



ANNUAL REPORT

2019

PUNJAB CRIMINAL PROSECUTION SERVICE INSPECTORATE

PUBLIC PROSECUTION DEPARTMENT

MESSAGE FROM DIRECTOR GENERAL

The Annual Report 2019 of the Punjab Criminal Prosecution Service Inspectorate (PCPSI), Public Prosecution Department is presented to the Government of the Punjab. This report comprises of the various aspects of the PCPSI including its institutional structure, responsibilities, and policies with respect to its core functions of monitoring and appraisal of prosecutorial setup working across the province. The report also puts forth the details of physical inspections and data management during the calendar year 2019. 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 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, some inherent shortcoming in the related rules which hamper the achievement of the desired results and lack of motivation and incentive. The inspectorate with the support of the Public Prosecution Department is doing its best to remove the hurdles and come up to the expectation of the people through inculcating the professional dexterity and diligence in the field staff.

KHALID AYAZ KHAN
DIRECTOR GENERAL (INSPECTOR)

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1 INTRODUCTION

The Punjab Criminal Prosecution Service Inspectorate (Ex-Directorate General of Monitoring & Evaluation) was established as attached department of Public Prosecution Department, Government of the Punjab in year 2008. Later by following the rationale for establishment of an effective and robust system of monitoring and provision of legal cover to the functions, a law “Punjab Criminal Service Inspectorate Act, 2018” was promulgated by Punjab Assembly on 24-05-2018. The Punjab Criminal Prosecution Service Inspectorate is responsible for Monitoring and Evaluation of work done by Public Prosecutors working in Punjab Criminal Prosecution service at all levels from District courts to Supreme Court of Pakistan. The Inspectorate is also doing collection and maintenance of Prosecutorial data from Prosecution Service of Punjab. Since its inception, the inspectorate helped the Public Prosecution Department for enhancement of prosecution level by exerting its best efforts and pointed out deficiencies / grey areas which became reasons for failure of prosecution. The ultimate object was that such type of deficiencies could be avoided in future in the best public interest.

1.1 VISION

The vision of Punjab Criminal Prosecution Service Inspectorate (PCPSI) is to establish an effective and robust Criminal Prosecution System to achieve the goal of rule of true justice system as envisaged in the Constitution of Islamic Republic of Pakistan through effective monitoring and inspection of criminal prosecution service.

1.2 VALUES

The core Values of the Inspectorate are to:

- ❖ **Provide** effective system of Monitoring of Punjab Criminal Prosecution Service.

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

2 RESPONSIBILITIES OF THE INSPECTORATE

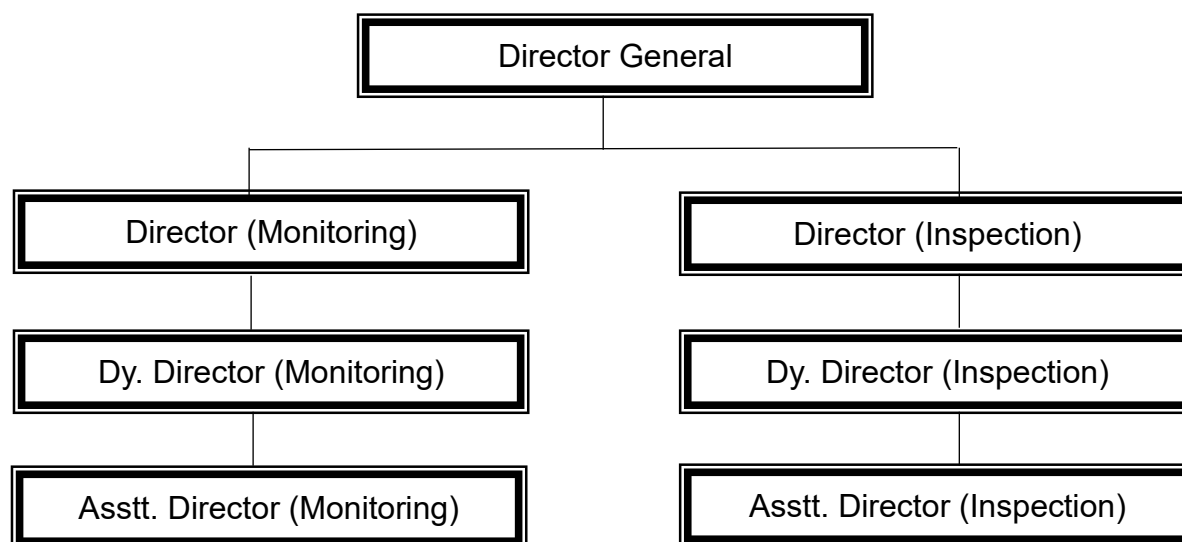
As per section 4 of The Punjab Criminal Prosecution Service Inspectorate Act, 2018 the Inspectorate shall perform following functions:

- (a) Monitor the performance, work and conduct of the Service;
- (b) Carry out periodic inspections of the Service;
- (c) Advise the Government on improvement of the Service;
- (d) Cause studies and research on the working of the Service for purposes of reforms of the Service;
- (e) Take steps and measures to improve 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.

2.1 ORGANIZATIONAL STRUCTURE

Director General being head of the Punjab Criminal Prosecution Service Inspectorate not only administers the affairs of the inspectorate but also responsible for ensuring

periodic and spontaneous/surprise inspections of the work of Criminal Prosecution Service. The Punjab Criminal Prosecution Service Inspectorate has an office at Lahore where it conducts its work. The office is reasonably equipped but non-existence of official vehicles badly effects the performance of Inspectorate. The pictorial Organogram of the Inspectorate is as follows:



2.2 POSTING OF OFFICERS

Following officers remained posted in Punjab Criminal Prosecution Service Inspectorate during the year 2019.

NAME OF OFFICER	DESIGNATION	SERVICE GROUP
Mr. Khalid Ayaz Khan	Director General	PMS / Ex-PCS (BS-20)
Maqbool Ahmad Majoka	Director (Monitoring)	PMS / Ex-PCS (BS-19)
Vacant	Director (Inspection)	
Mr. Muhammad Asif Ashraf	Deputy Director (M)	DPG / Prosecution (BS-18)
Mr. Abbas Haider Khan	Deputy Director (Admn)	DPG / Prosecution (BS-18)
Ms. Munazza Shaheen Waheed	Senior Law Officer	DDPP / Prosecution (BS-18)
Mr. Babar Meraj	Deputy Director	DDPP / Prosecution (BS-18)
Mr. Malik Atif Raza	Assistant Director	Prosecution (BS-17)
Mr. Usman Rasheed	Assistant Director	Prosecution (BS-17)
Mr. Muhammad Siddique Ch	Assistant Director	Prosecution (BS-17)
Mr. Aftab Ahmad	Assistant Director	ADPP / Prosecution (BS-17)

Mr. Asim Iqbal	Assistant Director	ADPP / Prosecution (BS-17)
Mr. Muhammad Azeem	Assistant Director	ADPP / Prosecution (BS-17)
Mr. Muhammad Arif Imran	Assistant Director	ADPP / Prosecution (BS-17)

2.3 POSITION OF SUPPORT STAFF

The Punjab Criminal Prosecution Service Inspectorate faced the shortage of support staff during year 2019. 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	12	2	1	1
7	Junior Clerk	11	10	03	7
8	Dispatch Rider	4	1	1	0
9	Driver	4	2	1	1
10	Chowkidar	1	1	1	0
11	Mali	1	1	-	1
12	Naib Qasid	1	10	05	05
13	Sanitary Worker	1	1	1	0
T O T A L			41	13	28

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

2.4 BUDGET POSITION

The Punjab Criminal Prosecution Service Inspectorate was provided with budget to the tune of Rs. Rs.28,083,000 to run its day-to-day affairs and functions during year 2018-19. The head-wise breakup of the budget is as follow;

Budget Head	Amount Allocated (Rs.)
Salary	18,754,000/-
Non-Salary	9,329,000/-

2.5 VEHICLES POSITION

The vehicles detailed below were used by officers of PCPSI in discharge of their duties. None of the vehicle is owned by the Inspectorate rather all the vehicles are borrowed from other Departments.

Vehicle / Model	Capacity	Vehicle Owned By
Honda City (2007)	1300	Prosecutor General Punjab
Suzuki Baleno (2004)	1300	S&GAD Govt. of Punjab
Suzuki Cultus (2007)	1000	Public Prosecution Department
Suzuki Cultus (2007)	1000	Prosecutor General Punjab

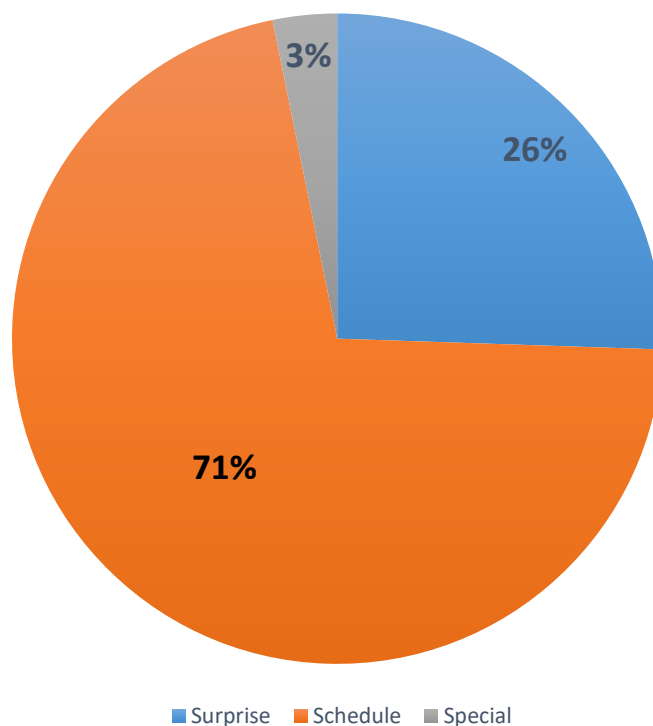
Due to shortage of vehicles, the officers had to use public transport to visit the far-flung areas of the Punjab for inspections which on one side posed a constraint towards their efficiency and on other side cast a burden on government exchequer on account of Travelling Allowance.

3 INSPECTION VISITS MADE BY PCPSI

The Punjab Criminal Prosecution Service Inspectorate conducted **Ninety-four (94)** inspections of different prosecution offices during year 2019 as detailed below;

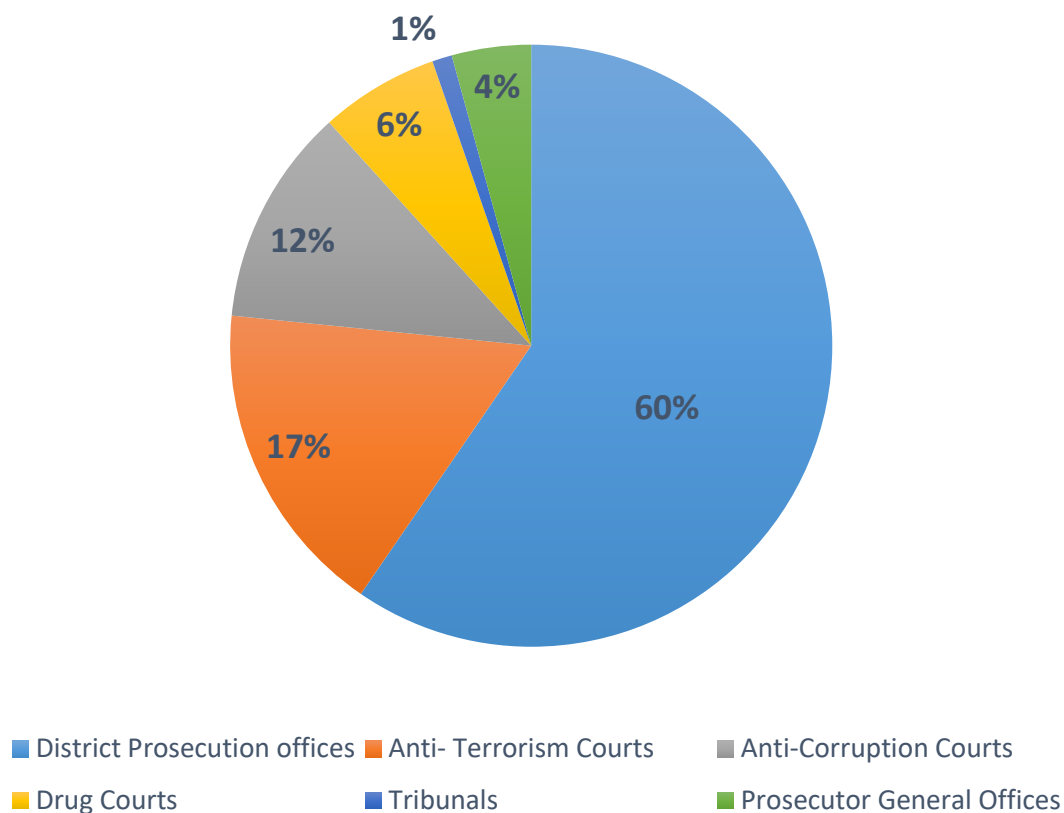
Nature of Inspection	Number of inspections Conducted	%age
Surprise	24	25.53%
Schedule	67	71.28%
Special / Fact Finding	03	3.19%

Inspection Visits Statistics



Sr. No	Prosecution offices Inspected	Number of inspections
1.	District Prosecution offices	56
2.	Anti- Terrorism Courts	16
3.	Anti-Corruption Courts	11
4.	Drug Courts	6
5.	Tribunals	1
6.	Prosecutor General Offices	4

Court wise Inspection Statistics



The PCPSI conducted 9 more inspections as compared to inspections carried out in previous year 2018. The prosecution office wise detail of inspections is as follow:

Sr.No	Name of Station	Date of inspection	Mode of Inspection
1	Cantt Courts (Lahore)	1/4/2019	Surprise
2	District Courts (Lahore)	1/4/2019	Surprise
3	Model Town Courts (Lahore)	1/4/2019	Surprise
4	Sessions Courts (Lahore)	1/4/2019	Surprise
5	ATC Courts Lahore	1/5/2019	Surprise
6	Sheikhupura	1/8/2019	Surprise
7	Vehari	1/14/2019	Scheduled
8	Lahore (All Courts) - Attendance	1/16/2019	Surprise
9	Drug Court -Gujranwala	1/18/2019	Scheduled
10	Drug Court- Bahawalpur	1/28/2019	Scheduled

Sr.No	Name of Station	Date of inspection	Mode of Inspection
11	Anti-Corruption- Bahawalpur	1/29/2019	Scheduled
12	Lahore (All Courts) – (Attendance Only)	1/29/2019	Surprise
13	Narowal	1/31/2019	Scheduled
14	Drug Court – Faisalabad	2/7/2019	Scheduled
15	Livestock Lahore	2/19/2019	Scheduled
16	Drug Court – Multan	2/25/2019	Scheduled
17	Kasur	2/25/2019	Surprise
18	Drug Court – Rawalpindi	2/27/2019	Scheduled
19	D.G Khan	2/27/2019	Scheduled
20	ACC D.G Khan	2/27/2019	Scheduled
21	ATC D.G Khan	2/27/2019	Scheduled
22	ACC Multan	3/4/2019	Scheduled
23	ATC Multan-I	3/4/2019	Scheduled
24	ATC Multan-II	3/4/2019	Scheduled
25	Gujranwala	3/21/2019	Surprise
26	Khanewal	3/27/2019	Scheduled
27	Supreme Court Islamabad	3/28/2019	Scheduled
28	Rawalpindi	3/28/2019	Scheduled
29	ACC Gujranwala	4/4/2019	Scheduled
30	Pakpattan	4/16/2019	Scheduled
31	ATC Sahiwal	4/19/2019	Scheduled
32	ACC Sahiwal	4/22/2019	Scheduled
33	Chiniot	4/27/2019	Scheduled
34	Okara	4/30/2019	Scheduled
35	ACC Rawalpindi	5/2/2019	Scheduled
36	Gojra (T.T Singh)	5/4/2019	Surprise
37	DPP office Lahore	5/30/2019	Surprise
38	District Courts (Lahore)	5/30/2019	Surprise
39	Model Town Courts (Lahore)	5/30/2019	Surprise

Sr.No	Name of Station	Date of inspection	Mode of Inspection
40	Cantt Courts (Lahore)	5/30/2019	Surprise
41	Gujranwala	6/13/2019	Scheduled
42	Sahiwal	6/17/2019	Scheduled
43	Lahore Session Court	6/18/2019	Surprise
44	Lahore Model Town Court	6/19/2019	Surprise
45	ACC Faisalabad	6/22/2019	Scheduled
46	ACC Sargodha	6/24/2019	Scheduled
47	ATC Sargodha	6/24/2019	Scheduled
48	Lahore Cantt Court	6/24/2019	Surprise
49	R.Y.Khan	6/25/2019	Scheduled
50	Bhakkar	6/25/2019	Scheduled
51	Attock	6/26/2019	Scheduled
52	Rajanpur	6/26/2019	Scheduled
53	District Courts (Lahore)	6/26/2019	Surprise
54	Muzaffargarh	6/29/2019	Scheduled
55	ACC Lahore-II	7/2/2019	Scheduled
56	ACC Lahore-I	7/8/2019	Scheduled
57	ATC Bahawalpur	7/9/2019	Scheduled
58	Bahawalpur	7/9/2019	Scheduled
59	Gujrat	7/12/2019	Scheduled
60	Mianwali	7/19/2019	Scheduled
61	Chiniot	7/20/2019	Surprise
62	Nankana Sahib	7/22/2019	Scheduled
63	T.T.Singh	7/22/2019	Scheduled
64	District Courts (Lahore)	7/26/2019	Surprise
65	Sessions Courts (Lahore)	7/26/2019	Surprise
66	ATC Lahore-III	7/29/2019	Scheduled
67	PGP Camp Office (Principal Seat)	8/5/2019	Scheduled
68	ATC Rawalpindi (All)	8/10/2019	Surprise

Sr.No	Name of Station	Date of inspection	Mode of Inspection
69	ATC Lahore-II	8/19/2019	Scheduled
70	ATC Lahore-I	8/19/2019	Scheduled
71	ATC Lahore-IV	8/20/2019	Scheduled
72	PGP Camp Office (Multan)	8/31/2019	Scheduled
73	Multan	8/31/2019	Scheduled
74	District Courts (Lahore)	8/31/2019	Surprise / Fact Finding
75	Model Town Courts (Lahore)	8/31/2019	Surprise / Fact Finding
76	ATC Rawalpindi-I	9/19/2019	Scheduled
77	ATC Rawalpindi-II	9/19/2019	Scheduled
78	ATC Rawalpindi-III	9/19/2019	Scheduled
79	Rawalpindi	9/19/2019	Surprise / Fact Finding
80	District Lahore	9/25/2019	Scheduled
81	Sargodha	9/30/2019	Scheduled
82	Hafizabad	10/7/2019	Scheduled
83	Jhelum	10/17/2019	Scheduled
84	ATC Faisalabad	10/18/2019	Scheduled
85	Kasur	10/21/2019	Scheduled
86	Jhang	10/24/2019	Scheduled
87	Faisalabad	11/12/2019	Scheduled
88	PGP Camp Office Rawalpindi	11/12/2019	Scheduled
89	Khushab	11/22/2019	Scheduled
90	Drug court Gujranwala	11/25/2019	Scheduled
91	Lodhran	11/25/2019	Scheduled
92	ACC Bahawalpur	11/26/2019	Scheduled
93	Sheikhupura	12/26/2019	Surprise
94	Sialkot	12/30/2019	Scheduled

3.1 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 due date of inspection after providing adequate time to prosecutors to complete the proformas. The data is obtained on proformas duly signed by concerned Prosecutor. The proforma contains the details of cases scrutinized by them, details of 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 of time (i.e. Period under inspection). The 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 prosecution office rather inspection officers visit the prosecution offices to check the maintenance of record and attendance of officers and officials etc.
- ❖ This dual methodology plays a key 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 to Administrative Department with recommendations for improvement of performance of Prosecution Service.

