

C.No. 16(7-3)

DETERMINATION OF SUCCESSOR COURTS

I am directed to refer to the subject noted above and to say that the determination of successor courts, both civil and criminal, becomes a maze, both for litigants as well as the Courts, when the original Court is abolished due to administrative expediencies. This problem has multifaceted complications like the allocation of cases when *remanded* back, execution of orders, maintenance of record of the abolished Court, review proceedings, proceedings u/s 12(2) C.P.C and the like. The law has an in-built mechanism for overcoming the problem which is rarely resorted to. Section 559 of Criminal Procedure Code, 1898 clearly lays down that Sessions Judge of a Session division shall determine by order in writing the Court that shall be deemed to be successor in office in such situation. Similarly, section 15 of West Pakistan Civil Courts Ordinance, 1962 fully empowers a District Judge to distribute cases amongst the Civil Courts which power does encompass the determination of successor Civil Court for the above mentioned purposes. Such determination of successor courts shall alleviate the agonies of litigants public and shall also be helpful in smooth administration of the Courts. It is, therefore, desired that whenever a Court (Civil or Criminal) is abolished, the District & Sessions Judge should invariably determine the successor Court in writing.

This directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No.3257-3281/Admn Dated Peshawar, 02nd March, 2010)

C.No. 17(7-3)

CHECK ON REMAND OF CASES BY THE DSJs/ADJs

I am directed to say that the monthly, fortnightly and DPR statements reflect the figures of remand and restore cases causing increase in the category of Oldest and Old Cases. This practice, if continued, would cause more backlog under different categories of cases and we would not be able to wriggle out of such figures. The ultimate goal in clearing the backlog under different categories as enshrined in National Judicial Policy would, therefore, cannot be achieved. It is also reported and observed that many Judicial Officers are in habit of Remand of the Cases without any valid reasons and without resorting to the remedial measures to be adopted by themselves to cure the lacunas/shortcomings, if any, in the Orders/Judgments of Civil Courts. This practice, need to be shunned as far as possible.

Nonetheless, even if it inevitable to remand the case, the reason for the same should be clearly mentioned and copy of the Orders/Judgments specifying the reasons be sent to tis office, on the same day of passing such Orders/Judgments which fact also be mentioned in the said Orders/Judgments.

(PHC Letter No. 1978-2001/Admn, Dated 23rd February, 2013)

**SECTION-IV
INTERIM INJUNCTION**

C.No. 1(7-4)

ISSUANCE OF STAY ORDER

It has been brought to the notice of the Chief Justice that at time's Civil Courts issue stay orders/ ad-interim injunctions to the Government Departments as respects transfers to Civil Servants from one station to another. This, in the view of his Lordship the Chief Justice, is highly indiscreet. Transfer is one of the incidents of service and discretion of the Departmental Authorities shall have to be conceded in the public interest.

(PHC letter No. 1223-73/ Dated Peshawar, the 3rd February, 1979)

C.No. 2(7-4)

SPEEDY DISPOSAL OF EXECUTION & OTHER CASES

I am directed to say that it has come to the notice of the Chief Justice and Judges that subordinate courts are in the habit of giving stay orders in execution and other proceedings by flouting the orders/instructions, issued for implementation from time to time by this Court with the result that decree-holders and parties suffer badly due to the lingering of the litigations. The Chief Justice and Judges have strongly deprecated this practice.

I am, therefore, to request that the aforesaid instructions must be complied with, in letter and spirit, in future.

(PHC letter No.5133-202/Admn: Brh: Dated Pesh: the 24th April, 1982)

C.No. 3(7-4)

ISSUANCE OF STAY/STATUS QUO ORDERS

In continuation of this Court's letter No. 12261-2331, dated 19.11.1979 and No.4950-5019, dated 18.05.81, I am directed to say that it has come to the notice of this Court that Stay/Status quo orders are frequently issued by the Civil Courts in matters relating to terms and conditions of civil servants. The civil Courts some time ago had the jurisdiction to deal with service matters of the civil servants but after the promulgation of the N.W.F.P Civil Servants Act 1973 and the N.W.F.P. Service Tribunals Act, 1974, the

jurisdiction of the civil courts is absolutely barred. Sub-Section 2 of Section 3 of the N.W.F.P. Service Tribunals Act 1974 reads as under:

“A Service Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of Service of Civil Servants including disciplinary matter.”

I am, therefore, directed to stress upon all the subordinate courts to be careful and refrain to deal with the case relating to the terms and conditions of Civil Servants in future. Moreover, the instructions contained in the above referred letters being self-explanatory and detailed in nature shall also be strictly followed in letter and spirit. In future serious notice would be taken in cases of wrong assumption and illegal exercise of jurisdiction.

(PHC letter No. 10507-10576Admn: Brh: Dated Pesh: the 30 April, 1983)

C.No. 4(7-4)

INTERIM INJUNCTION/STATUS QUO

I am directed to address you on the subject and to say that it has come to the notice of Hon’ble the Chief Justice that Orders of interim injunction/status quo are passed by the Civil Courts in fiscal matters, involving Government revenues, admission in educational institutions, transfer of public servants and other developmental activities in a mechanical fashion without first application of mind to the question of jurisdiction. Needless to say that determination of the question of jurisdiction precedes all other questions in a civil matter. The Order of interim injunction/status quo, without determining the point of jurisdiction, are not only exposing the judiciary to ridicule but is also tarnishing its image in the general public.

2. You are well aware that of late judicial activism is in sharp focus at all levels, which simultaneously places heavy responsibility on the judicial officers to behave in a responsible and judicious manner. It is indeed in the interest of the institution that judicial officers resist the temptation of passing the orders at random and in favor of a party on considerations other than merit.

3. I am further directed to say that whenever an interim injunction/status quo is granted in the aforementioned matters, it shall be the duty of the presiding officer to expeditiously dispose of the matter and curb unnecessary adjournments. Any deviation henceforth will be seriously viewed.

(PHC letter No. 9898-4997/ Admn:Brh: Dated Peshawar the 17th June,1997)

C.No. 5(7-4)

INTERIM INJUNCTION/STATUS QUO

I am directed to invite your attention to this Court's letter No. 9898-4997 Admn. Brh. Dated 17th June, 1997 on the subject noted above and to say that complaints are still pouring in showing mechanical grant and unnecessary continuation of interim injunction/ status quo Orders in cases involving fiscal matters, Government revenue, admissions in educational institutions, transfer of public servants and other developmental activities in total disregard of the legal provisions on the subject. It may be emphasized once again that grant and continuation of stay Orders in the above matters in a thoughtless fashion is exposing judiciary to unsavory criticism.

2)- Hon'ble the Chief Justice has taken a serious view of this unwarranted practice and has been pleased to direct that it should be reiterated that whenever an interim relief is granted in regard to the aforementioned matters, it shall be the duty of the Presiding Officer to dispose of the case on priority basis, failing which he will make himself liable to appropriate disciplinary action.

(PHC letter No. 10221-10370 Admn Dated Pesh: the 27th October, 1999)

C.No. 6(7-4)

INDISCRIMINATE GRANT OF INJUNCTION AND STAY ORDERS BY THE SUBORDINATE COURTS

I am directed to say that indiscriminate grant of injunctions and stay orders by the subordinate Courts is not only causing delay in the disposal of cases but also hardships to the litigant parties.

2. It may be observed that Order 39 Rule 3 of the Code of Civil Procedure enjoins that the Court shall, in all cases, before granting injunction, direct notice of the stay application to be given to the opposite party and this Rule further provides the period of notice in the case of Government. Rule 4-A of the aforesaid order also limits the effect of injunction in matters connected with public revenues to a period of six months.

3. Consequently, the above provision of law must be strictly adhered to so as to alleviate the sufferings of the litigant parties and effort should be made to dispose of such cases as early as possible by giving short dates.

4. I am accordingly to urge the Judicial Officers in the Province to implement the above directive in letter and spirit as any deviation from the relevant provisions of law, judgments of the superior Courts and instructions of this Court will be seriously viewed, and the defaulting officers may expose themselves to appropriate disciplinary action under the relevant rules.

(PHC letter No.3647-3846/ Admn: Dated Peshawar the 4th July, /2001)

C.No. 7(7-4)

UN-NECESSARY ADJOURNMENTS IN STAY MATTERS

I am directed by the Hon'ble Chief Justice to say that in spite of repeated directions to curb the tendency of granting unnecessary adjournments in those cases in which stay has been granted in favor of a party, complaints are still pouring in from different quarters suggesting mechanical adjournments and extension of the stay orders even beyond the period permissible under the law. This practice on the part of some Judicial Officer is not only exposing the judiciary to unsavory criticism but also eroding its credibility in the eyes of general public.

2. In order to check the uncalled for tendency and taking necessary action against those Judicial Officers who are responsible for flouting clear legal provisions, the following information be supplied to this Court at an early date:

- i- How many adjournments in cases in which stay has been granted have been given in the last six months?
- ii- How much cost is imposed in such like cases, particularly for the second adjournment and what are the reasons for not imposing heavy costs?
- iii- In how many cases stay orders have been extended beyond six months and what reasons have been recorded in writing for such extension?

3. I am further directed to say that in future copies of stay Orders extended beyond six months be invariably sent by Civil Courts in the District, through District and Sessions Judge to this Court for further necessary action.

(PHC letter No.6295-6316 / Admn: Dated Pesh: the 19th September, 2001)

C.No. 8(7-4)

DISPOSAL OF APPLICATIONS FOR TEMPORARY INJUNCTION

Complaints are pouring in regarding delay in disposal of applications for temporary injunction and mechanical extension of status quo orders by Courts. Needless to say that such practice defeats the ends of justice and erodes public confidence in the Courts. Hon'ble the Chief Justice has been pleased to direct that, while granting status quo, spirit of the law be strictly adhered to and, if granted, the application for temporary injunction be disposed of promptly, on merits and according to law.

I am further directed to ask that details of all the cases, wherein status-quo has been granted but the application has not finally been decided, in all the Courts of your district, be furnished on the attached Proforma within a week.

The above instructions may please be circulated amongst all the Civil Courts of your District.

(PHC letter No. 8655-8678/Admn: Dated 15.09.2005)

C.No. 9(7-4)

INTERIM ORDER IN CASES OF ADMISSION TO THE PROFESSIONAL COLLEGES

I am directed to refer to the subject noted above and to say that instances have come to the notice of this Court regarding grant of interim relief/ injunction in cases of admission to the Professional Colleges in a reckless manner, without application of mind, verification of facts alleged in the suit and the application; and without adverting to the legal provisions on the subject, at such a stage when it is not only a source of trouble for the College Administration but also tends to tarnish image of the institution in the eyes of general public.

I am, therefore, to direct that in a suit pertaining to admission in Professional College no interim relief be granted without notice, but in case, interim relief is warranted under the law and urgency demands, the order of interim relief shall invariably be communicated to this office for follow up action.

This letter be accordingly circulated amongst the concerned Civil Judges, and acknowledgement sent to this office, at the earliest.

(PHC letter No.2507-2530/Admn Dated Peshawar, 05th March, 2009)

C.No. 10(7-4)

INTERIM INJUNCTION / STATUS QUO

I am directed to refer to this Court directives C.No. 4(4-8), 7(4-8), 8(4-8) and 9(4-8) of Judicial Estacode at pages No. 353, 354, 355 & 356¹ and to say that the courts are expected to follow the said directives in letter and spirit while dealing with applications for temporary injunctions, especially in the matter involving public revenue, public developmental schemes etc. This directive may be circulated amongst all the judicial officers under your control.

(PHC letter No.5129-83/Admn Dated Peshawar, 17th March, 2010)

C.No. 11(7-4)

PROVISION OF ATTESTED COPIES OF STAY ORDERS

I am directed to refer to the subject noted above and to say that the Competent Authority has been pleased to direct that the Courts, while deciding application for temporary injunction, must provide attested copies of orders on the same day or next day.

You are, therefore, requested to circulate the above-mentioned directive amongst all the judicial officers in your respective districts and insist upon them for strict compliance.

(PHC Letter No. 2097-120/Admn, Dated 18th February, 2014)

C.No. 12(7-4)

NOTICE TO PM&DC BEFORE PASSING OF AD-INTERIM INJUNCTIONS

I am directed to refer to the subject noted above and to enclose herewith an application submitted by Chief legal officer of Pakistan Medical & Dental Council. The Competent Authority has been pleased to direct that, in all cases of medical students, before passing any ad-interim injunction, a notice/summon be served to Pakistan Medical Dental Council, for hearing their point of view.

It is, therefore, requested that all the Courts be informed accordingly.

(PHC Letter No. 5607-30/Admn, dated Peshawar the 17th April, 2014)

¹ Pages of Judicial Estacode 1st Ed 2006. Now these letters can be found at page 968, 969 and 970.

C.No. 13(7-4)

DISPOSAL OF APPLICATIONS FOR TEMPORARY INJUNCTIONS AND BAIL PETITIONS

The Competent Authority has taken serious note of the fact that despite plethora of instructions issued from time to time, complaints are pouring in showing mechanical grant and un-necessary continuation of interim injunctions/status quo in cases involving fiscal matters, Government revenue, Admissions in educational institutions, transfer of public servants and other developmental activities. Similarly bail matters including BBAs are not decided in shortest possible time.

You are, therefore, to ensure that the relevant legal provisions are followed in letter and spirit by all the courts, under your supervisory control in the larger public interest.

Henceforth, requisite information on the enclosed proforma be transmitted to this Court fortnightly, please.

(PHC Letter No. 8848-76/Admn, Dated Peshawar the 23rd May, 2014)

DETAIL OF PENDING APPLICATIONS (TEMPORARY INJUNCTION/BBA/BAIL IN THE COURT OF MR./MS. STATION _____

1. Temporary Injunction

Sr #	Case Title with No.	Date of Institution	Date of stay order/temporary injunction	Date of confirmation of T/Injunction application	No. of adjournments in disposal of application	Remarks

2. BBA

Sr#	Case Title with No.	Date of Institution	Date of interim relief/order	Date of confirmation/rejection	No. of adjournments in disposal of application	Remarks

3. Bail

Sl#	Case Title with No.	Date of Institution	Date of disposal (acceptance/rejection)	No. of adjournments in disposal of application	Remarks

C.No. 14(7-4)

GRANT OF ILLEGAL STAY IN RECOVERY PROCEEDINGS INITIATED UNDER THE PROVISIONS OF INCOME TAX ORDINANCE, 2001

It has been brought to the notice of the Competent Authority that despite statutory restraint, judicial officers are entertaining suits and issuing injunction orders against proceeding under the Income Tax Ordinance.

You are to ensure that not only such adventurism is checked but violations may be brought to the notice of this Court, please.

(PHC Letter. 4271-95/Admn, Dated 07th April, 2015)

C.No. 15(7-4)

UN-NECESSARY ADJOURNMENTS IN STAY MATTERS

It has been noticed with great concern by the Competent Authority that after grant of status quo/injunctions, these remain pending undecided for months, which is contrary to the law and the policy on the subject. The spirit and logic behind the grant of injunction/stay is to avoid wastage, damage or alienation of a property till proper determination by the Court. However, unnecessary delay in disposal of such matters effect the whole system of administration of justice.

Hon'ble the Chief Justice is thus pleased to direct that, while granting stay order, spirit of the law should be strictly adhered to, and if granted, the application for temporary injunction be disposed of on merits and expeditiously, as per the time frame provided under the National Judicial Policy.

(PHC Letter No. 11247-271/Admn Dated 23rd September, 2015)

C.No. 16(7-4)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE

I am directed to convey the following directives of Hon'ble the Chief Justice for immediate compliance:-

1. Repeated complaints are received by the Hon'ble Chief Justice that Interim orders are passed allowing students to appear in the examination and thereafter the cases re withdrawn by the plaintiffs. In order to ensure that the process of the court is not abused, it would be appropriate that the worthy Senior Civil Judges may assign similar nature cases to a single court so as to bring consistency in decisions on the subject matter.
2. It is observed that judgments are announced and there is a delay in providing copies thereof which is perhaps due to delay in writing the judgments/decrees/orders. It will be more appropriate that the Judgement/decrees/orders are first reduced to writing and then announced. By this way, copies should also be given instantly to the parties.
3. The worthy Sessions Judges are to ensure that judicial officers who recoded confessions as Judicial Magistrate are summoned or rendering their evidence on Saturday only.
4. All the District & sessions Judges may provide input for development of criteria for selection of judicial officer for scholarships.

(PHC Letter No. 2958-82/Admn, Dated 11th February, 2017)

C.No. 17(7-4)

INJUNCTION AGAINST GOVERNMENT

I am directed to convey the concern of competent authority that the learned judicial officers of Khyber Pakhtunkhwa usual ignore the spirit of law contained in rules 1 & 3 of Order 39 CPC read with section 56 of Specific Relief Act, 1877 while granting status quo orders/temporary injunctions. The learned judicial officers are reminded of obligations of law while disposing pleas for status quo orders/temporary injunctions.

The learned judicial officers are bound to ensure compliance of conditions mentioned in aforesaid provisions of laws/rules before grant of

status quo order/temporary injunction. Any lapse on their part in this respect will be considered breach of law and professional misconduct in future. Various instructions on the subject have already been communicated to all from time to time, but in future action shall be taken against violating the instruction.

(PHC Letter No.184-210/Admn Dated 05th January, 2018)

C.No. **18**(7-4)

INJUNCTION AGAINST GOVERNMENT

This is in continuation of letter No. 184-210/Admn dated 5th January 2018: I am directed to inform that the working “professional misconduct” was mentioned in the previous reference so as to reemphasize compliance of law contained in rule 1 to 3 orders 39 CPC which is of great essence and should in no case be ignored. Violation will be noted seriously. However, the wording professional misconduct is hereby withdrawn.

(PHC Letter No. 1204-1303/Admn Dated 01st February,2018)

C.No. **19**(7-4)

GRANT OF STAY ORDERS IN ELECTION MATTERS

This is with reference to Director General (Law), Election Commission of Pakistan letter No. F.23(1)/2015-LGE-KPK (Vol-VII) dated February, 2018 on the subject. The Competent Authority has been pleased to direct that all the Civil Courts under your supervision may be advised that while taking cognizance in the matter may first ascertain their jurisdiction before further proceeding with the case.

(PHC Letter No.4002-27/Admn Dated 16th March, 2018)

C.No. **20**(7-4)

INJUNCTIONS

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has directed compliance of the prescribed time frame cited at Rule 2A and 2B of Order XXXIX CPC in letter and spirit; and

to direct that in no case the time frame prescribed be violated besides such matters be decided on priority basis in fast track.

This may be circulated amongst all the Courts within your respective district for strict compliance, please

(PHC Letter No.8400-34/Admn, Dated 16th April, 2019)

SECTION-V
BAIL APPLICATIONS

C.No. 1(7-5)

DISPOSAL OF BAIL PETITIONS

Instances have come to the notice of the High Court that Subordinate Judicial Officers have allowed bails in heinous crimes, like murders, dacoity, terrorist activities, arms smuggling and allied matters in utter disregard of the factual and statutory provisions regulating the subject of bails. Section 497 of the Criminal Procedure Code and other laws in matters of bail dealing with terrorist activities do not allow un-fettered exercise of discretion in favour of the accused involved in heinous offences. Rather the Law on the subject is that grant of bail in non-bailable offences should be an exception and its refusal a Rule.

2- Instances are also not lacking where the judicial officers have been found hesitant in awarding sentences commensurate with the gravity of the offences. They even avoid awarding maximum punishment to those hardened criminals whom they found guilty of the offences and no mitigating circumstances exist to award less than maximum punishment to the accused which he/they rightly deserved. Also the Presiding Officer invariably fail to discuss the mitigating circumstances persuading them not to award due punishment to the accused guilty of the offences.

3- The Hon'ble Chief Justice has taken serious view of this situation and has directed me to emphasis upon the Judicial Officers that bail applications should be decided strictly on their merits according to law and not according to unfettered judicial discretion. Identically in criminal cases the punishment awarded to an accused, who is found guilty, should adequately reflect the gravity of the offence of which he is found guilty and shall not exercise their discretion unlawfully. A guilty person, judicially found so, shall be punished according to law to meet the ends of justice. Any deviation from the above guilty lines are bound to be properly reflected in the ACRs of the Officers.

(PHC letter No.4737-4796/Admn:Brh: Dated Peshawar , the 8th May, 1995)

C.No. 2(7-5)

GRANT OF TRANSITORY BAIL

I am directed to address you on the subject and to say that it has come to the notice of this Court that while submitting transitory bail application by the applicants/petitioners before a Sessions Judge, they do not mention the

fact in their applications that such like concession has not been obtained previously from any other court nor support their application by such an affidavit.

I am, therefore, impress upon you that in future an affidavit on such like applications should be obtained from the applicants/petitioners to the effect that they have not obtained any transitory bail from any other court previously and also ensure that similar para given in the body of the application.

(PHC letter No.7852-73 Dated the Peshawar, 19th October, 1998)

C.No. 3(7-5)

DISPOSAL OF BAIL APPLICATIONS BY OR ON BEHALF OF JUVENILE OFFENDERS.

I am directed to say that in a recent meeting held at Islamabad on 14th March, 1999, the Pakistan Law Commission, while considering the Juvenile Justice System, recommended that the courts while dealing with bail applications of Juvenile offenders, should promptly decide the case and keep in mind the best interest of the child. The Commission further approved the idea that custodial sentences should be minimized and disposal of Juvenile cases by means other than trial, such as restitution, financial compensation child placed in care/guidance/supervision of family/ probation officer or child put to community service, etc examined. This will be in public good and constructive utilization of their potential energies.

2)- I am, therefore, to direct for issuance of necessary instructions to the subordinate courts in the district on the above lines, under intimation to this Court.

(PHC letter No. 2267-2288 Dated Peshawar the 25/3/1999)

C.No. 4(7-5)

CHIEF JUSTICE DIRECTIVE # 9 (BAIL BONDS IN QUADRUPLICATE)

I am directed to communicate the following directive issued by the Hon'ble Chief Justice.

“Instructions be issued to all the Criminal Courts to receive the bail bonds in quadruplicate and to invariably place a copy of bail order and bail

bond on the Judicial file before returning it to the Police Station. Similarly, a copy of bail bond be also retained by the Criminal Muharrir besides placing it on the Court file. Proper record of the bail bonds, so retained, be maintained”.

I am further directed to request you to please circulate the above directive to all the Criminal Courts of your respective Districts for compliance.

(PHC letter No. 631-54/MIT Dated Peshawar, the 24th April, 2004)

C.No. 5(7-5)

FIXATION OF DATES IN TRANSITORY BAIL MATTERS

Hon’ble the Chief Justice has noticed with concern that in transitory bail matters some time unnecessary long dates are given which give the impression of favour to the accused party and this trend cannot be viewed with appreciation.

I am, therefore, directed to ask that in future copy of the order in transitory bail matter where date is fixed beyond 7 days shall be sent to this Court. I am further directed to ask that the date should be fixed by the Presiding Officer himself instead of leaving the job to the ministerial staff.

(PHC letter No.682-705/Admn Dated Peshawar, 02nd August, 2005)

C.No. 6(7-5)

HEARING/DISPOSAL OF BAIL APPLICATIONS

Complaints have been received by the Hon’ble Chief Justice of this Court that some of the judicial officers do not observe the decades old practice of hearing bail applications in the beginning of the Court proceedings of the day, which causes unnecessary delay yin the release of prisoners who are ultimately allowed bail.

I am, therefore, directed to ask that bail applications shall be heard in the morning and copies of orders, when announced, shall be made available to the parties the same day on application.

The above instructions may please be circulated among all the Criminal courts of your respective District for compliance.

Receipt may please be acknowledged by all.

(PHC letter No. 10170-10193/Admn Dated Peshawar, 09th December, 2006)

C.No. 7(7-5)

**NON ACCEPTANCE OF WOMEN AS SURETY IN BAIL MATTERS
/ DECISION OF NJPMC**

I am directed to refer to the subject noted above and to say that the National Judicial Policy Making Committee (NJPMC) in its meeting, held on 23rd June 2007, at Islamabad, has decided that the subordinate courts be asked not to discriminate on the basis of gender and accept women as sureties, when they execute bonds to the satisfaction of the Court.

I am, therefore, to ask you to circulate the above decision of the Committee amongst all the Judicial Officers of your district for compliance.

(PHC letter No. 7282-7304/Admn Dated Peshawar, 11th July, 2007)

C.No. 8(7-5)

ATTESTATION OF BAIL BONDS IN BAIL BEFORE ARREST

I am directed to refer to the subject noted above and to say that in applications for bail before arrest, the procedure of attestation of bail bonds to the satisfaction of magistrate results in involvement of so many desks before it is finalized. This practice causes inconvenience to the accused seeking bail before arrest as he is constantly under danger of being arrested by police any time even within the premises of the Courts and his movement within and outside the Court before attestation of bail bonds is not safe for him. During the process the Magistrate or the Judge granting bail before arrest may, at times, leave the Courts due to closure of office timings etc and the whole exercise then becomes redundant.

It is, therefore, desired that, in future, the Court granting bail before arrest should itself attest the bail bonds. This directive may be circulated amongst all the Additional Sessions Judges under your control.

(PHC letter No.5468-5527/Admn Dated Peshawar, 25th March, 2010)

C.No. **9**(7-5)

GRANT OF TRANSIT/PROTECTION BAIL

I am directed to refer to the subject noted above and to say that in future no Sessions Court shall grant such bails in cases falling within the territorial jurisdiction of other provinces.

(PHC letter No.14443-66/Admn Dated 8th December, 2011)

C.No. **10**(7-5)

GRANT OF TRANSIT/PROTECTION BAIL

In continuation of this Court's letter No.14443-66/Admn dated: 08.12.2011 addressed to all the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa (copy enclosed), I am directed to say that in future no Sessions Court/Special Court shall grant such bails in cases falling within the territorial jurisdiction of the other provinces except bails under Section 86 of the Cr.PC, please.

(PHC letter No. 15197-15221/Admn, dated 15th December, 2011)

C.No. **11**(7-5)

VIGILANCE IN ATTESTING BAIL BONDS

It has come to the notice of the Competent Authority that the Judicial Officers, attest bail/surety bonds mechanically without care and caution about the antecedents of the sureties/attesting witnesses and the process itself, resulting menace of toutism has flourished within the Courts.

You are, therefore, to advise and ensure that the Judicial Officers are cognizant of the situation and careful while discharging their duties in this particular regard.

(PHC Letter No. 10307-26/Admn, Dated 26th June, 2014)

C.No. **12**(7-5)

SURETY IN THE BAIL BOND.

I am directed to the subject noted above and to say that it has been observed that some of the staff members of the District Judiciary stand surety

of the accused in cases. This conduct creates doubt in the mind of litigants as well as the general public regarding the impartiality of the court.

Hon'ble the Chief Justice has, therefore, directed that this practice shall be discouraged and all the staff members be directed to refrain themselves from such conduct in future, please.

(PHC Letter No. 9001-24/Admn Dated 05th August, 2016)

C.No. 13(7-5)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE

Hon'ble the Chief Justice has been pleased to direct that henceforth all the Bail Before Arrest applications shall be decided by the learned District & Sessions Judges/Zilla Qazis and Addl: District & Sessions Judges/Izafi Zilla Qazis within a period of 15 days.

(PHC Letter No.12614-12664/Admn, Dated 05th August, 2017)

PRE-ARREST TRANSIT BAIL OF ACCUSED RIAZ-UR-REHMAN S/O GUL REHMAN R/O SWABI.

Reference to the subject noted above, I am directed to draw your attention to this Court's circular issued vide letter # 7852-73, dated 19.10.1998 (annexed herewith) and to state that the Competent Authority has been pleased to direct that while granting pre-arrest transit bail the court shall ensure the following;

- I. An affidavit shall be obtained from the petitioner(s) to the effect that they have not obtained any transit bail from any other court previously and similar Para shall also be given in the body of the applications.
- II. Period of transit bail shall not exceed seven days.
- III. Petitioner(s) shall also show with proof the purpose of their presence in the District wherein they seek transit bail.
- IV. The petitioner(s) or his sureties shall, within a week, inform the Court granting transit bail that the accused has approached the Court concerned as directed in the transit bail order, failing which, proceedings under section -514 Cr.PC will be initiated against them.
- V. A copy of the transit bail order shall be forwarded to all the District & Sessions Judges/Zilla Qazis for information.

(PHC Letter No.SDJ/PHC/REG/64(a)-V. II-(1-34)/3606-42, Dated 26th June, 2019)

SECTION-VI
INVESTIGATION AND JUDICIAL REMAND

C.No. 1(7-6)

AMENDMENT IN SECTION 173(1) CR.P.C. COMPLIANCE THEREOF

I have been directed to invite the attention of the Provincial Government to the recent amendments incorporated in Section.173 (1) Cr.P.C. through Act No. XXV of 1992, Copy of the said amendment is enclosed.

2)- The amendments in question have its sacred objectives, particularly, that they have met the long standing demand of the public in relation to the expeditious disposal of criminal cases both at the stages of investigation as well as during the trial. The newly added proviso provides a stipulation that in the event of the non-completion of investigation within a period of 14 days from the date of recording of the FIR, the Officer In charge of the Police Station shall, within three days of the expiry of such period forward to the Magistrate through the public Prosecutor, an interim report stating therein the result of the investigation made until then and the court shall commence the trial on the basis of such interim report, unless for the reasons to be recorded, the court decides that the trial should not so commence. It has further been provided in the said amendment that while forwarding a report, the SHO shall produce the witnesses in the case, except the public servant, and the Magistrates shall bind such witnesses for appearance before him or some other court on the date fixed for trial. Besides a new provision for the quick disposal of petty cases has been provided in the newly added section 250-A.

3)- Needless to mention that the disposal of a criminal case from the start till its conclusion required meaningful coordination on the part of the investigation /prosecuting agencies as well as the trial and the Sessions Courts. The law has also provided for an effective role for the public prosecutor as against the earlier role of the prosecuting Inspector/Sub-Inspector.

4)- The Hon'ble Chief Justice has therefore emphasized for a strict compliance of the Law referred to above, by all concerned in the public interest. The Hon'ble Chief Justice has further directed that necessary instructions be also issued to the concerned police agencies in the Province, to the effect that they should strictly adhere to the newly added provision in

section 173(1) Cr.P.C. In the context of the above, according to the instructions of the Hon'ble Chief Justice, a Senior Judicial Officer would soon visit some of the Police Stations at Peshawar to check and report about the pendency of the investigation of cases and about the cases in which strict compliance to section 173(1) Cr.P.C. has not been made.

(PHC letter No.2628/ Admn.Brh. Dated Peshawar the 10th May, 1993)

C.No. 2(7-6)

INSTRUCTIONS (PRODUCTION OF PRISONERS AT THE TIME OF JUDICIAL REMAND)

I am directed to say that it has come to the notice of this Court that the Prisoners waiting trial are not produced before Courts at the time of obtaining Judicial remand. Such state of affairs on one hand deprived prisoners of their right of audience before Courts authorizing detention and on the other hand, complete freedom to police to defer investigation for indefinite period is allowed. I am, therefore, to request that all the concerned Criminal Courts may be directed to:-

- (i)- ensure presence of accused at the time of remand for affording them an opportunity of hearing.
- (ii)- observe progress in investigation, and
- (iii)- authorize further detention of accused only if considered necessary for completion of investigation.

(PHC letter No. 5374-5395 Dated Peshawar the 23rd July, 1998)

C.No. 3(7-6)

IMPLEMENTATION OF THE DECISIONS OF THE CHIEF JUSTICES' COMMITTEE (TIMELY SUBMISSION OF CHALLAN)

I am directed to say that in the meeting of the Chief justices Committee held at Islamabad on 24th March, 2000, Hon'ble the Chief justice of Pakistan informed the Committee that during hearing of a criminal case in the Supreme Court it was noted that the challan had not been put in Court even after the lapse of more than months by the prosecution agency which is under the control of Deputy Commissioner concerned to the complete indifference of the Presiding Officer of the Court who had been granting jail remand mechanically all along without having any regard to the plight of the

accused who was behind the bars. It was, therefore, decided that the Chief justices of the respective High Courts shall require the following information from the subordinate Courts:-

- 1) The date of registration of the FIR,
- 2) The date of arrest of the accused,
- 3) The date of submission of supplementary challan in the Court, and.
- 4) The date of submission of complete challan in the trial Court, to enable the High Court to see as to whether the statutory provision of putting in challan within 14 days is or is not being complied with. In case of defiance of the statutory provision aforesaid, the High Court should take appropriate action in accordance with law against the delinquent investigating/prosecuting officials/officers, who are found, by and large, instrumental in delaying the cases.

I am, therefore, to request that the requisite information may be obtained and furnished to the liaison Officer (Member Inspection Team) at the earliest.

(PHC letter No. 3011-32 Dated Peshawar the 19.4.2000)

C.No. 4(7-6)

CHIEF JUSTICE DIRECTIVE NO. 22

(TIMELY SUBMISSION OF POLICE CHALLAN / INTERIM REPORT
... FOLLOW UP)

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice, during his recent visits to various Districts, has been pleased to observe that the provisions regarding submission of police report within 14 days & in case of failure of submission of such report within the prescribed period, submission of interim reports are not properly followed. In order to keep a vigilant watch in this regard, the Magistrates are required to evolve a systemized mechanism for the purpose.

I am, therefore, to ask all the Magistrates to keep chronological record of all the FIRs of their respective police stations and to regularly check the same as a follow up towards the timely submission of Police Reports. Needless to mention that police is required to send the copies of all the FIRs to concerned Magistrates under Section 157 Cr.P.C read with Rule 24.1 and 24.5 of Chapter XXIV of the Police Rules, 1934.

I am further to request you to please circulate the above directive amongst all the Magistrates of your District.

(PHC letter No. 876-99/MIT Dated 21st May 2004)

C.No. 5(7-6)

**CHIEF JUSTICE DIRECTIVE NO. 24
(POSTMORTEM EXAMINATION)**

I am directed to refer to the subject Directive and to state that Hon'ble the Chief Justice, during his recent visits to various districts, has been pleased to observe that provisions regarding postmortem examination of dead body are not adhered to properly and that a clarification is required regarding the powers of Magistrates in dispensing with the postmortem examination. I am, therefore, to clarify the legal position in this respect as under:-

- (i) Postmortem Examinations are conducted during the investigation made under Chapter XIV Part V of Criminal Procedure Code, 1898. The relevant provisions dealing with the subject are Section 174 and 176 of the Code read with Rules 25.31 to Rule 25.40 of the Police Rules, 1934. The concerned Magistrate of the first class is empowered to hold inquests there under.
- (ii) Under Rule 25.36 of Police Rules, 1934 an Investigating Officer is bound to send the dead body to the nearest authorized medical officer to conduct postmortem examination in every case where the death appears to have been due to suicidal, homicidal, accidental or suspicious causes and where any doubt exists as to the exact cause of death or if it appears to such investigating officer expedient to do so.

The investigating officer has to decide whether a body is to be sent for postmortem examination, of course, guided by the aforesaid provisions.

- (iii) Nevertheless, the role of a Magistrate in dispensing with the postmortem examination cannot be excluded. The Magistrate, being the in charge of investigation, has to monitor the exercise of power by the investigating officer, especially, when an application is made to the Magistrate for dispensing with the postmortem examination. The Magistrate will, however, not act mechanically but will exercise the powers judiciously, taking into account all the provisions as mentioned in para (ii) above. While doing so, he may also record such evidence as he deems necessary. Reference PLJ 1978 Cr.C (Lahore) 576.

I am further directed to ask you to circulate this Directive amongst all the Judicial Officers of your district for their guidance. Receipt may please be acknowledged by all.

(PHC letter No. 6366-6389/Admn: Dated 8th June, 2004)

C.No. 6(7-6)

NON-PRODUCTION OF ACCUSED IN COURT WHILE SEEKING JUDICIAL REMAND

I am directed to refer to the subject and to say that it has been observed with concern that some of the Courts, at times, extend judicial remand of accused without being physically produced before the Court.

Needless to say that Courts are required to strictly adhere to the relevant provisions of code of Criminal Procedure, violation whereof may result in legal complications, besides hampering justice.

I am, therefore, to reiterate that the relevant provisions on the subject may be followed in letter and spirit.

(PHC letter No. 1395-1418/Admn: Dated 17.02.2005)

C.No. 7(7-6)

CONFESSION U/S 164 CR.P.C

I am directed to refer to the subject noted above and to say that during inspections it has come to the notice of this Court that the Magistrates after recording confession u/s 164 Criminal Procedure Code, 1898, keep the original in their own custody. This practice is in clear violation of the law on the subject. Section 164(2) of the Code, lays down that any such confession shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried. Since the magistrate recording confession cannot enter into trial of the case, therefore, the proper course is that whenever such confession is recorded the same should be sent to the Sessions Judge of concerned Sessions Division alongwith complete challan who shall then mark the same for trial to the concerned Court.

This circular may be circulated amongst all the judicial officers under your control.

(PHC letter No.3282-3307/Admn Dated Peshawar, 03rd November, 2010)

C.No. 8(7-6)

NON-PRODUCTION OF UNDER-TRIAL PRISONERS IN THE COURTS

I am directed to say that it has come to the notice of Hon'ble the Chief Justice that the under-trial prisoners throughout Khyber Pakhtunkhwa are not being produced in the Courts on the pretext of shortage of POL for transport. It has time and again been brought to the notice of the concerned that non-production of under-trial prisoners during trials is a serious illegality not to be taken lightly. On the one hand, it causes delays in the trial of cases and on the other it prolongs the agony of the prisoners which is against the fundamental rights as well.

You are, therefore, asked to take personal interest in the matter so that the timely production of under trial prisoner on each and every date is ensured. In future, any laxity in this respect shall be taken note of and the responsible officials shall be proceeded against under the law.

(PHC Letter Endst No 8478-8556/Admn: dated 06th July, 2011)

C.No. 9(7-6)

FRAMING OF CHARGE AND EXAMINATION OF ACCUSED UNDER SECTION 342, CR.P.C

I am directed to refer to the subject matter and to impress upon the Judicial Officers working in Khyber Pakhtunkhwa to give special attention to facts and evidence available on record of a criminal case at the time of framing of charge as provided in section 265-D read with sections 221, 222 Cr.PC.

Similarly charge should be altered if need arise as provided in section 227 Cr.PC. Examination of accused shall be carried out by presiding officer himself and should not be left to KPOs/stenographers and learned counsels because non-attention of presiding officers on the subject matters causes injustice and also create problems in final disposal of the cases before appellate courts.

(PHC Letter No. 1847-1922/Admn Dated 14th February, 2018)

C.No. 10(7-6)

STATEMENT UNDER SECTION 164 CR.P.C.

I have been directed to invite your attention to the above subject and to say that all the Judicial Magistrates, while recording statement of a witness or any other person under section 164 Cr,P.C, are required to have regard to the pre-requisites provided under the law including the ones enumerated below:-

a) Such statement either in support of prosecution or defence should relate to the course of investigation under Chapter. XIV Cr.P.C. or at any time afterwards before the commencement of the inquiry or trial, as required within meaning of sub section (1) of Section 164 Cr.P.C.

b) Such statement should not be recorded without putting the Investigation Officer on notice or in absence of record. Where it is not possible, reasons should be recorded by the Judicial Magistrate about such impossibility.

(PHC Letter No. 12812-36/ADMN Dated 04th August, 2018)

**SECTION-VII
ADJOURNMENTS**

C.No. 1(7-7)

SINE DIE ADJOURNMENTS

I am directed to say that it has come to the notice of the Chief Justice and Judges that certain subordinate Judges are in the habit of adjourning certain cases sine die, with the result that most of the old and difficult cases are shifted to a cold-storage, and the poor litigants have to wait for justice, so delayed indefinitely.

The Chief Justice and the Judges further direct that this practice, which is nothing short of dilatory and exceptional, should be put to an end once for all.

(PHC letter No. 11714-84 / Admn: Brh: Dated Pesh: the 10th Nov: 1980)

C.No. 2(7-7)

INSTRUCTIONS (PARCHA PESH)

In supersession of this court's letter No. 10789-10818, Admn: Brh: Dated 29-11-1981, I am directed to say that the Hon'ble chief Justice has been pleased to order that in future the purcha peshi should be in the following printed forms:

S.No.....,	S.No.....,
Suit No.....,	Suit No.....,
Dated....., Vs.....,
	Adj to.....for.....,
	Dated.....,

Signature of Presiding Officer

I am further directed to say that each purcha peshi should be numbered serially and the same should be entered in a printed register prepared for the purpose.

These instructions should be communicated to subordinate Courts under your control with the directions that the above method may please be adopted, under intimation to this Court at an early date.

(PHC letter No.8329-8398/Admn: Brh.Dated Pesh: the 19th March, 1983)

C.No. 3(7-7)

INSTRUCTIONS REGARDING “PARCHA PESHI”

I am directed to address you on the subject and to say that it has been brought to the notice of this Court that the instructions contained in this Court letters No. 8329-8398 / Admn: Brh: Dated: Peshawar, the 19 March, 1983 , No. 9112-9182 / Admn: Brh: Dated Peshawar, the 7th April, 1983 and No, 1656-85 / Admn: Brh: Dated Peshawar, the 6th February, 1984 respectively are not being complied with. The idea in issuing these instructions was that Readers of the courts should be ordered to give parcha peshi to the litigants appearing both in Civil and Criminal cases on the prescribed form as referred to above but despite it they are not complying with the same. Hon’ble the Chief Justice has seriously viewed it.

2. In view of the above, I am directed to request that all the Readers shall be made to issue Parcha Peshis to the litigants on the prescribed printed forms and a certificate to the effect that the ‘Parcha Peshis’ are issued on the printed prescribed forms be sent to this Court at your earliest convenience.

3. The Superintendent General of this Court may ensure that a copy of this communication is sent to the Presiding Officer of each Court by name.

(PHC letter No. 36-105. Dated 5.1.1986)

C.No. 4(7-7)

DETAILS ABOUT ADJOURNMENT OF CIVIL / CRIMINAL CASES FIXED FOR ARGUMENTS

It has come to the notice of this Court that normally adjournments in cases, fixed for arguments and order are granted on very flimsy grounds in disregard of the High Court Rules and Orders on the subject. I am therefore, to say that whenever a case fixed for arguments or Order has to be adjourned it should be adjourned to the next day, or, if not possible, to a very near date.

Further, you are also requested to note that while submitting your monthly statements, in future, you should submit a separate detailed statement regarding all the cases both Civil and Criminal , fixed for arguments and order in a month, and adjourned on account of any reasons recorded for the purpose.

I am directed to stress the importance of the above instructions, which requires the earnest attention of every Judicial Officer.

(PHC letter No. 811-910 / Admn: Brh: Dated Pesh: the 26th January, 1992)

C.No. 5(7-7)

UNNECESSARY ADJOURNMENTS IN CASES OF URGENT NATURE.

I am directed to say that the Hon'ble Chief Justice has noted with great concern that in many cases the subordinate Judicial Officers pass ad-interim orders both in civil and criminal cases particularly in pre-arrest bail applications and temporary injunction matters, and thereafter grant frequent adjournments on minor pretexts before passing final orders / judgments.

The above practice has been disapproved time and again by this Court because it undermines the image and functioning of the Subordinate Judiciary in the eyes of litigants in particular, as well as the general public.

I am , therefore, to emphasise that the unnecessary adjournments pointed out above are to be avoided at all costs unless compelling circumstances in rare cases so warrant.

It is hoped and expected that the above instruction would be followed by all concerned in letter and sprit so that this Court is not constrained to take action against any defaulters.

(PHC letter No. 5578-5699 / Admn: Brh: Dated Pesh: the 16th Sep: 1992)

C.No. 6(7-7)

UNREASONABLE LONG ADJOURNMENT IN CASES OF UNDER-TRIAL PRISONERS

The Hon'ble Chief Justice, while deciding B.A No. 1606/2008 titled "Jawad Vs the State and another" has taken serious notice of unreasonable long dates of around three months in the case of an under-trial prisoner by the Judicial Magistrate, apparently due to lack of information that the accused facing trial was in custody, besides proving the fact that diary is not maintained by the Judicial magistrates but by their Readers, which is, indeed, a source of unnecessary delay in the disposal of cases.

I am, therefore, directed to issue instructions to all the Judicial Magistrates functioning in the Province, through their District & Sessions Judges/Zilla Qazis, that, henceforth, if any of the magistrate is found giving a long date, which is unreasonable, he may be proceeded against for misconduct under the NWFP Government Servants (Efficiency & Disciplinary) Rules, 1973.

These instructions be accordingly circulated and acknowledgement thereof be sent to this Court, at the earliest.

(PHC letter No. 1230-1253/Admn Dated Peshawar, 02nd February, 2009)

C.No. 7(7-7)

OBSERVANCE OF CORRECT PRACTICES

The Competent Authority has taken a serious view of the rife practice where Presiding Officers do not manage the daily diary on their own, rather have left it to the discretion of the Court Officials to manage the same independently and where Parcha Peshis are issued to the litigant public on chits other than printed slips, in utter disregard to this Court instructions issued from time to time.

You are, therefore, to ensure that Courts in the District observe the correct practice in letter and spirit.

(PHC Letter No. 150-175/Admn/MIT, Dated 24th April, 2014)

C.No. 8(7-7)

DIRECTION OF HON'ABLE CHIEF JUSTICE REGARDING ADJOURNMENTS

PESHAWAR HIGH COURT, PESHAWAR OFFICE ORDER

Dated Peshawar the 28th January, 2019

No. 25-J Hon'ble the Chief Justice of this Court has been pleased to direct recirculation of the following decisions made during the Full Court Meeting held on 14.09.2018 & the meeting by his lordship with High Court Bar Associations, Peshawar held on 20.08.2018 to all concerned:

- i. In case where attendance of parties is complete before the Court and the case is being adjourned for any reason, a fixed date will be given by the Court according to the diary so that they need not be served for the next date.

- ii. Each party may be given three adjournments only and if at all they still do not argue the matter may be fixed for orders with directions to submit written arguments.
- iii. It has further been directed that no application for adjournment would be allowed unless the party/agent of the learned counsel concerned attends the Court on the date fixed so that fixation of fixed date by the Court may be considered in his presence and in case of nonappearance in connection with the adjournment application, the case would be dismissed in default.

SECTION-VIII
EVIDENCE AND WITNESSES

C.No. 1(7-8)

INSTRUCTIONS (OFFICIALS OF THE CANTONMENT BOARD AS WITNESSES)

It has been brought to the notice of this court that in certain cases summons are issued by the courts to certain officials of the Cantonment Board requiring them to give evidence in cases between private individual, in which the Cantonment Board is not a party. In this connection, attention is invited to the provision of Sections 289 & 290 of the Cantonment Board Act, 1924 which as ordered by the Honorable Chief Justice should be observed strictly and no officer or servant of the Cantonment Board shall, in any legal proceedings to which the Board is not a party, be required to produce any register or document, the contents of which can be provided under section 289 of the Act by a certified copy or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

These provisions of law should also be brought to the notice of all the subordinate courts.

(PHC letter No. 10078-87/Admn: Brh: Dated Pesh: the 18th Sep: 1982)

C.No. 2(7-8)

ATTENDANCE OF MEDICAL OFFICER IN COURT FOR EVIDENCE

I am directed to address you on the subject noted above and to say that when the medical officers are required for court evidence, they are not summoned by the Courts well in time due to which the medical officers remain absent from the courts on due date.

2. In view of the above Honorable the Chief Justice of this Court has been pleased to order that all the Sessions / Additional Sessions Judges should send summons to the medical officers through the Divisional Deputy Directors Health Services of the concerned Division well in time i.e 15 days before the actual date of hearing in the court unless he is already in attendance and bound for some date.

