

Annual Report 2020



Criminal Prosecution Service Inspectorate

Public Prosecution Department

Government of the PUNJAB

Abbreviations

ACC	Anti-Corruption Courts
ADPP	Assistant District Public Prosecutor
APG	Additional Prosecutor General
ATC	Anti-Terrorism Courts
CFMS	Case Flow Management System
CNSA	Control of Narcotics Substance Act
CPD	Center for Professional Development
CPS	Criminal Prosecution Service
Cr.P.C	Criminal Procedural Code
DDPP	Deputy District Public Prosecutor
DPG	Deputy Prosecutor General
DPP	District Public Prosecutor
I.O	Investigating officer
IMC	Internal Monitoring Committee
MIC	Magistrates of First Class
MS-30	Section 30 Magistrates
PCPS Act	Punjab Criminal Prosecution Service Act
PCPSI	Punjab Criminal Prosecution Service Inspectorate
PFSA	Punjab Forensic Science Agency
PPC	Pakistan Penal Code
SJM	Special Judicial Magistrates
SSV	Serious Sexual Violence

Definitions

Case in Court	A case in which one or more persons have been charged
Case Consigned to Record	court does not conduct trial in these cases because of absence of witnesses and non-availability of accused
Trial Disposed off	Cases decided or consigned to record by the court
Challan	Cases in which one or more persons are recommended to stand trial
Scrutiny Memo	A memorandum written by prosecutor u/s 9(5) PCPS Act, 2006 regarding observations/ scrutiny notes in respect of result of investigation in a case
Case Review	A report u/s 9(7) PCPS Act, 2006 written by a prosecutor regarding assessment of the case on available evidence and public interest and recommendations whether to prosecute an offender or not and the charges on which accused may be prosecuted, if any.

MESSAGE FROM DIRECTOR GENERAL

The Annual Report 2020 of the Punjab Criminal Prosecution Service Inspectorate (PCPSI), Public Prosecution Department is presented to the Government of the Punjab. This report comprises of various aspects of the PCPSI, including its institutional structure, responsibilities, and policies concerning its core functions of monitoring and appraisal of prosecutorial setup working across the province. The report also gives the details of physical inspections and data management during the calendar year 2020. The report carries the minutiae of areas covered during inspections conducted by the Inspectorate.

The objective of the Inspectorate is not only to point out the weak areas of functioning of the Punjab Criminal Prosecution Service in the province but also to ensure objective improvement in the criminal justice system. The Inspectorate, while conducting the inspection, focuses both on recommending actions against the poor performers and appreciating the work of the good performers.

The performance of the Inspectorate has been suboptimal mainly because of poor logistic arrangements, a lack of motivation and incentive, some inherent shortcomings in the related rules which hamper the achievement of the desired results. With the support of the Public Prosecution Department, the Inspectorate is doing its best to remove the hurdles and come up to the people's expectation by inculcating professional dexterity and diligence in the field staff.

DIRECTOR GENERAL (INSPECTION)

Executive Summary

The Inspectorate has greatly contributed to the effectiveness of the criminal justice system in the province. The prosecutors play an important role in not only bringing the delinquents to justice but also lessening the burden of the courts by only recommending the cases which are fit for the trial. The courts with a smaller number of cases can focus more on the quality of the trial and subsequent judgments.

The Inspectorate conducts regular as well as surprise visits to the offices of the prosecutors throughout the province. The inspection and monitoring systems focus on the efficiency, effectiveness and efficacy of the cases sent to them. During the last few years, especially the year 2020 which experienced the Covid-19 pandemic, the inspection reports pointed out shortcomings in reports under section 173 CrPC while forwarding these to the courts and later production of evidence and then the arguments during the trial. The most important task entrusted with the prosecution is to ensure the conviction of the accused. It has been observed that the accused get acquitted due to minor mistakes of the prosecutors. These include improper preparation of the recovery memo by the IO and weak preparation of the witnesses for examination in the court etc. During the inspection of the work of the prosecutors in various courts, the monitoring/inspection teams guide them verbally as well as in writing on how to avoid mistakes. The prosecutors are given the chance to explain their position before the final report is submitted. This exercise has effectively decreased the possibility of lacunae left in the final challan. It is much appreciable that due to regular inspections, the DPP offices and the officers in courts have started giving due diligence while conducting the scrutiny and analysis of the report u/s 173 as dictated by sections 9 (5) and 9(7) of the PCPS Act 2006.

The concept of the threshold for every case is very significant and is also very helpful in determining the fitness of the case for the trial. This has greatly improved the quality of the criminal justice system. The monitoring teams are duty-bound to check whether the threshold test has been applied to every case or not. The other significant improvement brought in by the monitoring teams in the working of the prosecution offices is in the maintenance of records for better analysis and subsequent robust planning. The Case Flow Management System (CFMS) is one state of the art intervention introduced by the Public Prosecution Department and assisted by the

Inspectorate to populate the same has gone to a new level of improvement in the criminal justice system in the province. Last but not least, the surprise inspections have further improved the attendance of the prosecutors in their respective offices as well.

As explained earlier, the previous year was marred by the COVID 19 pandemic and court work was severely impacted. Resultantly the disposal of the cases decreased significantly, and the same was true for the conviction of the accused persons. The overall disposal of cases decreased from 364404 to 220878, a decrease of 39%. Even the conviction rate decreased by 26% as the total number of convictions was 115641 in 2019, as against 85809 in the year 2020.

This year the acquittal on merit remained 14.66% against 18.24% in 2019. This is a bit alarming because ideally, the acquittal on merit should increase than decrease. This means the investigation's quality is not up to the mark, or the cases have not been prosecuted well in courts. The trend of the resiling of the witnesses increased this year as last year, the percentage of the witnesses who resiled was 33.92%, while in the year 2020, it was 36.22%. Though there could be several reasons for this increase, the most compelling factor could be the non-availability of protection of the witnesses and the assurance of merit. The office of the Prosecutor General needs to investigate why this ratio has increased and take appropriate measures accordingly. The acquittal based on compromise, however, remained almost the same.

If we look at the details of the convictions, most of the convictions are either under special and local laws or under the PPC offences 84% and 75%, respectively. The conviction, however, is very low and is around 15.67% and 19.63% for crimes against persons and property, respectively. These convictions show improvement compared with the last year by 2 to 10% depending on the nature of the cases. The critical aspect of this data is that there is a need to work on the increase in conviction rates, especially in heinous cases related to property and persons.

The anti-terrorism courts are one of the most essential parts of the judicial system in the province. There are 17 courts across the province. The performance of these courts in terms of disposal and pendency is reasonably good. The three anti-terrorism courts with the lowest disposal rate are ATC-IV Lahore, ATC Multan-II and ATC-II Rawalpindi, with disposal rates of 8.33%, 14.89% and 20.00%, respectively. The best performing courts are ATC-II Lahore with 100% disposal.

The anti-corruption courts have been established across the province. The conviction rate by these courts is the lowest. Some of the courts, such as ACC Rawalpindi and DG Khan, had zero conviction rates, while the maximum conviction rate was that of ACC Faisalabad, with a conviction rate of 18.18%. This is one of the weakest areas of the criminal justice system, where the overall conviction rate is 1.56% which is extremely low. The conviction rate was 1.9% last year.

There are 6 Drug Courts, and two out of these six had no case for trial, while Lahore has just one case. Most cases were with the Faisalabad court (202), and the conviction rate remained 98.09% which is excellent. The Drug court at Multan also performed well with a 100% conviction rate, with 21 cases tried.

The performance of the prosecutors at the Lahore High Court benches remained sub-optimal compared to the last year. The critical cases related to appeals against the death penalty and life imprisonment again saw a little downward trend. In 2020, the conviction maintained, and the conviction modified ratio on references about appeals against death sentences remained at 39.65%, which was 34.36% in 2019. That means it increased by 5.29%. A similar trend was seen in cases of appeal against life imprisonment. The conviction maintained and conviction modified ratio for such cases was 41.39% against 48.28% in 2019. However, the references relating to other sentences remained at 55.95% compared to 41.71% in 2019. The improvement was 14.24% from last year.

The performance of the Prosecutors at the Supreme Court of Pakistan at all benches remained did not show much improvement. As far as the appeal against the death penalty is concerned, 06 Appeals were decided in 2020, and only in one case accused got acquittal from the court. During the year 2020, the success ratio of references relating to appeals against sentences of life imprisonment remained at 43.27% compared to the previous year, where the ratio was noted to be 34.56%. The success ratio of references relating to appeals against other sentences remained at 62.50% compared to 78.52% the last year.

2020 witnessed a better performing prosecution department in the criminal justice administration. The pivotal factor in the performance was the monitoring role of the Criminal Service Inspectorate, which is perpetually striving to meet the public's expectation to establish a robust and effective criminal justice system in the province,

even though it is one of the worst equipped organizations. With improved facilities and a better environment, its contribution to the system shall increase manifold.

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VISION

The vision of the Punjab Criminal Prosecution Service Inspectorate (PCPSI) is to establish an effective and robust Criminal Prosecution System which guarantees a justice system which delivers to the citizens as per provisions of the Constitution of the Islamic Republic of Pakistan through effective monitoring and inspection of the criminal prosecution service.

VALUES

The core values of the Inspectorate are to:

- **Conduct** monitoring through an independent and impartial system of scrutiny of services provided by the Criminal Prosecution Service.
- **Maintain** professionalism through a mechanism of effective inspections with integrity, rigor, competency, and consistency,
- **Provide** a mechanism that enhances public confidence in the Criminal Prosecution Service by conducting regular inspections and evaluating the performance of Public Prosecutors,
- **Provide** a transparent, true, fair and balanced picture of the state of prosecution services to the Government,
- **Enable** the Public Prosecutors to take prosecutorial decisions during the prosecution of criminal cases

1 INTRODUCTION

The Punjab Criminal Prosecution Service Inspectorate (PCPSI) is an attached department of the Public Prosecution Department, Government of the Punjab. PCPSI was established as Directorate General of Inspection vide notification No. SRO-III(S&GAD) 6-2/2007 in 2008. In 2014, it was changed to Directorate General of Monitoring & Evaluation vide cabinet wing notification No. S.O (Cab-I) 2-2/2005 dated 17-11-2014. Later, on 24-05-2018, the Government reconstituted the directorate as the Punjab Criminal Service Inspectorate by promulgating the Punjab Criminal Service Inspectorate Act 2018.

An effective system of monitoring and inspection of the Punjab Criminal Prosecution service was introduced through this act. The Punjab Criminal Prosecution Services Act 2018 is comprehensive legislation which provides structure, functions, superintendence of Inspectorate and inspection program.

1.1 RESPONSIBILITIES OF THE INSPECTORATE

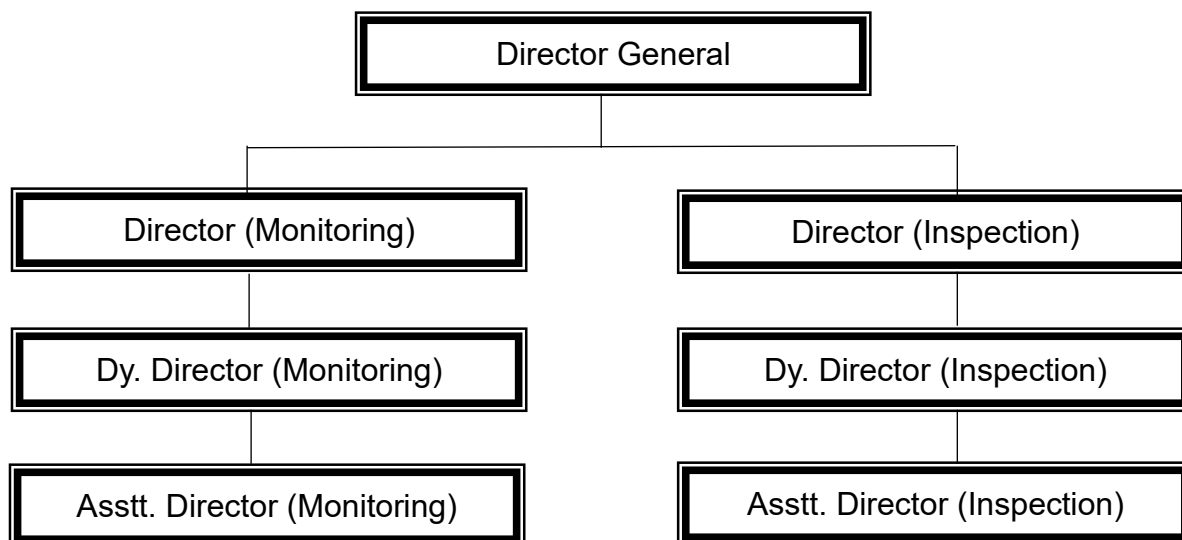
As per section 4 of The Punjab Criminal Prosecution Inspectorate Act, 2018, the Inspectorate is obliged to perform the following functions:

- (a) Monitor the performance, work and conduct of the Service.
- (b) Carry out periodic inspections of the Service.
- (c) Advise the Government to improve the Service.
- (d) Case studies and research on working of the Service for reforms of the Service.
- (e) Take steps and measures to improve the efficiency of the Service.
- (f) Perform such other connected functions as are assigned to it by the Government or as are necessary for carrying out the purposes of the Act.

1.2 ORGANIZATIONAL STRUCTURE

The Director General is the head of the Punjab Criminal Prosecution Service Inspectorate and administers the affairs of the inspectorate. He is also responsible for

ensuring periodic and surprise inspections of the work of the Criminal Prosecution Service in the province. The Punjab Criminal Prosecution Service Inspectorate has its head office in Lahore. The office is minimally equipped, which hampers its optimal performance. It has an almost non-existent transport pool and an old and obsolete IT system. The pictorial Organogram of the Inspectorate is as follows:



1.3 POSTING OF OFFICERS

The following officers remained posted in Punjab Criminal Prosecution Service Inspectorate during 2020.

SR. NO.	NAME OF OFFICER	DESIGNATION	SERVICE GROUP
a)	Mr. Khalid Ayaz Khan	Director General	Ex-PCS (BS-20)
b)	Mr. Najaf Iqbal Syed	Director	PSS / Ex-PCS (BS-19)
c)	Mr. Muhammad Asif Ashraf	Deputy Director	DPG/Prosecution Service (BS-18)
d)	Mr. Abbas Haider Khan	Deputy Director (Admn)	DDPP / Prosecution (BS-18)
e)	Mr. Sultan Asghar Chatha	Senior Law Officer	DPG/Prosecution (BS-18)
f)	Ms. Asiya Yaseen	Senior Law Officer	DDPP / Prosecution (BS-18)
g)	Mr. Babar Miraj	Deputy Director	Prosecution (BS-17)
h)	Mr. Atif Raza Malik	Assistant Director	Prosecution (BS-17)
i)	Mr. Usman Rasheed Ch.	Assistant Director	Prosecution (BS-17)
j)	Mr. Muhammad Siddique Ch.	Assistant Director	Prosecution (BS-17)
k)	Mr. Aftab Ahmad	Assistant Director	ADPP / Prosecution (BS-17)
l)	Mr. Muhammad Azeem	Assistant Director	ADPP / Prosecution (BS-17)
m)	Mr. Muhammad Arif Imran	Assistant Director	ADPP/Prosecution (BS-17)

1.4 POSITION OF THE SUPPORT STAFF

The Punjab Criminal Prosecution Service Inspectorate faced a shortage of support staff in 2020. The position of working staff against sanctioned vacancies is detailed below.

Sr.No	Description	Pay Scale	Sanctioned Post	Working	Vacant
1	Private Secretary	17	1	-	1
2	Personal Assistant	16	3	-	3
3	Senior Data Processor	16	1	-	1
4	Assistant	16	3	-	3
5	Stenographer	15	5	-	5
6	Data Entry Operator	14	2	1	1
7	Junior Clerk	11	10	3	7
8	Dispatch Rider	4	1	1	0
9	Driver	4	2	-	2
10	Chowkidar	1	1	-	1
11	Mali	1	1	-	1
12	Naib Qasid	1	10	4	6
13	Sanitary Worker	1	1	1	0
TOTAL			41	10	31

The vacant position could not be filled due to due to ban on recruitment imposed.

1.5 BUDGET POSITION

The Punjab Criminal Prosecution Service Inspectorate was provided with a budget to the tune of Rs.29,643,000/- to run its day-to-day affairs and functions during the financial year 2020-21. The broad head-wise breakup of the budget is as follows.

