performance. Institutional imbalance of the different parts of our criminal justice system and lack of proper coordination of the different stakeholders i.e. Police, Prosecution and Judiciary are some of the important factors which have impacted performance of the newly created Prosecution Service.

In the prevailing circumstances and due to lack of any specified standard of performance evaluation, the performance of the Prosecutors in Punjab is no less encouraging even if the conviction rate performance is chosen as a yardstick. A statistical synopsis of the actually contested cases by the parties and decided at the following level of the Judiciary will show the analytic picture of the prosecutorial performance.

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

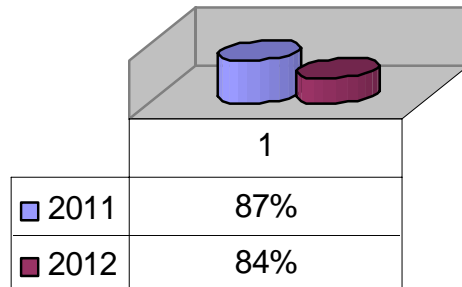
A gist of the current performance and review of the cases conducted by Prosecutors of the Service is highlighted as under:

2.2 Supreme Court of Pakistan

Petitions against Conviction (death, Life imprisonment and other sentences)

Years	Total decided	Dismissed	Dismissed as withdrawn	Compromised	Allowed	Success rate %
2011	596	516	17	0	63	87%
2012	985	830	3	0	152	84%

Success Rate of Prosecution in Supreme Court of Pakistan During 2011 & 2012

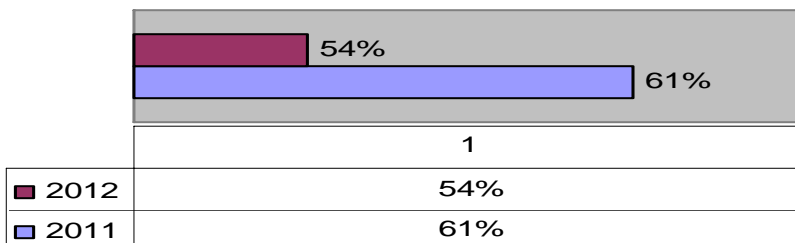


Overall disposal of work in Supreme Court is encouraging as there is an increase in successful percentage of work disposal but due to paucity of officers and increased load of work due to policy of quick disposal of pendency by the Supreme Court has affected the success rate by 3%. Presently Superior Court officers are working at half strength due to awaited promotions. The delay in promotions is due to restructuring of departmental policy on promotions that is currently under process.

2.3 Federal Shariat Court

Years	Total	Dismissed	Disposed of	Allowed	Sent sentence Reduced	Undergone	Compromise
2011	224	137	9	68	3	2	5
2012	193	104	50	39	0	0	0

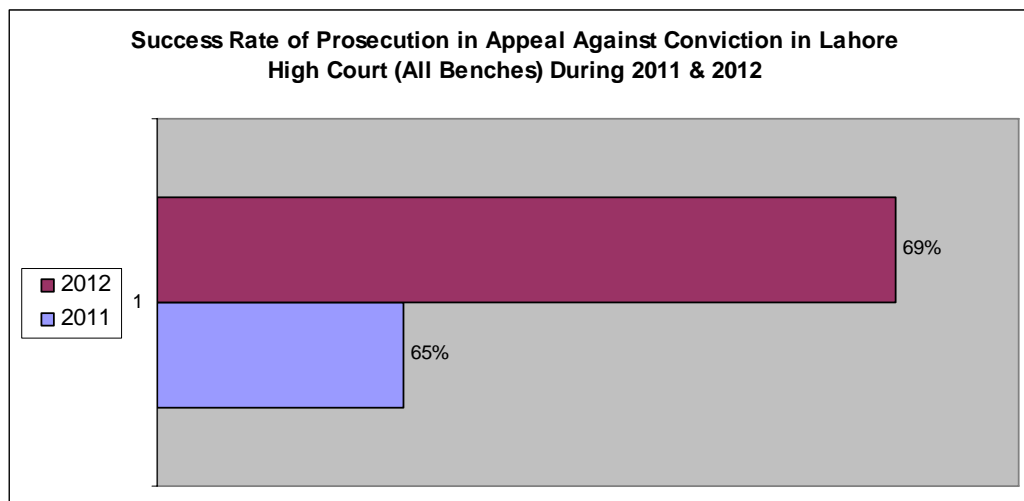
Success Rate in Federal Shariat Court During 2011 & 2012