(PHC letter No. 9507-537 Date:- November 26, 1986)

C.No. 3(7-8)

DEPOSITION OF OATH

In continuation of this Court's letter No. 18547-626 / Admn: Brh: Dated: 11.12.1983, I am directed to say that the prevailing form of oath stands substituted by the following form:-

“I swear by Almighty Allah that I shall state the truth.”

Henceforth the witnesses and interpreters in judicial proceedings shall take the above Oath before recording their evidence.

(PHC letter No. 6546-6625 Dated: 22nd October, 1988)

C.No. 4(7-8)

NON-APPEARANCE OF INVESTIGATING OFFICERS IN SESSIONS TRIALS

It has come to the notice of Hon'ble the Chief Justice of this Court that delay in the disposal of criminal cases is quite often caused by the failure of the investigating Officers to turn up when summoned for recording their evidence. Hon'ble the Chief Justice has taken a serious view of the matter and desired that the District and Sessions Judges / Addl: District & Sessions Judges should pay personal attention to it. Coercive measures should be used for procuring the attendance of the Investigating Officers and cases of willful non-compliance and utter indifference and apathy should be reported to this Court as well as the Inspector General of Police, NWFP, for appropriate action.

(PHC letter No. 3516 – 46 Admn: Brh: Dated Peshawar the 18th July, 1989)

C.No. 5(7-8)

EXAMINATION OF WITNESSES IN COURTS

It has been brought to the notice of this Court that in certain cases the witnesses, particularly, the female witnesses are not examined properly as is required by the Law. It has been further reported that unnecessary, irrelevant, and embarrassing questions are allowed to be put to the witnesses which are at times wholly irrelevant to the issues involved. Resultantly, therefore, the

witnesses who are mostly illiterate are put in an awkward position, which normally results in the mis-carriage of Justice.

I am, therefore, directed to emphasise that it is crucially important that this tendency should be curbed forthwith so that in the public interest, the court proceedings are free from the slightest blemish.

You are therefore, requested to kindly follow the instructions on the subject in letter and spirit so that no complaint on the subject is made against the conduct of Presiding Officer in future.

(PHC letter No. 6103-6141 / Admn: Brh: Dated Pesh: the 1st Oct: 1992)

C.No. 6(7-8)

APPOINTMENT OF COMMISSIONERS FOR RECORDING EVIDENCE.

Under Part-B of Chapter-10 of the High Court Rules and Orders Volume-I the District Judges are required to appoint a panel of not more than four men in each District as commissioners for recording evidence. It is further provided that each Commissioner should ordinarily be the advocate, of not large practice, and retired Civil Judicial Officer. The District Judges are further required to send a copy of the list of Commissioners appointed by them to the Registrar of this Court so as to enable him to issue a consolidated list to all the Courts for necessary action.

It has, however, been noticed that this practice has ceased to exist and all the Courts have developed the practice of appointing Commissioners of their own choice for recording evidence which amounts to violation of the Rules on the subject.

Hon'ble the Chief Justice has, therefore, been pleased to direct that all the District and Sessions Judges should immediately appoint the required panel of the Commissioners for recording evidence and should forward the list to this Court by not later than 15th of June, 1994 so as to enable the Registrar of this Court to circulate a consolidated list amongst all the Courts for strict observance.

(PHC letter No. 6026-6045/Admn.Brh.Dated Peshawar the 31st May, 1994)

C.No. 7(7-8)

PRETRIAL HEARING / CONFERENCE

I am directed to address you on the subject and to say that pretrial hearing/conference has always been considered as an integral part of recommendations for introducing reforms in civil trial with a view to curb undue delay and reduce workload. At the same time there has been growing realization that sufficient enabling provisions exist in law, which empower the judge to carry out pretrial hearing. The problem has, however, been identified as lack of will, if not lack of knowledge, to make use of this invaluable opportunity at the pretrial stage. It may not be out of place to point out that some countries in the Asian region and West are experimenting with this concept fairly successfully.

2)- Needless to say that besides bringing about improvements in the service of parties, their pleadings, framing of issues and other allied matters at the pretrial stage, it is equally important that concerted efforts are made for amicable settlement of the disputes through the system of alternative dispute resolution as it is in line with the injunctions of Islam, which lays stress on resolution of disputes through conciliation, mediation etc.

3)- I am, therefore, to stress on the need of paying sufficient attention to pretrial hearing so that all the pretrial formalities are timely completed and the case is ripened for early trial. Similarly, you should, both at the pretrial as well as subsequent stages, make an effort for amicable settlement of the dispute, of course without compromising impartiality.

(PHC letter No.187-286 Admn. Dated Peshawar the 11th January, 1999)

C.No. 8(7-8)

COMPLIANCE WITH THE PROVISIO TO RULE 1 ORDER 16 C.P.C.

I am directed to invite your attention to Order 1 Rule 16 of the Code of Civil Procedure so provided through an amendment in N.W.F.P. The Proviso reads as under:-

“Not later than seven days after the settlement of issues, the parties shall present in Court a certificate of readiness to produce evidence, alongwith a list of witnesses whom they propose to call either to give evidence or to produce documents” .

2. While going through the inspection note recorded by Hon'ble Judge-VIII on the inspection of the Court of Civil Judge-II Bannu, Hon'ble the Chief Justice of this Court has been pleased to order that attention of all the Subordinate Courts should be invited to the above provision which should be followed in letter and spirit.

3. I am, therefore, directed to request you that the aforesaid provision be brought to the notice of all Civil Courts for compliance.

(PHC letter No.4105-4154/Admn: (DA-260-A),Dated Pesh: the 31.05.2000)

C.No. 9(7-8)

ISSUANCE OF NON BAILABLE WARRANTS AGAINST WITNESSES

I am directed to refer to the subject and to state that there are complaints that the Subordinate Courts issue non-bailable warrants of arrest against the witnesses, particularly Government officials, mechanically, without ascertaining whether summons in the first instance have been served upon them or not. Hon'ble the Chief Justice has been pleased to direct that care should be taken in this regard and such warrants be issued only after making sure that the witness has been properly served through summons.

You are, therefore, requested to communicate the aforesaid directions to all the subordinate Criminal Courts of your respective districts for compliance.

(PHC letter No. 9324/ Dated Peshawar the 21.9.2002)

C.No. 10(7-8)

RECORDING AGE OF THE ACCUSED

I am directed to forward herewith an extract from the Judgment (reproduce below) passed by the Hon'ble Division Bench on 26.09.2002 in Criminal Appeal No.153/2000, murder reference No. 36/2000, titled Salim Khan etc: Vs The State, for strict compliance.

“Before parting with this Judgment, we have observed not only in this case but in number of other cases that the learned trial courts invariably do not record the age of the accused when they are examined under Section 342 Cr.P.C Age of an accused person is always relevant by virtue of promulgation of Juvenile Justice System Ordinance, 2000 (Ordinance XXII of 2000) and also because of Section 299 PPC read with Section 306 PPC. We, therefore, direct the Registrar of this Court that he shall issue a circular which shall be sent to all the learned Sessions Judges of the Province who shall further pass on the instructions to their subordinate Judges that in future they shall all record age of the accused when examining them under Section 342 Cr.P.C.”

(PHC letter No. 9961-84/ADMN: Dated Peshawar the 7/10/2002)

C.No. 11(7-8)

SUMMONING OF JUDICIAL OFFICERS FOR COURT EVIDENCE

I am directed to refer to the subject noted above and to say that, while reviewing the daily casual leave statement of Judicial Officers, his lordship the Chief Justice was pleased to observe that judicial work in different Courts is being suffered due to proceeding of Judicial Officers for evidence. His lordship has, therefore, been pleased to direct that;

- a) The District & Sessions Judges shall maintain list of cases, pending in all the Courts of their respective Districts, wherein the Judicial Officers are witnesses and shall coordinate fixation, on the same day, of all those cases in which evidence of the same Judicial Officer is required.
- b) The date and particulars of cases, so fixed, in different Courts shall officially be communicated to the witness concerned through respective District & Sessions Judge, with a copy to this Court.
- c) The Judicial Officer proceeding as such shall avail minimum transit leave, for the purpose.

The above instructions may please be circulated to all the Judicial Officers of your respective District for information and compliance.

(PHC Endst. 3989-4012/Admn Dated Peshawar the 25th May, 2005)

C.No. 12(7-8)

SUMMONS TO MEDICAL EXPERTS

I am directed to refer to the subject noted above and to say that it has been brought to the notice of Hon'ble the Chief Justice that in some cases where the Medical Experts are transferred to other districts, the Courts issue the summons without giving sufficient time to the witnesses to appear for date fixed. The proper course in such eventuality would be to send the summons through Director General, Health N-WFP well in time so as to give time to the Directorate to serve the notices & the witnesses to appear before the Court.

(PHC letter No. 192-215/Admn: Dated Pesh: the 09/01/2006)

C.No. 13(7-8)

ATTENDANCE OF PATWARIS IN CIVIL COURTS

I am directed to refer to the subject noted above and to invite your kind attention to part B, Chapter 5, volume I of the High Court Rules & Orders which lays down detailed rules for the attendance of Patwaris in civil cases. It has come to the notice of Hon'ble the Chief Justice that these rules are not complied with properly and patwaris are summoned mechanically, causing unnecessary hindrance in their official duties on the one hand and delay in disposal of cases on the other. Needless to emphasize that such summoning of Patwaris during Girdawari season is also prohibited save in cases of great urgency.

I am, therefore, directed to ask that the above Rules may be observed by all the Civil Courts in letter and spirit. The instructions may please be circulated among all the Civil Courts of your respective Districts for compliance.

Receipt may be acknowledged by all, please

(PHC letter No. 10369-10392-10169/Admn Dated 16th December, 2006)

C.No. 14(7-8)

APPOINTMENT OF LOCAL COMMISSION

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to observe that all the District and

Sessions Judges/Zilla Qazis shall prepare a list of Advocates in consultation with the President of respective bar for appointment as Local Commission by the Civil Courts. Moreover, the Civil Courts are also directed to appoint Local Commission from the said list one by one by fixing reasonable fee keeping in view the facts and circumstances of each case.

(PHC letter No. 9179-9203/Admn Dated Peshawar, 19th May, 2010)

C.No. 15(7-8)

DIRECTIVES OF THE HONOURABLE CHIEF JUSTICE

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice is pleased to direct that whenever witnesses are in attendance but cannot be examined due to absence of counsel of any of the parties or any other reason, attendance of such witnesses and absence of the concerned lawyer or any other reason causing adjournment, must be recorded in the order sheet.

This may be intimated to all the Courts within your administrative control for compliance, please.

(PHC Letter No. 7265-90/Admn: Dated 18th June 2015)

C.No. 16(7-8)

EXAMINATION OF PATWARIS IN REVENUE RECORD RELATED CASES.

I am directed to refer the subject noted above and to state that Hon'ble the Chief Justice had expressed serious disapprobation to the effect that, at the time of recording evidence of Patwari Halqa in revenue record related matters in the trial courts merely "Perth Patwar" of mutation is exhibited which per se is inadmissible document, whereas original "Perth Sarkar" is discarded to be brought on the record. This becomes serious hamper at Constitutional/Revisional stage for the elucidation of substantial question in controversy, inasmuch as, unnecessarily becomes a component for the remand of case.

Henceforth, such practice be curbed, with the direction that, original relevant mutation/Perth Sarkar be exhibited and judicial verdict explicitly

must be rationalized basing such official revenue record entries in its true perspective.

This be circulated among all the Judicial Officers posted under your administrative control.

(PHC Letter No. 8180-8204/Admn Dated 15th July, 2016)

C.No. **17**(7-8)

DIRECTIVES OF HON'ABLE THE CHIEF JUSTICE

I am directed to say that Hon'able the Chief Justice has been pleased to direct that no police officer/official appearing before any Court for evidence or otherwise be allowed to take any kind of Arm with him.

This may be circulated amongst all the Courts within your administrative control, for compliance.

(PHC Letter No.10590-10646/Admn Dated 29th September, 2016)

C.No. **18**(7-8)

SUMMONING OF REVENUE OFFICIALS FOR EVIDENCE

It has been a practice that Judicial Officers of the trial Courts unnecessarily summon the Revenue Officials for evidence which, usually causes delays in the disposal of the cases, as well as hampers the delivery of public service.

It is, therefore, directed that the Judicial Officers of the trial court shall summon the Revenue Officials only when it is inevitable. Also, it should also be ensured that the documents being requisitioned are required to the extent of their relevancy.

(PHC Letter No. 2790-2814/Admn Dated 02nd March, 2018)

C.No. **19**(7-8)

DIRECTIVES REGARDING RECORDING OF STATEMENTS

I am directed to refer to the cited subject and to say that some instances have come into the notice of this Court that Judicial Magistrates

/Civil Judges/Judges of Family Courts, allow Police Officers or Advocates to record /write statement of a person/witness/party and then such statement is signed by the Presiding Officer. The practice is not only contrary to law and violative of sanctity of Judicial Proceedings but also indicative of poor Court management.

I am further directed to draw your attention to High Court Rules & Orders, Volume-I, Chapter-I, Part-H (Civil), High Court Rules & Orders Volume-III, Chapter-I, Part-E(Criminal), Order-XVIII of the Code of Civil Procedure, 1908, and Rule 10-A of the West Pakistan Family Court Rules, 1965 and to say that the law requires the Presiding Officers to record the statements themselves or have such statement recorded under their personal directions and supervision by giving dictation, reading over to the deponent and signing the same thereafter.

It is, therefore, directed that in future all the Judicial Officers shall refrain from the above-mentioned practice and record all such statements strictly in accordance with the law/rules.

(PHC Letter No.261-95/Admn Dated 8th January 2021)

SECTION-IX
JUDGMENTS, ORDERS AND DECREES

C.No. 1(7-9)

**INDICATION OF CIVIL POWERS BY JUDICIAL OFFICER WHILE
DECIDING A SUIT, APPEAL OR OTHER PROCEEDING**

I am directed to address you on the subject and to say that some Judicial Officers especially Civil Judges invested with third class powers do not indicate and disclose the powers with which they are invested. This practice, being most irregular and against the letter and spirit of Rule 14 Chapter 11-A of the High Court Rules and Orders Vol: I, must be stopped forthwith. Rule 14, as aforesaid, is reproduced below for ready reference:-

“14- Every Judicial officer hearing or deciding a civil suit, proceeding or appeal is responsible that the record and the final order of judgment and the decree in civil suit, proceeding or appeal shall disclose the civil powers which such officer exercised in hearing or deciding such suit, proceeding or appeal”.

(PHC letter No. 5845-5914/Admn: Brh: dated Pesh: the 27th March, 1983)

C.No. 2(7-9)

**CITATION OF LAW AND REASONS IN SUPPORT OF JUDICIAL
DECISIONS.**

I am desired to address you on the subject and to say that in our legal system judgments/orders are required to be recorded and pronounced strictly in accordance with law and the facts on file.

Every such order, judgment and decision in order to be speaking one must further contain reasons, therefore, duly supported by statutory provisions and judicial pronouncements with which your libraries are replete.

The Hon'ble Chief Justice and Judges have been pleased to observe that some Presiding Officers of subordinate courts do not cite any authority in support of their decisions which creates an impression that they ignore the law and follow their own subjective opinion in deciding cases besides exposing their decisions to serious criticism of the bar and the litigant public. Citation of law/authority, on the contrary, not only inculcates habit of study, capacity for understanding and exposition of the legal and factual points but

it also instils confidence in members of the bar and litigants that the decision has been made strictly legally, purely judicially and not arbitrarily.

In view of the above, I am to request you that in future every judicial order, judgment and decision shall be supported by citation of the law/authority besides the reasons therefor.

(PHC letter No.5915-5984 / Admn: Brh: Dated Pesh: the 27th March, 1983)

C.No. 3(7-9)

CAREFUL EXERCISE OF REVISIONAL POWERS UNDER SECTIONS 115 CPC 1908 & 439- CR.P.C. 1898

I am desired to address you on the subject cited above and to say that prior to Law Reforms Ordinance 1972, the High Court alone used to exercise revisional powers under section 115 Civil Procedure Code, 1908 in civil matters and under section 439 Criminal Procedure Code, 1898 in respect of criminal matters but such revisional powers have also since been conferred upon all the District/ Additional District Judges and Sessions/Additional Sessions Judges under Sub-Section (2) of section 115 of the Civil Procedure Code and section 439-4 of the Code of Criminal Procedure in respect of civil and criminal matters respectively.

Every Presiding Officer of court is under obligation to work strictly in accordance with law and utmost care and diligence. Honorable the Chief Justice and Judges of this Court have been pleased to observe that some judicial officers while exercising revisional powers, as aforesaid, do not give, in this respect, as much attention as is required on their part with the result that this not only expose their judgments/ decisions to serious criticism of the bar and the litigant public but also creates an impression that the Judgment/ decision has been given not in accordance with law but according to their own subjective opinion. Besides, this state of affairs also creates an additional unnecessary work for this High Court for the obvious reason that no legal remedy is available under the law against a judgment/decision passed in exercise of the revisional powers and in the event of improper disposal of a matter under the revisional powers the adversely affected party usually comes to this Court in a writ petition. The Hon'ble Judges of this Court have further reasons to believe that had the Presiding Officer of the Court, exercising revisional powers, been vigilant and careful in the exercise of such powers none could have a chance for resorting to and invoking unnecessarily the writ jurisdiction of this Court.

In view of the above, I am, therefore, directed to request you that in future while exercising revisional powers under the Codes of Civil Procedure 1908 and Criminal Procedure 1898, utmost care should be taken in delivering judgments and further ensure that your decision should be based strictly on law, the facts on file and not on subjective opinion. It must also be elaborate and self-explanatory.

(PHC letter No. 8903-8935/ Admn: Brh: Dated Pesh:, the 3rd April, 1983)

C.No. 4(7-9)

UNDESIRABILITY OF HASTY DISMISSAL OR EXPARTE DECREE OF SUITS

I am directed to address you on the subject cited above and to state that Court, no doubt, is competent to dismiss a suit under rule 3 Order IX Code of the Civil Procedure, 1908 when neither party appears when the suit is called on for hearing and that it can pass ex parte decree under rule 6 (1) (a) of the said Order without recording evidence subject to the conditions mentioned therein and likewise can dismiss it under rule 8 of the Order, yet it is a discretionary matter on account of use of the words “may” & “be dismissed” in rules 3 & 6 (1) (a) and 8 respectively.

2) The primary object of the administration of the justice is the dispensation of real justice which alone can be ensured by following the principle of tolerance, sobriety and perseverance by Presiding Officers of courts. Extremes are dangerous and hasty decision, more than often fraught with wrongs, are not advisable in the ends of justice.

3) This Court has reasons to believe that some Presiding Officers of trial Courts not only treat this aspect of the matter very lightly but it has become a fashion with them either to dismiss or decree ex parte suits hastily and without observance of the law and procedure on the subject. This practice is most irregular and shall be stopped forthwith. The relevant provisions, in this respect, contained in rules 5 & 6 part-J Chapter-I of the High Court Rules and Orders Vol. I, are reproduced below for your ready reference and guidance:-

5. “The above rules must be worked in a reasonable manner, otherwise they will result in a number of applications for setting aside orders passed in the absence of the one or both parties. A litigant may have gone away for a few minutes to call his pleader, or to refresh himself. It is impossible to expect a man to remain in constant attendance for the whole of the time which the

Court is sitting. A convenient method is to lay aside a case when it is found that both the parties are not present, and to call it a second time later on in the day, when all other cases have been called and those in which parties are present have been disposed of, and though it is not desirable to lay down any hard and fast rule as applicable to all cases, the above course should ordinarily be followed. Occasionally, when it is brought to the notice of the Court that both the parties to a case which has been held over are in attendance, it may be found convenient to call up the case before all other cases have been disposed of”.

6. “Some Judicial officers are inclined to dismiss cases in default hastily in order to show an increased outturn. This tendency must be strongly deprecated. No case should be dismissed without giving a party reasonable opportunity to appear as indicated above and if this is done, the number of successful applications for setting aside dismissals in default will be appreciably reduced. The same remarks apply to proceedings taken exparte and applications to set aside the exparte orders. When a suit or application is dismissed in default, exact time of dismissal should be noted in the order by the Presiding Officer in his own hand.”

4) In view of the above I am, therefore, desired to request you to ensure compliance with the aforesaid provisions of law in letter and spirit. All the appellate courts should further see that the trial courts are strictly adhering to these instructions and the law on the subject.

(PHC letter No.0205-9274/ Admn: Brh: Dated Pesh., the 10th April, 1983)

C.No. 5(7-9)

DECREE IN PREEMPTION SUIT

I am directed to address you on the subject cited above and to say that the Hon’ble Chief Justice of this Court while disposing of revision petitions found regretfully that both the trial and appellate courts did not draw up decrees in preemption suits in accordance with the mandatory provisions of Order XX Rule 14 Code of Civil Procedure 1908 which being detailed in a nature and unambiguous, calls for no further elaboration, Rule 6 of the aforesaid order goes on to say, inter alia, that, “the decree shall agree with the judgment” but in preemption suits it seldom agrees with the judgment. Likewise rule 3 part-C Chapter 11 of the High Court rules and order Vol:IV, reproduced below for ready reference and guidance, requires the courts to study order XX rule 14. referred to above, very carefully:-

“3- The provisions of Order XX rule 14, Code of Civil Procedure; relating to the contents of the decree in preemption suit should be carefully studied. Sub-rule (2) relating to the adjudication of rival claims to preemption is new and requires special attention” In view of the above I am, therefore, desired to advise and direct you that:-

- (1)- the aforesaid provisions of law shall be carefully studied;
- (2)- the decree in a preemption suit shall agree with the judgment;
- (3)- and shall further be drawn up strictly in according with rule 14 order XX. Code of Civil Procedure, 1908.

Note:- The contents of this communication shall also be brought in notice of all officials of your court especially the Muharrirs preparing decree sheets for compliance. The decree sheets in no case shall be signed mechanically. The Presiding Officer of the court before signing it shall satisfy himself that it agrees with the Judgment and drawn up rightly and correctly.

(PHC letter No.10825-10884/ Admn:Brh: Dated Pesh: the 8th May, 1983)

C.No. 6(7-9)

MENTION OF THE NAME OF PRESIDING OFFICER IN THE HEADING OF THE BAIL ORDER PASSED BY HIM

I am directed to say that it has come to the notice of Hon’ble the Chief Justice that almost, all the Sessions Judges/ Additional Sessions Judges, while recording orders in bail matters, do not mention their names in the headings of the orders. This practice is exceptionable, as the name of the Sessions Judge / Additional Sessions Judge cannot be ascertained at the time of hearing of the bail application by this Court.

I am, therefore, to request that while recording order in a bail matter, you should mention your name invariably in the heading of the order.

(PHC letter No. 62 – 90 / Admn: Brh: Dated. Pesh:, the 10th January, 1990)

C.No. 7(7-9)

MENTION OF THE NAME OF THE PRESIDING OFFICER IN THE HEADING OF THE ORDER / JUDGEMENT PASSED BY HIM

I am directed to say that it has come to the notice of the Honorable Chief Justice, that, almost all the Judicial Officers, while recording orders/judgments, do not mention their names in the heading of the orders/judgments. Resultantly, it becomes difficult to ascertain the name of the judicial officer at the time of the hearing of the cases by this court. I am therefore, to request that while recording orders/judgments in cases, you should mention your name in the heading of the orders / judgments without fail.

(PHC letter No.7165-7255/ Admn: Brh: Dated Pesh: the 11th Nov: 1992)

C.No. 8(7-9)

COURT PROCEEDINGS

I am directed to inform you that while inspecting the civil Courts at Mansehra, Hon'ble the Chief Justice noted that in some cases Orders are written in the hand of the Readers of the court and are then signed by the Presiding Officers. This practice on the part of the presiding Officers has not been approved and the Hon'ble Chief Justice has taken a serious note of the matter.

I am, therefore, directed to state that in future all the Orders where necessary shall be written, in the hand writing of the Presiding Officers. Similarly in case of evidence it shall be recorded to the dictation of the Presiding Officers. Moreover, if a Presiding Officer has to record the evidence in vernacular then such evidence shall be recorded in their own hand. Further, I am also directed to emphasize that no Order or Judgment in the hand of the Reader shall be accepted. All the Judicial Officers are, therefore, warned to be careful in the conduct of the Judicial Proceedings.

(PHC letter No. 5171-5270 Admn. Brh.Dated Peshawar the 3rd July, 1993)

C.No. **9**(7-9)

WRITING NAME UNDER SIGNATURE

I am directed to say that it has been noticed that Presiding Officers of Courts avoid to mention their names under their signatures as well as in the heading of judgment/Order. This results into inconvenience in ascertaining the name of the scribe.

Accordingly, it is directed that the name of a Presiding Officer should invariably appear under his signature where-ever it occurs while recording evidence, judgment or final order.

(PHC letter No.4733-4832/Admn.Brh.Dated Peshawar the 14th June, 1997)

C.No. **10**(7-9)

WRITING NAME UNDER SIGNATURE

I am directed to invite your attention to this Court's letter No.4733-4832/Admn: Brh: dated 14.6.1997 and to say that instances have come to the notice of this Court indicating non-compliance of the directions contained in the aforesaid letter.

You are, therefore, reminded for strict compliance of these directions in future.

(PHC letter No.9604-9703/Admn: Brh: Dated Peshawar, the 19-11-1997)

C.No. **11**(7-9)

WRITING NAME UNDER SIGNATURE.

I am directed to refer to this Court's circular letter No. 4733-4832/Dated 14.6.1997 and to say that instances have come into the notice of the Hon'ble Judges of this Court that the subordinate Courts have not complied with the instructions contained therein. This practice has not been viewed with appreciation.

In view of the above, I am directed to insist upon you to write your name on the Heading of every judgment or Order and under your signature. In case of non-compliance strict action will be taken.

(PHC letter No. 7235-7385 Dated Peshawar the 30th September, 1998)

C.No. 12(7-9)

DECISIONS OF THE SUPERIOR COURTS

I am directed to address you on the subject noted above and to say that instances have come to the notice of this Court that decisions of the superior courts are not followed in their letter and spirit. Needless to emphasise that it is incumbent on all the judicial Officers to follow the decisions of superior courts in the matters before them if the same are applicable to the facts obtaining in the matters before them.

2. I am, therefore, to issue instructions to follow the decisions announced by the superior courts in letter and spirit. However, if the facts of the cases referred before the Courts are different from the cases under consideration then in that case, cases referred at the bar should invariably be distinguished by giving valid/detailed reasons.

(PHC letter No. 19-118 Admn: Brh: Dated Peshawar, the 4th January, 1999)

C.No. 13(7-9)

WRITING NAME UNDER SIGNATURES

I am directed to invite your attention to this Court letter No. 4733-4832. dated 14.6.1997, on the subject noted above, and to say that in spite of clear directions, instances are still coming to the notice of this Court that quite a number of Judicial Officers omit to mention their names under their signature. Needless to say that the omission is causing difficulty in ascertaining the name of Presiding Officer(s).

I am therefore, to direct that all the judicial officers should invariably specify their names at the conclusion of the Judgment under their signature.

(PHC letter No. 4733-4883 Admn Dated Peshawar the 27th May 1999)

C.No. 14(7-9)

TYPING OF JUDGMENTS

I am directed to say that in a recent judgment delivered by a Division Bench of this Court in Criminal Misc. No. 1269/98, the Hon'ble Judges have been pleased to make the following observations: -

“We may observe with regret that the learned Sessions Judge without applying his mind and looking into the legal aspect of the case dismissed the bail cancellation application through order dated 24.8.1999 written in his own hand-writing which is hardly legible. The Registrar of this Court is directed to issue a memo to the learned Judges of the subordinate courts to have their judgments typed as the type-writers are available with almost all the judges.”

2. I am accordingly to ask for rigid compliance of the above directive.

(PHC letter No. 11-110 Dated Peshawar the 4.1.2000)

C.No. 15(7-9)

COURT PROCEEDINGS

I am directed to refer to this Court letters # 5171-5270/Admn. Branch, dated 3rd July, 1993, 4733-4832/Admn. Branch, dated 14th June, 1997 and 9604-9703/Admn Branch, dated 19th November, 1997 and to state that during inspection of Courts it has been noticed that the instructions contained in the above-mentioned letters are not being strictly followed. I am, therefore, to direct that

- i. Henceforth, order sheets in all the cases shall be recorded in the hand-writing of the Presiding Officer and the order so recorded shall bear the seal of the Court and name of Presiding Officer under his initial/signature.
- ii. The evidence and judgment, if not type-written, shall be written in the hand writing of the Presiding Officer and his name, seal and signature shall follow as above.
- iii. In no case shall the recording of the evidence be left to the Reader or Steno of the Court and it must be recorded in the presence and hearing of the Presiding Officer.

The above instructions may please be communicated for strict compliance to all the Judicial Officer of the District under your administrative control, and their acknowledgement of receipt may also please be forwarded to this Court at the earliest.

(PHC letter No.7148-7171/. Dated Peshawar, the 04/07/2002)

C.No. 16(7-9)

**CHIEF JUSTICE DIRECTIVE # 8
(PROPER REGISTRATION OF APPLICATIONS/PETITIONS)**

I am directed to communicate the following directive issued by the Hon'ble Chief Justice:-

“Instructions be issued to all the Judicial Officers not to record any order on applications, requiring judicial disposal. They be required to register each and every such application/petition, to maintain proper order sheet and to dispose it of through a Judicial Order”.

(No. 681-704/MIT Dated 24th April, 2004)

C.No. 17(7-9)

TIMELY SIGNING OF THE JUDGEMENTS

I am directed to say that during His Lordship's visits to various Courts, in the Province, Hon'ble the Chief Justice has noticed with concern that most of the Judicial Officers do not write/sign judgments while announcing the same. Section 367 of the Code of Criminal Procedure 1898, Order 20, Rule 3 of the Code of Civil Procedure, 1908 and Rule 14 of the West Pakistan Family Courts Rules, 1965, provide that the judgment shall be dated and signed by the Presiding Officer in open Court at the time of pronouncing it. Similarly, section 32, Sub-section 4 of the Small Claims and Minor Offences Courts Ordinance, 2002 (Ordinance # XXIV of 2002), provides that the Court shall deliver to the parties the copies of judgment and decree on the date of pronouncement of judgment. Non-compliance of the aforesaid provisions may entail serious legal implications, resulting in miscarriage of justice.

Hon'ble the Chief Justice has, therefore, been pleased to direct that the aforesaid provisions shall henceforth be complied with in letter and spirit and any negligence/delinquency, found on the part of the Judicial Officers in this behalf shall be dealt with sternly in future.

I am further directed to request you to circulate the above instructions amongst all the Judicial Officers of your district for compliance.

(PHC letter No. 9527-50/Admn: Dated 17.08.2005)

C.No. 18(7-9)

TIMELY SIGNING OF THE JUDGMENTS

During recent inspections by the Members of the Inspection Team of this Court, it has been noticed that most of the courts do not follow the directions issued by this Court on the subject, the last one vide letter # 9527-50/Admn dated 17th August, 2005. Hon'ble Chief Justice has taken a serious view of non-observance of directions of this court.

I am, therefore, directed to convey **final warning** that, as required under judgment shall invariably be written before announcement and any Judicial Officer henceforth found, on inspection or otherwise, to have not done so, shall expose himself/herself disciplinary proceedings, besides immediate transfer to some far-flung area and subsequent reflection as to his/her efficiency in the PER.

The above warning may please be circulated among all the Judicial Officers of your respective Districts for information and compliance.

Receipt may please be acknowledged by all.

(PHC letter No. 10146-10169/Admn Dated Peshawar, 09th December, 2006)

C.No. 19(7-9)

JUDGMENT – ORDER ASSESSMENT FORM

One of the effective ways of supervision and control over courts is the judicial scrutiny of the work of Courts by Courts of appellate, revisional and constitutional jurisdiction is to examine the judgments of the former by the later and point out the errors, excesses or infirmities therein and judge the level of efficiency and integrity. But unfortunately this important tool is not being utilized since long which has resulted in free hand to judicial officers who dare decide cases on considerations other than judicial.

In order to curb this ever-expanding phenomenon and to improve supervision and control over courts, his lordship the Chief Justice has desired to make use of judicial scrutiny of judgments for this purpose as well. An assessment Form has been devised to this effect which is sent herewith for circulating it amongst all the appellate / revisional courts under your control. Such courts are expected to fill in the Form whenever any negative attribute as listed in the Form is noticed while disposing of an appeal, revision or any other petition.

**DISTRICT COURTS, KHYBER PAKHTUNKHWA
JUDGMENT-ORDER ASSESSMENT FORM**

(Reference: rule 4, Chapter-1-A, Vol IV of the High Court Rules and Orders)

Court of Appellate or Revisional jurisdiction examines every judgment before it to see whether to maintain, reverse or modify it. To make this exercise two-fold, it is desired that the said judgment be also examined for assessing integrity of the judge delivering it. If in view of a judge, exercising Appellate or Revisional jurisdiction, the judgment examined is found to indicate any of the negative attributes listed below, it, after being marked accordingly, is to be sent to the Registrar of the High Court together with the judgment examined and the one delivered by such judge for further necessary action, and communication to the concerned Judicial Officer.

Judgment/Order written by:

Mr. _____ Senior Civil Judge/Civil
Judge/Judicial Magistrate

Station _____

In the matter of:

..... Versus.....

.....

Case No Institution Decision
.....

Assessed in:

Appeal/Revision/Petition/_____No. _____ Date of Decision

Assessment

Application of Law	Proper	Improper
Writing Skill	Up to the mark	Below Mark
Appreciation of Evidence	Natural	Laboured

Judgement/Order	Balanced	Biased
Whether consistent with his previous judgment/order, if any.	Yes	No

Assessed by:

Mr. _____ **Court** _____

Signature _____ **Date** _____

(PHC letter No.9557-81/Admn Dated Peshawar, 24th May, 2010)

C.No. 20(7-9)

JUDGMENT – ORDER ASSESSMENT FORM

I am directed to refer to this court letter No. 9557-81/Admn dated 24-05-2010 on the subject noted above and to say that so far not a single Assessment Form has been received from District Judiciary exercising appellate or revisional powers regarding the performance of judges in terms of the negative attributes. Either everything has become alright or the learned judicial officers deliberately sweep the dirt under the heavy carpet of expediency. The latter appears to be closer to the truth because still complaints are pouring in as to the performance of certain judges in terms of integrity.

I am, therefore, directed to remind you of the importance of the Assessment Form and that any failure on the part of appellate/revisional court in this regard may reflect adversely and call for unfavorable entry in PER of the defaulting officer whenever noticed by this Court on judicial or administrative side. This directive may be circulated amongst all the appellate/revisional courts of your district.

(PHC letter No.19412-35/Admn Dated Peshawar, 26th November, 2010)

C.No. 21(7-9)

IRRELEVANT REMARKS IN JUDGMENTS

I am directed to refer to the subject noted above and to bring the following few lines for information of all the judicial officers.

A good and balanced judgment, inter alia, must confine to issues between the parties to the litigation. The reasons whereof must be strictly based on relevant and admissible record. The outcome of an issue in a litigation before courts of district judiciary binds only the parties to the litigation to the extent of specific issues only and does not assume the status of general application to the public at large or even the parties to it, nor can a judicial officer make it a basis for general reformation of the conduct of the parties in future or those not parties to it.

But unfortunately, some of the judicial officers while deciding an issue between the parties take it a gospel truth in its application to the future conduct of the parties and for those not parties to it as if he has reached an absolute wisdom in a lis having universal application on the basis of limited evidence and record.

Secondly the rules have made it undesirable for courts to make remarks censuring the action of Government servants save in very exceptional circumstances. And when it is necessary to do so the court cannot directly send the remarks to the concerned rather is obliged to send the copy through proper channel to the Registrar of High court (Rule 6, CH I-H, Vol-III of High Court Rules and Orders). This directive may be circulated amongst all the Judicial Officers under your control.

(PHC Letter No. 9059-9109/Admn: dated Peshawar 23rd July, 2011)

C.No. 22(7-9)

RECORD NOTE OF VISIT OF PRESIDENT ALONGWITH OTHER MEMBERS OF SUB DIVISIONAL BAR ASSOCIATION TAKHT BHAI DISTRICT MARDAN TO HCJ ON 01.12.2011 AT 04 PM AT PESHAWAR HIGH COURT, PESHAWAR

I am directed to convey the following extracts of the subject record note for circulation amongst all the judicial officer within the district, for information and compliance:-

“That the judicial officers may be advised to incorporate the arrangements and case laws referred by lawyers during their arguments, to ensure proper analysis of the issues.

That the criminal courts may be directed to apply the provisions of section 249, 249-A and 265-K Cr.PC whenever the facts requiring the application of the said provisions stood proved on record”

(PHC Letter No. 66-98/Admn, dated Peshawar the 05-01-2012)

C.No. 23(7-9)

RECORDING OF ARGUMENTS AND PRECEDENTS LAW/STATUTE IN ORDERS/JUDGMENTS.

I am directed to refer to the subject noted above and to say that Hon’ble the Chief Justice has taken serious note regarding non-reflecting the relevant portion of arguments of learned counsel for parties and non-quoting the precedents/statutes provided by them in the orders as well as in detailed judgments passed by the court and has directed in following terms:-

“All the orders and Judgments must contain the relevant portion of the arguments advanced by the counsel for the parties along with precedents/statutes produced before the court”

I am therefore, directed to request for strict compliance of he said directions in letter and spirit without fails.

I am further directed to request for circulation of instant instructions amongst all the judicial officers under your control for immediate compliance.

(PHC Letter No. 1729-52/Admn, Dated 10th February, 2014)

C.No. 24(7-9)

COURT PROCEEDINGS

I am directed to refer to this Court letter No.5171-5270/Admn Branch dated: 03.07.1993, No. 4733-4832/Admn Branch dated: 14.07.1997 and No.7148-7171 dated: 04.07.2002 on subject noted above and to say that despite repeated directions, it has been reported in certain instances that statement/evidence of witnesses are recorded in Court Room but in absence of the presiding officer resulting into gross miss-carriage of justice.

I am therefore, to convey immense concern of his lordship, Hon’ble the Chief Justice and to request that such practice be discontinued forthwith and evidence must be recorded in the presence and hearing of the presiding officer and in no case be left to the reader or steno of the court in

order to ensure that entire proceedings of the court are free from slightest blemish.

I am further directed to request for circulation of instant instructions amongst all the judicial officers under control for immediate compliance.

(PHC Letter No. 1883-1908/Admn, Dated 11th February 2014)

C.No. 25(7-9)

DIRECTIVES OF THE HON'BLE CHIEF JUSTICE

The Hon'ble Chief Justice has been pleased to direct that henceforth all orders/judgments shall be written in "Times New Roman" with font Size: 14, line spacing 2.0, and the back side of order sheet shall not be used for writing orders.

This may be circulated amongst all the courts within your administrative control for compliance, please.

(PHC Letter No.15002-15026/Admn, Dated 21st September, 2017)

SECTION-X
(COSTS AND COMPENSATION)

C.No. 1(7-10)

**AWARD OF COMPENSATION UNDER SECTION 544-A CODE OF
THE CRIMINAL PROCEDURE, 1898**

Hon'ble the Chief Justice and Judges of this Court have reasons to believe in light of scrutiny of the case files that provisions of Section 544-A Criminal Procedure Code are not being complied with and thereby it results in miscarriage of justice. The contents of this section are crystal clear leaving no scope for ambiguity and doubt and according to it the trial court is competent to award compensation, not exceeding the amount of fine which it is empowered to impose for the offence, to legal heirs of the deceased or to the person hurt or injured etc: as the case may be, in addition to any sentence including fine which the court may impose upon the accused. The compensation so awarded, keeping in view circumstances of each case, is recoverable as arrears of land revenue and the court is further competent to order, in default of payment or of recovery as aforesaid, that the person ordered to pay such compensation shall suffer imprisonment for a period specified in the section.

Pursuant to the above, I am desired to direct that before awarding compensation the provisions of section 544-A Cr.P.C. may kindly be carefully perused for arriving at correct decisions. All the District Magistrates are requested to bring these instructions in notice of the Magistrates working under their administrative control for strict compliance.

(PHC letter No.3853-3902/Admn:Brh:Dated Pesh:, the 3rd April, 1984)

C.No. 2(7-10)

PAYMENT OF COSTS IN CIVIL CASES

I am directed to address you on the subject noted above and to say that pursuant to a decision taken in the meeting of the Chief Justices held at Islamabad on 13th April, 1991, Hon'ble the Chief Justice of this Court has been pleased to order that the costs in civil cases should invariably be paid to the party concerned and not to its Advocate. The costs should be paid to the party concerned in presence of the Presiding Officer and a proper receipt should be obtained and placed on record. In case of failure of the party to

receive the costs in court, it should be sent to him by money order after deducting money order fees. These instructions are desire to be followed strictly.

(PHC letter No. 4652 – 4731 / Admn: Brh: Dated. Peshawar 4th May, 1991)

C.No. 3(7-10)

IMPOSITION OF HEAVY COSTS

I am directed to say that in a meeting of the Hon'ble Chief Justices held at Islamabad on (Saturday) 10th October,1998, it has been decided that heavy costs should be imposed to discourage institution of frivolous cases

2)- I am further directed to request you to comply with the above decision.

(PHC letter No. 8494-8543 Admn.Dated Peshawar the 5th November, 1998)

C.No. 4(7-10)

CAUSES OF DELAY IN THE DISPOSAL OF CASES-NON-IMPOSITION OF APPROPRIATE COSTS.

I am directed by the Hon'ble Chief justice to address you on the subject noted above and say that besides others, liberal grant of adjournments by the Presiding Officers without imposition of heavy costs on the party seeking unjustified adjournment and failure on the part of Judges to burden the unsuccessful party in a case of frivolous and vexatious action or defense with appropriate compensatory costs are the factors mainly responsible for accumulation of pendency in the courts and resultant delay in the disposal of cases.

2)- In order to accelerate the disposal of cases at all levels and in order to mitigating the sufferings of litigant public, you are to impress upon all the judicial Officers in the District not to hesitate in imposing heavy costs in cases of unjustified adjournments primarily aimed at delaying the disposal of the case and compensatory costs in appropriate cases in order to curb the tendency of filing frivolous and vexatious suits/causes.

(PHC letter No. 3962-3983 Dated Peshawar the 22nd May, 2000)

C.No. 5(7-10)

HEAVY COST ON FRIVOLOUS LITIGATION

1. I am directed by the Hon'ble Chief Justice to address you on the subject noted above and to say that one of the main reasons for accumulation of cases in the courts and inordinate delay in the disposal of civil matters is the non-imposition of heavy costs even when the litigation is finally adjudged as frivolous and vexatious. Same is the case with pending matters wherein mechanical adjournments are granted without imposition of costs, resultantly the pace of trial is left at the mercy of the party which is interested in the prolongation of the case. This omission on the part of the Presiding Officers, whether willful or un-intentional, serves to encourage unscrupulous litigants.

2. I am, therefore, to request that relevant provisions of law including section 35-A CPC, which is indeed applicable in the province, may be invoked in appropriate cases/suits for imposition of exemplary costs when the courts bonafidely believe the litigation to be frivolous and aimed at vexing the opposite party. Moreover, Courts should also curb the tendency of delaying proceedings in pending cases by resorting to imposition of heavy costs.

(PHC letter No. 1199-1298. / Admn: Dated Peshawar 9th March, 2001)

C.No. 6(7-10)

DISCOURAGEMENT OF FALSE & FRIVOLOUS LITIGATIONS.

I am directed to bring to your notice clause 14(1) of National Judicial Policy 2009 (reproduce herein below) for necessary action.

"False and frivolous litigation in civil as well as in criminal sides be discouraged by imposing heavy cost, compensation and penalties in accordance with the provisions of section 35-A C.P.0 and 250 Cr.PC so that he precious time of the Courts may not be wasted and utilized for redressal of genuine grievances of the litigants".

You are requested to circulate it to all other Judicial Officers as well as Bar Associations within your respective jurisdiction.

(PHC Letter No.19603-670/Admin Dated 03rd December, 2018)

SECTION-XI SENTENCING INSTRUCTIONS

C.No. 1(7-11)

SHORT TERM SENTENCES

It has been brought to the notice of the Judicial Commissioner that considerable overcrowding exist in the various jails of this Province. With a view to relieving the pressure, Magistrates are directed to refrain from imposing short terms of imprisonment where offences may suitably be dealt with by imposition of fine excepting off course, in cases in which there is no alternative to a sentence of imprisonment. First offenders might be dealt with, where there is appropriate, having regard to the nature of the offence and the antecedents of the accused, by action Under Section 562¹, Criminal Procedure Code. Tehsil Courts and Honorary² Magistrates show a tendency to impose petty sentences of imprisonment in unimportant cases in which a fine would be more suitable punishment and District Magistrates are requested to take steps to ensure that such sentences shall not be imposed unnecessarily.

(Circular Order No. 74 dated Peshawar the 6th September 1915)

It has been brought into the notice of Judicial Commissioner that a serious state of congestion exists in the Jails of this Province. This is to a large extent due to the imposition of short-term sentences, and it would appear, that the instructions issued in this respect in this Office Circular No. 74, dated 6th September 1915 have not always been followed by the Courts. District Magistrates when examining the monthly statement of subordinate Courts should satisfy themselves that sentences of imprisonment for a short-term are not imposed in petty cases where a sentence of fine would meet the ends of justice. Another factor of importance in the matter of the overcrowding of jails is the slackness displayed by some Magistrates in dealing with their under-trial prisoners. The delay which frequently occurs in the disposal of *jirga* cases works in the same direction. It is hoped that District Magistrates will see that pending cases are disposed of with the greatest possible promptitude in future.

(Circular Order No.81, dated Peshawar the 17th October, 1917)

¹ Section 562 Cr.P.C is repealed by Section 16 of Probation of Offenders Ordinance (XLV), 1960. Now such cases should be dealt with under the Ordinance XLV of 1960.

² In British era, an Honorary Magistrate was one who performed the judicial duties of a Magistrate with no remuneration for it. Usually these powers were conferred upon wealthy zamindars and men of status. Appointment of honorary magistrates helped Britishers in reducing the administrative cost and relieving the Stipendiary magistrates for more important judicial work.

C.No. 2(7-11)

SEPARATE SENTENCES FOR SEPARATE OFFENCES

The Judicial Commissioner observes that it is a common mistake on part of Magistrates to pass a single consolidated sentence for two or more distinct offences in the same case. I am directed to draw the attention of all Criminal Courts in the North-West Frontier Province to case No. 46, Punjab Record, 1917 (Criminal), in which it has been held that if an accused is convicted of two or more distinct offences in the same case, there should be separate sentence passed for each offence, where, - vide Section 35 of the Code of Criminal Procedure.

It is understood that the Magistrate concerned will at the same time consider whether the sentences thus passed should be concurrent or not.

(Circular Order No. 91, dated Peshawar the 20th April, 1918)

C.No. 3(7-11)

PERIOD OF CUSTODY WHILST UNDER TRIAL TO BE CONSIDERED WHEN IMPOSING SENTENCE

In awarding sentences of imprisonment, it is incumbent upon Courts to take into account that period which the accused has already spent in confinement while under trial in all cases where that period is in anyway abnormal. The Judicial Commissioner does not consider it necessary to lay down any hard and fast rule prescribing the scale by which such allowance should made. The extent of leniency shown in the substantive sentence, on the ground of abnormal detention under trial should be governed by the circumstances of each individual case¹.

(Circular Order No.115 dated Peshawar the 1st November 1922)

C.No. 4(7-11)

FINES AND COMPENSATION

The following extract from a judgement of the Judicial Commissioner dated the 12th of September, 1923, is published for information and guidance of all Criminal Courts:-

¹ Section 382-B was added in the Code of Criminal Procedure by Law Reform Ordinance 1972.