Budget Head	Amount Allocated (Rs.)
Salary	23,245,000/-
Non-Salary	6,398,000/-
Total	29,643,000/-

1.6 VEHICLES POSITION

All the vehicles with the Inspectorate are borrowed from various organizations and have more than two lac KM on the mileage meter. These vehicles are worn out after remaining in use for more than 17-18 years. None of the vehicles is suitable for the long route. The vehicles' detail is given as under:

Vehicle / Model	Capacity	Ownership
Honda City (2007)	1300	Prosecutor General Punjab
Suzuki Baleno (2000)	1300	S&GAD Govt. of Punjab
Suzuki Cultus (2007)	1000	Public Prosecution Department
Suzuki Cultus (2007)	1000	Prosecutor General Punjab

Due to a shortage of vehicles, the officers had to use public transport to visit the far-flung areas of the Punjab for inspections, which not only posed a constraint on their efficiency but also caused a wastage of time

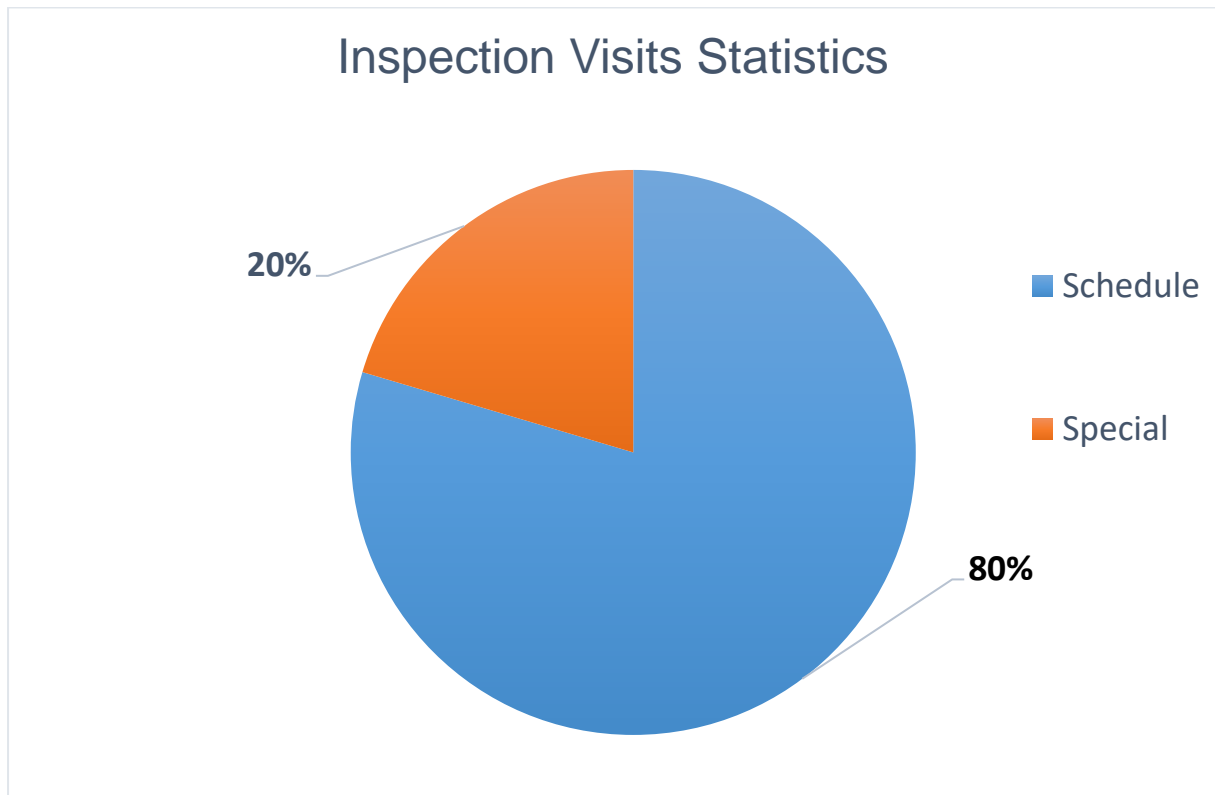
2. INSPECTION VISITS MADE BY PCPSI

The Punjab Criminal Prosecution Service Inspectorate conducted **Forty-Nine (49)** inspections of different prosecution offices across the province in 2020 as detailed below.

Nature of Inspection	Number of inspections Conducted	%age
Schedule	39	79.59%
Special / Fact Finding	10	20.41%

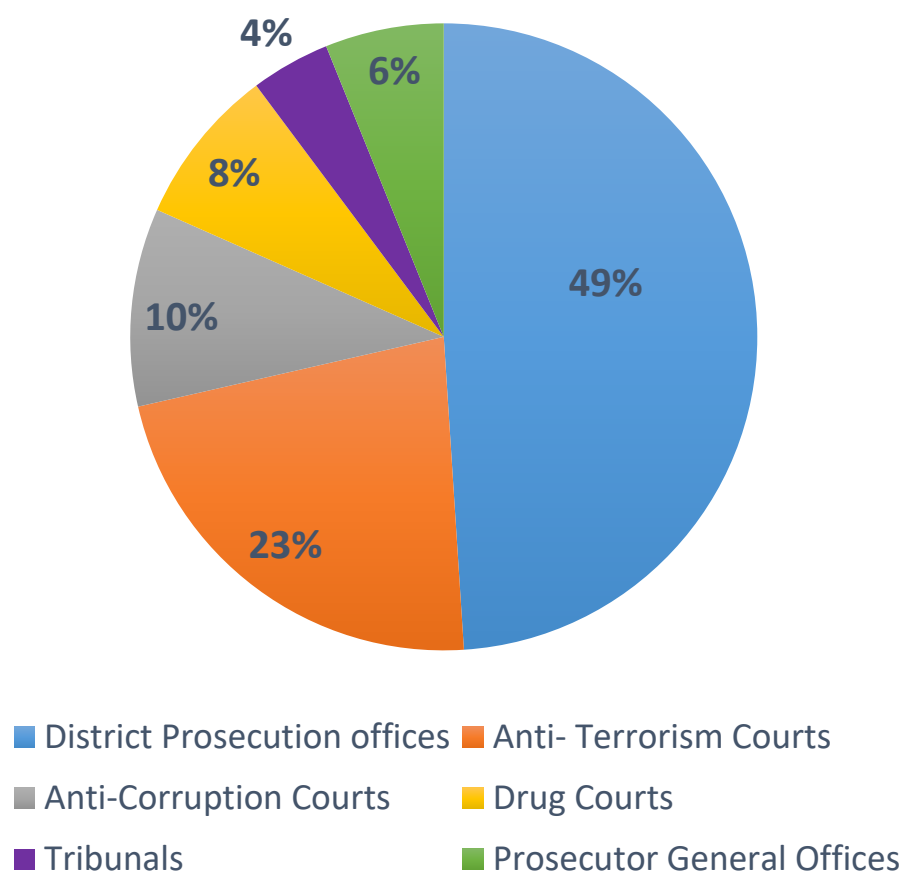
A total of 6 inspections were conducted by Director General (Inspection) with their team in the district and special courts. Director General (Inspection) introduced a new mechanism in the year 2020 to discuss problems with the prosecutors and seek suggestions for working in district courts, a special court and appellate courts. During

the year 2020, surprise inspections could not be conducted due to the spread of covid-19.



Sr. No	Prosecution offices Inspected	Number of inspections
1.	District Prosecution offices	24
2.	Anti- Terrorism Courts	11
3.	Anti-Corruption Courts	5
4.	Drug Courts	4
5.	Tribunals	2
6.	Prosecutor General Offices	3

Court wise Inspection Statistics



The PCPSI conducted fewer than the target inspections due to the prevalence of Covid-19. The prosecution office wise detail of inspections is as follow:

Sr.No	Name of Station	Date of inspection	Mode of Inspection
1	Bahawalpur	1/3/2020	Surprise
2	R.Y.Khan	1/4/2020	Surprise
3	M.B.Din	1/21/2020	Schedule
4	Bahawalnagar	1/24/2020	Schedule
5	Narowal	1/21/2020	Schedule
6	Drug Court Lahore	1/27/2020	Schedule
7	Sheikhupura	1/27/2020	Schedule
8	Environmental Tribunal Punjab	1/30/2020	Schedule

Sr.No	Name of Station	Date of inspection	Mode of Inspection
9	Bhakkar	2/27/2020	Schedule
10	Gujranwala	2/28/2020	Surprise
11	Livestock Tribunal	2/17/2020	Schedule
12	Drug Court Bahawalpur	2/28/2020	Schedule
13	Layyah	3/12/2020	Schedule
14	D.G.Khan	3/12/2020	Schedule
15	ATC D.G.Khan	3/11/2020	Schedule
16	ACC D.G.Khan	3/11/2020	Schedule
17	ATC-III Rawalpindi	8/20/2020	Schedule
18	ATC-I Rawalpindi	8/20/2020	Schedule
19	ATC-II Rawalpindi	8/20/2020	Schedule
20	ACC Rawalpindi	8/20/2020	Schedule
21	Drug Court Rawalpindi	8/20/2020	Schedule
22	Rawalpindi	8/27/2020	Schedule
23	PGP Rawalpindi	8/27/2020	Schedule
24	PGP Camp Office (Principle Seat)	9/1/2020	Schedule
25	Bahawalpur	9/17/2020	Schedule
26	ATC Bahawalpur	9/17/2020	Schedule
27	ACC Bahawalpur	9/17/2020	Schedule
28	Lodhran	9/17/2020	Schedule
29	Drug Court Bahawalpur	9/17/2020	Surprise
30	PGP Camp Office (Bahawalpur)	9/17/2020	Schedule
31	Sialkot	9/23/2020	Surprise
32	ATC Faisalabad	9/24/2020	Schedule
33	ACC Faisalabad	9/24/2020	Schedule
34	Okara	9/26/2020	Surprise

Sr.No	Name of Station	Date of inspection	Mode of Inspection
35	Renala Khurd (Tehsil Okara)	9/26/2020	Surprise
36	Depalpur (Tehsil Okara)	9/26/2020	Surprise
37	Sahiwal	9/26/2020	Surprise
38	Sargodha	10/5/2020	Schedule
39	ATC Sargodha	10/5/2020	Schedule
40	ACC Sargodha	10/5/2020	Schedule
41	Sargodha	10/6/2020	Surprise
42	ATC Lahore-I	10/12/2020	Schedule
43	ATC Lahore-II	10/19/2020	Schedule
44	ATC Lahore-III	11/5/2020	Schedule
45	ATC Lahore-IV	11/9/2020	Schedule
46	Jhelum	11/16/2020	Schedule
47	Khushab	11/20/2020	Schedule
48	Kasur	11/24/2020	Schedule
49	Jhang	11/26/2020	Schedule

2.1 INSPECTION METHODOLOGY

The Inspectorate conducts mainly two types of inspections: scheduled inspection and surprise inspection.

- As far as scheduled inspections are concerned, prescribed proformas are circulated to concerned prosecution offices before the date of inspection. An adequate time is given to prosecutors to complete these proformas. The data is obtained on proformas duly signed by the concerned Prosecutor. The proforma contains the detail of cases scrutinized by them, case reviews u/s 9(7) PCPS Act 2006 written by them, preparation of scrutiny memos and conviction & acquittals pronounced in their allocated courts during a particular period (i.e., the period under inspection). These proformas are also available on the website of the Inspectorate <https://pcpsi.punjab.gov.pk>

- During surprise inspections, no such prior intimation is given to the prosecution office instead inspecting officers visit the prosecution offices to check the maintenance of records and attendance of officers and officials etc. without any intimation. It is a kind of spot inspection.
- This inspection methodology plays a crucial role in keeping the officers on their toes and amplifies their work efficiency.

After conducting the inspection, the inspection officers prepare inspection reports and submit them to the Administrative Department with recommendations for improving the performance of the Prosecution Service.

2.2 INSPECTION PARAMETERS

The PCPSI notifies and circulates the annual inspection schedule among all the office in the province. The circulars, delineating the inspection parameters/elements to be observed during the inspection visits, are sent to all offices on regular basis. The duties and responsibilities of prosecutors set out in the Performance Standard Document issued by Prosecutor General Punjab were considered during inspections. The annual inspection schedule for the year 2020 was issued on 09-01-2020 in which for the first time, the aspects of inspection were bifurcated. The inspection of the District Public Prosecutor and other prosecutors was carried out separately.

a) SALIENT ASPECTS OF INSPECTION REPORTS

After inspecting the Prosecutorial record, the inspection officers submitted reports to the Administrative Department wherein key points concerning weaknesses and strengths of the Prosecution Service were discussed at length. The following aspects were observed and necessary recommendations were made to Public Prosecution Department during the inspections in 2020.

b) PENDENCY OF REPORTS U/S 173 Cr.P.C WITH PROSECUTORS

According to Section 5(a) of the Punjab Criminal Prosecution Service Act, 2006, a prosecutor shall scrutinize the report u/s 173 Cr.P.C and may return the same within **three (3)** days to the police, if he finds defects, for the removal of such defects. If he finds it fit for submission in the court of competent jurisdiction, he forwards the report under section 173 of Cr.P.C (chalan). During inspection visits, violations of the said provision of the law were noticed. The reports u/s 173 Cr.P.C was found pending scrutiny despite the lapse of the stipulated statutory period in one district.

Some instances were also noticed where though the scrutiny of reports u/s 173 Cr.P.C was done yet those were either not submitted in court despite lapse of reasonable time or were submitted in court very late. This type of instance was noticed in two districts.

c) VIOLATION OF DEPARTMENTAL INSTRUCTIONS

The Public Prosecution Department issued instructions on 20.07.2011 regarding scrutiny of Police Reports u/s 173 Cr.P.C by the concerned prosecutor, and for this purpose, police stations were allocated to prosecutors. It was noticed that generally, the instructions of the department were complied with in all districts of Punjab except two districts of Punjab where violation of departmental instructions was noticed, and the observations to this effect, along with the name of delinquent officers, were submitted to Public Prosecution Department for further necessary action.

d) APPLICATION OF THRESHOLD TEST AT REMAND STAGE

As per Section 6 of the Code of Conduct for Public Prosecutors, the 'Threshold Test' must be applied by prosecutors during remand proceedings. This fact was checked with emphasis, and it was found that in 2 districts, the threshold test was either not applied by prosecutors or opinion was given in one or two lines that can't be termed threshold test. The detail of such instances was noticed in two districts. The matter was discussed with concerned prosecutors and District Public Prosecutors, and it was learnt that it happened in those cases where police directly approached the concerned court

for remand without consulting concerned Prosecutors. It was recommended that the matter may be taken with concerned District and Sessions Judges for issuance of directions to all presiding officers not to entertain the remand request of the police without forwarding by the Prosecution. Contrary to the position explained above, the situation was found to be better where it was noticed that no court was entertaining any remand request without being forwarded by the prosecutors due to good prosecution-court coordination.

e) RETENTION & CUSTODY OF SCRUTINY MEMO U/S 9(5) PCPS ACT 2006

As Per Guidelines for Scrutiny of Police Reports issued under Section 10 (1) of the Punjab Criminal Prosecution Service (Constitution, Functions & Powers) Act, 2006 by Prosecutor General Punjab in 2012 after submission of report u/s 173 Cr. P.C in the Court, the memorandum of the case must be kept in a separate file by the Prosecutor, and an original copy of the memo is required to be submitted to the office of the District Public Prosecutor (DPP) every week.

f) WORKING OF DISTRICT SCRUTINY COMMITTEE (DSC)

The District Scrutiny Committees were found constituted and functional in all the districts of the Punjab. As per directions of the department, every District Scrutiny Committee is obligated to re-scrutinize at least 20% of police reports scrutinized and forwarded by prosecutors in the district. This threshold was achieved by most of the districts. In contrast, in three districts, it was found that committees did not perform their functions and remained failed to re-scrutinize 20% of reports u/s 173 Cr.P.C scrutinized and forwarded by Prosecutors in violation of departmental instructions.

g) WORKING OF INTERNAL MONITORING COMMITTEE (IMC)

The Public Prosecution Department issued directions for the constitution of Internal Monitoring committees at the district level to ensure the maintenance of records as per Prosecution guidelines issued by Prosecutor General Punjab. The rationale behind forming IMC committees was to improve the maintenance of the record at the local level. During the inspections, it was noticed that internal monitoring committees were constituted in all districts of Punjab and remained fully functional. As far as the

performance of the IMC is concerned it was noticed that in two districts the members of IMCs wrote a one-page inspection report with general observations or scanty remarks which is not the spirit of the IMC. The reports did not contain the detail of areas covered by IMC. The IMC reports made no specific observations regarding officers and officials. It was also noticed with grave concern that IMC conducted no inspection in Tehsil Prosecution Offices.

h) WRITING OF FORMS RELATING TO ADVERSE OUTCOMES OF CASES

The Prosecutor General Punjab (PGP) has issued guidelines for the preparation of AOC form in acquittal cases falling under offences of murder, financial offences, sexual offences, and GBV offences vide letter # PGP/PSO/PA/48/18-1818 dated 15-08-19 to all the prosecutors working in Punjab. The AOC-I form is to be written by the concerned prosecutor in case of the acquittal of accused persons, whereas the AOC-II form is to be written by the DPP. During inspections, it was noticed that generally, prosecutors had written the AOC-I form. In three districts and one ACC court, it was found that prosecutors and concerned DPP were not preparing the AOC forms.

It was also noticed that where concerned Prosecutors wrote AOC-I forms, remained unsigned by the DPP. It was also found that the DPP did not write AOC-II forms in many districts.

i) NON-EXAMINATION OF VICTIMS IN CASES

A witness provides information and sheds light on the facts of the case in a court of law. The testimony of a witness is necessary to prove the case against the culprits. Among all witnesses, a witness who provides significant and crucial information in a criminal case is STAR WITNESS. The testimony of a star witness may serve as the basis for building and presenting a case, and his testimony may cinch a conviction.

