

ANNUAL REPORT, 2010
Public Prosecution Department

Public Prosecution Department created in 2005, is responsible for prosecution of all criminal cases before Supreme Court to Courts of Magistrates in Sub-Divisions of Punjab.

2. Punjab Criminal Prosecution Service was created in 2006 through The Punjab Criminal Prosecution Service Act, 2006. Its purpose was to establish an independent, effective and efficient Service for prosecution of criminal cases, to ensure prosecutorial independence and for better coordination in criminal justice system of the Province.

3. Prosecution is the third pillar of Criminal Justice Structure. It bridges gap between Police and Judiciary. Mission of the Organization is that "No innocent shall be persecuted but no culprit shall go scot-free"

Strength of Officers

4. The number of Prosecutors available at the strength of the Punjab Criminal Prosecution Service during 2010 sharply varied throughout the year. Contract Officers, 416 in number, appointed temporarily as a stop gap arrangement in 2007 after establishment of the Service, were terminated and 363 officers were recruited through Punjab Public Service Commission (PPSC). Category wise break up is given as under:

OFFICERS TERMINATED / RECRUITED DURING 2010

S.No	Category of officers	Terminated	Recruited through PPSC
1	Additional Prosecutor General	18	09
2	Deputy Prosecutor General	49	24
3	Deputy District Public Prosecutor	56	67
4	Assistant District Public Prosecutor	293	263
	Total	416	363

5. Total available strength at the close of the year was 638 Prosecutors. Out of 638 Prosecutors, 33 Officers were available for prosecution of cases in superior Courts i.e. Supreme Court, Federal Shariat Court and High Court , whereas 605 Officers were available for prosecution of cases at District level i.e. Magisterial Courts, Courts of Sessions and for Special Courts established under special criminal laws like Anti-Terrorism Act, Drug Act, etc. Details are given in the following table:

COURTS / OFFICERS APPOINTED FOR PROSECUTION

CATEGORY OF COURT	NO. OF COURTS / BENCHES	NO OF PROSECUTORS
Supreme Court of Pakistan	6	5
Federal Shariat Court	2	1
Lahore High Court	38	27
Anti Corruption Courts	9	9
Anti Terrorism Courts	14	14
Drug Court	6	6
Environmental Tribunal	1	1
Sessions Court	312	165
Judicial Magistrate	642	410
Total	1030	638

Year of Transformation

6. The year 2010 has been the period of transformation for Punjab Criminal Prosecution Service. Fifty three % of total strength of Prosecutors of the Service was replaced by selectees of Punjab Public Service Commission. Prosecutors of all categories (363) completed the process of selection on merit and are now on the working strength of the Service. This initiative of the Punjab Government is in line with it's commitment to the policy of merit and respect towards verdict of August Supreme Court, titled Naeem Tariq Sanghera vs The Chief Secretary, Government of the Punjab, etc. in which the apex Court directed that all the prosecutors should come through PPSC. The young energetic Officers selected on merit by PPSC are a ray of hope for betterment in administration of criminal justice in the province. The process will

continue in the year 2011 till all the vacant seats to be filled through initial recruitment are filled.

7. With induction of new carrier Officers in the Service, uphill task of their training and reshaping the overall culture of the Service has set in. The new vision of the Service is based on paradigm **“No innocent shall be persecuted but no culprit shall go scot-free”**. We are now committed to empower the prosecutors to make decisions while scrutinizing the criminal cases, on the bases of same paradigm.

Initiatives & achievements

8. Since the task of appointing new prosecutors in the Service is in process, need for training the incumbents remained the top priority of the Service through out the year.