2.4 Lahore High Court

Appeals against Conviction in Lahore High Court, During 2011 & 2012

Total appeal against conviction decided in year 2011	Success Rate %	Total appeal against conviction decided in year 2012	Success rate %
1067	65%	1002	69%

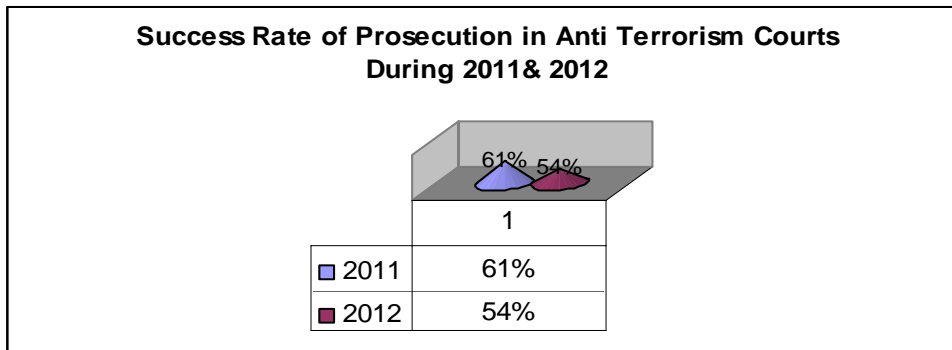


Disposal in all three High Court Benches and Principal seat at Lahore showed increased success rate. High Court being appellate court against all punishments in district courts has shown increased success rate by 3% in appeals against conviction.

2.5 Special Courts

2.5.1 Anti Terrorism Courts

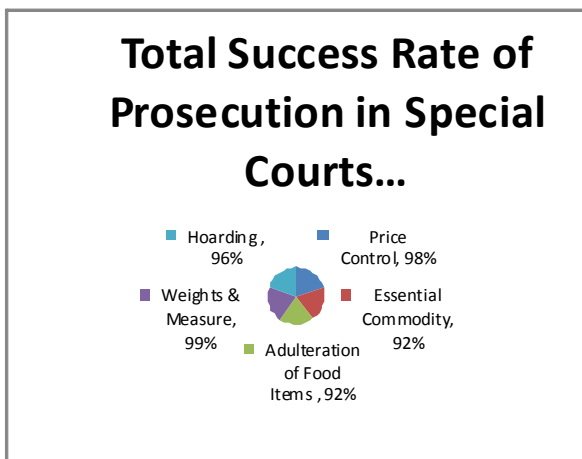
Year	Opening balance	Fresh Institution	Total cases	Acquittal		Contested		Total decided	Consigned /transferred to ordinary courts	Pending
				Compromise in compoundable cases	Witnesses resiled due to compromise outside the court	Acquitted	Convicted			
2011	346	671	1017	15	295	105	163	578	103	336
2012	336	729	1065	19	271	124	145	559	120	386



2.5.2 Special Magisterial Courts

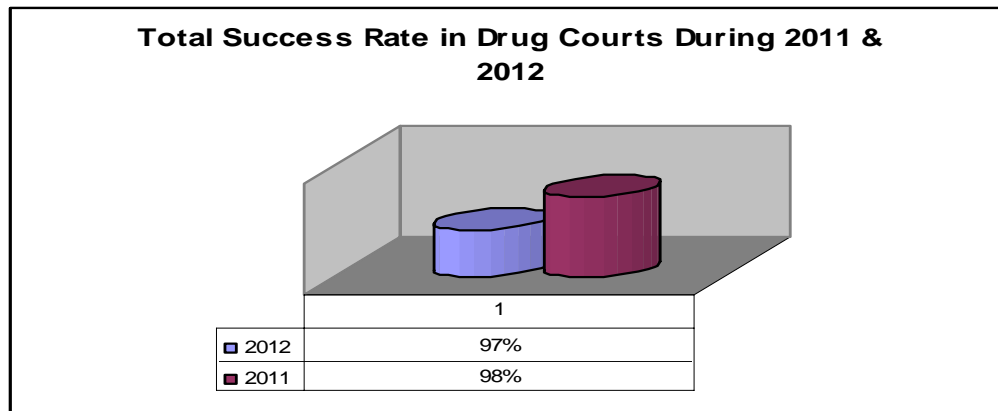
Performance analysis of the cases in special courts during the year 2011 and 2012 is enumerated as under:

Courts / Category	Total Cases Contested		Convicted		Success Rate %	
	2011	2012	2011	2012	2011	2012
Price Control	4662	3026	4559	2989	98%	99%
Essential Commodity	154	151	142	151	92%	100%
Adulteration of Food Items	731	652	673	641	92%	98%
Weights & Measure	1245	2039	1228	2023	99%	99%
Hoarding	351	297	338	290	96%	97%



2.5.3 Drug Courts Punjab

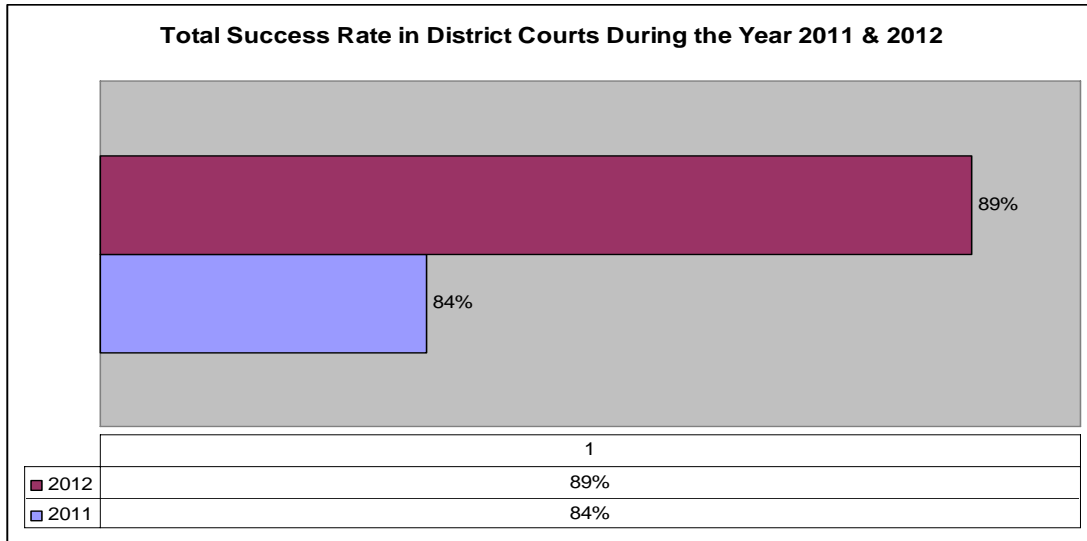
Period	Total Decided	Conviction	Success Rate %
2011	2208	2172	98%
2012	2640	2548	97%



2.6 District Courts

Consolidated data of Sessions and Magisterial Courts is given below:

Year	Contested				Un-contested				Consigned	Grand total
	Conviction	Acquittal on merit	Decide	Success rate	Decided u/s 249-A Cr.P.C	Decided u/s 265-K Cr.P.C	Compromise	Total decided	Consigned by court	
2011	79747	15001	94748	84%	28064	4325	26770	153907	127540	281447
2012	73631	8744	82375	89%	30057	5088	28996	146516	137921	284437



Success rate has increased by 4% in Sessions and Magisterial Courts through Punjab.

3. ACHIEVEMENTS

The Punjab Prosecution Service became operational in 2007, but it was unable to perform the entire scope of its functions due to deficient structural, financial and organizational resources and lack of skilled manpower in the beginning. During 2008, the Prosecution Service established its key administrative structure and most of the court work was handled, but the contours of new relationship with Investigation Agencies were yet to be defined. Liaison with Police authorities started taking shape in 2009 which paved way for four top level Police Prosecutor Coordination Conferences during 2010. The major breakthrough came through removal of Contract Officers and their replacement by the selectees from the Punjab Public Service Commission in 2010. The constructive process of capacity building started in 2009, continued in all subsequent years. During 2009 to 2011, short trainings (5 – 7 days) were mostly conducted by international organizations like Asian Development Bank, the United States Department of Justice and Civilian Capacity Building for Law Enforcement Agencies in Pakistan (CCBLE), an initiative of the European Union. The Directorate of Inspection established on 01.07.2006, was declared as an attached department on 28.02.2008 and it became functional on 17.04.2009. No well-defined set of instructions