3.2 ASPECTS CONSIDERED DURING INSPECTION

The PCPSI notifies and circulates annual inspections schedule along with the areas of inspection to be conducted during inspection visits. The annual inspection schedule for year 2019 was issued on 21-02-2019. For the first time, the aspects of inspection were bifurcated. The inspection of District Public Prosecutor and other prosecutors were carried out separately. The duties and responsibilities of prosecutors set out in Performance Standard Document issued by Prosecutor General Punjab were considered during inspections.

3.3 INSPECTION OF OFFICE OF DISTRICT PUBLIC PROSECUTORS

For inspection of office of District Public Prosecutor, following aspects were considered during inspections carried out during year 2019.

- a)** Receipt of Copy of FIR & its transmission to concerned Prosecutors.
- b)** Distribution of Prosecutorial work amongst the prosecutors working in district.
- c)** Attendance of meetings of Criminal Justice Coordination Committee
- d)** Retention of Scrutiny Memo as Official Document
- e)** Writing of AOC-2 forms (Quantitative & Qualitative)
- f)** Working of District Scrutiny Committee
 - i) Total reports u/s 173 Cr.P.C submitted in courts.
 - ii) No of reports re-scrutinized with bifurcation of Serious / Non-Serious Cases
 - iii) No of advice given to Prosecutors.
 - iv) Minutes of Meeting
- g)** Working of District Appeal Committee
 - i) Reference by concerned Prosecutors
 - ii) Minutes of meetings of committee
 - iii) Decision of Appeal Committee
 - iv) Action taken thereupon
- h)** Working of Internal Monitoring Committee
 - i) Constitution of committee
 - ii) working methodology of committee
 - iii) Areas Covered by committee
 - iv) Remedial Action Proposed by committee
- i)** Compliance of Departmental Instructions issued from time to time.
- j)** Any other Aspect relating to Administration / Prosecutorial Affairs.
- k)** Writing of ACRs being Reporting Officer of Prosecutors / Staff

3.4 INSPECTION OF RECORD OF PROSECUTORS WORKING IN DISTRICTS

For inspection of record of Prosecutors (DDPP & ADPPs) following aspects were considered during inspections conducted during year 2019.

- a) Disposal of Bail Applications
- b) Application of Threshold Test at remand stage.
- c) Scrutiny of Cases as per requirement of code of Conduct of Public Prosecutors (Quantitative & Qualitative)
- d) Case Review u/s 9(7) PCPS Act-2006 as per requirement of code of Conduct of Public Prosecutors (Quantitative & Qualitative)
- e) Analysis of Acquittal Cases
- f) Analysis of Conviction Cases
- g) Analysis of Cancellation Reports submitted in Courts.
- h) Writing of AOC-I forms (Quantitative & Qualitative)
- i) Cross verification of authenticity of data provided to inspectorate.
- j) Assailing the order passed by court without seeking report under rule 18 of West Pakistan probation of offender ordinance.

3.5 INSPECTION OF RECORD OF PROSECUTORS POSTED IN SPECIAL COURTS & TRIBUNALS

For inspection of Prosecutors working in Special Courts (Anti-Terrorism, Anti-Corruption, Drug Court, Environmental Tribunal, Livestock Tribunal and Child Protection Court) following aspects were considered during inspections carried out during year 2019.

- a) Disposal of Bail Applications.
- b) Application of Threshold Test at remand stage.
- c) Scrutiny of Cases as per requirement of code of Conduct of Public Prosecutors (Quantitative & Qualitative)
- d) Case Review u/s 9(7) PCPS Act-2006 as per requirement of code of Conduct of Public Prosecutors (Quantitative & Qualitative)

- e) Analysis of Acquittal Cases.
- f) Analysis of Conviction Cases.
- g) Analysis of Cancellation Reports submitted in Courts.
- h) Writing of AOC-I forms (Quantitative & Qualitative)
- i) Prosecutorial opinion regarding fitness of appeal or otherwise.
- j) Reference by concerned Prosecutors to PGP office / Incharge special courts and its follow-up.
- k) Uploading of case data in Case Flow Management System.
- l) Compliance of Departmental Instructions issued from time to time.
- m) Cross verification of authenticity of data provided to Inspectorate.
- n) Any other Aspect relating to Administration / Prosecutorial Affairs.

3.6 INSPECTION OF RECORD OF PROSECUTORS POSTED IN LAHORE HIGH COURT LAHORE

During course of inspection of Prosecutors working in Lahore High Court, Lahore (Principle as well as all its benches) aspects were considered during inspections carried out during year 2019.

- a) Disposal of Prosecutorial work (Murder References / Appeals against Death Sentence, Life Imprisonment or other convictions)

*Disposal means cases finally decided by the court.

- b) Total decided case of other nature.
- c) Prosecutorial decision against decisions of court (Coupled with copy of decision.
- d) No. of references submitted to HCAC.
- e) No. of references received for opinion or for filing.

3.7 INSPECTION OF RECORD OF HIGH COURT APPEAL COMMITTEE

During the course of inspection of record of High Court Appeal Committees working in Lahore High Court, Lahore (Principle as well as all its benches) following aspects were considered during inspections carried out during year 2019.

- a. Reference received from Districts
- b. No. of references received from HC (detail of references against death sentence, Life Imprisonment)

- c. No. of references entrusted to Prosecutors for opinion.
- d. No. of cases entrusted to Prosecutors for filing.
- e. No. of references sent to PAC involving Death Sentence or Life Imprisonment cases in which SCAC is of the view that case is not fit for filing review.
- f. Appeal Register for districts and Soft Copy in Computer (detail of case FIR wise)
- g. Appeal Register for HC and Soft Copy in Computer (detail of case FIR wise)
- h. Receiving Register and Soft Copy in Computer
- i. Dispatch Register and Record of Receipts
- j. Dispatch Register and Record of Receipts

3.8 INSPECTION OF MISCELLANEOUS RECORD AT PGP CAMP OFFICES AT LAHORE HIGH COURT, LAHORE

- a) Compliance of Departmental Instructions issued from time to time.
- b) Cross verification of authenticity of data provided to Punjab Criminal Prosecution Service Inspectorate on monthly basis.
- c) Any other Aspect relating to Administration / Prosecutorial Affairs.

3.9 INSPECTION OF RECORD OF REGIONAL APPEAL COMMITTEE

During the course of inspection of record of Regional Appeal Committee working in Lahore High Court, Lahore (Principal Seat) following aspects were considered during inspections carried out during year 2019.

- a) No. of references submitted to Regional Appeal Committee.
- b) No. of references received for opinion or for filing.
- c) Working of Provincial Appeal Committee:
 - i) No of reference received against Acquittal in cases of death sentence, Life Imprisonment, Conversion of sentence to lesser degree and other conviction.
 - ii) No. of references received in other cases
 - iii) No. of references entrusted to Prosecutors for opinion.

- iv) No. of references entrusted to Prosecutors for filing of Appeal/ Revision/ Writ.
- v) No. of references involving Death Sentence or Life Imprisonment cases in which PAC is of the view that case is not fit for filing Appeal/ Revision/ Writ.
- vi) No of references (Time Barred) received from the prosecution offices.
- vii) No of references didn't dispose of timely.
- d) Receipt Register and Soft Copy in Computer (Case-wise)
- e) Receipt Register and Soft Copy in Computer (Case-wise)
- f) Dispatch Register and Record of Receipts or any other relevant details.
- g) Compliance of Departmental Instructions issued from time to time.
- h) Any other Aspect relating to Administration / Prosecutorial Affairs.

3.10 INSPECTION OF RECORD OF SUPREME COURT APPEAL COMMITTEE

During course of inspection of record of Supreme Court Appeal Committee working in Prosecutor General Punjab office, following aspects were considered during inspections carried out during year 2019.

- a) No of reference received against Acquittal in cases of death sentence, Life Imprisonment, Conversion of sentence to lesser degree and other conviction.
- b) No. of references received in other cases.
- c) No. of references entrusted to Prosecutors for opinion.
- d) No. of references entrusted to Prosecutors for filing of Cr.PLA.
- e) No. of references sent to Provincial Appeal Committee involving Death Sentence or Life Imprisonment cases in which SCAC is of the view that case is not fit for filing review

3.11 INSPECTION OF RECORD OF INCHARGE SPECIAL COURTS

During the course of inspection of record of In charge Special Courts (Anti-Terrorism, Anti-Corruption, Drug Court, Environmental Tribunal etc) working at Lahore High Court, Lahore (Principal Seat) following aspects were considered during inspections carried out during year 2019.

- a) No. of references submitted to Incharge Special Courts.
- b) No. of references received for opinion or for filing of appeal.
- c) No. of references received for opinion for not filing of Appeal.
- d) No. of AOC forms received from special courts.
- e) No. of AOC forms submitted to PGP.
- f) No of references received against Acquittal in cases of death sentence, Life Imprisonment, Conversion of sentence to lesser degree and other conviction
- g) No. of references received in other cases.
- h) No. of references entrusted to Prosecutors for opinion.
- i) No. of references entrusted to Prosecutors for filing of Appeal/ Revision/ Writ.
- j) No. of references involving Death Sentence or Life Imprisonment cases in which incharge special courts is of the view that case is not fit for filing Appeal/ Revision/ Writ.
- k) No of references (Time Barred) received from special courts.
- l) No of references didn't disposed off timely.
- m) Receipt Register and Soft Copy in Computer (Case-wise)
- n) Receipt Register and Soft Copy in Computer (Case-wise)
- o) Dispatch Register and Record of Receipts or any other relevant details.
- p) Compliance of Departmental Instructions issued from time to time.
- q) Any other Aspect relating to Administration / Prosecutorial Affairs.

3.12 INSPECTION OF RECORD OF PROSECUTORS POSTED IN SUPREME COURT OF PAKISTAN

During the course of inspection of Prosecutors working in Supreme Court of Pakistan following aspects were considered during inspections carried out during year 2019.

- a) Disposal of Prosecutorial work (*Disposal means cases finally decided by the court).
- b) Decision Registers (Maintained by Prosecutor-wise)
- c) Prosecutorial decision against decisions of court coupled with copy of decision.
- d) No. of references submitted to Supreme Court Appeal Committee.

- e) No. of references received for opinion or for filing.
- f) Receipt Register and Soft Copy in Computer (Case-wise)
- g) Receipt Register and Soft Copy in Computer (Case-wise)
- h) Dispatch Register and Record of Receipts
- i) Compliance of Departmental Instructions issued from time to time.
- j) Cross verification of authenticity of data provided to PCPSI.
- k) Any other Aspect relating to Administration / Prosecutorial Affairs.

3.13 INSPECTION OF RECORD MAINTAINED BY SUPPORT STAFF

The support staff (Superintendents, Junior Clerks & Senior Clerks) are responsible for maintenance of record regarding conduct of prosecution under the supervision of concerned Prosecutor. Their duties and responsibilities are set out in Performance Standard Document issued by Prosecutor General Punjab. Previously the aspect of maintenance of record by support staff was not considered during inspections. Under the directions of Director General PCPSI, this aspect was categorically considered in inspections with following aspects during inspections carried out during year 2019.

3.14 INSPECTION OF RECORD OF SUPERINTENDENTS

For inspection of record of Superintendents following aspects were considered during inspections conducted during year 2019.

- a) Implementation / execution of instructive orders received from authorities.
- b) Channelization of internal and external flow of information between different tiers of concerned offices.
- c) Maintenance of Record of DPP office.
- d) Supervise all subordinate officials working in the office of DPP
- e) Supervision of performance of accounts Section
- f) Supervision of R&I work in office of DPP
- g) Documents / Record for verification as described in Performance Standard Document circulated by Prosecutor General Punjab

3.15 INSPECTION OF RECORD OF ASSISTANTS

For inspection of record of Assistants following aspects were considered during inspections conducted during year 2019.

- a) Preparation of Annual Budget.
- b) Maintenance of Account Record.
- c) Liaison with District Accounts Office.
- d) Liaison with Prosecutor General Office.
- e) Documents / Record for verification as described in Performance Standard Document circulated by Prosecutor General Punjab

3.16 INSPECTION OF RECORD OF SENIOR / JUNIOR CLERKS

For inspection of record of Senior Clerks / Junior Clerks attached with Prosecutors following aspects were considered during inspections conducted during year 2019.

- a) Receipt of Copy of FIR from DPP Office.
- b) Maintenance of record of Remand & Bail Petitions.
- c) Maintenance of record of Police Reports u/s 173 Cr.P.C.
- d) Maintenance of record & Registers.
- e) Preparation of monthly Proforma on progress of all criminal cases (Monthly Diary)
- f) Maintenance of record of correspondence by Prosecutor with other agencies
- g) Handing over and taking over the prosecutorial record.
- h) Documents / Record for verification as described in Performance Standard Document circulated by Prosecutor General Punjab

4 KEY POINTS IN INSPECTION REPORTS

After conducting the inspection of Prosecutorial record, the inspection officers submitted reports to Administrative Department wherein key points concerning weaknesses and strengths of the Prosecution Service were discussed. During course

of inspections in 2019 following aspects were observed and necessary recommendations made to Public Prosecution Department.

4.1 ATTENDANCE OF PROSECUTORS IN COURTS

The presence of Prosecutors is very much necessary for effective prosecution of cases. To check the attendance of prosecutors in courts, PCPSI made surprise visits of different Prosecution offices. During such visits a small number of prosecutors were found absent from duties without intimation. Apart from prosecutors, the member of ministerial staff i.e. Junior Clerk, Naib Qasid etc were also found absent from duties without intimation.

4.2 OBSERVANCE OF UNIFORM BY PROSECUTORS

During surprise inspection visits, the aspect regarding observance of uniform by Prosecutors was also checked. The Prosecutors found observing the dress code i.e. Proper uniform during discharge of their duties except one district where only three (3) Prosecutors found without proper uniform.

4.3 UNJUSTIFIED PENDENCY OF REPORTS U/S 173 CrPC

According to Section 5(a) of 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 for removal of such defects as identified by him if he finds the same to be defective or if it is fit for submission, file it before the court of competent jurisdiction. During inspection visits violation of said provision of law was noticed. The reports u/s 173 Cr.P.C were found pending for scrutiny despite lapse of stipulated statutory period in one district.

Some instances were also noticed where scrutiny of reports u/s 173 Cr.P.C was done but they were not submitted in the court despite lapse of a reasonable time or submitted in court after lapse of considerable time. This type of instances was noticed in two districts.

4.4 RECEIPT OF REPORTS U/S 173 CR.P.C WITHOUT ENTRY IN RECORD

According to guidelines for scrutiny of police reports u/s 173 Cr.P.C issued by Prosecutor General Punjab, every prosecutor is under an obligation to inform the DPP office about receipt of reports u/s 173 Cr.P.C in writing. The purpose of this guideline was to keep the DPP informed about receipt of reports and progress made thereon. This aspect was checked, and it was noticed that at one Tehsil Prosecution office some reports u/s 173 Cr.P.C received in Prosecution offices without corresponding entry in the record about their receipt.

4.5 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 concerned prosecutor and for this purpose police stations were allocated to prosecutors. This aspect was checked and examined by the inspectorate during its inspections. It was noticed that generally the instructions of the department were complied with in all districts of Punjab except 6 districts of Punjab where violation of departmental instructions was noticed and it was found that Prosecutors scrutinized and forwarded police reports u/s 173 Cr.P.C pertaining to police stations not allocated to them. The observations to this effect along with the name of delinquent officers were submitted to Public Prosecution Department for further necessary action.

4.6 IN-EQUAL DISTRIBUTION OF WORK

The District Public Prosecutors are authorized under section 9(3) of Punjab Criminal Prosecution Service Act, 2006 to distribute the work amongst the prosecutors. This power ought to be exercised on equal basis for smooth running of Prosecutorial affairs. This aspect was focused during inspections carried out in year 2019 and it was found that scrutiny work of all reports u/s 173 Cr.P.C regarding cases of **ELECTRICITY, AVLS & AMCLS** of sub-division (**37 Police stations**) was allocated to a single prosecutor. In the same way it was also found that scrutiny work of all reports u/s 173 Cr.P.C regarding cases of **National Action Plan (NAP)** of a sub-division (**37 Police stations**) was allocated to a single Prosecutor instead of allocating the same to concerned Prosecutors. The orders so issued found to be issued in violation

of departmental instructions dated 20-07-2011. The inspectorate recommended withdrawal of these orders.

Another important aspect with regard to distribution of work regarding scrutiny of Police reports u/s 173 Cr.P.C revealed during inspections. It was noticed that in one district police reports u/s 173 Cr.P.C were entrusted (Marked) by DPP to a particular prosecutor instead of concerned prosecutor in sheer violation of his own police allocation orders despite fact that concerned prosecutors were on duty on those days.

Similarly in two districts it was noticed that District Public Prosecutor allocated scrutiny work to himself regarding all cases u/s 302 PPC in respect of all police stations of the district or to a particular prosecutor instead of concerned prosecutor of police stations.