“Reference to the District Magistrate shows that the Magistrate who convicted the accused, inflicted in each case a fine of Rs.5 only in addition to the two sentences of four years’ rigorous imprisonment. The only explanation for these small fines is, as shown by the District Magistrate’s report, that the convicting Magistrate was under the impression that, where the Indian Penal Code¹ recites that a person convicted of an offence shall be punished with imprisonment which may extend to a particular term and shall also be liable to fine, the meaning of the Code is that the offender must necessarily be punished with fine in addition to imprisonment. This is not the case. It is true that Gour’s Commentary of the Indian Penal Code lends some colour to the view taken by the Magistrate, but there cannot be the least doubt that the view is incorrect. In case where the Court prescribes that an offence is punishable with imprisonment, or with fine, or with both, sentences of imprisonment without fine or of fine without imprisonment both equally legal. On the other hand, when the Court prescribes that an offender ‘shall be punished with imprisonment and shall also be liable to fine’, the meaning clearly is that imprisonment is compulsory. A sentence of the fine only is illegal, and this has constantly been pointed out. On the other hand, there is nothing whatever to warrant to the converse assumption that an sentence ‘ of imprisonment only is not legal’. The words are not ‘ and shall also be punished with fine’, but ‘shall also be liable to fine’. There can be no question that these English words mean that an addition of the fine is permissible and not compulsory. This is the view which appears to followed by all higher Courts in India. As an illustration, it may be observed that, in the case of murder, Section 302 Indian Penal Code makes the offender who must necessarily be punished with death or transportation for life, ‘ also liable to fine’. It has never been suggested, that in the case of murder, a fine and addition to the sentence of death or of transportation of life is compulsory. In fact the imposition of such additional fines, in the case of murder, is extremely rare. There is at the same time, no distinction between the words used in Section 302 and the words which allow the optional addition of fine to a sentence of imprisonment for other heinous offences such as those dealt with the present case.”

Where a sentence of imprisonment is, under the Indian Penal Code, compulsory i.e. where the words occur “shall also be liable to fine”, a sentence of imprisonment only is legal, and there is no necessity of inflictions of fines in addition when they would not otherwise be warranted by the facts of the case and suitability of a sentence of fine. The Court has, in this case, a complete discretion either to add or not to add a sentence of fine.

(Circular Order No.121 dated Peshawar the 22nd September, 1923)

¹ Now Pakistan Penal Code.

C.No. 5(7-11)

AWARDING OF ADEQUATE SENTENCE IN MURDER CASES.

I am directed to say that of late it has been observed that Courts are hesitant in awarding normal penalty in murder cases, though accused are found guilty of the charge. Needless to stress that once the prosecution is able to bring home charge against an accused person, it is not the duty of the trial Court to seek even far-fetched extenuating and mitigating circumstances for awarding lesser punishment than the normal one. You are well aware that reluctance on the part of Judicial Officer in awarding normal death penalty in murder cases is significantly contributing to rise in the heinous crimes particularly murder; and the courts, in such circumstances, cannot escape their share of responsibility. There can be no two opinions that this unwarranted situation can only be checked through award of deterrent punishment.

The Hon'ble Chief Justice and Judges have taken serious view of this situation which is amply reflected in the judgment of Hon'ble Division Bench comprising Hon'ble the Chief Justice and Justice Tariq Parvez Khan in case Muhammad Israr ... Versus ... State- Jail Criminal Appeal No. 200 of 1994 (Copy of the Judgment enclosed).

I am, therefore, to direct that the punishment awarded to an accused, which is found guilty of the charge of murder, should adequately reflect the gravity of the offence in order to meet the end of justice. Any deviation of the above is bound to be recorded in the Character roll of the Officers.

(PHC letter No.2682-2731 Dated Peshawar the 27th March, 1998)

C.No. 6(7-11)

BENEFIT OF SECTION 382-B Cr.P.C 1898

I am directed to refer to the provision of Section 382-B Cr.P.C. and to request that the provision of the said Law be followed in letter and spirit at the time of convicting an accused.

(PHC letter No. 8344-8493 Admn: Dated Peshawar the 5th November,1998)

C.No. 7(7-11)

PROBATION OF OFFENDERS ORDINANCE 1960 / OVER CROWDING IN JAILS

I am directed to forward herewith copy of letter No. 2311/Dir R&P(0-2) dated 23.10.2008, on the subject cited above received from the Director, Reclamation & Probation NWFP Peshawar with the request to circulate the letter to all the courts exercising criminal jurisdiction and to ask the concerned courts to consider the relevant provisions of the Ordinance while deciding criminal cases, please.

(PHC letter No.15615-38/Admn Dated Peshawar, 24th November, 2008)

C.No. 8(7-11)

ADHERENCE TO THE PROVISIONS OF STATUTE

The Competent Authority has taken a serious notice of the fact that in Narcotics Cases, the Courts are taking a lenient view in derogation of explicit statutory provisions contained in Section 9(b)(c) CNSA, while passing sentences.

It is therefore, desired that while deciding narcotics cases, the relevant provisions of law should be adhered without regard to any judgment which does not fulfill the conditionality enumerated in Article 189 and 201 of the Constitution of Islamic Republic of Pakistan.

This may be circulated amongst the courts under your administrative control for guidance.

(PHC Letter No. 11289-11312/Admn, Dated 22nd July, 2014)

C.No. 9(7-11)

ADHERENCE TO THE PROVISIONS OF STATUTE

Kindly refer to this Court's letter No. 11289-11312/Admn dated 22.07.2014, on the subject noted above.

I am to reiterate that despite clarity in law and advisory directions of this court, the Judicial Officers are still disposing-off narcotics cases, with lenient convictions in complete disregard to the statutory provisions contained in Section 9(b)(c) CNSA.

Therefore, through the letter, all the officers are once again reminded to administer justice accordance with law, failing which they may be taken to task.

All the concerned may kindly be intimated with an acknowledgment to this court, please.

(PHC Letter No. 14464-88/Admn Dated 22nd December, 2015)

SECTION-XII**NATIONAL JUDICIAL POLICY MAKING COMMITTEE ...
RELATED INSTRUCTIONS**

C.No. 1(7-12)

**PERIODICAL ROTATION/TRANSFER OF THE
MINISTERIAL STAFF OF DISTRICT COURTS**

I am directed to refer to the decision made by the National Judicial Policy Making Committee (NJPMC) in its meeting, held on 19th November, 2005, to the effect that the Ministerial Staff of the Courts be kept under watch, that they should be periodically rotated/transferred and that inefficient and dishonest should be considered for transfer to the unattractive stations and to ask that report regarding members of the ministerial staff of your District on fixed seat for more than three years may be sent to this Court within seven days.

(PHC letter No. 10877-10900/Admn: Dated 12 December, 2005)

C.No. 2(7-12)

**SLIP OF DEFECTS IN JUDGMENTS/ORDERS OF LOWER
FORUMS AS NOTED BY THE HIGH COURT (FOR
INFORMATION OF JUDICIAL OFFICERS)**

I am directed to refer to the decision made by the National Judicial Policy Making Committee (NJPMC) in its meeting, dated 20th August, 2005 regarding the issuance of subject slip by the High Court and to say that the following recommendations of this Court were subsequently approved by the Committee in its meeting, held on 19th November, 2005:-

“Whenever the High Court is of the view that certain remarks regarding quality of judgment, reflecting on the integrity of the Judicial Officer should be passed or where it appears that the lower forum has proceeded to decide the case not legally but for any other consideration, the prescribed slip shall be issued to such Judicial Officer”.

It has further been decided by the said Committee that in case 75% judgments of a judicial officer are set aside/reversed, he shall be considered

as inefficient and disciplinary proceedings be initiated against him, and that a judicial officer shall also be proceeded against for giving a stinking judgment.

I am, therefore, to ask you to circulate the above decisions amongst all the judicial officers of your district for their information.

PROFORMA

**SLIP OF DEFECTS IN JUDGEMENTS/ORDERS OF LOWER FORUMS
AS NOTED BY THE HIGH COURT.**

Appeal/Revision/Writ/Application/Case No. _____ Decided on _____

Title of the case.....

Name of Judicial Officer passing order.....

In Case No.....of.....decided on.....

Name of the Court.

Remarks by the High Court

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Signatures of Hon’ble Judge/Judges.

Date

Note:- Original to be placed on the judicial file of the High Court, and copies on CR dossier and personal file of the concerned Judicial Officer, besides the judicial file of the Court to which slip is issued, with proper paging and indexation.

(PHC letter No. 10817-10840/Admn: Dated 12 December, 2005)

C.No. 3(7-12)

ELIMINATION OF PERJURY / DECISION OF NJPMC

I am directed to refer to the subject noted above and to say that the National Judicial Policy Making Committee (NJPMC) in its meeting, held on 23rd June 2007, at Islamabad, has decided that the subordinate courts be asked for taking strict action against the perjurers, who give false statements or preset forged documents or false affidavits in the court.

I am, therefore, to ask you to circulate the above decision of the Committee amongst all the Judicial Officers of your district for compliance.

(PHC letter No. 7313-7336/Admn Dated Peshawar, 11th July, 2007)

C.No. 4(7-12)

NATIONAL CORRUPTION PERCEPTION SURVEY 2006

I am directed to refer to the subject noted above and to say that a meeting of the National Judicial (Policy Making) Committee (NJPMC) was held under the Chairmanship of the Hon'ble Acting Chief Justice of Pakistan to consider the National Corruption Perception Survey Report 2006 conducted by Transparency International, Pakistan. The committee viewed seriously the complaints of corruption in the judiciary, particularly amongst the Judicial Officers and courts staff at the level of subordinate courts. The Committee reiterated its resolution that corruption in any form or manifestation is unacceptable and has to be eradicated. The Committee directed that the said report be forwarded to the High Courts for taking necessary measures to check corruption amongst the Judicial Officers, court staff and personnel of related institutions like Investigation and Prosecution Branches.

In view, thereof, Hon'ble the Chief Justice has desired that all the District & Sessions Judges be asked and reminded of their earnest duty towards elimination of corruption, without whom no effort can bear fruit, as they hold a pivotal position in the District Judiciary being the immediate head

of Judiciary in the district on one hand and representative of the High Court on the other. Some of the instructions already issued by this Court, laying stress on the role of the District & Sessions Judge / Zilla Qazi qua the issue in hand can be gone through as follows:

1. Instruction C.No. 6(4-3) of Judicial Estacode 2006, pg No. 316
2. Instruction C.No. 7(4-3) of Judicial Estacode 2006, pg No. 317
3. Instruction C.No. 8(4-3) of Judicial Estacode 2006, pg No. 318
4. Instruction C.No. 1(4-16) of Judicial Estacode 2006, pg No. 389
5. Instruction C.No. 4(4-16) of Judicial Estacode 2006, pg No. 390

The District & Sessions Judges are required to play a more proactive and positive role in curbing the menace of corruption which has threatened the very basis of institutional fabric. This role can also be extended to other allied institutions like Investigation, Prosecution etc.

The individual efforts of a superior officer, at times, fail to deliver to the optimum level for the reason that no institutional mechanism is in place to check the corruption. The result in that with the change of a superior, the history of subordinate is not transferred to successor.

The best strategy, therefore, can be to keep a permanent record of every subordinate encompassing all the complaints, both verbal & written, regarding corruption, which record can be taken into consideration at the time of action against a civil servant in line with Katcha register maintained for recording Performance Evaluation Report.

All the District & Sessions Judges are, therefore, required to keep such memorandum of all the courts staff. Such record of Judicial Officers shall also be maintained at the High Court level. In the matter of allied Institutions, the matters can be referred to the superiors of the concerned institutions with a copy of record to be maintained by the District & Sessions Judge.

All the District & Sessions Judges / Zilla Qazis are required to actively pursue the exercise and the report of the actions taken may be communicated to this court for its own record and for onward transmission to NJPMC.

(PHC letter No. 7800-7823/Admn Dated Peshawar, 01st August, 2007)

C.No. 5(7-12)

RECOMMENDATIONS OF THE NATIONAL JUDICIAL POLICY MAKING COMMITTEE REGARDING IMPLEMENTATION OF JUVENILE JUSTICE SYSTEM ORDINANCE, 2000

I am directed to refer to the subject noted above and to say that the National Judicial Policy Making Committee in its meeting dated 08.09.2007, while appreciating the checklist system introduced by Peshawar High Court in every case, has suggested the adoption of similar system by other High Courts (Copy of the minutes enclosed).

It is, therefore, once again reiterated that all the courts should strictly follow the guidelines already issued regarding the checklists in Consolidated Inspection Note of Inspections of Subordinate Courts conducted in January 2003 for the period October – December, 2002. This circular may be circulated amongst all the courts in your district for compliance.

(PHC letter No.10259-10282/Admn Dated Peshawar, 19th October, 2007)

C.No. 6(7-12)

RECOMMENDATIONS OF NJPMC REGARDING EXPEDITIOUS DISPOSAL OF CASES

I am directed to refer to the subject noted above and to say that the National Judicial (Policy) Making Committee (NJPMC) in its meeting held on 10.11.2007, under the Chairmanship of the Hon'ble Chief Justice of Pakistan, considered the increase in backlog of cases in the Courts which has swollen resulting in adding the miseries of the litigants. The committee has, therefore, emphasized and called upon the Judges to concentrate on expeditious disposal of cases so as to restore the confidence of the people.

It is further to inform you that High Court shall review the progress of disposal of cases on periodical basis.

I am further directed to ask you to circulate three instructions amongst all the Judicial Officers of your district for strict compliance. Receipt may please be acknowledged by all.

(PHC letter No.376-399/Admn Dated Peshawar, 10th January, 2008)

C.No. 7(7-12)

BENEFITS TO GOOD CONDUCT OFFENDERS

I am directed to refer to the subject matter and to say that the National Judicial (Policy Making) Committee, in its special meeting held at Islamabad on 06.06.2009, has asked the High Courts to issue directions to the Judges for invoking provisions of Probation of Offenders Ordinance, 1960 and to extend the benefits to offenders and asking the District & Sessions Judge to discuss the issues relating to parole/probation in the meetings of the District Criminal Justice Coordination Committee.

Henceforth a fortnightly report containing list of offenders who have been given the benefits of the said law will be furnished to the Secretary, NJPMC for placing it before the Hon'ble Chief Justice of Pakistan/Chairman, NJPMC for further directions.

It is, therefore, requested that compliance of the directions be ensured in letter & spirit, please.

(PHC letter No. 5308-5331/Admn Dated Peshawar, 17th June, 2009)

C.No. 8(7-12)

IMPLEMENTATION OF NJP; GUIDELINES FOR RECORDING OF EVIDENCE THROUGH COMMISSION

I am directed to invite your attention to the above noted subject and to state that the National Judicial Policy Making Committee has issued guidelines for recording of evidence, with in the court, through local commission. The same are reproduced as under:

1. The appointment of commission should be streamlined and in each district a list of lawyers should be maintained for appointment as a Commission in consultation with the representatives of Bar. The Commission should be appointed out of agreed list/ panel in rotation, ensuring that there is no favoritism/ nepotism and no repetition of names as favour to some;
2. the appointment for commission should be made on merit by considering the qualification and standing at Bar;
3. the Commission should be appointed with free consent of the parties;

4. the Commission should record evidence in the court room in physical presence/ control of the judicial official;
5. on closure of proceedings, the Presiding Officer should give a certificate to the effect that the evidence was recorded by the Commission in his physical presence;
6. to narrow down the controversies in civil cases the Presiding Officer should ascertain from each party whether he admits such allegation of facts as are made in the plaint or in written statement, if any. The issue be narrowed down to the essential ones. This practice will help the court to restrict its proceeding to the actual controversies;
7. if the work load is manageable then the recording of evidence through Commission should be avoided and the judicial officer should record evidence under his hand.

All the courts under your administrative control should be informed accordingly to follow these guiding principles

(PHC letter No. 11805-31/Admn Dated Peshawar, 05th July, 2010)

C.No. 9(7-12)

IMPLEMENTATION OF NJP; REALIZATION OF GOALS THROUGH MULTI-PRONGED APPROACH

I am directed to refer to the above noted subject and to state that in recent meeting of Sub-Committee of NJPMC at Islamabad it has been held that goals of NJP be realized through multi-pronged approach. As one of the steps, the functioning of Bench Bar Liaison Committee and Criminal Justice Coordination Committee should be expanded for enhanced coordination to encompass the requirement of NJP; the meeting of former may be convened at least once a month, while that of later according to statutory interval. The agenda of meeting of a committee, each time, should include issues related with NJP. For better result oriented approach, guests' participants may be invited.

The Oldest, Older and Old cases should be given due attention. The period allowed for disposal of oldest cases, as already communicated, is current month, to be followed progressively by older and old cases till end of the current calendar year. The requisite district-wise data on prescribed proforma may be sent to this court prior to July 29, 2010 for ascertaining the progress in such cases.

(PHC letter No.12141-67/Admn Dated Peshawar, 13th July, 2010)

C.No. **10**(7-12)

**IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL
POLICY MAKING COMMITTEE DATED 26-27 MARCH 2011**

I am directed to refer to the subject noted above and convey the following extract from the minutes of the subject meeting for compliance immediately.

“For provision of adequate security for courts and judges, the provincial police officer shall be asked to make/ensure full proof security measures for the court premises”

(PHC Letter No. 5895/Admn, dated Peshawar the 11-05-2011)

C.No. **11**(7-12)

**IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL
POLICY MAKING COMMITTEE DATED: 26th, 27th MARCH 2011**

I am directed to refer to the subject noted above and convey the following extract from the minutes of the subject meeting for compliance immediately.

“The committee further resolved that all the D&SJ should be asked to report about the corruption/ misconduct of their subordinate judges and court staff; whereas, the cases of corrupt practices/Munishes/Clerks of the lawyers should be taken up in the meeting with the president District Bar Association for necessary action under the law”

(PHC Letter No. 5838-5861/Admn, dated Peshawar the 11-05-2011)

C.No. **12**(7-12)

**IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL
POLICY MASKING COMMITTEE DATED: 26TH, 27TH MARCH
2011**

I am directed to refer to the subject noted above and convey the following extract from the minutes of the subject meeting for compliance immediately.

“The committee desired that a complaint box shall be placed in every district court for facilitating the litigants regarding their complaints against judicial officers and court staff. This process shall be directly supervised by D&SJs who shall take appropriate action on authentic compliance. The committee further resolved that commandments negating corruption and corrupt practices shall be affixed in every court.”

(PHC Letter No. 5814-5837/Admn, dated Peshawar the 11th May, 2011)

C.No. 13(7-12)

**IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL
POLICY MAKING COMMITTEE DATED: 26TH, 27TH MARCH 2011**

I am directed to refer to the subject noted above and convey the following extract from the minutes of the subject meeting for compliance immediately.

“while discussing the issues relating to affidavits and conduct of stamp vendors, the committee opined that there is a dire need to evolve a mechanism to discard/minimize the chances of producing false affidavits; therefore, it was resolved that in future all affidavit should be attested by the oath commissioner/authorized officer of courts after getting proof of identity. In this regard, the High Courts are requested to install a close circuit television (CCTV) and snaps of the deponent should be captured and attached with the file as evidence. The committee resolve that this practice shall be adopted from 15th April 2011 and persons found violating the instructions should be dealt with under the disciplinary/relevant rules. As regard stamp vendors, the committee resolved that they should be compelled that the stamp papers should be sold to a person after ascertaining/verifying his identity”

(PHC Letter No. 5862-5889/Admn, Dated 11th May, 2011)

C.No. 14(7-12)

**IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL
POLICY MAKING COMMITTEE DATED: 26TH, 27TH MARCH 2011**

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately.

“The committee consider the joint application of prisoners for early hearing of jail appeals and suggestions for jail reforms forwarded by Mr. Muhammad Yahya Butt, a freelance journalist. The committee after consideration observed that the courts have own set of procedures for fixture of cases and it would not be appropriate to formulate a policy for jail appeals; however, the High Courts may consider the proposal of early hearing of appeals of condemned prisoners by prioritizing the same.

For fixing a date of hearing/adjournment the nature of case may be taken into consideration. Cases related to fiscal matters should be taken on fast track for disposal to meet the constitutional requirements / Instructions.”

(PHC Letter No. 5891-94/Admn, dated Peshawar the 11-05-2011)

C.No. 15(7-12)

IMPLEMENTATION OF DECISIONS OF NATIONAL JUDICIAL POLICY MAKING COMMITTEE DATED: 26TH, 27TH MARCH 2011

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately.

“All the High Courts should evolve its own standard operating procedures (SOPS) for giving priority to the cases for fixation on the pattern of instructions issued by the Supreme Court of Pakistan.

The Committee considered the application of Mr. and Mrs. Izhar Uddin residents of DHA Phase-V, Karachi for giving preference to the cases of senior citizens for early disposal. The committee resolved that the courts are already overburden and it would be difficult to single out cases of senior citizens for early hearing. However, the courts may take up such cases for urgent hearing. The Hon’ble Chief Justice of Pakistan desired that a letter may be written to the High Courts for early hearing of pension or cases relating to payment or dues to the retired employees.”

(PHC Letter No. 5896-5900/Admn, dated Peshawar the 11-05-2011)

C.No. 16(7-12)

DECISIONS OF NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE CASES OF PRISONERS

I am directed to refer to the subject noted above, and to convey that the National Judicial (Policy Making) Committee in its meeting dated 14th – 15th May, 2011 has decided that every Sessions Judge should fix five oldest cases of prisoners, preferably before himself, for decision on priority basis. In case of decision of one or more of such cases, the cases waiting in seniority must be fixed so that the number of such cases should not be below five at a time.

(PHC Letter No. 6370-93/Admn: Dated Peshawar 25th May, 2011)

C.No. 17(7-12)

MINUTES OF MEETING OF THE NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 21.05.2011

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately:

-

“The Committee asked the District & Sessions Judges to constitute committees for curbing corruption at Tehsil level and the concerned judicial officers should be asked to issue a certificate on monthly basis to the effect that no complaint of corruption has been received against the Para-Legal Staff in the respective Tehsil.”

(PHC Letter No. 6774-99/Admn: dated Peshawar 02nd June, 2011)

C.No. 18(7-12)

MINUTES OF MEETING OF THE NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 21.05.2011

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately:-

“The Committee resolved that at the first hearing of the suit the court shall ascertain from the parties what facts alleged in the plaint or written statement they admit or deny. The Court shall record such admissions and denials. This practice would help the courts to confine its proceedings to resolve the facts disputed by the parties. The Committee observed that recording of better statement before proceeding with the case could also facilitate the court to have overview about the actual controversies. Therefore, Presiding Officer may ask the parties to submit better statement.”

(PHC Letter No. 6749-73/Admn: dated Peshawar 02nd June, 2011)

C.No. 19(7-12)

MINUTES OF MEETING OF THE NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 21.05.2011

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately:-

“The Committee observed that in cases where suits are filed against the Government, the departments do not file written statement/reply within the prescribed time which causes unnecessary delay in initiation of trial. The Committee resolved that instructions be issued to all the courts for insisting upon the concerned authorities to submit reply within the shortest possible time failing which person responsible for delay must be taken task.”

(PHC Letter No. 6800-23/Admn: dated Peshawar 02nd June, 2011)

C.No. 20(7-12)

MINUTES OF MEETING OF THE NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 21.05.2011

I am directed to refer to the subject noted above and to convey the following extract from the minutes of the subject meeting for compliance immediately:

-

“The Committee resolved that only authentic complaints duly supported by substantive evidence should be entertained for action and in case of false accusation the complainant should be taken to task maligning the judiciary.”

(PHC Letter No. 6826-27/Admn: dated Peshawar 02nd June, 2011)

C.No. **21**(7-12)

MINUTES OF MEETING OF THE NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 21.05.2011

I am directed to refer to the subject noted above and to convey that the NJPMC in the subject meeting has decided that last Saturday of each month may be fixed for announcement and writing of judgments, if any, subject to the condition that there is no urgent matter pending or the workload so permits.

(PHC Letter No 8090-8113/Admn: dated Peshawar 15th June, 2011)

C.No. **22**(7-12)

IMPLEMENTATION OF THE NATIONAL JUDICIAL POLICY.

Reference to the cited subject, it is stated that Hon'ble the Chief Justice of Pakistan has taken strong exception to the deviation from the policy regarding the replacement of Naib Courts after three months. His Lordship has also asked for report and adherence of the policy.

It is requested that all those Naib Courts be replaced immediately who completed their three months attachment and report be submitted to this Court for onward transmission as early as possible.

(PHC Letter No. 2625-481/NJPIC/Admn, dated 27-02-2012)

C.No. **23**(7-12)

MINUTES OF THE MEETING OF NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE DATED 30TH AND 31ST MARCH, 2012.

I am directed to refer to the subject noted above and to forward herewith the relevant extracts of the minutes of the subject meeting for immediate compliance which are as follows:

1. "The Committee also recommended that a proper register should be maintained by all the criminal courts having details of FIRs, arrest of accused persons and due date for submission of challan. This practice will help out the concerned Presiding Officer to peruse the investigating agencies about submission of challan."
2. "One Magistrate should be designated to visit jails and grant judicial remand to the prisoners who could not be produced before court on account of strikes/law and order situation."

3. "The Committee resolved that meetings of the District Criminal Coordination Committee should be held regularly in each district to discuss issues which are hindering the process of dispensation of justice."
4. "The Committee recommended that regular monthly meetings of all the stakeholders of the Criminal Justice System be held to evolve strategies for timely submission of challan and improving the quality of investigation."
5. "Sensitization of stakeholders about parole/probation law through seminars or workshops at district level."

You are, therefore, requested to ensure the compliance of the above-mentioned decisions regularly by taking personal interest and by devising a strategy whereby it is ensured that the timely steps are taken periodically and nothing is left unattended in this regard.

(PHC Letter No. 5433-57/Admn, Dated 13th April, 2012)

C.No. 24(7-12)

REVISED PROFORMA REFLECTING CASES OF THE OVERSEAS PAKISTANIS IN THE CATEGORY OF PRIORITIZED CASES UNDER THE NATIONAL JUDICIAL POLICY

This is with reference to letter No. F.1(JS-Imp)2009/NJPMC dated: 13.02.2014, from the office of joint secretary, Law and Justice Commission of Pakistan Islamabad.

The Hon'ble the Chief Justice of Pakistan/Chairman, National Judicial (Policy Making) Committee (NJPMC), has been pleased to direct that all such cases in which an overseas Pakistanis was party should be decided expeditiously by prioritizing the same. It has been further directed that in that regard each court should submit a report to their respective High Courts for monitoring purpose. And that henceforth all civil cases in which an expatriate Pakistani was a party should be decided within 06 months, if it otherwise does not fall in any other category requiring earlier disposal under the National Judicial Policy e.g. Rent, Family cases and appeals. As regard Criminal Cases it has been directed that all cases where in an overseas Pakistani is either complainant or accused should be decided expeditiously by prioritizing the same.

The requisite proforma already approved by the NJPMC has been revised in the light of the above directions by the Hon'ble Chief Justice of Pakistan. Henceforth, the requisite information may be provided on the

attached revised proforma on fortnightly basis to this office by including the cases of overseas Pakistanis, separately.

(PHC Letter No. 89-112/Admn/NJPMC, Dated 17th February 2014)

C.No. 25(7-12)

PERIODICAL ROTATION/TRANSFER OF THE MINISTERIAL STAFF OF DISTRICT COURTS.

I am directed to re-invite your attention to this Court's circular letter No. 1087-10900/Admn: dated 12.12.2005 (copy enclosed), with the request to ensure that the directives are implemented in letter and spirit, please.

(PHC Letter No. 8283-8307/Admn Dated 19th July, 2016)

C.No. 26(7-12)

LIST OF NEWSPAPERS/MAGAZINES APPROVED BY THE PROVINCIAL GOVERNMENT FOR OFFICIAL PUBLICATIONS.

Enclosed find herewith copy of letter No. INF/MEDIA List/4047 dated 18.09.2020, on the subject, along with up dated list of Newspapers born on Provincial Media List, received from the Director General of Information & public Relations, Government of Khyber Pakhtunkhwa, Peshawar, for information and further necessary action at your end, please.

(PHC letter No. 16856-95/Admn Dated 29th September 2020)

C.No. 27(7-12)

LIST OF NEWSPAPERS/MAGAZINES APPROVED BY THE PROVINCIAL GOVERNMENT FOR OFFICIAL PUBLICATIONS.

I am directed to refer your letter No. 11536/Admn dated: 11.09.2020 on the subject cited above and to attach list of approved newspaper provided by the Registrar Section of this DGIPR for further necessary action at your end.

(No.INF/MEDIA LIST/ 4047 Dated 18th July, 2020)

Sr. No.	Name of Newspapers
1.	Daily Aas News Peshawar
2.	Daily Barwaqt Khabar Peshawar
3.	Daily Foothil Abbottabad
4.	Daily Awaz e Swat
5.	Daily Salam Swat
6.	Daily Atidal DI Khan
7.	Daily Azkar Islamabad
8.	Daily Jinnah Islamabad
9.	Daily Khyber News Islamabad
10.	Daily Sama Islamabad
11.	Daily Tarjuman Islamabad
12.	Daily Times Islam/Lahore/Karachi
13.	Daily Akhbar e Shehr Peshawar
14.	Daily Jan International Peshawar
15.	Daily Mahasib Abbottabad
16.	Daily Nida e Khlq Haripur
17.	Daily Sarhad News Abbottabad
18.	Daily Shamal Abbottabad
19.	Daily Nizamat Swat
20.	Daily Sada I Haq DI Khan
21.	Daily Ummat Karachi
22.	Daily Pakistan Islamabad
23.	Daily Nawa-e-Hazara Abbottabad
24.	Daily Pine Abbottabad.
25.	Daily Azadi Peshawar
26.	Daily Azadi Swat
27.	Daily Khabarkar Swat
28.	Daily Frontier News Peshawar
29.	Daily Basha News Besham at Shangla
30.	Daily Sham Swat
31.	Daily Al Falah Peshawar
32.	Daily Jurrat Peshawar
33.	Daily Watan Peshawar
34.	Daily Taqat Peshawar
35.	Daily K2 Times Abbottabad
36.	Daily Sada Lawaghar karak
37.	Daily National Herlald Tribune Islamabad
38.	Daily Hurmat Peshawar`
39.	Daily Riyasat Peshawar
40.	Daily Awami Dastak

41.	Daily Akhbar Khyber Peshawar
42.	Daily Paighammat Peshawar
43.	Daily Karak Times Karak
44.	Daily Metro Watch Islamabad
45.	Daily Musalman Islamabad
46.	Daily Country News Peshawar
47.	Daily Frontier Star Peshawar
48.	Daily Frontier Times Peshawar
49.	Daily Lead Pakistan Peshawar
50.	Daily Times Peshawar
51.	Daily Ummat Peshawar
52.	Daily Waqt Peshawar
53.	Daily Chand Peshawar
54.	Daily Al-Akhbar Peshawar
55.	Daily Hewad Peshawar
56.	Daily Illhaq Peshawar
57.	Daily Pakhtunkhwa Bulletin Peshawar
58.	Daily Pakistan Peshawar
59.	Daily Charsadda Peshawar
60.	Daily Akhbar e Haq Islamabad
61.	Daily Nation Lahore Islamabad
62.	Daily Pakistan Today Lahore
63.	Daily Qul Peshawar
64.	Daily Aaj Abbottabad
65.	Daily Dunya Islamabad
66.	Daily Jang Rawalpindi
67.	Daily Aaj Peshawar
68.	Daily Aaj Subh Peshawar
69.	Daily Adan Peshawar
70.	Daily Aeen Peshawar
71.	Daily Aina Jehan Peshawar
72.	Daily Akhbar Peshawar
73.	Daily Al Jamiat e Sarhad Peshawar
74.	Daily Awam Un Nas Peshawar
75.	Daily Awaz e Pakhtunkhwa Peshawar
76.	Daily Awaz e Shehr Peshawar
77.	Daily Awaz e Subh Peshawar
78.	Daily Bagram Peshawar
79.	Daily Bayan Peshawar
80.	Daily Dhon Peshawar

81.	Daily Express Peshawar
82.	Daily Frontier Post Peshawar
83.	Daily Intibah Peshawar
84.	Daily Islam Peshawar
85.	Daily Jihad Peshawar
86.	Daily Jiddat Peshawar
87.	Daily Khabrain Peshawar
88.	Daily Khabroona Peshawar
89.	Daily Maidan Peshawar
90.	Daily Hamawam Peshawar
91.	Daily Mashriq, Peshawar
92.	Daily Munazzam Pesahwar
93.	Daily Nawa-i-Pakistan Peshawar
94.	Daily Nai Baat Peshawar
95.	Daily 92 News Peshawar
96.	Daily Pakhtun Post Peshawar
97.	Daily Payam e Khyber Peshawar
98.	Daily Peshawar Link Peshawar
99.	Daily Quaid Peshawar
100.	Daily Sarhad Peshawar
101.	Daily Siyaq Peshawar
102.	Daily Statesman Peshawar
103.	Daily Subh Peshawar
104.	Daily Surkhab Peshawar
105.	Daily Today's Muslim Peshawar
106.	Daily Wahdat Peshawar
107.	Daily Hasthnagartimes Charsadda
108.	Daily Akhbar Abbottabad
109.	Daily Ittehad Abbottabad
110.	Daily Payam e Khyber Abbottabad
111.	Daily Pakhtunkhwa News Mardan
112.	Daily Awam-un-Nas Swat
113.	Daily Ausaf Islamabad
114.	Daily Awam Un Nas Rawalpindi
115.	Dialy Business Recorder Islamabad
116.	Daily Dawn Islamabad
117.	Daily Express Tribune Islamabad
118.	Daily Jehan Pakistan Islamabad
119.	Daily Nawa e Waqt Rawalpindi
120.	Daily The News Islamabad

121.	Daily Pakistan Observer Islamabad
122.	Daily Quaid Islamabad

C.No. **28**(7-12)

PERIODICAL ROTATION/TRANSFER OF THE MINISTERIAL STAFF OF DISTRICT COURTS

I am directed to invite your attention to this Court letter No.10877-10900/Admn dated 12-12-2005, followed by letter No.8283-8307/Admn dated 19-07-2016 and to say that the Competent Authority has been pleased to direct that compliance of the instructions on the subject be ensured in letter and spirit, please.

(PHC Letter No.20054-08/Admin Dated 07th October, 2019).

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CHAPTER-VIII MONITORING & EVALUATION

SECTION-I PERFORMANCE & EVALUATION POLICY

C.No. 1(8-1)

DISTRICT JUDICIARY PERFORMANCE MONITORING AND EVALUATION POLICY 2020 – 2025

OVERVIEW OF JUDICIAL PERFORMANCE YEARS

Being cognizant of its supervisory role and due to alarming delay in adjudication, Peshawar High Court, Peshawar declared September 2018 to August 2019 as first performance year for district judiciary. The target for the first performance year, excluding Newly Merged Districts (NMDs), was set as 25% reduction in pendency/backlog and 100% disposal of current institution. However, the performance turnout remained unsatisfactory being 7% and 99.2% respectively. Thus, the aggregate achieved target is 106.2 % as compared to requisite 125%

The next performance year commenced from 1st September 2019 and ended up on 31st August 2020. The target for the second performance year, including Newly Merged Districts (NMDs), was again set as 25% reduction in pendency/backlog and 100% disposal of current institution. However the set targets could not be accomplished, rather 11% increase in backlog has been recorded. On the other hand, disposal against institution remained 95%, making overall turnout as 84% against 125% disposal goal.

Performance evaluation policy

Introduction

Significance of performance evaluation for any organization needs no emphasis. The judiciary not only has mandate to administer justice, but is also under obligation to ensure expeditious and inexpensive justice delivery. Peshawar High Court, Peshawar has consistently been striving for accomplishment of this lofty goal of expeditious as well as qualitative justice delivery over the years through different strategies and policies including unit policy, disposal performance evaluation policy (DPEP), inspections, monitoring and launching of performance years. It was in this backdrop that district judiciary was recently asked to chalk out and submit its annual plans regarding different areas of administration of justice including performance

evaluation. Taking into account the plans accordingly shared and after analyzing performance of the district judiciary over the last two years, it has been observed that there is a need to devise an exhaustive and all-encompassing strategy for measurement of the performance focusing on worldwide acknowledged key performance indicators (KPIs) and to link it with the career progression of each and every judicial officers. It is therefore the following policy is being proposed which shall remain enforced for next five years (September 2020 to August 2025) with such modifications to be made from time to time, as and when need arises.

Objectives

1. Meritorious and expeditious disposal of cases within statutory/policy timelines.
2. Gradual reduction in backlog, resulting into 100% backlog clearance at the end of fifth year.
3. 100% disposal against institution.

Key Performance Indicators

There shall be following performance evaluation KPIs

1. **Quantity:** keeping in view institution trends the disposal of each court has to be 100% in addition to gradual reduction of backlog prescribed hereinafter.
2. **Quality:** to be evaluated by appellate and revisional Courts in accordance with “judgment/Order assessment form devised with reference to Rule 4, Chapter 1-A, Vol-IV, of the High Court Rules and Order, circulated vide PHC Letter No 9557-81/Admin dated Peshawar 24th May, 2010 (page 462 to 465 of Judicial estacode)
3. **Time:** disposal of cases has to be within the stipulated statutory time frame and where the time frame for a particular category of case is not provided then in accordance with the directions of competent authority to be issued from time to time.
4. **Cost of litigation:** In order to achieve the constitutional objective of inexpensive justice delivery all efforts shall be made to decrease cost of litigation by avoiding unnecessary adjournments, streamlining processes, curbing frivolous litigation, elimination of corrupt practices and awarding costs of litigation and compensations.
5. **Changing Public Perception:** Public confidence in the system of administration of justice shall be enhanced through eradication of delay and corrupt practices, prompt grievance redressal at district

level as well as by this court and through simplification of processes and swift services delivery.

Approach

1. Performance of each judicial officer shall be monitored on monthly basis through unit policy and will be analyzed on quarterly basis.
2. The DSJs shall submit quarterly reports of all courts highlighting those who do not achieve the targets along with reasons and action plan for removing the deficiency in the next quarter. Moreover, they shall also sensitize those judicial officers who lag behind.
3. Being a team leader a DSJ shall be responsible for achieving the targets.
4. There shall be quarterly interactive sessions with the DSJs regarding overview of the performance and challenges faced by the District judiciary.
5. The Data Analysis Wing of the SDJ and MIT office shall be regularly monitoring and analyzing pace of performance and submitting reports and recommendations.
6. Capacity building of judicial officers as well as of ministerial staff through trainings (Online and regional).

Tools for performance evaluation

1. Unit Policy, as in vogue
2. Civil Case Management Rules,
3. Summary meritorious adjudication within the purview of Small Claims & Minor Offences Ordinance 2002
4. Civil and Criminal trial scheduling
5. Effective Court management (diary management, maintenance of record etc.)

Methodology/Action Plan

For implementation of the policy and to achieve the goals the following measures shall be taken:

Equalization of existing Workload:

- a) Keeping in view the pendency and institution trends of each district, the district and sessions judge shall equalize the pendency/caseloads of all courts in the month of October 2020, and start of every subsequent performance year. As far as distribution of criminal cases in which charge has been

framed, in order to curtail delay, the DSJs may be authorized in advance to distribute all such cases requiring permission of this Court under section 526 Cr.P.C (on the pattern of past practice regarding criminal model courts).

- b) Keeping in view administrative work of the D&SJ and SCJ (Admin) their workload will be half as compared to other judicial officers.
- c) The judicial officers shall, while reducing the pendency, prioritize cases taking into consideration age of a case.
- d) The cases of concurrent jurisdiction (including attempted murder) shall be tried by lowest competent court.

Judicial Working Days

After excluding summer and winter vacations (30 to 40), casual leaves (25), Sundays (48) public holidays (approx.:12), strikes of the bar (approx.10) and non-judicial working days/trainings and meetings (approx.:10) minimum working days for each judicial officer shall be fixed as 220. This would mean approximately 20 net working days per month.

Performance Zones

Keeping in view current workload of district judiciary, pendency statistics of (2019-20) along with 10 % projected increase in the institution (There has been 10-12% average increase in institution over the last five years), aiming at 100% backlog reduction in five years and available human resource, the province is divided into following three zones, separately for the Courts of DSJs/ADSJs with specification of respective percentage of annual backlog reduction.

OVERVIEW OF WORKLOAD AND HUMAN RESOURCE

DISTRICT & SESSIONS COURTS - RANGE SUMMARY

ZONE	TARGET	DISTRICTS	PENDENCY	%AGE (PENDENCY)	RANGE OF PENDENCY	SANCTIONED HR	HR AVAILABLE	%AGE (HR)	VACANT	JUDGE/ CASE RATIO
A	20%	7	38,068	62%	3,001 to 11,000	86	69	40%	17	552
B	30%	9	17,976	30%	1,000 to 3,000	62	57	33%	5	315
C	100%	19	4,873	8%	Below 1,000	54	45	27%	9	108
		35	60,917	100%		202	171	100%	31	356

CLASSIFICATION OF ZONES FOR DISTRICT & SESSIONS JUDGES AND ADDITIONAL DISTRICT & SESSIONS JUDGES

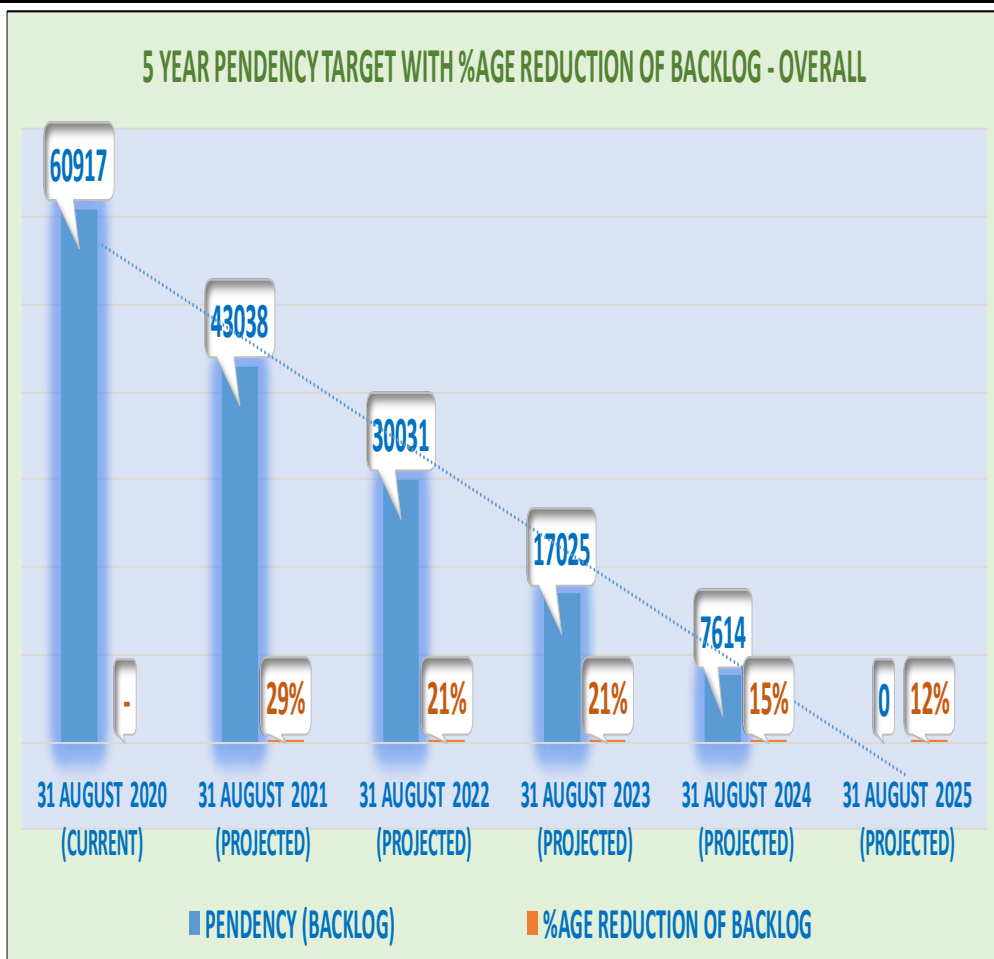
<p>Zone ‘A’ (High work load Districts: above 3000 pendency; 62% of the total pendency of the province) 20% annual reduction of backlog in addition to 100% disposal against institution</p>	<p>Zone ‘B’ (Moderate Pendency districts: above 1000 pendency 30% of the total pendency of the province) 30% annual reduction backlog in addition to 100% disposal against institution</p>	<p>Zone ‘C’ (Low Pendency districts less than 1000 i.e 8%) 100% annual reduction addition to 100% disposal against institution</p>
<p>1. Peshawar, 2. Nowshera, 3. Mardan, 4. Charsadda, 5. D.I.Khan, 6. Swabi,</p>	<p>1. Swat, 2. Haripur, 3. Kohat, 4. Mansehra, 5. Bannu, 6. Karak,</p>	<p>1. Buner, 2. Chitral Lower, 3. Malakand, 4. Tank, 5. Khyber, 6. Hangu,</p>

7. Abbottabad	7. Lakki Marwat, 8. Upper Dir, 9. Lower Dir,	7. Shangla, 8. Kurrum, 9. Battagram, 10. Bajur, 11. Mohmand, 12. Chitral Upper, 13. North Waziristan, 14. South Waziristan, 15. Kohistan Upper, 16. Orakzai, 17. Kolai Pallas, 18. Torghar, 19. Kohistan Lower
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- i. Five years details of the workload, projected institution, available human resource, addition of upcoming AD&SJs, annual workload of each Court of DSJ and AD&SJs, annual required disposal, net working days and per day case load along with gradual reduction in backlog are given in Figure 3.1 – 3.8.