like Performance Standards Document, Guidelines for Prosecutors etc. were formally developed or issued by the Prosecution Service till 2011. During 2012 all basic documents like Prosecution Act, 2006, Code of Conduct, Prosecutor General Guidelines and Performance Standard Document were printed in one binding "Prosecutorial Guidelines" and widely circulated to every member of the Service. Well Structured training programs i.e. Basic Induction Training, Expert Training and TOTs were introduced in 2012. Currently all these trainings are underway with the assistance of GIZ/German Government under Support Punjab Prosecution Service (SPPS) Project. Center for Performance Development of Public Prosecutors in Punjab (CPD) has been established at Chung, Lahore (Inside Police Training College premises) for capacity building of Prosecutors with the assistance of GIZ.

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

3.1 Recruitment of Prosecutors through Public Service Commission

Recruitment of Prosecutors through Punjab Public Service Commission continued during 2012. 140 candidates appearing in Assistant District Public Prosecutor (BS-17) Exam were declared successful. Their case has been referred to the Department for verification of credentials and appointment against their posts. The back ground of this recruitment process is that during 2006 and 2008, 750 prosecutors were recruited as makeshift arrangement on contract basis. These arrangements were made till arrival of selectee of PPSC. The services of the contract officers have been dispensed with during 2010 to 2011 and 624 prosecutors of different grade have been recruited on regular basis through Punjab Public Service Commission on merit till 2011. In continuation of this process further recommendation 140 prosecutors have been received from PPSC and they will shortly be appointed after completion of codal formalities.

3.2 Development of basic documents of Prosecution Service

A Committee of experts was formed by the Department on 21.08.2011 comprising a team of seasoned and experienced Prosecutors in the Prosecution Service to devise some monitoring mechanism and performance evaluation standards for efficient and smooth functioning of prosecutorial system in the Districts. All the following documents received the assent of the Competent Authority and became applicable in 2012;

3.2.1 Code of Conduct for Public Prosecutors in Punjab.

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

3.2.2 Guidelines on Prosecutorial Decision Making.

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

3.2.3 Prosecution File.

Although it is mandatory requirement under section 13(7) of the Prosecution Act, 2006 for every prosecutor to maintain an independent file in a prescribed manner for all cases under his charge but no such design/pattern/format has been evolved by the Department. Presently, the Police File has been considered as prosecution file but it does not remain in the custody of the concerned Prosecutor. It is furnished by a Naib Court at the nick of time during the court hours. The prosecution file is a key document and basic record of a Prosecutor. Its proper maintenance not only ensures availability of required information on a case round the clock but also facilitates the Service to map

true picture of the quality of prosecution in each case. During the joint meetings of District Public Prosecutors file jacket has been developed and approved. The printed files will be available the Session Court Prosecutors in 2013.

3.2.4 Performance Standard Document.

In fact, the Performance Standard Document is a comprehensive set of documents outlining the workflow management of the District Prosecution. This document portrays complete job description of the Prosecutors and the subordinate staff, workflow of the tasks, detail of records in shape of registers and files to be maintained for the prescribed duties and responsibilities. The Document segregates the quantum of work for each functionary of the District Prosecution. This segregation is extremely useful for mapping the performance of every functionary.

3.2.5 A Joint Committee of Police and Prosecutors

A Joint Committee was constituted by Home Department in May 2011. The Committee developed **Standard Operating Procedures on Police Prosecution Cooperation** and placed it before the decision making authorities of the Police and Prosecutors. A document signing ceremony was held in Prosecutor General Office in December 2011 attended by Prosecutor General and Mr. Sarmad Saeed Additional I.G., Trainings on behalf of Inspector General Police Punjab. The document has been circulated to all tiers of the two organizations. This document envisions three tier coordination and cooperation between Police and Prosecution Service, i.e. Primary level- the concerned prosecutors of the District Courts and Investigation Officers will coordinate, Mid-level where DPOs and DPPs will supervise cooperation and High level between Prosecutor General and Inspector General for policy decisions. This mechanism will be greatly helpful in improving the existing working environment of criminal justice system in the province.