4.7 APPLICATION OF THRESHOLD TEST AT REMAND STAGE

As per Section 6 of code of Conduct for Public Prosecutors Threshold Test is required to be applied by Prosecutors during remand proceedings. This fact was checked with emphasis, and it was found that in most of the cases threshold test was either not applied by prosecutors or opinion was given in one or two lines which can't be termed as 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 approach the concerned court for remand without consulting concerned Prosecutors. It was recommended that 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 Prosecution. Contrary to the position explained above, the situation found better in two district where it was noticed that due to good prosecution-court coordination, no court was entertaining any remand request without being forwarded by the prosecutors.

4.8 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 year 2012, after submission of report u/s 173 Cr.P.C in

the Court, the memorandum of the case is required to be kept in a separate file by the Prosecutor and original copy of memo is required to be submitted to office of District Public Prosecutor (DPP) on weekly basis. During inspections it was noticed in all districts of Punjab except one district that Scrutiny Memos were kept in loose/untied condition. It was also noticed that no record keeper was designated for preservation of the record and no mechanism was found to be devised. The instructions of the department were not being complied with. Strangely, this aspect also remained unnoticed by Internal Monitoring Committees.

4.9 WRITING OF CASE REVIEW U/S 9(7) PCPS ACT, 2006

The code of conduct for Public Prosecutors was issued in year 2016 through which it was made obligatory for all prosecutors to write case assessment by way of report u/s 9(7) of PCPS Act, 2006 and application of evidential test and public interest keeping in view the available evidence in the case. It was noticed that case review u/s 9(7) PCPS Act, 2006 were mostly written on prescribed PPD-01 form and prosecutors started writing case review in cases scrutinized by them keeping in view the gravity and heinousness of the offences committed by the accused persons. The prosecutors have also applied evidential test and public interest test and given their clear recommendation regarding fitness for trial or otherwise.

It was noticed with grave concern that prosecutors had written case review report in all cases triable by Sessions Court and magistrate MS-30 only and were not written in cases triable by **magisterial courts (MIC & SJM)**. The matter was discussed with concerned DPPs and it was learnt that this happened due to lack of clarity on the issue as Previously it was mandatory to be written in sessions cases and cases triable by MS-30 in terms of directions issued by Prosecutor General Punjab during year 2014 & 2015. The PCPSI is of the view that with coming into force the CODE OF CONDUCT FOR PUBLIC PROSECUTORS w.e.f 01-01-2016, writing of case review is mandatory in all cases scrutinized by prosecutors.

4.10 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 Committees is under an obligation 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 whereas in six districts, it was found that committees did not perform its functions and remained failed to re-scrutinized 20% of reports u/s 173 Cr.P.C scrutinized and forwarded by Prosecutors in violation of departmental instructions.

4.11 WORKING OF DISTRICT APPEAL COMMITTEE (DAC)

In order to check the position of Post-Trial Prosecution, the record relating to working of Appeal Committee was checked / analyzed and found that the position of working of district appeal committee was getting better as compared with the previous years. Previously reference against acquittal or conviction were submitted by prosecutors to District Appeal Committee only in few cases which were also not considered by Appeal Committee for a long period of time. In the same way prosecutors were not in habit of forwarding their opinion regarding suitability of appeal or otherwise. However, now after the continuous inspections the position in this regard has improved and now the DAC and DSC (District Scrutiny Committee) are meeting regularly with proper functioning i.e maintenance of record, issuance of minutes of meetings etc. The functioning of committees has improved.

4.12 WORKING OF INTERNAL MONITORING COMMITTEE (IMC)

The Public Prosecution Department issued directions for constitution of Internal Monitoring committees at district level to ensure maintenance of record as per Prosecution guidelines issued by Prosecutor General Punjab. The rationale behind constitution of IMC committees were to improve the maintenance of record at local level. During inspection it was noticed that though internal monitoring committees were constituted in all districts of Punjab and remained functional, yet it was noticed that their performance was not up to the mark. It was found that inspection reports written by members of IMC on single page with general observations/ remarks. The reports did not contain the detail of areas covered by IMC. No specific observations were made by IMC regarding officers and officials. It was also noticed with grave concern that no inspection was conducted by IMC in Tehsil Prosecution Offices.

4.13 WRITING OF FORMS RELATING TO ADVERSE OUTCOME OF CASES

The Worthy PGP has issued guidelines for 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 concerned prosecutor in case of acquittal of accused persons whereas AOC-II form is to be written by DPP. During inspections, it was noticed that generally prosecutors had written AOC-I form. In few cases it was found that AOC forms were filled in stereotype manner as many columns of the form were either filled casually or left un-answered. As for example, following important columns found blank / un-answered.

- (i) Who has been consulted in the preparation of this report?
- (ii) Reasons for acquittal/discharge
- (iii) What actions could the police have taken to improve their handling of the case?
- (iv) What actions could the prosecution have taken to improve their handling of the case?

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

4.14 NON-EXMINAITON OF VICTIMS IN CASES

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

The victim of the offence serves the role of star witnesses in Serious Sexual Violence (SSV) cases. This important aspect was checked with emphasis during inspections in year 2019 and it was noticed that in many cases the police failed to associate the victim in investigation and record their statements. In many cases it was also observed that during trial of the case complainant or eyewitnesses were resiled from their testimony before the court and completely exonerated the accused persons from the charge and

strangely the victims of the offence in those cases (mostly the minors) were not produced before the court. Such instances were noticed in 6 six districts. The PCPSI is of the view that if the victims in these cases were produced before the court the fate of the case could be different.

4.15 NON-EXMINAITON OF MATERIAL WITNESSES IN CASES

In many cases the offence is committed against persons who are not capable of giving their evidence independently such as deaf and dumb. In such type of cases the testimony of victim is totally dependent on experts (Translator). During inspection it came on surface that in a criminal case of rape the victim was disabled girl aged 17/18 years. The DNA tests of the victim and the accused was done and result of the test was awaited. The statement of the victim was recorded by the I.O through translator (SSET, Govt. Secondary School Special Education). The name of said translator was also included in calendar of witnesses. During trial of the case, the complainant as well as witnesses resiled from their statement and accused was acquitted from the case. The perusal of record shown that translator (SSET, Govt. Secondary School Special Education) was not produced as witness during trial. Even said case was declared as NOT FIT FOR TRIAL by concerned prosecutor and startingly District Appeal Committee (DAC) also agreed with opinion without noting the procedural anomaly committed by the court.

In the same way, it was also noticed by inspection team that in a case two fingerprints were picked and taken into possession through recovery memo. These fingerprints were taken by Forensic Proficient. This important witness was not produced before court during trial and forensic report was also not presented during trial.

During perusal of judgments of acquittal on basis of resiling statements of witnesses in **ANTI-CORRUPTION CASES**, it was noticed that many Raid Cases accused acquitted due to resiling of complainant. The PCPSI is of the view that an ordinary case is to be distinguished from raid case as in such type of cases the question of “**Misconception**” can’t arise. The complainant in the first instance categorically nominated the accused person who demanded the illegal gratification and later submitted application to Regional Director Anti-Corruption for conducting raid. On such application, Judicial Magistrate is appointed who firstly **MARK THE MONEY**, and hand over the same to complainant to pass on to the accused and during raid proceedings duly marked money

recovered from the accused. But strangely in all such cases of acquittal, no attempt seems to have been taken by Prosecution to produce the raiding magistrate as witness in the case. Such type of acquittals never recommended for appeal by Prosecutors.

4.16 NON-PRODUCTION OF CASE PROPERTY DURING TRIAL

It is obligatory upon the Prosecution to produce / tender in evidence alleged recovered material from the accused before the Court during trial to prove its case. Since the case property serves the role of foundation of any criminal case and nonproduction of the same during trial is fatal to prosecution case. It is settled principle of law that “***Court cannot convict an accused merely on the statements of the witnesses without production of the incriminating material***”. During perusal of record, it transpired that in many cases, the case property was not produced before the court. Such type of instances was noticed in three districts.

4.17 GIVING UP WITNESSES BEING UN-NECESSARY

Prosecution is under an obligation to produce in the court such witnesses who are acquainted with facts and circumstances of the case to prove its case. If this type of witnesses is not produced before the court this may be termed as **WITHHOLDING OF BEST AVAILABLE EVIDENCE**. Always withholding of evidence goes against the Prosecution on inference that if they had been called in the witness box, they would not support version of the Prosecution as per Article 129-G of Qanoon-e-Shahadat Order, 1984. During inspection it was noticed that in few cases witnesses were given-up by Prosecutors being un-necessary in case where Crime scene was firstly seen by security guards and case was registered on basis of information furnished by them but these PWs were given up being un-necessary.

4.18 MISHANDLING OF MODERN FORENSIC EVIDENCE BY POLICE

In modern day world, forensic science plays a pivotal role in decision of a criminal case. Forensic science can identify a suspect of the crime and to determine exactly when and how a crime was committed. The forensic evidence is used to prove or disprove the evidence produced in a court during trial. During inspection of prosecutorial record during year 2019, it was noticed that in many cases Police/Investigation agencies

remained failed to handle the forensic evidence properly and this fact also remained out of notice by Prosecution. The situations detailed below will elaborate the position.

- ❖ In a case of Murder punishable u/s 302 PPC a CCTV camera footage was procured through camera installed to establish the company of accused person with deceased prior to murder.
- ❖ The CCTV footage was procured in a USB which was not sent for forensic analysis.
- ❖ The accused was acquitted from the case as mere producing CCTV footage as a piece of evidence in the court is not sufficient to rely upon unless and until it was proved to be **GENUINE** after forensic analysis.
- ❖ The investigation was also found silent about the fact that who converted CCTV footage into USB.
- ❖ The investigation officer did not associate in investigation the owner and employees of Shop from where CCTV footage was obtained. The person who developed the prints of CCTV footages was also not associated in investigation.
- ❖ Similarly in a case of Rape u/s 376/511 there was allegation of rape with making of nude pictures and video.
- ❖ Mobile phone by which these nude pictures were taken and memory card in which these pictures were saved were not taken into custody by investigation officer from accused.
- ❖ No Forensic test of the nude pictures was done.

4.19 ACQUITTAL ON RESILING STATEMENT DESPITE PENDENCY OF FORENSIC REPORTS

The prevailing circumstances as to rise of sexual violence against minors require criminal justice system to be more vigilant particularly where sexual offences are committed against minors. The situation also cast responsibility on the shoulders of Prosecution to remain more careful. During inspections it was noticed that in many cases falling under SSV, the DNA tests of the victim and the accused were done and the result of the PFSA was awaited. The complainant and witnesses were resiled from

their testimony and completely exonerated the accused persons. The accused were acquitted by courts u/s 265-K Cr.P.C without awaiting the result of DNA. It was duty of the prosecution to press for waiting of DNA report and if court did not agree, then to assail the judgment of acquittal but it was not done in most of the cases. Even such type of acquittals was declared NOT FIT FOR TRIAL by prosecutors.

4.20 RELEASING OF ACCUSED ON PROBATION

The Public Prosecution Department has issued instructions vide letter No. LO-V/PPD/08-25/PA/2016-1320 dated 15-05-2017 to all Prosecutors to the effect that in cases where court intended to release the offender on probation, the prosecutor shall bring into the knowledge of presiding officer the requirements of Rule-18 of The West Pakistan Probation of Offenders Rules, 1961. Where the probation order was passed without obtaining report under above said rule, the same may be assailed before the relevant forum. It was observed that neither the Judicial Officer obtained report under Rules-18 of the West Pakistan Probation of Offenders Rules, 1961 before releasing the accused on probation nor the concerned prosecutors assailed the probation orders before the relevant forum.

4.21 ANALYSIS OF JUDGMENTS OF ACQUITTAL

To ascertain the level of prosecution in terms of scrutiny of cases at the time of submission into the courts 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 important fact, the inspectorate perused the judgments of acquittal on merit and pre-mature acquittals u/s 249-A/265-K Cr.P.C. The scanning of these judgments depicted that some material flaws in investigation were not noticed and pointed out at the time of scrutiny by prosecutors or in some cases defective prosecution during trial was noticed. These points were duly highlighted in inspection reports during year 2019. The detail of some common reasons of acquittal in Narcotics cases, Murder cases, Rape cases, offence against property and fraud and forgery cases noticed by inspectorate is as follow:

4.22 NARCOTICS CASE

- i. Proper description / shape of recovered contraband was not given in complaint as well as FIR.

- ii. Signature of Investigation officer (I.O) not matched on various documents in same case.
- iii. The lady constable as a prosecution witness was not associated in investigation / produced before the court in case of female accused.
- iv. The bags or other article from which the narcotic substance was recovered were not taken into possession as evidence.
- v. The cases in bulk resulted into acquittal due to Protocol issues in report of PFSA in light of judgment of Supreme Court of Pakistan.
- vi. In many cases same writing on complaint and recovery memo and both these documents are to be prepared by two different officers.
- vii. Sampling not done from each piece of recovered contraband.
- viii. Sending sample for forensic analysis after lapse of statutory period of time i.e. after 72 hours.
- ix. Case property was not properly sealed:
- x. Breakage of chain of custody from I.O to Moharar and to PFSA.
- xi. In case of allegation of sale of contraband, the wattak amount recovered was not produced before court during trial proceedings.
- xii. Nonproduction of original report of PFSA as evidence during trial.
- xiii. Nonproduction of decoy witness during trial in cases where decoy was deputed to apprehend the accused.

4.23 MURDER CASES

- i. Closing of prosecution evidence without submission of PFSA reports (Histopathology and chemical examiner):
- ii. Flaws / Irregularities in preparation of rough site plan.
- iii. Cause of death was not declared in many cases.

- iv. Nonproduction of case property i.e vehicles / crime weapon during trial proceedings.
- v. Delay in sending recovered weapon of offence for forensic analysis.
- vi. Source of light described in complaint was not mentioned in preparation of rough / scaled site plan.
- vii. Material Prosecution witnesses were given up and not produced in court.
- viii. Recovered weapon from accused was not sent for forensic analysis / comparison with crime empties recovered from place of occurrence.
- ix. Ownership of SIMs of accused in case of threats was not verified.
- x. Recovered weapon of offence was not produced in court at the time of trial.

4.24 RAPE AND SODOMY CASES

- i. Non-collection of cloths of victim.
- ii. The medical examination victim was not done.
- iii. The DNA of victim and accused was not done.
- iv. Victim was not produced before trial court during trial.
- v. Material witness (Presence / last seen) either given-up and where not given up not produced in court during trial.
- vi. Victim (Minor or abnormal) not joined in investigation.
- vii. Victim (Minor or abnormal) not produced before court for evidence.
- viii. Resiling of witnesses due to settlement / compromise out of the court.
- ix. Non collection of Forensic evidence relating to the obscene pictures during investigation.
- x. In SSV cases involving nude video / pictures, matter was not referred to FIA for forensic analysis.

- xi. Non-production of Judicial Magistrate as witness before court who recorded statement 164 Cr.PC of victim.
- xii. Pre-mature acquittal of accused persons u/s 265-K Cr.P.C without waiting the DNA report.

4.25 OFFENCES AGAINST PROPERTY (ROBBERY / DACOITY)

- i. No identification Parade of accused and stolen property.
- ii. Flaws in report of identification parade.
- iii. Non-disclosure of source of information in case nomination of accused in supplementary statement.
- iv. Resiling of star witness (Complainant / Presence / Seen)
- v. Joint recovery from accused.
- vi. Recovery in shape of Amount instead of original stolen article.

4.26 AWARD OF CONVICTIONS NOT PROVIDED BY LAW

The courts are empowered to award conviction to any accused person as provided by law and while awarding punishment cannot exercise its own discretion with regard to quantum of punishment. The inspectorate also checked and analyzed the important aspect of prosecution in terms of whether the conviction awarded to accused person(s) is in consonance with the punishment provided by law or not. This aspect was more particularly focused in inspections during year 2019. It was noticed with grave concern that courts awarded the punishment to accused persons either not provided by law or to a lesser extent not commensurate with punishment provided by law. The prosecution was under an obligation to agitate the matter and file revision for enhancement of 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 Prohibition of Expressing Matter on Wall (Amendment) Act, 2015
Punishment Provided by law	Imprisonment for a term which may extend to 6 months or with fine which shall not be less than Rs. 25,000/- or more than Rs.100,000/- or both
Punishment awarded by Court	In many cases Imprisonment till rising of the court and fine of Rs. 1,000/- 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	In many cases Fine of Rs. 10,000/- 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	The Punjab Animal Slaughter Control Act, 1963
Punishment Provided by law	On first conviction, be punished with imprisonment for a term which may extend to 6 months , but which shall not be less than 15 days AND with fine which may extend to Rs.100,000/- but which shall not be less than Rs.25,000/- (2) If a person contravenes any provision of clause (a) of sub section (3) of section 3, he shall be punished with imprisonment which may extend to 8 years but which shall not be less than 4 years AND with fine which may extend to Rs. 500,000/- but which shall not be less than Rs.300,000/-
Punishment awarded by Court	In many cases Fine of Rs. 1,000/- to Rs.2,500/- only without any imprisonment was awarded. In few cases conviction imprisonment till rising of the court and fine of Rs.1,000/- was awarded.

These aspects were duly highlighted and brought into the notice of Public Prosecution Department through inspection reports.

4.27 POSITION IN PROSECUTOR GENERAL PUNJAB CAMP OFFICES

According to **Section 13(2)** of Punjab Criminal Prosecution Service Act 2006, a Prosecutor working under the directions of the Prosecutor General, shall keep the Prosecutor General informed about the progress of all the cases under his charge.

During inspections it was noticed that Prosecutors were not observing this mandatory provision of law. In many cases it was noticed that during hearing of appeals, the conviction awarded by lower courts either abolished or converted to a lesser degree. But Prosecutors in these cases **did not obtain copies of judgments** and failed to bring the reasons of acquittal or conversion of sentence to a lesser degree in the knowledge of Prosecutor General.

According to **Section 10(2)** of Punjab Criminal Prosecution Service Act 2006, the Prosecutor General or the District Public Prosecutor may, refer to the authority, competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him and is prejudicial to the prosecution. During inspection of Prosecutor General Punjab camp offices at benches of Lahore High Court Lahore that number of **Appeals against death sentence, Appeals against life imprisonment** were allowed by courts and number of accused persons acquitted from the charge. Certainly, the accused were acquitted due defects/flaws in investigation or the prosecution of the cases at trial stage. It was noticed that Prosecutors did not bring these flaws/defects in the knowledge of Prosecutor General Punjab for issuance of reference u/s 10(2) of PCPS Act, 2006 against the delinquent for his act prejudicial to Prosecution committed by him.