9. During the year 2010, 206 prosecutors have been trained in 10 trainings of different durations. These trainings covered areas like trial advocacy, Police Prosecution Cooperation and Human Resource Management. The trainings have been supported by Punjab Police, Asian Development Bank, U.S. Department of Justice and European Union. Details are as follows:

TRAININGS ORGANIZED IN 2010

Sr. No.	Location	Sponsoring Agency	Duration in days	Subject	Number of Participants
1.	Gujranwala	Police	3	Police Investigation	4 (ADPP+DDPP)
2.	Lahore	Asian Development Bank	5	Prosecutorial Work	26 (ADPP+DDPP)
3.	Lahore	US Department of Justice	5	Trial Advocacy Skills	30 (DPP+DDPP + ADPP)
4.	Lahore	US Department of Justice	2	Police Prosecutors Cooperation	31 (DDPP + ADPP Prosecutors of ATA + APG + Police Personnel)
5.	Rawalpindi	Federal Judicial	6	Prosecutorial	8

		Academy		Work	(ADPP+ DDPP)
6.	Lahore	Punjab Judicial Academy	30	Prosecutorial Work	40 (APG+DPG+ DDPP)
7.	Lahore	GIZ	4 Sessions of 01 day each	Human Resource Management	67 (ADPP+ DDPP)
Total					206

10. A special pre-service training for newly appointed prosecutors had been arranged at Punjab Judicial Academy. This 30 days training covered important aspects of Prosecution like Medical Jurisprudence, Intellectual Property Laws and Communication skills.

11. Contribution of European Union through it's 18 months program, Civilian Capacity Building for Law Enforcement (CCBLE) played a vital role in this crucial phase of the Service and they completed 4 short trainings with 67 prosecutors getting familiar with international best practices in the area of Human Resource Management.

12. CCBLE will continue the training program and they are also assisting the Department in developing Code of Conduct for the Prosecutors and Prosecutorial Decision Making Guidelines to make correct decisions for prosecuting criminal cases. These guidelines will be issued as Prosecutor General Guidelines under Section 10 (1), Punjab Criminal Prosecution Service Act, 2006.

13. Although the Service was practically activated in 2007 but it was not until 2008 that it had sufficient strength of Officers to assist the Courts of law at all levels from Magisterial Courts to the apex Court i.e. Supreme Court of Pakistan. Once the strength of Officers was completed, Prosecutor General decided to place a system of monitoring and evaluation of Prosecutors in place. During 2008, a system of monitoring and evaluation of Prosecutors at all levels was introduced.

14. The work of monitoring at District level was allocated to the Additional Prosecutors General and Deputy Prosecutors General with a Monitoring Committee at the head office level to coordinate the system. Likewise, Proformas for evaluating performance of prosecutors at district level, Supreme Court, Federal Shariat Court, High Court and Anti-Terrorism Courts were devised by the head office.

15. During the year 2010, it was felt that not only the monitoring system has failed to work but also the information in the Proformas for Districts was either overlapping or had inadequate information to reflect true performance of the Prosecutors at District level. Therefore, it was directed by administrative department to activate Provincial Coordination Committee and create Provincial Coordination Center on 15.11.2010. As a result the Committee and Center were established and made functional in Prosecutor General Office w.e.f. 13.12.2010. These two organs are established in the Service to give effect to the underlying spirit of Punjab Criminal Prosecution Service Act, 2006 given in its preamble i.e. to establish an independent, effective and efficient service for prosecution of criminal cases. Provincial Coordination Committee is constituted to finalize draft regulations on issues like Code of Conduct under Section 17 of PCPS Act, 2006, guidelines on prosecutorial decision making, effective reporting formats, job description and performance indicators for the prosecutors, etc. Provincial Coordination Center on the other hand is established to act as a source of flow of information and data pool of the Service. After the establishment of Provincial Coordination Center, Regional and District Coordination Cells are established with all Superior Courts, Special Courts and District Courts to complete the networking and smooth flow of information between the head office of the Service and its sub-offices.

PROSECUTION IN COURTS

16. The department has struggled harder than before to get criminals and delinquents convicted. Criminals involved in barbaric crimes like terrorism, multiple murders, decoity, abduction for ransom, sectarian violence, acid throwing and possessing explosive material have been taken to task by securing capital punishment against them. Details are as under:

i) Anti-Terrorism Courts

Terrorism is a challenge for the nation and Prosecution department has taken this challenge. During the period from 01.01.2010 to 31.12.2010, in total 789 cases of Anti-Terrorism were decided out of which 380 cases had been contested and decided on merit through out Punjab. Out of these, 268 cases resulted in conviction. The convictions include high profile cases of heinous nature like terrorism, bomb blasts, explosive material, sectarian violence, multiple murders and abduction for ransom. In conviction cases, 172 terrorists were awarded death punishment and 205 were awarded life imprisonment. Total 112 cases resulted in acquittal on merit against which Department has preferred appeals in Lahore High Court. Success rate in all contested cases and decided on merit is 71%. Details are as follows:

Total Convicted Cases	268	(71 %)
Total Acquitted Cases	112	(29 %)
Total Decided Cases	380	

No. of Accused Convicted to Death	172
No. of Accused Convicted to Life Imprisonment	205
No. of Accused Convicted Other Than Life Imprisonment	160

ii) Further details of ATC cases are given as under;

ANTI TERRORISM CASES

Balance on 01/01/10	Fresh institution	Total Cases	Acquittal		Contested		Total Decided	Consigned/ Transferred to Ordinary Courts	Pending on 31.12.2010
			Compromise in compoundable cases	Witnesses resiled due to compromise outside the Court	Acquitted	Convicted			
469	885	1354	17	392	112	268	789	219	346

TRANSFER OF CASES

17. During the year 2010, Anti-Terrorism Court, Dera Ghazi Khan transferred 25 cases of Abduction for ransom to the Courts of ordinary jurisdiction without assigning cogent reasons. This act was challenged by the Prosecutor General in writ jurisdiction of Lahore High Court and the Hon'ble Lahore High Court declared the order of ATA Court, D.G.Khan's illegal and transferred the cases back to the Anti-Terrorism Court.

CASES OF ACID THROWING

18. As an achievement, the Prosecution Department has successfully brought the cases of acid throwing from the domain of ordinary crime to an act of terrorism under Anti-Terrorism Act. The Department issued a circular, passing instruction to all concerned prosecutors to add Section 7, Anti-Terrorism Act, 1997 in cases of acid throwing. The circular was challenged before Hon'ble Lahore High Court but the Hon'ble Court graciously upheld the view of the Department.

19. During the year, two cases of acid throwing had been tried and convicted under Section 7, Anti-Terrorism Act, 1997, details of which are given hereunder:

i). Accused Muhammad Saddique was convicted and sentenced for 20 years R.I. for throwing acid and injuring Mst. Maqsood Mai in case FIR No. 254/2009, P.S. Saddar, Lodhran by Anti-Terrorism Court. The convict was also fined Rs. 100,000/- and was ordered to pay an additional amount of Rs.551,300/- as Arsh to the victim.

ii). In another case registered as FIR No.991/2009, P.S. Saddar Layyah was decided by ATC Lahore in which accused Shabbir Ahmad was convicted and sentenced for 10 Years R.I along with fine of Rs. 50,000/- for throwing acid and injuring a lady namely Ghoshi Bibi.

OTHER CONVICTIONS

20. Some cases of conviction in other categories decided by Anti-Terrorism Courts in Punjab during 2010 are as under;

- i). Nasir Abbas was convicted and sentenced to death on 19 counts in a multiple murder case by ATC Faisalabad in FIR No.537/2009, P.S. Razabad, Faisalabad.
- ii). Altaf Hussain and six others were convicted and sentenced to death on four counts with compensation to victims for snatching cash, mobiles and wrist watches while injuring three persons, by ATC, Faisalabad in case FIR No. 530/2008, P.S. City Jaranwala.
- iii). Suleman Khan was convicted and sentenced to death on four counts for kidnapping a minor girl and committing her murder after committing sodomy by ATC, Lahore in FIR No.329/2010, P.S. Ferozewala, Sheikupura.
- iv). In famous Sargodha case, FIR No.649/09 , P.S.Cantt., Sargodha, five American citizens were convicted for conspiracy to attack sensitive installations in Pakistan in which prosecutors made relentless efforts and succeeded in securing 14 years R.I. and brought good name for the nation as well as department.
- v). In R.A. Bazar Bomb Blast case FIR No.645/07, P.S. R.A. Bazar, Rawalpindi, terrorists attacked ISI bus at Qasim Market, Rawalpindi in which two accused were convicted and sentenced to death on 20 counts with fine of Rs. 7.7 Million.
- vi). In Wah Cantt. Suicidal attack case (FIR No. 556/2008, P.S. Wah Cantt.), 69 people died as a result of suicide attack. Suicide jacket of one of the terrorists Hameed Ullah could not explode and he was apprehended at the spot. He was prosecuted successfully and sentenced to death on 69 counts with forfeiture of his property.
- vii). Abdul Basir, etc. were convicted and sentenced for life for possessing grenades, detonators, etc., by ATC, Lahore in case FIR No.213/2010, P.S. Shahdra, Lahore