All these departmental documents along with Punjab Criminal Prosecution Act, 2006 are now printed as one binding "**Prosecutorial guidelines**" and are widely circulated throughout Punjab to every Prosecutor in the Service.

3.3 Capacity Building Activity

Training and capacity building issue of public prosecutors is under the domain of Public Prosecution Department.

Detail of trainings conducted during 2012 is as under:

Sr. #.	Location	Sponsoring Agency	Date	Duration (Days)	Subject	Number of Participants
1	MPDD, Lahore	Public Prosecution Department	19.03.12 to 21.04.12	38	Mandatory Induction Training	36 (ADPPs)
2	MPDD, Lahore	Public Prosecution Department	07-05-12 to 16.06.12	38	Mandatory Induction Training	36 (ADPPs)
3	MPDD, Lahore	Public Prosecution Department	25.06.12 to 04.08.12	38	Mandatory Induction Training	34 (ADPPs)
4	Prosecutors Training Institute, Chung	GIZ- SPPS Program	30.10.12 to 30.11.12	26	Mandatory Induction Training	35 (ADPPs)
5	Avari Hotel	GIZ- SPPS Program	26.11.12 to 06.12.12	10	Expert Level Training on Forensic Evidence, Forensic Accounting etc.	20 (APGs, DPG, DPPs, DDPPs)
6	Avari Hotel	GIZ- SPPS Program	30.10.12 to 07.11.12	07	Training Course for Master Trainers	16 (DPGs, Asst.P.G., DPPs, DDPPs, ADPP)
7	Benoa Bali, Indonesia	GIZ-SPPS Program	30.11.12 to 03.12.12	04	International Training Course on "Power for Change"	07 (Add. Sec., APG, DPG, DPP, DDPP, Astt.P.G.)
8	Marriott Hotel, Islamabad	UNODC Pakistan	05.11.12 to 09.11.12	05	Police Prosecutor Co-operation	06 (DDPP, ADPP)
9	PC-Bhurban, Maree	UNODC Pakistan	03.12.12 to 07.12.12	05	Police Prosecutor Co-operation	07 (DDPP, ADPP)
Total Beneficiaries						197

During 2012 some profound steps and serious efforts were made to streamline capacity building of Prosecutors.

3.2.1 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 addresses seven areas of training namely, Prosecutorial skills, basic legal concepts, relevant law of prosecution, management skills for prosecutorial practices, mock trial, administrative management skills and computer literacy. Total 74 modules were developed on aforesaid areas of training.

3.2.2 Induction Trainings of ADPPs at MPDD

Three 06-Weeks Induction Trainings for Assistant District Public Prosecutors were conducted From January to August 2012 in which 106 newly inducted prosecutors were trained.

3.2.3 Collaboration with GIZ under SPPS Project

GIZ, German Assistance Program started a long term Support Program (Support to Punjab Prosecution Service (SPPS) in April 2012. GIZ under SPPS Program made beneficial interventions by taking several steps in collaboration with the Department to enhance capacity of Punjab Prosecution Service. Some of the initiatives that culminated during 2012 are as under:-

3.2.4 Training Need Assessment Survey

GIZ under SPPS Project conducted a Training Need Assessment (TNA) Survey by interviewing different levels of Prosecutors. On the basis of these interview, TNA Survey Report helped in identifying the areas of Prosecutorial practices which need immediate attention for improvement. 30 Prosecutors of difeerent levels like Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor and Assistant District Public Prosecutor

were interviewed. Subjects considered most important by respondents officers were as follows:

- HR in criminal proceedings
- Treatment of victims of crime
- Witness protection
- Concepts of crime prevention
- Collaboration with investigation forces
- Interrogations skills
- Problems of certain areas of crime
- Rhetoric skills
- Legal language
- Procedural law and trial tactics
- Efficient work management
- Supervisory staff and staff management skills
- PC skills and usage of data bases

Most officers wanted the department to be responsible for trainings. They wanted to be trained by senior and experienced prosecutors and lawyers followed by unspecified foreign and local trainers. Median time for training was one month. There was overwhelming willingness to train less experienced prosecutors.

3.2.5 Modules for training developed in the light of TNA

A Committee constituting 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 in the light of 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 arm and ballistics, fundamental of forensics and legal medicine and police investigations and powers with 35 modules. Training was reduced to 4 weeks with intensive work hours.

