

Training Modules for Assistant District Public Prosecutors

The Induction training program for Assistant District Public Prosecutors covers the following courses/modules:

Module 1: Advocacy Skills

Contents of module:

- Legal Research
- Basic Persuasive Skills
- Communication Skill
- Examination in Chief
- Cross examination
- Mock Trial

Module 2: IT SKILL

Contents of module:

- Microsoft Word Document
- Microsoft Power point Presentation
- Microsoft Excel Work Sheet
- Presentation Skills

Module 3: Introduction to criminal law (Pakistan Penal Code)

Contents of module:

- Scope of criminal liability;
- Basic concepts of Law (jurisprudence and legal maxim)
- Critical analysis of penal provisions murder, hurt, and rape, self defense; dishonest issuance of cheque, blasphemy, theft , Robbery , Dacoity , Criminal breach of trust, Cheating and dishonestly inducing delivery of property, Forgery for purpose of cheating, Using as genuine a forged document.

Module 4: Commencement of Proceedings (Criminal Trial)

Contents of module:

Module A: Purpose and procedure of registration of First Information Report

- The importance of report at pre-trial proceedings
- Evidential value of report at trial
- Fresh FIR/s for the same offence

Module B: Cognizance

- Procedure where prosecution can be initiated only by means of complaint by state.
- Procedure where private complaint is filed in the course of proceedings of a state case for same offence/transactions
- Conditions to file private complaint

Module C: Remands and Bails

- The purposes and type of police custody
- Grounds of remand
- Remedy for denial 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: evidential standards and considerations in each type of bail;
- When further bail applications can be made?
- How to structure application for cancellation of bail
- Note; Cross references of High Court Rules and Orders and Police Rules

Module D: Scrutiny of Police Report

- Classification of Police Report
- 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.
- Prosecutorial advice: nature and extent.
- Drafting of scrutiny reports (Memorandum Writing)

- Result of Scrutiny

Module E: Preparation of Criminal Trial

- Process to compel appearance of witness (Notice , Summon ,warrants and Proclamation and attachment of property)
- Charge
- Contents and format of a charge
- Principles and procedures relevant to Joinder of charge and Joinder of offenders
- Identification and consequences of defective charge
- How to identify and select prosecution witnesses;
- How to identify and produce documentary and real evidence

Module F: Conduct of trial

- The principles and procedures of using accused as prosecution witness;
- Procedures of calling witness not included on the list of witnesses;
- Use of evidence of witnesses who are not present in court;
- When and how to prepare witnesses for evidence?
- Competence and compellability;
- Examination in chief: form of questions; Principle and procedures for allowing witnesses to refresh memory; definition of hostile witness; when and how a witness is declared as such; status on declaration; prohibition of certain questions
- Cross examination: aims of cross examination; form of questions; previous inconsistent statement; restriction on cross examinations.
- Re-examination; forms of questions
- Principles of privilege against self- incrimination
- Exceptions to the principle under Pakistani law
- Difference between the principles contained in section 340(2) and 342 of CRPC
- Comparison of Magisterial and session trial
- Principle and procedure for examination of accused by court
- Principles and procedure relating to right of accused and defense witnesses to give evidence
- Evidence of accused against co-accused
- What are the consequences of failure to give evidence by accused and when adverse inferences can be drawn from it?

- Cross examination of accused
- Evidence of bad character and previous conviction
- Comparison of Magisterial and Session Trial

Module G: Termination of Prosecution

- Rationale of dropping weak or false cases
- What is a cancellation report; grounds of report; role of prosecutors in preparation or presentation of reports?
- Prosecutorial tests: Criteria to send a case for trial
- Cognizance: Criteria to proceed with a case
- The grounds of withdrawal of prosecution
- What is the evidential test for applications under 249-A and 265- K (pre - mature acquittal)
- The principal and grounds of Noelle prosequi
- Principle and procedures for withdrawal of counts
- How to structure a withdrawal application
- Consign to record 512,249

Module H: Appeals and Revision

- Purpose of appeal, revision
- Appeals from the Magistrates' Court
- Appeals & revision from the Sessions' Court
- Appeal & revision from the High courts
- The powers of Courts on appeal & Revision
- Grounds of appeal against acquittal
- the requirement to obtain leave to appeal to Supreme Court,
- Steps that prosecution should take when making a recommendation for and preparing grounds of appeal & revisions
- Law relating to hearing fresh evidence during the appeal,
- Principles and procedure in appeals and Revision

Module 5: Police Powers and Investigations

Contents of module:

- Powers of police
- Searches
- Identification of suspect

- Securing and recording of scene of crime.
- Collection and processing of evidence
- Police Reports.
- Police Rules 1934 Chapter 24,25, 26,27

Module 5-A

- A Crime Scene Management

Module 6: Modern technologies (visit to forensic science Lab)

Contents of module:

- 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

- 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 is Forensic Analysis on Computers/Laptops/Mobile Phones
- Understanding the process to explain it better to the judge.