The offence victim serves the role of star witness in Serious Sexual Violence (SSV) cases. This critical aspect was checked rigorously during inspections in the year 2020, and it was noticed that in many cases, the police failed to associate the victim in an investigation and record their statements. In many cases, it was also observed that during the trial of the case, complainants or eyewitnesses resiled from their testimony before the court and the courts completely exonerated the accused persons from the

charge, and strangely the victims of the offence in those cases (mostly the minors) were not even produced before the court. Such instances were noticed in districts in 8 districts. The PCPSI believes that if the victims in these cases were produced before the court, the fate of the case could be different.

j) NON-EXAMINATION OF MATERIAL WITNESSES

During the perusal of judgments of acquittal, based on resiling statements of witnesses in **ANTI-CORRUPTION CASES**, it was noticed that in many Raid Cases accused were acquitted due to resiling of the complainant. The PCPSI is of the view that an ordinary case is to be distinguished from a raiding case as in such cases, the question of '**Misconception**' can't arise. Because in the raid case, the complainant first categorically nominates the accused person who demands illegal gratification and later he applies to Regional Director Anti-Corruption to conduct a raid. On the application of the complainant, a Judicial Magistrate is appointed who firstly marks the currency notes and handover the same to the complainant to pass them on to the accused. In case of a successful raid, the duly marked money is recovered from the accused. But strangely, in all such cases of acquittal, no attempt seems to have been made by the Prosecution to produce the raiding magistrate as a witness in the case. Moreover, such acquittals are never recommended for appeal by prosecutors.

k) NON-PRODUCTION OF CASE PROPERTY DURING TRIAL

It is obligatory upon the Prosecution to produce/tender evidence of alleged recovered material from the accused before the Court during the trial to prove its case. Since the case property serves the foundation of any criminal case, nonproduction of the same during trial is fatal to the prosecution case. It is a settled principle of law that the '**Court cannot convict an accused merely on the statements of the witnesses without production of the incriminating material**'. During the perusal of the record during the scheduled inspections, it transpired that the case property was not produced before the court in two districts of the province.

l) UN-NECESSARY GIVING UP OF WITNESSES

The prosecution is under an obligation to produce in the court such witnesses who are acquainted with the facts and circumstances of the case to prove its case. If this type

of witness is not produced before the court this may be termed as **withholding of best available evidence**. Withholding of evidence always goes against the Prosecution on the inference that if they had been called in the witness box, they would not support the version of the Prosecution as per Article 129-G of Qanoon-e-Shahadat Order, 1984. During the inspections, it was noticed that in a few cases witnesses were given up by the prosecutors being unnecessary.

**m) ACQUITTAL ON RESILING STATEMENT DESPITE
PENDENCY OF FORENSIC REPORTS**

The prevailing circumstances where the sexual violence against minors is increasing, the criminal justice system needs to be more vigilant. The situation also cast responsibility on the shoulders of prosecution to remain more careful. During inspections it was further noticed that in many cases falling under SSV, the complainant and witnesses resiled from their testimony and hence the fate of the case resulted in complete exoneration of the accused persons. The accused were acquitted by courts u/s 265-K Cr.P.C.

2.3 ANALYSIS OF JUDGMENTS OF ACQUITTAL

To ascertain the level of prosecution in terms of scrutiny of cases at the time of submission and conducting prosecution in courts and to avoid repetition of mistakes in future, the analysis of judgments of acquittals is of vital importance. Keeping in view, this importance, the inspectorate perused all the acquittal judgments whether those were on merit or were announced u/s 249-A/265-K of Cr.P.C. The scanning of these judgments depicted that some material flaws in the investigation were not noticed and pointed out to the investigators at the time of scrutiny of the report under section 173 of Cr.P.C by prosecutors. In some cases, a defective prosecution was also noticed, resulting in the accused persons' acquittal. These points were duly highlighted in inspection reports for the year 2020 to the administrative department for its consideration.

2.4 AWARD OF CONVICTIONS NOT PROVIDED BY LAW

The courts are empowered to award conviction to any accused person as provided by law. However, while awarding punishment, the courts cannot exercise their discretion about the quantum of punishment. The inspectorate also examined and analyzed the critical aspect of prosecution regarding whether the conviction awarded to the accused person(s) is in consonance with the punishment provided by law. This aspect was more particularly focused on inspections during the year 2020. It was noticed with grave concern that courts awarded the sentence to accused persons either not provided by law or, to a lesser extent, not commensurate with the punishment provided by law. The prosecution was obligated to agitate the matter and file revision for enhancement of the sentence which did not seem to have been done. The instances noticed includes the following type of cases.

Name of Law	The Punjab Security of Vulnerable Establishment Act 2015
Punishment Provided by law	Punishment of imprisonment which may extended to 6 Months AND fine which shall not be less than 50,000/- Rupees but shall not exceed 100,000/- Rupees.
Punishment awarded by Court	In many cases Fine of Rupees 10,000/- only without any imprisonment was awarded.
Name of Law	The Punjab Arms (Amendment) Act, 2015.
Punishment Provided by law	Imprisonment for a term which shall not be less than 2 years which may extend to seven years AND with fine.
Punishment awarded by Court	In many cases Fine of Rupees 500/- to 1,000/- only without any imprisonment was awarded.
Name of Law	The Punjab Sound System (Regulation) Act 2015
Punishment Provided by law	Imprisonment may extend to 6 Months AND fine not less than Rs. 25,000/- and not exceeding Rs.100,000/-
Punishment awarded by Court	In many cases Fine of Rs. 1,000/- to Rs.2,000/- only without any imprisonment was awarded. In many cases the court did not award any punishment of fine or imprisonment as provided by law but instead awarded punishment of plantation of 10/20/30 trees.
Name of Law	Punjab Information of Temporary Residence Act, 2015
Punishment Provided by law	Imprisonment may extend to Six months AND fine not less than 10,000 or more than 100,000.

Punishment awarded by Court	<p>In many cases Fine of Rs. 10,000/- only without any imprisonment was awarded.</p> <p>In many cases the court did not award any punishment of fine or imprisonment as provided by law but instead awarded punishment of plantation of 10/20/30 trees.</p>
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These aspects were duly highlighted and brought to the notice of the Public Prosecution Department through inspection reports.

2.5 POSITION IN PROSECUTOR GENERAL PUNJAB CAMP OFFICES

In 2020, three inspections of Prosecutor General Punjab Camp offices were conducted by this Inspectorate. According to section 13(2) of the Punjab Criminal Prosecution Service Act 2006, a prosecutor working under the direction of the Prosecutor General shall keep the Prosecutor General informed about the progress of all the cases under this charge. During inspections, the prosecutors did not collect and submit copies of judgment adverse to the prosecution of those references involved death sentence and life imprisonment. A direction proposed to ensure submission of references in all cases to the Prosecutor General Punjab by the concern prosecutor.

According to **Section 10(2)** of Punjab Criminal Prosecution Service Act 2006, the Prosecutor General or the District Public Prosecutor may refer to the competent authority 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.

2.6 POSITION IN SPECIAL COURTS

During the inspection of prosecutors working in Special Courts (Anti-Terrorism, Anti-Corruption, Drug Courts, Environmental Tribunal etc.), it was noticed that the record relating to reports u/s 173 Cr.P.C / complaints submitted by police/CTD/ACE/Drug Inspector/Environment Department was being maintained properly. The perusal of the challan/complaint register depicted that there was a column of date of receiving of

challan/complaint, date of passing and date of sending back to concerned agencies in case of objections.

2.7 ADVANTAGES OF SHARING OF DRAFT INSPECTION REPORT

Following are a few instances where the observations made in inspection reports were dropped after considering the reply of the concerned prosecutor as satisfactory, and no action was recommended against observations raised in inspection reports.

- The inspection of the prosecutorial record of special prosecutors working in Drug Court Lahore was conducted on 27-01-2020. It was observed that in case no. Judl/46/18 State vs Lahore Pharma etc., in which raid was conducted on 03-09-2007 and the complaint was submitted in the court for trial on 17-01-2018 i.e. after a lapse of more than 11 years. The prosecution failed to provide any plausible reason for such delay. The explanation to this effect was sought from the concerned Ex/DDPP of Drug court Lahore. The DDPP Drug Court furnished comments and took the plea that no period has been specified under the Drug Act to launch a prosecution, and this lapse was not remediable at the time of scrutiny. The comments furnished by DDPP Drug Court were considered plausible, the observation of the inspection team was dropped, and no further action was recommended.
- The Inspection of District Prosecution Layyah was conducted on 12-03-2020. The inspection team examined the case registered in Police Station Fatehpur under FIR No. 165/18 u/s 6 of the Punjab Sound System (regulation) Act 2015. The para no 10(2) of the inspection report mentioned that the punishment awarded to the accused by the court is just 2000 rupees. This punishment was not in consonance with penalty provided under the relevant law. An explanation to this effect was sought from DPP Layyah. The DPP Layyah furnished comments and took the plea that the accused was convicted u/s 285 PPC only. The comments furnished by DPP Layyah were considered plausible, the observation of the inspection team was dropped, and no further action was recommended.
- The Inspection of District Prosecution Jhang was conducted on 26-11-2020. It was observed by the inspection team in case FIR No. 480/20, u/s 13(2-A)/20/65, The Punjab Arms Ordinance 1965 P.S. Satellite Town and as per proforma the

punishment awarded to the accused was not in consonance with the punishment provided under the relevant law. The order was required to be challenged by way of filing of revision for enhancement of punishment. An explanation to this effect was sought from DPP Jhang. The DPP Jhang furnished comments and mentioned that it was a clerical mistake in the proforma that FIR No 480/20 PS Satellite Town was registered u/s 171 PPC and DPP furnished the copy of the FIR. Hence sentence awarded in this case was according to the law. The comments furnished by DPP Jhang were considered plausible, the observation of the inspection team was dropped, and no further action was recommended against this observation.

2.8 COLLECTION, MAINTENANCE & ANALYSIS OF DATA COLLECTED FROM PROSECUTION OFFICES ACROSS THE PUNJAB:

Apart from conducting Inspections, the Inspectorate was also assigned the duties of collecting the prosecutorial data from all prosecution offices in the Punjab. In the discharge of this function, the inspectorate collected from 36 districts, 17 Anti-Terrorism Courts Punjab, 10 Anti-Corruption Courts, 6 Drug Courts, 3 Tribunals, 5 PGP camp offices at Lahore High Court and the Supreme Court of Pakistan on a monthly basis and after its analysis submitted to Administrative Department.

Further, the inspectorate also collected the data regarding the NATIONAL ACTION PLAN from 36 Districts of Punjab daily during 2020 and submitted this data to the Administrative Department and Home Department. Inspectorate collected data from districts and special courts till 01-12-2020, and data collection was shifted to the PGP office as per directions of the competent authority.

Furthermore, the Inspectorate also collected data on specific offences and specific categories in response to starred/un-starred questions in the Senate of Pakistan, National Assembly of Pakistan, and Provincial Assembly of Punjab. A few instances of the data are as follow:

1. GSP Plus (Intimidation, Abduction, Killing of Human right Defenders, Lawyers, and Journalists)
2. Reviewing of Punjab's Quarterly growth targets
3. Information regarding submission of challan for a quarterly review meeting

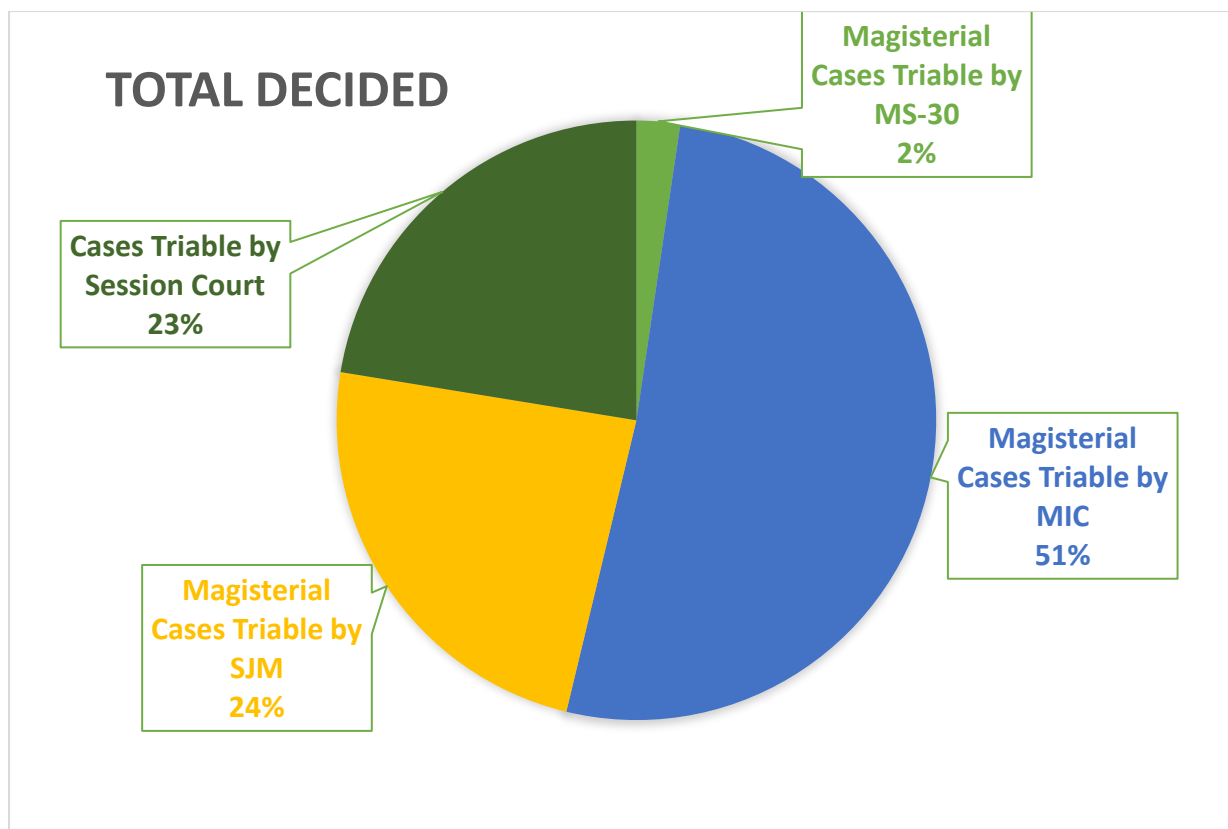
4. Information regarding the application of section 211 of the Pakistan Penal Code
5. Terrorism Financing Cases
6. Narcotics cases in Punjab
7. Cases of forced conversion of Minorities
8. Implementation of the decision of Punjab Human Right Policy 2018
9. Cases regarding the assault of children (Abduction, Rape, Sodomy, Pornography)
10. Special and Local law cases pending in the jurisdiction of district Lahore
11. Cases registered under Punjab Vagrancy ordinance, 1958
12. Cases registered under the Voluntary Welfare Agency ordinance, 1961
13. Cases registered under Disabled Persons (Employment and Rehab) 1961
14. Scrutiny guidelines and Adverse outcome
15. Honour Killing Cases
16. Pendency of challans
17. Offences relating to Religion
18. Trial and Disposal of Narcotics Cases
19. Trial and Disposal in Environmental Cases
20. Prosecutorial work performance by APG, DPG, DDPP
21. Trial and disposal cases and challan 2020 (ATC Punjab)
22. Govt. Performance Proforma
23. Disposal of cases under the Prevention of Corruption Act, 1947
24. Pending cases under the Prevention of Corruption Act, 1947
25. Conviction ratio in District Courts of Punjab

3 ANALYSIS OF WORKING OF PUNJAB CRIMINAL PROSECUTION SERVICE

As per Section 4(a) of the Punjab Criminal Prosecution Service Inspectorate Act, 2018, the PCPSI is charged with the mandate to monitor the performance, work and conduct of the Punjab Criminal Prosecution Service. The yearly data regarding the conduct of Prosecution in courts at all tiers in the Province of Punjab shows that a total of 220878 cases were disposed of by courts as detailed below:

3.1 DISTRICT COURTS (CASES TRIABLE BY MAGISTERIAL COURTS)

Category of Cases		Magisterial Cases Triable by MS-30	Magisterial Cases Triable by MIC	Magisterial Cases Triable by SJM	Cases Triable by Session Court	Total
Total Decided		3173	69478	32188	30310	135149
No of Convictions		469	39508	24595	21237	85809
No of Acquittals	Merit	192	2340	1021	3678	7231
	Due to reselling of witness	916	13001	72	3883	17872
	Due to compromise	1440	7193	2	456	9091
	Due to deficit Evidence	156	7436	6498	1056	15146



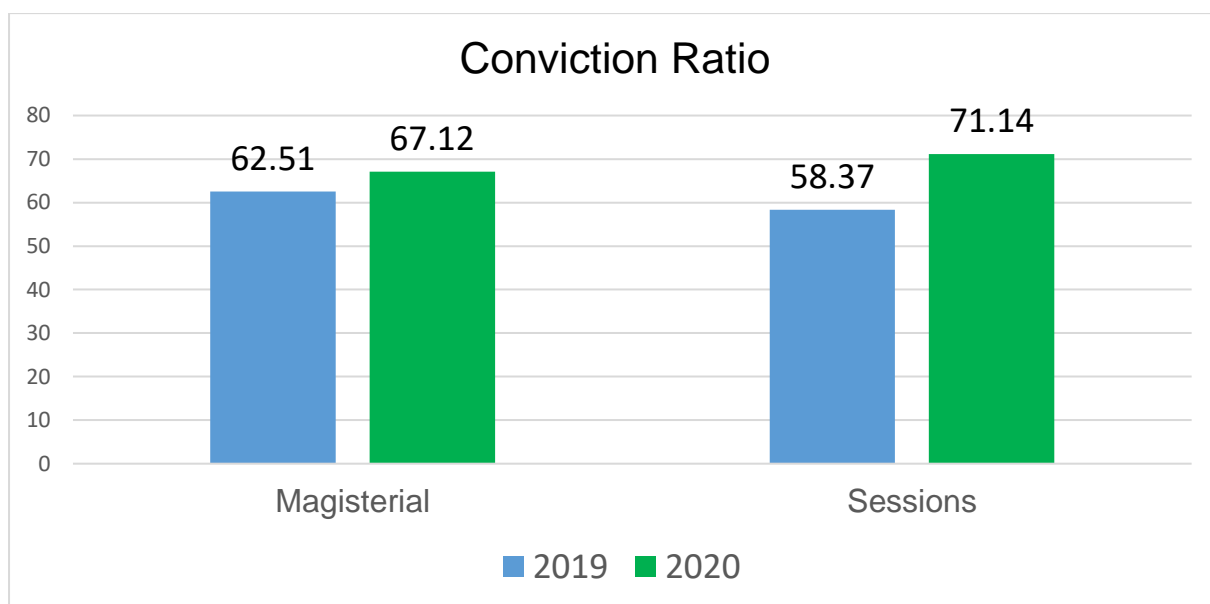
a) DISTRICT COURTS (CASES TRIABLE BY SESSIONS COURTS)

Total Decided	30310
No of Convictions	21237
Acquittals on Merit	3678
Acquittal Due to reselling of witness	3883
Acquittal Due to compromise	456
Acquittal Due to deficit Evidence / No Ground of Proceedings	1056

Punjab Criminal Prosecution Service succeeded to secure 68.07% conviction ratio in year 2020. District Multan secured highest conviction ratio (89.75%) whereas district Lahore secured lowest conviction ratio (41.36%). There was 6.62 % increase in ratio as compared to year 2019.