3.2.6 Establishment of first Training Institute for Public Prosecutors in Pakistan

Department entered into a tripartite Memorandum of Understanding in June 2012 with Punjab Police and GIZ whereby GIZ agreed to refurbish a Training Institute for Public Prosecutors in Punjab in a building owned by Punjab Police and called "Old Investigation Hall" located at Police Training College Chung. The building was complete in October 2012 and handed over to the Department along with hostel facility for 40 officers by refurbishing a building known as "New Hostel Building" in close proximity of Training facility at PTC Chung. This training Institute is first of its kind in Pakistan. Trainings have started in this new Institute since November 2012 and till December the First Basic Induction Training was complete whereby 36 ADPPs passed out as first batch. Other than Induction Training one Expert Training for DDPPs, DPPs, DPGs, APGs and TOTs for Master Trainers. GIZ was also conducted. Establishment of Prosecution Training Center at Bahawalpur and Rawalpindi is also underway with the assistance of GIZ. These Centers would supplement Officers and Official trainings.

3.2.7 Provision of IT/Office Equipment for 10 Prosecution Offices

GIZ under SPPS Project has also assisted the Department with the provision of Office and I.T. Equipment for 10 Prosecution Offices including libraries for the Prosecutors during 2012. This provision of equipment and law books has added quality the working of these offices.

3.3 Provision of Infrastructure

Department has provision of Rs.24.00 million for purchase of necessary equipment and furniture during Financial Year 2012-13 and purchase process is under way.

3.4 Prosecution in Anti-Corruption Courts

Before 10.02.2012, the services of prosecutor were placed at the disposal of Anti-Corruption Establishment on deputation and these services were so placed by S&GAD after getting NOC from the Public Prosecution Department. Whereas, according to Second Schedule, Sr. No. 9 of the Punjab Government Rules of Business, 2011 and provision of Prosecution Act, 2006, Public Prosecution Department has to appointment and post prosecutors in Anti-Corruption Court to ensure prosecutorial independence as envisaged in the preamble of Prosecution Act, 2006. Even otherwise, Anti-Corruption Establishment is law enforcement / investigation agency like police and appointment of prosecutors in Anti-Corruption Establishment for their further posting in Anti-Corruption Court was against the spirit of law.

Keeping in view the above, the Department moved a note for Chief Secretary, Punjab to seek approval for appointment of prosecutors in Anti-Corruption Court directly by the Public Prosecution Department instead of placing their services at the disposal of Anti-Corruption Establishment for their further posting in Anti-Corruption Courts. The Chief Secretary, Punjab, after taking advice from all the relevant stakeholders, approved the proposal that Public Prosecution Department shall appoint/post prosecutors in all criminal courts including Anti-Corruption Courts directly. Therefore, on 10.02.2012, the Public Prosecution Department posted prosecutors in all Anti-Corruption Courts in Punjab directly.

3.5 Allocation of Police Station

Previously, all the police reports / challan / cancellation reports in the District were received in the offices of District Public Prosecutors. The District Public Prosecutors was responsible for distribution of Police Reports amongst the prosecutors for scrutiny and after scrutiny, the reports were placed before the DPP who forwarded these Reports to the courts. This procedure entailed difficulties and was not in conformation to the provisions of the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006. Therefore, the Department issued instructions on 20.07.2011 and 31.07.2012, directing all District heads that the Police Report under section 173 shall

be received and scrutinized by the concerned prosecutor in order to streamline the prosecutorial work in the Districts.

3.6 Police Prosecution Coordination

One of the objectives to establish the Punjab Criminal Prosecution Service is better coordination in the Criminal Justice System as envisaged in the preamble of the Prosecution Act, 2006. To promote coordination between the office of District Public Prosecutors and District Police Heads, a meeting was arranged in the Committee Room of Central Police Office, Lahore on 12 & 13.11.2012 in which the Secretary, Public Prosecution Department, Prosecutor General Punjab, Additional Inspector General of Police Punjab, all District Police Officers and District Public Prosecutors participated. This meeting was very fruitful for better coordination especially in timely submission of police reports in the courts.