21. Despite these hectic efforts of securing death penalties against the terrorists, there are more than 300 cases death sentence including cases of terrorists which are

decided up to Supreme Court of Pakistan but mercy petitions in these cases are pending before the President of Pakistan.

District Courts

22. In last 12 months, despite drastic changes in the strength of Officers in the Service, it has tried to secure maximum convictions against the actual criminals and scoundrels in Sessions and Magisterial Courts. Total 177264 cases have been decided by **Lower Judiciary** (Sessions Courts and Magisterial Courts). Out of the total number of cases, 65479 have been decided on the basis of compromise between parties or resiling of witnesses, whereas 111,785 cases were contested by Prosecution and Defense side and then decided. The contested cases resulted in 86297 convictions and 25488 acquittals. Success rate is 77%. In conviction cases, 1034 convicts were awarded death penalty and 916 were awarded life imprisonment. Details are as under:

DISTRICT COURTS CASES

Consigned Cases Where cases are filed for the time being and will stand reopen when evidence is available	Cases Consigned U/S 512 Cr.P.C. by Police in Register No.4	56373
	Cases Consigned U/S 512 Cr.P.C. of Court Absconders	117142
	Cases consigned U/S 249 Cr.P.C. where no evidence was produced	43139
	Total Consigned Cases	216654
Uncontested Cases Cases Decided but not Contested	Cases of Acquittal on Compromise of Parties before the Courts	33851
	Cases of Acquittal U/S 265-K Cr.P.C. where witnesses resiled as a result of out of court compromise in Sessions Courts	4741
	Cases of Acquittal U/S 249-A Cr.P.C. where witnesses resiled as a result of out of court compromise in Magisterial Courts	26887
	Total Uncontested Cases	65479
Cases Contested and Decided	Cases of Acquittal	25488
	Cases of Conviction	86297

Cases decided after Contest by Prosecution and Defence side	Cases Contested and Decided	111785
	Success Rate %	77%

Superior Courts

23. In Hon'ble Lahore High Court, in all contested cases, success rate of prosecution was recorded as 66 % and in August Supreme Court of Pakistan the success rate was recorded as 84 %. Detailed figures on working in Supreme Court and High Court are given below:

SUPREME COURT OF PAKISTAN

Nature of Cases	Total Decided	Dismissed	Dismissed as Withdrawn	Compromised	Allowed	Success Rate %
Petitions Against Conviction (Death, Life Imprisonment and Other Sentences)	605	507	2	2	94	84%

LAHORE HIGH COURT APPEALS AGAINST CONVICTION

Total Appeals Decided	Appeals Dismissed in which Death Maintained	Appeals Dismissed where Death Converted into Life Imprisonment	Appeals Allowed due to Compromise	Appeals Allowed after Contesting the Case	Total Decided on Merit	Success Rate %
1796	446	623	174	553	1622	66%

Special Courts

24. Prosecutors are attending Courts and Tribunals established under special laws containing penal provisions. These Courts other than Anti-Terrorism Courts are Anti-Corruption Courts, Drug Courts, Consumer Courts and Environmental Tribunal. Courts of Special Judicial Magistrates dealing with price control, weights and measures, food adulteration, essential commodities and hoarding were not attended by the prosecutors previously. Data, however, for all these Courts and Tribunal was not available with Prosecutor General Office. Focus on public oriented issues of the present Government especially like Price control, hoarding, weights and measures and food adulteration, enabled the Service to streamline proper record keeping in Prosecutor General Office. Detail such cases are given below:

SPECIAL COURTS IN PUNJAB

Courts/Category	Cases Decided After Contest	Convicted	Success Rate %
Price Control	3001	2879	96%
Essential Commodity	87	78	90%
Adulteration of Food Items	559	421	75%
Weights & Measure	943	710	75%
Hoarding	33	27	82%
Drug Court	1271	1211	95%
Consumer Court	1126	284	25%

On-job Capacity Building Measures

25. Prosecutor General Office in close liaison with administrative department has developed prosecutor check lists for preparation of their cases. These check lists are developed especially for district prosecutors as they have the most pivotal role in prosecution of cases. They not only have to guide and advise police during investigation to make case trial worthy but have to assist the Court through out trial. These check

lists are both in English and Urdu language so that police I.O. can also benefit from these documents.

Streamlining Appeal work

26. According to the Punjab Criminal Prosecution Act, 2006, if a prosecutor considers that less punishment is given to an accused as result of trial against him or the Court has acquitted the accused while there was sufficient evidence against him, the prosecutor can file revision petition or appeal against decision of the Court. Likewise state can go into appeal against the decision of the High Court. The Prosecutor General Office is responsible for getting sanction of the Government to file state appeal in High Court or Supreme Court. The appeal work despite its importance was not properly streamlined in the Office of Prosecutor General. A four member Appeal Committee has been constituted at Prosecutor General Office to examine all cases of appeals and forward it for sanction of the Government. The Committee has become functional from 15.10.2010

Police Prosecution Relations

27. Police and prosecution are two vital components of criminal process. At administrative stage of criminal process, police is responsible for investigation of the case and prosecutor is responsible for scrutinizing the police case and forwards a trial worthy case to the Court for trial. Thus prosecutor acts as a filter for criminal case and has graver responsibility of deciding whether there are chances of conviction in the case or not. In this context prosecutor has an advisory role in police investigation to ensure trial worthiness of police findings. Prosecutor General Office has a policy of cooperation with Police Service in Punjab. This policy is fully supported by the administrative department. Towards this end 04 Police-Prosecution Conferences have been held at the highest level during 2010. These conferences have trickling effect at the grass root of both police and prosecution department. Detailed guidelines to police and prosecutors for ensuring better co-ordination and collection of evidence were disseminated at the grass root level to enhance quality of investigation.

National and International Events

28. Prosecutor General Office regularly participated in National and International events on prosecution related issues. Some of these events are;

- i) National Judicial Conference, 2010
- ii) Workshop on International Co-operation in Criminal Matters , Astana, Kazakhstan, 2010
- iii) National Conference on Counter Terrorism, Islamabad, 2010

29. Prosecutor General has regularly contributed with input to the issues involving prosecution, whether raised by the Federal Government or foreign agency like British High Commission. Some of these issues addressed by Prosecutor General Office are Ratification of International Conventions, issue of Witness Protection under Pakistani Law or issue of jurisdiction in extradition of criminals from foreign land to Pakistan.

30. As compared to previous years, Prosecutor General Office has made a wider interaction with international institutions on matters of professional expertise and exchange of information. These institutions/organizations included United Nation Organization on Drugs and Crimes, United States Department of Justice, Asian Development Bank and European Union.

Policy of merit and accountability

31. The department has the policy of rewarding honest and diligent officers and officials and admonishing the idle and easy-goers. Officers and officials are rewarded in shape of honorarium for their extra input in their work throughout the year.

32. On the contrary Prosecution Service has drive for meaningful accountability. Cases of complaints against Officers have been forwarded to the administrative department with stringent recommendations where there was sufficient evidence of involvement of the Officer in malpractices. Likewise complaint cases of officials of grade 1 to 15 are dealt at Prosecutor General Office.

Budget

33. The Public Prosecution Department has been allocated budget of more than Rs. 1 billion for the year 2010-2011 out of which Rs. 500 have been utilized. An amount of Rs. 300 million is expected to go unutilised as it is meant for the salaries of prosecutors yet to be recruited.