Note: **Conviction ratio** = Conviction * 100 / (Conviction + Acquittal on merit+ Acquittal on reselling of witness + Acquittal due to deficit Evidence)

Year	2019		2020	
Category of Cases	Magisterial	Sessions	Magisterial	Sessions
Total Cases Decided	155535	49177	104839	30310
No of Cases in which conviction was awarded	87407	28234	64572	21237
Conviction Ratio	62.51	58.37	67.12	71.14



b) RESILING OF WITNESSES

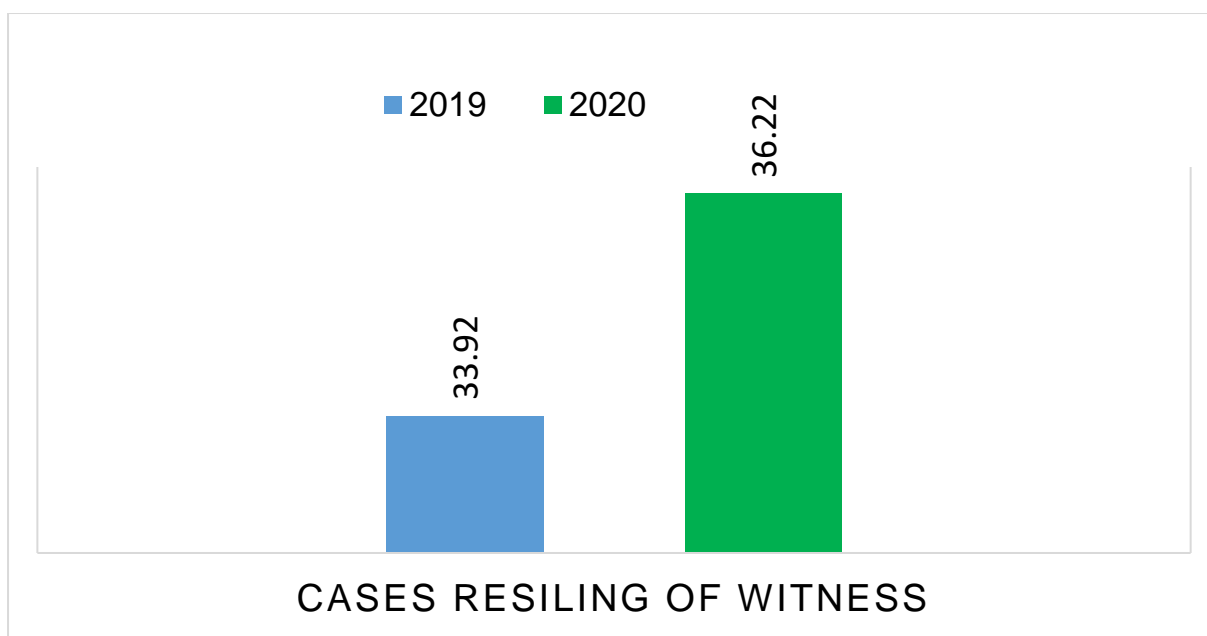
Giving a statement to link a person with an offence and then backtracking has become a challenge in the Pakistani Criminal Justice System for bringing home the guilt of the accused. Since there is no strong penal clause to combat the practice of retracting from the previous statement, hence this aspect encouraged individuals to resile. During year 2019 the position of cases resulted in acquittal due to resiling of witnesses remained as follows;

	Category of Cases	Magisterial Cases	Sessions Cases	T O T A L
Year 2020	Total Acquittal	40267	9073	49340
	Due to reselling of witness	13989	3883	17872
	%age	34.74	42.8	36.22

The position remained highest in District Nankana Sahib with (74.63%) ratio whereas position remained lowest in district Lahore with (10.17%).

Comparison with position of previous year it was found that there was (2.30%) increase in ratio as compared to year 2019 as detailed below:

	Category of Cases	Magisterial Cases	Sessions Cases	T O T A L
Year 2019	Total Acquittal	68128	20943	89071
	Due to reselling of witness	24656	5555	30211
	%age	36.19	26.52	33.92



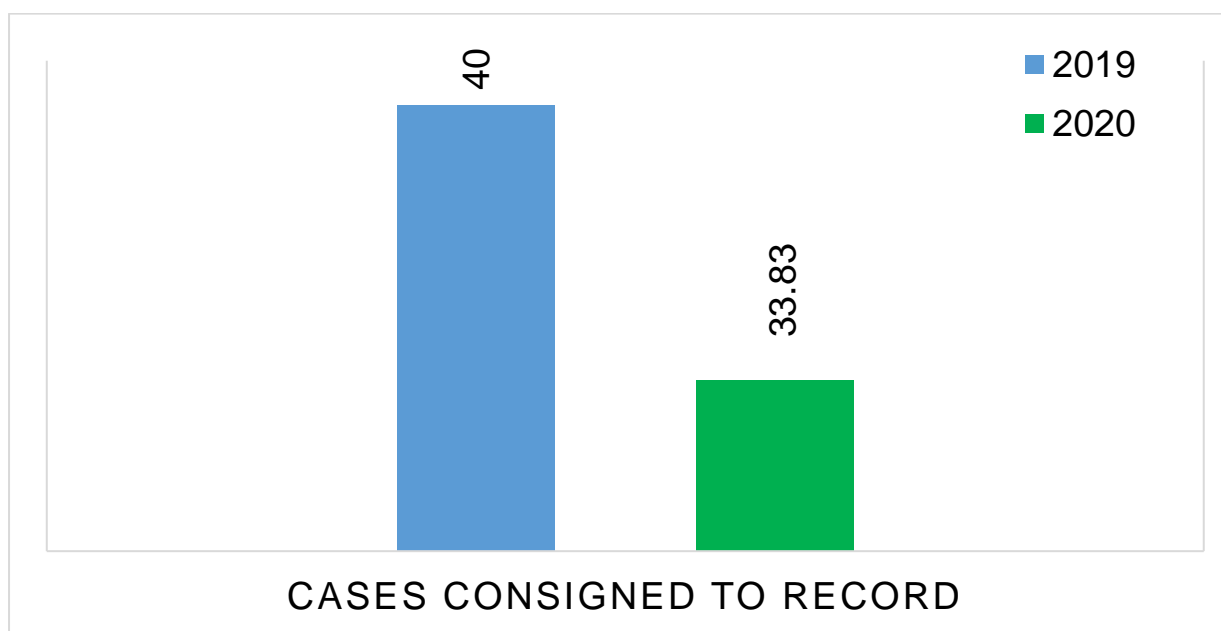
c) CONSIGNED TO RECORD

The speedy decisions on criminal cases ensure the effectiveness of a criminal justice system. But it has been noticed that several criminal cases are not being decided and are being consigned to record without decisions. Sometimes this happened due to the non-appearance of witnesses in the cases and at times due to the abandoning of the accused persons. During the year 2020, the position of cases consigned to record is as detailed below.

Year 2020	Total Disposal	220878
	Total Consigned to record	74721
	%age	33.83

Consigned to record remained highest in District Sheikhupura with 51.20% whereas position remained lowest in district Jhelum. There was a 6.17% decrease in consigning of the case to the record room as compared to the year 2019 as detailed below:

Year 2019	Total Disposal	364,404
	Total Consigned to record	145,760
	%age	40

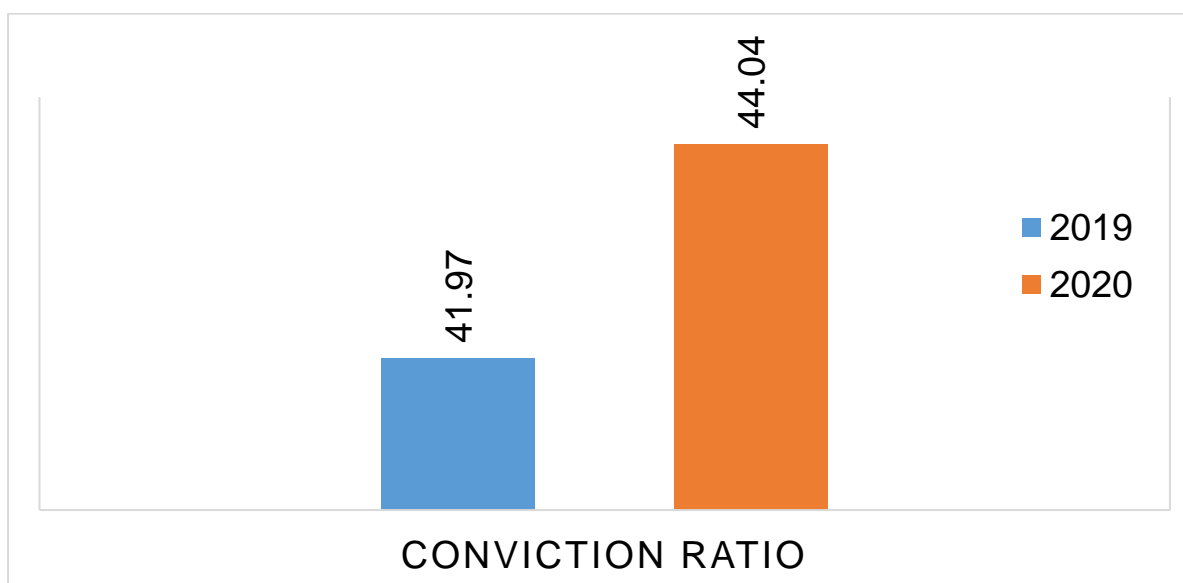


3.2 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI-TERRORISM COURT

Total Decided	No of Convictions	No of Acquittals		
		Merit	u/s 265-K Cr.P.C	
			Due to reselling of witness	Due to deficit Evidence
495	218	112	106	59

Punjab Criminal Prosecution Service succeeded to secure an overall 44.04% conviction ratio in Anti-Terrorism cases during the year 2020. ATC Lahore-II secured the highest conviction ratio (100.00) whereas ATC Lahore-IV secured the lowest conviction ratio (8.33). There was a 2.07 % increase in ratio as compared to the year 2019.

Year	2020	2019
Total Cases Decided	495	884
No of Cases in which conviction was awarded	218	371
Conviction Ratio	44.04	41.97

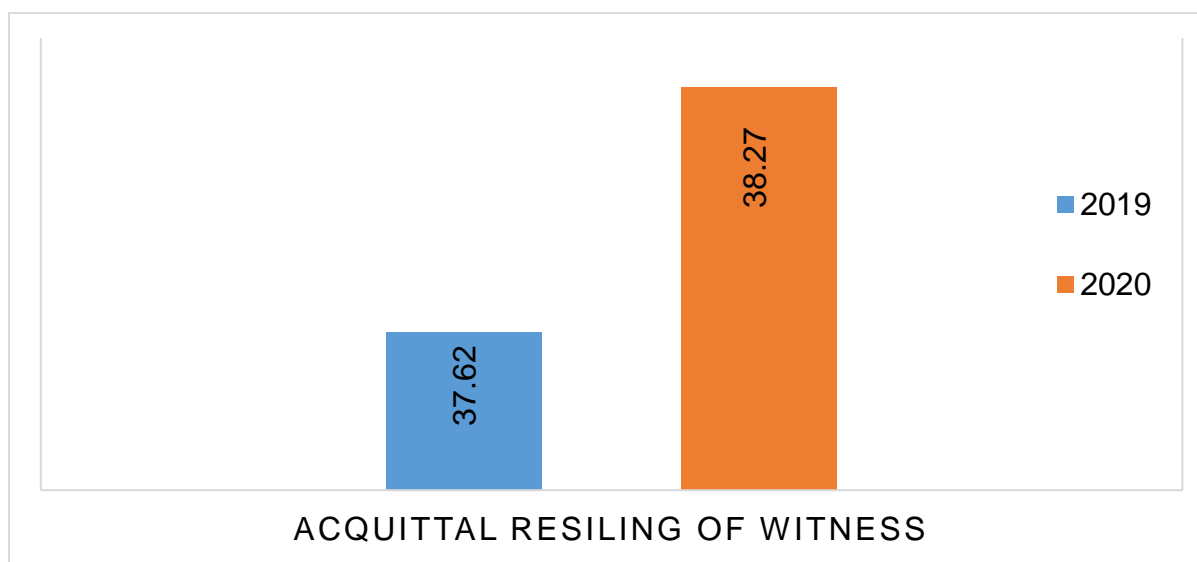


a) RESILING OF WITNESSES

Year 2020	Total Acquittal	277
	Due to reselling of witness	106
	%age	38.27

Acquittal due to resiling of witnesses remained highest in ATC Gujranwala with (83.33) ratio whereas position remained lowest in ATC Multan-II at 17.50%. In comparison with position of previous year it was found that there was 0.65% increase in ratio as compared to year 2019 as detailed below:

Year 2019	Total Acquittal	513
	Due to reselling of witness	193
	%age	37.62



b) DEFICIENT EVIDENCE

Total Acquittal	277
Due to deficient evidence	59
%age	21.3

Acquittal due to deficient evidence remained highest in ATC Multan-I with (80.00) ratio whereas position remained lowest in ATC Bahawalpur with (4.76) ratio

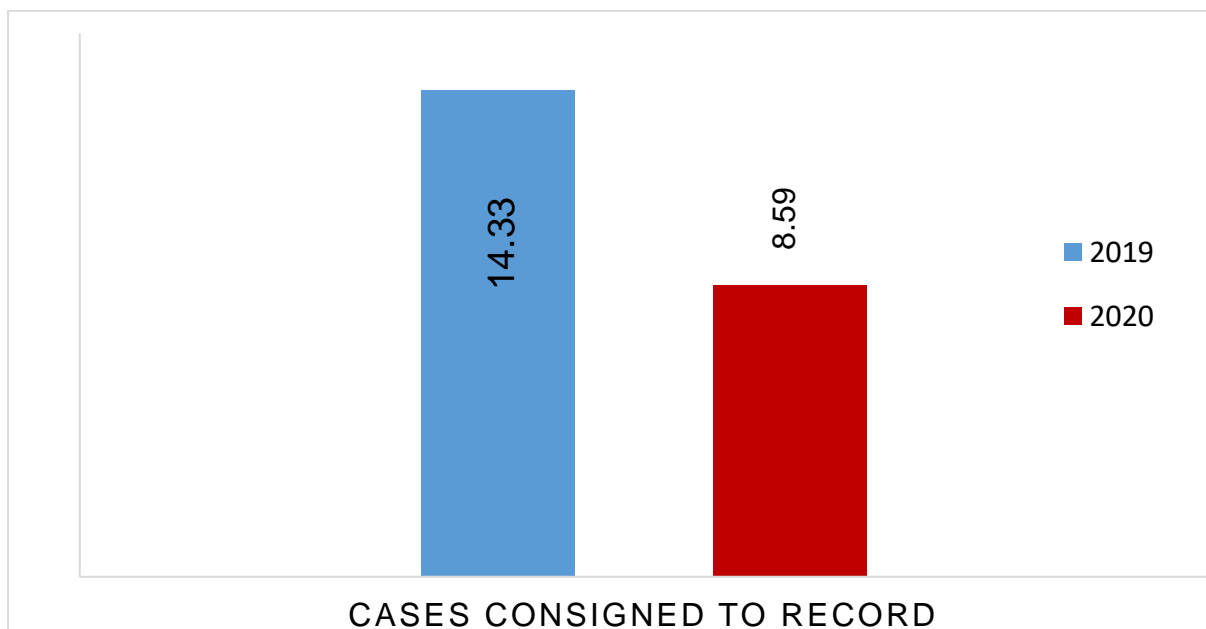
c) CONSIGNED TO RECORD

Year 2020	Total Disposal	838
	Consigned to record	72
	%age	8.59

Consigned to record remained highest in ATC Sahiwal with (38.46) ratio whereas position remained lowest in ATC Faisalabad with (1.54) ratio.