By virtue of order issued by Prosecutor General Punjab vide letter No. PGP/PSO/PA/57/2018-5069 dated 17th August-2018 the High Court Appeal Committees constituted at PGP Camp offices at Benches of Lahore High Court Lahore were required to send all cases involving life imprisonment or death to Provincial Appeal Committee (PAC) in which the High Court Appeal Committee was of the view that appeal may not be filed. During inspection it was found that compliance of this departmental instruction was not being made and High Court Appeal Committees were found working independently.

4.28 POSITION IN SPECIAL COURTS

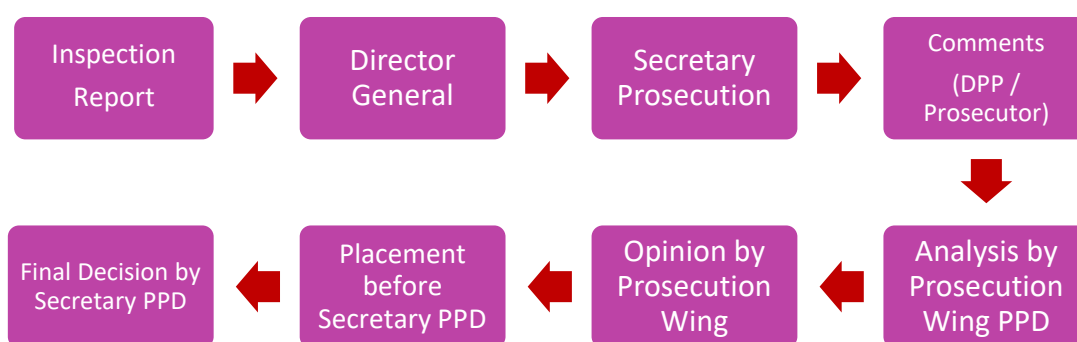
It was noticed during inspection of Prosecutors working in Special Courts (Anti-Terrorism, Anti-Corruption, Drug Courts, Environmental Tribunal etc) that record relating to reports u/s 173 Cr.P.C / complaints submitted by police/CTD/ACE/Drug Inspector/Environment Department was being maintained on old format. The perusal

of challan/complaint register depicted that there was no column of date of receiving of challan/complaint, date of passing and date of sending back to concerned agencies in case of objections. Due to lack of these necessary information, some difficulty may arise in tracing the particulars of any police report/complaint. The Public Prosecution Department has already introduced a comprehensive challan register in year 2015 with a view to maintain the record in a comprehensive way but record on prescribed registers was not being maintained.

During inspections, it was also noticed with grave concern that prosecutors were in habit of issuing letters directly to the DPO/CPO/Regional Director ACE etc for initiation of proceedings against such witnesses whose conduct found prejudicial to prosecution in violation of **Section 10(2) PCPS Act 2006**.

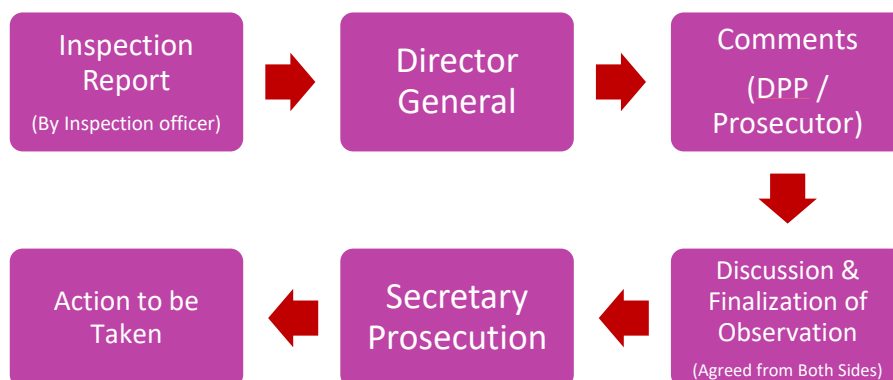
5 SHARING OF DRAFT INSPECTION REPORT

In the past after conducting the inspection, inspection officers prepared inspection reports and submitted directly to Administrative Department with recommendations for improvement of performance of Prosecution Service. The Administrative Department used to seek comments from concerned District Public Prosecutor or the Prosecutors working in Special Court as the case may be and then decide the fate of inspection report. The flow of process was as follow:



This process caused unnecessary delay in finalization of inspection report. Further many times the plausible explanation against observations in inspection reports were not accommodated and concerned prosecutor had to face the agony of prolonged correspondence with department and sometimes faced the disciplinary action without his/her culpability. Under the guidance of Director General, PCPSI revisited its policy

and started sharing draft inspection report with the concerned District Public Prosecutor or with concerned Prosecutor in case of Special Court. The process shown below will elaborate the current scheme.



Presently under the new scheme if the reply of the concerned prosecutor is found plausible, the observations raised in inspection report are dropped by the Inspectorate itself. This scheme not only saved the time but also stop the forwarding of inappropriate observations against a prosecutor.

5.1 ADVANTAGES OF SHARING OF DRAFT INSPECTION REPORT

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

- ❖ The Inspection of District Prosecution Office Kasur was conducted on 21-10-2019. It was observed by inspection team that remand papers were not being forwarded by Prosecutors. The explanation to this effect was sought from DPP Kasur.
- ❖ The DPP Kasur furnished comments and took the plea that cases pointed out the inspection team were presented before the court as duty judge on gazzetted holiday i.e. **Yom-e-Ashura**. The DPP Kasur also averred that he has already taken the matter with District & Sessions Judge Kasur.
- ❖ The comments furnished by DPP Kasur were considered plausible, the observation of inspection team was dropped and no further action was recommended.

- ❖ The Inspection of District Prosecution Pakpattan was conducted on 16-04-2019. It was observed by inspection team in case FIR No. 347/18, u/s 376/364-A PPC, Police Station Saddar, Pakpattan, the victim of case was a minor girl aged 05/06 years. The complainant and eyewitnesses of the occurrence resiled from their previous statements and the court acquitted the accused u/s 265-K Cr.P.C on the basis of resiling statements. The victim of the case was not produced in the court and her statement was not recorded. The explanation to this effect was sought from DPP Pakpattan.
- ❖ The DPP Pakpattan furnished comments and took the plea that victim in this case had already been declared incompetent witness by the area magistrate during recording of statement u/s 164 Cr.P.C.
- ❖ The comments furnished by DPP Pakpattan were considered plausible, the observation of inspection team was dropped and no further action was recommended.
- ❖ The Inspection of District Prosecution Pakpattan was conducted on 16-04-2019. It was observed by inspection team in case FIR No. 450/18, u/s 9-C CNSA, P.S Qabula Sharif, Arifwala that as per written complaint and deposition of PW-2 prior to conducting raid, Khalil constable was sent as a fictitious customer with two marked currency notes of Rs.100/- each who purchased charas from accused and went back to the complainant then the raid was conducted. In this regard, neither any proceedings for sending khalil constable as fictitious customer with marked currency notes was recorded in writing nor said khalil Ahmad constable got recorded his statement about proceeding conducted by him. Even after the completion of proceedings of the raid, the statement of Mr Khalil constable u/s 161 of Cr.P.C has not been recorded and he has not been brought to witness box to depose. So, sending any fictitious customer with mark currency notes is not proved through prosecution evidence. This was clear case of defective scrutiny. The prosecutor could have asked the I.O to cite khalil Ahmad constable as a witness in the case at the time of scrutiny. The prosecutor at the time of scrutiny failed to point out this material flaw in the report u/s 173 Cr.P.C and submitted the case to court in a careless manner. Had the prosecutor done the scrutiny carefully, the fate of the case could have been otherwise. The explanation to this effect was sought from DPP Pakpattan.
- ❖ The DPP Pakpattan furnished comments and took the plea that learned trial judge failed to appreciate that the statement of Khalil Ahmad 201/C was recorded by Muhammad Ahmad, SI/IO and said witness was duly mentioned in Column No.6 of report u/s 173 Cr.P.C.

- ❖ The comments furnished by DPP Pakpattan were considered plausible, the observation of inspection team was dropped, and no further action was recommended against this observation.

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

Apart from conducting Inspections, the Inspectorate also assigned the duties to collect the prosecutorial data from all prosecution offices of Punjab. In discharge of this function, the inspectorate collected DATA 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 Supreme Court of Pakistan** on monthly basis and after its analysis submitted to Administrative Department.

Further, the inspectorate also collected the data regarding NATIONAL ACTION PLAN from 36 Districts of Punjab on **daily basis** during year 2019 and submitted this data to Administrative Department and Home Department.

Furthermore, the Inspectorate also collected data of specific offences, specific category in response to starred/un-starred questions in Senate of Pakistan, National Assembly of Pakistan and Provincial Assembly of Punjab. Few instances of such type of data are as follow:

1. Data regarding cases - Punjab transplantation of human organs & tissues act, 2010 r/w Punjab (Amendment) Act – 2012.
2. Terrorism Financing Cases (JUD)
3. Acid Throwing + Child Assault.
4. Trial + Disposal Cases & Challan 2019 (ATC Punjab)
5. Disposal in Gender Based Violence Lahore.
6. Data showing detail of disposal of cases under Prevention of Corruption Act, 1947.
7. Hate material
8. Kissan Itahad updated cases.

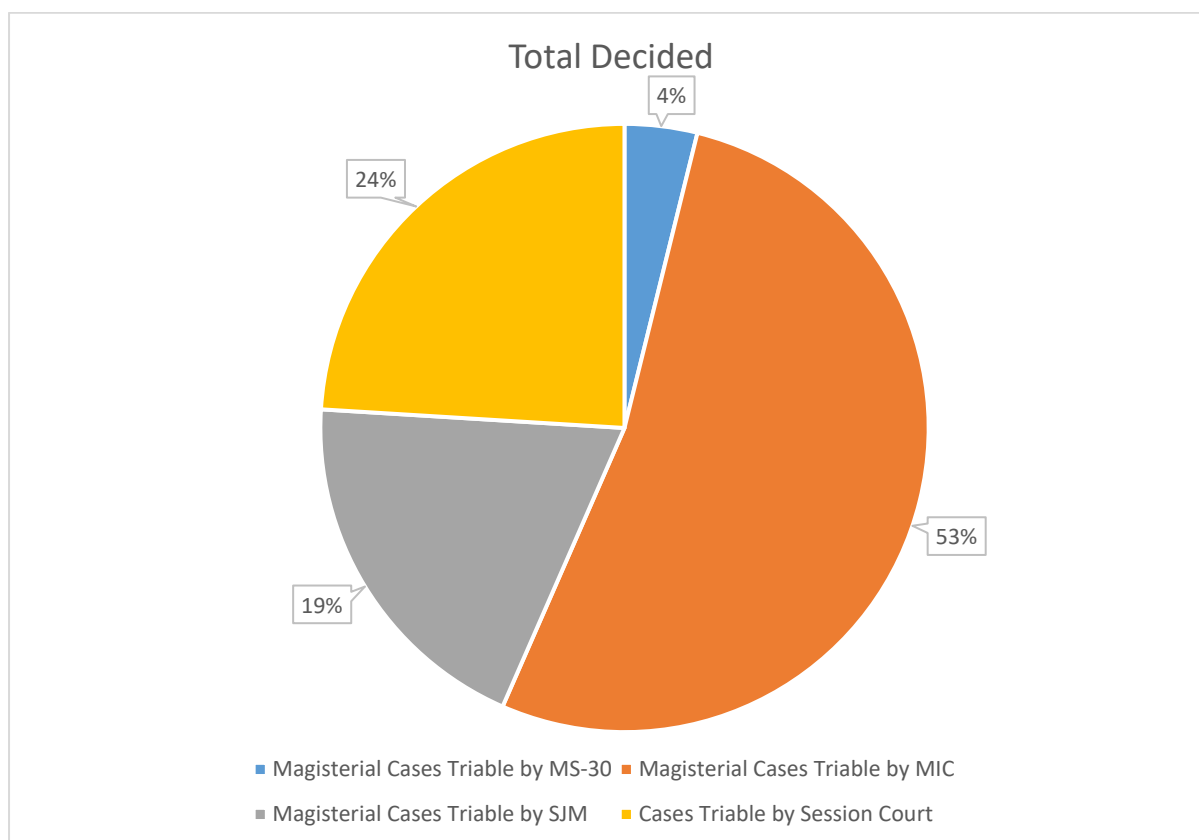
9. Govt. Performance proforma
10. Meeting of the police reforms committee
11. Intimidation, Abduction and Killing of Human Rights Defenders, Lawyers and Journalists
12. Performance of Prosecution service in Punjab ATC
13. Detail of Prosecutorial Decisions & Outcome in Districts (unfit for trial cases)
14. GSP+ follow up questions concerning treaty implementation cell (tic)
15. Women in Criminal Justice System 2018 in Anti-Terrorism courts
16. Data regarding Special Laws (wherein summary trial is provided)

6 ANALYSIS OF WORKING OF PUNJAB CRIMINAL PROSECUTION SERVICE

As per Section 4(a) of Punjab Criminal Prosecution Service Inspectorate Act, 2018, the PCPSI is charged with mandate to monitor the performance, work, and conduct of the Punjab Criminal Prosecution Service. The yearly data regarding conduct of Prosecution in courts at all tiers in Province of Punjab shown that total 364404 cases were disposed off by courts as detailed below:

6.1 DISTRICT COURTS (CASES TRIABLE BY MAGISTERIAL COURTS)

Category of Cases	Total Decided	No of Convictions	No of Acquittals			
			Merit	u/s 249-A Cr.P.C		
				Due to reselling of witness	Due to compromise	Due to deficit Evidence
Magisterial Cases Triable by MS-30	7,900	2,580	593	1,947	2,245	535
Magisterial Cases Triable by MIC	107,894	53,394	5,409	22,324	13,440	13,327
Magisterial Cases Triable by SJM	39,741	31,433	955	385	30	6,938
Cases Triable by Session Court	49177	28234	9291	5555	808	5289
TOTAL	204712	115641	16248	30211	16523	26089



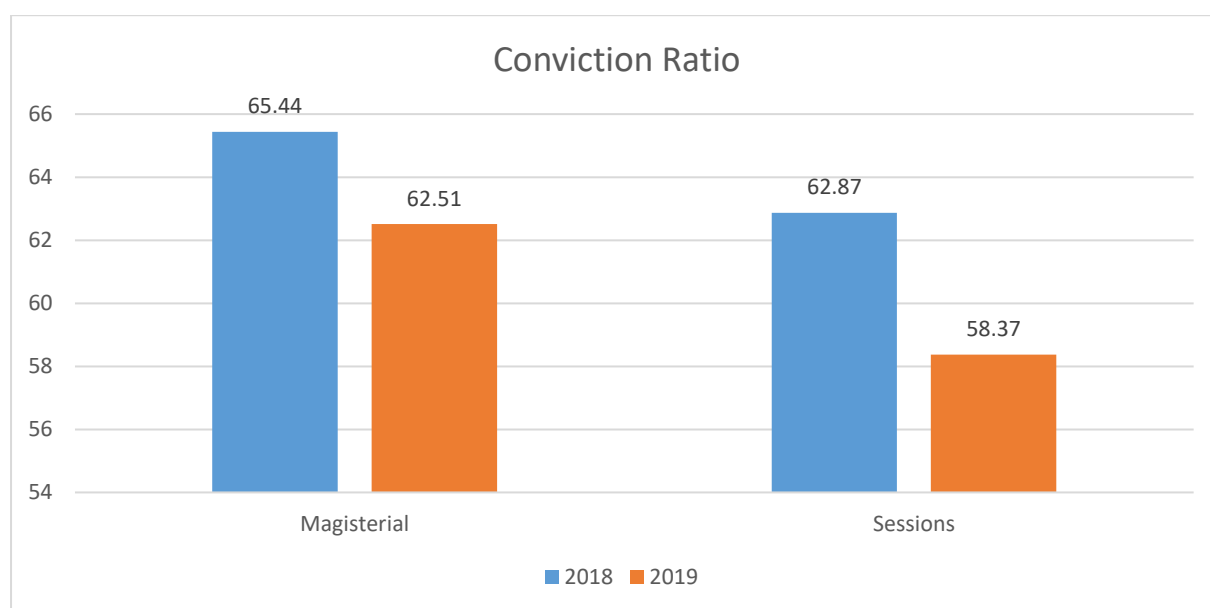
6.2 DISTRICT COURTS (CASES TRIABLE BY SESSIONS COURTS)

Total Decided	No of Convictions	No of Acquittals			
		Merit	U/S 265-K Cr.P.C		
			Due to reselling of witness	Due to compromise	Due to deficit Evidence / No Ground of Proceedings
49177	28234	9291	5555	808	5289

Punjab Criminal Prosecution Service succeeded to secure 61.45 % conviction ratio in year 2019. District Mianwali secured highest conviction ratio (81.86%) whereas district Sheikhpura secured lowest conviction ratio (35.31%).

There was 3.58 % decrease in ratio as compared to year 2018.