DNA Evidence (DR.AMIR BASHIR)

- From where can DNA be extracted from?
- What does the test prove?
- Relevance in cases – not limited to rape 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 is fake
- How to introduce such evidence in Court

Photographic Evidence

- Responsibility of Collection
- What can be proved by photographic evidence
- Protecting and re-enacting the crime scene.

Module 7: Legal drafting

Contents of module:

- General drafting skills
- How to constructing a Framework of the Draft
- How to use facts and law
- How to Identify Evidence through Drafts
- Structuring an appeal against the decision of acquittal

Module 8: Criminal Evidence

Module A: Introduction to the law of Evidence

- Definition, character and objectives of law of evidence;
- Evidence, Facts and proof;
- Rule of best evidence,
- Circumstantial Evidence , Process of evaluation
- Credibility and reliability

- Concept and law relating to hearsay
- Forms and Burdens of Proof
- Definition of a document
- Proof of contents
- Primary and secondary evidence
- Issues of identification
- Concept of presumption and its classifications ;

Module B: Confessions and Statements to police

- Statements of witness to police
- Evidentiary Value of Statements
- Importance of Statement during Bail Stage.
- Importance of Statement during trial.
- Omissions, Variations & Improvements

Module C: Expert evidence

- Expert evidence and Admissibility
- Special Rules of Evidence 510 of Cr.P.C ,
- Status of Hostile witness and confrontations and improvements
- Criminal Procedure Code,
- Mode of taking and recording of evidence,

Module 9: Legal Ethics

Contents of Module:

- connotation of prosecution
- prosecution laws in Pakistan
- international recognition
- historical growth of prosecution department
- need and importance of prosecution department
- distribution of work
- duties and responsibilities of prosecutor
- prosecutorial ethics
- code of conduct of advocates inter se defense councils
- duties of prosecutor during investigation, trial and appeal
- freedom and protection available to a prosecutor

- case law references

Module 10: Forensic Medicine

Contents of Module:

- Definition of Hurt, Wound and Injury
- Different kinds of Hurts,
- Medical/ Toxicology/ Serologist Report
- What can be proven from a medical report?
- What is the best method to extract evidence/testimony from a doctor?
- Challenging the findings of reports
- Classification of Autopsy
- Different natures of deaths
- Requirements of Inquest Report.

Module 11: Forensic Firearms

Contents of Module

- Definition of Small Arms and Ballistics,
- Internal Ballistics ,External Ballistics ,Terminal Ballistics About shotguns and shotgun cartridges
- Making a rifled barrel and Engraving grooves in a barrel
- Lands and grooves and their role in forensic comparison
- Structure of a projectile and bullet casing
- Firing mechanism of a bullet/cartridge– Bullet path, midrange trajectory (MRT)
- Hand grenade and its firing mechanism
- Principles of safe weapon handling
- United Nations Principles of Use of Firearms for Law Enforcing Agencies

Module 12: DNA evidence & Legal aspects of DNA testing

Contents of Module

- Technical Aspects of DNA testing
- Applications of DNA testing
- Biology of DNA
- DNA evidence collection and handling
- Introduction to Forensic DNA and Serology laboratory
- Quality Assurance in DNA testing

- Understanding a DNA analysis lab report
- Statistics and Population genetics
- Forensic DNA databases
- Lineage testing
- Emerging trends in DNA testing
- Legal aspects of DNA testing
- Admissibility of DNA evidence in the Court
- Pretrial DNA issues
- Trial presentation
- Post conviction DNA cases

Module 13: Narcotic

Contents of Modules

- Control of Narcotics Substance Act 1997
- Control of Narcotics Substance Rules 2001
- Latest Case laws
- Prohibition/ Enforcement of Hadd Order 1979

Module 13: Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

Contents of Modules

- Conduct of prosecution
- Powers of Prosecutor
- Responsibilities of Police towards Prosecutors
- Duties of the Prosecutors
- Prosecution Guide lines dealing different Offences

Mock Trial