In comparison with the position of the previous year it was found that there was 5.74% decrease in ratio as compared to year 2019 as detailed below;

Year 2019	Total Disposal	1403
	Total Consigned to record	201
	%age	14.33



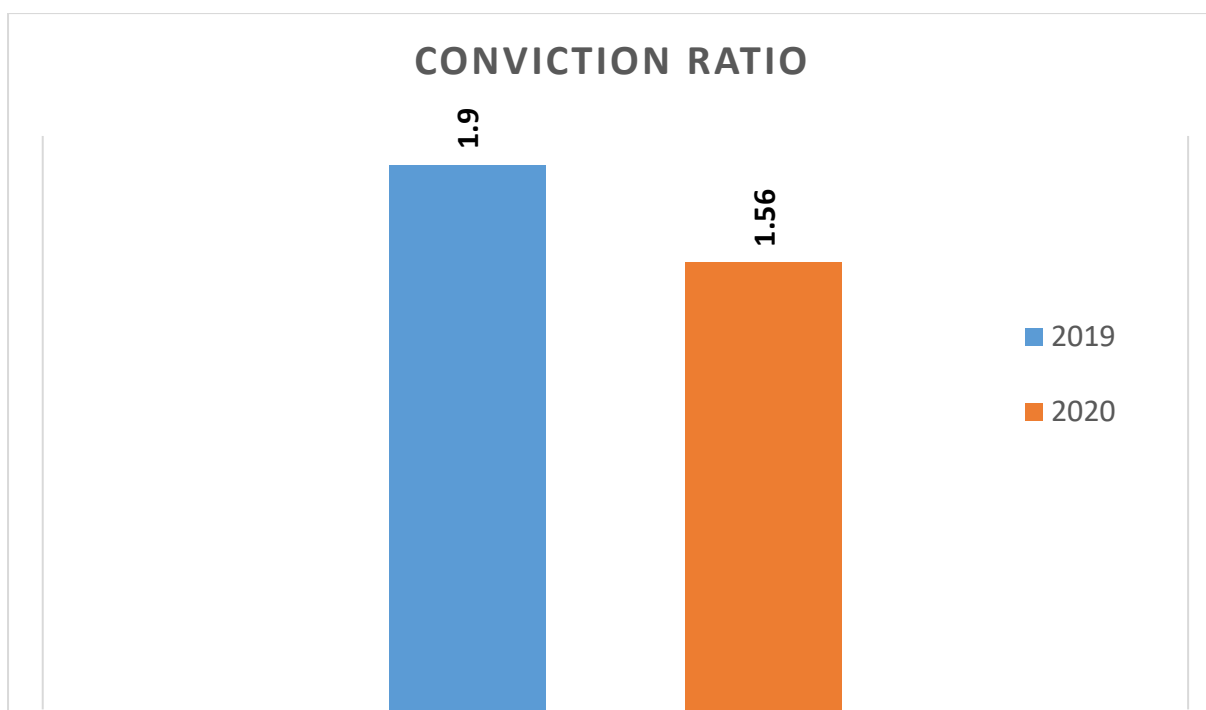
3.3 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI CORRUPTION COURT

Total Decided	No of Convictions	No of Acquittals		
		Merit	u/s 265-K Cr.P.C	
			Due to reselling of witness	Due to deficit Evidence
642	10	73	506	53

Punjab Criminal Prosecution Service succeeded to secure 1.56% conviction ratio in Anti-Corruption Cases during year 2020. ACC Faisalabad secured highest conviction ratio (18.18) whereas ACC Gujranwala secured lowest conviction ratio (0.52).

There was 0.34% decrease in ratio as compared to year 2019.

Year	2020	2019
Total Cases Decided	642	788
No of Cases in which conviction was awarded	10	15
Conviction Ratio	1.56	1.9



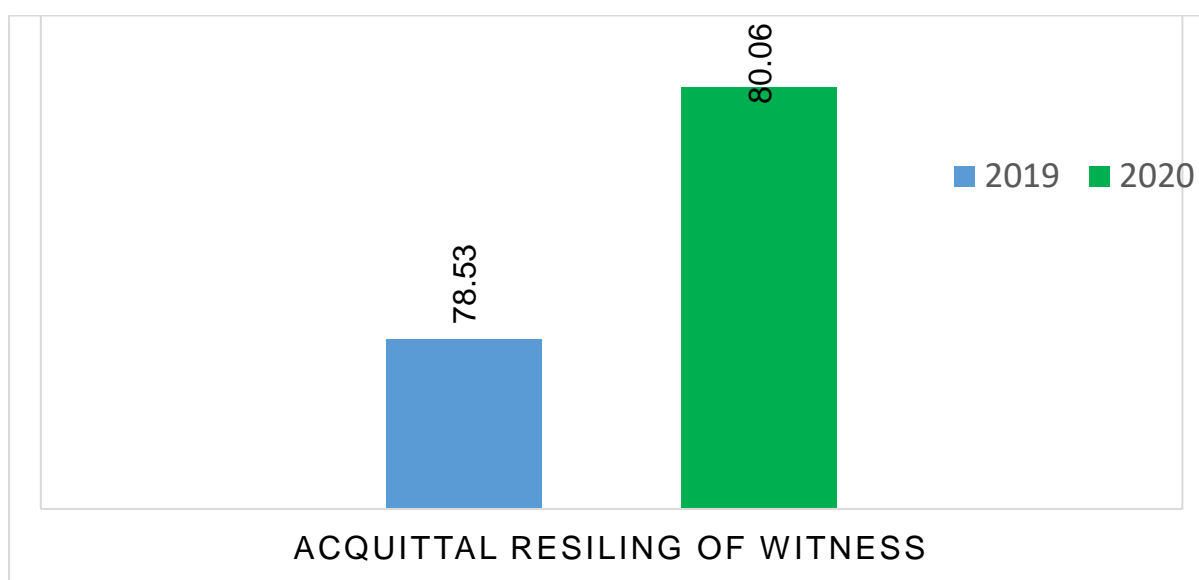
a) RESILING OF WITNESSES

Year 2020	Total Acquittal	632
	Due to reselling of witness	506
	%age	80.06

Acquittal due to resiling of witnesses remained highest in ACC Gujranwala with (98.96) ratio whereas position remained lowest in ACC Rawalpindi with (37.50) ratio.

Comparison with position of previous year it was found that there was (1.53%) increase in ratio as compared to year 2019 as detailed below:

Year 2019	Total Acquittal	773
	Due to reselling of witness	607
	%age	78.53



b) DEFICIENT EVIDENCE

Total Acquittal	632
Due to deficient evidence	53
%age	66.2

Acquittal due to deficient evidence remained highest in ACC Lahore-I with (30.71) ratio whereas position remained lowest in ACC D.G.Khan with (2.31) ratio

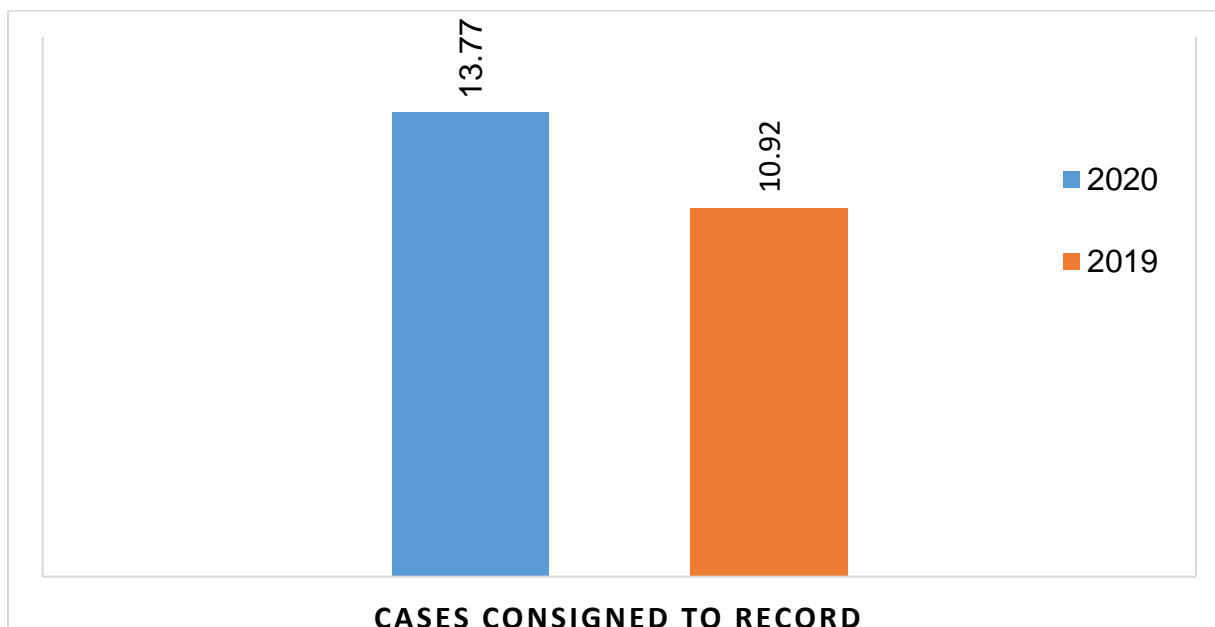
c) CONSIGNED TO RECORD

Year 2020	Total Disposal	1648
	Consigned to record	227
	%age	13.77

Consigned to record remained highest in ACC Gujranwala with (26.34) ratio whereas position remained lowest in ACC Rawalpindi with (1.49) ratio

Comparison with position of previous year it was found that there was 2.85% increase in ratio as compared to year 2019 as detailed below:

Year 2019	Total Disposal	2125
	Total Consigned to record	232
	%age	10.92

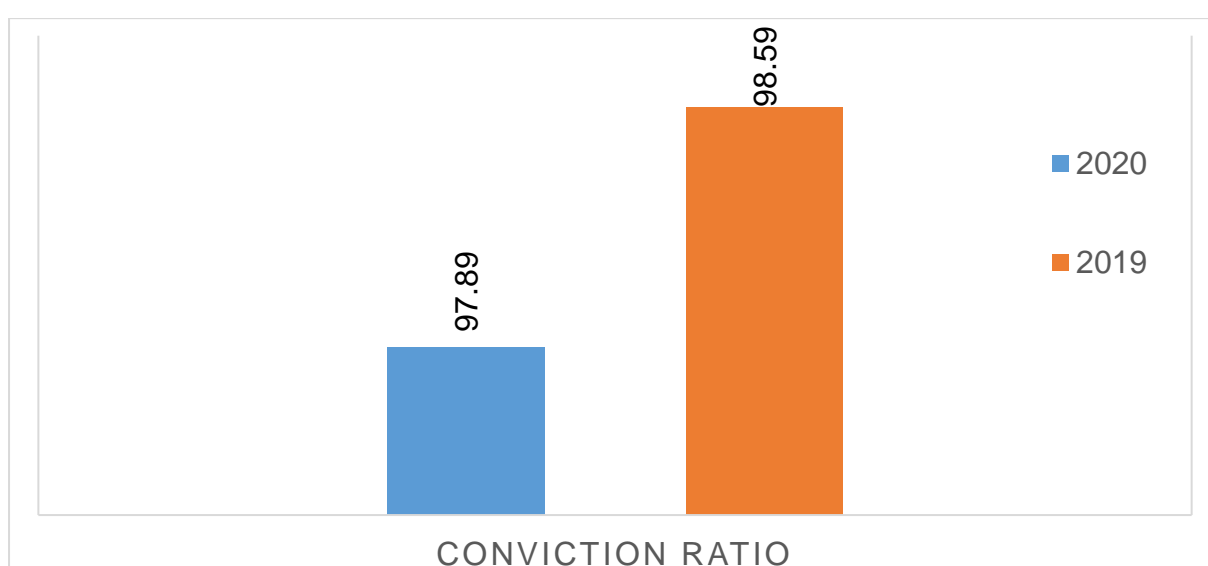


3.4 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT DRUG COURTS

Total Decided	190
No of Convictions	186
No of Acquittal	4
Total Consigned to record	53

Punjab Criminal Prosecution Service succeeded to secure 97.89% conviction ratio in the year 2020. Drug Court Multan secured the highest conviction ratio (100.00) whereas Drug Court Rawalpindi secured the lowest conviction ratio (95.00). Total disposal in Drug Court Lahore remains 1, while disposal in Drug Court Bahawalpur and Gujranwala remains Null due to Covid-19 Lockdown and the non-availability of the judge. There was 0.7 % decrease in ratio as compared to the year 2019.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2019	1707	1683	98.59
2020	190	186	97.89



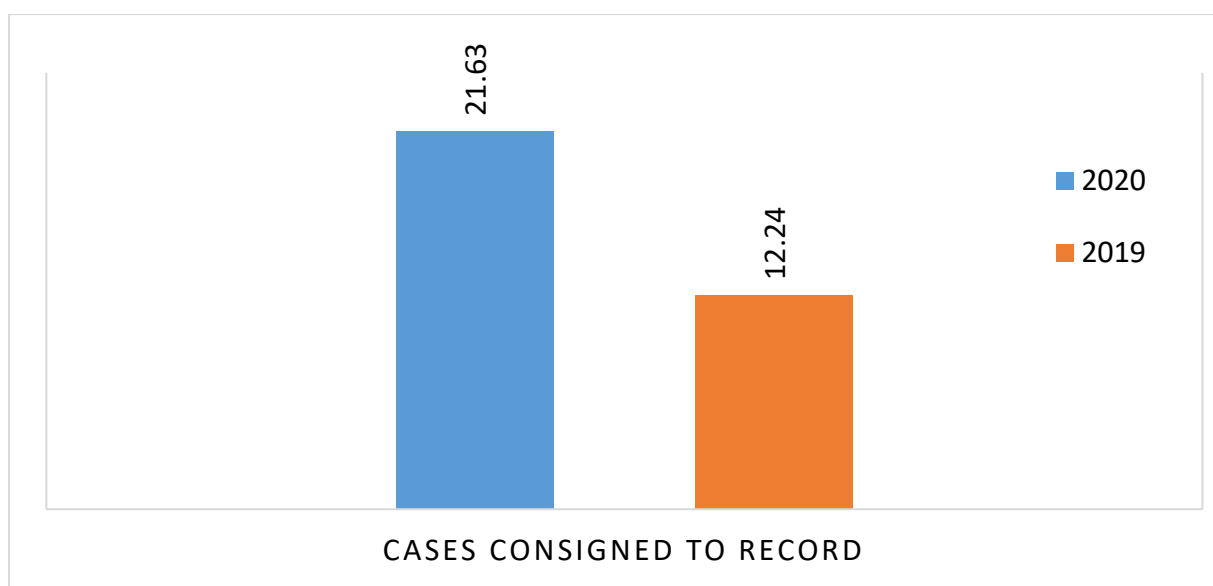
a) **CONSIGNED TO RECORD**

Year 2020	Total Disposal	245
	Consigned to record	53
	%age	21.63

Consigned to record remained highest in Drug Court Multan with (38.10) ratio whereas position remained lowest in Drug Court Rawalpindi with (4.76) ratio.