FIGURE 3.1

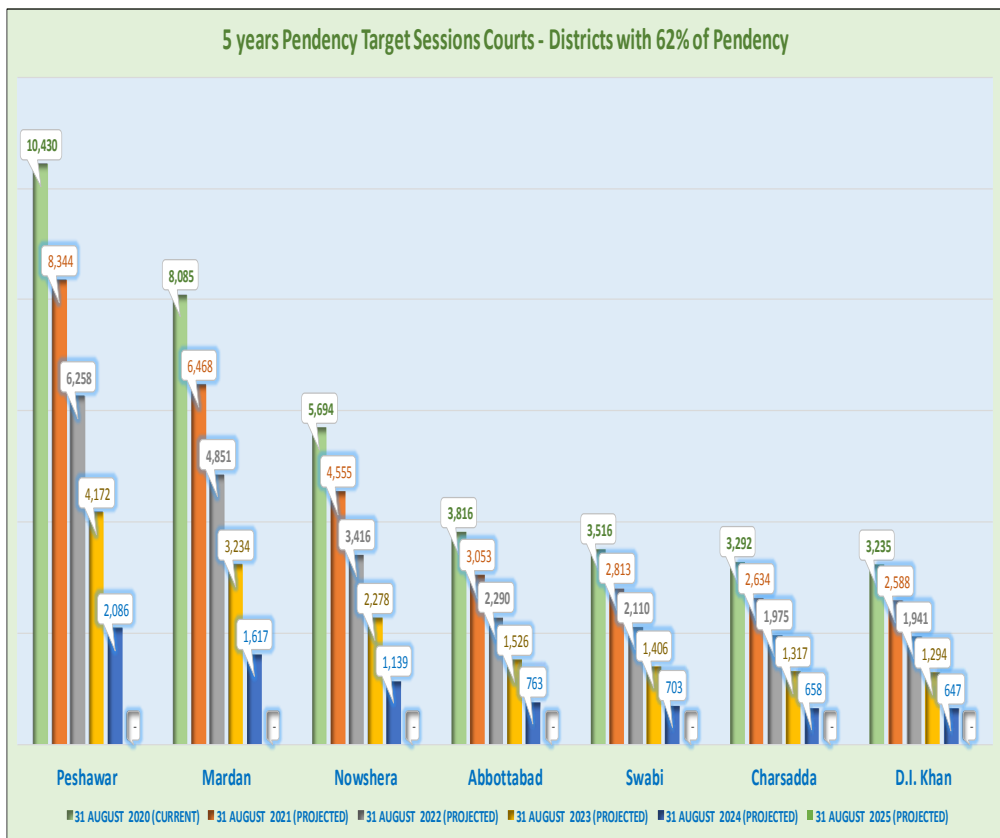
DISTRICT AND SESSIONS COURTS - KPK		
5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG - OVERALL		
YEAR	PENDENCY (BACKLOG)	%AGE REDUCTION OF BACKLOG
31 AUGUST 2020 (CURRENT)	60917	-
31 AUGUST 2021 (PROJECTED)	43038	29%
31 AUGUST 2022 (PROJECTED)	30031	21%
31 AUGUST 2023 (PROJECTED)	17025	21%
31 AUGUST 2024 (PROJECTED)	7614	15%
31 AUGUST 2025 (PROJECTED)	0	12%



5 YEAR PENDENCY (BACKLOG) TARGET DISTRICT AND SESSIONS COURTS (DISTRICT WITH 62% OF PENDENCY OF PROVINCE)

FIGURE 3.2

5 years Pendency (Backlog) Target District & Sessions Courts (Districts with 62% of Pendency of Province)							
Sr no	Districts	31 AUGUST 2020 (CURRENT)	31 AUGUST 2021 (PROJECTED)	31 AUGUST 2022 (PROJECTED)	31 AUGUST 2023 (PROJECTED)	31 AUGUST 2024 (PROJECTED)	31 AUGUST 2025 (PROJECTED)
1	Peshawar	10,430	8,344	6,258	4,172	2,086	-
2	Mardan	8,085	6,468	4,851	3,234	1,617	-
3	Nowshera	5,694	4,555	3,416	2,278	1,139	-
4	Abbottabad	3,816	3,053	2,290	1,526	763	-
5	Swabi	3,516	2,813	2,110	1,406	703	-
6	Charsadda	3,292	2,634	1,975	1,317	658	-
7	D.I. Khan	3,235	2,588	1,941	1,294	647	-
	Grand Total	38,068	30,455	22,842	15,226	7,613	-



DISTRICT AND SESSIONS COURTS-KPK, SUMMARY OF 5 YEARS PENDENCY TARGETS WITH %AGE REDUCTION OF BACKLOG-OVER ALL

FIGURE 3.3

DISTRICT AND SESSIONS COURTS - KPK										
SUMMARY OF 5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG - OVERALL										
DISTRICT & SESSIONS COURTS	31 AUGUST 2021 (PROJECTED)	%	31 AUGUST 2022 (PROJECTED)	%	31 AUGUST 2023 (PROJECTED)	%	31 AUGUST 2024 (PROJECTED)	%	31 AUGUST 2025 (PROJECTED)	%
Projected Institution with 10 % increase based on Institution of Previous Year	146,369		161,006		177,107		194,818		214,299	
Opening Pendency (Including Backlog)	60,917		43,038		30,031		17,025		7,614	
Reduction of Backlog	17,879	29%	13,006	21%	13,006	21%	9,411	15%	7,614	12%
Closing Pendency	43,038		30,031		17,025		7,614		-	

PERFORMANCE YEAR 3-2020-21- DISTRICT AND SESSIONS COURT (DSJ AND ADSJS)(20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.4

PERFORMANCE YEAR 3 - 2020-21 - DISTRICT & SESSIONS COURTS (DSJ - ADSJ) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																			
		1	2	3= 1+2	4= 3+10%	5	6	7	8= 6+7	9	10= 8+9	11	12= 5-11	13= 4+11	14= 2-1	15= 1-2	16	17= 14/16	18= 15/16
Reduction In Pendency		CRIMIANL	CIVIL	TOTAL INSTITUTION 2019-20	10 % INCREASE	PENDENCY AUGUST 2020	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	DSJ	TOTAL	Annual Target Reduction In Pendency (Backlog) 20%/30%/100%	Remaining Pendency (Backlog) ②	Annual Required Disposal	Annual Caseload per Court ADSJ (i.e. Annual Required Disposal/ Number of Judges)	Annual Caseload per Court DSJ (Half Caseload of ADSJ)	No of Working Days per Annum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ
Zone A - Comprised of 62% of Total Pendency	Peshawar	19,561	3,694	23,255	25,581	10,430	16	11	27	1	28	2,086	8,344	27,667	1,006	503	220	5	2
	Mardan	9,802	1,919	11,721	12,893	8,085	11	3	14	1	15	1,617	6,468	14,510	1,001	500	220	5	2
	Nowshera	6,683	1,482	8,165	8,982	5,694	6	4	10	1	11	1,139	4,555	10,120	964	482	220	4	2
	Abbottabad	4,934	1,494	6,428	7,071	3,816	9	9	1	10	763	3,053	7,834	825	412	220	4	2	
	Swabi	5,236	813	6,049	6,654	3,516	7	7	1	8	703	2,813	7,357	981	490	220	4	2	
	Charsadda	8,098	727	8,825	9,708	3,292	6	1	7	1	8	658	2,634	10,366	1,382	691	220	6	3
	D.I. Khan	6,723	1,387	8,110	8,921	3,235	7	2	9	1	10	647	2,588	9,568	1,007	504	220	5	2
Zone B - Comprised of 30% of Total Pendency	Swat	4,579	1,414	5,993	6,592	2,832	8	8	1	9	850	1,982	7,442	876	438	220	4	2	
	Haripur	3,388	962	4,350	4,785	2,477	7	7	1	8	743	1,734	5,528	737	369	220	3	2	
	Kohat	4,519	743	5,262	5,788	2,417	6	1	7	1	8	725	1,692	6,513	868	434	220	4	2
	Mansehra	5,110	1,156	6,266	6,893	2,057	7	7	1	8	617	1,440	7,510	1,001	501	220	5	2	
	Bannu	6,744	755	7,499	8,249	1,905	6	1	7	1	8	572	1,334	8,820	1,176	588	220	5	3
	Karak	3,461	1,028	4,489	4,938	1,878	3	2	5	1	6	563	1,315	5,501	1,000	500	220	5	2
	Lakki Marwat	4,704	562	5,266	5,793	1,793	4	-	4	1	5	538	1,255	6,331	1,407	703	220	6	3
Zone C - Comprised of 8% of Total Pendency	Upper Dir	2,203	168	2,371	2,608	1,522	4	4	1	5	457	1,065	3,065	681	341	220	3	2	
	Lower Dir	2,385	514	2,899	3,189	1,095	3	3	1	4	329	767	3,517	1,005	502	220	5	2	
	Buner	1,177	427	1,604	1,764	732	3	3	1	4	732	-	2,496	713	357	220	3	2	
	Chitral Lower	696	391	1,087	1,196	711	1	-	1	1	2	711	-	1,907	1,271	636	220	6	3
	Malakand	1,719	331	2,050	2,255	679	2	-	2	1	3	679	-	2,934	1,174	587	220	5	3
	Tank	1,922	215	2,137	2,351	611	2	-	2	1	3	611	-	2,962	1,185	592	220	5	3
	Khyber	1,061	217	1,278	1,406	427	2	2	1	3	427	-	1,833	733	367	220	3	2	
	Hangu	1,571	96	1,667	1,834	424	2	2	1	3	424	-	2,258	903	452	220	4	2	
	Shangla	734	160	894	983	281	1	1	1	2	281	-	1,264	843	421	220	4	2	
	Kurram	828	44	872	959	211	2	2	1	3	211	-	1,170	468	234	220	2	1	
	Batagram	820	141	961	1,057	192	2	2	1	3	192	-	1,249	500	250	220	2	1	
	Bajaur	742	96	838	922	130	2	2	1	3	130	-	1,052	421	210	220	2	1	
	Mohmand	618	104	722	794	102	2	2	1	3	102	-	896	358	179	220	2	1	
	Chitral Upper	52	26	78	86	79	1	1	1	2	79	-	165	110	55	220	0	0	
	North Waziristan	350	120	470	517	74	2	2	1	3	74	-	591	236	118	220	1	1	
	South Waziristan	291	50	341	375	47	1	1	1	2	47	-	422	281	141	220	1	1	
Kohistan Upper	285	21	306	337	44	-	-	1	1	44	-	381	-	381	220	-	2		
Orakzai	224	34	258	284	37	2	2	1	3	37	-	321	128	64	220	1	0		
Kolai Pallas	175	9	184	202	33	-	-	1	1	33	-	235	-	235	220	-	1		
Torghar	169	16	185	204	31	-	-	1	1	31	-	235	-	235	220	-	1		
Kohistan Lower	175	8	183	201	28	-	-	-	-	28	-	229	-	-	220	-	-		
Grand Total	111,739	21,324	133,063	146,369	60,917	137	25	162	34	196	17,879	43,038	164,249	25,242	13,471	7,700	115	61	

NOTE: The data of column number 7 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to stenderize per day caseload, subject to availability of infrastructure.

PERFORMANCE YEAR 4-2021-22- DISTRICT AND SESSIONS COURT (DSJ AND ADSJS)(20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.5

PERFORMANCE YEAR 4 - 2021-22 - DISTRICT & SESSIONS COURTS (DSJ - ADSJ) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Reduction in Pendency	1	2 = 1+10%	3	4	5	6= 4+5	7	8= 6+7	9	10= 3-9	11= 2+9	12= 2:1	13= 1:2	14	15= 12/14	16= 13/14	
	District (Sessions Courts)	TOTAL INSTITUTION 2021-22	10 % INCREASE	PENDENCY AUGUST 2021	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	DSJ	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/10%	Remaining Pendency (Backlog) [2]	Annual Required Disposal	Annual Caseload per Court ADSJ (I.e Annual Required Disposal/ Number of Judges)	Annual Caseload per Court DSJ (Half Caseload of ADSJ)	No of Working Days per Annum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ
20% OF PENDENCY	Peshawar	25,581	28,139	8,344	16	11	27	1	28	2,086	6,258	30,225	1,099	550	220	5	2
	Mardan	12,893	14,182	6,468	11	3	14	1	15	1,617	4,851	15,799	1,090	545	220	5	2
	Nowshera	8,982	9,880	4,555	6	4	10	1	11	1,139	3,416	11,018	1,049	525	220	5	2
	Abbottabad	7,071	7,778	3,053	9		9	1	10	763	2,290	8,541	899	450	220	4	2
	Swabi	6,654	7,319	2,813	7		7	1	8	703	2,110	8,022	1,070	535	220	5	2
	Charsadda	9,708	10,678	2,634	6	1	7	1	8	658	1,975	11,337	1,512	756	220	7	3
30% OF PENDENCY	D.I. Khan	8,921	9,813	2,588	7	2	9	1	10	647	1,941	10,460	1,101	551	220	5	3
	Swat	6,592	7,252	1,982	8		8	1	9	850	1,133	8,101	953	477	220	4	2
	Haripur	4,785	5,264	1,734	7		7	1	8	743	991	6,007	801	400	220	4	2
	Kohat	5,788	6,367	1,692	6	1	7	1	8	725	967	7,092	946	473	220	4	2
	Mansehra	6,893	7,582	1,440	7		7	1	8	617	823	8,199	1,093	547	220	5	2
	Bannu	8,249	9,074	1,334	6	1	7	1	8	572	762	9,645	1,286	643	220	6	3
	Karak	4,938	5,432	1,315	3	2	5	1	6	563	751	5,995	1,090	545	220	5	2
	Lakki Marwat	5,793	6,372	1,255	4		4	1	5	538	717	6,910	1,536	768	220	7	3
	Upper Dir	2,608	2,869	1,065	4		4	1	5	457	609	3,326	739	370	220	3	2
	Lower Dir	3,189	3,508	767	3		3	1	4	329	438	3,836	1,096	548	220	5	2
100% OF PENDENCY	Buner	1,764	1,941	-	3		3	1	4		1,941	555	277	220	3	1	
	Chitral Lower	1,196	1,315	-	1		1	1	2		1,315	877	438	220	4	2	
	Malakand	2,255	2,481	-	2		2	1	3		2,481	992	496	220	5	2	
	Tank	2,351	2,586	-	2		2	1	3		2,586	1,034	517	220	5	2	
	Khyber	1,406	1,546	-	2		1	1	2		1,546	1,031	515	220	5	2	
	Hangu	1,834	2,017	-	2		2	1	3		2,017	807	403	220	4	2	
	Shangla	983	1,082	-	1		1	1	2		1,082	721	361	220	3	2	
	Kurram	959	1,055	-	2		2	1	3		1,055	422	211	220	2	1	
	Batagram	1,057	1,163	-	2		2	1	3		1,163	465	233	220	2	1	
	Bajaur	922	1,014	-	2		2	1	3		1,014	406	203	220	2	1	
	Mohmand	794	874	-	2		2	1	3		874	349	175	220	2	1	
	Chitral Upper	86	94	-	1		1	1	2		94	63	31	220	0	0	
	North Waziristan	517	569	-	2		2	1	3		569	227	114	220	1	1	
	South Waziristan	375	413	-	1		1	1	2		413	275	138	220	1	1	
	Kohistan Upper	337	370	-	-		-	1	1		370	-	370	220	-	2	
	Orakzai	284	312	-	2		2	1	3		312	125	62	220	1	0	
	Kolai Pallas	202	223	-	-		-	1	1		223	-	223	220	-	1	
	Torghar	204	224	-	-		-	1	1		224	-	224	220	-	1	
Kohistan Lower	201	221	-	-		-	-	-		221	-	-	220	-	-		
Grand Total	146,369	161,006	43,038	137	25	161	34	195	13,006	30,031	174,013	25,708	13,671	7,700	117	62	

NOTE: The data of column number 7 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

PERFORMANCE YEAR 5-2022-23- DISTRICT AND SESSIONS COURT (DSJ AND ADSJS)(20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.6

PERFORMANCE YEAR 5 - 2022-23 - DISTRICT & SESSIONS COURTS (DSJ - ADSJ) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Reduction in Pendency	1	2=	3	4	5	6=	7	8=	9	10=	11=	12=	13=	14	15=	16=	
	TOTAL INSTITUTION 2022-23	1+10%	PENDENCY AUGUST 2022	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	DSJ	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/10%	Remaining Pendency (Backlog) [ⓑ]	Annual Required Disposal	Annual Caseload per Court ADSJ (i.e Annual Required Disposal/ Number of Judges)	Annual Caseload per Court DSJ (Half Caseload of ADSJ)	No of Working Days per Annum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ	
20% OF PENDENCY	Peshawar	28,139	30,952	6,258	16	11	27	1	28	2,086	4,172	33,038	1,201	601	220	5	3
	Mardan	14,182	15,601	4,851	11	3	14	1	15	1,617	3,234	17,218	1,187	594	220	5	3
	Nowshera	9,880	10,868	3,416	6	4	10	1	11	1,139	2,278	12,006	1,143	572	220	5	3
	Abbottabad	7,778	8,556	2,290	9		9	1	10	763	1,526	9,319	981	490	220	4	2
	Swabi	7,319	8,051	2,110	7		7	1	8	703	1,406	8,754	1,167	584	220	5	3
	Charsadda	10,678	11,746	1,975	6	1	7	1	8	658	1,317	12,404	1,654	827	220	8	4
	D.I. Khan	9,813	10,794	1,941	7	2	9	1	10	647	1,294	11,441	1,204	602	220	5	3
	Swat	7,252	7,977	1,133	8		8	1	9	850	283	8,826	1,038	519	220	5	2
	Haripur	5,264	5,790	991	7		7	1	8	743	248	6,533	871	436	220	4	2
	Kohat	6,367	7,004	967	6	1	7	1	8	725	242	7,729	1,031	515	220	5	2
30% OF PENDENCY	Mansehra	7,582	8,340	823	7		7	1	8	617	206	8,957	1,194	597	220	5	3
	Bannu	9,074	9,981	762	6	1	7	1	8	572	191	10,553	1,407	704	220	6	3
	Karak	5,432	5,975	751	3	2	5	1	6	563	188	6,538	1,189	594	220	5	3
	Lakki Marwat	6,372	7,009	717	4	-	4	1	5	538	179	7,547	1,677	839	220	8	4
	Upper Dir	2,869	3,156	609	4		4	1	5	457	152	3,612	803	401	220	4	2
	Lower Dir	3,508	3,859	438	3		3	1	4	329	110	4,187	1,196	598	220	5	3
	Buner	1,941	2,135	-	3		3	1	4	-	-	2,135	610	305	220	3	1
	Chitral Lower	1,315	1,447	-	1	-	1	1	2	-	-	1,447	965	482	220	4	2
	Malakand	2,481	2,729	-	2	-	2	1	3	-	-	2,729	1,091	546	220	5	2
	Tank	2,586	2,844	-	2	-	2	1	3	-	-	2,844	1,138	569	220	5	3
100% OF PENDENCY	Khyber	1,546	1,701	-	2		1	1	2	-	-	1,701	1,134	567	220	5	3
	Hangu	2,017	2,219	-	2		2	1	3	-	-	2,219	888	444	220	4	2
	Shangla	1,082	1,190	-	1		1	1	2	-	-	1,190	793	397	220	4	2
	Kurram	1,055	1,161	-	2		2	1	3	-	-	1,161	464	232	220	2	1
	Batagram	1,163	1,279	-	2		2	1	3	-	-	1,279	512	256	220	2	1
	Bajaur	1,014	1,115	-	2		2	1	3	-	-	1,115	446	223	220	2	1
	Mohmand	874	961	-	2		2	1	3	-	-	961	384	192	220	2	1
	Chitral Upper	94	104	-	1		1	1	2	-	-	104	69	35	220	0	0
	North Waziristan	569	626	-	2		2	1	3	-	-	626	250	125	220	1	1
	South Waziristan	413	454	-	1		1	1	2	-	-	454	303	151	220	1	1
Kohistan Upper	370	407	-	-		-	1	1	-	-	407	-	407	220	-	2	
Orakzai	312	343	-	2		2	1	3	-	-	343	137	69	220	1	0	
Kolai Pallas	223	245	-	-		-	1	1	-	-	245	-	245	220	-	1	
Torghar	224	246	-	-		-	1	1	-	-	246	-	246	220	-	1	
Kohistan Lower	221	244	-	-		-	-	-	-	-	244	-	-	220	-	-	
Grand Total	161,006	177,107	30,031	137	25	161	34	195	13,006	17,025	190,113	28,129	14,963	7,700	128	68	

NOTE: The data of column number 7 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

PERFORMANCE YEAR 6-2023-24- DISTRICT AND SESSIONS COURT (DSJ AND ADSJS)(20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.7

PERFORMANCE YEAR 6- 2023-24 - DISTRICT & SESSIONS COURTS (DSJ - ADSJ) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
	1	2= 1+10%	3	4	5	6= 4+5	7	8= 6+7	9	10= 3-9	11= 2+9	12= 2:1	13= 1:2	14	15= 12/14	16= 13/14	
Reduction in Pendency	TOTAL INSTITUTION 2023-24	10 % INCREASE	PENDENCY AUGUST 2023	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	DSJ	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/10%	Remaining Pendency (Backlog) @	Annual Required Disposal	Annual Caseload per Court ADSJ (i.e Annual Required Disposal/ Number of Judges)	Annual Caseload per Court DSJ (Half Caseload of ADSJ)	No of Working Days per Annum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ	
30% OF PENDENCY	Peshawar	30,952	34,048	4,172	16	11	27	1	28	2,086	2,086	36,134	1,314	657	220	6	3
	Mardan	15,601	17,161	3,234	11	3	14	1	15	1,617	1,617	18,778	1,295	648	220	6	3
	Nowsheera	10,868	11,954	2,278	6	4	10	1	11	1,139	1,139	13,093	1,247	623	220	6	3
	Abbottabad	8,556	9,411	1,526	9		9	1	10	763	763	10,174	1,071	535	220	5	2
	Swabi	8,051	8,856	1,406	7		7	1	8	703	703	9,560	1,275	637	220	6	3
	Charsadda	11,746	12,921	1,317	6	1	7	1	8	658	658	13,579	1,811	905	220	8	4
30% OF PENDENCY	D.I. Khan	10,794	11,874	1,294	7	2	9	1	10	647	647	12,521	1,318	659	220	6	3
	Swat	7,977	8,774	283	8		8	1	9	283	-	9,058	1,066	533	220	5	2
	Haripur	5,790	6,369	248	7		7	1	8	248	-	6,617	882	441	220	4	2
	Kohat	7,004	7,704	242	6	1	7	1	8	242	-	7,946	1,059	530	220	5	2
	Mansehra	8,340	9,174	206	7		7	1	8	206	-	9,380	1,251	625	220	6	3
	Bannu	9,981	10,979	191	6	1	7	1	8	191	-	11,170	1,489	745	220	7	3
	Karak	5,975	6,572	188	3	2	5	1	6	188	-	6,760	1,229	615	220	6	3
	Lakki Marwat	7,009	7,710	179	4	-	4	1	5	179	-	7,889	1,753	877	220	8	4
	Upper Dir	3,156	3,471	152	4		4	1	5	152	-	3,624	805	403	220	4	2
	Lower Dir	3,859	4,244	110	3		3	1	4	110	-	4,354	1,244	622	220	6	3
100% OF PENDENCY	Buner	2,135	2,348	-	3		3	1	4	-	-	2,348	671	335	220	3	2
	Chitral Lower	1,447	1,591	-	1	-	1	1	2	-	-	1,591	1,061	530	220	5	2
	Malakand	2,729	3,001	-	2	-	2	1	3	-	-	3,001	1,201	600	220	5	3
	Tank	2,844	3,129	-	2	-	2	1	3	-	-	3,129	1,252	626	220	6	3
	Khyber	1,701	1,871	-	2		2	1	2	-	-	1,871	1,247	624	220	6	3
	Hangu	2,219	2,441	-	2		2	1	3	-	-	2,441	976	488	220	4	2
	Shangla	1,190	1,309	-	1		1	1	2	-	-	1,309	873	436	220	4	2
	Kurram	1,161	1,277	-	2		2	1	3	-	-	1,277	511	255	220	2	1
	Batagram	1,279	1,407	-	2		2	1	3	-	-	1,407	563	281	220	3	1
	Bajaur	1,115	1,227	-	2		2	1	3	-	-	1,227	491	245	220	2	1
	Mohmand	961	1,057	-	2		2	1	3	-	-	1,057	423	211	220	2	1
	Chitral Upper	104	114	-	1		1	1	2	-	-	114	76	38	220	0	0
	North Waziristan	626	688	-	2		2	1	3	-	-	688	275	138	220	1	1
	South Waziristan	454	499	-	1		1	1	2	-	-	499	333	166	220	2	1
	Kohistan Upper	407	448	-	-		-	1	1	-	-	448	-	448	220	-	2
	Orakzai	343	378	-	2		2	1	3	-	-	378	151	76	220	1	0
Kolai Pallas	245	269	-	-		-	1	1	-	-	269	-	269	220	-	1	
Torghar	246	271	-	-		-	1	1	-	-	271	-	271	220	-	1	
Kohistan Lower	244	268	-	-		-	-	-	-	-	268	-	-	220	-	-	
Grand Total	177,107	194,818	17,025	137	25	161	34	195	9,411	7,614	204,229	30,211	16,094	7,700	137	73	

NOTE: The data of column number 7 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

PERFORMANCE YEAR 7-2024-25- DISTRICT AND SESSIONS COURT (DSJ AND ADSJS) (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.8

PERFORMANCE YEAR 7 - 2024-25 - DISTRICT & SESSIONS COURTS (DSJ - ADSJ) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																
	1	2 = 1+10%	3	4	5	6= 4+5	7	8= 6+7	9	10= 3-9	11= 2+9	12= 2:1	13= 1:2	14	15= 12/14	16= 13/14
Reduction in Pendency	TOTAL INSTITUTION 2024-25	10 % INCREASE	PENDENCY AUGUST 2024	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	DSJ	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	Remaining Pendency (Backlog) ²	Annual Required Disposal	Annual Caseload per Court ADSJ (i.e Annual Required Disposal/ Number of Judges)	Annual Caseload per Court DSJ (Half Caseload of ADSJ)	No of Working Days per Annum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ
Peshawar	34,048	37,452	2,086	16	11	27	1	28	2,086	-	39,538	1,438	719	220	7	3
Mardan	17,161	18,877	1,617	11	3	14	1	15	1,617	-	20,494	1,413	707	220	6	3
Nowshera	11,954	13,150	1,139	6	4	10	1	11	1,139	-	14,289	1,361	680	220	6	3
Abbottabad	9,411	10,352	763	9	9	18	1	19	763	0	11,116	1,170	585	220	5	3
Swabi	8,856	9,742	703	7	7	14	1	15	703	0	10,445	1,393	696	220	6	3
Charsadda	12,921	14,213	658	6	1	7	1	8	658	0	14,871	1,983	991	220	9	5
D.I. Khan	11,874	13,061	647	7	2	9	1	10	647	-	13,708	1,443	721	220	7	3
Swat	8,774	9,652	-	8	-	8	1	9	-	-	9,652	1,136	568	220	5	3
Haripur	6,369	7,006	-	7	-	7	1	8	-	-	7,006	934	467	220	4	2
Kohat	7,704	8,475	-	6	1	7	1	8	-	-	8,475	1,130	565	220	5	3
Mansehra	9,174	10,091	-	7	7	14	1	15	-	-	10,091	1,346	673	220	6	3
Bannu	10,979	12,077	-	6	1	7	1	8	-	-	12,077	1,610	805	220	7	4
Karak	6,572	7,230	-	3	2	5	1	6	-	-	7,230	1,314	657	220	6	3
Lakki Marwat	7,710	8,481	-	4	-	4	1	5	-	-	8,481	1,885	942	220	9	4
Upper Dir	3,471	3,819	-	4	-	4	1	5	-	-	3,819	849	424	220	4	2
Lower Dir	4,244	4,669	-	3	-	3	1	4	-	-	4,669	1,334	667	220	6	3
Buner	2,348	2,583	-	3	-	3	1	4	-	-	2,583	738	369	220	3	2
Chitral Lower	1,591	1,751	-	1	-	1	1	2	-	-	1,751	1,167	584	220	5	3
Malakand	3,001	3,302	-	2	-	2	1	3	-	-	3,302	1,321	660	220	6	3
Tank	3,129	3,442	-	2	-	2	1	3	-	-	3,442	1,377	688	220	6	3
Khyber	1,871	2,058	-	2	-	2	1	3	-	-	2,058	1,372	686	220	6	3
Hangu	2,441	2,685	-	2	-	2	1	3	-	-	2,685	1,074	537	220	5	2
Shangla	1,309	1,440	-	1	-	1	1	2	-	-	1,440	960	480	220	4	2
Kurrum	1,277	1,404	-	2	-	2	1	3	-	-	1,404	562	281	220	3	1
Batagram	1,407	1,548	-	2	-	2	1	3	-	-	1,548	619	310	220	3	1
Bajaur	1,227	1,350	-	2	-	2	1	3	-	-	1,350	540	270	220	2	1
Mohmand	1,057	1,163	-	2	-	2	1	3	-	-	1,163	465	233	220	2	1
Chitral Upper	114	126	-	1	-	1	1	2	-	-	126	84	42	220	0	0
North Waziristan	688	757	-	2	-	2	1	3	-	-	757	303	151	220	1	1
South Waziristan	499	549	-	1	-	1	1	2	-	-	549	366	183	220	2	1
Kohistan Upper	448	493	-	-	-	-	1	1	-	-	493	-	493	220	-	2
Orakzai	378	416	-	2	-	2	1	3	-	-	416	166	83	220	1	0
Kolai Pallas	269	296	-	-	-	-	1	1	-	-	296	-	296	220	-	1
Torghar	271	298	-	-	-	-	1	1	-	-	298	-	298	220	-	1
Kohistan Lower	268	295	-	-	-	-	-	-	-	-	295	-	-	220	-	-
Grand Total	194,818	214,299	7,614	137	25	161	34	195	7,614	0	221,913	32,850	17,512	7,700	149	80

NOTE: The data of column number 7 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

OVER VIEW OF WORKLOAD AND HUMAN RESOURCES**OVERVIEW OF WORKLOAD AND HUMAN RESOURCE****CIVIL COURTS - RANGE SUMMARY**

ZONE	TARGET	DISTRICTS	PENDENCY	%AGE (PENDENCY)	RANGE OF PENDENCY	SANCTIONED HR	HR AVAILABLE	%AGE (HR)	VACANT	JUDGE/ CASE RATIO
A	20%	12	124,585	78%	6,001 to 24,000	253	191	65%	62	652
B	30%	7	22,692	14%	2,000 to 6,000	70	54	18%	16	420
C	100%	16	11,600	8%	Below 2,000	79	48	16%	31	242
		35	158,877	100%		402	293	100%	109	542

- 1) For the same reasons as envisaged in Para 3 (1) the province is divided into following three zones, separately for the Courts of SCJs/CJs/JMs with specification of respective percentage of annual backlog reduction.

Classification of Zones for Courts of Senior Civil Judges/Civil Judges/Judicial Magistrate

<p>Zone 'A' (High work load Districts: above 6000 pendency; 78% of the total pendency of the province) 20% annual reduction of backlog in addition to 100% disposal against institution</p>	<p>Zone 'B' (Moderate Pendency districts: above 2000 and below 6000 pendency 14% of the total pendency of the province) 30% annual reduction backlog in addition to 100% disposal against institution</p>	<p>Zone 'C' (Low Pendency districts below 2000 i.e 7%) 100% annual reduction of backlog in addition to 100% disposal against institution</p>
<p>1. Peshawar, 2. Mardan, 3. Abbottabad, 4. D.I.Khan,</p>	<p>1. Karak, 2. Lower Dir, 3. LakkiMarwat,</p>	<p>1. Khyber, 2. Lower Chitral, 3. Bajur, 4. Shangla,</p>

5. Mansehra, 6. Haripur, 7. Swat, 8. Swabi, 9. Bannu, 10. Kohat, 11. Nowshera, 12. Charsadda	4. Tank, 5. Malakand, 6. Buner, 7. Upper Dir	5. Battagram, 6. Hangu, 7. Kurram, 8. Mohamand, 9. Chitral Upper, 10. NorthWaziristan, 11. SouthWaziristan, 12. Orakzai, 13. Torghar, 14. KohistanUpper, 15. KollaiPallas, 16. Kohistan Lower
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Five years details of the workload, projected institution, available human resource, addition of upcoming CJs/JMs, annual workload of each Court of SCJ and CJs/JMs, annual required disposal, net working days and per day case load along with gradual reduction in backlog are given in Figures 3.9 to 3.16

5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG-OVERALL

FIGURE 3.9

CIVIL COURTS - KPK		
5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG - OVERALL		
YEAR	PENDENCY (BACKLOG)	%AGE REDUCTION OF BACKLOG
31 AUGUST 2020 (CURRENT)	158877	-
31 AUGUST 2021 (PROJECTED)	115552	27%
31 AUGUST 2022 (PROJECTED)	83828	20%
31 AUGUST 2023 (PROJECTED)	52103	20%
31 AUGUST 2024 (PROJECTED)	24917	17%
31 AUGUST 2025 (PROJECTED)	0	16%

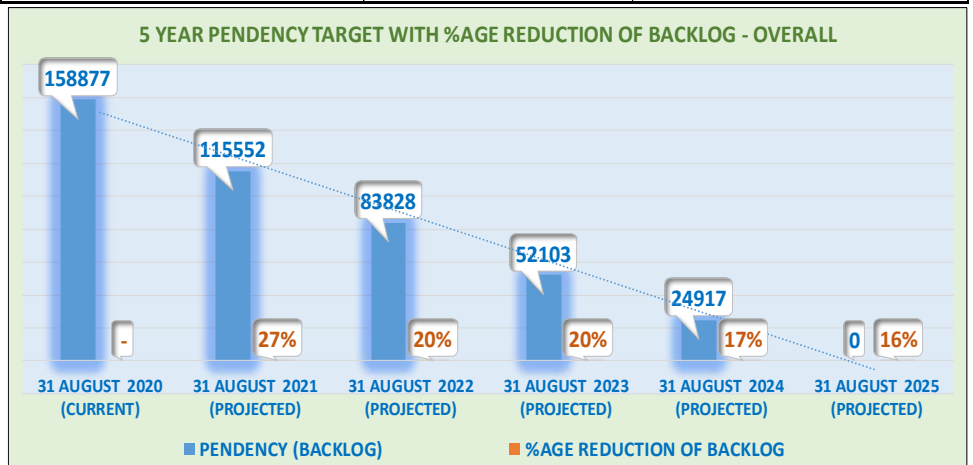
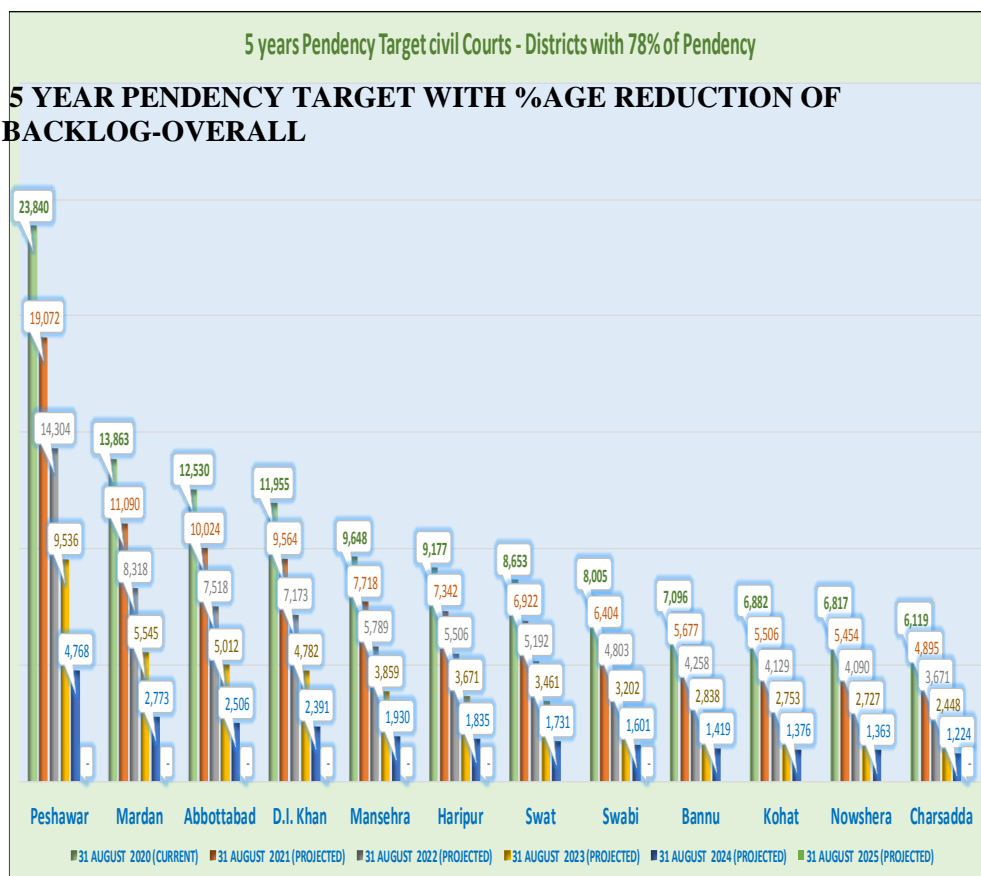


FIGURE 3.10

5 years Pendency (Backlog) Target Civil Courts (Districts with 78% of Pendency of Province)							
Sr no	Districts	31 AUGUST 2020 (CURRENT)	31 AUGUST 2021 (PROJECTED)	31 AUGUST 2022 (PROJECTED)	31 AUGUST 2023 (PROJECTED)	31 AUGUST 2024 (PROJECTED)	31 AUGUST 2025 (PROJECTED)
1	Peshawar	23,840	19,072	14,304	9,536	4,768	-
2	Mardan	13,863	11,090	8,318	5,545	2,773	-
3	Abbottabad	12,530	10,024	7,518	5,012	2,506	-
4	D.I. Khan	11,955	9,564	7,173	4,782	2,391	-
5	Mansehra	9,648	7,718	5,789	3,859	1,930	-
6	Haripur	9,177	7,342	5,506	3,671	1,835	-
7	Swat	8,653	6,922	5,192	3,461	1,731	-
8	Swabi	8,005	6,404	4,803	3,202	1,601	-
9	Bannu	7,096	5,677	4,258	2,838	1,419	-
10	Kohat	6,882	5,506	4,129	2,753	1,376	-
11	Nowshera	6,817	5,454	4,090	2,727	1,363	-
12	Charsadda	6,119	4,895	3,671	2,448	1,224	-
	Grand Total	124,585	99,667	74,751	49,834	24,918	-



**CIVIL COURTS-KPK SUMMARY OF 5 YEARS PENDENCY
TARGET WITH %AGE REDUCTION OF BACKLOG-OVER ALL**

FIGURE 3.11

CIVIL COURTS - KPK										
SUMMARY OF 5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG - OVERALL										
CIVIL COURTS	31 AUGUST 2021 (PROJECTED)	%	31 AUGUST 2022 (PROJECTED)	%	31 AUGUST 2023 (PROJECTED)	%	31 AUGUST 2024 (PROJECTED)	%	31 AUGUST 2025 (PROJECTED)	%
Projected Institution with 10 % increase based on Institution of Previous Year	203,006		223,307		245,637		270,201		297,221	
Opening Pendency (Including Backlog)	158,877		115,552		83,828		52,103		24,917	
Reduction of Backlog	43,325	27%	31,725	20%	31,725	20%	27,186	17%	24,917	16%
Closing Pendency	115,552		83,828		52,103		24,917		-	

**PERFORMANCE YEAR 3-2020-21- CIVIL COURT (SCJ – CJ - JM)s
- (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET**

FIGURE 3.12

PERFORMANCE YEAR 3- 2020-21- CIVIL COURTS (SCJ - CJ - JM) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																							
District (Civil Courts)	1	2	3= 1+2	4	5= 1-4	6= 3-4	7= 6+10%	8	9	10	11= 9+10	12	13= 11+12	14	15= 8-14	16= 7+14	17= 2-1	18= 1-2	19	20= 17/19	21= 18/19	Reduction in Pendency	
																						St.No	
CRIMINAL	CIVIL	TOTAL INSTITUTION 2019-20	PLEAD GUILTY + SP US/107	ACTUAL CRIMINAL INT WITHOUT PG/107	Actual Total Institution 2020-21	10 % INCREASE	PENDENCY AUGUST 2020	CJ/JM/SCJ			TOTAL SCJ Admn	Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	Remaining Pendency (Backlog)	Annual Required Disposal	Annual Caseload per Court CJ/JM/SCJ Jud (i.e Annual Required Disposal Number of Judges)	Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ Jud)	No of Working Days per Annum	Caseload per Court per Working Day CJ/JM/SCJ Jud	Caseload per Court per Working Day SCJ Admn				
								EXISTING	New	TOTAL													
Zone A - Comprised of 78% of Total Pendency																							
1 Peshawar	35,885	13,503	49,388	27,620	8,265	21,768	23,945	23,840	29	3	32	1	33	4,768	19,072	28,713	883	442	220	4	2		
2 Mardan	22,611	8,116	30,727	14,660	7,951	16,067	17,674	13,863	17	4	21	1	22	2,773	11,090	20,446	951	475	220	4	2		
3 Abbottabad	10,951	5,679	16,630	7,642	3,309	8,988	9,887	12,530	16	-	16	1	17	2,506	10,024	12,393	751	376	220	3	2		
4 D.I. Khan	9,298	6,894	16,192	4,150	5,148	12,042	13,246	11,955	14	2	16	1	17	2,391	9,564	15,637	948	474	220	4	2		
5 Mansehra	11,243	6,137	17,380	6,525	4,718	10,855	11,941	9,648	13	2	15	1	16	1,930	7,718	13,870	895	447	220	4	2		
9 Haripur	13,379	5,946	19,325	10,239	3,140	9,086	9,995	9,177	14	14	1	1	15	1,835	7,342	11,830	816	408	220	4	2		
7 Swat	5,005	8,067	13,072	1,498	3,507	11,574	12,731	8,653	22	-	22	1	23	1,731	6,922	14,462	643	321	220	3	1		
8 Swabi	9,040	4,797	13,837	4,578	4,462	9,259	10,185	8,005	13	-	13	1	14	1,601	6,404	11,786	873	437	220	4	2		
9 Bannu	17,271	3,862	21,133	8,912	8,359	12,221	13,443	7,096	11	4	15	1	16	1,419	5,677	14,862	999	479	220	4	2		
10 Kohat	8,664	3,612	12,276	5,510	3,154	6,766	7,443	6,882	10	-	10	1	11	1,376	5,506	8,819	840	420	220	4	2		
11 Nowshera	9,639	5,663	15,302	5,835	3,804	9,467	10,414	6,817	10	2	12	1	13	1,363	5,454	11,777	942	471	220	4	2		
12 Charsadda	11,594	3,210	14,804	7,910	3,684	6,894	7,583	6,119	10	-	10	1	11	1,224	4,895	8,807	839	419	220	4	2		
Zone B - Comprised of 14% of Total Pendency																							
1 Karak	6,519	2,574	9,093	2,419	4,100	6,674	7,341	5,599	8	1	9	1	10	1,680	3,919	9,021	950	475	220	4	2		
2 Lower Dir	1,686	2,990	4,676	290	1,396	4,386	4,825	3,530	8	-	8	1	9	1,059	2,471	5,884	692	346	220	3	2		
3 Laki Marwat	5,802	2,358	8,160	2,092	3,710	6,068	6,675	3,458	7	-	7	1	8	1,037	2,421	7,712	1,028	514.15	220	5	2		
4 Tank	4,471	1,090	5,561	1,639	2,832	3,922	4,314	2,760	4	1	5	1	6	828	1,932	5,142	935	467	220	4	2		
5 Malakand	1,955	2,002	3,957	527	1,428	3,430	3,773	2,686	7	-	7	1	8	806	1,880	4,579	611	305	220	3	1		
6 Buner	1,924	1,969	3,893	731	1,193	3,162	3,478	2,490	8	-	8	1	9	747	1,743	4,225	497	249	220	2	1		
7 Upper Dir	1,292	1,441	2,733	49	1,243	2,684	2,952	2,169	5	5	1	6	651	1,518	3,603	655	328	220	3	1			
Zone C - Comprised of 8% of Total Pendency																							
1 Khyber	617	2,017	2,634	154	463	2,480	2,728	1,700	4	-	4	1	5	1,700	-	4,428	984	492	220	4	2		
2 Chitral Lower	871	1,783	2,654	160	711	2,494	2,743	1,577	3	-	3	1	4	1,577	-	4,320	1,234	617	220	6	3		
3 Bajaur	652	1,750	2,402	278	374	2,124	2,336	1,564	3	-	3	1	4	1,564	-	3,900	1,114	557	220	5	3		
4 Shangla	1,461	1,076	2,537	688	773	1,849	2,034	1,232	3	-	3	1	4	1,232	-	3,266	933	467	220	4	2		
5 Batagram	2,283	997	3,280	1,057	1,226	2,223	2,445	937	4	-	4	1	5	937	-	3,362	752	376	220	3	2		
6 Hangu	4,488	908	5,396	3,681	807	1,715	1,887	920	3	-	3	1	4	920	-	2,807	802	401	220	4	2		
7 Kurram	254	942	1,196	10	244	1,186	1,305	906	2	-	2	1	3	906	-	2,211	884	442	220	4	2		
8 Mohmand	1,114	848	1,962	746	368	1,216	1,338	622	2	-	2	1	3	622	-	1,960	784	392	220	4	2		
9 Chitral Upper	66	131	197	12	54	185	204	550	1	-	1	1	2	550	-	754	502	251	220	2	1		
10 North Waziristan	208	845	1,053	91	117	962	1,058	543	2	-	2	1	3	543	-	1,601	640	320	220	3	1		
11 South Waziristan	148	530	678	11	137	667	734	285	1	-	1	1	2	285	-	1,019	679	340	220	3	2		
12 Orakzai	258	488	746	138	120	608	669	260	1	-	1	1	2	260	-	929	619	310	220	3	1		
13 Torghar	977	97	1,074	452	525	622	684	203	2	-	2	1	3	203	-	887	355	177	220	2	1		
14 Kohistan Upper	782	224	1,006	589	193	417	459	145	1	-	1	1	2	145	-	604	402	201	220	2	1		
15 Kolai Pallas	285	66	351	122	163	229	252	91	-	-	-	1	1	91	-	343	-	343	220	-	-	2	
16 Kohistan Lower	469	101	570	309	160	261	287	65	-	-	-	1	1	65	-	352	-	352	220	-	-	2	
Grand Total	203,162	102,713	305,875	121,324	81,838	184,551	203,006	158,877	258	19	277	35	312	43,325	115,552	246,331	26,393	13,892	7,700	120	63		

NOTE: The data of column number 10 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

**PERFORMANCE YEAR 4-2021-22- CIVIL COURT (SCJ – CJ - JMs)
- (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET**

FIGURE 3.13

PERFORMANCE YEAR 4 - 2021-22 - CIVIL COURTS (SCJ - CJ - JM) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Reduction In Pendency Sr.No	District (Civil Courts)	1 Actual Total Projected Institution 2021-22	2= 1+10% 10 % INCREASE	3 PENDENCY AUGUST 2021	CJ / JM / SCJ Jud			7 SCJ Admn	8= 6+7 TOTAL	9 Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	10= 3-9 Remaining Pendency (Backlog)	11= 2+9 Annual Required Disposal	12= 2:1 Annual Caseload per Court CJ/JM/SCJ JudJ (I.e Annual Required Disposal/	13= 1:2 Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ Jud)	14 No of Working Days per Annum	15= 12/14 Caseload per Court per Working Day CJ/JM/SCJ Jud	16= 13/14 Caseload per Court per Working Day SCJ Admn
					4	5	6= 4+5										
					EXISTING	New	TOTAL										
20% OF PENDENCY	1 Peshawar	23,945	26,339	19,072	29	3	32	1	33	4,768	14,304	31,107	957	479	220	4	2
	2 Mardan	17,674	19,441	11,090	17	4	21	1	22	2,773	8,318	22,214	1,033	517	220	5	2
	3 Abbottabad	9,887	10,875	10,024	16	-	16	1	17	2,506	7,518	13,381	811	405	220	4	2
	4 D.I. Khan	13,246	14,571	9,564	14	2	16	1	17	2,391	7,173	16,962	1,028	514	220	5	2
	5 Mansehra	11,941	13,135	7,718	13	2	15	1	16	1,930	5,789	15,064	972	486	220	4	2
	6 Haripur	9,995	10,994	7,342	14	1	15	1	15	1,835	5,506	12,829	885	442	220	4	2
	7 Swat	12,731	14,005	6,922	22	-	22	1	23	1,731	5,192	15,735	699	350	220	3	2
	8 Swabi	10,185	11,203	6,404	13	-	13	1	14	1,601	4,803	12,804	948	474	220	4	2
	9 Bannu	13,443	14,787	5,677	11	4	15	1	16	1,419	4,258	16,207	1,046	523	220	5	2
	10 Kohat	7,443	8,187	5,506	10	-	10	1	11	1,376	4,129	9,563	911	455	220	4	2
	11 Nowshera	10,414	11,455	5,454	10	2	12	1	13	1,363	4,090	12,818	1,025	513	220	5	2
	12 Charsadda	7,583	8,342	4,895	10	-	10	1	11	1,224	3,671	9,566	911	456	220	4	2
30% OF PENDENCY	1 Karak	7,341	8,076	3,919	8	1	9	1	10	1,680	2,240	9,755	1,027	513	220	5	2
	2 Lower Dir	4,825	5,307	2,471	8	-	8	1	9	1,059	1,412	6,366	749	374	220	3	2
	3 Lakkhi Marwat	6,675	7,342	2,421	7	-	7	1	8	1,037	1,383	8,380	1,117	558.65	220	5	3
	4 Tank	4,314	4,746	1,932	4	1	5	1	6	828	1,104	5,574	1,013	507	220	5	2
	5 Malakand	3,773	4,150	1,880	7	-	7	1	8	806	1,074	4,956	661	330	220	3	2
	6 Buner	3,478	3,826	1,743	8	-	8	1	9	747	995	4,573	538	269	220	2	1
	7 Upper Dir	2,952	3,248	1,518	5	-	5	1	6	651	868	3,898	709	354	220	3	2
100% OF PENDENCY	1 Khyber	2,728	3,001	-	4	-	4	1	5	-	-	3,001	667	333	220	3	2
	2 Chitral Lower	2,743	3,018	-	3	-	3	1	4	-	-	3,018	862	431	220	4	2
	3 Bajaur	2,336	2,570	-	3	-	3	1	4	-	-	2,570	734	367	220	3	2
	4 Shangla	2,034	2,237	-	3	-	3	1	4	-	-	2,237	639	320	220	3	1
	5 Batagram	2,445	2,690	-	4	-	4	1	5	-	-	2,690	598	299	220	3	1
	6 Hangu	1,887	2,075	-	3	-	3	1	4	-	-	2,075	593	296	220	3	1
	7 Kurram	1,305	1,435	-	2	-	2	1	3	-	-	1,435	574	287	220	3	1
	8 Mohmand	1,338	1,471	-	2	-	2	1	3	-	-	1,471	589	294	220	3	1
	9 Chitral Upper	204	224	-	1	-	1	1	2	-	-	224	149	75	220	1	0
	10 North Waziristan	1,058	1,164	-	2	-	2	1	3	-	-	1,164	466	233	220	2	1
	11 South Waziristan	734	807	-	1	-	1	1	2	-	-	807	538	269	220	2	1
	12 Orakzai	669	736	-	1	-	1	1	2	-	-	736	490	245	220	2	1
	13 Torghar	684	753	-	2	-	2	1	3	-	-	753	301	151	220	1	1
	14 Kohistan Upper	459	505	-	1	-	1	1	2	-	-	505	336	168	220	2	1
	15 Kolai Pallas	252	277	-	-	-	-	1	1	-	-	277	-	277	220	-	1
	16 Kohistan Lower	287	316	-	-	-	-	1	1	-	-	316	-	316	220	-	1
Grand Total		203,006	223,307	115,552	258	19	277	35	312	31,725	83,828	255,031	24,577	12,882	7,700	112	59
NOTE: 1 The data of column number 10 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.																	
NOTE 2 : The above institution does not include Plead Guilty and Security Proceedings u/s 107 which will be taken on actual basis along with actual institution for the relevant year.																	