Year	Category of Cases	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2019	Magisterial	155535	87407	62.51
	Sessions	49177	28234	58.37
2018	Magisterial	136707	80649	65.44
	Sessions	24271	14782	62.87



6.3 RESILING OF WITNESSES

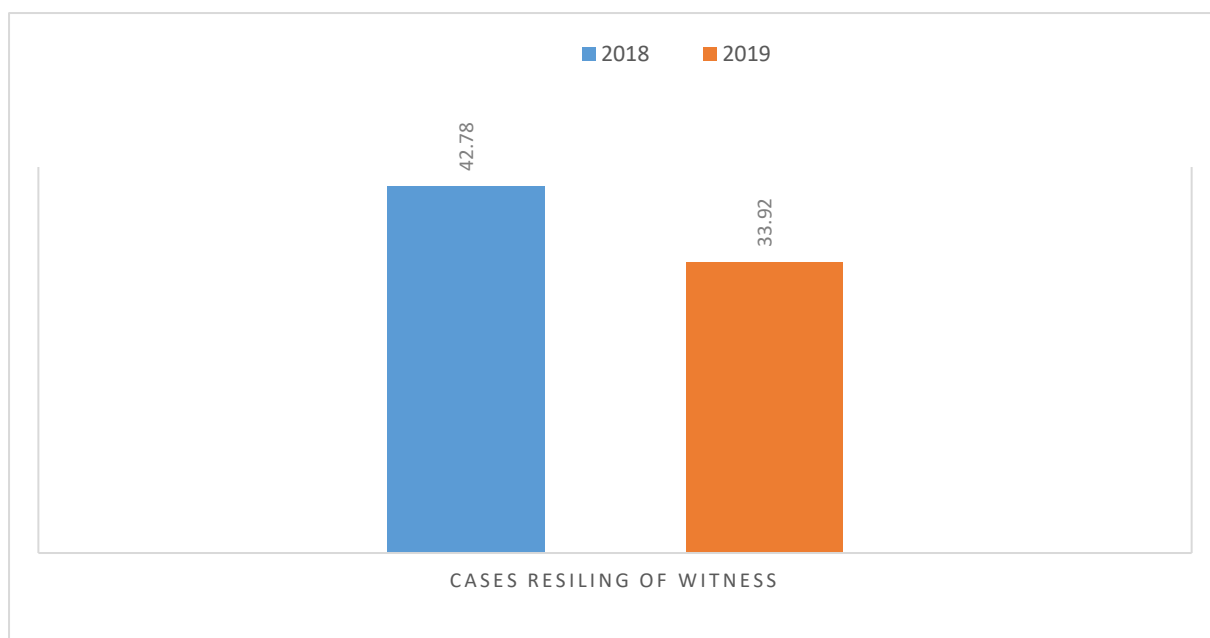
Giving a statement to link a person with an offence and then backtracking has become a challenge in Pakistani Criminal Justice System for bringing home guilt of the accused. Since there is no strong penal clause to combat the practice of retracting from previous statement, hence this aspect encouraged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

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

The position remained highest in District Jhang with (59.60%) ratio whereas position remained lowest in district Lahore with (9.04%).

Comparison with position of previous year it was found that there was (8.86%) decrease in ratio as compared to year 2018 as detailed below;

2018			
Category of Cases	Total Acquittal	Due to reselling of witness	%age
Magisterial Cases	56058	23420	41.78
Sessions Cases	9489	4626	48.75
T O T A L	65547	28046	42.78



6.4 **CONSIGNED TO RECORD**

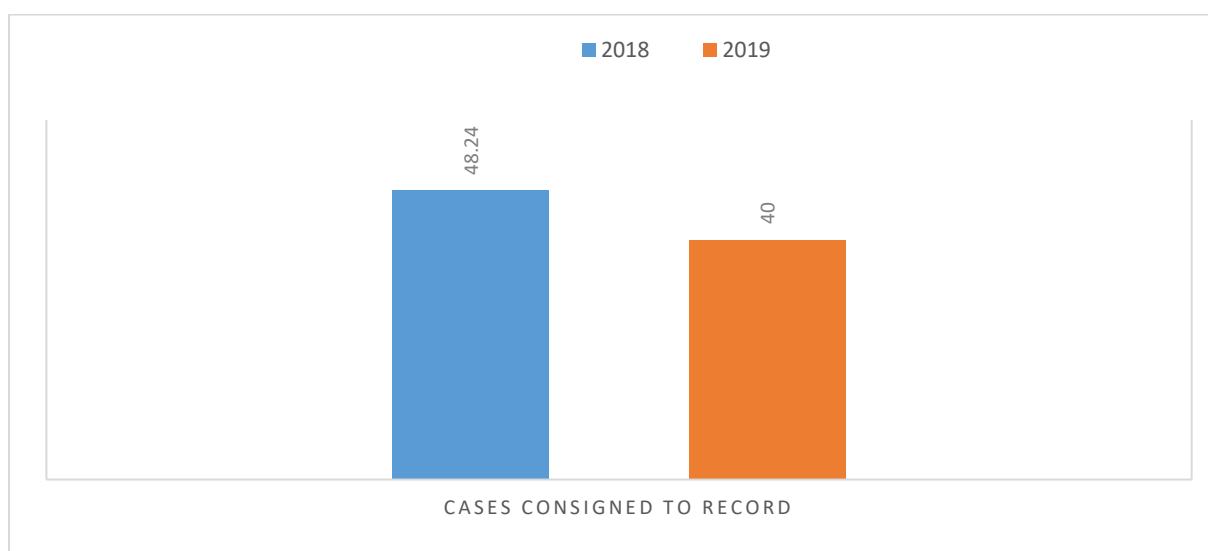
A criminal justice system could be effective only when criminal cases be decided at the earliest so that victim get justice and offender put to the task. This could possible only when a criminal case be decided. But it has been noticed that number of criminal cases are not being decided and are being consigned to record without its decision. Sometimes this happened due to non-appearance of witnesses in the cases and sometimes due to abscondence of accused persons. During year 2019 the position of cases consigned to record as detailed below;

2019		
Total Disposal	Total Cosigned to record	%age
364,404	145,760	40.00

Consigned to record remained highest in District Lahore with (53.14%) ratio whereas position remained lowest in district Attock with (11.12%) ratio

Comparison with position of previous year it was found that there was 8.24% decrease in ratio as compared to year 2018 as detailed below;

2018		
Total Disposal	Total Cosigned to record	%age
334,450	161,342	48.24



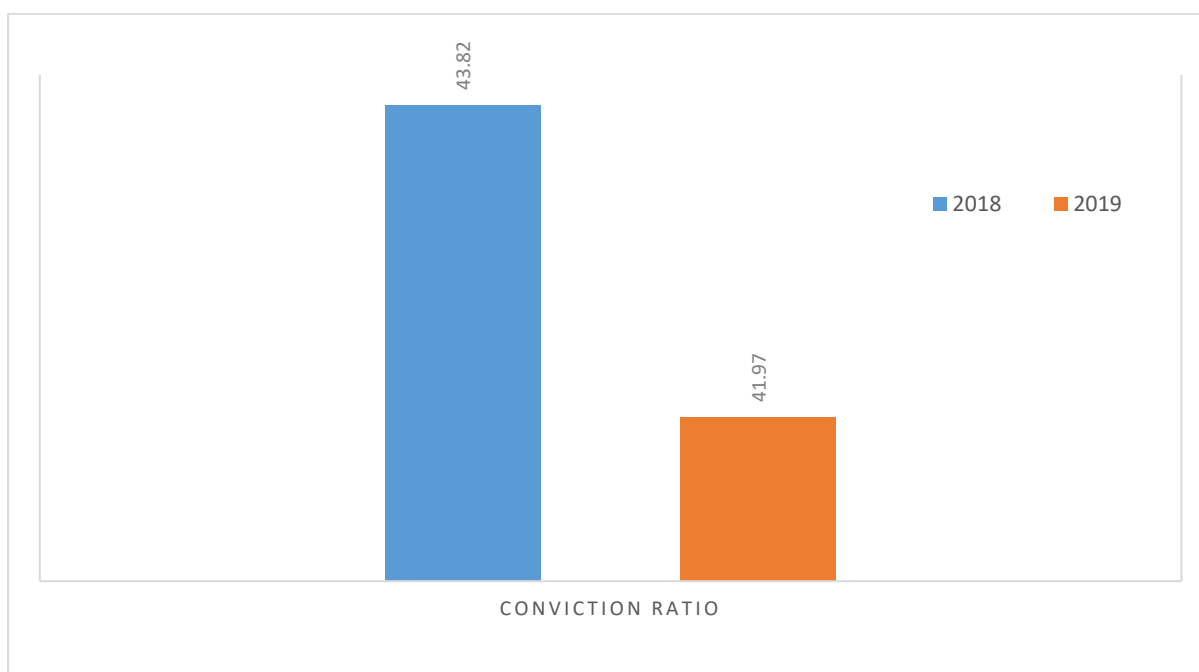
7 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI-TERRORISM COURT

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
884	371	255	193	65

Punjab Criminal Prosecution Service succeeded to secure overall 41.97% conviction ratio in Anti-Terrorism cases during year 2019. ATC Rawalpindi-I secured highest conviction ratio (78.57) whereas ATC Gujranwala-III (Camp at Gujrat) secured lowest conviction ratio (7.41).

There was 1.85 % decrease in ratio as compared to year 2018.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2019	884	371	41.97
2018	874	383	43.82



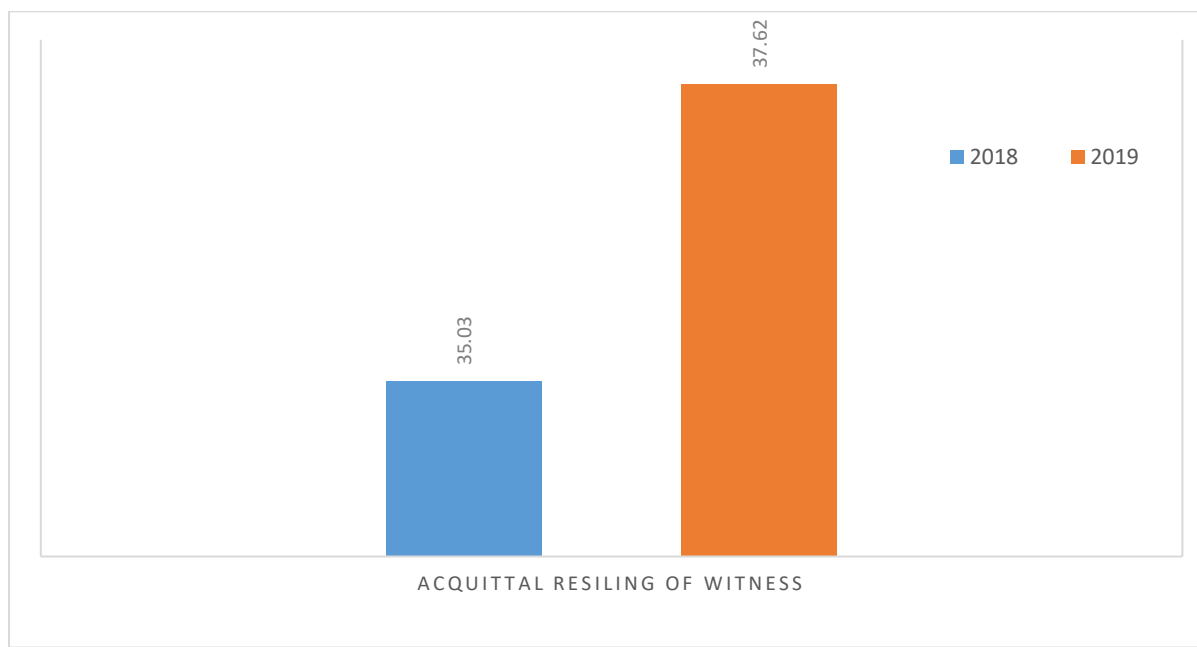
7.1 RESILING OF WITNESSES

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

Acquittal due to resiling of witnesses remained highest in ATC Bahawalpur with (61.36) ratio whereas position remained lowest in ATC Multan-II with (15.79) ratio

Comparison with position of previous year it was found that there was (2.59%) increase in ratio as compared to year 2018 as detailed below;

2018		
Total Acquittal	Due to resiling of witness	%age
491	172	35.03



7.2 DEFICIENT EVIDENCE

Total Acquittal	Due to deficient evidence	%age
513	65	12.67

Acquittal due to deficient evidence remained highest in ATC Sargodha with (60.71) ratio whereas position remained lowest in ATC Multan-I with (2.94) ratio

7.3 **CONSIGNED TO RECORD**

2019		
Total Disposal	Consigned to record	%age
1403	201	14.33

Consigned to record remained highest in ATC D.G.Khan with (25.84) ratio whereas position remained lowest in ATC Sargodha with (4.30) ratio.

Comparison with position of previous year it was found that there was 0.99% decrease in ratio as compared to year 2018 as detailed below;

2018		
Total Disposal	Total Consigned to record	%age
1371	210	15.32



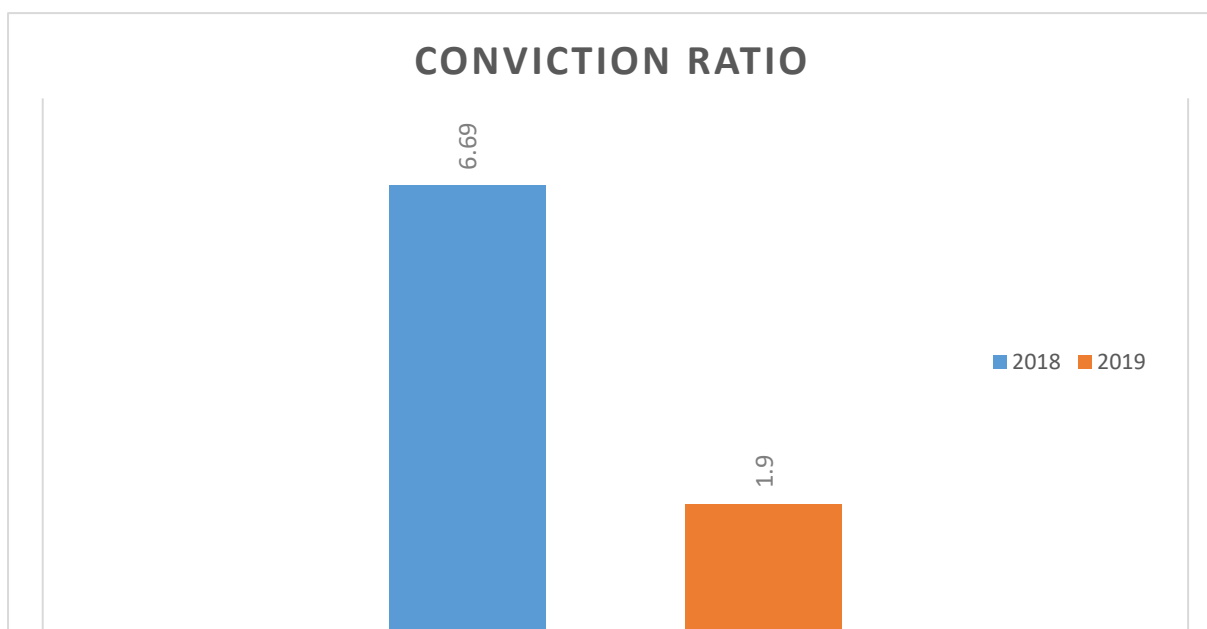
8 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI CORRUPTION COURT

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
788	15	114	607	52

Punjab Criminal Prosecution Service succeeded to secure 1.90% conviction ratio in Anti-Corruption Cases during year 2019. ACC Bahawalpur secured highest conviction ratio (11.11) whereas ACC Gujranwala secured lowest conviction ratio (0.77).

There was 4.79 % decrease in ratio as compared to year 2018.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2019	788	15	1.90
2018	583	39	6.69



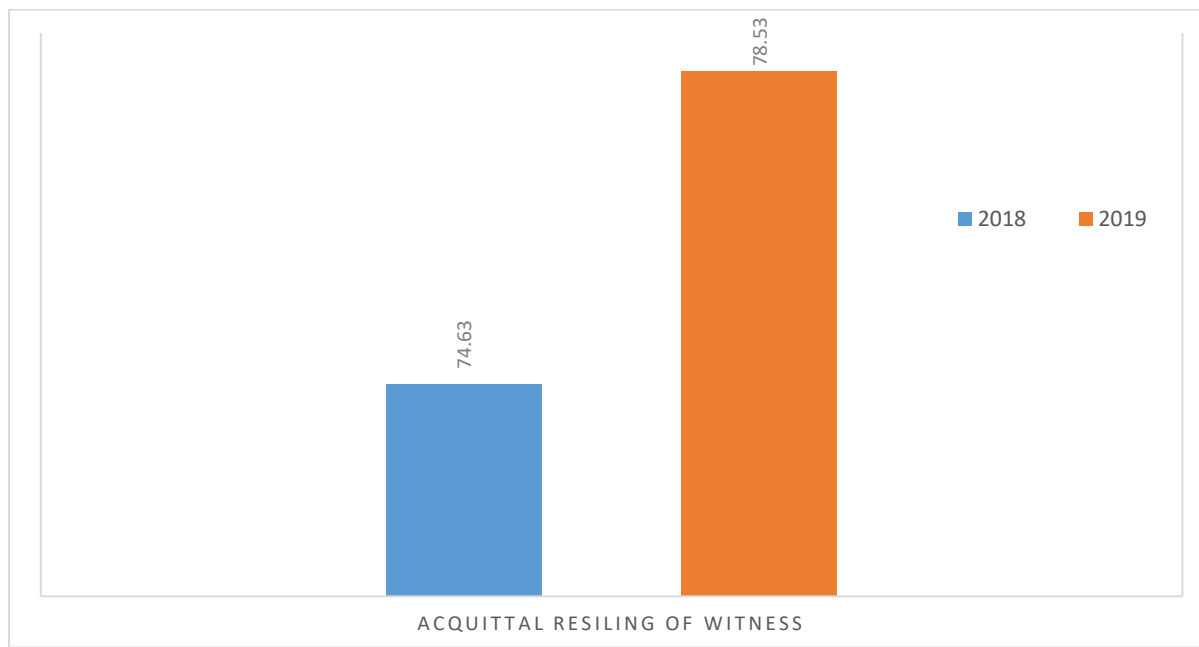
8.1 RESILING OF WITNESSES

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

Acquittal due to resiling of witnesses remained highest in ACC Gujranwala with (97.67) ratio whereas position remained lowest in ACC D.G.Khan with (51.06) ratio.