Comparison with position of previous year it was found that there was 9.39% Increase in ratio as compared to year 2019 as detailed below;

Year 2019	Total Disposal	1945
	Total Consigned to record	238
	%age	12.24



3.5 **PERFORMANCE OF PROSECUTORS WORKING AT HIGH COURT**

The Punjab Criminal Prosecution Service Conduct Prosecution in criminal cases before Lahore High Court, Lahore. Since the Lahore High Court Lahore has its benches at Rawalpindi, Multan & Bahawalpur, hence Prosecutor General Punjab has also established its Camp offices on these stations. The Prosecutors conducts prosecution on behalf of state in Criminal Appeals filed against Conviction, Bail Petitions (Pre-Arrest & Post Arrest), Criminal Revisions etc. The

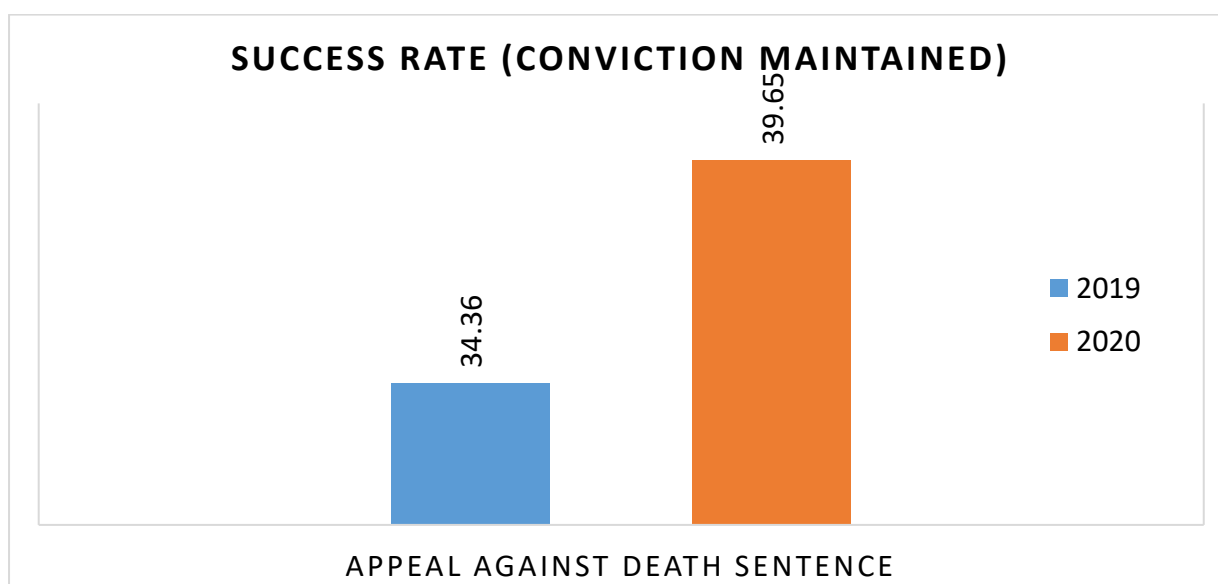
conduct of Prosecution at Lahore High Court Lahore (All benches) during year 2020 has been analyzed and compared with position of year 2019 and found the position as follow:

a) **APPEAL AGAINST DEATH SENTENCE**

2020					
Total Appeals heard & decided	Total Appeals resulted into dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	%age conviction Maintained	%age of conviction set-aside
459	32	150	277	39.65%	60.35%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 39.65% cases. There was crease of 5.29% in maintenance of conviction at appellate level as compared to year 2019 which was 34.36% as detailed below.

2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
844	113	177	554	34.36%	65.64%

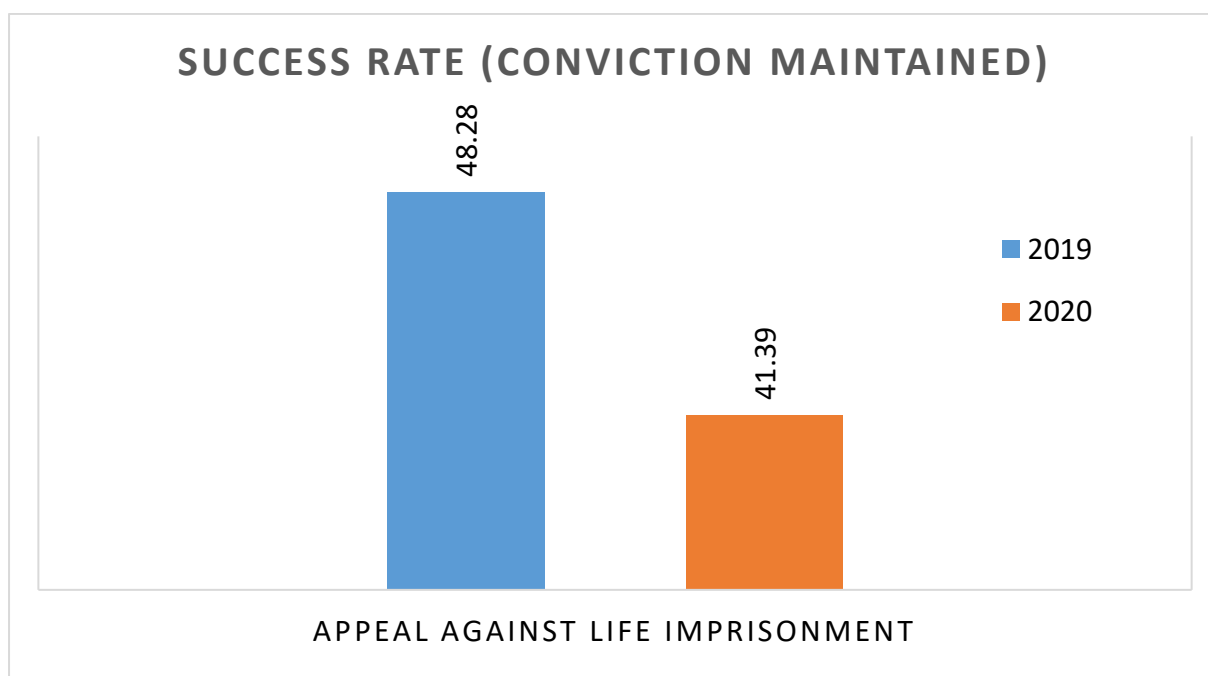


b) APPEAL AGAINST LIFE IMPRISONMENT

2020					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
360	113	36	211	41.39%	58.61%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 41.39% cases. There was decrease of 6.89% in maintenance of conviction at appellate level as compared to year 2019 which was 48.28% as detailed below.

2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
580	275	5	300	48.28%	51.72%

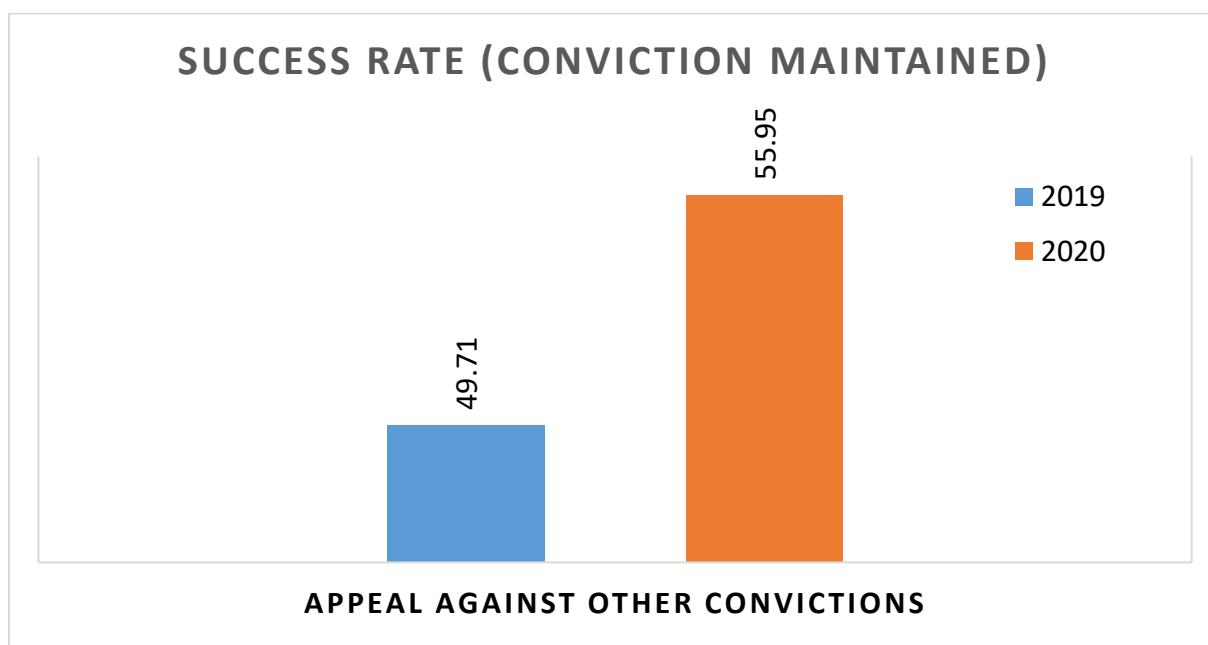


c) APPEAL AGAINST OTHER CONVICTIONS

2020					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
1948	1087	3	858	55.95%	44.05%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 55.95% cases. There was increase of 6.24% in maintenance of conviction at appellate level as compared to year 2019 which was 49.71% as detailed below.

2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
2100	1039	5	1056	49.71%	50.29%

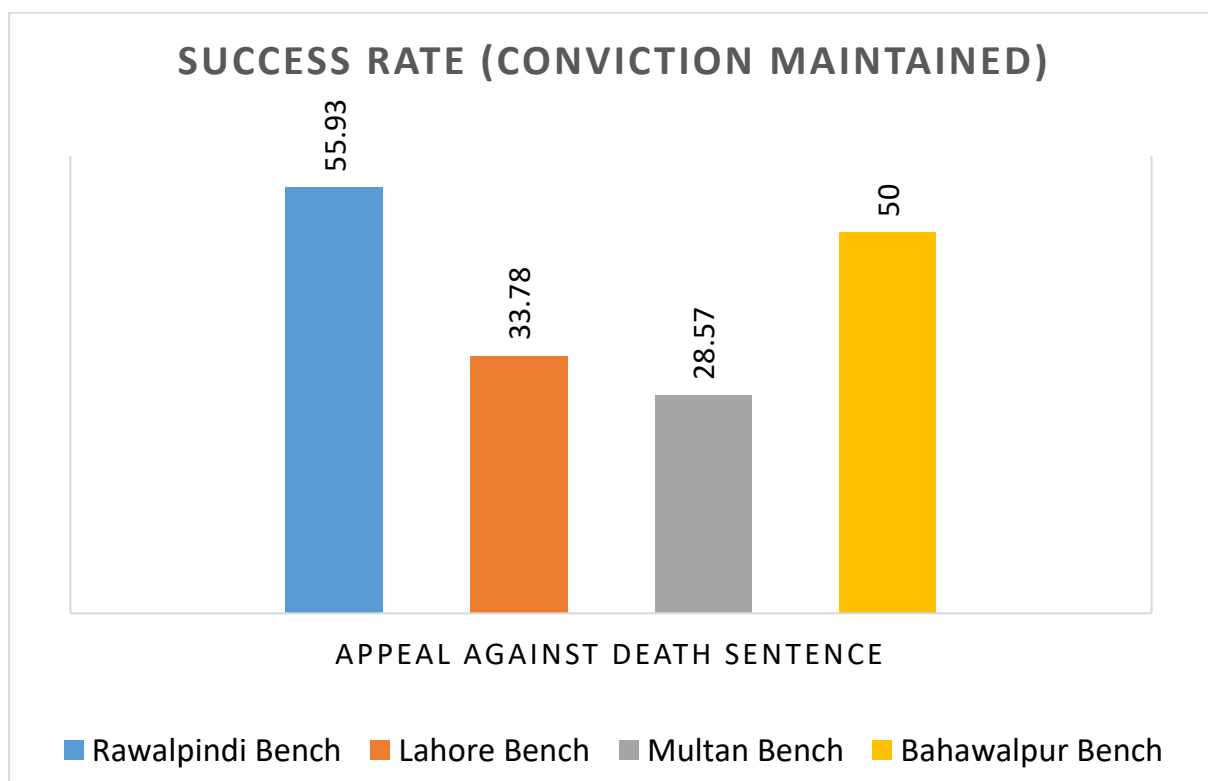


d) CONDUCT OF PROSECUTION (COMPARISON OF BENCHES)

To access the performance of Prosecutors working in Lahore High Court Lahore at all benches the comparison of work conducted by them in appeals was made and found the position as follow:

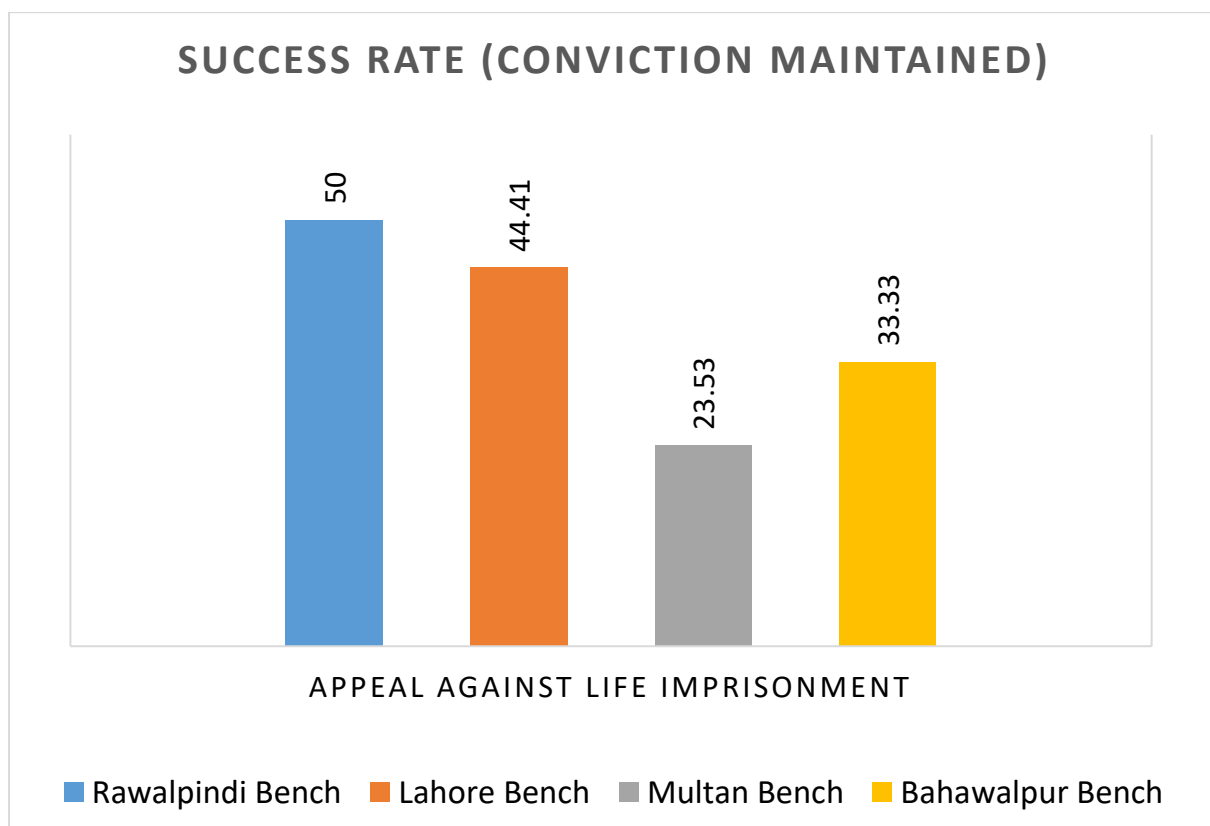
Appeal against Death Sentence	Year 2020					
	Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified to lesser degree)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
Rawalpindi Bench	118	13	53	52	55.93	44.07
Lahore (Principal Seat)	299	16	85	198	33.78	66.22
Multan Bench	28	2	6	20	28.57	71.43
Bahawalpur Bench	14	1	6	7	50	50

The comparison depicts that Prosecutors working in Lahore High Court at Rawalpindi Bench performed better and succeeded to maintain the convictions in 55.93% cases whereas the position remained on lower side at Multan Bench with 28.57%.



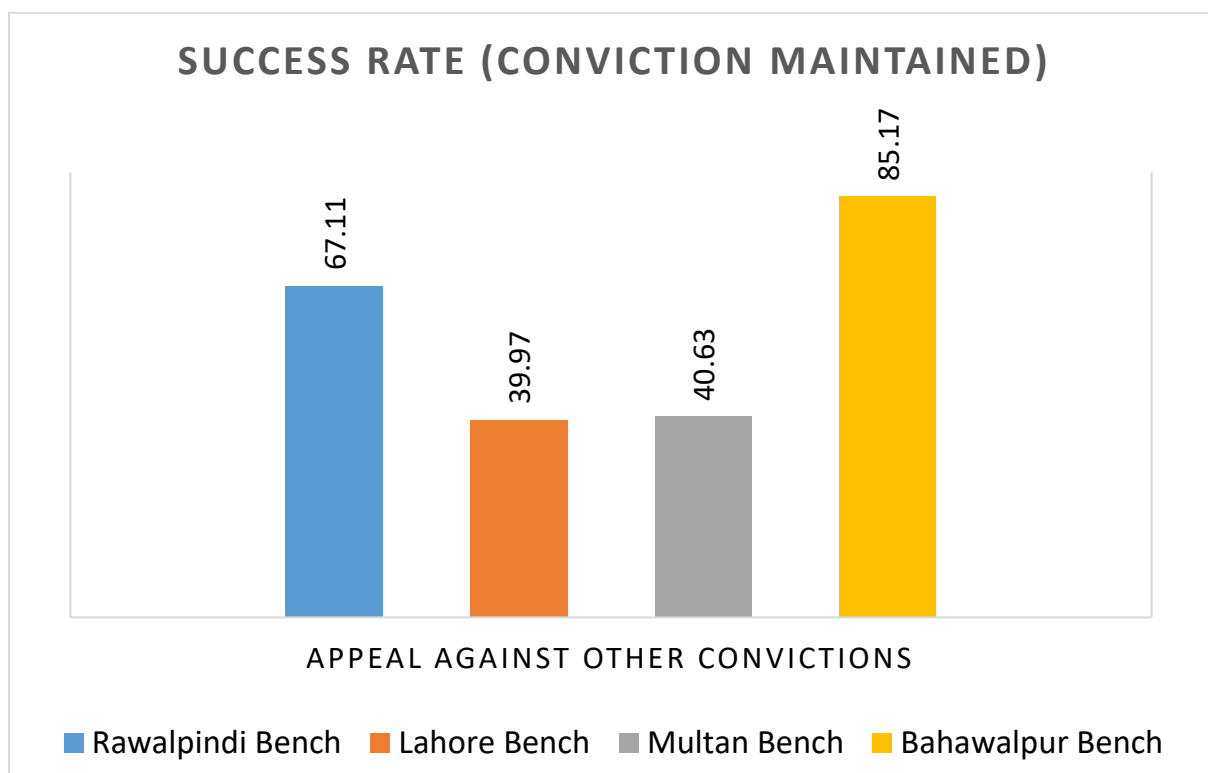
Appeal against Life Imprisonment	Year 2020					
	Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified to lesser degree)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
Rawalpindi Bench	8	4	0	4	50.00	50.00
Lahore (Principal Seat)	295	97	34	164	44.41	55.59
Multan Bench	51	10	2	39	23.53	76.47
Bahawalpur Bench	6	2	0	4	33.33	66.67

The comparison depicts that Prosecutors working in Lahore High Court at Rawalpindi performed better and succeeded to maintain the convictions in 50.00% cases whereas the position remained on lower side at Multan Bench with 23.53%.