PERFORMANCE YEAR 5-2022-23- CIVIL COURT (SCJ – CJ - JMs) - (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET

FIGURE 3.14

PERFORMANCE YEAR 5 - 2022-23 - CIVIL COURTS (SCJ - CJ - JM) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Reduction In Pendency Sr No	District (Civil Courts)	1	2=	3	4	5	6=	7	8=	9	10=	11=	12=	13=	14	15=	16=
		Actual Total Projected Institution 2022-23	1+10%	PENDENCY AUGUST 2022	CI / JM / SCJ Jud			SCJ Admn	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	Remaining Pendency (Backlog)	Annual Required Disposal	Annual Caseload per Court CJ/JM/SCJ Jud	Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ Jud)	No of Working Days per Annum	Caseload per Court per Working Day CJ/JM/SCJ Jud	Caseload per Court per Working Day SCJ Admn
		10 % INCREASE		EXISTING	New	TOTAL											
20% OF PENDENCY	1 Peshawar	26,339	28,973	14,304	29	3	32	1	33	4,768	9,536	33,741	1,038	519	220	5	2
	2 Mardan	19,441	21,385	8,318	17	4	21	1	22	2,773	5,545	24,158	1,124	562	220	5	3
	3 Abbottabad	10,875	11,963	7,518	16	-	16	1	17	2,506	5,012	14,469	877	438	220	4	2
	4 D.I. Khan	14,571	16,028	7,173	14	2	16	1	17	2,391	4,782	18,419	1,116	558	220	5	3
	5 Mansehra	13,135	14,448	5,789	13	2	15	1	16	1,930	3,859	16,378	1,057	528	220	5	2
	6 Haripur	10,994	12,093	5,506	14	-	14	1	15	1,835	3,671	13,929	961	480	220	4	2
	7 Swat	14,005	15,405	5,192	22	-	22	1	23	1,731	3,461	17,136	762	381	220	3	2
	8 Swabi	11,203	12,324	4,803	13	-	13	1	14	1,601	3,202	13,925	1,031	516	220	5	2
	9 Bannu	14,787	16,266	4,258	11	4	15	1	16	1,419	2,838	17,685	1,141	570	220	5	3
	10 Kohat	8,187	9,006	4,129	10	-	10	1	11	1,376	2,753	10,382	989	494	220	4	2
	11 Nowshera	11,455	12,601	4,090	10	2	12	1	13	1,363	2,727	13,964	1,117	559	220	5	3
	12 Charsadda	8,342	9,176	3,671	10	-	10	1	11	1,224	2,448	10,400	990	495	220	5	2
30% OF PENDENCY	1 Karak	8,076	8,883	2,240	8	1	9	1	10	1,680	560	10,563	1,112	556	220	5	3
	2 Lower Dir	5,307	5,838	1,412	8	-	8	1	9	1,059	353	6,897	811	406	220	4	2
	3 Lakki Marwat	7,342	8,077	1,383	7	-	7	1	8	1,037	346	9,114	1,215	607.59	220	6	3
	4 Tank	4,746	5,220	1,104	4	1	5	1	6	828	276	6,048	1,100	550	220	5	2
	5 Malakand	4,150	4,565	1,074	7	-	7	1	8	806	269	5,371	716	358	220	3	2
	6 Buner	3,826	4,209	996	8	-	8	1	9	747	249	4,956	583	292	220	3	1
	7 Upper Dir	3,248	3,572	868	5	-	5	1	6	651	217	4,223	768	384	220	3	2
100% OF PENDENCY	1 Khyber	3,001	3,301	-	4	-	4	1	5	-	-	3,301	734	367	220	3	2
	2 Chitral Lower	3,018	3,320	-	3	-	3	1	4	-	-	3,320	948	474	220	4	2
	3 Bajaur	2,570	2,827	-	3	-	3	1	4	-	-	2,827	808	404	220	4	2
	4 Shangla	2,237	2,461	-	3	-	3	1	4	-	-	2,461	703	352	220	3	2
	5 Batagram	2,690	2,959	-	4	-	4	1	5	-	-	2,959	658	329	220	3	1
	6 Hangu	2,075	2,283	-	3	-	3	1	4	-	-	2,283	652	326	220	3	1
	7 Kurrum	1,435	1,579	-	2	-	2	1	3	-	-	1,579	631	316	220	3	1
	8 Mohmand	1,471	1,618	-	2	-	2	1	3	-	-	1,618	647	324	220	3	1
	9 Chitral Upper	224	246	-	1	-	1	1	2	-	-	246	164	82	220	1	0
	10 North Waziristan	1,164	1,280	-	2	-	2	1	3	-	-	1,280	512	256	220	2	1
	11 South Waziristan	807	888	-	1	-	1	1	2	-	-	888	592	296	220	3	1
	12 Orakzai	736	809	-	1	-	1	1	2	-	-	809	539	270	220	2	1
	13 Torghar	753	828	-	2	-	2	1	3	-	-	828	331	166	220	2	1
	14 Kohistan Upper	505	555	-	1	-	1	1	2	-	-	555	370	185	220	2	1
	15 Kolai Pallas	277	305	-	-	-	-	1	1	-	-	305	-	305	220	-	1
	16 Kohistan Lower	316	347	-	-	-	-	1	1	-	-	347	-	347	220	-	2
Grand Total	223,307	245,637	83,828	258	19	277	35	312	31,725	52,103	277,362	26,798	14,051	7,700	122	64	

NOTE: 1 The data of column number 10 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

NOTE 2 : The above institution does not include Plead Guilty and Security Proceedings u/s 107 which will be taken on actual basis along with actual institution for the relevant year.

**PERFORMANCE YEAR 6-2023-24- CIVIL COURT (SCJ – CJ - JM)
- (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET**

FIGURE 3.15

PERFORMANCE YEAR 6 - 2023-24 - CIVIL COURTS (SCJ - CJ - JM) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Reduction in Pendency Sr No	District (Civil Courts)	1	2=	3	4	5	6=	7	8=	9	10=	11=	12=	13=	14	15=	16=
		Actual Total Projected Institution 2023-24	1+10%	3	4	5	4+5	7	8+7	9	3-9	2+9	2:1	1:2	14	12/14	13/14
		10 % INCREASE	PENDENCY AUGUST 2023	CI / JM / SCJ Jud			SCJ Admn	TOTAL	Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	Remaining Pendency (Backlog)	Annual Required Disposal	Annual Caseload per Court CJ/JM/SCJ Jud	Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ Jud)	No of Working Days per Annum	Caseload per Court per Working Day CJ/JM/SCJ Jud	Caseload per Court per Working Day SCJ Admn	
20% OF PENDENCY	1 Peshawar	28,973	31,871	9,536	29	3	32	1	33	4,768	4,768	36,639	1,127	564	220	5	3
	2 Mardan	21,385	23,524	5,545	17	4	21	1	22	2,773	2,773	26,296	1,223	612	220	6	3
	3 Abbottabad	11,963	13,159	5,012	16	-	16	1	17	2,506	2,506	15,665	949	475	220	4	2
	4 D.I. Khan	16,028	17,631	4,782	14	2	16	1	17	2,391	2,391	20,022	1,213	607	220	6	3
	5 Mansehra	14,448	15,893	3,859	13	2	15	1	16	1,930	1,930	17,822	1,150	575	220	5	3
	6 Haripur	12,093	13,303	3,671	14	-	14	1	15	1,835	1,835	15,138	1,044	522	220	5	2
	7 Swat	15,405	16,945	3,461	22	-	22	1	23	1,731	1,731	18,676	830	415	220	4	2
	8 Swabi	12,324	13,556	3,202	13	-	13	1	14	1,601	1,601	15,157	1,123	561	220	5	3
	9 Bannu	16,266	17,893	2,838	11	4	15	1	16	1,419	1,419	19,312	1,246	623	220	6	3
	10 Kohat	9,006	9,906	2,753	10	-	10	1	11	1,376	1,376	11,283	1,075	537	220	5	2
	11 Nowshera	12,601	13,861	2,727	10	2	12	1	13	1,363	1,363	15,224	1,218	609	220	6	3
	12 Charsadda	9,176	10,094	2,448	10	-	10	1	11	1,224	1,224	11,317	1,078	539	220	5	2
30% OF PENDENCY	1 Karak	8,883	9,771	560	8	1	9	1	10	560	-	10,331	1,088	544	220	5	2
	2 Lower Dir	5,838	6,422	353	8	-	8	1	9	353	-	6,775	797	399	220	4	2
	3 Lakki Marwat	8,077	8,884	346	7	-	7	1	8	346	-	9,230	1,231	615.33	220	6	3
	4 Tank	5,220	5,742	276	4	1	5	1	6	276	-	6,018	1,094	547	220	5	2
	5 Malakand	4,565	5,022	269	7	-	7	1	8	269	-	5,290	705	353	220	3	2
	6 Buner	4,209	4,629	249	8	-	8	1	9	249	-	4,878	574	287	220	3	1
	7 Upper Dir	3,572	3,930	217	5	-	5	1	6	217	-	4,147	754	377	220	3	2
100% OF PENDENCY	1 Khyber	3,301	3,631	-	4	-	4	1	5	-	-	3,631	807	403	220	4	2
	2 Chitral Lower	3,320	3,651	-	3	-	3	1	4	-	-	3,651	1,043	522	220	5	2
	3 Bajaur	2,827	3,110	-	3	-	3	1	4	-	-	3,110	888	444	220	4	2
	4 Shangla	2,461	2,707	-	3	-	3	1	4	-	-	2,707	773	387	220	4	2
	5 Batagram	2,959	3,255	-	4	-	4	1	5	-	-	3,255	723	362	220	3	2
	6 Hangu	2,283	2,511	-	3	-	3	1	4	-	-	2,511	717	359	220	3	2
	7 Kurrum	1,579	1,736	-	2	-	2	1	3	-	-	1,736	695	347	220	3	2
	8 Mohmand	1,618	1,780	-	2	-	2	1	3	-	-	1,780	712	356	220	3	2
	9 Chitral Upper	246	271	-	1	-	1	1	2	-	-	271	181	90	220	1	0
	10 North Waziristan	1,280	1,408	-	2	-	2	1	3	-	-	1,408	563	282	220	3	1
	11 South Waziristan	888	977	-	1	-	1	1	2	-	-	977	651	326	220	3	1
	12 Orakzai	809	890	-	1	-	1	1	2	-	-	890	593	297	220	3	1
	13 Torghar	828	911	-	2	-	2	1	3	-	-	911	364	182	220	2	1
	14 Kohistan Upper	555	611	-	1	-	1	1	2	-	-	611	407	204	220	2	1
	15 Kolai Pallas	305	335	-	-	-	-	1	1	-	-	335	-	335	220	-	2
	16 Kohistan Lower	347	382	-	-	-	-	1	1	-	-	382	-	382	220	-	2
Grand Total		245,637	270,201	52,103	258	19	277	35	312	27,186	24,917	297,387	28,638	15,036	7,700	130	68

NOTE: 1 The data of column number 10 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standardize per day caseload, subject to availability of infrastructure.

NOTE 2: The above institution does not include Plead Guilty and Security Proceedings u/s 107 which will be taken on actual basis along with actual institution for the relevant year.

**PERFORMANCE YEAR 7-2024-25- CIVIL COURT (SCJ – CJ - JM)s
- (20-30-100)% REDUCTION IN PENDENCY(BACKLOG) TARGET**

FIGURE 3.16

PERFORMANCE YEAR 7 - 2024-25 - CIVIL COURTS (SCJ - CJ - JM) - (20-30-100)% REDUCTION IN PENDENCY (BACKLOG) TARGET																	
Sr No	District (Civil Courts)	1 Actual Total Projected Institution 2024-25	2= 1±10% 10 % INCREASE	3 PENDENCY AUGUST 2024	4 CJ / JM / SCJ Jud			7 SCJ Admn	8= 6+7 TOTAL	9 Annual Target Reduction in Pendency (Backlog) 20%/30%/100%	10= 3-9 Remaining Pendency (backlog)	11= 2+9 Annual Required Disposal	12= 2:1 Annual Caseload per Court CJ/JM/SCJ Jud (i.e Annual Required Disposal/ Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ Jud)	14 No of Working Days per Annum	15= 12/14 Caseload per Court per Working Day CJ/JM/SCJ Jud	16= 13/14 Caseload per Court per Working Day SCJ Admn	
					EXISTING	New	TOTAL										
20% OF PENDENCY	1 Peshawar	31,871	35,058	4,768	29	3	32	1	33	4,768	-	39,826	1,225	613	220	6	3
	2 Mardan	23,524	25,876	2,773	17	4	21	1	22	2,773	0	28,649	1,332	666	220	6	3
	3 Abbottabad	13,159	14,475	2,506	16	-	16	1	17	2,506	-	16,981	1,029	515	220	5	2
	4 D.I. Khan	17,631	19,394	2,391	14	2	16	1	17	2,391	-	21,785	1,320	660	220	6	3
	5 Mansehra	15,893	17,482	1,930	13	2	15	1	16	1,930	0	19,412	1,252	626	220	6	3
	6 Haripur	13,303	14,633	1,835	14	-	14	1	15	1,835	0	16,468	1,136	568	220	5	3
	7 Swat	16,945	18,640	1,731	22	-	22	1	23	1,731	0	20,371	905	453	220	4	2
	8 Swabi	13,556	14,912	1,601	13	-	13	1	14	1,601	-	16,513	1,223	612	220	6	3
	9 Bannu	17,893	19,682	1,419	11	4	15	1	16	1,419	-	21,101	1,361	681	220	6	3
	10 Kohat	9,906	10,897	1,376	10	-	10	1	11	1,376	0	12,273	1,169	584	220	5	3
	11 Nowshera	13,861	15,247	1,363	10	2	12	1	13	1,363	0	16,610	1,329	664	220	6	3
	12 Charsadda	10,094	11,103	1,224	10	10	10	1	11	1,224	-	12,327	1,174	587	220	5	3
30% OF PENDENCY	1 Karak	9,771	10,749	-	8	1	9	1	10	-	-	10,749	1,131	566	220	5	3
	2 Lower Dir	6,422	7,064	-	8	-	8	1	9	-	-	7,064	831	416	220	4	2
	3 Lakki Marwat	8,884	9,773	-	7	-	7	1	8	-	-	9,773	1,303	651.50	220	6	3
	4 Tank	5,742	6,316	-	4	1	5	1	6	-	-	6,316	1,148	574	220	5	3
	5 Malakand	5,022	5,524	-	7	-	7	1	8	-	-	5,524	737	368	220	3	2
	6 Buner	4,629	5,092	-	8	-	8	1	9	-	-	5,092	599	300	220	3	1
	7 Upper Dir	3,930	4,323	-	5	-	5	1	6	-	-	4,323	786	393	220	4	2
100% OF PENDENCY	1 Khyber	3,631	3,994	-	4	-	4	1	5	-	-	3,994	888	444	220	4	2
	2 Chitral Lower	3,651	4,017	-	3	-	3	1	4	-	-	4,017	1,148	574	220	5	3
	3 Bajaur	3,110	3,421	-	3	-	3	1	4	-	-	3,421	977	489	220	4	2
	4 Shangla	2,707	2,978	-	3	-	3	1	4	-	-	2,978	851	425	220	4	2
	5 Batagram	3,255	3,580	-	4	-	4	1	5	-	-	3,580	796	398	220	4	2
	6 Hangu	2,511	2,762	-	3	-	3	1	4	-	-	2,762	789	395	220	4	2
	7 Kurrum	1,736	1,910	-	2	-	2	1	3	-	-	1,910	764	382	220	3	2
	8 Mohmand	1,780	1,958	-	2	-	2	1	3	-	-	1,958	783	392	220	4	2
	9 Chitral Upper	271	298	-	1	-	1	1	2	-	-	298	199	99	220	1	0
10 North Waziristan	1,408	1,549	-	2	-	2	1	3	-	-	1,549	620	310	220	3	1	
11 South Waziristan	977	1,074	-	1	-	1	1	2	-	-	1,074	716	358	220	3	2	
12 Orakzai	890	979	-	1	-	1	1	2	-	-	979	653	326	220	3	1	
13 Torghar	911	1,002	-	2	-	2	1	3	-	-	1,002	401	200	220	2	1	
14 Kohistan Upper	611	672	-	1	-	1	1	2	-	-	672	448	224	220	2	1	
15 Kolai Pallas	335	369	-	-	-	-	1	1	-	-	369	-	369	220	-	2	
16 Kohistan Lower	382	420	-	-	-	-	1	1	-	-	420	-	420	220	-	2	
Grand Total		270,201	297,221	24,917	258	19	277	35	312	24,917	0	322,138	31,024	16,301	7,700	141	74

NOTE 1: The data of column number 10 requires transfer of few posts from low workload districts to those high workload districts where even the sanctioned strength is insufficient to standerdize per day caseload, subject to availability of infrastructure.

NOTE 2: The above instituion does not include Plead Guilty and Security Proceedings u/s 107 which will be taken on actual basis along with actual institution for the relevant year.

4 Target Fixation

- a) Based on work load and attending circumstances the DSJs shall fix per day disposal/ target for each judicial officer, in the light of above standard and taking into account monthly institution trends as well as requisite annual reduction of backlog. The data of institution and disposal of criminal cases within the jurisdiction of judicial magistrate, as reflected in **Figure 3.12** would show that in the second performance year the total institution of the entire province was 203,162 and disposal turned out to be 200,906. The institution includes 43,135 security proceedings u/s 107 Cr. P.C while disposal figure in the said category is 43,357. This reflects that approximately 21% of the total institution and disposal pertains to this category. Similarly, 39% of the total disposal was through plead guilty mode (78,189 out 200,906). The sum of disposal of these two categories would reveal that 60% (121,324) of the disposal is through these two modes.
- b) Therefore, in order to encourage and promote substantial disposal these two categories shall be excluded from overall required disposal and only 40% of the institution in the last year (81838) shall be taken into account. However the judicial magistrate shall continue to earn units for disposal from these categories.
- c) The DSJs shall ordinarily abstain from transfer of cases from the Courts of judicial officers who do not achieve the targets, to those who accomplish assigned targets well before the time merely on the pretext of low pendency in the Courts of latter.
- d) It is pertinent to mention that Judicial Officers must be motivated to achieve the targets given in this policy. Regarding those Judicial Officers who attained the required target, the Secretariat of District Judiciary shall devise incentive and reward policy in line with this document.

5 Prioritization of cases

It has been observed that disposal under certain categories of cases is far below than institution ratio, which ultimately increases backlog. The following table would show the details of such categories:

COURTS OF AD&SJs AND DSJs

Category of cases	Pendency at the start of PY -2	Institution during PY-2	Disposal (PY-2)	Disposal Ratio against caseload % (PY-2)
CNSA (sessions case)	10721	12009	8882	39%
Land Acquisition	1926	511	313	13%
Execution	2476	1233	1093	29%
Cases Under Order 37 CPC	1438	949	765	32%
Cases under Illegal dispossession Act	972	804	581	33%
Special Courts Tribunal	1030	923	874	45%
Civil Appeal against decree	8145	5087	6496	49%
Civil Appeal against order	1391	2875	3150	71%

COURTS OF SENIOR CIVIL JUDGES/CJs/JMs

Category of cases	Pendency at the start of PY -2	Institution during PY-2	Disposal (PY-2)	Disposal Ratio against caseload % (PY-2)
Guardian/Succession	3096	12163	10534	69%
Family	10237	10584	8158	39%
Execution	8258	5328	4211	31%
PPC cases	21517	40991	39777	64%

All the judicial officers shall therefore be directed to immediately prioritize aforementioned categories of cases.

6. Equal distribution of fresh cases

DSJs and SCJs empowered to entrust the case shall ensure by all means that per day institution is equally distributed amongst the Courts. In this respect they may formulate their own SOPs **in which they will also take into account the nature of cases so that a court cannot take the benefit of simple nature case while achieving the target as compared to other courts with more complicated cases.** The District & Sessions Judges and Senior Civil Judges shall furnish details of the institution and

equal distribution of the business through separate monthly reports. This equal distribution should also address transfer of cases.

Family cases shall be distributed amongst other Civil Judges where number of judge family court are less as compared to the pendency of family cases.

7. Diary Management data base

For effective implementation of diary management, curtailing adjournments, in order to facilitate the lawyers and to successfully launch events scheduling regime, the District and Sessions Judge shall in consultation with representatives as well as senior lawyers of the bar develop a data base containing particulars of all enrolled members/practicing lawyers of the respective bars. As a first step, the data base shall be connected with and accessible to all courts on real time via internet server and secondly the data base of entire district be connected with this Court to be considered by Judicial branch while fixing the date by office. Each court while scheduling a case enter its calendar/dates and duration in the database so as to enable the other courts to avoid scheduling of their cases during the said span.

8. Revenue Record Cell

On the pattern of criminal process serving cell, the DSJ in collaboration with the deputy commissioner/Collector shall establish a cell for provision of certified copies of revenue record. The cell shall be known as Revenue Record Cell (RRC). There shall be dedicated staff for the cell, to be posted by the deputy commissioner and D&SJ. The cell shall be under overall superintendence of the DSJ.

All courts shall during the case management conference ascertain from the parties about the relied upon revenue record and shall thereby issue process for certified copies. The process shall be entrusted to RRC and the party concerned shall deposit the prescribed requisite fee, to be notified and made public by the deputy commissioner in accordance with the relevant rules of the revenue board. The process shall be forwarded to the revenue officer concerned who shall ensure supply of the certified copies to the cell within reasonably stipulated time but not beyond thirty (30) working days.

The DSJ and Deputy Commissioner may devise SOPs for the cell in line with working of the copy branch.

Through establishment of this cell the delay occasioned for want of revenue record and attendance of patwari will be curtailed as attendance of revenue officers will not be required so far as they are not witness of

facts. Moreover, due to admissibility of certified copies of public document the courts will be able to effectively implement discovery management conference and proceed with summary adjudication in appropriate cases.

9. Bar Bench liaison

In supersession of earlier directives bar bench liaison meetings shall be convened on monthly basis. The working and monitoring of database for diary management shall regularly be discussed. The DSJs shall take on board members of the bar for implementation of scheduling of proceedings and trials and sensitize the judicial officers to avoid conventional date fixation. For this purpose, the D&SJ shall invite those counsels having concentration of civil and criminal work. The D&SJ shall provide list of backlog cases and shall persuade the lawyers to assist the Courts in disposal of backlog cases by taking into account prescribed statutory period of disposal of cases or date of institution. In case of non-cooperation by lawyer/s, the D&SJ shall communicate a report to this court. The D&SJ shall act as a bridge between the Courts and aforementioned lawyers for quick disposal of backlog cases.

10. Trial need assessment

Due to stereotyping almost all matters are taken to the trial, which course and approach not only effect quality of adjudication, increase cost of litigation, delay justice but also indirectly promote false and frivolous litigation. It is therefore duty of each court to determine first of all scope of summary adjudication and take up only those matters to trial which so deserve. In this regard all enabling provisions need to be explored and applied.

11. Effective Coordination for criminal trial

One of the major reasons of delay in criminal cases is non-availability of police witnesses. The DSJs through the criminal justice co-ordination committee need to make arrangements for recording of statement through video links.

It is observed that upon commencement of a criminal trial, courts mechanically summon prosecution witnesses and shoulder responsibility which primarily is the burden of prosecution. In this regard provisions of Section 244 and 265-F Cr.P.C are completely ignored. Therefore, the DSJs are required to take up the matter at the fora of Criminal Justice Coordination Committee (Cr.J.C.C) and streamline it accordingly. Therefore the DSJs inter-alia are required to take up the

matter of absence of cases property, piecemeal evidence and non-preparedness of prosecutor at the fora of Cr.J.C.C.

12. Trial Scheduling

All civil and criminal trials shall be scheduled and decided within one year after framing of issues/charge unless otherwise required by any other law for the time being enforced. While Civil miscellaneous applications shall be decided within two months through application management conference unless the law otherwise directs. The DSJ should also address delay in civil and criminal cases on account of appeal and revision against the interlocutory orders.

13. Vigilant issue of process

It is observed that process is mechanically issued both in civil and criminal cases upon institution. The Court shall determine that whether summons for final determination or for settlement of issues be issued. Nevertheless, provisions of Order V Rule 5 CPC read with Order VII Rule 11 and similarly Section 204 Cr.P.C necessitate scrutiny and assessment of the case and determination of reasonable grounds before issuing the process. Therefore, the DSJs shall ensure that these provisions are followed and exercised in letter and spirit. Moreover the legal and factual questions within the ambit of case management and discovery management conference be resolved through meaningful scheduling of such conferences. The DSJ shall explore the use of technology for quick process serving and make the process serving agency more effective and efficient.

14. Frivolous litigation

False, vexatious, and frivolous litigation must be nipped in the bud at the earliest so far as possible and dealt with iron hands by imposing heavy cost and taking appropriate penal action under the law. In this regard, recording of particulars of filers of case/proceedings/petitions including their CNICs Numbers in soft form will help a great deal.

15. Execution against government

Execution of money decree against government are often delayed despite attaining finality and prolonged on one pretext or the other. The DSJs may collect such data with full particulars and forward the same to this Court. The government may be requested to allocate funds in the budget for discharge of the liability.

16. Capacity building

Local/regional trainings for judicial officers, lawyers and ministerial staff need to be arranged for implementation of above-mentioned action plan focusing on smart management, skill development, tools of expeditious adjudication, scheduling mechanisms, uniformity in discretionary matters and maintenance of record etc. In order to achieve the goals of the policy, the D&SJ shall ensure that all the Courts of his/her districts are well equipped with trained staff and necessary infrastructure. It shall be the duty of District & Sessions Judge and Senior Civil Judge (Admin) to arrange local trainings of ministerial staff on quarterly basis. After training, it shall be the duty of every judicial officer to groom his/her subordinate staff.

17. Human Resource & Infrastructure Needs

As already provided in this document there shall be gradual shift of judicial officers from low and moderate pendency districts to high work load zones. Similarly, recruitments against 26 posts of AD&SJ and 24 posts of Civil Judges are in process and likely to be completed by the end of this year. Thus, required number of ministerial staff and infrastructure needs are to be worked out and provided on priority basis. In this regard D&SJs and SCJs admin are required to initiate, expedite and complete their recruitment process on emergency basis, having due regard to SOPs of COVID-19 specific. The DSJs and SCJs of Zone A shall work out additional human resource and infrastructure needs with justification and submit their demands within two months to this Court so far as the current year is concerned and at least three months before start of every subsequent performance year. The Budget & Accounts and Planning & Development section of this Court shall take up the matter with the government on priority basis.

In case the government is not able to provide posts and sufficient budget to meet the requirement, then either donors may be approached for creation of project posts at least for two years and provision of infrastructure or this Court may create temporary/contract posts on its strength within the allocated budget and depute the hired human resource in Zone A districts. Further improvised infrastructure may also be managed in the relevant districts through re-appropriation of funds of district judiciary. Regarding ministerial staff needs transfer of posts from certain districts to Zone A is also an option.

Guidelines/Instructions

For achieving the goals set out in this document and to ensure qualitative adjudication the judicial officers may be sensitized to abstain from and resort to the following course of action, as the case may be:

- a) Manipulation of contested judgments in cases which can be summarily decided.
- b) Appeal and revisions shall not be admitted without scrutiny of preliminary questions regarding jurisdiction etc.
- c) Entertaining Superdari petition for return of vehicles in accident cases as the same is to be returned within forty-eight hours in terms of Section 95 of Motor Vehicle Ordinance 1965. Such orders are required to be passed by Judicial Magistrates at the very initial stage.
- d) Delay in transfer of prisoners to other jurisdiction, either of the same province or to other province.
- e) Prolonged detentions or passingailable orders in matters within the ambit of section 54 Cr.P.C
- f) Mechanical permissions of leave to defend in cases under Order 37 CPC
- g) Once leave granted in cases under Order 37 CPC, separate execution petitions need not to be filed.
- h) Delay in determination of questions of jurisdiction.
- i) Mechanical extensions of ad interim injunction.
- j) Fixation of cases on the days already planned for leave.
- k) In case of emergency/unplanned casual leave issue the process in adjourned cases on the day of return from leave instead of the next date.
- l) Instead of awarding punishment of imprisonment in default of payment of fine, warrant for levy of fine to be issued under section 386 Cr. P.C may not only help in reducing prison population but also generate revenue for exchequer.
- m) The concept of plea of no contest, as laid down in PLD 2009 Lahore 312 is an effective tool for early adjudication of criminal cases, particularly under section 337 and 489-F PPC.
- n) The practice of deciding civil cases without awarding cost of suit is in violation of Section 35 CPC as reasons are required to be given for doing so.
- o) The District & Sessions judges may in consultation with judicial officers can further explore many other enabling provisions for

streamlining the judicial business and curbing unnecessary and unwarranted practices resulting in delay.

Recommendations for review of Unit Policy

In order to make it compatible with this policy, to address hardships being faced by the judicial officers and to make it workable instrument for data analysis and research purposes the revised unit policy 2018 needs further review and revision on following lines:

- a) Equal unit allocation for contested judgments of all categories irrespective of their nature. This will encourage disposal of backlog cases currently having less number of units.
- b) Non allocation of units for disposal under section 249-A and 265-K without recording evidence is resulting into unnecessary trials, as charge is framed and some evidence is recorded just to earn units in those cases which can be decided summarily. In both cases unit shall be allocated.
- c) Special attention is required to be given to disposal of stagnant cases highlighted in this document as low allocation of unit to such cases is one of the hurdle in their disposal.
- d) Simplification of capturing backlog data may be devised.
- e) Category Codes **11-013 (Civil Appeals “Civil Judge enhanced Power”)** and **11-014(Revision under conciliation court orders)** need to be omitted being obsolete.
- f) The requirements of units earning for DSJ and SCJ Admin (where entrusted with judicial work) specified in Para D-3 of Unit Policy should be relaxed and made compatible with this document, requiring both of them to dispose of 50% cases as compared to ADJs and CJs/JMs respectively.
- g) The number of contested judgements required from DSJ and SCJ (Admin Entrusted with Judicial Work) also need to be reduced by half and aligned with this document.
- h) All cases of attempted murder (Section 324 PPC) and of concurrent jurisdiction should be reflected as a separate category for magistrates exercising power under section 30.Cr.PC.
- i) As provided in this policy document, disposals of security proceedings and disposal through plead guilty mode are to be excluded from disposal count so for reckoning of per day disposal targets are concerned. Thus, Unit Policy needs to be aligned.

- j) Further modifications may be made from time to time so as to make Unit Policy improved and in conformity with this policy.
- k) Categorization of cases needs to be streamlined and following major categories may be introduced:

Criminal Cases New Proposed Categories

- i- Offences against persons (homicidal and injuries),
- ii- Attempted Murder (Section 324 PPC) and of concurrent jurisdiction should be reflected as a separate category for magistrates exercising power under section 30.CrPC.
- iii- Offences against Property,
- iv- Offences against reputation,
- v- Offences against faith and religion,
- vi- Offences against vulnerable segments of society (women, children and transgender),
- vii- Financial crimes,
- viii- Cyber-crimes.
- ix- Offenses under section 498-A PPC (prevention of anti-women Practicing Act 2011)
- x- Cases of Insurance Tribunal.

New Categories related to Family Law

- xi- Dissolution of marriage,
- xii- Dower,
- xiii- Maintenance,
- xiv- Restitution of Conjugal Rights,
- xv- Custody of Children,
- xvi- Guardianship,
- xvii- Jactitation of Marriage,
- xviii- Dowry,
- xix- Khula,

New Categories of Civil matters

- xx- Execution against Government
- xxi- Cases pertaining to Intellectual property laws.
- xxii- Other new laws.

SECTION-II
PERFORMANCE QUANTIFICATION SCHEME (PQS)

C.No. 1(8-2)

I am directed to state that, after approval of District Judiciary Performance Monitoring and Evaluation Policy (2020-2025), the unit policy 2018 has been aligned with the targets set in the aforementioned policy and substituted with this scheme by the orders of the competent authority, in supersession of all previous directives in this regard.

The subject scheme is as under: -

A: Objectives of the Scheme:

1. The main objective of Performance Quantification Scheme (**PQS**) is to assess the performance of judicial officers with focus on disposal of cases as per Target set in the light of 05 Years District Judiciary Performance Monitoring and Evaluation Policy (2020-2025)
2. The scheme will work having regard to the scale of performance measurement of a Judicial Officer against his/her substantive Judicial Work on the basis of:
 - a. %reduction of backlog cases as per Judicial Officer's relevant Zone.
 - b. Disposal count, henceforth shall be in accordance with target fixation by the respective District & Sessions Judge for each judicial officer with reference to determination of working days, annual and Quarterly targets on the basis of caseload as prescribed in the 05 Years Policy (2020-2025).
 - c. One of the key indicators of Performance scaling is to evaluate 100% disposal against newly instituted cases
 - d. It will be a performance indicator that each and every civil case, including execution and objection petitions are processed in accordance with Case Management Rules, aimed at meritorious non trial centric adjudication through Summary judgments or through Trial Scheduling where trials are deemed necessary.
 - e. The number of Contested Judgements from each judicial officer shall be required in accordance with this scheme.

- f. Disposal made under Plead Guilty Mode at any level and Security Proceedings shall be excluded from overall required disposal target.
3. The scale for performance measurement of District and Sessions Judge and Senior Civil Judge for their respective domain is as under:
 - a. Equalization of Case Load among courts as per nature and weightage of case category.
 - b. Equal distribution of *freshly marked cases* to each court as per nature and weightage of case category.
 - c. His/her Judicial Work shall be measured having regard to the targets set in the 05 Year Performance Policy.
 - d. It shall include in the performance assessment of District and Sessions Judge that he/she has ensured accomplishment of the set targets by each judicial officer through effective supervision and monitoring at local level on monthly basis.

B: Tier Wise Categories are given in the Annexure-A

C. Target of Contested Cases

1. The minimum requirement of contested disposal in each month shall be as below:-
 - i- A Districts and Sessions Judge/ Zilla Qazi, dealing with both civil and criminal cases, shall deliver at least “06” contested judgements in a month ,03 Civil and 03 Criminal including Appeals/Revisions, however, 02 out of 06 shall be trial based judgements.
 - ii- A Districts Judge/ Zilla Qazi, dealing with civil cases only, shall deliver at least “06” Civil contested judgments including Appeals/Revisions, however, 02 out of 06 shall be trial based judgements.
 - iii- A Sessions Judge/ Zilla Qazi, dealing with criminal cases only shall deliver at least “06” contested judgments including Appeals/Revisions, however, 02 out of 06 shall be trial based judgements.
 - iv- An Additional Districts and Sessions Judge/ Izafi Zilla Qazi, dealing with both civil and criminal cases, shall deliver at least “12” contested judgements in a month, 06 Civil and 06 Criminal including Appeals/Revisions, however, 06 out of 12 shall be trial based judgements, 02 of which shall be under the category of homicide.

- v- An Additional Districts Judge/ Izafi Zilla Qazi, dealing with civil cases only, shall deliver at least “12” contested judgements in a month including Appeals/Revisions, however, 06 out of 12 shall be trial based judgements subject to pendency of civil / tribunal cases of original jurisdiction.
- vi- An Additional Session Judge/ Izafi Zilla Qazi, dealing with criminal cases only, shall deliver at least “12” contested judgements in a month including Appeals/Revisions, however, 06 out of 12 shall be trial based judgements including at least 02 Judgments under the category of homicide.

Note 1.0: The targets set for ADJ and ASJ at C IV and C VI shall be applicable to the special courts (presided over by AD&SJ) with exclusive work of specialized nature.

- vii- A Senior Civil Judge/ Aala Alaqa Qazi and a Civil Judge/ Ilaqa Qazi designated exclusively as civil court shall decide at least 12 contested judgements in a month, however, 06 out of 12 shall be trial based judgements
- viii- A Senior Civil Judge /Judicial Magistrate designated as exclusively criminal court shall deliver at least “12” contested judgements in a month, however, 06 out of 12 shall be trial based judgements including at least 03 Judgments in his capacity as Magistrate empowered Under Section 30 CrPC.
- ix- Senior Civil Judge /Judicial Magistrate/Civil Judge (entrusted with both Civil and Criminal Work) shall deliver at least “12” contested judgements in a month, however, 06 out of 12 shall be trial based judgements (03 Civil and 03 Criminal), including at least 02 Judgments in his capacity as Magistrate empowered Under Section 30 CrPC.
- x- Senior Civil Judge /Civil Judge/JFC /Rent Controller (entrusted with both Civil and Family/Rent) shall deliver at least “12” contested judgements in a month, however, 06 out of 12 shall be trial based judgements (03 Civil and 03 Family/Rent).

Note 1.1:

- 1- All the Specialized Civil / Magisterial Courts , including Family Courts and Rent Controller shall also deliver at least 12 contested Judgements out of which 06 Shall be trial based.
- 2- The Target set at Para C1(vii to x) shall be half for those Senior Civil Judges who perform Administrative Work along with Judicial Work.

D: Backlog Clearance Target

- i- Each Judicial Officer shall decide requisite %age of Cases per year from backlog which is set for his / her relevant zone.
- ii- Judicial Officer shall ensure 100% Disposal against fresh institution.
- iii- The quantitative performance of Judicial Officers shall be evaluated on monthly as well as quarterly basis, however, in order to facilitate the Judicial Officers against any unavoidable circumstances leading to failure in meeting the required targets, overall performance will be evaluated annually.

E: Definitions:

1. The term “Contested” shall be comprised of 02 categories:
 - a. Trial based Case means the Case decided by recording pro and contra evidence.
 - b. Non Trial based /Summary judgments means judgments based on discovery management, under Order 15-A CPC, Summary Judgements in accordance with Chapter-XXII CrPC, disposal under Section 265-K and 249-A CrPC with or without evidence and similarly meritorious disposal within the purview of small claims and minor offences ordinance 2002.

Note 1.3:

1. Transfer/Tour / Camp court/Additional Charge of another Court: One judicial officer may serve in different courts in one month, he/she should share the number of filled templates for each court attended in that month.
2. **Incumbency Status**, means that one court in a month shall share multiple statements in the following circumstances:
 - a. Judicial Officer who starts the month in a Court but doesn't complete the month in the same court and relinquishes the charge.
 - b. Judicial Officer who joins a court in mid of the month where someone relinquished the charge and completes the month in the same court.
 - c. Judicial Officer who remains for full month in a court.
3. **Data Collection Theme**
 - a. Each court shall update the chronological list of pending cases including Instituted, remanded in, Restored, disposed of, Transferred In & Transferred Out Cases. Similarly, all Misc.

Applications (both civil and criminal), security proceedings shall also be included in the chronological list.

An automated process shall develop the performance matrix from updated chronological list.

- b. Each court after verification of auto generated monthly court performance, shall submit the statement.

4. **Non Judicial Working Day**, means Quarterly Inspection Day and any other day when a Judicial Officer (JO) remains busy in official assignment other than Judicial Work.

Strike Day means that strike day which is observed in the Judicial Working Day of Judicial Officer.

**Annexure A:
Tier Wise Categories**

S. No.	<i>Criminal Matters</i>
	Case Type
CR-001	Homicide
CR-002	Attempt to Murder
CR-003	Cases triable u/s 30 Cr.PC
CR-004	Hurt Cases
CR-005	Abduction/Kidnapping
CR-006	Arms & Ammunition
CR-007	Hudood Laws
CR-008	Financial Crimes
CR-009	Foreigner Act
CR-010	Complaint Cases

CR-011	Narcotics Substances
CR-012	Habeas Corpus (491 Cr.PC.)
CR-013	Offences against Children
CR-014	Offences Against Property
CR-015	Sexual Offences
CR-016	Minor Offences
CR-017	Proceedings u/s 514 Cr. P.C
CR-018	Proceedings Under Section 133 and 145 Cr. P.C
CR-019	Security Proceedings u/s 107/51
CR-020	Bail Applications
CR-021	Other Criminal Misc. Applications
CR-022	Case under Forest Laws, Motor Vehicle Laws, Food Law
CR-023	Other Local and Special Laws
CR-024	Cases under other laws
CR-025	Criminal Appeals
CR-026	Criminal Revisions

S.No.	<i>Civil Matters</i>
	Case Type
Civil-001	Civil Suits (Original Jurisdiction)
Civil-002	Civil Suit
Civil-003	Suits under Order 37 CPC
Civil-004	Custody of Minors
Civil-005	Defamation
Civil-006	Family Court Cases
Civil-007	Succession Cases
Civil-008	Guardianship Cases
Civil-009	Land Acquisition Cases
Civil-010	Rent Cases

Civil-011	Proceeding under KP Mental Health Act 2017
Civil-012	Tribunal Cases
Civil-013	Small Claims
Civil-014	Execution in which periodic payments are made
Civil-015	Execution Petitions
Civil-016	Cases under other laws
Civil-017	Other Civil Misc. Applications
Civil-018	Others
Civil-019	Application under section 12(2) CPC
Civil-020	Review Petition
Civil-021	Objection Petitions
Civil-022	Civil Appeals
Civil-033	Civil Revisions
Civil-034	Guardianship and Succession Appeals
Civil-035	Family Appeals
Civil-036	Rent Appeals

C.No. 2(8-2)

PERFORMANCE QUANTIFICATION SCHEME (PQS)- A TOOLKIT FOR FIVE YEARS' DISTRICT JUDICIARY PERFORMANCE, MONITORING AND EVALUATION POLICY, 2020-25.

I am directed to refer to the subject noted above to enclose herewith PQS scheme, SOPs/Guidelines and PQSP Rolling Out Plan to use PQS Program, for your kind perusal.

I am further directed to say that as Unit Policy is replaced by the PQS scheme, all the data regarding judicial performance shall be collected through PQS program from September 2021 and onward. Similarly, data of July-21 and August-21 shall be collected on Unit Policy. In the meanwhile, PQS program will be shared with you through emails for pilot testing followed by training sessions on PQS program.

(PHC letter No.3344-88/PHC/SDJ/D.I dated Peshawar 30th July, 2021)

SECTION-III
(SUPERVISION, INSPECTIONS AND PROGRESS)

C.No. 1(8-3)

SURPRISE VISIT TO THE LOCAL SUBORDINATE COURTS

In supersession of this Court's letter No.1-60/Admn: Brh: dated 2.1.1982, I am directed to say that the District & Sessions Judges, at the Headquarter and the Additional District and Sessions Judges of the Sub-Divisions should pay surprise visits at least once in every month to the local subordinate courts and see that the pendency of old cases is reduced. They, in this connection, should submit a detailed report of their visit each time to this court.

I am further directed to say that each District & Sessions Judge/ Additional District & Sessions Judge, should keep a chart of all type of cases pending in the subordinate courts at the beginning of the month, disposed of during the month and balance at the close of the month as well as of the preceding month, particularly indicating the number of cases for more than a year.

These instructions should be followed strictly in letter and spirit.

(PHC letter No. 2125-2155/Admn: Brh; dated Pesh: the 11th Feb: 1982)

C.No. 2(8-3)

SUBMISSION OF MONTHLY SESSIONS / CIVIL STATEMENTS

I am directed to say that it has come to the notice of this court that the monthly sessions and civil statements are received in this Court incomplete and very late which not only hurdles the consolidation work in time but also causes great inconvenience and difficulties to the office.

2. The monthly Sessions statements are required to be forwarded to the High Court by the District and Sessions Judges, by the 10th of each succeeding month without fail and in case the same is delayed for some reason an explanation to that effect must accompany that statement failing which the same would not be entertained.

3. The Civil Judges should prepare the required statement by the 3rd of next month and forward it to the Court of the Senior Civil Judge on the same date. In the court of Senior Civil Judge, the clerk of court, after necessary

consolidation should forward one copy direct to this court before 5th of the month under report, and other copy of the consolidated statement to the court of District and Sessions Judge. The District and Sessions Judge will then forward the same copy with his remark by the 7th of the succeeding month without fail.

4. The clerk of court to the District Judge may call for the Monthly Civil Statements from the subordinate courts promptly and further ensure that the same are sent to this Court by the 7th of the month succeeding the month to which it relates.

5. I am further to say that the court Moharrirs should also be directed to observe aforesaid instructions carefully, while preparing the requisite civil statements.

(PHC letter No:- 1495-1565 Dated:- 31/01/1985)

C.No. 3(8-3)

MONTHLY DISPOSAL

The Judicial Officers are required to dispose of a fixed number of cases every month. This system occupies an important place in the Administration of justice. Some Judicial Officers, however, do not fully realize its importance and take it lightly. The Hon'ble Chief Justice has taken a serious view of this casual attitude. I am, therefore, directed to impress upon all the judicial officers to realize the importance of the monthly outturn and endeavor to achieve it invariably failing which the fact will be recorded in their Annual Confidential Reports.