Comparison with position of previous year it was found that there was (3.9%) increase in ratio as compared to year 2018 as detailed below;

2018		
Total Acquittal	Due to resiling of witness	%age
544	406	74.63



8.2 DEFICIENT EVIDENCE

Total Acquittal	Due to deficient evidence	%age
773	52	6.73

Acquittal due to deficient evidence remained highest in ACC Lahore-I with (35.44) ratio whereas position remained lowest in ACC Multan with (2.02) ratio

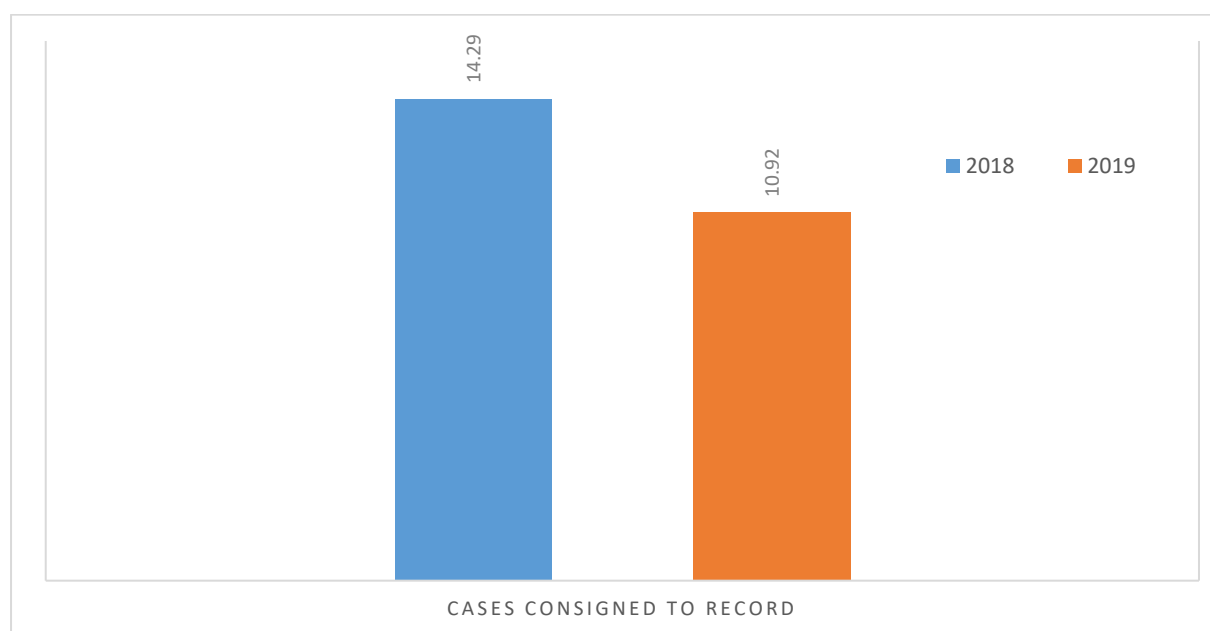
8.3 **CONSIGNED TO RECORD**

2019		
Total Disposal	Consigned to record	%age
2125	232	10.92

Consigned to record remained highest in ACC Lahore-I with (19.10) ratio whereas position remained lowest in ACC Sargodha with (3.81) ratio

Comparison with position of previous year it was found that there was 3.37% decrease in ratio as compared to year 2018 as detailed below:

2018		
Total Disposal	Total Consigned to record	%age
1623	232	14.29



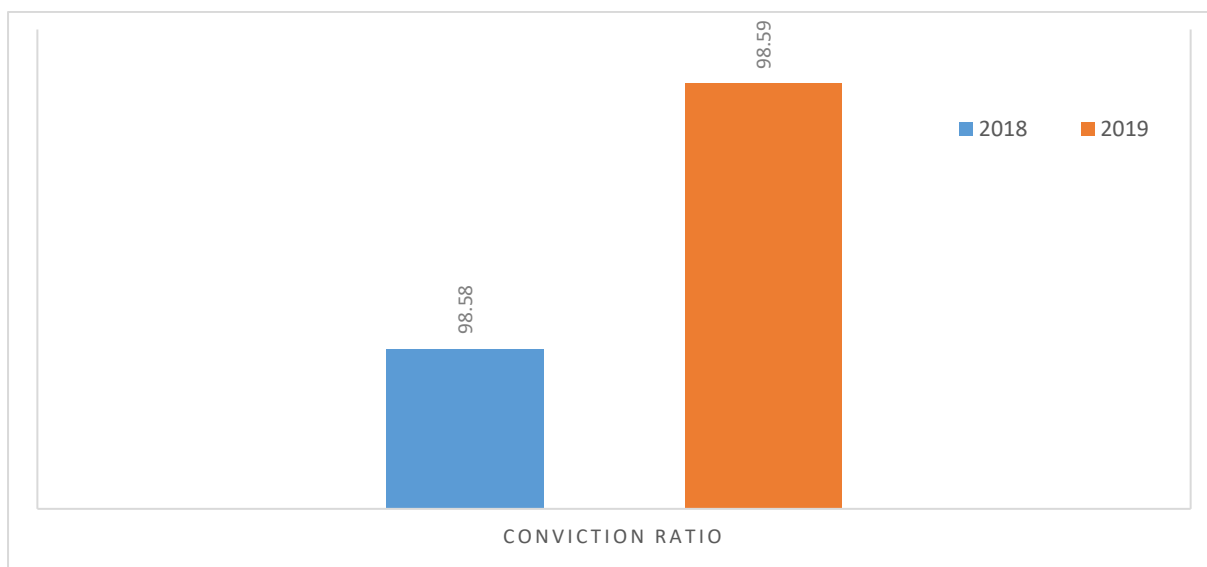
9 ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT DRUG COURTS

Total Decided	No of Convictions	No of Acquittal	Total Consigned to record
1707	1683	24	238

Punjab Criminal Prosecution Service succeeded to secure 98.59% conviction ratio in year 2019. Drug Court Gujranwala secured highest conviction ratio (100.00) whereas Drug Court Lahore secured lowest conviction ratio (91.95).

There was 0.01 % increase in ratio as compared to year 2018.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2019	1707	1683	98.59
2018	2041	2012	98.58



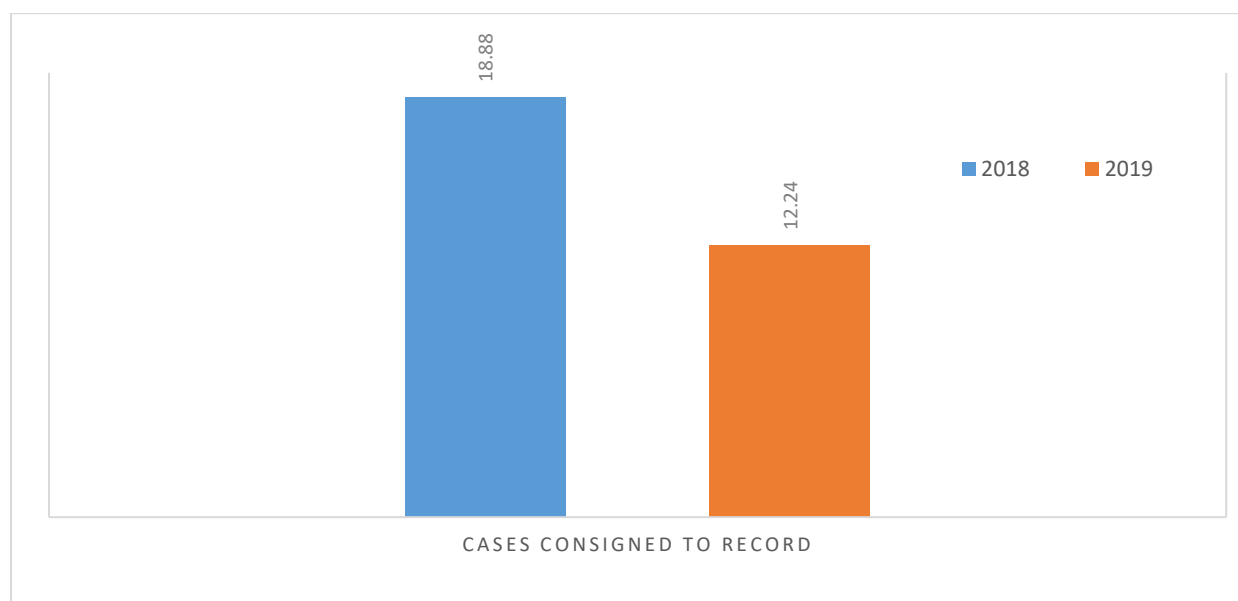
9.1 CONSIGNED TO RECORD

2019		
Total Disposal	Consigned to record	%age
1945	238	12.24

Consigned to record remained highest in Drug Court Multan with (15.95) ratio whereas position remained lowest in Drug Court Lahore with (5.43) ratio.

Comparison with position of previous year it was found that there was 6.64% decrease in ratio as compared to year 2018 as detailed below;

2018		
Total Disposal	Total Consigned to record	%age
2516	475	18.88



10 PERFORMANCE OF PROSECUTORS WORKING AT HIGH COURT

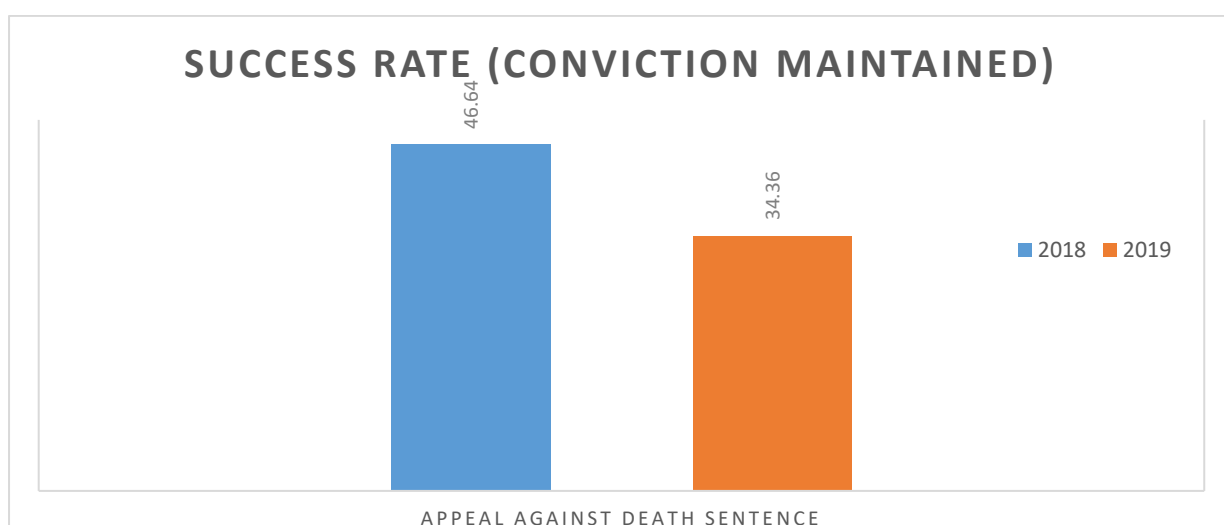
The Punjab Criminal Prosecution Service Conduct Prosecution in criminal cases before Lahore High Court, Lahore. Since the Lahore High Court Lahore has its benches at Rawalpindi, Multan & Bahawalpur, hence Prosecutor General Punjab has also established its Camp offices on these stations. The Prosecutors 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 2019 has been analyzed and compared with position of year 2018 and found the position as follow:

10.1 APPEAL AGAINST DEATH SENTENCE

2019	Total Appeals heard & decided	844
	Total Appeals resulted into dismissal (Conviction Maintained)	113
	Total Appeals converted (Conviction modified – Lesser punishment)	177
	Total Appeals allowed (Conviction set-aside)	554
	%age conviction Maintained	34.36%
	%age of conviction set-aside	65.64%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 34.36% cases. There was decrease of 12.28% in maintenance of conviction at appellate level as compared to year 2018 which was 46.64% as detailed below.

2018	Total Appeals Heard & Decided	879
	Total Appeals resulted into Dismissal (Conviction Maintained)	88
	Total Appeals converted (Conviction modified – Lesser punishment)	322
	Total Appeals allowed (Conviction set-aside)	469
	Conviction maintained (Ratio)	46.64
	Acquittal (Ratio)	53.36

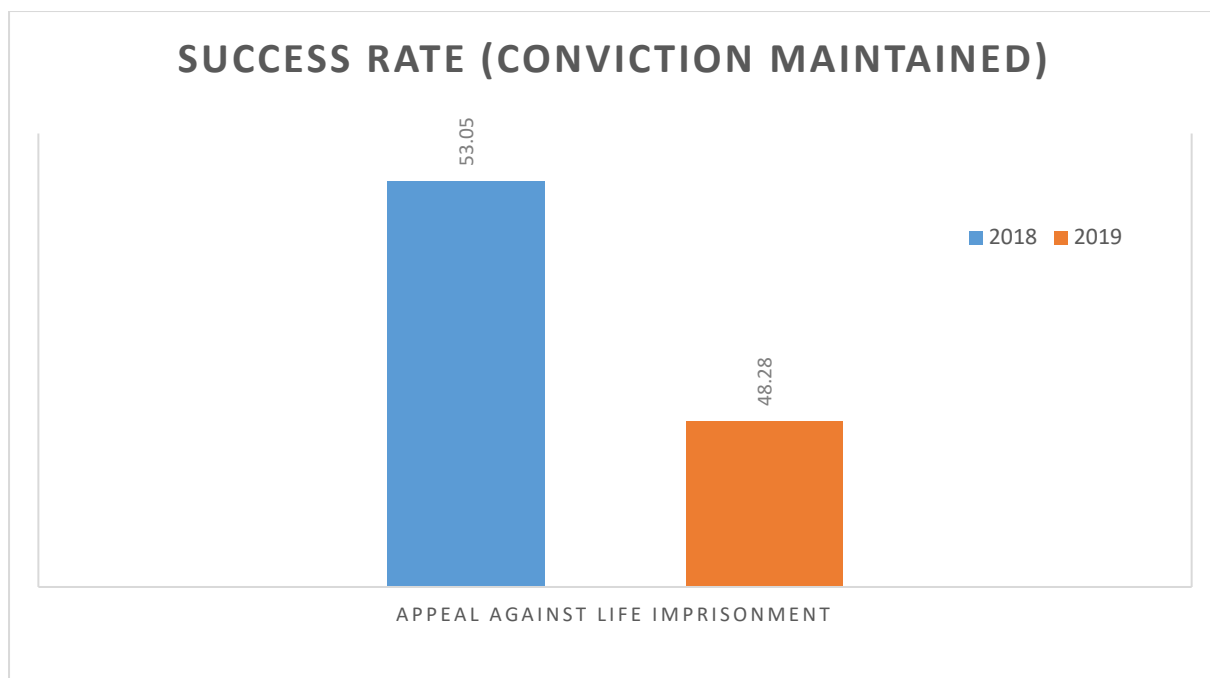


10.2 APPEAL AGAINST LIFE IMPRISONMENT

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

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 48.28% cases. There was slight decrease of 4.77% in maintenance of conviction at appellate level as compared to year 2018 which was 46.95% as detailed below.

2018	Total Appeals Heard & Decided	558
	Total Appeals resulted into Dismissal (Conviction Maintained)	278
	Total Appeals converted (Conviction modified – Lesser punishment)	18
	Total Appeals allowed (Conviction set-aside)	262
	Conviction maintained (Ratio)	53.05
	Acquittal (Ratio)	46.95



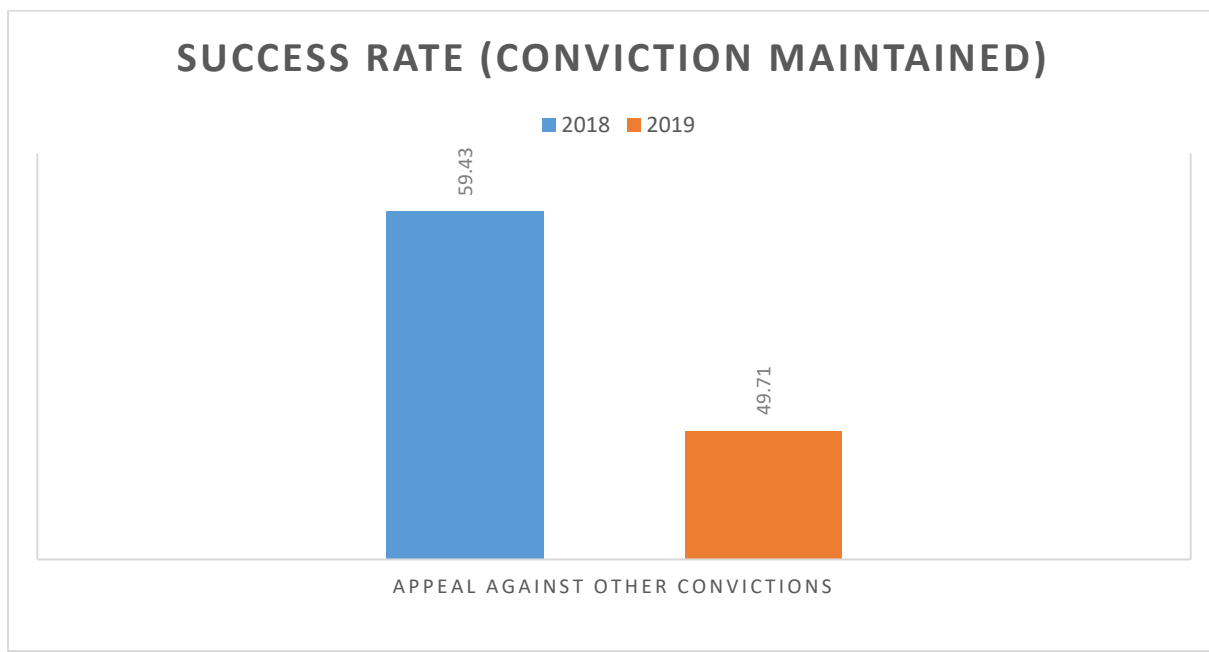
10.3 APPEAL AGAINST OTHER CONVICTIONS

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

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 49.71% cases. There was decrease of 9.72% in maintenance of conviction at appellate level as compared to year 2018 which was 59.43% as detailed below.