Appeal against Other Convictions	Year 2020					
	Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified to lesser degree)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
Rawalpindi Bench	748	502	0	246	67.11	32.89
Lahore (Principal Seat)	708	281	2	425	39.97	60.03
Multan Bench	256	103	1	152	40.63	59.38
Bahawalpur Bench	236	201	0	35	85.17	14.83

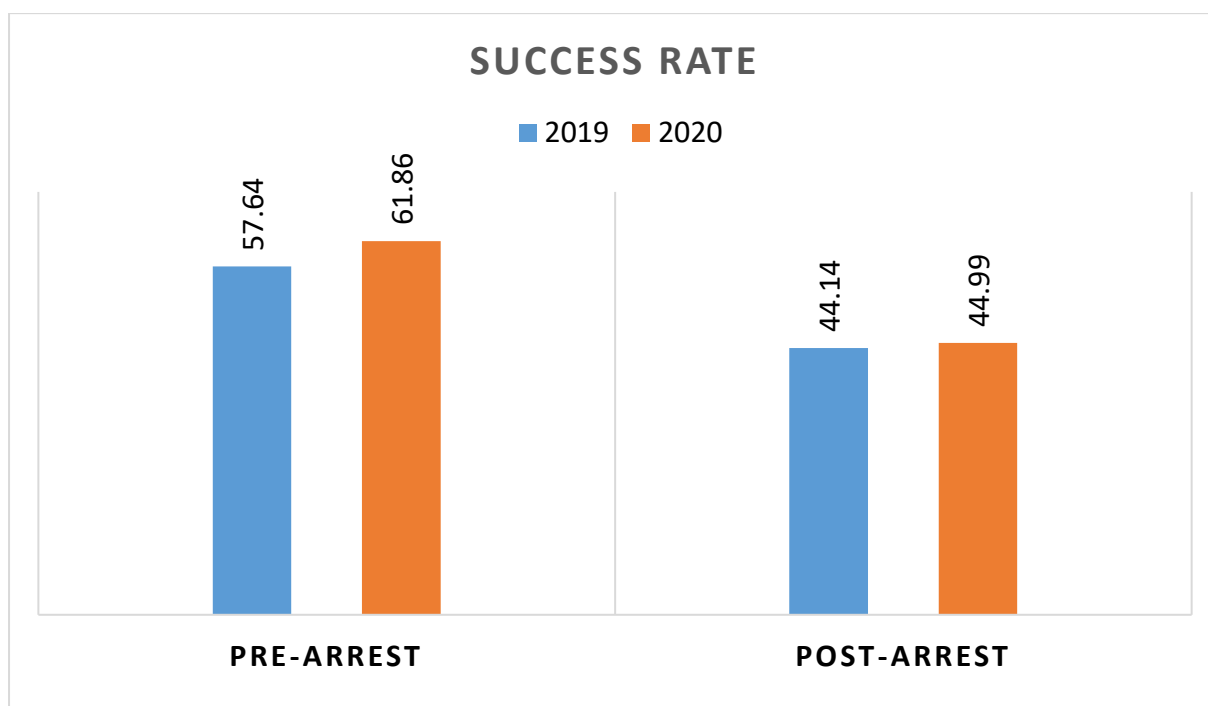
The comparison depicts that Prosecutors working in Lahore High Court at Bahawalpur Bench performed better and succeeded to maintain the convictions in 85.17% cases whereas the position remained on lower side at Lahore (Principal Seat) with 39.97%.



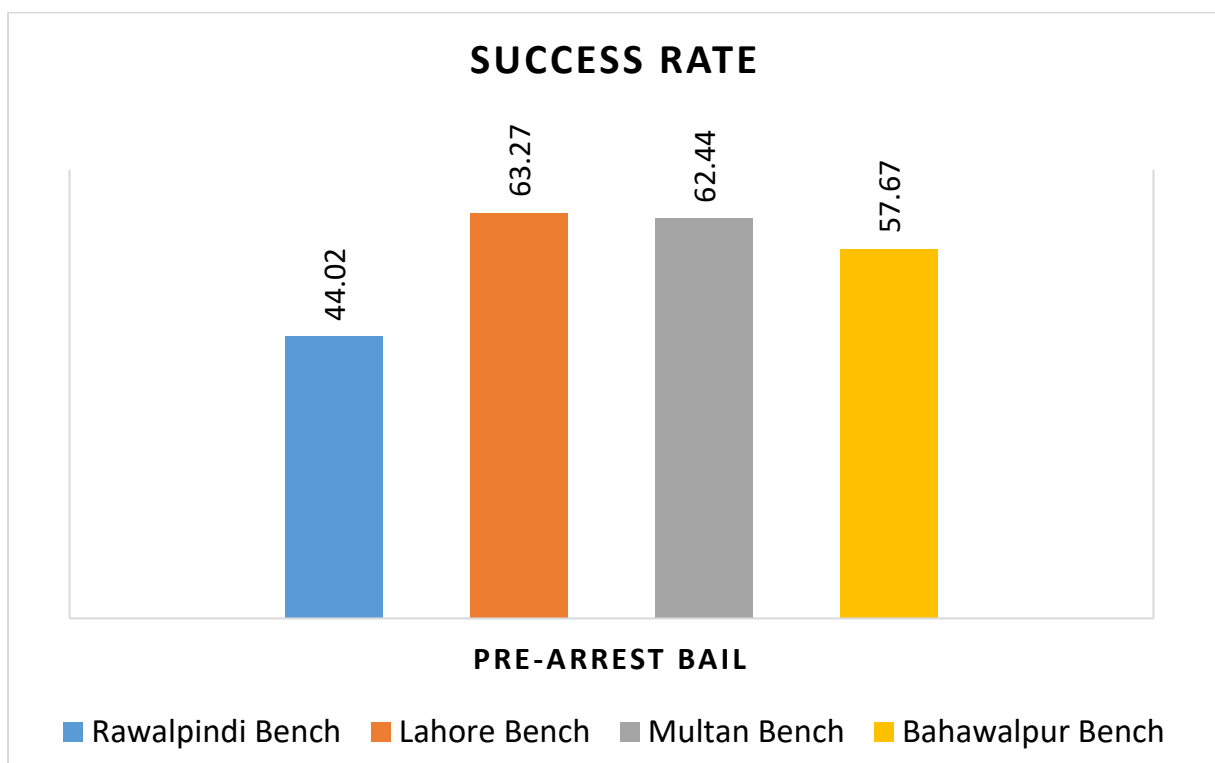
Total Appeals		Pre-Arrest	Post-Arrest
2020	Total Petitions decided	9237	11828
	Total Petitions resulted into Dismissal	5714	5676
	Total Petitions Allowed	3523	6152
	Success Rate	61.86	47.99

Punjab Criminal Prosecution Service succeeded to secure success rate of 61.86% in Bail before arrest & 47.99% in bail after arrest. There was increase of 4.22% in success rate in Bail before arrest whereas there is a slight decrease of 3.85% in bail after arrest as compared to year 2019 as detailed below.

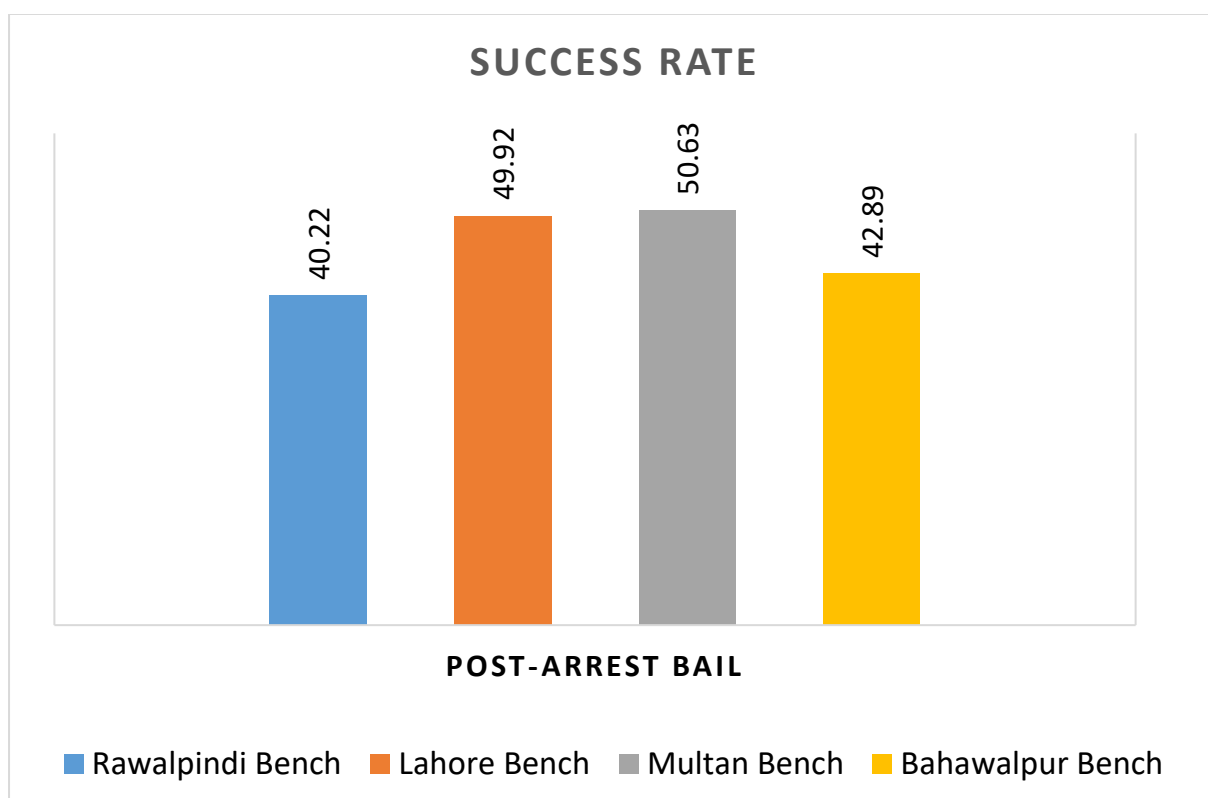
Year	Nature of Petition	Pre-Arrest	Post-Arrest
2019	Total Petitions decided	9247	10362
	Total Petitions resulted into Dismissal	5330	4574
	Total Petitions Allowed	3917	5788
	Success Rate	57.64	44.14



Pre-Arrest Bail	Year 2020			
	Total Petitions decided	Total Petitions resulted into Dismissal	Total Petitions Allowed	Success Rate
Rawalpindi Bench	184	81	103	44.02
Lahore (Principal Seat)	4805	3040	1765	63.27
Multan Bench	3003	1875	1128	62.44
Bahawalpur Bench	1245	718	527	57.67



Post-Arrest Bail	Year 2020			
	Total Petitions decided	Total Petitions resulted into Dismissal	Total Petitions Allowed	Success Rate
Rawalpindi Bench	1661	668	993	40.22
Lahore (Principal Seat)	6564	3277	3287	49.92
Multan Bench	2400	1215	1185	50.63
Bahawalpur Bench	1203	516	687	42.89



3.6 **PERFORMANCE OF PROSECUTORS WORKING AT SUPREME COURT**

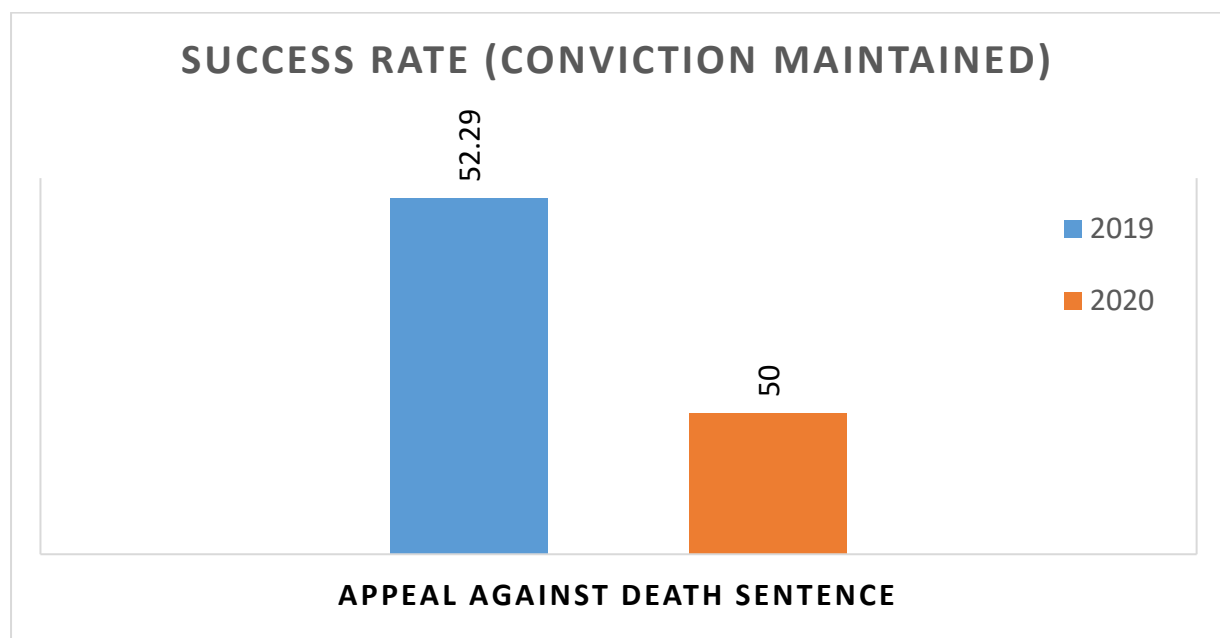
The Punjab Criminal Prosecution Service Conduct Prosecution in criminal cases before Hon'ble Supreme Court of Pakistan. The Prosecutors conducts prosecution on behalf of state in Criminal Appeals filed against Conviction, Bail Petitions (Pre-Arrest & Post Arrest), Criminal Revisions etc. The conduct of Prosecution at Lahore High Court Lahore (All benches) during year 2020 has been analyzed and compared with position of year 2018 and found the position as follow:

a) APPEAL AGAINST DEATH SENTENCE

Year 2020					
Total Appeals heard & decided	Total Appeals resulted into dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	%age conviction Maintained	%age of conviction set-aside
6	2	1	3	50.00%	50.00%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 50.00% cases. There was decrease of 2.29% in maintenance of conviction at appellate level as compared to year 2019 which was 52.29% as detailed below.