(PHC letter No. 1164-1243. Dated 5. 3. 1988)

C.No. 4(8-3)

SURPRISE VISIT

During a surprise visit to the subordinate Courts on 22.3.97 Hon'ble Mr. Justice Qazi Muhammad Farooq observed that Presiding officers had not carried out quarterly inspections of their courts at all and some had overlooked the fact that the last inspection was carried out in the first quarter of the year, 1995. This omission on the part of the Presiding Officers is against Rules 10 and 11 of the High Court Rules and Orders contained in part-C Chapter 1-C of Volume No.IV which reads as under:-

“10. Inspection by Presiding Officer. The importance of the careful supervision of registers and pending files by Presiding Officers can hardly be exaggerated. On the first working days in the month of February, May, August and November every District Judge, Judge Small Cause Court and Subordinate Judge shall carry out regular inspection of his own court and shall fix no judicial work for those days.

11. Submission of inspection Notes. He shall inspect in detail work of the ministerial staff, and the registers and shall, in particular, look through the oldest files pending and see whether unnecessary delay has occurred or wrong orders have been passed. He should check all old registers preserved in his court, report any losses that have occurred and arrange for the destruction of all registers liable to be destroyed. He shall then write a brief inspection note on the lines of an Inspection Judge’s note. This note shall be submitted by the Subordinate Judge to the District Judge”.

2)- Hon’ble the Chief Justice has been pleased to order that all the Presiding Officers should ensure meticulous compliance with the instructions relating to carrying out of quarterly inspection of their courts as contained in High Court Rules and Order.

(PHC letter No.2934-3033/Admn.Brh.Dated Peshawar the 9th April, 1997)

C.No. 5(8-3)

PHYSICAL INSPECTION OF DECIDED CASES / ASESSMENT OF UNITS

I am directed to say that it has come to the notice of this Court that some Judicial Officers claim units by showing a false number of decided cases either purposely or depend upon information furnished by their staff. In some cases physical checking has revealed that the units claimed are different from the number of cases decided. In some cases, the units are also not claimed in accordance with the formula laid down by this Court. This practice has virtually damaged the efficiency and accountability of courts.

2- Therefore, it has been decided to advise you to assess and claim units according to the cases actually decided and keeping in view the formula framed by this Court. The staff of the Court should never be relied blindly and while claiming / calculating units you should yourselves make physical checking.

3- The District and Sessions Judges are also directed to physically check the record of decided cases of the subordinate courts and after verification forwarded the monthly statement of disposal to this Court.

(PHC letter No.269-368/ Admn:Brh: Dated Pesh: the 8th January, 1998)

C.No. 6(8-3)

EXERCISE OF EFFECTIVE SUPERINTENDENCE AND CONTROL OF THE JUDICIAL OFFICERS.

I am directed to say that incessant complaints about the conduct and reputation of the Judicial Officers speak of the lack of control, much less effective control, of the District and Sessions Judges over the Courts in the district.

2) - In this connection, I am to invite your attention to the High Court Rules and Orders Vol: IV. Chapter 1-G, Part G.(2) which places all civil courts including the court of Additional judge under the Administrative Control of the District Judge.

3) I am, therefore, to ask for the exercise of effective control over the Judicial Officers in the district not only by taking swift and timely appropriate remedial measures but also taking notice of the instances of inefficiency and misconduct as henceforth the District and Sessions judges will be held responsible for cases of inefficiency and misconduct on the part of Judicial Officers which could be checked by the timely exercise of control by the District and Sessions judges.

(PHC letter No. 4823-44 Dated Peshawar the 22.6.2000)

C.No. 7(8-3)

MATTERS AFFECTING THE JUDICIAL ADMINISTRATION

I am directed to refer to the subject noted above and to draw your attention to the provisions of Chapter I, Volume IV, High Court Rules and Orders (copies of relevant excerpts are enclosed for ready reference), vide which you are required to exercise an active and continuous supervision in regard to all matters affecting the Judicial Administration particularly vigilant check over the discipline of the staff, regular inspections of the court and submission of Inspection Notes and Special Reports. The Presiding Officer cannot be relieved of responsibilities in regard to anything which may be found to be in an unsatisfactory state, unless it can be shown that all that may

reasonably be expected has been done to have the directions of the District & Sessions Judge/High Court complied with to prevent the occurrence of irregularities.

In future, in case of any irregularities, observed by the High Court, it shall be for the Presiding Officer to rationalize the extent of his effectiveness in the subject matter.

(PHC letter No. D.(a) 260-a/2000/5997-6019 Pesh: the 4th June, 2002)

C.No. 8(8-3)

CONTROL OF COURTS AND PRESIDING OFFICERS¹

1. I am directed to refer to the subject noted above and to draw your attention to the provisions of section-14 of NWFP Civil Courts Ordinance, 1962, and Chapter I, Volume IV. High Court rules and Orders (copies of relevant excerpts are enclosed for ready reference), vide which you, being controlling court, are required to exercise an active and continuous supervision over sub-ordinate Courts in regard to all matters affecting the Judicial Administration particularly vigilant check over the discipline of the Judicial officers, regular inspections of their courts and submission of Inspection Notes and Special Reports to the High Court. The District & Sessions Judge cannot be relieved of responsibilities in regard to anything which may be found to be in an unsatisfactory state, unless it can be shown that all that may reasonably be expected has been done to have the directions of the High Court complied with to prevent the occurrence of irregularities.

In future, in case of any irregularities, observed by the High Court, it shall be for the District & Sessions Judge to rationalize the extent of his effectiveness in the subject matter.

(PHC letter No. 5997-6019/ Peshawar, the 4th June, 2002)

C.No. 9(8-3)

SUBMISSION OF REPORTS REGARDING JAIL VISITS, MEETINGS OF THE CRIMINAL JUSTICE COORDINATION COMMITTEES AND BENCH-BAR LIAISON COMMITTEES

I am directed to state that Hon'ble the Chief Justice has been pleased to direct all the learned District and Sessions Judges/Zila Qazis to submit, along with monthly statements, monthly reports regarding Jail Visits by the Judicial Officers and meetings of the Criminal Justice Coordination

¹ Previous letter is about the presiding officers in general and this letter is with particular reference to D&SJs

Committees constituted under Article 110 of the Police Order, 2002 and Bench-Bar Liaison Committees of their respective Districts to this Court on regular basis.

(PHC No. 11534-57/Admn: Dated Peshawar the 23rd November 2002)

C.No. 10(8-3)

SUBMISSION OF QUARTERLY REPORT

I am directed to ask that henceforth, in addition to the quarterly inspection note, information on the enclosed proforma shall be furnished to this Court by all the Judicial Officers, pertaining to their respective Courts, on quarterly basis. The same may please be circulated to all the Judicial Officers of your respective Districts for compliance.

(PHC letter No. 418-441/MIT Dated Peshawar the 20th April, 2006)

QUARTERLY REPORT		
i)	Name of Court	
ii)	Name of Officer Conducting inspection	
iii)	Period of Inspection	_____/_____/_____
iv)	Date of Inspection	_____/_____/_____

DETAIL OF STAFF MEMBERS		
S #	Name	Designation
1	2	3

DETAIL OF COURT ASSETS INCLUDING BOOKS		
S #	Name/Description of Assets	Remarks
1	2	3

DETAIL OF COURT'S REGISTERS MAINTAINED						
S #	Register #/ Purpose	Custodian/ maintained by	Whether maintained properly or not	If not maintained properly – short coming	Detail of Action Taken	Remarks
1	2	3	4	5	6	7

DETAIL OF PENDING CASES (PHYSICALLY CHECKED)						
S #	Case Type	Number of cases physically checked to be pending	Number shown in the relevant register	Differenc e (+ -)	Action taken	Remarks
1	2	3	4	5	6	7

DETAIL OF PENDENCY/DISPOSAL OF CASES DURING THE QUARTER							
S #	Case Type	Number of cases pending from the last quarter	Number of cases instituted during the quarter	Number of cases transferred-in	Number of cases transferred-out	Total Disposal during the quarter	Total during at the end of the quarter
1	2	3	4	5	6	7	8

<ul style="list-style-type: none"> • Short comings observed during the previous quarter. 	
<ul style="list-style-type: none"> • Measures taken to remove the short comings. 	
<ul style="list-style-type: none"> • Short coming observed during the current quarter. 	
<ul style="list-style-type: none"> • Action taken/proposed to remove the short coming observed during the current quarter. 	

YES	NO
-----	----

• Whether check list is being maintained properly?		
• Whether decided cases are timely consigned?		
• Whether monthly chronological list of cases with stages is maintained?		
• Whether attention is paid to case prioritization?		
• Whether monthly statements of disposal of cases is being prepared and timely dispatched to this High Court?		

CERTIFICATE:

IT IS HEREBY CERTIFIED THAT I _____ HAVE CHECKED THE RECORD OF THIS COURT PHYSICALLY TODAY ON ____/____/____ AND THE FIGURES AND DETAILS GIVEN ABOVE ARE CORRECT.

C.No. 11(8-3)

NON-COMPLIANCE OF HIGH COURT RULES & ORDERS

I am directed to refer to the subject noted above and to invite your attention to this Court letters No.2125-2155 Dated 11th February, 1982, 1680-1696 dated 21st May, 189, & 5997-6019 dated 4th June, 2002 and to state that the directions are not being followed in letter and spirit. In particular the unnecessary use of retiring rooms by the presiding officers has not been curtailed and surprise visits of the subordinate Courts is no more a practice. Hon'ble the Chief Justice has viewed this delinquency with grave concern and has shown his displeasure over the prevailing state of affairs in judicial administration.

I am, therefore, to request that you are required to exercise an active and continuous supervision over subordinate courts and carry out frequent surprise visits, at least once in a month and submit inspection notes to this Court.

In future, in case of any irregularity, observed by the High Court, it shall be for the District & Sessions Judge to rationalize the extent of his effectiveness in the subject matter.

(PHC Letter No. 9433/Admn dated Peshawar 01st October, 2007)

C.No. 12(8-3)

PLAN OF ACTION FOR EFFECTIVE JUDICIAL AND ADMINISTRATIVE CONTROL

I am directed to say that in the wake of phenomenal increase in the strength of Judicial Officers at all levels, judicial and administrative problems assuming new dimensions, and in order to establish an effective channel of communication between the High Court and District Judiciary, the Hon'ble Chief Justice has been pleased to visualize the system of liaison between the two through a well-defined mechanism. In order to achieve the object, it has been decided to divide the Province in Four Zones as under: -

Zone-I	Peshawar, Nowshera, Mardan, Charsadda and Swabi.
Zone-II	D.I.Khan, Tank, Lakki Marwat, Bannu, Kohat, Karak and Hangu.
Zone-III	Abbottabad, Haripur, Mansehra, Batagram and Kohistan.
Zone-IV	Swat, Shangla, Buner, Malakand, Lower Dir, Upper Dir and Chitral.

2. At the High Court level, liaison with each district in the respective zones will be established by a Judicial Officer in the High Court, designated for the purpose by the Hon'ble Chief Justice.

3. The Liaison Officer shall remain in touch on regular basis with the District & Sessions Judges in the Zones for monitoring and then reporting to the Hon'ble Chief Justice the following activities at the district level:-

- a) The District & Sessions Judge shall set time frame targets for his Court as well as the Courts of other Judicial Officers in the district, including the Courts of Additional District & Sessions Judges, shall communicate a copy to High Court; and report achievements of the targets to the High Court through the Liaison Officer within 15 days of lapse of target time.

- b) The District & Sessions Judge shall also keep himself informed of the reputation, conduct and behavior of the Judicial Officers in the district and report to the High Court through Liaison Officer any information in this respect coming to his knowledge. He is required to make himself a role model and set healthy examples for the Judicial Officers to emulate. Needless to say that eventually, it is the District & Sessions Judge, who shall bear responsibility for shortcomings and complaints in this regard.
 - c) The District & Sessions Judge may first strive to resolve the problems of the Judicial Officers and subordinate staff at local level, and in case need be, approach the High Court through the channel for resolving the issue.
 - d) The District & Sessions Judge shall explore ways and means for amicable settlement of disputes through ADR system in his Court and Court within his district, and should get invoked the relevant provisions of law for mediation, conciliation and arbitration. He should also establish necessary forums for pre-trial proceedings but within the four corners of law.
 - e) The District & Sessions Judge should avail the help and assistance of the forums like, Bench-Bar Liaison Committee, Citizen-Court Liaison Committee, Criminal Justice Co-ordination Committee and also that of regular meetings of the Judicial Officers to the optimum level for introducing reforms in the system within the available resources and in accordance with the letter & spirit of the law by assuming proactive and leadership role.
 - f) The District & Sessions Judge may devise an incentive mechanism locally for good performance of the Judicial Officers and subordinate staff as a tool of motivation and achievement for others to follow.
4. There shall be regular inspections of the Courts at three levels;
- I. By the High Court of all the District Courts in the Province.
 - II. By the District & Sessions Judge of the other Courts in the district.

III. By the Presiding Officer of his own court.

5. The mechanism may be kept under constant review at this level through feedback from the Judicial Officers for further improvements in order to achieve the sublime goal of coming upto the expectations of general masses on the one hand and providing a healthy working environment to the Judicial Officers on the other.

Kindly acknowledge receipt.

(PHC letter No.14125-14149/Admn Dated Peshawar, 30th September, 2008)

C.No. 13(8-3)

OPENING OF MISCELLANEOUS “FILE OF COURT MANAGEMENT”

I am directed to refer to the subject noted above and to say that in order to ensure effective court management the subject file be opened, entered in Miscellaneous Register No. 6 of each court and it must be fixed on the cause list on daily basis by writing the order sheet too accordingly so that necessary follow up may be made by addressing all the problems affecting the court management.

In future, all the visits to and inspections of the courts shall be made, inter alia, with specific reference to the proceedings conducted in the subject file regarding the court management. Therefore, all the Presiding Officers are required to keep and maintain their track record of all the communications and directions received and issued for the court management in the said file. Further, each of the said file, on having received 150-pages, must be entered in the Registrar of consignment of Cases/Challan and be consigned to the Record Room like other files of a court and its fresh volume be opened, accordingly.

Please acknowledge the receipt of the subject communication duly signed by all the Judicial Officer working under your administrative control who be informed accordingly.

(PHC letter No.14188-14211/Admn-AMIT-II Dated Peshawar, 14th November, 2009)

C.No. 14(8-3)

SUPERVISION, INSPECTIONS, PROGRESS AND DISPOSAL

I am directed to refer to the subject noted above and to draw your attention to the instructions contained in Sections 3 & 4 of Chapter-IV and Section 5 of Chapter-I of the Judicial Estacode and to state that the instances of non-compliance of the said instructions are being noticed with concern. Similarly, it has also been observed that most of the Judicial Officers do not write more than three judgements a month in contested cases, and targets are being shown to have been achieved through the disposal of non-contested cases like compromise, ex-parte, dismissal in default, plead guilty, proceedings under sections 107, 133, 145, 249, 512 & 514 Cr.P.C. and the like, to such an extent that even the cases are sent back to the prosecution without having fully exercised the powers to compel the defiant to comply with the orders of the court and initiation of proceedings under Chapters X & XI of the Pakistan Penal Code, 1860. I am, therefore, directed to require you, being In charge of the district, to make it certain:

- 1) that the said instructions are strictly followed by all the Judicial Officers in letter and spirit, accordingly;
- 2) that each Judicial Officer shall write the required number of contested judgements;
- 3) that Quarterly Inspections of the courts, in supersession of this Court's letter No.15981-16004/Admn, dated 04-12-2008, shall regularly be conducted without fixing any case on the day fixed for inspection, as per rules; and
- 4) that the District & Sessions Judge shall regularly inspect in detail the courts under his control with special reports to this Court, for further necessary action.

All the Judicial Officers working under your administrative control be informed, accordingly. Please acknowledge the receipt.

(PHC letter No.14512-62/Admn Dated Peshawar, 23rd November, 2009)

C.No. 15(8-3)

MANAGEMENT FILE; ANOMALIES IN DATA; TRANSITION FROM UNIT POLICY; PHYSICAL VERIFICATION

I am directed to refer to the above noted subject and to state that Hon'ble the Chief Justice has taken serious notice of mismanagement of courts and delayed response at district level, particularly in context of queries and information required to this Court. The relevant matters are not personally supervised and a stereotyped mechanical technique of shifting responsibility to ministerial staff is applied. It is also obvious that response is delayed until reminder even repeated reminders and telephonic messages are given. Delay in response defeat the very purpose of the information. These shortcomings result into hardships and inconveniences at administrative level. Henceforth, all letters from this Court be properly channelized to come up before the presiding officer of the court, in this regard concerned officials should also be made responsible for promptly putting the letters and/ or information before the learned Presiding Officer. In this connection entries in Management File be kept updated, in the form of a register, providing such details as highlighted in the proforma, "FORMAT OF MANAGEMENT FILE" (Page 3). Need not to mention that it is just a category of entry to be made while the INITIATIVES, PROPOSALS, PLANNING'S, REQUIREMENTS, OCCURRENCES, INSPECTIONS (with in the district and from outside i.e. High Court), ACTIONS, etc. originated from anywhere i.e. Supreme Court, High Court, Other Department, with in district or by any Judicial Officer for efficient and effective Administration/ other useful purpose should also be recorded; the seemingly insignificant should also be noted. The Management File will be inspected during Surprise Inspection coupled with other techniques periodically. (The photo state of the last page of management file as per the above format, be faxed immediately for perusal of this court).

Anomalies have been detected in DPEP statement for the months of February to July 2010. To make clear the point it is highlighted that even in pendency there are differences as per the statements annexure B. The anomalies may be removed.

It is reminded that vide letter No. 11585-11619, 2nd July 2010 of this court it had been intimated that transition of data from Unit Policy to DPEP may be intimated but the same is still awaited form majority of Districts. The same be furnished without delay.

The DPEP requires consistently matching figures flow from month to month but some of the districts, due to some courts, report anomalies on the pretext of physical verification. It results into perpetual variation in data which is neither acceptable at august Supreme Court nor Peshawar High

Court, even no consequential analysis is possible. Hereafter, all consistent data sent, under DPEP or any other arrangement will invariably be considered as physically verified and no discrepancy on any ground is acceptable.

(PHC letter No.17097-120/Admn Dated Peshawar, 06th October, 2010)

Format of Management File (M.F.)																			
S.N o.	D at e	Ti me (N ote 2)	Nature of responsibility (Synopsis)		Whet her res pons e requi red and to who m	Dead Line for Respo nse	Letter or information required to				Response/ Reply (Name with designation)		Means of Dispatch with date				Weat her follo w up requir ed (Y/N)	If yes, then nature and date of follow up to be carried forward to the relevant page of M.F.	If any Default is made in respon se or follow up indicat e the person and discipl anary action initiate d with stage of procee ding and result
			Initiat ive or 'other s' as explain ed in "Note 1"	In case of Supre me Court, High Court, Other Depat ment Letter Synops is Signed by Concern ed P.O.*			Supre me Cour t	Hi gh Co urt	Othe r Distr icts	Other Depa rtmen t(s)	Draf ted by	Sign ed by	E ma il	Fa x	Post (Post office/ Courri er Compa ny)	Tele pho ne			

No te:	1. Record all INITIATIVES, PROPOSALS, PLANNINGS, REQUIREMENTS, OCCURANCES, INSPECTIONS (with in the district and from out side i.e. High Court), ACTIONS, etc. originated from anywhere i.e. Supreme Court, High Court, Other Department, with in district or by any Judicial Officer for efficient and effective Administration/ other useful purpose. (The minutes and seemingly insignificants should also be recorded)																			
	2. In one date several time entries are possible for different responsibilities therefore both date and time to be indicated																			
* A gist of Proposal or Synopsis of letters etc to be recorded not just few words (for the purpose sufficient space to be earmarked)																				

C.No. 16(8-3)

INSPECTIONS/WRITING OF PERs

I am directed to refer to the subject noted above and to say that under Rule 1 of Chapter 1-C, Vol-IV of the High Court Rules & Orders, each District and Sessions Judge/Zilla Qazi is required to inspect all the courts in the district and then forward the inspection note to the High Court, but no such information/note in this behalf is received by the High Court. Lest communication of this information to the High Court leads to any inference, it is desired that not only the courts be inspected regularly but information/note in this behalf be also communicated to the High Court. The record of such inspection notes shall be maintained in this court and failure in sending such notes shall reflect adversely upon those defaulting. Above all else, this inspection should be more of substance than of mere form with tangible results & progress.

It has also been noticed that writing of PER is also treated a mere formality to be performed with least application of mind and consideration of ground realities. If the picture painted in the PERs is true & correct and if every officer is assessed and adjudged honest, upright and hardworking, where does the huge number of complaints emerge from is not understandable. The District and Sessions Judges/Zilla Qazis are directed to make both the exercises mentioned above purpose oriented and meaningful.

(PHC letter No. 11923-47/Admn Dated Peshawar, 07th July, 2010)

C.No. 17(8-3)

QUARTERLY INSPECTION REPORT

I am directed to refer to the subject noted above and to say that while going through Quarterly Inspection Notes/Reports of the Senior Civil Judges and Civil Judges-cum-Judicial Magistrates, it was noticed that some of the Judicial Officers have adopted an approach of filling in the requisite proforma in a mechanical manner, without making much ado to fill in the columns with relevant data. It has also been noticed that Judicial Officers have placed more reliance on their ministerial staff for maintaining checklist and preparation of chronological list. Even some registers were found to have been maintained by unauthorized staff. In this scenario, it is directed that all the Judicial Officers be informed to take a dynamic approach towards the Quarterly Inspection of their Courts and to abolish the practice of preparation of Inspection Note in a mechanical manner. In future, it must be ensured that

the Quarterly Inspection Report accompany the chronological list of the pending cases coupled with a list of the decided cases with the date of consignment on the annexed proformas by Senior Civil Judges/AI-Illqa Qazis and Civil Judges-cum-Judicial magistrates/ Illqa Qazis. The District & Sessions Judges shall ensure timely transmission of the Quarterly Inspection Notes of the Judicial Officers to this Court.

The Hon'ble Chief Justice has further expressed his desire to pay surprise visits to revenue courts personally and also through Inspection Team of the High Court.

(PHC letter No.17985-18008/Admn Dated Peshawar, 22nd October, 2010)

C.No. **18**(8-3)

Law mandates and commands all the Judicial Officers to perform their duties independently. They are obliged to dispense justice without fear and favor in transparent manner. They shall not be influenced by any other consideration, otherwise than the law.

I am, therefore, directed to say that whenever the staff attached to the office/residence of Hon'ble the Chief Justice, tries to approach Judicial Officers for getting favorable decision in his/their favor, the same be brought into the notice of the Registrar immediately. All the judicial officers posted in your district may please be informed accordingly.

(PHC letter No. 8620-8643/Admn dated 26th July, 2013)

C.No. **19**(8-3)

PHYSICAL VERIFICATION OF RECORD DURING QUARTERLY INSPECTIONS.

It has come to the notice of the Competent Authority that while furnishing Quarterly Inspection Reports, the reports are compiled mechanically without actual physical verification.

You are, therefore, to ensure the physical verification of the data of your Court as well as all the Courts in the District, and any lapse in matter, if detected will be treated as an inefficiency with reflection on the personal dossier, of the concerned.

(PHC Letter No. 8796-8819/Admn/MIT, Dated 22nd May,2014)

C.No. 20(8-3)

IN-TIME CONSIGNMENT OF DECIDED CASES

I am directed to refer to the subject noted above and to say that the Competent Authority is pleased to direct that henceforth the decided cases have to be consigned to the record room within seven days in District Headquarter and fourteen days in sub-Division/Teshsils from the date of decision. The judicial Officers shall provide the date of disposal/consignment to the District & Sessions Judge, who in turn shall submit it in a consolidated format to this court on monthly basis.

This may be intimated to all the Court within your administrative control for compliance, please.

(PHC Letter No. 6036-60/Admn Dated 20th May, 2015)

C.No. 21(8-3)

PROCEDURE TO BE ADOPTED BY THE JUDICIAL OFFICERS IN CASE OF ANY APPROACH OR UNDUE INFLUENCE TOWARDS DISCHARGE OF DUTIES:

With reference to the subject noted above I am directed to convey the following directive of his lordship Hon'ble the Chief Justice for strict compliance in letter and spirit:

“Upholding rule of law, administration of Justice and sustainable public confidence is the prime responsibility of each and every member of the Judiciary in individual as well as collective capacity.

in order to maintain the dignity & decorum of the institution, henceforth, all the Hon'ble Judges and judicial Officers in the province, shall confidently demonstrate and discharge their duties strictly in accordance with mandates of the law and without fear. In case of any approach and undue influence from anybody, including the office of Hon'ble Chief Justice and Hon'ble Judges of this Court, the officer must pen down the particulars of the person, exercising such approach, and communicate to Hon'ble the Chief Justice directly in a sealed envelope (irrespective of the status of the person exercising influence) for further necessary action.”

In default no excuse shall be considered.

(PHC Letter No. 1-350/Confdl: Dated 13th July, 2018)

C.No. 22(8-3)

DISPOSAL OF CASES THROUGH CPC MANAGEMENT RULES

I am directed to refer to this Court letter No.12120-52/Admin dated 13.06.2019 and to say that Hon'able the Chief Justice has been pleased to approve the target of at least 08 cases disposal per court per month under the subject rules and to share court wise data to this Court on monthly basis, as regular features till further orders, please.

(PHC Letter No.15123-55/Admn Dated 22nd July, 2019)

C.No. 23(8-3)

PROCEDURE TO BE ADOPTED BY THE JUDICIAL OFFICERS IN CASE OF ANY APPROACH OR UNDUE INFLUENCE TOWARDS DISCHARGE OF DUTIES:

I am directed to invite your attention towards the directives of his lordship Hon'able the Chief Justice contained in this Court's Circular bearing No.1-350/Confdl: dated 13.07.2018, with the remarks to ensure the compliance of these directives in letter and spirit.

(PHC Letter No.16531-90/Admn Dated 26th September 2020)

C.No. 24(8-3)

DISTRICT JUDICIARY PERFORMANCE MONITORING AND EVALUATION POLICY (2020-2025)

In pursuance of para-8 (page-28) of the subject policy, I am directed to ask you to establish Revenue Record Cell (RRC) in your respective district in collaboration with the Deputy Commissioner/Collector concerned under intimation to this Court, please.

(PHC letter No.19519-53/Admn dated Pesh 09th November 2020)

C.No. 25(8-3)

**220 JUDICIAL WORKING DAYS PER YEAR FOR EACH
JUDICIAL OFFICER IN THE KHYBER PAKHTUNKHWA**

**PESHAWAR HIGH COURT PESHAWAR
NOTIFICATION**

No. 253-J: Consequent upon implementation of the District Judiciary Performance Monitoring and Evaluation Policy (2020-2025), the Competent Authority has been pleased to declare 220 judicial working days per year for each judicial officer in the Khyber Pakhtunkhwa.

(PHC Endst: No.19554-704/Admn dated Pesh 09th November 2020)

SECTION-IV
EXPEDITIOUS DISPOSAL

C.No. 1(8-4)

SPEEDY DISPOSAL AND EXECUTION OF RENT CASES / APPEALS.

I am directed to address you on the subject cited above and to say that instances have come in notice of the Hon'ble Chief Justice and Judges of this Court, wherein the executing courts in Rent Cases issue fresh notices to the tenant for delivery of premises to the Land Lord in spite of expiry of the reasonable time, not exceeding four months in aggregate, given by the Rent Controller or the appellate court to the tenant for putting the land lord in possession of the premises in dispute. This practice is most irregular and shall be stopped forthwith. As you know that the Urban Rent Restriction Ordinance, 1959, prescribes a somewhat summary procedure for quick disposal of the rent cases. A tenant dishonoring the obligation under the Ordinance and disobeying the orders of the controller or the appellate court, as the case may be, is not entitled for further favour in issuing him a notice but in such like cases a warrant for delivery of possession should be issued immediately instead of a notice. In this respect, your attention is also invited to the instructions issued to you under this court letter No. 8164 – 8234/ Admn: Brh. Dated 13.03.1983, wherein you were requested to device way and means for prompt and quick disposal of Rent Cases / Appeals. Execution Proceedings equally important, should not be treated lightly but shall be carried out promptly.

Pursuant to the above, I am directed to request you that the above instructions shall be followed in letter and spirit in the ends of justice.

(PHC letter No. 3903-9992 / Admn: Brh. Dated 03rd April, 1984)

C.No. 2(8-4)

EXPEDITIOUS DISPOSAL OF FAMILY COURT CASES

I am directed to address you on the subject and to say that in order to provide speedy justice to the litigant public, the disposal of the family court cases pending in your court may please be expedited on priority basis.

(PHC letter No. 5097-6066 / Admn: Brh: Dated. Pesh: the 29 Nov: 1989)

C.No. 3(8-4)

DISPOSAL OF CASES INVOLVING GOVERNMENT DUES.

I am directed to say that Hon'ble the Chief Justice of this Court has been pleased to order that preference should be given to the cases involving recovery of Government Dues and their expeditious disposal be ensured in the interest of public work.

(PHC letter No. 2435-2504/Admn: Brh: Dated Pesh: the 6th May, 1990)

C.No. 4(8-4)

DISPOSAL OF CASES

I am directed to inform you that in many cases this Court has noticed that the District/Additional District and Sessions Judges while handing over the charge of their post on their transfer to other Districts leave behind a number of cases in which they have completed the evidence and have even heard arguments. It has therefore been stressed by this Hon'ble Court that such a course of action invariably results in material prejudice to the accused in violation of the recognized judicial principle.

I am therefore, directed to inform you, that, it has been decided by the Administration Committee of this Hon'ble Court that in future all the District/Additional District and Sessions Judges serving in NWFP, would dispose of all such cases in which they have recorded evidence and have heard argument expeditiously before handing over the charge upon their transfer to another District.

In the context of the above, I am further directed to state that all the District/Additional District and Sessions Judges before handing over the charge will have to submit a certificate to the High Court that they have not left over any such undecided case at the time of the handing over the charge.

You are, requested to follow the above directions meticulously so that no cause is provided to this Court for initiating any disciplinary action against the defaulting Officer.

(PHC letter No.2577-2616/Admn.Brh.Dated Peshawar the 10th May, 1993)

C.No. 5(8-4)

RESEARCH FOR ADMINISTRATIVE-INSTITUTIONAL REFORMS TOWARDS EXPEDITIOUS DISPOSAL OF JUDICIAL MATTERS

I am directed to convey the anxiety of the Hon'ble Chief Justice and Judges of this Court on the present protracted process of disposal of judicial matters what is called 'Laws Delay'. It is under their able guidance that preliminary studies and steps towards administrative and institutional reforms have been undertaken. This is a humble endeavour to possibly soothe the obtaining system wrought with lengthy trials at the cost of the precious time and expenses of the Courts and litigants.

2) Such infrastructural steps so initiated include the acquisition of up to-date statistical information on the receipt and disposal, filing of monthly, quarterly and annual statements vide Vol: IV Chapter 23 of the High Court Rules and Orders, quick mechanical transmissions of the record and processes to and fro the High Court and Subordinate Courts, further purchase of type-writers and photo-state machines for both these forums, increase of staff members including technical staff at all level, better residential and court room facilities all along and numerous other relevant contributory factors. Considerable spade work to obtain necessary finance have already been accomplished.

3) But in addition to the above steps, there are multiple sectors where due personal attention can yield tremendous positive results. Few such avenues are spotlighted below by way of a start. A possible practical implementation of all these issues can bring revolutionary changes to usher an era of expeditious disposals on merit.

A)- Certain institutional administrative measures.

- i. A Judicious distribution of work in the trial as well as in the appellate courts, also on each and every day, accommodating all kinds of cases of attendance, of evidence, of arguments, of judgments.
- ii. In-depth examination of plaints in the light of Order 7 Rule 11 C.P.C. as laid down in High Courts Rules and Orders Vol: No.1 Chapter I-C Order No. 1 to 9. This is an urgent legal requirement but altogether forgotten.
- iii. A balanced judicial adjournments by the Presiding Officer himself- maintaining system of 'Parcha yad Dasht Peshi'-

- Vide Rule 13 Chapter 1-C Vol: I of the High Court Rules and Order to be read with the relevant amended Law, conscious of its importance –Also avoiding unnecessary adjournments-burdening with costs such events of deliberate negligence.
- iv) - Possible avoidance / unplanned casual leave-advance arrangement of adjournment for the next working day per the amended provisions on the subject. Also alternative advance arrangements per section 23, 25 of the Civil Courts Ordinance 1962, further read with section 8 of the West Pakistan General Clauses Act, 1956.
 - v)- A keen eye on the issuance of all processes, its receipt back and scrutiny of failure of service- in strict compliance of Order V CPC –as amended from time to time and interpreted in the superior courts- further elaborated in the High Court Rules and Orders- especially its effects on Exparte proceedings, exparte decrees, limitation, Revival and setting aside thereof.
 - vi)- Possibly recording of the statements of parties before framing of issues so far legally permissible and practicable.
 - vii)- Possible joint trial of linked or inter-connected cases.
 - Viii)- Urgent disposal of interlocutory matters in accordance with Law- Also revisions, now governed by its own Law of Limitation.
 - ix)- Writing of ‘speaking’ judgments/orders per requirements of the Law-as laid down by the superior courts from time to time.
 - x)- Avoiding unnecessary remands- as the Law clothes the appellate court with all the power of the trial courts.
 - xi)- Appreciation of the relevant provisions of Arbitration Act, 1940, especially sections 8, 20, also of the Reconciliation Courts Ordinance, 1961 as amended in 1981, small causes court cases, above all the issues of Resjudicata over lapping of jurisdiction in between Civil Courts, Rent Controller, Family Courts and distinction of procedure-inter se.
 - xii)- Appreciation of precedent Law in the light of the Constitutional dictates, also the requirements of these Law itself (ratio decedendi) – further an ‘abstract proposition of Law’ in criminal matters-as laid down in the superior courts.
 - xiii)- Continuance advancement of knowledge of all the new legislations, precedent law, above all the relevant Quran – Sunna provisions. The law has now made it compulsory for the trial as well as appellate courts. Section 33 of the NWFP Pre-emption Act, 1987, section 338 (f) of PPC, Article 227 (1) of the Constitution are all such messages of the Legislature.

B)- Studies in Law subjects.

And in order to start studies and exchange of mutual knowledge on Law subjects directly applying to the field work in important sectors down from Civil Judges/Magistrates to the District and Sessions Courts, some enlightened articles are enlisted here. These are subjects purely of field operations. These are published in PLD/PLJ available with all. These may please be studied. In turn if some other such relevant articles are known to you, it may please be communicated to us so these may be transmitted to all. Your own contribution to such journals shall also be appreciated. The articles are :-

Sr.No.	Subject	Reference.
1.	Hardships to litigants and miscarriage of Justice caused by Delays in Courts.	PLD 1991 Journal -103
2.	Speedy Justice how.	PLD 1988 Journal – 228
3.	Laws delays – A study-Diagnosis and cure.	PLD 1976 Journal – 64-87
4.	Precedent Law- Ratio Decidendi and Obiter Dicta.	PLJ 1988 Magazine- 182
5.	Development of Precedent Doctrine and Islamic System.	PLJ 1984 Magazine- 64
6.	Court lays the Law.	PLD 1993 Journal – 41-45
7.	Discrimination of rights and Tort Law.	PLD 1986 Journal – 275
8.	Customary law died by Inches in Pakistan .	PLD 1984 Journal – 172
9.	Some aspect of the Islamic Law of evidence.	PLD 1983 Journal – 199
10.	Women Evidence in Shariah.	PLD 1987 Magazine – 48
11.	Tazkia Al-Shuhood.	PLJ 1985 Magazine – 54
12.	Crime, its origin and nature.	PLJ 1988 Magazine – 114
13.	Crime and Punishment in Islam.	PLD 1980 Journal – 124
14.	Crime and Punishment.	PLD 1985 Journal – 145
15.	The doctrine of Reasonable doubt in criminal offence, its application and scope.	PLJ 1987 Magazine – 5
16.	Ingredients Essential for Fixation of Criminal Liabilities.	PLJ 1990 Magazine – 77
17.	Law of Qisas and Diyat, its application.	PLD 1991 Journal – 87
18.	Provision of Divorced women	PLD 1986 Journal – 234

- under Islamic Law.
19. Divorced Muslim Women and maintenance. PLD 1986 Journal – 1
20. Origin and Dev: of ‘Bazu Dawa’. PLD 1986 Magazine – 31

C) The filing of Statements.

Necessary improvements in this respect are also initiated to bring it in line in High Court Rules and Orders Vol: IV Chapter 23-B x(c).

These are some important issues for consideration. Hon’ble the Chief Justice and Judges wish that studies and steps suggested above may be initiated and followed in proper spirit of Law. Experience and knowledge so gained be utilized in the field, also transmitted to this Court for further research and circulation. Your comments/views and steps taken may please be communicated to the undersigned at the earliest.

(PHC letter No. 3829-3928/Admn Brh Dated 23-5-1993)

C.No. 6(8-4)

CRIMINAL TRIAL

I am directed to say that it has come to notice of this Court that challans in criminal cases are kept pending without trial indefinitely in Sessions Courts as well as in the Court of the Judicial Magistrates. This tendency has not only created difficulties for the parties in general and accused in custody in particular but also shattered the public confidence on Judiciary as it amounts to refusal of Justice in time.

2- Therefore, it has been decided to advise criminal Courts to commence trial at the earliest without any delay particularly in cases in which the accused are in custody. It has further been decided that to curb this unjustified practice the Inspection Team of this Court shall inspect the record and take action accordingly under the Government of NWFP(Efficiency and Discipline) Rules,1973.

3- It is hoped that the instruction shall be obeyed in letter and spirit.

(PHC letter No. 369-468/Admn.Brch: Dated Pesh, the 8th January, 1998)

C.No. 7(8-4)

DISPOSAL OF CASES OF JUVENILE OFFENDERS

I am directed to say that it has come to the notice of this Court that the cases of Juvenile Offenders pending in the concerned courts are not decided in time.

2. Therefore, I am to request that concerned courts of competent jurisdiction be advised that the said cases of the Juvenile Offenders may kindly be decided on 'Priority Basis' and without delay.

(PHC letter No. 9140-9161 Dated Peshawar the 23.11.1998)

C.No. 8(8-4)

DISPOSAL OF OLD CASES AND CASES UNDER SUPPRESSION OF TERRORIST ACTIVITIES ON PRIORITY BASIS

I am directed to say that during recent visit to southern districts of the Province, the Hon'ble Chief Justice has observed that despite directions issued from time to time, old cases and cases under Suppression of Terrorist Activities (Special Court) Act, 1975 are not receiving attention of the courts they deserve.

2) - You are well aware that delay in the disposal of cases, for whatever reason, is causing serious concern both at public and Government level. It is, therefore, high time to demonstrate the will to dispense Justice at a time when it has not yet lost its value for the parties, for 'Justice delayed is Justice denied'.

3) - In view of importance and urgency of the matter, the Hon'ble Chief Justice has issued on the spot directions to all the Judicial Officers in southern districts to pay special attention to the expeditious disposal of old cases and cases under Suppression of Terrorist Activities (Special Court) Act, 1975, and has further directed issuance of instructions in this behalf to rest of the Judicial Officers on the Province.

4)- I am, therefore, to request for your personal interest in the early disposal of old and STA cases which will not only contribute to the restoration of confidence of the general public in the judiciary as an institution but also earn you appreciation of this court. Needless to say that delay on the part of a Judicial Officer will badly reflect on his performance and may find place in his annual report.

(PHC letter No- 1249-1398 Dated Peshawar the 2-3-1999)

C.No. 9(8-4)

DISPOSAL OF THE SUIT AT THE FIRST HEARING

I am directed to invite your attention to the almost forgotten provision of Order 15 of the Code of Civil Procedure, which envisages disposal of the suit at the first hearing. The provisions are self-contained and spell out a mechanism for expeditious disposal of civil suits without sacrificing justice. The Presiding Officers thus should not hesitate to invoke the said provision in appropriate cases.

(PHC letter No. 9857- 10006 Admn. Dated Peshawar the 25.10.1999)

C.No. 10(8-4)

EFFICIENT ADMINISTRATION OF JUSTICE/SHORTENING THE DURATION OF TRIAL/NARROWING DOWN THE AMBIT OF ISSUES

In continuation of this Court's Circular letter No.9857-10006/Admn., dated 25.10.1999, I am directed to say that it is as much the responsibility of the Court as of the litigant to see that the trial is shortened as far as possible by the elimination of all un-necessary formalities.

2. The Presiding Officer of the Court, by dint of his personality and intelligence, ought to be able to persuade the parties and their lawyers to make proper use of the provisions relating to discovery, admission, interrogatories and inspection. Moreover, by an intelligent and judicious use of his own powers U/S 30, Order XI, Rules 21 and Order XIII, Rule 2 of the C.P.C., it should be possible for the Presiding Officer to introduce a more systematic practice for the observance of those Rules for the preparation of the suit or trial.

3. It would be seen that all steps, which are required to be taken under Order X to XIII are essential preliminaries to the trial of a suit designed for shortening its duration and narrowing down the issues. Unfortunately, it has been found on investigation that provisions of these Orders are neither understood nor followed.

4. Likewise, the provisions contained in Order XIX of the C.P.C. which empowers Courts to Order any point to be proved by affidavit, tend to curb to some extent laws delays.

5. I am, therefore, to request that the provisions contained in Order XIX of the C.P.C. should be fully exploited and the provisions of the interrogatories and discoveries provided in the C.P.C. should also be fully used. The Courts should take intelligent interest in these matters and see that the provisions of the Code are complied with. If a party does not admit a fact, subsequently proved, the Court should apportion the costs to be awarded in the suit in such a way that the party unnecessarily insisting upon the proof of such a fact or document should be made liable for the costs incurred in that behalf as provided by the Code. The Courts should not grudge making such apportionment even though it might entail extra-labour.

(No. 5635-5785/ Admn: (DA-260-A) Dated Peshawar the 14th July, 2000)

C.No. 11(8-4)

DISPOSAL OF RENT AND FAMILY COURT CASES ON PRIORITY BASIS

1. I am directed by the Hon'ble Chief Justice to invite your attention to all the previous circular letters, issued from time to time, for expeditious disposal of rent and family Court cases.

2. I am further to say that despite such circular letters and instructions on the subject, instances are being brought to the notice of the Hon'ble Chief Justice showing that rent and family Court cases are being dealt with in the courts like ordinary civil suits. Needless to say that this tendency militates against the very spirit of the law and constant directions of this Court, resulting in inordinate delay in the disposal of such like cases and untold hardships to the litigant public.

3. I am, therefore, to urge for compliance by the Presiding Officers with the legal provisions and instructions issued by the High Court in this regard, and to further request you to keep yourself abreast with progress of proceedings in the mentioned cases by requiring the trial courts to furnish a daily report which shall then be passed on to this Court in consolidated form, for information of the Hon'ble Chief Justice.

(PHC letter No.2059-2080/ Admn: Dated Peshawar the 25th April, 2001)

C.No. 12(8-4)

CASE FIXATION-EXPEDITIOUS DISPOSAL ON PRIORITY BASIS

I am directed to refer to the subject noted above and to draw your attention to the following instructions pertaining to case fixation- expeditious disposal of cases:

1. The family/rent cases/appeals shall be decided as early as possible and in no case later than four months of the date of institution;
2. That no adjournment shall be granted without any plausible cause;
3. A very easy way of getting rid of the old cases is adopted in that through administrative orders such cases are frequently transferred from one Court to the other. This tantamount to defeating the very object of disposal of old cases on priority basis. It shall be the responsibility of the District Judge to see that no old case is transferred from one Court to the other;
4. The inexperienced and fresh ministerial recruits are posted at very responsible seats like Court Moharrirs which mainly accounts for defective maintenance of the records of the Court. It is the duty of the District and Sessions Judge to see the worth of responsible seat. It shall also be ensured that the transferee possesses sufficient experience of the new assignments.
5. In many cases the Judicial Officers pass ad-interim orders both in civil and criminal cases particularly in pre-arrest bail applications and temporary injunction matters, and thereafter grant frequent adjournments on minor pretexts before passing final orders/judgments which undermines the image and functioning of the Subordinate Judiciary in the eyes of litigants as well as the general public.
6. The executing courts in Rent Cases issue fresh notices to the tenant for delivery of premises to the Land Lord in spite of expiry of the reasonable time, not exceeding four months in aggregate, given by the rent controller or the appellate court to the tenant for putting the land lord in possession of the premises in dispute. This practice is most irregular and shall be stopped forthwith.

7. The early disposal of old cases will not only contribute to the restoration of confidence of the general public in the judiciary as an institution but also earn you appreciation of this court. Needless to say that delay on the part of a Judicial Officer will badly reflect on his performance and may find place in his annual report.
8. Attention is invited to the almost forgotten provisions of Order 15 of the Code of Civil Procedure which envisage disposal of the suit at the first hearing. The provisions are self-contained and spell out a mechanism for expeditious disposal without sacrificing justice. The Presiding Officers should not hesitate to invoke the said provisions in appropriate cases.
9. Cases pending for more than 4-years shall be classified as old cases. Such old cases shall be decided as per “Time-bound delay reduction plan” already communicated to all the judicial officers;
10. Cases restored after dismissal in default/setting aside of ex parte decisions shall not be treated as fresh and be considered as a pending cases from the date of its original institution and is to be disposed of accordingly.

You are, therefore, required to ensure compliance as six- monthly assessment about case management for the purposes of Incentive and Reward would also be viewed on these lines.

(PHC letter No DR/(ADMN)/HC/43-A-16/2002 Dated 2-10-2002)

C.No. 13(8-4)

DISPOSAL OF RENT AND FAMILY CASE/ APPEALS WITHIN THE STATUTORY PERIOD

I am directed to say that the observance of Time Standard in disposal of cases is the essence of dispensation of justice, particularly when fixed under the statute. The rent and family matters i.e. cases, review, appeal, and revision rest at the top of such categories of cases. The National Judicial Policy, 2009 has further stressed this aspect. Despite this emphasis cases of these categories remain subjudice for longer time. Many instances have come to notice of this court that cases/appeals are still not decided within stipulated time fixed under the law.

You are, therefore, requested to keep an eye on the courts under your control and ensure that such cases/appeals are decided within stipulated period.

(PHC letter No. 172-95/Admn Dated Peshawar, 04th January, 2010)

C.No. 14(8-4)

DISPOSAL OF CASES IN REVENUE COURTS IN KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to say that the reports so far received by the Hon'ble Chief Justice regarding the proceedings/progress in revenue courts are not encouraging. It is once again reiterated that let there be noticeable progress on every date of hearing than mere adjournments so that the confidence of the public is restored in the courts.

The Hon'ble Chief Justice has further expressed his desire to pay surprise visits to revenue courts personally and also through Inspection Team of the High Court.

(PHC letter No.11711-34/Admn Dated Peshawar, 03rd July, 2010)

C.No. 15(8-4)

CASES OF OIL AND MINERAL RESOURCES

Serious complaints have been received by the Hon'ble Chief Justice regarding delays in cases relating to oil and mineral resources, which is causing huge loss to the national exchequer.

You are, therefore, requested that all cases relating to oil and mineral resources should be clubbed and assigned to one Court at trial and appellate level, and directions be issued to ensure that such cases are fixed on fortnightly basis. In case, any party is delaying the proceedings of the Court, then appropriate remedial action be taken.

(PHC Letter No.10194-10218/Admn, Dated 7th June, 2017)

C.No. 16(8-4)

SUCCESSION CERTIFICATE

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to direct that henceforth the trial

courts, instead of looking for other modes of verification, shall ask the NADRA Authorities for provision of list of legal heirs of the deceased during the succession certificate proceedings so as to save the precious time of the court and parties, and to issue succession certificate within days instead of weeks and months.

This may be intimated to the concerned courts within your administrative control for compliance, please.