Infrastructure

34. Punjab Criminal Prosecution Service has 36 District Public Prosecutors at District Head Quarters, 84 Sub-Divisional Offices at Tehsil Level, Four Regional Offices for Supreme Court, Federal Shariat Court and three Benches of Lahore High Court at, Bhawalpur, Multan and Rawalpindi, One Camp Office for Lahore High Court, Lahore and Prosecutor General Office at Lahore. All the Offices are on rent or borrowed. Furniture has also been mostly borrowed. Detail of infrastructure in districts and sub divisions of Punjab is as follows:

District Offices		36
Sub Divisional Offices		84
Status of Buildings	Rented	17
	Owned	-
	Borrowed	81
Computers		45
Printers		42
Fax machines		12
Telephone connections		41

35. Problem Areas/Way forward

i) Prosecutor General Resignation

Syed Zahid Hussain Bukhari, Prosecutor General Punjab resigned from his office on 01.11.2010. Since then, Office is vacant, posing serious hurdles in smooth running of the Service. There is a dire need for appointment of Prosecutor General without delay.

ii) Lack of Infrastructure

The Department with extensive set-up through out Punjab, lacks the proper infrastructural facilities which is adversely effecting proper working of the Administrative Department as well as Officers in the field raising serious efficiency issues. Being a newly developed Department, this issue has to be resolved as a special case by the Government.

iii) Prosecution matters

Weak District Prosecution: Senior Inductees from Law Department posted as DPPs have retired or are about to retire. Their proximity of exit has effected their efficient working as supervisors of the District. On the Other hand existing strength is short of sanctioned strength, increasing work load on existing Officers. Existing strength of officers at district level is forty nine percent short of sanctioned strength. There is need for revitalizing the District tier by capacity building of the new appointees and raising leadership amongst them. Pre-Service and In-Service trainings are in offing during the year 2011.

iv) Code of Conduct for the Prosecutors

This statutory document is yet to be finally drafted by the Prosecutor General office and approved by the Government. Special instructions have been given by the administrative Department to Prosecutor General Office to finalize the Code and forward it for approval.

v) Prosecutorial Decision Making

This aspect relates to the very reason why a separate and an independent Prosecution Service is created and which aspect remained unattended up till now since its creation. It is most crucial of the capacity of a Prosecutor for his effective contribution in administration of criminal justice. Prosecutor General Guidelines on the subject are in the making with implementation plan.

vi) Police Prosecution Cooperation

This aspect needs both clear cut procedural clarity in creating a relation based on partnership and issues of capacity building and individual initiative at the lowest level. The efforts are reflected in four Police – Prosecutor Conferences at the highest level of both Services during the year that has a trickling effect but is still a far cry due to slow pace of change process. The Department intends to regularize these relations by setting common Standard Operating Procedures for both Police and Prosecutors.

vii) Increased reliance on Scientific and Forensic Mode of evidence

The weakness of direct mode of evidence widely in vogue in local criminal justice system has crippling effect on achieving the ends of justice. This aspect is sharply creating a trust deficit in the public at large. The Government of Punjab's state of art project of Forensic Science Lab., is a ray of hope for the future of effective criminal administration of justice and the Department keeps a keen interest in benefiting from the facility by both properly advising police to effectively utilize the facility during investigation as well as relying on this mode in Court proceedings. Once it is ready and operational, the Department will get the Prosecutors trained from the Experts of the FSL.

viii) Witness related issues

Resiling of witnesses is on rise due to lack of coordination between Police and Prosecutors. This is one of the capacity building issues in designing future training program for the Prosecutors to deal with witness handling.

ix) Performance Evaluation mechanism

Being a new set up Prosecution Service is lacking basic performance evaluation indicators. This aspect will be seriously perused during the coming year i.e. 2011. The department plans to develop job description and key performance indicators for Prosecutors of all categories along with setting Standard practicing procedures in and outside Courts and record keeping for case proceedings.

x) Defective Process Serving

This issue is also playing role in weak administration of criminal justice system. There is need to effectively addresses the process serving in criminal cases.

xi) Role of Directorate of Inspection

In order to keep a check and balance policy effective, Directorate of Inspection is a vital organ but due to paucity of staff is still not in proper working conditions. Efforts will be made to make up shortage.

xii) Improved system of accountability and reward

The old policy of stick and carrot is effective but is presently lacking in the Department. The mechanism is being planned to be set in motion in future.

PROSECUTOR GENERAL (Acting)