3.7 Prosecution of Complaints filed by Provincial Government

All the District Public Prosecutors were directed to conduct prosecution in complaints filed by different provincial departments in the courts of law especially the complaints under the Punjab Weights and Measures (International System) Enforcement Act, 1975. The DPPs were also directed to hold monthly meetings with District Coordination Officers and District Officers Labour for better coordination. On the other hand, the Secretary, L&HRD were also requested to direct the Filed Officers of Directorate of Labour, Welfare Punjab to submit the complaints in the office of district Public prosecutors for scrutiny / vetting before filing in the courts and provide complete data of complaints in the office of DPP and keep close liaison with him vide letter dated 05.12.2012.

3.8 Meetings with District Public Prosecutors

In 2012, three meetings with District Public Prosecutors were held in Punjab Civil Secretariat, Lahore under the chairmanship of Secretary, Public Prosecution Department on 12.11.2012 and 15.12.2012 respectively. Legal, administrative, and financial issues facing the District Prosecution Offices were discussed with solutions

and instructions for implementation of standards developed by the Department on prosecutorial practices.

3.9 Prosecution Web site

This is information age. In order to meet the communication requirements of today's world and to provide efficient and transparent access to information to public, Punjab Prosecution Department has developed its own website prosecution.punjab.gov.pk. This website contains information about case laws, information about all the line departments, various reports developed on different cases and issues, policy guidelines, available trainings and relevant data for the Prosecutors. The website does not only provide useful information to the Prosecutors and other related departments but its e-complaint section also facilitates a common man to lodge complaints against corruption, misuse of authority and maladministration of Prosecutors and Prosecution officials and express his views. Thus it is a source of suggestions for continuous impr

4. LIMITATIONS

4.1. LEGAL

4.1.1. Statutory Limitations

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

4.1.2. Poor Investigation

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

4.2. ADMINISTRATIVE

4.2.1. Poor working facilities

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

4.2.2. Inability to retain the best legal professionals

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

4.2.3. Relationship with Police

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

4.3. FINANCIAL

Budget:

S.No	Financial Year	Total Budget (Pak Rs.)	Salary with %	Non-Salary with %
01	2010-11	814562000	764833000 (94%)	49729000 (6%)
02	2011-12	762174000	724065300 (95%)	38108700 (5%)

A comparison of the Budget for the Punjab Criminal Prosecution Service pertaining to the fiscal years 2010-11 and 2011-12 are shown to elaborate the tendency of financial allocation to the department. Major portion of the budget allocated to the Prosecution Service consists of salary component. Non-salary part by no means is sufficient to cater for the requirements of the Service. Financial constraint is the mother of so many indicated deficiencies and limitations. The inadequate funding is a great hurdle in the smooth and efficient working of the Service.

5. FUTURE VISION

5.1. Capacity Building of Human Resource

The Department believes in intensive capacity building of its HR as vehicle of change and improved service delivery. Separate training wing is being planned to be established in Prosecution Department. Comprehensive training policy is being formulated in consultation with Management and Professional Development Department. Network of Training facilities in shape of Centre for Professional Development (CPD) and Regional Training Centers at Rawalpindi and Bahawalpur are already near completion and once ready will be backbone of capacity building initiatives of the Department. Improvements in training modules and R&D techniques are being consistently made in collaboration with experts from GIZ. Prosecution Department is also working on capacity building program of Anti-Terrorism Court Prosecutors with the assistance of U.K. Government.

5.2. Digitalization of Prosecution Service:

A three year ADP Scheme titled "Computerization of the Department of Public Prosecutors" is at the stage of approval for 2012-13. The purpose of the project is to implement Case Flow Management System (CFMS) developed by National Judicial Policy Making Committee (NJPMC) with customized changes, to establish information/data pool on the process of prosecutorial work like maintenance of Prosecutor file, attending remands, scrutiny of police reports, disposal of cases by courts and detail of appeals/revisions/review filed. Digitalization of Prosecution Department will contribute in improvement of transparency and enhancing public trust in Prosecution Service.

5.3. Model Prosecution District

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

5.4. Provision of infrastructural facilities to the prosecutors

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

5.5. Service structure and financial incentives of the employees

Prosecution Department has envisioned better and improved service structure and suitable financial incentives for its employees to increase their work efficiency. Consistent efforts will be made to gradually improve the status of the Prosecutors.

5.6. Streamlining of Directorate of Inspection

The Directorate of Inspection is facing capacity related issues which may be addressed in future.

5.7. Developing performance based accountability mechanism

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

(Sadaqat Ali Khan),
Prosecutor General Punjab.