(PHC Letter No. 5948-73/Admn Dated 20th March, 2019)

C.No. 17(8-4)

RESERVATION OF SPECIAL DAYS FOR JUVENILE CASES UNDER JUVENILE JUSTICE SYSTEM ACT, 2018

Enclosed find herewith copy of letter No.SO (P&R)HD/4-63/2017 dated 28.08.2020, on the subject, received from the Section Officer (P&R) Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar, with the remarks that request, being genuine and in accordance with the spirit of Child Justice, is approved by Hon'able the Chief Justice.

You are, therefore, asked to reserve special days in a week for hearing cases of juveniles exclusively, please

(PHC Letter No.16073-107/Admn Dated 17th September 2020)

RESERVATION OF SPECIAL DAYS FOR JUVENILE CASES UNDER JUVENILE JUSTICE SYSTEM ACT, 2018

I am directed to refer to the subject noted above and to state that during a meeting held regarding implementation status of CRC in this department, it was discussed that in many districts juvenile courts have been designated under section-4 of the Juvenile Justice System Act, 2018 but these courts also hear cases of adult litigants. It was proposed during the meeting that in order to comply with the provisions of the Act special days, if possible, may be reserved for hearing cases of juvenile offenders.

It is therefore, requested that special days may please be reserved in a week for hearing cases of juvenile offenders, exclusively.

Cooperation in this regard will be highly appreciated.

Letter No.SO(P7R)HD/4-63/2017 Dated 28th August, 2020

SECTION-V
INSPECTION OF JAILS

C.No. 1(8-5)

INSPECTION OF JAILS

I am directed to say that in order to improve the quality and quantity of work entrusted to the Civil and Criminal Courts in the Province; Hon'ble the Chief Justice of this Court has been pleased to order that all the District & Sessions Judges in the NWFP., shall conduct surprise visits to the subordinate Civil and Criminal Courts and their reports about delinquent officers shall be forwarded to this Court for necessary action.

2. Hon'ble the Chief Justice has further been pleased to order that all the District & Sessions Judges shall also inspect Jails within their respective areas at least once in a month and submit reports to the authorities concerned for necessary action and compliance under intimation to this office.

(PHC letter No. 15128-40/Admn.Brh/ Dated Peshawar the 30th December,
1987)

C.No. 2(8-5)

INSPECTION OF JAILS

In continuation of this Courts letter No. 15128-40/ Admn.Brh., dated 30.12.1987, I am directed to say that District and Sessions Judges besides themselves paying regular visits to Jails for inspection, may in addition and liaison with them, assign the task of Jail inspection to the Additional District and Sessions Judges posted in the same District who shall inspect the Jails falling within their jurisdiction at least once in a month and submit reports in the like manner.

(PHC letter No. 9447-9468/Admn.Brh/N(a) 239-B, Part-II, Dated Peshawar
the 13th November, 1997)

C.No. 3(8-5)

ILLEGAL RELEASE OF PRISONERS FROM JAIL

I am directed to say that as a result of enquiry into the illegal release of Nigerian Prisoners from Central prison Peshawar, it has been observed that release of the prisoners from jail was illegally secured on the basis of fake/forged orders of the superior courts only because the Judicial Officer

who was required to prepare the release order failed to detect forgery through careful scrutiny of the relevant documents.

2) Needless to say that such omissions on the part of the judicial officers are glaring instances of inefficiency and negligence making them liable to strict disciplinary action.

3) Taking serious view of this situation, the Hon'ble Chief Justice has directed to emphasize upon all the Judicial officers that release orders of the prisoners be issued after carefully scrutinizing the relevant documents

4) I am, therefore, to request that these instructions be brought to the notice of all concerned for strict compliance, as non-observance of these directions can lead to disciplinary action against the defaulting officers.

(PHC letter No. 333-54 Admn Dated Peshawar the 14-1-1999)

C.No. 4(8-5)

CASES OF ESCAPE FROM JAILS

I am directed to address you on the subject noted above and to say that it has been observed that in recent past cases of escape of prisoners from jails have increased tremendously. The non-observance of security measures has been cited as one of the major reasons for such escapes. It has therefore been decided to observe the following measures:-

1) All the persons attending Courts in the jail premises need to stamp their passes;

2) Only the Hon'ble Judges should be allowed to visit different areas and barracks of the prisons and no other official of the court should be allowed to visit the said places;

3) A separate room, preferably the office of the Superintendent Jail, may be designated as temporary Court premises, there by restricting the free movement of unauthorized persons to other places in the jail premises.

4) Hon'ble the Chief justice of this Court has been pleased to order that the afore- said security measures be strictly followed

(PHC letter No. 448-547 Dated Peshawar the 28th January, 1999)

C.No. 5(8-5)

INSPECTION OF JAILS-DISPOSAL OF PETTY CASES

I am directed to say that Hon'ble the Chief justice of this court has been pleased to order that the District and Sessions Judges, who have already been directed to carry out inspection of Jails at least once in a month, should prepare during their jail visits at list of disposable petty cases and direct the Civil Judges-cum-Judicial Magistrate concerned to dispose of the same in jail premises in such a systematic manner that their normal court work is not adversely affected.

(PHC letter No. 6084-6106 Dated Peshawar the 19.7.1999)

C.No. 6(8-5)

UNDER-TRIAL PRISONERS INVOLVED IN PETTY OFFENCES.

I am directed to refer to this Court's Endst. No. 2403-2602 Admn. (DA-260-A), dated 30.3.2000 addressed to the Inspector-General of Prisons, N.W.F.P., Peshawar and copies thereof endorsed to all the Presiding officers in the Province, whereby all the Presiding Officers were authorized to hold trial of under-trial prisoners in petty offences in jails with the directions that if they plead guilty, their cases should be decided forthwith and in case they desire to contest, the same be fixed for hearing without any delay in the Court houses and heard on day-to day basis. The Presiding Officers were further directed to pay particular attention to the cases of women and Children.

2) I am to reiterate the above directions with the request to arrange jail visits of the Judicial Officers in the district for the disposal of petty nature cases on regular basis and furnish progress report of such visits and disposal of petty nature cases inside jail premises to this Court on weekly basis. The Judicial Officers visiting the jails may also be directed to see the living conditions of the prisoners and also to hear their general complaints.

(PHC letter No.9554-75 / Dated: Peshawar the 26.12.2000)

C.No. 7(8-5)

JAIL VISIT

I am directed to refer to the subject noted above and to ask that henceforth Jail Visit reports by the concerned D&SJ and disposal of petty nature cases by concerned Judicial Officers during such visits shall be sent to

this Court on the attached proformas on regular basis. I am further to request that these instructions may be circulated amongst all concerned for compliance.

Acknowledgement receipt from all concerned be sent to this Office
(PHC letter No. 1342-1365/MIT Dated Peshawar, 08th September, 2006)

MONTHLY JAIL VISIT, GENERAL INFORMATION

Name of the D&SJ				
Date and time of visit				
Name of Jail / Judicial Lock-up				
Jail Staff	Sanctioned	Existing	Required	
Authorized Accommodation	Male		Female	
NUMBER OF PRISONERS				
	Under Trial	Convicted	Waiting for trial due to non-submission of Challan (Detail to be given separately)	Total
Male (Adult)				
Female (Adult)				
Male (Juvenile)				
Female (Juvenile)				
Total				
No. of under trial Prisoners for more than	1-Year	2-Years	3-Years	5-years
Satisfactory			Un-satisfactory	

Hygienic condition of Barracks and Wash Rooms/ Toilets of Male Section		
Hygienic condition of Barracks and Wash Rooms/ Toilets of Female Section		
KITCHEN		
	Satisfactory	Un-satisfactory
Hygienic condition of the Kitchen		
Bread (Qualitative & Quantitative)		
Other food items (Qualitative & Quantitative)		
HOSPITAL / DISPENSARY		
Condition	Satisfactory	Un-satisfactory
Availability of Medical staff	Yes	No
Availability of Essential Medicine		
No. and Names of Prisoners interviewed and the gist of complaints received (Detail to be attached separately)		
Whether all the jail warrants personally checked	Yes	No
Observations, if any, made on such checking of Jail warrants (Detail to be given separately)		
No. of Prisoners who died after the last Jail Visit and reason	Natural death	Un-natural death

thereof (Give detail separately)		
No of Prisoners who escaped after the last Jail Visit and action taken by Jail Authority		
GENERAL		
Availability of Borstal House	Yes	No
Availability of Library		
Availability of separate Barrack for Juveniles		
Availability of Interview Room		
Availability of Visitors Shed		
Sanitation Conditions	Satisfactory	Un-satisfactory
Reformation & Rehabilitation steps, if any, taken by Jail Authority (Detail be given on separate sheet)		
Problems of Jail (Give detail separately)		
Whether provisions of Prison Laws / Instructions are observed	Yes	No
Order passed by D&SJ and action proposed		
Extent of Follow-up by Jail Authority on the previous Jail Visit Reports	Satisfactory	Un-Satisfactory
General Remarks / Observations and Suggestions		

It is certified that I have checked the record of the Prison and the above information is correct to the best of my knowledge and belief.

Signature of District & Sessions Judge

Endst: No. _____ / **dated** _____

Copy forwarded to: -

1. Member Inspection Team, Peshawar High Court, Peshawar
2. Inspector General (Prisons), NWFP

Signature of District & Sessions Judge

C.No. 8(8-5)

IMPROVEMENT OF LOCK-UPS IN THE POLICE STATIONS IN THE KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to say that Honorable the Chief Justice has been pleased to express concerns that the sting cages commonly known as Police Station Lockups are not worthy of human detention even for few moments; particularly the conditions of jails and other judicial lockups are being improved and updated, efforts should also be made to improve and update subject lockups; this is all the more desirable when the distinction between the ruler and ruled is expected to wither away with the departure of colonialists. His lordship further remarked that the man despite committing a crime remains human, therefore, he should not be treated at par with animals if and when he is kept in such lockups

The District and Sessions Judges are, therefore, directed to ensure inspection of Police Station lockups through the Illaqa Magistrates to have conditions befitting human beings.

(PHC Letter No.19070-93/Admn Dated 13th November, 2010)

C.No. 9(8-5)

VISIT TO PRISON ON THE EVE OF EID-UL AZHA

I am directed to say that the Hon'ble Chief Justice has taken serious notice of inability of certain District & Sessions Judges in the province to visit jails in their respective districts, alongwith judicial magistrates, for disposal of petty nature cases, and release of accused involved in such like cases on eve of Eid-ul Azha. The excuse put forth, in a couple of cases, was non-issuance of special directions in this respect by this Court. Needless to say that regular visits of jails by the District & Sessions Judges, particularly on special occasions, has been reiterated by this Court time and again, the recent being on the eve of Eid-ul-Fitr vide letter No. 10730/Admn dated: 20.06.2017.

The importance of regular jail visits by the District & Sessions Judges hardly needs emphasis, as such visits not only serve the purpose of enlightening the District Judiciary of inmates conditions, but it also provides a valuable opportunity of addressing their grievances, for restoration of their and their nearer and dears faith and confidence in the judicial system, in general, and in the District, in particular.

It is, therefore, once again urged that no only regular visits of the District & Sessions Judges alongwith concerned judicial officers be ensured; but, henceforth, visits of jail on the eve of special occasions like Eid-ul-Fitr and Eid-ul-Azha be made a permanent feature, without waiting for special directions in this regard.

Kindly acknowledge receipt.

(PHC Letter No.15200-225/Admn, Dated 25th September, 2017)

CHAPTER-IX
FEDERAL LAWS

Section-I
(Law & Justice Commission of Pakistan)

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**CHAPTER-IX
FEDERAL LAWS**

**SECTION-I
Law & Justice Commission of Pakistan**

C.No. 1(9-1)

**LAW ¹[AND JUSTICE] COMMISSION ORDINANCE 1979
ORDINANCE XIV OF 1979**

An Ordinance to establish a law ²[and justice] commission

[Gazette of Pakistan Extraordinary part-I, 24th February 1979]

No. F.17(1)/79-Pub.- The following Ordinance made by the President is hereby published for general information:-

Whereas it is expedient to establish a Law ³[and Justice] Commission for a systematic development and reform of the laws and to provide for matters connected therewith or incidental thereto;

And whereas the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in pursuance of the Proclamation of the fifth day of July 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This ordinance may be called the Law ⁴[and Justice] Commission Ordinance, 1979 .
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.

Definitions.- In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) "Chairman" means Chairman of the Commission;

¹ Added vide Ordinance No. LXX of 2002

² Added vide Ordinance No. LXX of 2002

³ Added vide Ordinance No. LXX of 2002.

⁴ Added vide Ordinance No. LXX of 2002.

- (b) “Commission” means the Commission establish under section 3; ¹[]
- (c) ² [“Fund” means Access to Justice Development Fund established under section 6-A; and]
- ³ [d] “member” means member of the Commission.

3. **Composition of Commission.-** ⁴[(1) There shall be a Law and Justice Commission of Pakistan, consisting of.-

- (a) the Chief Justice of Pakistan who shall be the Chairman, ex-officio;
- (b) the Chief Justice of the Federal Shariat Court, Member, ex-officio;
- (c) [the Chief Justices of the High Courts, Members, ex-officio;]⁵
- (d) Attorney General for Pakistan, Member, ex-officio;
- (e) the Secretary, Ministry of Law, Justice and Human Rights, Member, ex-officio;
- (f) Chairperson for Commission on Women Status, Member, ex-officio;
- (g) [four members, one from each Province, to be appointed by the Federal Government, on the recommendation of the Chairman in consultation with the Chief Justice of concerned High Court from amongst the persons who are or have been holders of a judicial or administrative office, eminent lawyers or jurists, persons of repute and integrity from civil society, members of the Council of Islamic Ideology or teachers of law in a university or college, and]⁶

(1A) In addition to the members referred to in sub-section (1), the Chairman may, in his discretion, appoint a suitable person or persons as member or members for a specified period to perform specified functions]

(2) [omitted]⁷

A member, other than an ex-officio member, shall hold office for a term of three years but shall be eligible for re-appointment for another term.

¹ Omitted vide Ordinance No. LXX of 2002

² Inserted vide Ordinance No. LXX of 2002

³ Renumbered vide Ordinance No. LXX of 2002

⁴ Substituted vide Ordinance No. LXX of 2002

⁵ Substituted vide Law & Justice Commission of Pakistan (Amendment) Act, 2014 (Act No.VIII of 2014)

⁶ Substituted vide Law & Justice Commission of Pakistan (Amendment) Act, 2014 (Act No.VIII of 2014)

⁷ Omitted vide Law & Justice Commission of Pakistan (Amendment) Act, 2014 (Act No.VIII of 2014)

(4) A member, other than an ex-officio member, may resign his office by writing under his hand addressed to the President.

4. **Head Office.-** The head office of the Commission shall be situated in Islamabad or at such other place as the Federal Government may specify.

5. **Secretariat.-** (1) The Commission shall have a separate Secretariat to be headed by a Secretary, who shall be an officer of the Federal Government not inferior in rank to a joint Secretary to the Federal Government.

(2) The Secretary and other officers and employees of the Commission shall be appointed by the Chairman on such terms and conditions as the Commission may determine.

(3) The Commission may, for the purpose of research, engage, for a specified period, as many persons as it considers necessary.

6. **Functions of the Commission.-** (1) The Commission shall study and keep under review on a continuing systematic basis the statutes and other laws with a view to making recommendations to the Federal Government and the Provincial Governments for the improvements, modernization and reform thereof and, in particular, for-

- (i) making or bringing the laws into accord with the changing needs of the society, consistent with the ideology of Pakistan and the concept of Islamic social justice;
- (ii) adopting of simple and effective procedure for the administration of laws to ensure substantial, inexpensive and speedy justice;
- (iii) arranging the codification and unification of laws in order to eliminate multiplicity of laws on the same subject;
- (iv) removing anomalies in the laws;
- (v) repealing obsolete or unnecessary provisions in the laws;
- (vi) simplifying laws for easy comprehension and devising steps to make the society law-conscious;
- (vii) introduction of reforms in the administration of justice; and
- (viii) removing inconsistencies between the laws within the legislative competence of Parliament and those within the legislative competence of a Provincial Assembly.

- ¹ [(2) The Commission shall take appropriate measures for.-
- (a) developing and augmenting human resources for efficient court administration and case management;
 - (b) coordination of judiciary and executive; and
 - (c) preparing schemes for access to justice, legal aid and protection of human rights;

(3) The Commission shall administer and manage the Access to Justice Development Fund]

² [(4)] The Commission shall study the present system of legal education and make recommendations to the Federal Government for improving the standard of legal education.

³ [(5)] The Federal Government, or a Provincial Government may refer to the Commission any matter relevant to its functions for opinion and advise.

[(6)] The Commission may, with the approval of the Federal Government, enter into a Memorandum of Understanding with the Law Commission of any country or, as the case may be, with any legal or human rights body or organization of any country to

- i. Collaborate, cooperate and participate through consultation in carrying out legal research in connection with their respective functions;
- ii. Facilitate one another in the collection of data and materials in conducting legal research;
- iii. have bilateral and reciprocal exchange of reports, research material and other publications;
- iv. facilitate visits, training and exchange of delegates, members and officers of the respective Commissions or, as the case may be, the respective law or human rights body or organization;
- v. mutually agree, on case by case basis, on financial arrangements for holding meetings undertaking exchange in the Memorandum of Understanding;

Provided that the notification of any such Memorandum of Understanding shall be carried out with the approval of concerned Ministry of Federal Government]⁴

¹ Inserted vide Ordinance No. LXX of 2002

² Renumbered vide Ordinance No. LXX of 2002

³ Renumbered vide Ordinance No. LXX of 2002

⁴ Added vide Law & Justice Commission of Pakistan (Amendment) Act, 2014 (Act No.VIII of 2014

¹ [6-A. **Fund.**- (1) There shall be established for the purposes of this Ordinance a fund to be called the Access to Justice Development Fund.

(2) The Fund shall consist of.-

- (a) an endowment grant of initial amount equivalent to US \$24 million by the Federal Government in installments;
- (b) other grants and donations made by the Federal Government, Provincial Governments or a Local Government;
- (c) donations and contributions made by the individuals or institutions; and
- (d) sums raised by the Commission.

6.B **Expenditure to be charged on the Fund.**- The annual income generated by investment of endowment grant under clause (a) of sub-section (2) of section 6-A shall be utilized for the purposes and to the extent provided as hereunder:

- (a) 60.3% shall be allocated to the provinces [and Islamabad Capital Territory]² on population basis to be called []³ Judicial Development Fund for improving the capacity and performance of the subordinate courts and providing amenities and facilities to courts and litigants, as may be determined by the respective High [Courts]⁴
- (b) 10% shall be set aside for special projects in the under-developed Provinces and regions;
- (c) not more than 4.5% on Legal and Judicial Research;
- (d) not more than 4.5% on the activities of the Federal [and Provincial]⁵ Judicial Academy not covered by its budgetary allocation;
- (e) not more than minimum of 13.5% with a cap of 20% for the legal empowerment of the poor and underprivileged persons for provision of legal aid or assistance to have access to justice, in accordance with the criteria to be laid by the Commission;

¹ Inserted vide Ordinance No. LXX of 2002

² Inserted vide Law and Justice Commission (Amendment) Act, 2018 (Act VI of 2018)

³ The word "Provincial" stands omitted vide Law and Justice Commission (Amendment) Act, 2018 (Act VI of 2018)

⁴ The word "Court(s)" is substituted vide Law and Justice Commission (Amendment) Act, 2018 (Act VI of 2018)

⁵ Added vide Law & Justice Commission of Pakistan (Amendment) Act, 2014 (Act No.VIII of 2014)

- (f) not more than minimum of 4.5% with a cap of 10% to be spent on innovations in or promotion of legal education;
- (g) 2.7% shall be charged by the Commission for management of the Fund;

Provided that an amount allocated under clauses (a) to (g) if not spent for any category shall be carried forward for the same purposes for the next two years;

- (h) all other fund other than provided in clause (a) of sub-section (2) of section 6-A and the proceeds thereof, shall be utilized by the Commission for discharging its duties and functions under this Ordinance.

6-C **Constitution of Committees.**- The Commission may constitute committees consisting of one or more of its members, as it thinks fit, and may refer to them any matter relevant to the functions of the Commission for consideration and report.

6-D **Reports.**- The Commission shall publish an annual report of its activities and such other periodic or special reports requiring legislative or implementation effect as it may consider necessary. The Commission shall submit the reports to the President of Pakistan.]

7. **Application of Act VI of 1956.**- The provisions of the Pakistan Commissions of Inquiry Act, 1956 (VI of 1956), shall apply to the Commission as if the Commission were a Commission appointed under that Act to which all the provisions of section 5 thereof applied.

8. **Assistance to Commission.**- All executive authorities in Pakistan shall assist the Commission in the performance of its functions.

9. **Power to make rules.**- (1) The Commission may make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for payment to the members of a travelling allowance and daily allowance in respect of journeys performed in connection with the functions of the Commission.

C.No. 2(9-1)

THE ACCESS TO JUSTICE DEVELOPMENT FUND, RULES 2002THE GAZETTE OF PAKISTAN EXTRAORDINARY PUBLISHED BY
AUTHORITY ISLAMABAD, TUESDAY, DECEMBER 31, 2002**Part II**
Statutory Notifications (S.R.O)
Government of Pakistan
Law and Justice Commission of Pakistan
Notification
Islamabad, the 31st December, 2002

S.R.O 980 (I)/2002... In exercise of powers conferred by sub-section (1) of section 9 of the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979) the Law and Justice Commission of Pakistan is pleased to make the following rules for administering and managing the Access to Justice Development Fund :-

1. **Short title and commencement.** --- (i) These Rules may be called the Access to Justice Development Fund Rules, 2002.

(ii) They shall come into force at once.

2. **Definitions.** In these rules, unless there is anything repugnant in the subject or context:-

- (a) 'Advisor' means an investment advisor or an investment company registered as such and includes an investment consultant;
- (b) 'Chairman' means the Chairman of the Commission;
- (c) 'Commission' means Law and Justice Commission of Pakistan;
- (d) ¹['Fund' means Access to Justice Development Fund;]
- (e) ²['Deputy Secretary' means Deputy Secretary of the Fund;]
- (f) 'Secretary' means Secretary of the Commission;
- (g) 'Governing Body' means a Committee of the Commission to administer and manage the Fund;

¹ Substituted vide Notification date 4th April, 2005

² Substituted vide Notification date 4th April, 2005

- (h) 'Government' means the Federal or a Provincial Government as the case may be;
- (i) 'Member' means Member of the Commission;
- (j) 'Ordinance' means the Law and Justice Commission of Pakistan Ordinance;
- (k) 'Organization' means a bar council, a bar association, an educational institution or any other organization formed with the permission or authority of the Government and includes a non-governmental organization; and
- (l) 'rules' means rules made under the Law and Justice Commission of Pakistan Ordinance, 1979.

3. (I) The Commission shall have the possession, management and control of the Fund, its undertakings, properties and assets.

(2) The Fund shall be administered and managed by the Governing Body consisting of the Chairman, the Chief Justices of the four Provincial High Courts, the Secretary, Ministry of Finance, the Secretary, Ministry of Law, Justice and Human Rights and the Secretary, Law and Justice Commission of Pakistan, members.

(3) The Governing Body shall regulate its own procedures and co-opt any member of civil society as may deem appropriate in discharge of its functions.

(4) Any defect in constitution of the Governing Body shall not invalidate anything done or any act performed by the Governing Body.

(5) The Governing Body shall hold its meeting at least once in three months.

(6) During the interval between meetings of the Governing Body the Chairman shall act in the best interest of the Fund.

¹[(7) The Governing Body may delegate any of its powers and functions to any of its members.]

4. The Governing Body shall:-

- (a) invest the Fund for generating income;

¹ Added vide Notification dated 4th April, 2005

- (b) allocate the income earned on investment of Fund to the Fund windows specified under rule 9;
- (c) ¹[verify the annual and half yearly accounts of the Fund];
- (d) ²[approve investment policy and schemes for investment in the Government approved securities, term finance certificates (TFCs), shares or in any other form of investment in accordance with the approved policy of the Government];
- (e) nominate director in a company in which an investment is made out of the Fund or there involves other special interest of Fund by virtue of contractual arrangement as provided by Section 182 of the Companies Ordinance 1984;
- (f) file petition for winding up of an indebted company under sections 305, 306 and 309 Companies Ordinance.

5.(1) The Fund shall be operated through an account to be opened in a bank as authorized by the Governing Body;

(2) The Fund account shall be operated jointly by two Members of the Governing Body or by the Secretary and the ³[Deputy Secretary] authorized by it.

6. The Chairman shall appoint a ⁴[Deputy Secretary] and other investment advisor, consultants, accountants, auditors and other employees of the Fund management on such terms and conditions as may be prescribed.

7. The ⁵[Deputy Secretary] shall:-

- (a) prepare schemes for investment of the Fund for generating income;
- (b) purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Federal Government or any other securities of a legal description;
- (c) raise loans for various projects and undertakings and for this purpose may pledge or otherwise charge the corpus of the capital and properties of the Fund;
- (d) enter into contracts, agreements and arrangements, and execute necessary documents;

¹ The existing clause "c" of rule 4 read as "draw or authorize to draw Fund from the bank accounts" is omitted vide Notification dated 4th April, 2005.

² Renumbered clause (d) of rule 4 is substituted vide Notification dated 4th April, 2005.

³ Substituted vide Notification dated 4th April, 2005

⁴ Substituted vide Notification dated 4th April, 2005

⁵ Substituted vide Notification dated 4th April, 2005

- (e) open current, fixed, overdraft, loan, cash, credit or other accounts in local or foreign currency, with any bank as may be necessary and deposit into or draw money from such accounts.
- (f) cause the preparation and submission of annual and half yearly accounts of the Fund within the prescribed period;
- (g) discharge any other function as authorized by the Governing Body;

8.(1) The Fund shall be invested with sound investment objectives with the advice of one or more professional investment managers, or advisors.

(2) The Governing Body may consider any investment criteria specified by a donor at the time of making donations to the Fund, but shall not follow such criteria if it is considered an imprudent investment of Fund by the advisor.

9.(1) There shall be maintained seven windows for allocation of income of the Fund in the ratio given as under:-

- (i) Provincial Subordinate Courts (60.3%);
- (ii) legal empowerment (13.5%);
- (iii) Federal Judicial Academy where its activities are not covered by its budgetary provisions (4.5%);
- (iv) innovations in or promotion of legal education (4.5%);
- (v) legal and judicial research (4.5%);
- (vi) fund management (2.7%); and
- (vii) special projects in the under developed provinces / areas (10%).

(2) Any amount allocated if not utilized for any category, shall be carried forward for the same purposes for the next two years.

(3) The allocative ceilings of various Fund windows shall be determined on a tri-annual basis in the light of actual experience and review.

10. The eligible expenditures of amount allocated to each Fund window under rule 9 shall be.-

- (a) **Subordinate Courts window.-**
 - (i) automation of the courts;

- (ii) ¹[court infrastructure];
 - (iii) information kiosks;
 - (iv) provision of court related conveniences and amenities to the litigants ; and
 - (v) performance reward for the subordinate judiciary on the basis of supervision reports and recommendations submitted by the inspection team of the High Courts.
- (b) **Legal empowerment window.-**
- (i) clinical legal aid to clients affected by violation of their fundamental rights by the executive, especially on matters concerned with criminal justice;
 - (ii) representation in public interest litigation;
 - (iii) public awareness and legal literacy campaigns; and
 - (iv) awareness on environmental laws.
- (c) **Legal innovations window.-**
- (i) innovations in teaching of legal education and development of curriculum, including funding of pilot projects;
 - (ii) improving standard of legal education;
 - (iii) efforts directed at improvements in professional standards of the legal professionals;
- (d) **Federal Judicial Academy window.-**
- (i) training programs for the judiciary including mobile training arrangements and facilities;
 - (ii) development of new courses especially attempts at innovations;
 - (iii) training and education for non-judicial personnel, e.g. administrators, registrars and other support staff dealing in policy development and Implementation, case flow management, budget, planning, information system and record management.
- (e) **Judicial and legal research window.-**
- (i) legal and judicial research aimed at improving the delivery of judicial and legal services and the quality of the judgments;

¹ Substituted vide Notification dated 4th April, 2005

- (ii) initiatives to reform law and advocacy related endeavours.
- (f) **Fund management window.-**
 - (i) salaries of auditors, consultants, investment advisors and officers and staff of Fund management;
 - (ii) purchase of equipment, vehicles and stationary etc;
 - (iii) preparation of accounts and balance sheets of the Fund; and
 - (iv) payment of fees, salaries, travelling, daily and other allowances and any other payment to be charged on the Fund.
- (g) **Under developed area window.-**

The eligible expenditure under this window shall be as provided at clauses (a to c) or for any other special project.

11. A request for funding from legal empowerment, legal innovations and Judicial and legal research windows shall be assessed in accordance with the criteria laid down by the Governing Body for each fund window and evaluated on the quality of the proposal, its technical soundness, the clarity with which estimates are set out and the extent to which its targets are realistic.

12. The financial year of the Fund shall commence from the first day of July each year, and end on the last day of June of the following year.

13. (1) The books of accounts of the Fund shall be prepared and kept in accordance with ¹[the procedures as may be prescribed].

(2) The books of accounts shall be kept at Head Office of the Commission at Islamabad or at such other place as the Governing Body deems appropriate, and shall always be open for inspection by the Members.

14. ²[On the close of the financial year, the accounts of the Fund shall be balanced, the income and expenditure statement and the balance sheet shall be prepared, in accordance with the accounting procedures laid by the Governing Body].

¹ Substituted vide Notification dated 4th April, 2005

² Substituted vide Notification dated 4th April, 2005

15. The name and logo of the Fund shall be inscribed on the seal of the Fund and shall be affixed on all agreements made by the Fund.

¹[15A. The provisions of these rules except rules 9 and 10, shall, mutatis mutandis apply to any amount of AJDF; received to the Commission under clauses (b) to (d) of sub-section (2) of section 6A of the Ordinance].

16. The Chairman, Members and other officers of the Commission, its auditors and legal advisors, and their heirs, executor and administrator respectively, shall be indemnified out the assets of the Fund, from and against all suits, proceedings, costs, charges, issues, damages and expenses which they or any of them shall or may incur or sustain, by reason of any act or omission in or about the execution of their duty in their respective office or in discharge of their duties, except such, if any as they incur or sustain by or through their own willful neglect or willful default respectively, and no such reason or officer or the auditor or the legal advisor, shall be answerable for the act, neglect or default of any other such person, officer or legal advisor or for joining in any receipt of the sake of conformity, or for the solvency or honesty of any bankers or a corporate entity with whom any money or effects belonging to the Fund are be invested or for any other loss or damage due to any such causes aforesaid, or which may happen in or about the execution of their duties or discharge of their responsibilities, unless the same happens through their own willful neglect or willful default.

C.No. 3(9-1)

ACCOUNTING PROCEDURES OF THE ACCESS TO JUSTICE DEVELOPMENT FUND 2005.

LAW AND JUSTICE COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 4th April, 2005

S.R.O (I)/2005.- In pursuance of sub rule (3) of rule 3 of the Access to Justice Development Fund Rules 2002, the Governing Body of the Access to Justice Development Fund has laid the following Accounting Procedure of the Access to Justice Development Fund.

¹ Added vide Notification dated 4th April, 2005

1. Short title, commencement and introduction.- (1) These procedures may be called the Accounting Procedures of the Access to Justice Development Fund, 2005.

(2) They shall come into force at once and shall deem to have taken effect with effect from 11-12-2004.

(3). Introduction Under section 6-A of the Law and Justice Commission of Pakistan Ordinance 1979 (XIV of 1979), the Access to Justice Development Fund hereinafter referred to as Fund, has been established in the Public Accounts as a Reserve Fund Account which shall comprise of an endowment grant of the Federal Government amounting to rupees one thousand four hundred twenty one million and other grants of the Federal Government or a Provincial Government and donations or contributions by individuals, institutions and sums raised by the Commission. A Governing Body to regulate the investment and management of the fund has been constituted under the Access to Justice Development Fund Rules, 2002 hereinafter referred to as AJDF Rules 2002.

2. Establishment of the Fund

2.1 The Federal Government has provided an initial grant of rupees one thousand four hundred twenty one million as a principal amount to establish the Fund in the Public Accounts of the Chart of Classification for Federal, Provincial and Local Government accounts. The Head of Account allocated by the Controller General of Accounts for this purpose is as under:

‘Major Head 3000000 Deposits & Reserve (B-not bearing interest)
 Minor Head 3300000 Reserve Funds
 Detailed Head 3312000 Other Funds
 Sub-Detailed Head (Old) 3312050 Access to Justice Development Fund (248-B)’ in new ‘Chart of Account-G12764 Access to Justice Development Fund’

2.2 The principal amount is non-consumable and shall remain intact. The income earned from investment of the Fund shall be used for the purposes specified in clauses (a) to (g) of Section 6-B of the Ordinance, and rules 9 and 10 of the AJDF Rules as per criteria laid down from time to time by the Governing Body.

2.3 The Federal Government has also provided another initial grant of rupees fifty eight million to the Commission credited to the reserve fund account which shall be expendable on carrying out the purposes

of the Ordinance including other eligible expenditure under AJDF Rules 2002.

- 2.4 All grants, donations and contributions towards the principal amount from the Government and donors to the Fund as envisaged in subsection (2) of Section 6-A of Law & Justice Commission of Pakistan Ordinance, 1979 shall be credited to the 'Reserve Funds Accounts.'
- 2.5 The Governing Body shall draw the Principal amount of the Fund in full or in parts from the Reserve Fund Account as may be required for investment and other amount for expenditures on other purposes of the Ordinance by presenting a bill to the AGPR which shall be placed in the Commission's NIDA Account No. 44-0AJDF in the National Bank of Pakistan, Civic Center Islamabad for investment or other purposes of the Ordinance.
- 2.6 The Chairman shall approve to draw any amount of the Fund in full or in parts from the Reserve Fund Account for investment.
- 2.7 The Secretary shall convey the sanction to draw any amount out of the Fund and submit a bill as Drawing & Disbursing Officer to the Accountant General Pakistan Revenues.

3. Management of the Fund

- 3.1 The Commission shall have overall control of the Fund, its undertakings, properties and assets, which shall be administered and managed by the Governing Body of AJDF.
- 3.2 The Deputy Secretary of the fund (hereinafter referred to as Deputy Secretary) shall maintain all the records of the Fund including books of account, cashbooks, ledgers, assets and liabilities, the seal of the Fund, the cheque books, investments, expenditures, audit and other record of the Fund.
- 3.3 The Deputy Secretary shall cause the preparation and submission of accounts of the Fund in accordance with the manner and form prescribed by the Auditor General of Pakistan and shall lay a statement of income available for distribution to the Fund Windows.
- 3.4 The Deputy Secretary with the approval of the Chairman may delegate any of his functions relating to the management and

administration of the Fund to his subordinate, as he may consider expedient from time to time.

- 3.5 The Deputy Secretary shall place annual budget or additional budget of the Fund Administration before the Governing Body.
- 3.6 The Deputy Secretary as may be authorized by the Chairman may sanction the expenditures from the amount allocated to the Fund Administration Window maintained in the Bank and shall keep cash as imprest money to meet petty expenses in discharge of day-to-day functions with regard to administration and management of the Fund.
- 3.7 The Deputy Secretary shall perform his duties and functions under the supervision of the Secretary.

4. Investment and Income of the Fund

- 4.1 The Fund shall be invested in the Government approved securities, term finance certificates (TFCs), shares or in any other form of investment in accordance with the approved policy of the Government.
- 4.2 The income generated by investment of the fund or drawn from reserve fund account shall be credited to the fund account of the commission with the National Bank of Pakistan, Islamabad for allocation for the purposes specified in clauses (a) to (g) of section 6-B of the Ordinance.
- 4.3 All investments made, properties acquired, undertakings taken, agreements reached, bank accounts opened, shall be in the name of the Commission.
- 4.4 The Secretary with the approval of the Governing Body shall transfer the specified percentage of the income to each of the Fund Windows in terms of clauses (a) to (g) of Section 6-B of the Ordinance.
- 4.5 All transactions into or from accounts of the Fund shall be made through the banking channel.
- 4.6 The Fund account in the Bank shall be operated jointly by two Members of the Governing Body or by the Secretary and Deputy Secretary of the Fund as authorized by the Governing Body.

5. Allocation of Income to the Fund Windows**(a) Provincial Judicial Development Fund Window**

The Governing Body shall allocate 60.3% share of the income generated on the Fund to the Provincial Judicial Development Fund for the purposes specified in clause (a) of rule 10 of the AJDF Rules.

1. A Provincial Judicial Development Fund hereinafter called PJDF shall be established by the High Court of each Province. The amount allocated to the PJDF Window shall be transferred to an account of High Court opened in the Bank to meet the needs of the subordinate courts as may be determined by the High Court as specified in clause (a) of rule 10 of the AJDF Rules.
2. The High Court shall send half yearly and annual verified expenditures to the Commission.

(b) Special Projects Fund in the Under-developed Provinces and Regions

1. The Governing Body shall allocate 10% share of income generated on the Fund to the special projects fund window for funding a project as specified in clause (g) of rule 10 of the AJDF Rules.
2. The Governing Body shall evaluate the proposals received and the funding shall be made available for the projects as approved by the Governing Body.
3. The concerned agency of the Province or region administering the project shall ensure proper utilization of the fund made available.
4. The concerned agency shall maintain and send annual and half yearly verified accounts of the project to the Governing Body.
5. The Governing Body may constitute a committee to evaluate the project for funding and monitor execution of its work if deemed necessary.

(c) Legal Empowerment Fund

1. The Governing Body shall allocate 13.5% share of income generated on the Fund to the Legal Empowerment Fund Window, which shall be expended for the purposes specified in clause (b) of rule 10 of the AJDF Rules.
2. The Commission shall expend the 70% out of the total 13.5% share of Legal Empowerment Fund Window as per criteria laid down by the Governing Body.
3. The 30 % amount out of the total 13.5 % shall be transferred to the District Legal Empowerment Committee hereinafter referred as DLEC.
4. The DLEC shall be constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government.
5. The DLEC shall comprise of District & Session Judge as its head, the District Coordination Officer, President District Bar Association, District Superintendent Jail of such District shall be the members. The DLEC shall co-opt one representative from the civil society as member for a period of three years.
6. The DLEC shall open a separate account in the Bank to be managed and operated by its head.
7. The DLEC shall utilize fund for the purpose of legal aid as per criteria laid down by the Governing Body.
8. The DLEC shall send the half yearly and annual verified and audited accounts to the Commission.

(d) Federal Judicial Academy Fund

1. The Governing Body shall allocate 4.5% share of income generated on the Fund to the Federal Judicial Academy Fund, which shall be expended for the purposes as specified in clause (d) of rule 10 of the AJDF Rules.

2. The Federal Judicial Academy hereinafter referred to as FJA shall submit proposal of its activities for funding to the Governing Body to meet its functions, which are not covered by regular budget.
3. The Governing Body shall evaluate the proposals of the FJA and approve funding by allocating the required amount to the FJA or making payment of bills submitted to the Governing Body.
4. The FJA shall be responsible to ensure utilization of the amount in accordance with the approved proposal and furnish half yearly and annual accounts to the Governing Body.
5. The FJA shall submit a result-oriented report to the Governing Body regarding the activity undertaken with the amount made available under this window.

(e) Legal Innovations Fund

1. The Governing Body shall allocate 4.5% share of income generated on the Fund to Legal Innovations Fund, which shall be expended for the purposes specified in clause (c) of rule 10 of the AJDF Rules.
2. The Governing Body shall invite proposals from educational, research and other institutions or individual researchers or scholars in the manner as may be approved by the Governing Body.
3. The Governing Body shall constitute a committee to scrutinize the proposals, approve funding, monitor progress of work undertaken and approve the final report.

(f) Legal and Judicial Research Fund

1. The Governing Body shall allocate 4.5% share of the income generated on the Fund to the Legal and Judicial Research Fund Window, which shall be expended for the purposes specified in clause (e) of rule 10 of the AJDF Rules.
2. The Governing Body shall approve areas and projects requiring research by the institutions or eminent scholars, researchers, experts. It shall invite research proposals from the institutions, eminent scholars, researchers and experts in a manner as may be approved by the Governing Body.

3. The Governing Body shall constitute a committee to scrutinize the proposals, evaluate the credentials of the researchers, approve funding, monitor the progress of work undertaken by the concerned individual or agency and approve the final report.

(g) Fund Management Window

1. The Governing Body shall allocate 2.7% share of income generated on the Fund to the Fund Management Window, which shall be expended for the purposes specified in clause (f) of rule 10 of the AJDF Rules.
2. The amount of the Fund shall be expended as per budget of the Fund Administration or otherwise approved by the Governing Body.
3. The amount allocated to this Window shall be kept in a separate Bank account to be operated jointly by the Secretary and the Deputy Secretary of the Fund.

6. Utilization of Initial Grant

1. The initial grant of rupees fifty eight million provided to the Commission by the Federal Government and income generated from the investment of the principal amount of the Fund thereby shall be utilized for carrying out the functions and duties of the Commission as per given in the schedule.
2. Any future grant, donation or contribution to be made under clauses (b) to (c) of Section 6-A of the Ordinance and the income generated therefrom shall be expended as may be approved by the Commission for purposes as specified under clause (h) of section 6- B of the Ordinance.
3. The accounts of the aforesaid amount shall be maintained by the Deputy Secretary in accordance with the procedure prescribed under the AJDF Rules.

7. Accounts and Audit of the Fund Windows

1. A separate receipt and expenditure account shall be maintained for each category of the Fund Windows by the concerned agency along

with itemized statements on a monthly basis accompanied by receipted invoices, vouchers and other appropriate supporting materials.

2. Within 60 days of close of the first half of each financial year, the accounts of Fund containing copies of income/expenditure statements of that year shall be submitted to the Commission.
3. Within 50 days of the close of the Financial Year, the annual accounts of Fund shall be prepared. The accounts, income and expenditure statements, balance sheet and reports prepared in accordance with the relevant law, rules shall be place before the Commission. The Commission shall consider the accounts of the fund in its meeting and approve them.
4. The internal audit of the Fund shall be conducted annually in accordance with the relevant law, rules or by-laws of the Federal Government.
5. The Secretary or the Deputy Secretary with the approval of the Secretary may inspect the account of the Fund Windows maintained by the agencies concerned.
6. The accounts of the Fund including the income and expenditure statement and the balance sheet shall be audited by the Auditor General of Pakistan.

Schedule
(see para 6)

S/n	LJC Functions under section 6 of the Ordinance	AJDF Windows/ Objects	% Share from \$ 1 million
1.	• Carrying out a regular and systematic review of the statutes and other laws of the land, with a view to improving/modernizing laws for bringing them in accord with the changing needs of the society.	<i>Judicial and Legal Research Fund</i>	4.5 %
		<i>Projects in the Underdeveloped Provinces & Regions</i>	3 % of total 10%

	<ul style="list-style-type: none"> • Removing inconsistencies between Federal and provincial laws; • Arranging the codification and unification of laws, so as to eliminate multiplicity of laws on the same subject; 		
2.	<ul style="list-style-type: none"> • Simplifying laws for easy comprehension and suggesting measures to make the society law-conscious; • Preparing an operating schemes for access to justice, legal aid and protection of human rights 	<i>Legal Empowerment Fund</i>	13.5%
		<i>Projects in the Underdeveloped Provinces & Regions</i>	3 % of total 10%
3.	<ul style="list-style-type: none"> • Introducing reforms in the administration of justice; • Adopting simple and effective procedure for the administration of laws to ensure substantial, inexpensive and speedy justice; 	<i>Judicial Development Fund</i>	60.3%
		<i>Projects in the Underdeveloped Provinces & Regions</i>	4 % of total 10%
4.	<ul style="list-style-type: none"> • Recommending improvements in the quality/standard of legal education 	<i>Fund for Innovation in Legal Education</i>	4.5%
5.	<ul style="list-style-type: none"> • Taking measures for developing human resources for efficient court administration and management of case flow; 	<i>Federal Judicial Academy window</i>	4.5%
6.	<ul style="list-style-type: none"> • Managing the access to justice development fund 	<i>Fund Management window</i>	2.7%

[F.14/198/2003-LJCP-(A-I)]

SECTION-II
National Judicial Policy Making Committee

C.No. 1(9-2)

**THE NATIONAL JUDICIAL (POLICY MAKING)
COMMITTEE ORDINANCE, 2002**

ISLAMABAD THE 9TH OCTOBER, 2002

F.No. 2(1)/2002- Pub.- The following Ordinance promulgated
by the President is hereby published
for general information :-

ORDINANCE NO. LXXI OF 2002

**AN
ORDINANCE**

To provide for National Judicial (Policy Making) Committee

WHEREAS it is expedient to provide for National Judicial (Policy Making) Committee for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement:-** (1) This ordinance may be called the National Judicial (Policy Making) Committee Ordinance, 2002.

(2) It extends to whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions:-** In this Ordinance, unless there is anything repugnant to the subject or context,

(a) "Commission" means the Law and Justice Commission of Pakistan established under the Law

and Justice Commission of Pakistan Ordinance 1979 as amended;

- (b) “Committee” means the National Judicial (Policy Making) Committee established under section 3;
- (c) “Chairman” means the Chairman of the Committee; and
- (d) “Fund” means the fund established under the Law and Justice Commission of Pakistan Ordinance, 1979, as amended.

3. **Establishment of National Judicial (Policy Making) Committee:-** There shall be a National Judicial (Policy Making) Committee headed by Chief Justice of Pakistan, who shall be the Chairman of the Committee, and comprising the Chief Justice, Federal Shariat Court and Chief Justices of []¹ High Courts as its Members.

4. **Functions of the Committee:-** The Committee shall coordinate and harmonize judicial policy within the court system, and in coordination with the Commission, ensure its implementation. The Committee shall also perform the following functions, namely:-

- (a) improving the capacity and performance of the administration of justice;
- (b) setting performance standards for judicial officers and persons associated with performance of judicial and quasi judicial functions;
- (c) improvement in the terms and conditions of service of judicial officers and court staff, to ensure skilled and efficient judiciary; and
- (d) publication of the annual or periodic reports of the Supreme Court, Federal Shariat Court, High Courts and courts subordinate to High Courts and Administrative Courts and Tribunals.

5. **Finances:-** The Commission shall, from its Fund, provide finances to the Committee for the discharge of its functions under this Ordinance.

6. **Constitution of sub-committee:-** The Committee may constitute sub-committees consisting of its one or more Members, as it deems fit, and may assign them any matter relevant to the functions of the Committee.

¹ The words “four provincial” stands omitted vide National Judicial (Policy Making) Committee (Amendment) Act, 2014

7. **Reports:-** The committee shall publish annual report of its activities and such other periodic or special reports relating to its functioning as it deems fit. The reports shall be submitted to the President of Pakistan.

8. **Secretariat assistance:-** Secretariat assistance to the Committee shall be provided by the Secretariat of the Commission and Secretary of the Commission shall act as the Secretary of the Committee.

9. **Power to make rules:-** The Committee may make rules of procedure for conduct of its business and discharge of its functions.