2018	Total Appeals Heard & Decided	1516
	Total Appeals resulted into Dismissal (Conviction Maintained)	900
	Total Appeals converted (Conviction modified – Lesser punishment)	1

	Total Appeals allowed (Conviction set-aside)	615
	Conviction maintained (Ratio)	59.43
	Acquittal (Ratio)	40.57

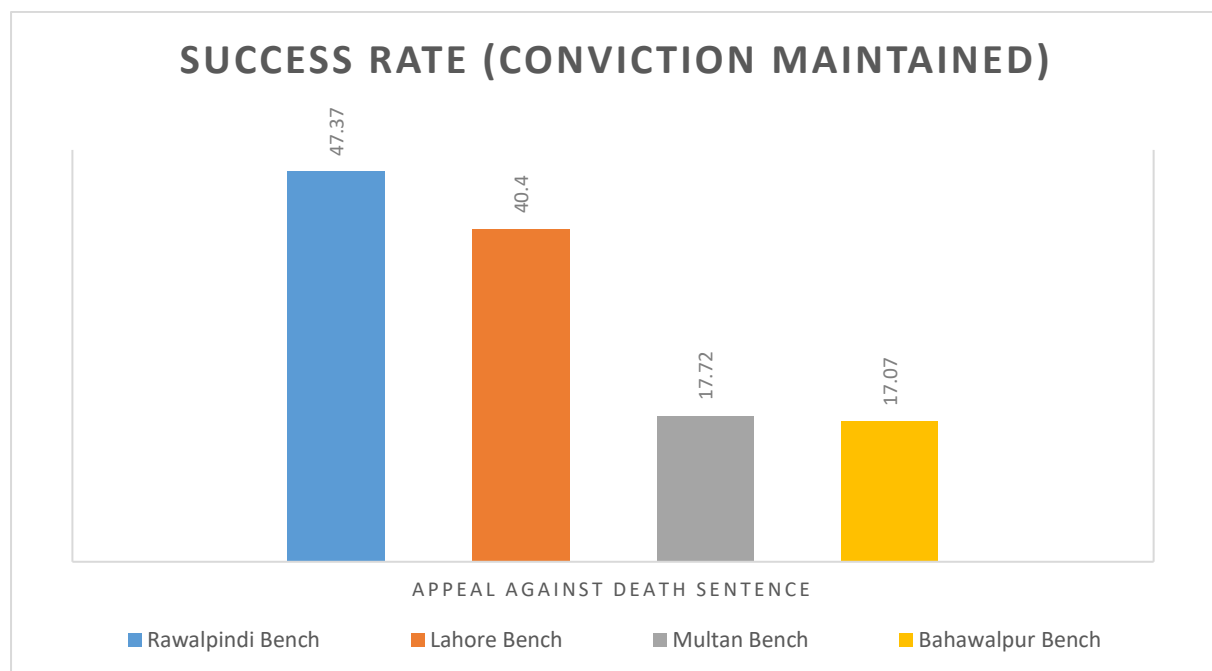


10.4 **CONDUCT OF PROSECUTION (COMPARISON OF BENCHES)**

To assess 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;

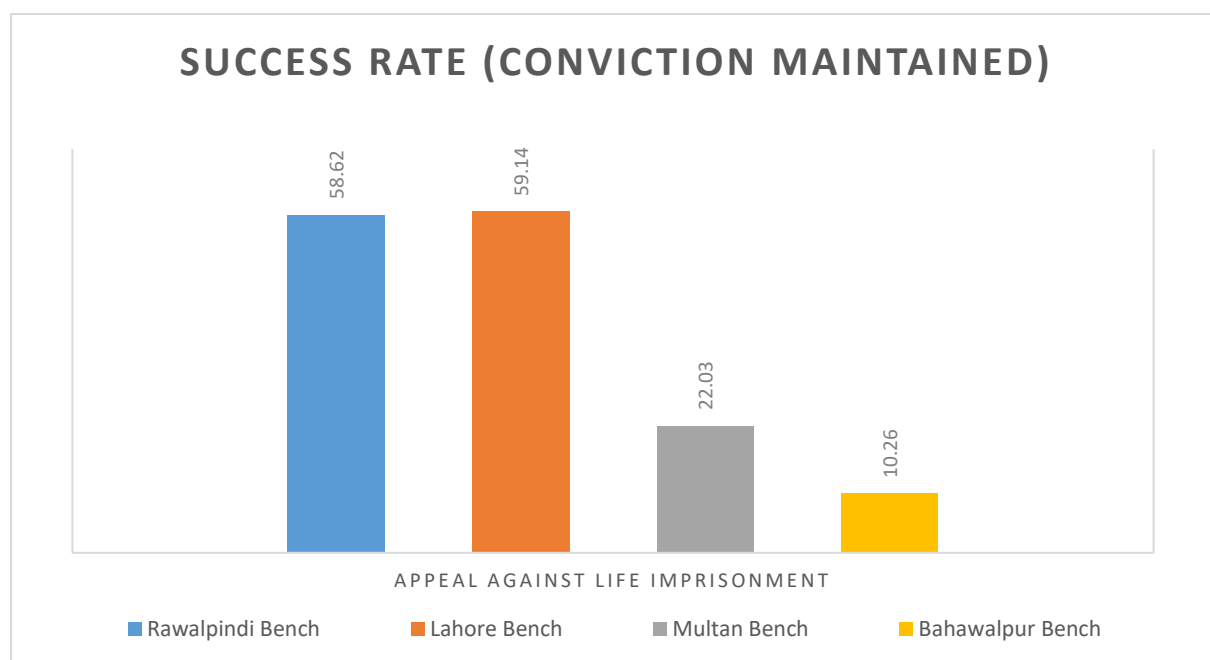
Appeal against Death Sentence		Rawalpindi Bench	Lahore (Principal Seat)	Multan Bench	Bahawalpur Bench
2019	Total Appeals Heard & Decided	57	547	158	82
	Total Appeals resulted into Dismissal (Conviction Maintained)	6	99	3	5
	Total Appeals converted (Conviction modified to lesser degree)	21	122	25	9
	Total Appeals allowed (Conviction set-aside)	30	326	130	68
	Conviction maintained (Ratio)	47.37	40.40	17.72	17.07
	Acquittal (Ratio)	52.63	59.60	82.28	82.93

The comparison depicts that Prosecutors working in Lahore High Court at Rawalpindi Bench performed better and succeeded to maintain the convictions in 47.37% cases whereas the position remained on lower side at Bahawalpur Bench with 17.07%.



Appeal against Life Imprisonment		Rawalpindi Bench	Lahore (Principal Seat)	Multan Bench	Bahawalpur Bench
2019	Total Appeals Heard & Decided	29	394	118	39
	Total Appeals resulted into Dismissal (Conviction Maintained)	17	228	26	4
	Total Appeals converted (Conviction modified to lesser degree)	0	5	0	0
	Total Appeals allowed (Conviction set-aside)	12	161	92	35
	Conviction maintained (Ratio)	58.62	59.14	22.03	10.26
	Acquittal (Ratio)	41.38	40.86	77.97	89.74

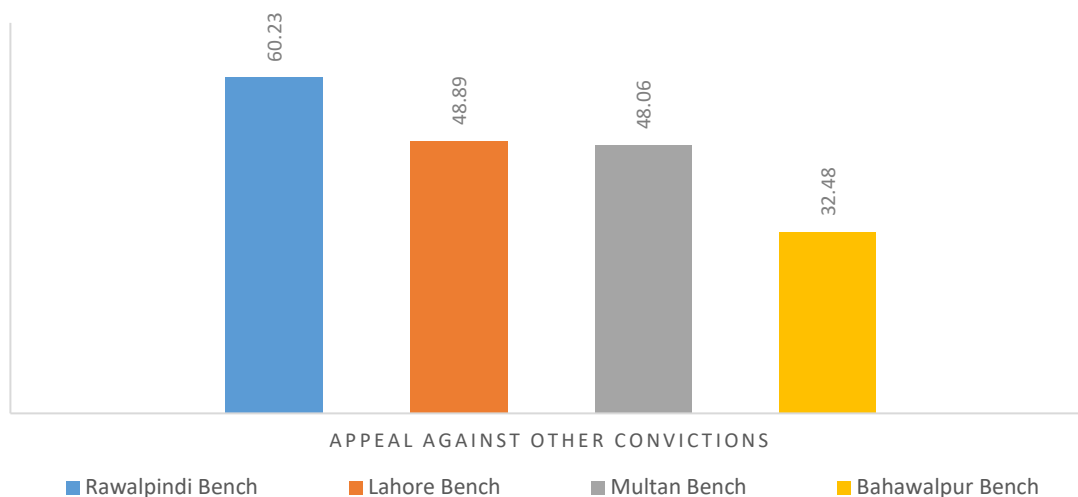
The comparison depicts that Prosecutors working in Lahore High Court at Lahore (Principal Seat) performed better and succeeded to maintain the convictions in 59.14% cases whereas the position remained on lower side at Bahawalpur Bench with 10.26%.



Appeal against Other Convictions		Rawalpindi Bench	Lahore (Principal Seat)	Multan Bench	Bahawalpur Bench
2019	Total Appeals Heard & Decided	518	988	360	234
	Total Appeals resulted into Dismissal (Conviction Maintained)	312	481	170	76
	Total Appeals converted (Conviction modified to lesser degree)	0	2	3	0
	Total Appeals allowed (Conviction set-aside)	206	505	187	158
	Conviction maintained (Ratio)	60.23	48.89	48.06	32.48
	Acquittal (Ratio)	39.77	51.11	51.94	67.52

The comparison depicts that Prosecutors working in Lahore High Court at Rawalpindi Bench performed better and succeeded to maintain the convictions in 60.23% cases whereas the position remained on lower side at Bahawalpur Bench with 32.48%.

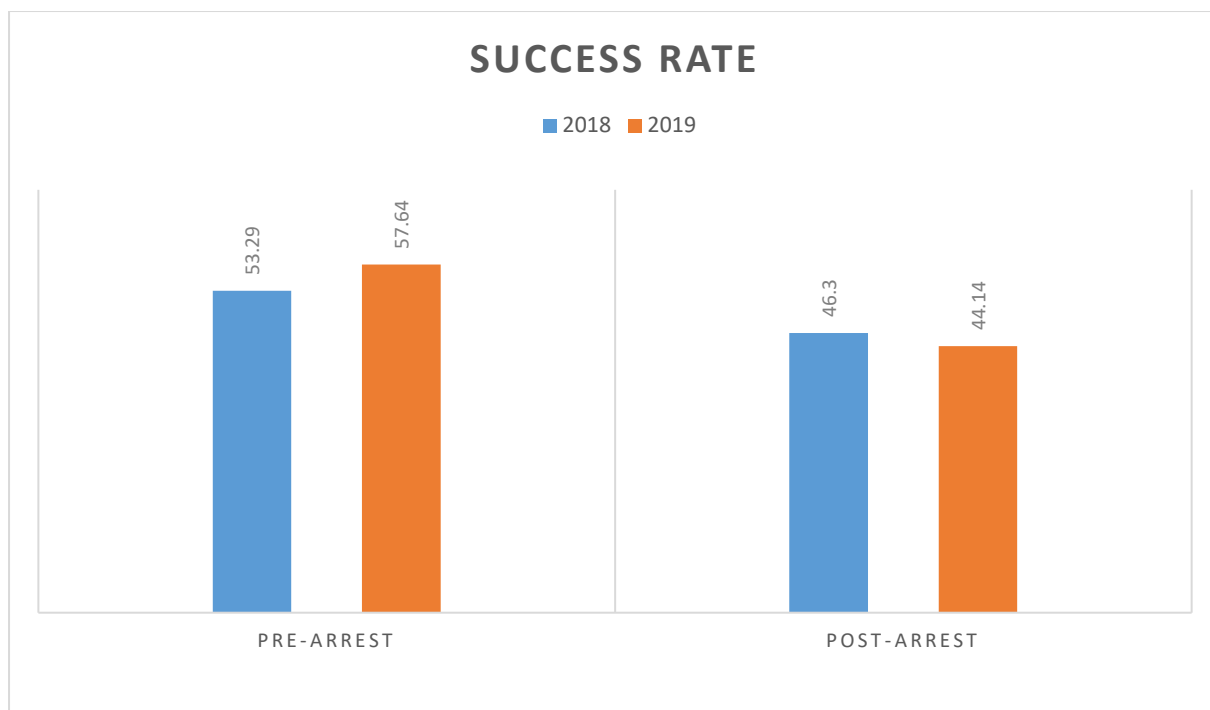
SUCCESS RATE (CONVICTION MAINTAINED)



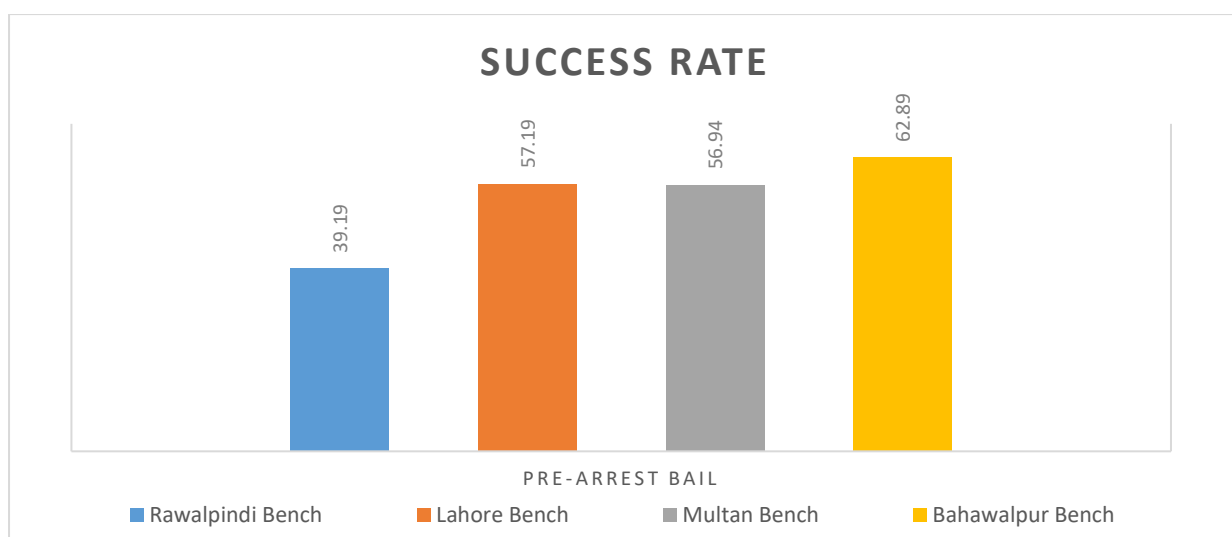
Total Petitions		Pre-Arrest	Post-Arrest
2019	Total Petitions decided	9247	10362
	Total Petitions resulted into Dismissal	5330	4574
	Total Petitions Allowed	3917	5788
	Success Rate	57.64	44.14

Punjab Criminal Prosecution Service succeeded to secure success rate of 57.64% in Bail before arrest & 44.14% in bail after arrest. There was increase of 4.35% in success rate in Bail before arrest whereas there is a slight decrease of 2.16% in bail after arrest as compared to year 2018 as detailed below.

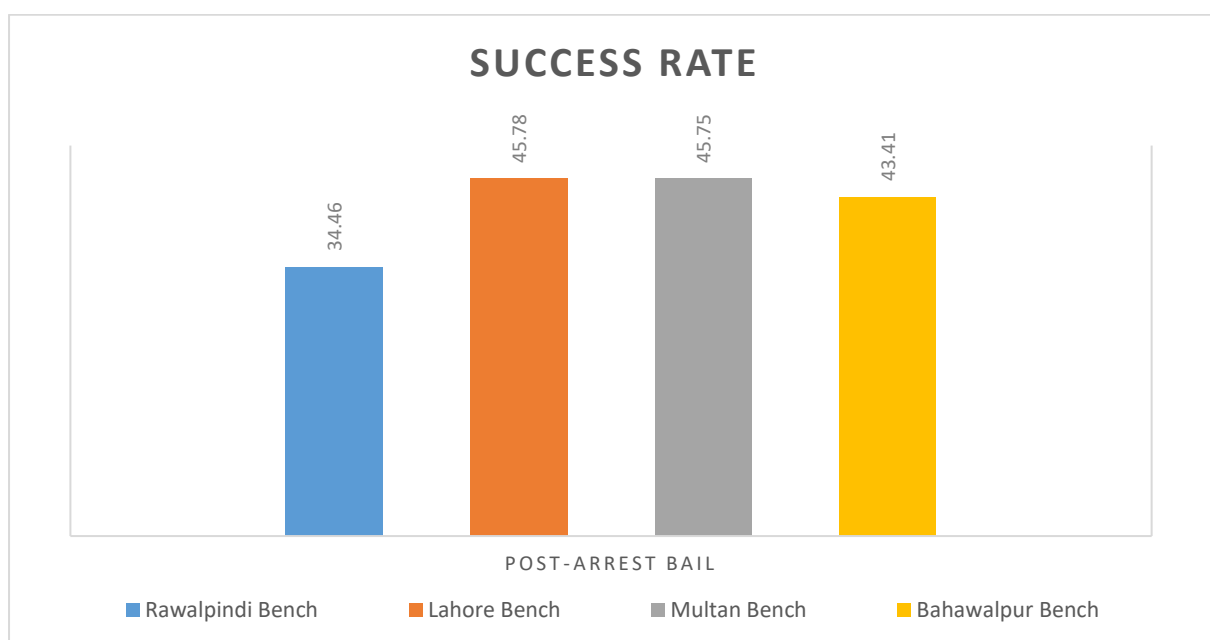
Year	Total Petitions	Pre-Arrest	Post-Arrest
2018	Total Petitions decided	7853	9934
	Total Petitions resulted into Dismissal	4185	4599
	Total Petitions Allowed	3668	5335
	Success Rate	53.29	46.30



Pre-Arrest Bail		Rawalpindi Bench	Lahore (Principal Seat)	Multan Bench	Bahawalpur Bench
2019	Total Petitions decided	74	5318	2947	908
	Total Petitions resulted into Dismissal	29	3052	1678	571
	Total Petitions Allowed	45	2266	1269	337
	Success Rate	39.19	57.39	56.94	62.89



Post-Arrest Bail		Rawalpindi Bench	Lahore (Principal Seat)	Multan Bench	Bahawalpur Bench
2019	Total Petitions decided	1297	5883	2249	933
	Total Petitions resulted into Dismissal	447	2693	1029	405
	Total Petitions Allowed	850	3190	1220	528
	Success Rate	34.46	45.78	45.75	43.41



11 PERFORMANCE OF PROSECUTORS WORKING AT SUPREME COURT

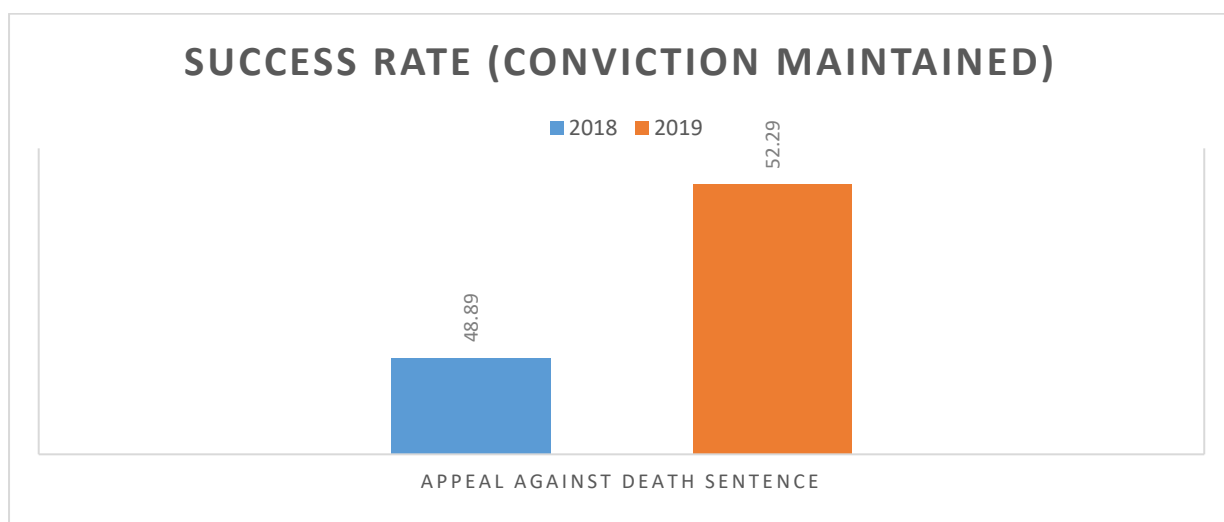
The Punjab Criminal Prosecution Service Conduct Prosecution in criminal cases before Hon'ble Supreme Court of Pakistan. The Prosecutors conducts prosecution on behalf of state in Criminal Appeals filed against Conviction, Bail Petitions (Pre-Arrest & Post Arrest), Criminal Revisions etc. The conduct of Prosecution at August Supreme Court (All benches) during year 2019 has been analyzed and compared with position of year 2018 and found the position as follow:

11.1 APPEAL AGAINST DEATH SENTENCE

2019	Total Appeals heard & decided	109
	Total Appeals resulted into dismissal (Conviction Maintained)	25
	Total Appeals converted (Conviction modified – Lesser punishment)	32
	Total Appeals allowed (Conviction set-aside)	52
	%age conviction Maintained	52.29%
	%age of conviction set-aside	47.71%

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 52.29% cases. There was increase of 3.4% in maintenance of conviction at appellate level as compared to year 2018 which was 48.89% as detailed below.