Year 2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
109	25	32	52	52.29%	47.71%

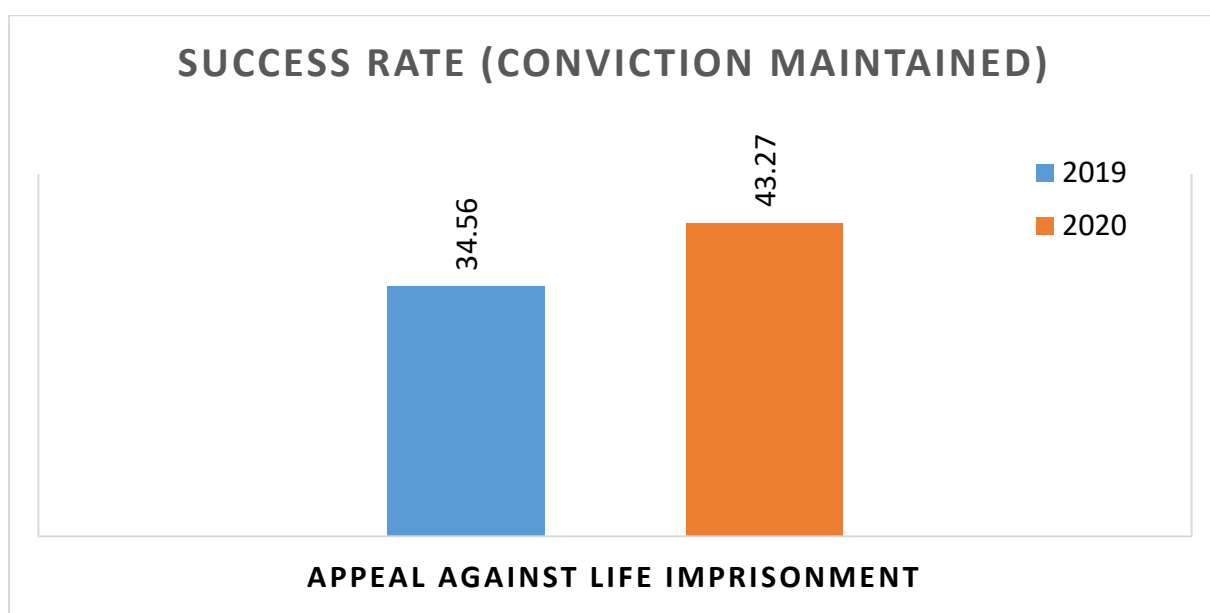


b) APPEAL AGAINST LIFE IMPRISONMENT

Year 2020					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
104	43	2	59	43.27%	56.73%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 43.27% cases. There was slight increase of 8.71% in maintenance of conviction at appellate level as compared to year 2019 which was 34.56% as detailed below.

Year 2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
289	102	1	195	34.56%	65.44%

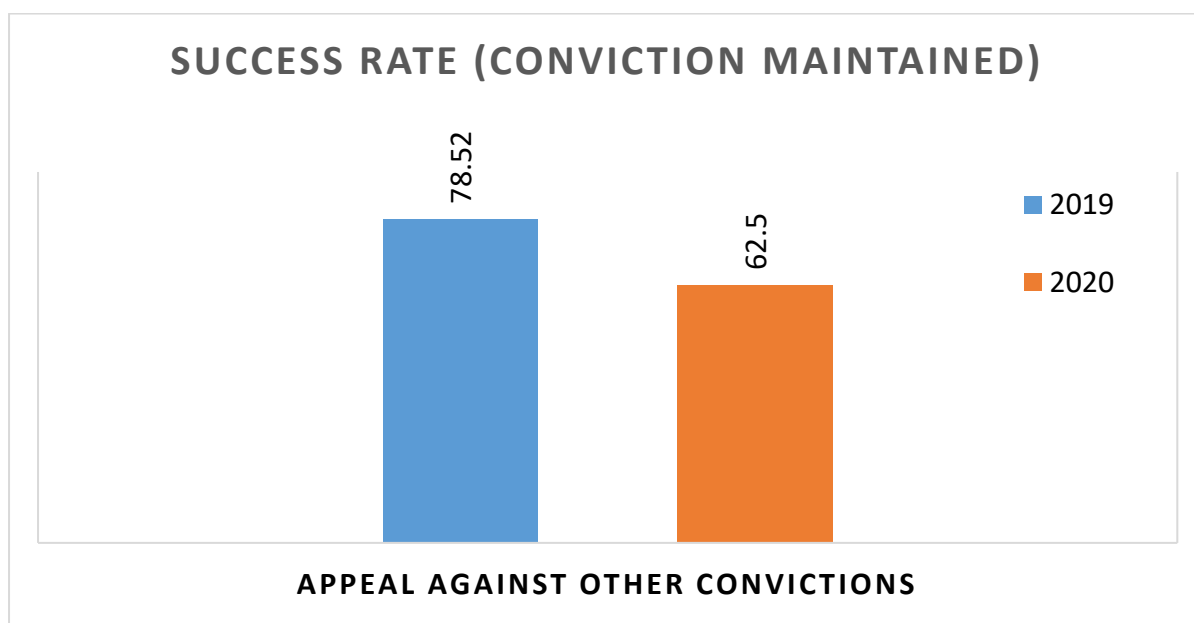


c) APPEAL AGAINST OTHER CONVICTIONS

Year 2020					
Total Appeals heard & decided	Total Appeals resulted into dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
16	10	0	6	62.50%	37.50%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 62.50% cases. There was decrease of 16.02% in maintenance of conviction at appellate level as compared to year 2019 which was 78.52% as detailed below.

Year 2019					
Total Appeals Heard & Decided	Total Appeals resulted into Dismissal (Conviction Maintained)	Total Appeals converted (Conviction modified – Lesser punishment)	Total Appeals allowed (Conviction set-aside)	Conviction maintained (Ratio)	Acquittal (Ratio)
149	117	0	32	78.52%	21.48%

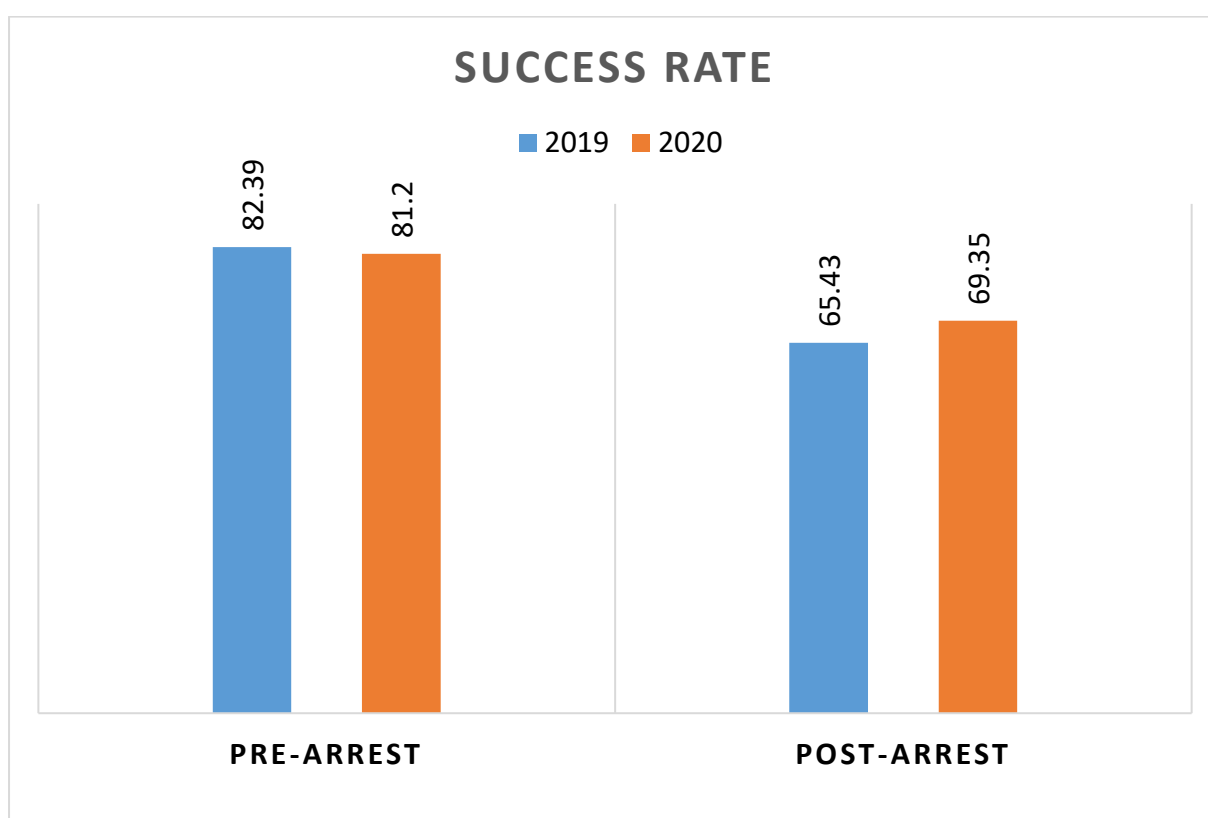


Total Appeals	Year 2020			
	Total Petitions decided	Total Petitions resulted into Dismissal	Total Petitions Allowed	Success Rate
Pre-Arrest	484	393	91	81.2
Post-Arrest	496	344	152	69.35

Punjab Criminal Prosecution Service succeeded to secure success rate of 81.20% in Bail before arrest & 69.35% in bail after arrest. There was decrease of 1.19% in

success rate in Bail before arrest whereas there is a slight decrease of 3.92% in bail after arrest as compared to year 2019 as detailed below:

Year 2019				
Nature of Petition	Total Petitions decided	Total Petitions resulted into Dismissal	Total Petitions Allowed	Success Rate
Pre-Arrest	426	351	75	82.39
Post-Arrest	376	246	130	65.43



3.7 **PREPARATION & SUBMISSION OF PC-1 FOR CASE FLOW MANAGEMENT SYSTEM (PHASE-II)**

The responsibility of preparation and submission of PC-1 for the scheme “Digitization/Computerization of Public Prosecution Department and Development of Monitoring & Co-ordination System (Phase-II)” was given to inspectorate during year 2019. The Inspectorate exerted best efforts and with the help of PITB successfully prepared and submitted the PC-1 of the scheme. The PC-1 of the scheme at the cost of Rs. **86.487** (M) was approved by DDSC on 22-02-2019.

a) ENHANCEMENT SUGGESTED IN CASE FLOW MANAGEMENT SYSTEM

Before launching of CFMS (Phase-II), Directorate General of Monitoring & Evaluation of Planning & Development Department, Government of Punjab conducted evaluation of Case Flow Management System (Phase-I) and pointed out certain lapses in system. The lapses identified by DGME of P&D Department were considered by Inspectorate during preparation and submission of PC-1 of CFMS (Phase-II). The Punjab Criminal Prosecution Service Inspectorate (PCPSI) worked hard and not only identified the solution for removal of those lapses but also strived for enhancement in CFMS to make the system user friendly. The list of changes suggested by PCPSI and improvements executed in CFMS is as follow:

1. Prosecution CFMS Mobile Application for iOS V 1.0.0 created for android and ISO users.
2. Crime classification has been done into CFMS
3. List of objections category wise has been updated
4. Challan and Bail module has been updated into CFMS
5. Court list for bails updated. Session court set as default court for Remand.
6. Hide the link of enquiries and discussion.
7. Witness Drop down "Connection of Witness with Case' has been added.
8. Prosecution > Prosecutors | Show DDPP in the prosecutor list as well along with ADPP
9. In case of already entered FIR, kindly show message to view/edit the FIR. – message pop-up before showing already entered case.
10. Missing FIR content in FIR copy while taking print or download the pdf file fixed.
11. Bail | Add "Cancellation Filed against Bail order" (options: Yes/No)
12. Investigation tab (Witness) | Make new drop-down instead of "whether statement 161 recorded.
13. Satisfied with the removal of objections by IO. Attachment option for police reply on scrutiny form.
14. Button update on scrutiny form (i. Send Back To Police, ii. Send to Court, iii. Save, iv. Print).
15. Separate buttons for 9(7) (i. Print Form A, ii. Print Form B).

16. On the record decision form, all three recommendations to be shown (i. Charge recommended by the police, ii. Charge recommended by prosecutor, iii. Charge recommended by court).
17. Add search by 'Decisions' on Case listings.
18. Change Recovery remand to Physical remand.
19. Crime head category auto mapping on Challan Fetch from Challan API.
20. Space in objection on print and scrutiny form.
21. Remove Challan Type read only field from "Add Challan" flow.
22. Auto select Crime Head based on u/s in case of manual challan entry
23. Challan > Add New | Reset to initial state if wrong road id entered.
24. Update Court list as provided.
25. Investigation | Bail & Remand: Change court dropdown placeholder text as "Select Court"
26. Use term "Total cases uploaded" instead of "Total number of cases"
27. In case of already entered FIR, kindly show message to view/edit the FIR.
28. Add manual challan | Remove Serial # & silsila number textbox.
29. Update tab sequence for Investigation & Prosecution as provided.
30. Add prosecutor Role drop down.
31. Investigation > Confession > Add 'Confession Type' drop down
32. Remove (PGP, PCPSI, CPD, PPD) from court name.
33. Judicial Proceedings | Tabs sequence to be updated as per document.
34. Admin | User Management | User assignment change to assign special or district courts.
35. If user is assigned to a special court he will see all districts of his assigned division for both district & special courts.
36. If Child Protection Court, Livestock or Environmental Court is assigned to a prosecutor, all 36 districts will be displayed to him for both district & special courts.
37. History of challan resubmission and objections.
38. Admin | Reporting section to get total decided cases uploaded of year 2020.
39. Judicial Proceedings | Application for Withdrawal section updated and 'Application for Stopping Prosecution' section removed.
40. Include summary in Judgment tab
 - Total no of accused convicted • Total no of accused acquitted

41. Prosecution tab | Textual changes and Adding Prosecutor Role.
42. Investigation > Confession
 - a) Remove 'Gist of Statement' drop down.
 - b) Add new drop-down before "Recording Forum" • Drop-down Label: Confession Type • Drop-down Values: • Judicial • Extra Judicial
43. Under Investigation Tab, change "challan" or "Challans" tab name to "Report u/s 173"
44. In case of manual entry of FIR upload PDF or image of FIR is required. This would be optional.
45. Conviction Ratio formula needs to be updated in the system: (Total conviction / Total decided cases) * 100"
46. Formatting issues while enter comments in scrutiny 9(5).
47. Scrutiny Print preview text is cutting off.
48. Add Name and designation of prosecutor at the bottom of 9(5) scrutiny.
49. DPP's accounts activated. DPP can add new cases and assign those to relevant prosecutors from Prosecution tab > Prosecutors > Select district, relevant prosecutor along with the CNIC. Case will be assigned to selected prosecutor and will show in his relevant dashboard.
50. Complaint layout to be changed as per the shared document on 12/15/2020
51. Complaint | For time being, make (Scrutiny 9(5), 9(7) and prosecution Assessment tab) optional so users can upload cases without uploading scrutiny information.
52. Complaint | List of sections, u/s are added in the system under Local and Special Laws as per the excel sheet shared on 12/23/2020.

3.8 **PROBE PROCEEDINGS**

The inspectorate was also assigned to conduct the probe proceedings in allegations levelled against prosecutors in 10 cases in 2020. The inspectorate comprehensively conducted the probe proceedings and submitted reports to Administrative Department (PPD) with clear recommendations.

3.9 **HANDLING COMPLAINTS ON PAKISTAN CITIZEN'S PORTAL DASHBOARD**

All the complaints lodged on the PMDU dashboard of the Punjab Criminal Prosecution Service Inspectorate (PCPSI) had been disposed of promptly within the prescribed time limit. The inspectorate received two complaints during the year 2020. The breakthrough of complaints received through the portal is as follows.

Total Complaint received on Portal	2
No of Complaint resolved	2
Complaint resolved under stipulated period	2
Positive Feedback from Complainant	100%

4. WAY FORWARD

The Inspectorate has an approach to work to improve the Prosecution Service. The quantitative aspect of monitoring has been almost reached, and now the focus of the Inspectorate aims to achieve the qualitative aspect of monitoring.

I. Training and Capacity Building:

Even though the inspectorate is trying to bring about a meaningful improvement in the criminal service through the best of its capabilities and capacities, there are areas where training is needed to improve the skill set of the inspection teams and the field staff of the prosecution set-up. There is a need to prepare special modules for new techniques in M&E of prosecutorial work and the case scrutiny, preparation, and presentation in the court modules for the prosecutors.

II. Improved Coordination Mechanism

It was observed while conducting the inspections of the field offices of the prosecutors that at times an action was needed to be taken by the Prosecutor General's Office and at some times the action was needed by the Administrative Department. To overcome this problem, it is suggested that a mechanism may be developed to hold quarterly coordination meetings of the PGP office, the Inspectorate, the Police Department and the Admin department for timely actions to improve the criminal service.

III. Internal Monitoring Committee

The role of internal monitoring committees be strengthened by preparation of TORs and areas to be monitored by them at district level to avoid the situations of unjustified pendency of reports u/s 173 Cr.P.C, violation of departmental instructions.

IV. Digitalization of Inspectorate

Digitalization of the Monitoring Inspectorate will contribute to the improvement of transparency and enhance the performance of the Prosecution Service. Therefore, it is essential to establish a dedicated computer center to monitor the

prosecutorial work, such as maintenance of prosecutors' records, attendance of officers/officials, forwarding of remand papers, scrutiny of police reports, disposal of cases by courts, and detail of appeals/revisions/review filed.

V. Provision of Transportation Facility for Monitoring officers

Provision of adequate transportation facilities for the officers during their visit to the far-flung areas of the Punjab and an attractive working environment for the officers/official of the Inspectorate is the future vision of the Inspectorate.

VI. Provision of Building

The Directorate General is also working on providing a building for the Inspectorate for its smooth functioning. In this regard, the extraordinary efforts of the Director General, Monitoring PC-1, have been approved. The scheme, namely "Construction of Building for the Directorate General of Monitoring and Evaluation Public Prosecution Department", was approved vide ADP scheme No.8767 during 2017-2018, and state land measuring 04-Kanal (plot no 95 Tariq Garden Housing scheme Lahore) was allotted to the department. The planning and development department has been pleased to include the scheme mentioned above in ADP 2018-2019 with the G.S.No 5500. Despite all these constraints, the Inspectorate is trying its best to work efficiently.