2018	Total Appeals Heard & Decided	45
	Total Appeals resulted into Dismissal (Conviction Maintained)	3
	Total Appeals converted (Conviction modified – Lesser punishment)	19
	Total Appeals allowed (Conviction set-aside)	23
	Conviction maintained (Ratio)	48.89%
	Acquittal (Ratio)	51.11%

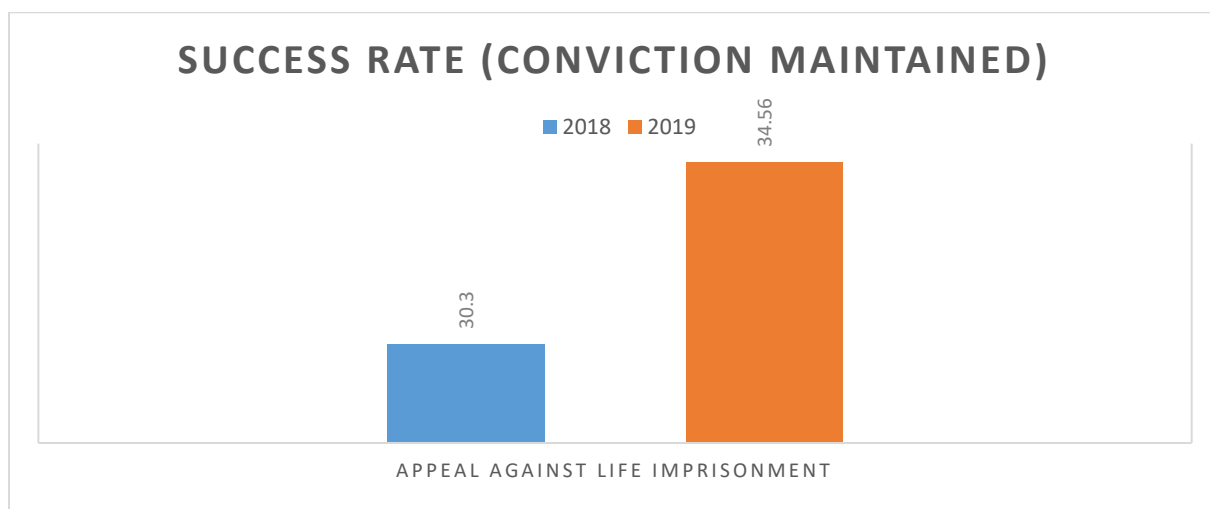


11.2 APPEAL AGAINST LIFE IMPRISONMENT

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

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 34.56% cases. There was slight increase of 4.26% in maintenance of conviction at appellate level as compared to year 2018 which was 30.30% as detailed below.

2018	Total Appeals Heard & Decided	231
	Total Appeals resulted into Dismissal (Conviction Maintained)	70
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	161
	Conviction maintained (Ratio)	30.30%
	Acquittal (Ratio)	69.70%

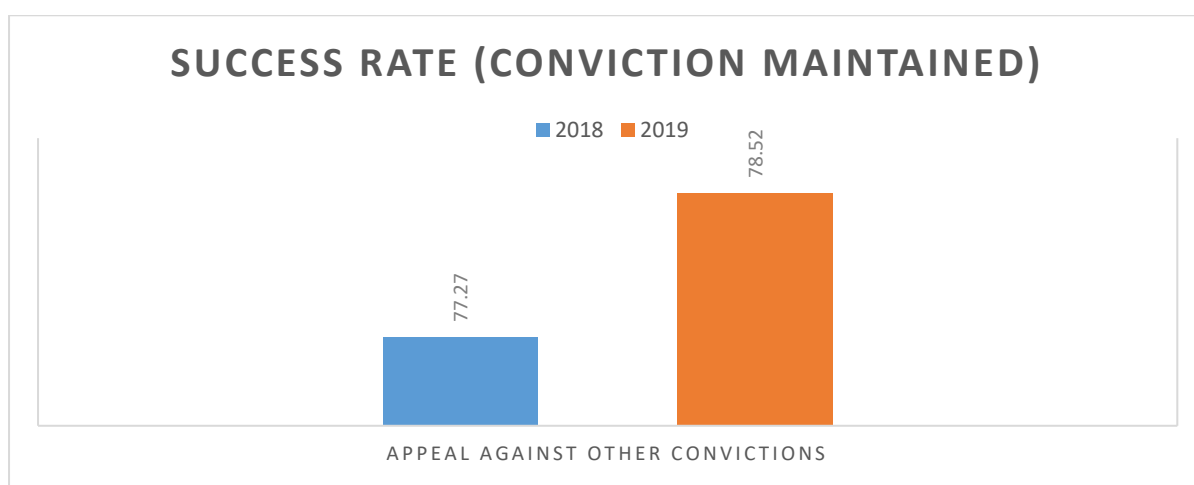


11.3 APPEAL AGAINST OTHER CONVICTIONS

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

Punjab Criminal Prosecution Service succeeded to maintain the conviction in 78.52% cases. There was increase of 1.25% in maintenance of conviction at appellate level as compared to year 2018 which was 77.27% as detailed below.

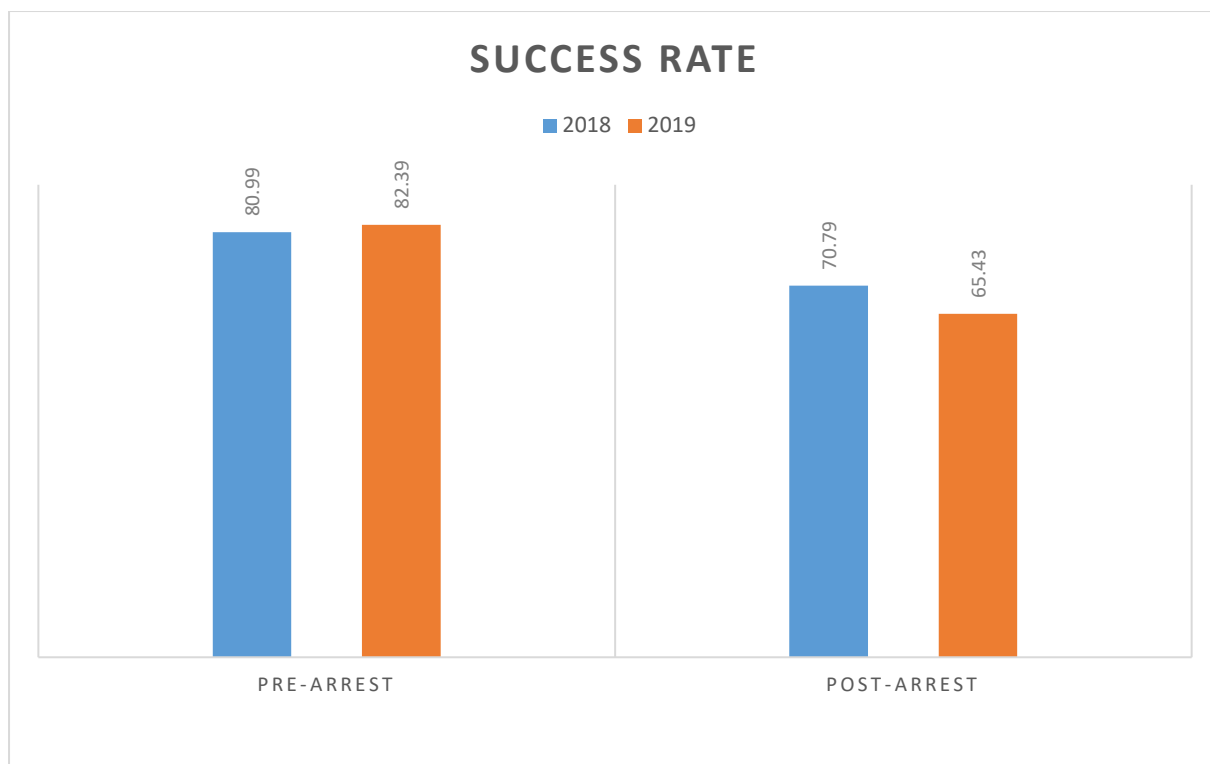
2018	Total Appeals Heard & Decided	66
	Total Appeals resulted into Dismissal (Conviction Maintained)	50
	Total Appeals converted (Conviction modified – Lesser punishment)	1
	Total Appeals allowed (Conviction set-aside)	15
	Conviction maintained (Ratio)	77.27%
	Acquittal (Ratio)	22.73%



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

Punjab Criminal Prosecution Service succeeded to secure success rate of 82.39% in Bail before arrest & 65.43% in bail after arrest. There was increase of 1.4% in success rate in Bail before arrest whereas there is a slight decrease of 5.36% in bail after arrest as compared to year 2018 as detailed below.

Year	Nature of Petition	Pre-Arrest	Post-Arrest
2018	Total Petitions decided	242	315
	Total Petitions resulted into Dismissal	196	223
	Total Petitions Allowed	46	92
	Success Rate	80.99	70.79



12 TRAINING OF PROSECUTORS

The Inspectorate had also made efforts to enhance the capability of prosecutors to conduct internal monitoring at district level and on the directions of Department (PPD), called twenty three (23) prosecutors from thirteen (13) districts of Punjab for duration of one month. The prosecutors called were fully given the orientation to the effect;

- (i) What kind of record is required for Inspection?
- (ii) How to conduct the inspection of prosecutorial record and
- (iii) How to write an inspection report.

The main rationale behind this training was to bridge the gap between prosecutors and inspectors and enable the participants to convey the message to their fellow prosecutors regarding the expectations of Inspectorate during inspection from prosecutors. The list of Prosecutors who attended training with their place of posting is as follow:

SR.NO	NAME OF DISTRICT	NAME OF PROSECUTOR
1.	Muzaffargarh	Muhammad Faheem, ADPP
		Atta-ul-Mustafa, ADPP
2.	Faisalabad	Aftab Ahmad, ADPP
		Sarosh Ali Shah, DDPP
3.	Sahiwal	Azhar Amin, DDPP
		Rai Moazzam Ali Khan, DDPP
4.	Bahawalnagar	Muhammad Zakir Ali, ADPP
		Kamran Zahid Hashmi, ADPP
5.	Vehari	Junaid Safdar, ADPP
6.	Khushab	Abdul Rehman Arshad, ADPP
		Muhammad Omar Mansoor, DDPP
7.	Jhang	Ansar Munir, ADPP
8.	Hafizabad	Mr. Shahbaz Khan, DDPP
9.	Narowal	Muhammad Akhtar Bajwa, ADPP
		Aqeel Ashiq, ADPP
10.	T.T. Singh	Munir Ahmad, ADPP
		Muhammad Asif Sohail, ADPP
11.	Pakpattan	Muhammad Bilal Asim, ADPP
		Khalid Ahmad, ADPP
12.	Sialkot	Waheed Ahmad, ADPP
		Rana Zahid Ghaffar, ADPP
13.	Multan	Muhammad Moamar Qazafi, DDPP
		Husnain Raza Gilani, ADPP

13 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.

13.1 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. Integration with FIR Management System of Police.
2. Police Station values made pre-populated from database of police instead of manually entry by end-user.
3. FIR data (basic information, accused, victim, complainant, witness etc.) enabled to fetch from FIR system of police thus avoiding manual data entry.
4. Accused information is pre-populated in Judgments and Prosecution tabs thus avoiding manual data entry.
5. Centralized repository of prosecutors is maintained in the system.
6. Prosecutor assignment to FIR/Case enabled through selecting pre-populated value from drop down under ‘Prosecutors’ tab.
7. Roles and Rights were implemented across the system to show relevant cases and pages to relevant users only e.g. District Lahore prosecutors should be able to see only Lahore's cases/FIRs.

8. FIR data fetched for accused was populated in Statement u/s 340(2) and u/s 342 Cr.P.C.
9. For already entered FIR in system, error message enabled as “FIR is already entered” with the message “Do you want to view it?” and if user selected ‘Yes’ he/she redirected to specific FIR. If he selected ‘No’, user stay at the same page to continue enter another FIR.
10. When name of an accused is added, it shows throughout the system rather than adding it again in other tabs.
11. Total Case Count and Total Prosecutor Count was added in Main Dashboard/Report.
12. New report was developed to show Prosecutor wise case count / District wise case count / Special Court count.
13. Case count shown on list view and reports were corrected across the system.
14. “OBTJ”, “Case Compounded” and “Disposable Type” report tabs were not visible as before. They were made available.
15. Search Option added in admin role to search users.
16. Option to add/update Employee Id, Designation and District was added in the system in user profile.
17. List view show enabled with information (Full name, Father name, District name & Posted at (name of district where user was is currently posted)).
18. The username switched to CNIC mode instead of names to avoid spelling mistakes.
19. Usernames status introduced as “Active” or “In-active” to avoid usage by un-authorized users.
20. User’s correct CNICs were updated.
21. Dropdown introduced instead of manual feeding of FIR, Incident Details, victims detail etc.
22. Date range filter to search Prosecutor wise case count was included in dashboard. Previously the filter was showing FIRs added within the given date range.
23. Pre-populated information’s were introduced by defining Yes/No or selection of relevant field by click and check option.
24. Place of posting of Prosecutors added for proper identification.
25. Display of district (Current place of posting) displayed on login.

14 PROBE PROCEEDINGS

The inspectorate was also assigned to conduct the probe proceedings in allegations levelled against prosecutors in 14 cases during year 2019. The inspectorate comprehensively conducted the probe proceedings and submitted reports to Administrative Department (PPD) with clear recommendations.

14.1 FACT FINDING IN SOURCE REPORT BY SPECIAL BRANCH

The Inspectorate was required to conduct fact finding inquiry regarding alleged rampant corruption / illegal gratification received by Public Prosecutors and their clerks of prosecution offices vide letter No. SO (E-I)/PPD/01-96/2019-2637 dated 22-08-2019. The inspectorate conducted the fact finding by visiting the concerned districts, interviewing the 113 Police officers and recorded their statements. The PCPSI inquiry teams put the available record and contents of source report of special branch in juxta position and submitted a comprehensive report with following major points.

- ❖ Non-Submission of reports u/s 173 Cr.P.C in cases alleged in source report.
- ❖ Wrong mentioning regarding submission of reports u/s 173 Cr.P.C in court despite that FIR was not registered till the date of inquiry
- ❖ Difference in FIR No's
- ❖ Wrong mentioning of offences in source report as compared to actual offences in FIR.
- ❖ Wrong attribution of Investigation officers with Cases.
- ❖ Wrong mentioning the Name of Prosecutors who scrutinized the reports.
- ❖ Difference as to submission of challan despite such report are pending with police for removal of objections / flaws in investigation.
- ❖ The Investigation officers during course of inquiry totally negated the allegation of giving illegal gratification to any officer/ official of prosecution department.

15 SETTLEMENT OF AUDIT PARAS

Seven (7) audit paras for the financial years 2014 to 2018 were pending in respect of financial matters of Inspectorate. The Inspectorate with extensive efforts succeeded in settlement of three (3) out of total seven (7) advance audit paras in Special departmental Accounts Committee.

16 PREPARATION AND SUBMISSION OF PC-1 FOR CONSTRUCTION OF NEW BUILDING FOR INSPECTORATE.

Currently, the Inspectorate is housed in a rented building. The present building lacks sufficient accommodation to cater the needs of the inspectorate. Further, the annual rent of building approximately 2.1 (M) casts heavy financial burden on the Government Exchequer. To save the government money and for construction of permanent building, the inspectorate prepared the PC-1 for construction of building during year 2019. The proposed scheme “**Construction of Building for the Directorate General of Monitoring & Evaluation, Public Prosecution Department**” was included in ADP 2019-20 at Sr. No. 4598 with total allocation of Rs. 62.603 (M). The PC-1 of the scheme at the cost of Rs. **57.967** million has been approved by the competent authority.

17 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-off promptly within prescribed time limit. The inspectorate received 6 complaints during the year 2019, out of which 4 complaints was not related to this inspectorate and the same forwarded to other concern departments. The breakthrough of complaints received through the portal is as follows:

Total Complaint received on Portal	6
No of Complaints refer to other departments	4
No of Complaint resolved	2
Complaint resolved under stipulated period	1
Positive Feedback from Complainant	50%

18 FUTURE PLANS OF THE INSPECTORATE

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

19 DIGITALIZATION OF INSPECTORATE

To establish computer server to monitor the prosecutorial work like 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. Digitalization of Monitoring Inspectorate will contribute in improvement of transparency and enhancing performance of Prosecution Service.