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CHAPTER-X FINANCIAL MANAGEMENT

SECTION-I

RELEVANT PROVISIONS OF HIGH COURT RULES & ORDERS & OTHER RELATED LAWS

C.No. 1(10-1)

CIVIL COURTS ACCOUNT

Responsibility of Judicial Officers for supervision --The institution of the Local Audit Department does not relieve officers of the duty of supervising Nazirs, cashiers, or other clerks in regard to their fiduciary duties connected with the attachment and sale of property, the expenses of witnesses in civil and criminal cases, the disposal of unclaimed property and fines, and the receipt and disbursement of sums paid into Court in execution of decree and miscellaneous civil and criminal proceedings without any sort of check or control on the part of the Judicial Officers who are primarily responsible for the due performance by them of these duties. (Volume-II, Rule-1, Chapter-8, High Court Rules & Orders)

Periodical Inspection of accounts. Instruction regarding Pecuniary transaction—Controlling Judicial officers are required periodically to inspect, in a thorough manner, the various registers and accounts maintained by nazirs, cashiers or other clerks; and every officer presiding over a Court (Whether civil or criminal) is further required to have all pecuniary transactions conducted under his personal direction and attested by himself. . (Volume-II, Rule-3, Chapter-8, High Court Rules & Orders)

Checking of registers relating to pecuniary transactions by the presiding officers.--

In order to ensure careful examination of the accounts kept at the courts at headquarters as well as at tehsils, every officer presiding over a court (whether civil or criminal) should examine and check the registers of his court relating to pecuniary transactions and the custody of property, frequently and at least once a month, and should enter his initials and the date, after the last entry found in them. In discharging this duty, it is necessary to have each entry verified by the voucher which has been attested by the Judge and which is required to be placed on the record of the case to which the entry relates. . (Volume-II, Rule-4, Chapter-8, High Court Rules & Orders)

Special attention towards state of registers and accounts of Nazirs.--

The state of the registers and accounts of Nazirs, etc., should receive special notice in the reports of inspecting officers. . (Volume-II, Rule-5, Chapter-8, High Court Rules & Orders)

Pecuniary transactions with litigants should be taken up thrice a day.--

(a) For purposes of pecuniary transactions with litigants in respect of the Sheriffs Petty Accounts and Civil Court Deposit Accounts, the rules for which are given respectively in parts D and E of this Chapter, the Officer-in-charge of the Nazarat or the Presiding Officer of the Court as the case may be, should interrupt his court work daily three times at fixed hours in order to dispose of all pecuniary transactions.

(b). **Public notice as to monetary transactions in Court.--** Notices in English and Urdu should be posted on the Court's notice-board warning litigants in respect of deposits in the Sheriffs Petty Accounts and in the Civil Court Deposit Accounts (cash system) that--

- (a) money should only be paid in the presence of the Officer-in-charge of the Nazarat or the Presiding Officer of the Court, as the case may be;
- (b) incomplete receipts should be guarded against; and
- (c) Receipts are not valid unless signed by the Officer-in-charge of the Nazarat or the Presiding Officer of the Court, as the case may be.

In Courts in which the Civil Court Deposit Accounts (voucher system) is applicable, the notices should warn litigants that money will only be deposited by themselves in the local Treasury on challans given to them by the Court and that the receipts are not valid unless signed by the Treasury Officer.

. (Volume-II, Rule-6, Chapter-8, High Court Rules & Orders)

Every Government officer should realize fully and clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part and that he will also be held personally responsible for any loss arising from fraud or negligence on the part of any other Government officer to the extent to which it may be shown that he contributed to the loss by his own action or negligence. (Rule 23 General Financial Rules)

APPENDIX 2

(See rule 23)

INSTRUCTIONS FOR THE DISPOSAL OF CASES OF LOSSES ETC.

1. The cardinal principle governing the assessment of responsibility is that every public officer should exert the same vigilance in respect of public expenditure and public funds generally as a person of ordinary prudence would exercise in respect of the expenditure and the custody of his own money. While the competent authority may, in special cases condone an officer's honest errors of judgment involving financial loss, when the officer can show that he has acted in good faith and done his best up to the limits of his ability and experience, personal liability must be strictly enforced against all officers who are dishonest, careless or negligent in the duties entrusted to them.

2. It is of the greatest importance to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularity, etc. Should the administrative authority require the assistance of the Accountant General in pursuing the investigation, he may call on that officer with all vouchers and other documents that may be relevant to the investigation; and if the investigation is complex and he needs the assistance of an expert to unravel it, he should apply forthwith for the assistance to the Government which will then negotiate with the Accountant General for services of an investigating staff. Thereafter, the administrative authority and the audit authority will be personally responsible, with their respective spheres, for the expeditious conduct of the enquiry.

3. As soon as a reasonable suspicion arises that a criminal offence has been committed, the senior officer of the Ministry/Department etc., concerned, present at the station, shall report to the Special Police Establishment and if there be no officer of the Special Police Establishment at the station, to the nearest Police Station, full facts of the case for necessary action. A copy of the report made to the Police shall always be sent to the nearest Officer of the Special Police Establishment. The S.P.E. or the Police as the case may be shall proceed into the matter in conformity with the Law, Rules and Instructions on the subject.

Whenever a case is thus reported to the Special Police Establishment or the Police, the senior officer of the Department concerned present in the station will see that all witnesses and documents are made available to the investigating officer and associate with the investigating

officer an officer of the Department who is not personally concerned with the irregularity, leading up to the loss, but who is fully cognizant of the rules and procedures of the office in which the loss has occurred. The Police have statutory powers to demand the record concerned and the fullest cooperation should be extended to them by the Ministry/Department, etc., concerned, in this regard.

4. (i) If, after investigation, the Special Police Establishment or the Police considers the case to be fit for prosecution in a court of law, it will take all necessary steps in that direction and shall keep the Ministry/Department concerned suitably informed of the progress of the case.

(ii) When the case is put into court by the Police, the senior officer of the Department concerned present at the station, will see that all witnesses serving in the Department and all documentary evidence in the control of the Department are punctually produced and will also appoint an officer of the Department (preferably the officer who attended the investigation) to attend the proceedings in court and assist the prosecuting staff.

(iii) If any prosecution results in the discharge or acquittal of any person or in the imposition of sentence which appears to be inadequate, the senior officer of the Department concerned will at once consult the District Magistrate as to the advisability of instituting further proceedings in revision or appeal, as the case may be, and if the District Magistrate is of the opinion that further proceedings are necessary, will request him to proceed as he would in any other case. Appeals against acquittal may be made only under the orders of Government.

(iv) If it is considered that Departmental action will be suitable, the Ministry/Department concerned will be informed accordingly. The Special Police Establishment or the Police shall supply to the authority concerned all available material which could be of use in the Departmental enquiry and will also otherwise help in the enquiry to the extent possible. The Ministry or the Department, as the case may be, shall intimate the result of the departmental enquiry to the Ministry of Interior and the Special Police Establishment.

5. In the institution of departmental proceedings, the following points should be kept in view: □

- (i) In case where loss is due to delinquencies of subordinate officials and where it appears that this has been facilitated by laxity of supervision on the part of a superior officer, the latter should also be called strictly to account and his personal liability in the matter carefully assessed.
- (ii) The question of enforcing pecuniary liability should always be considered as well as question of other forms of disciplinary action. In deciding the degree of an officer's pecuniary liability, it will be necessary to look not only to the circumstances of the case but also to the financial circumstances of the officer, since it should be recognized that the penalty should not be such as to impair his future efficiency.

In particular, if the loss has accrued through fraud, every endeavor should be made to recover the whole amount lost from the guilty persons, and if laxity of supervision has facilitated the fraud, the supervising officer at fault may properly be penalized either directly by requiring him to make good in money a sufficient proportion of the loss or indirectly by reduction or stoppage of his increments or pay.

It should always be considered whether the value of Government property or equipment lost, damaged or destroyed by the carelessness of individuals entrusted with their care (e.g. a policeman's rifle, a touring officer's tent, a factory motor lorry, and engineer's instruments) should not be recovered in full up to the limit of the Government servant's capacity to pay.

- (iii) Steps should be taken to ensure that a Government servant concerned in any loss or irregularity which is the subject of any enquiry, is not inadvertently allowed to retire on pension while the enquiry is in progress; and accordingly, when a pensionable Government servant is concerned in any irregularity or loss, the authority under whom he is employed should immediately inform the Accountant-General responsible for reporting on his title to pension and the authority competent to sanction pension and it will be duty of the latter to make a note of the information and to see that pension is not sanctioned before either a conclusion is arrived at as regards Government

servant's culpability, or it has been decided by the sanctioning authority that the result of the investigation need not be awaited.

- (iv) The fact that the Government servants who were guilty of frauds or irregularities have been demobilized or have retired and have thus escaped punishment should not be made a justification for absolving those who are also guilty but who still remain in service.

6. (i) The senior officer of the department concerned present in the station will see that prompt reports are submitted to the Government through the usual channel regarding:-

- (1) The commencement of a police investigation;
- (2) The decision to prosecute in any particular case;
- (3) The result of any prosecution;
- (4) The decision to proceed further in revision or appeal in any case; and
- (5) The result of any proceedings in revision or appeal.

- (ii) Notwithstanding anything contained in the above instructions, the senior officer of the Department concerned present in the station may, if he thinks fit, refer any matter through the usual channels for the orders of the Government before taking action.

7. In all cases of fraud, embezzlement or similar offences, departmental proceedings should be instituted at the earliest possible moment against all the delinquents and conducted with strict adherence to the Rules. There is no legal bar to the holding and finalizing of such proceedings even against a Government servant who is being prosecuted in a criminal court also. It must, however, be specifically considered whether the conduct of departmental proceedings against any of the delinquents, side by side with the criminal proceedings, is likely to have the effect of impeding the course of justice or of prejudicing the trial, in which case the departmental proceedings should be deferred till the termination of criminal proceedings. If the accused is convicted by the court, the departmental proceedings again should be resumed and formally completed. If the accused is not convicted, the departmental proceedings against him may be dropped, unless the authority competent to take disciplinary action is of the opinion that the facts of the case disclose adequate grounds for taking departmental action against him. In either case, the proceedings against him may be dropped, unless the authority

competent to take disciplinary action is of the opinion that the facts of the case disclose adequate grounds for taking departmental action against him. In either case, the proceedings against the remaining delinquents should be resumed and completed as soon as possible after the termination of proceedings in court.

8. The following supplementary instructions should be followed by departmental officers wherever prosecutions in the criminal courts are, or are likely to be, necessary:-

- (i) As soon as a reasonable suspicion arises that a criminal offence has been committed, the senior officer of the department concerned present in the station will report to the Deputy Director, FIA, and/or the District Magistrate concerned and ask for a regular police investigation under the Code of Criminal Procedure, 1898, as adopted in Pakistan.
- (ii) If it is decided to prosecute, the departmental representative will ascertain from the prosecuting officer whether, having regard to the engagements of the prosecuting staff, and the state of work in the court which would ordinarily hear the case, it is necessary to move the District Magistrate, or the authority concerned, to make special arrangements for a speedy trial, and will request the prosecuting officer to make any application that he may think necessary.

C.No. 2(10-1)

AUDIT

It is the duty of every departmental and controlling officer to see that the Accountant General is afforded all reasonable facilities in the discharge of his functions and furnished with the fullest possible information for which he may asked, for the preparation of any account or report, which is his duty to prepare. No such information nor any books or other documents to which the Auditor-General has a statutory right of access may be withheld from the Accountant-General (Para 17 of General Financial Rules).

The Sheriffs Petty Account, the Civil Courts deposit Accounts (Cash System), the Copying Agency Accounts (District & Sessions Judges Courts) and the Accounts of Property made over to the Nazir for custody, will be audited as far as possible once a year under the orders of the Accountant General by the Examiner, Local Fund Accounts or the Examiner, outside

Audit department as the case may be and a staff of peripatetic auditor (Rule-1, Part-B, Chapter-VIII-B of High Court Rules and Orders).

Presiding Officers of Courts should cause to be placed at the disposal of the Auditors all Accounts registers, documents, etc, as well as any subsidiary papers which may be required by the Audit Officers (Rule-2, Part-B, Chapter-VIII-B of High Court Rules and Orders).

The result of Audit will be communicated in printed or typed audit and inspection notes to the Courts concerned, to the District & Sessions Judge and to the High Court (Rule-3, Part-B, Chapter-VIII-B of High Court Rules and Orders).

Presiding Officers of Courts, the Senior Sub-Judge where he is the immediate controlling officer, and the District & Sessions Judge should deal promptly with these Audit and Inspection notes. The action taken should be recorded on an interleaved copy or on the margin of notes. Copies of these annotated notes should be forwarded to the Examiner, Local Fund Accounts or the Examiner, outside Audit Department as the case may be and to the High Court through the immediate controlling officers, if any, and the District & Sessions Judge; and the copy should also be kept and produced for the information of the inspecting officer. The objections statement which accompanies the Audit and Inspection note should, after the objections recorded therein have been replied to, be kept and put up before the Auditors at their next visit (Rule-4, Part-B, Chapter-VIII-B of High Court Rules and Orders).

Whenever an embezzlement, loss of property, fraud, or grave irregularity likely to lead thereto, is discovered, inquires shall be instituted at once by the Presiding Officer of the Court and at the same time a report made to the High Court through the immediate controlling officer, if any, and the District & Sessions Judge [Rule – 5 (a), Part-B, Chapter-VIII-B of High Court Rules and Orders)].

In submitting final reports, the following points will be reported on to the High Court:

- (1) The exact nature of the defalcation.
- (2) The full extent of the loss.
- (3) The actual period covered by defalcation.
- (4) The defects in or neglect of rules by which loss was rendered possible and the circumstances which facilitated the defalcations.

- (5) The name of the officials held personally or technically directly or indirectly, and wholly or partly responsible for the loss and irregularities committed, and the disciplinary actions or proposed to be taken against each.
- (6) Whether the case has been tried judicially or not, and if not, why? If so, three copies of the judgement should be forwarded.
- (7) The remedial measures adopted as safeguards against recurrence of such defalcation or irregularities.
- (8) The prospects of recovery of the loss.

[Rule-5 (b), Part-B, Chapter-VIII-B of High Court Rules and Orders)].

With the exceptions noted below, any loss of public money, departmental revenue or receipts, stamps, opium, stores or other property held by or on behalf of Govt, caused by defalcation or otherwise, which is discovered in a treasury or other office or department, should be immediately reported by the officer concerned to his immediate official superior as well as to the Accountant-General, even when such loss has been made good by the party responsible for it. Such reports must be submitted as soon as a suspension arises that there has been a loss; they must not be delayed while detailed inquiries are made. When the matter has been fully investigated, a further and complete report should be submitted of the nature and extent of the loss, showing the errors or neglect of rules by which loss was rendered possible and the prospects effecting a recovery (Para-20(1) of the General Financial Rules).

If the irregularity be detected by Audit in the first instance, the Accountant-General will report it immediately to the Administrative Authority concerned, and if he considers necessary, to Govt as well (Para-20(2) of the General Financial Rules).

Exception – 1.....

Exception – 2: Petty cases, i.e. cases involving losses not exceeding rupees 200 each, need not be reported to the Accountant General unless there are in any case, important features which merit detailed investigation and consideration.

The officers receiving a report submitted to him under para 20 must forward it forthwith to Government through the usual channel with such comments as may be considered necessary. He should also submit a detailed report, after completing such departmental investigations as may be necessary or expedient on the causes or circumstances which led to the defalcation or loss,

the steps taken to prevent its recurrence and the disciplinary or any other action proposed as regards the person responsible (Para 21 of GFR)

RULES FOR THE MAINTENANCE OF ACCOUNTS IN REGARDS TO SUM DEPOSITED IN COURTS UNDER SECTION 31(2) OF THE LAND ACQUISITION ACT AS COMPENSATION PAYABLE TO PERSONS WITH RESTRICTED POWERS OF ALIENATION, ETC.

1. Money paid under section 31 of the Act to be deposited in the Treasury – money paid into the District Courts under section 31 of the Land Acquisition Act, must be legged into the Treasury as a Revenue or Civil Court deposit under the rule applicable to such deposits, until its investment as required by section 32 *ibid*.
2. **Register of such deposits to be maintained:--** A Register shall be maintained in each District Court to show the receipt and disposal of deposits made therein by a Land Acquisition Office under Section 31(2) of the Land Acquisition Act on behalf of minors, widows, and any other person to whom the deposits cannot be paid on disposal of the case.
3. **Contents of the Register:--** This register shall contain particulars as to the name of each person to whom compensation is payable, the case, the amount and the final disposal thereof either by investment or by payment to guardian or purchase of land, etc.
4. **Procedure for disposal of money deposited:--** After the deposits are made and brought on the register, the Court shall be proceed to take action in regard to the investment or disposal of money deposited in accordance with the instruction contained in the Section 32, 33 and 34 of the Land Acquisition Act.
5. **Account to be opened when money is invested otherwise than in the purchase of land:--** When the money is invested otherwise than in the purchase of land an account in the ledger form should also be opened for the person on whose behalf the money is invested to show payment of interest and final disposal.

SECTION-II SHERIFFS' PETTY ACCOUNTS

C.No. 1(10-2)

- 1. Items included.--** Sheriffs' Petty Accounts relate to sums received by Officers-in- charge of process serving agencies and intended for immediate disbursement. The majority of such items consist of diet money for witnesses, and also include such items as expert fees or commission fees. A detailed list of items which may properly be included in these accounts is given in Schedule A to these rules. No item should be deposited in this account if it should under other rules be credited direct to Revenue Heads.
- 2. Accounts to be sent to Treasury daily and at the close of the month. --** The sums so received being petty, and the money being intended for immediate disbursement, these items form an exception to the general rule which forbids the appropriation of receipts to expenditure. The [Nazir] or Cashier is allowed to receive the money in cash, without remitting it to the Treasury and to make payments out of the money in his hand. A limit is, however, imposed, and the Officer-in-charge must remit the surplus to the Treasury whenever the balance in his hand exceeds a certain amount. He should also remit to the Treasury the total balance in his hands on the last working day of the month *[(See rule 35)]. In respect of these balances the Treasury acts merely as a banker, and the full responsibility for maintaining detailed accounts rests with the Officer-in-charge of the agency.
- 3. Registers. --** (a) A detailed list of the registers and forms to be maintained in the agencies is given in schedule B to these rules; and specimens of the registers and forms are also reproduced there. There are two principal registers of receipts and of disbursement known as "Register of Receipts" and "Register of Disbursements". There is also a "Cash Book".

(b) **How entries in the Register of Receipts are to be made. Progressive totals and balances. --** The "Register of Receipts" is in itself complete and should be confined to money received either in cash or by money order. The entries in the register should be made strictly in the chronological order of receipts as they occur, i.e., the number of receipts issued should be serially noted in column 2 of the register. Whenever any entry of disbursement is made in the "Register of Disbursements" the item is again entered in the "Register of Receipts" against the original deposit, with a view to guard against improper disbursements. Progressive totals of daily receipts should be made beneath the daily total and continued till the end of the month. From the monthly progressive total the total payment as per

the "Register of Disbursements" is to be deducted to arrive at the net balance at the end of each month, which should be carried forward from month to month to work out the progressive net balance at the end of the year. This balance should agree with the total of the balances appearing in the treasury and cash columns in the "Cash Book" (vide sub-paragraph (d) below). An analysis of the outstanding balances at the end of each month should also be prepared in the remarks column of this register. The balance for each month going back to the three complete financial years should be worked out separately from the "Register of Receipts" and the total of the items thus worked out proved with the balance in the "Cash Book."

- (c) **Progressive totals of payments.** -- Similarly, the "Register of Disbursements" is complete and should be confined to a daily record of payments to entitled payees. The daily entries should be totaled up and the progressive totals of daily payments should also be made beneath the daily total till the end of the month.
- (d) **Cash Book.** -- (i) The daily entries of receipts in the "Register of Receipts" and of payments in the "Register of Disbursements" will be carried to the "Cash Book" in the cash column the closing balance of the previous month being noted as opening balance of the next month on the first day of that month. Payments into and withdrawals from the Treasury should be accounted for in this "Cash Book" in the manner described below.
- (ii) **Entries in Cash Book of payments into and withdrawals from Treasury.**-- When the amount is paid into the Treasury an entry will be made on the payment side in the column "cash" and a per contra entry will be made on the receipt side in the column "treasury". Similarly, when money is drawn from the treasury an entry will be made on the payment side in the column "treasury" and a per contra entry will be made on the receipt side in the column "cash". Progressive balance on each day should be struck under the signatures of the "Officer-in-charge".
- (iii) **Comparison of Cash Book with Treasury Pass Book.**-- At the close of the month, there will be no cash balance in the hand of the Nazir. The balance with the treasury as per (Treasury column) cash book should be worked out and agreed with the balance as shown in the Treasury Pass Book.
- 4. Duties of the Officers-in-charge.**-- The principal financial duties of the Officer-in- charge of an agency may be briefly summarized:-
- (i) to see that all sums received are brought to account in the "Register of Receipts";

- (ii) To see that no payments are made except against deposits shown in the "Register of Receipts" ;
- (iii) To verify the balance by frequent physical verification of the cash balance in the agency and by comparison of the treasury balance shown in the "Cash Book" of the agency with that shown in the "Treasury Pass Book"; and
- (iv) To see that remittances into and withdrawals from the Treasury when required are promptly and correctly made.

If these duties are properly carried out, there should be no risk of defalcation and any clerical error in the accounts should be immediately detected.

5. Personal Ledger Account in the Treasury. -- In respect of the balance remitted thereto the Treasury maintains a Personal Ledger Account in the name of the agency concerned the working of which is described in detail in section IX of these rules.

6. Proper forms and registers to be maintained.-- No books of account other than those prescribed may be maintained, and no change may be made in the existing forms of the registers, without the sanction of the High Court in consultation with the Accountant-General. If for any reason additional registers are found necessary, however, the Officer-in-charge of an agency should not hesitate to apply for permission to introduce them.

It has been frequently noticed in the course of inspection that the registers in use are not in the proper form but are either out of date, or are in a form intended for use only in Treasuries. Every effort should be made to obtain the proper forms.

7. Money orders Intermediate Register.-- Whenever money is received by money order, the Nazir must first enter particulars to identify the transaction in the "Court's Intermediate Register". The Officer-in-charge of the agency or in his absence another Judicial Officer empowered in this behalf by the District Judge will then both initial the "Intermediate Register" in respect of the transaction and sign the money order receipt before handing over the receipt to the postman and the money with the money order coupon to the Nazir for further disposal. Such an officer must see that all items in the "Intermediate Register" are cleared by transfer entries to the appropriate "Registers of Receipts" on the day of receipt if possible or the next morning and initial both the "Intermediate Register" and the "Register of Receipts" in verification of this having been done by the Nazir.

AGENCIES

- 8. Classes of Agencies.--** There are three classes of agencies which are required to maintain Sheriffs' Petty Accounts. The office maintaining these accounts is usually known as the Nizarat. The three classes are as follows:-
- (i) The principal process serving agency at the Headquarters of the district. This deals with processes received from Civil and Criminal Courts. This agency is under the control of the Senior Civil Judge or the Administrative Civil Judge in the district in which the latter officer has been appointed. It will be referred to as Senior Civil Judge's agency.
 - (ii) The District Judge's agency, in those districts in which the District Judge has been allowed to maintain a separate agency owing to the distance of his Court from the Senior Civil Judge's agency.
 - (iii) Agencies at outlying stations which are under the charge of a Civil Judge.
- 9. Local agent (Civil Nazir)--** The agencies of the District Judge and the Senior Civil Judge are in a subordinate charge of a Naib Nazir and a Civil Nazirs respectively, who receives cash and make payments. In outlying stations these duties are performed by a Naib Nazir. For the sake of simplicity these officers concerned will be referred to in these Rules as the Nazir or local agent.
- 10. Control over agencies. Delegation of duties.--** The principal Judicial Officer in charge of the agency, mentioned in rule 8 is responsible for the prompt and efficient service of all processes received in the agency. The Senior Civil Judge or the Administrative Civil Judge is also responsible for general control of all those agencies other than those of a District Judge. The Senior Civil Judge may under special permission from the High Court delegate certain of his administrative duties either to another Subordinate Judge or to a Registrar. The order of delegation should state exactly what duties have been delegated. In such cases, however, they will still remain responsible for the general supervision. District Judges and the officer incharge of the out-lying agency shall in no case delegate his duties.
- 11. Security. --** (a) Nazirs are responsible in the first instance for the proper upkeep of the accounts and for the security of the cash in their hands. Security is required to be deposited by them and by certain other members of the process serving establishment as laid down in No. XXXV of Rules & Orders Volume I from which the following extracted: -

District Nazir	Rs.500
Civil Nazir(or Departmental Clerk of a Small Cause Court)	Rs.500
Naib Nazir	Rs.200
Judicial Moharir employed as Naib Nazir	Rs.200
Madid Naib Nazir	Rs.100
Execution Bailiff	Rs.500

Note: - Process-servers are not required to furnish security; they, however, are not permitted to have more than Rs. 60 in hand at any time as provided in rule 20 under Section IV of these rules].

(b) **Duties of Civil Nazir.** -- The Civil Nazir is also the head of the process-serving establishment of the district, other than that working directly under the District Judge. His duties are:

- (i) to submit reports relating to the members of the establishment or their duties to the Senior Civil Judge or the Administrative Civil Judge;
- (ii) to arrange for the distribution of processes among process-servers and the transmission of processes to agencies located at tehsils;
- (iii) To see that the prescribed accounts are properly maintained by the staff working under his immediate control; and
- (iv) To prepare correspondence regarding the payment of diet-money of witnesses and other similar matters.

12. Inspection of accounts by inspecting officers. -- District and Sessions Judges when inspecting subordinate courts should invariably inspect the process-serving officer's accounts and note the fact that this has been done in their inspection reports.

Receipts of processes and Deposits by the Agencies

13. Applications for deposit: How to be dealt with.-- When an application involving a deposit in the Sheriffs' Petty Accounts is presented in Court, as for example an application for summoning of witnesses to whom diet money is to be paid, the Court Reader shall note thereon the number of the case, in order to enable the process-serving agent to make the necessary entry in the "Register of Receipts". After the usual orders have been passed and recorded by the Court, the applicant shall tender the amount of his deposit together with the application to the local agent who will fill in columns 1 to 7 of the "Register of Receipts," prepare a "Receipt" in foil and counterfoil on the prescribed form, and issue the foil to the depositor as a receipt for the money deposited after it is signed by the Officer-in- charge.

NOTE: - If the application is for the summoning as a witness of a Government servant, it must state (1) his full official designation, (2) the amount deposited for travelling expenses and (3) the amount deposited for diet-money or subsistence allowance; and these details must be copied into the "Register of Receipts".

- 14. Applications for deposit: How to be dealt with.--** After the serial number of the "Register of Receipts" has been noted on the application by the agent and the usual daily check exercised by the Officer-in-charge, the application should be returned to the Court concerned for record. The counterfoil receipts will be retained by the agent and produced for audit.
- 15. Procedure when a Court is far from the Court of Senior Civil Judge.-** When the Court of a Civil Judge is situated at such a distance from the Senior Civil Judge's Court as to render the frequent transmission of applications to the local agent inconvenient, the Senior Civil Judge or administrative Civil Judge may direct that both applications and money should be received by an official of the Civil Judge's Court and a receipt in foil and counterfoil on the prescribed form prepared by such official and granted to the depositor after it is signed by the presiding officer of the Court. At the end of the day, all such applications together with the money and the receipt counterfoils should be sent to the process-serving agent who will enter the necessary particulars of each application in his "Register of Receipts" and return the applications and the receipt counterfoils to the Court concerned with the number in the "Register of Receipts" of each item noted both on the application and in column 2 of the counterfoil concerned.

Note: - Column 2 of the receipt foil will be blank in these cases.

16. Processes for service within the district to be sent to local agent. -
- All processes issued by Courts for service within the district should be sent to the local agent and should contain a reference to the amount deposited with the local agent.

17. Processes for service in another district. -- Processes issued by a Court for service in another district will be made over to the local agent by the issuing Court for entry in the "Register of Processes received and disposed of by the local agent" and transmission to the Senior Civil Judge or Administrative Civil Judge of the district in which the person to be served resides. The amount deposited with the local agent on account of subsistence and other expenses as noted on the original and duplicate copy of the process will be transmitted by the local agent by postal money order to the Senior Civil Judge or Administrative Civil Judge of the district in which service is to be effected. The cost of the postal money order being borne by the party at

whose instance the process is issued. The Senior Civil Judge of such other district, shall, in the event of the process not being served, return the amount by postal money order less cost of commission on such order.

18. Steps to get back money if process not served.-- Courts issuing processes to other districts should take measures to call for the prompt return of the money remitted on account of processes which have not been served, and such sums after being accounted for in the accounts of the local agent in the usual way should be returned to the person taking out the process, and excluded from the account of the costs of the suit.

Note 1.- Periodical checking of the register to ensure that all sums re unserved processes have been duly received and accounted for.-- To ensure that all sums remitted to other districts on account of processes which have not been served, are duly returned and correctly accounted for, the "Register of processes received and disposed of by the local agent" should, in the case of the agencies of the District Judge and, the Senior Civil Judge, be checked monthly by clerks of courts and quarterly by the Officer-in-charge; and monthly by the Presiding Officers of court in the case of agencies at outlying stations. Where there are more courts than one situated in the same building or in close proximity at outlying stations the Register should be checked by the Senior of the Presiding Officers. The result of these checks should be recorded in the following form:-

"Certified that I have personally checked the entries in the "Register of processes Month of-----received and disposed of by the local agent" for the ----- and am satisfied that quarter ending-----all sums in respect of unserved processes have been duly received and correctly accounted for except as follows: -"

Note 2.- Processes received for service from other districts to be entered in register "Tamil Zillah Ghair."--Processes received for service from other districts are entered in the "Register of miscellaneous proceedings¹, etc., received from other districts and courts," commonly known as the "Tamil Zillah Ghair", and should not be entered in the "Register of processes received and disposed of by the local agent."

19. Service of processes within the jurisdiction of local agent. -- Processes issued by a Court sitting at the headquarters of the district or a tehsil, for service on a person residing within the tehsil, where such Court is situated will be made over to the local agent in charge of the process-serving agency. The local agent will thereupon arrange as follows for payment at the time of service of sums due to persons to whom the processes are addressed.

¹ Registrar "C"

Transmission of processes and money to process-servers

20. Procedure when processes and money are delivered to process-servers. -- Such sums as are mentioned in rule 19 will be given to the process-servers together with the processes, but before this is done the following procedure must be carried out:-

- (a) Each process should be entered in the "Register of processes received and disposed of by the local agent".
- (b) Payment to process-server should be entered in the appropriate column of the "Register of Receipts" against each sum.
- (c) Payment entries should be made in the "Register of Disbursements" and the process-server's acknowledgment of receipt in column 11.
- (d) Details of each sum should be entered in the "Process-server's Note-Book". No process-server should have more than Rs. 60 in hand at any one time.

21. Payment of diet-money to witnesses by process-servers. -- When a Process- server pays the diet-money to a witness he shall take the receipt of the actual payee in column 8 of his note-book as well as on the back of the original copy of the process on which service is endorsed. The payee's acknowledgment should be verified by one or more respectable witnesses, the date and signature of the serving officer being added. This rule may, however, be relaxed in the case of literate persons who can write and sign the acknowledgments but to minimize the risk of misappropriation the courts concerned should ascertain before proceeding with the cases that the witnesses appearing before them are the persons whom the diet- money has been actually paid. In the case of illiterate persons the thumb-marks should invariably be attested as provided in this rule.

22. Procedure when processes are returned served by the process-server. -- The processes whether served or not will be returned to the local agent. If the service is effected and the money connected therewith paid to the payee, the local agent shall verify the service with the acknowledgment of the payee given in column 8 of the process- server's note-book as well as on the back of the original copy of the process, and submit the latter to the court concerned with the usual certificate of service, at the same time filling up columns 12 and 13 of the "Register of processes received and disposed of by the local agent".

23. Procedure when processes are returned unserved. -- In the case of non- service, the undisbursed amount returned by the process-server shall again be entered against a new number in the "Register of Receipts". The

new number in the "Register of Receipts" should be quoted against the original entry in the "Register of Disbursements" and noted in column 10 of the process-server's note-book, column 11 of which should also be signed by the agent in acknowledgment of the money having been received back from the process-server. The process will then be returned to the Court concerned with a certificate of non-service after filling up columns 12 and 13 of the "Register of Processes received and disposed of by the local agent."

Note 1.- Checking of process-servers' note-book. -- With a view to seeing that rules 20 to 23 are complied with, the process-servers' note-books should, in the case of the agencies of the District Judge and the Senior Civil Judge, be checked monthly by the Superintendent and quarterly by the Officer-in-charge; and monthly by the Presiding Officers of Courts in the case of agencies at outlying stations. Where there are more Courts than one situated in the same building or in close proximity at outlying stations the note-books should be checked by the Senior of the Presiding Officers. The result of these checks should be recorded in the following form:-

"Certified that I have personally checked the accounts for the month of/quarter ending and am satisfied that they are correct and in order except as follows:-"

Note 2. Local agent to see that money is duly accounted for in the case of unserved processes. -- When unserved processes are returned to the local agent it shall be the duty of the latter to see that the undisbursed diet-money remitted with the processes is also returned to him and entered in the "Register of Receipts."

Transmission of processes, and money between agencies

24. Processes sent by one agent to another in the same district.-- Processes issued by a Court situated within the limits of one tehsil (whether it be the headquarters tehsil or an outlying one) for service on a person residing within the limits of another tehsil in the district will be made over to the agent at the place where the Court issuing the process sits and such agent will transmit the process (duly endorsed with the amount, if any, which is to accompany the process) by post or (where absolutely necessary) by messenger, to the agent of the tehsil within which service is to be effected after making the necessary entries in columns 1 to 11 of the "Register of processes received and disposed of by the local agent" and the original entry in this register shall be given thereunder.

25. Ditto-- Processes received by one agency from another in the same district will invariably be returned direct to the agent from whom they were received, and he will return them to the Court concerned.

26. Amount to be sent by money order.-- The amount to accompany a process transmitted under rule 24 will, after making the usual entries in the "Register of Receipts" and the "Register of Disbursements" be sent by postal money order to the agent concerned along with the process, the money order commission being recovered from the party at whose instance the process is issued and the money order being addressed to the Officer-in-charge (as defined in rule 8 under section II) of the agency in which the agent works. The said Officer-in-charge shall take delivery of the money order over his own signature in the manner laid down in rule 7 under section 1 and he shall also see that the amount is transferred from the "Intermediate Register" to the "Register of Receipts" on the day of receipt if possible or the next morning. The agent after carrying out the procedure detailed in rule 20 (b), (c) and (d) under Section IV shall cause the process to be served and the amount disbursed to the payee in the same manner as if the process had been issued by one of the Courts of his own agency.

Note 1.- Processes received from other tehsils should be entered in register "Tamil Zillah Ghair". -- Processes received from other tehsils should be entered in the "Register of processes received and disposed of by the local agent" kept by him; they are entered in the "Register of miscellaneous proceedings, etc., received from other districts and courts," commonly known as the "Tamil Zillah Ghair".

Note 2.- Duty of Officer-in-charge to see that money received is brought on to Receipt Register. -- The Officer-in-charge (as defined in rule 8 under Section II) of the receiving agency must satisfy himself that all amounts accompanying a process transmitted under this rule have been brought on to the "Register of Receipts".

27. Procedure in case of non-service. -- In the case of non-service the amount (less money order commission) will be returned by postal money order to the Officer-in-charge of the agency from whom it was received. The said officer shall take delivery of the money order over his own signature in the manner laid down in rule 7 under Section I and he shall also see that the amount is transferred from the "Intermediate Register" to the "Register of Receipts" on the day of receipt if possible or the next morning; such amount will be entered by the agent against a new number in the "Register of Receipts" which number should also be quoted against the original entry in the "Register of Disbursements"

28. Certificate of service or non-service.-- The agent to whom a process is sent for service will invariably return the same, with a certificate of service or non- service, as the case may be, duly endorsed thereon and signed by the

Officer-in- Charge, to the agent from whom he received the process, and the latter will thereupon fill in columns 12 and 13 of the "Register of process received and disposed of by the local agent" and then forward the process to the Court which issued it.

Note: - The certificate of service or non-service should be signed by the Officer-in- charge after satisfying himself of the correctness of the certificate.

REFUND OF DEPOSITS

29. Refund of deposits: Payment order. Undisbursed diet-money to be sent by money orders. -- Any undisbursed balance of a deposit will be paid to the depositor when a refund of the same is claimed by him. In such cases and in all other cases in which undisbursed money has been ordered by the court to be paid to the proper person, the court shall issue a "payment order" in the prescribed form to the local agent, who, after taking the payee's acknowledgment in the space provided for the purpose and making the necessary entries in the "Register of Receipts" and the "Register of Disbursements", will pay the amount due. The number to be quoted on the top of the "payment order" will be the serial number of the transaction in the "Register of Disbursements"

30. Deposits claimed on behalf of a deceased depositor may be paid by the court without the production of the usual legal authority after such enquiry into the right and title of the claimant as may be deemed sufficient. In cases of doubt as to the identity of the claimant and his title to the money, the court should insist on a succession certificate or other authority from a court acting under the Succession Act.

31. Payment order: Renewal and lapsing. -- The Court's payment order referred to in the preceding rule will remain in force for a period of one month. No payment can be made on a lapsed order unless it is renewed in the following manner. On the production of a lapsed payment order the authority which originally granted it may, if satisfied that the person producing it is entitled to receive payment, revalidate the order by the following endorsement: -

Renewed Signed Dated

The fact and date of renewal should be noted on the original departmental record of the Court. These payment orders will be kept in a guard file for audit purposes.

DAILY SUPERVISION OF ACCOUNTS

32. Daily checking of the entries in the Receipt Register. -- At the end of the day the Officer-in-charge of the agency shall compare the entries made in the "Register of Receipts" with the applications and the counterfoils of receipts issued and, after satisfying himself of their correctness, should set his initials against each entry in column 8 of the "Register of Receipts"

33. Daily attestation of entries by Officer-in-charge: Certificate as to correctness of accounts for the period when officer was absent. -- All entries of receipts in "Register of Receipts" and of payments in "Register of Disbursements" and in the payment column of the register receipts should be duly attested by the officer in charge of the agency on the day of transaction before the office is closed for business. If, however, he is absent he should within a week of his return check the accounts and forward a certificate to the District Judge that he has carefully scrutinized the records of all the monetary transactions which took place in his absence and has satisfied himself that they have all been brought to account and that no irregularities have been committed.

34. Money order coupons and payees' postal receipts to be kept in guard file and reference to their number given in proper registers.-- Payee's receipts received through the post office for amounts sent by money orders under Section III, Rule 17, or under Section V, Rules 26 and 27, or under the special orders of the Court, should be pasted in a guard file and a reference to their number in the guard file inserted in column 11 of the "Register of Disbursements". Similarly, coupons of money orders received should be pasted in a separate guard file and a reference to their number in the guard file inserted in column 6 of the "Register of Receipts".

DEALING WITH THE TREASURY

35. Remittances to Treasury. Documents to accompany. -- Whenever during the month the sum in the hand of the agent at the headquarters of a district is Rs.250 or more and that of a Tehsil agent is 130 or more, the surplus over Rs.250 and Rs.130 respectively, shall at once be remitted to the Treasury or Sub-Treasury. Each such remittance shall be accompanied by a memorandum in the form given below and the Treasury pass book and a challan (Stereo A and T Form 192) which will be returned to the agent duly receipted by the Treasury Officer or the Sub-Treasury Officer as the case may be:-

- (1) Balance in hand (if any).
- (2) Withdrawals from Treasury since last remittance.

(3) Deposits received since last remittance. Total	-----
Payments made since last remittance Balance	-----
Amount now remitted to the treasury Balance in hand	-----

At the end of the month the entire amount in the hand of the agent will also be remitted into the treasury or sub-treasury in accordance with the procedure indicated above.

36. Withdrawals from Treasury. -- On the other hand, in the rare cases when the balance in the hand of the Nazir falls below the amount required for immediate disbursement, he will recoup himself by means of a cheque on the Treasury to be signed by the principal Officer-in-charge after he has satisfied himself by personal inspection of the accounts that the withdrawal is necessary.

Note: - The cheque should be sent to the treasury along with the treasury pass book which will be returned to the agency after noting the withdrawals, duly attested by the Treasury Officer. Such withdrawals are in the nature of recoupment of an advance and should not be regarded as the repayment of a particular item by means of payment on the Treasury. The Nazir will remain responsible for individual disbursements.

37. Transactions with Treasury to be entered only in Cash Book. -- Neither the balance paid into the Treasury, nor the amount withdrawn therefrom under the preceding rule, should be shown in the "Register of Receipts" and the "Register of Disbursements". These remittances and withdrawals will be shown only in the "Cash Book" as their effect is to deplete or increase the amount in the hand of the Nazir. These transactions will be shown in the manner prescribed in rule 3 (d) (ii).

38. Duty of Officer-in-charge.-- The principal duties of the Officer-in-charge in this connection are to see that money is promptly remitted to the Treasury whenever the amount in the Nazir's hand exceeds the permissible limit and that no unnecessary withdrawals are made, and also to watch that the balance in the hand of the Nazir, on the last working day of the month, is remitted to the Treasury so that it may be included in the accounts of the Treasury on that day. The monthly balancing of the account should show at a glance whether the Nazir had remitted to the Treasury the amount which he is supposed to have sent and it is also necessary for the Officer-in-charge to satisfy himself that the remittances have been promptly made by reference to the treasury receipts which should be filed in a separate guard file.

TREASURY ACCOUNTS

39. Personal Ledger and Pass Book.-- The Treasury will maintain a Personal Ledger Account in form 44 Civil Account Code [TA-23 of Account Code, Volume II] in the name of each agency dealing with it and will supply the agency with a "Pass Book". The Pass Book should be sent monthly to the Treasury Officer, for verification of the balance shown in it.

40. Entries of gross receipts and gross payments in Ledger and Cash Book--(a) On each occasion that a remittance is made to the Treasury, the gross receipts and gross payments noted in the memorandum prescribed in rule 35 shall be entered in the receipt and payment columns, respectively, of the Personal Ledger Account and the amount actually credited into the Treasury added to the previous balance to arrive at the progressive balance to be shown in column 5¹ thereof. The amount remaining in the hand of the Nazir, at the time of each intermediate remittance should be noted in the remark's column. In addition to being entered in the Ledger Account the gross receipts and the gross payments shall be carried to the receipt and payment side of the Cash Book against the head "Sheriffs' Petty Accounts".

(b) **Entries to be made when amount is withdrawn.** -- In the case of payments made from the Treasury on cheques the progressive balance as shown in column 5 shall be reduced and the amount noted in the remark's column (as amount in the hand of Nazir) in the manner provided in clause (a) above.

(c) **Reconciling difference between the balances as shown in the Treasury's and Accountant's balance sheets.--** As, however, in the case of the intermediate remittances described in rule 35 above the whole of the surplus of receipts over payments is not credited into the treasury, but part remains with the Nazir, as also in cases in which amounts are drawn by cheques from the treasury, it is clear that to enter gross receipts and gross payments in the cash book will result in a difference between the balances as shown in the treasury's and accountant's balance sheets. To reconcile the discrepancy, the amount remaining in the Nazir's hand should be shown separately: -

- (i) in the remarks column of the Personal Ledger Account; and
- (ii) in the accountant's daily balance sheet, the entry in the last being on the same principle as the entry of a sub-treasury balance.

¹ Form TA 22 Account Code Vol.II

The treasury shall continue to show these balances in the balance sheet until the entry is cancelled by a corresponding credit at the treasury at the end of the month.

41. Deduction of lapsed deposits. -- In addition to the gross receipts and gross payments as indicated in rule 40 the other entry in the treasury account will be the annual deduction of lapsed deposits as reported by the agent, the adjustment of which shall be made in the office of the Accountant-General by credit to the Head XLVI-Miscellaneous-Unclaimed deposits. The Treasury Officer will simply reduce the balance of the personal ledger account.

42. Comparison of balances in the books of the agent and the Treasury Pass Book. -- On the last working day of the month the agency will proceed to compare the balance shown in its own books with the balance shown in the "Treasury Pass Books".

Note: - The last working day of the month as referred to in this and the other rules in this Chapter means the last working day on which the accounts of the treasury or sub-treasury, as the case may be, are closed.

43. Working out balance: List of unrefunded lapsed items. -- There will be three balances in the books of the Court. One balance will be struck at the end of the month in the "Register of Receipts" and will show the total amount outstanding from all previous deposits, less the amount which has lapsed to Government. This balance will be made up of two other balances; one will be the balance in cash with the Nazir as shown in the "Cash Book" and the other will be the balance of remittances to the Treasury as shown in the "Pass Book". The comparison of the balance in the "Cash Book" shall be made at the end of each month with the balance shown in the "Register of Receipts" as under: -

Opening balance

Receipts for the month as per "Register of Receipts"

Rs. P. Total -----

Payments for the month as shown in the "Register of Disbursements" (plus lapsed items which will appear in June only)

Closing balance

Details-----

Balance as per "Treasury Pass Book"

Balance in the hand of the Nazir as per "Cash Book" (which should be remitted to the treasury after verification on the last day of the month)

Total -----

At the end of each month the Officer-in-charge of each agency should also prepare a list of unrefunded deposits not lapsed to Government working up

to the balance (including the Treasury balance). The balance for each month going back to three complete financial years should be worked out separately from the "Register of Receipts" and proved with the balance at the end of the month as depicted by the "Cash Book".

44. Physical verification of balance in the hands of the Nazir. -- The balance in the hand of the Nazir should be physically verified by the Officer-in-charge of the agency who should record a note as follows before it is remitted to the treasury: -

"I have myself to-day counted the cash in the hand of the Nazir under the Head "Sheriffs' Petty Accounts" and find that it amounts to Rs. ----- as shown in the Cash Book."

This verification should not only be made monthly, but surprise inspections should also be made at frequent intervals in order to ensure that the Nazir is not using the balance for other purposes during the middle of the month. Inspecting Officer should also check the cash balance by physical verification.

45. Monthly comparison of Nazir's balance with Treasury Pass Book. Certificate. Report to superior officers to be made in case of discrepancy not being reconciled. -- The balance should be checked by the Officer-in-charge with the "Treasury Pass Book" at the beginning of each month and he should record a certificate to the following effect in the "Cash Book": -

"I have to-day compared the Treasury balance as shown in the books of the agency with the balance shown in the "Treasury Pass Book" and I find that they agree."

If any discrepancy is found in the account, the Officer-in-charge of the agency should immediately take steps to have the accounts reconciled, and to see that no error has crept in. If the accounts cannot be reconciled by the middle of the month following that to which the balance relates, the discrepancy must be at once reported to the District Judge who will personally take steps to have the discrepancy reconciled. If the District Judge cannot do this by the end of the month, a report must be sent to the High Court and to the Accountant-General.

46. Difficulties in the working of accounts to be reported to higher authorities. -- Any difficulties which may be found in the working of the accounts as the result of the monthly verification should be reported to higher authorities with proposals for their removal.

LAPSED ITEMS

***[47. Deposits to lapse after three years.** -- Notwithstanding the provisions of Article 206¹, Civil Account Code Volume-I and in partial modification thereof all deposit items relating to Sheriffs' Petty Accounts irrespective of their amounts will remain current for three complete account years and lapsed to Government only on the expiry of that period

48. Statement of lapsed items to be prepared and sent to Treasury Officer at the end of June.-- (a) The Officer-in-charge of an agency shall prepare a statement of lapsed items on Form 29, Civil Account Code² on the last day of the financial year (and strike them off from the register of receipts) by entering them in Column 20 provided for the purpose, the date of lapse being noted below the amount. The total amount of lapsed items as per statement so prepared should agree with the total of outstanding balances prior to three complete account years as shown in the analysis of the outstanding balances in the remark's column of the "Register of Receipts" (vide rule 3 under section 1) and as worked out in the memorandum prescribed in paragraph 43 under Section X. This statement should be submitted to the Treasury Officer on the last working day of June for adjustment under paragraph 41 under Section IX.

- (b) **Certificate by Officer-in-charge on the statement.** -- The Officer-in-charge of an agency shall record on the statement a certificate to the effect that all amounts due to lapse to Government have been included in the statement.
- (c) **One copy of the statement to be kept for audit.** -- One copy of the statement of lapsed items should be kept with the agency for audit on the spot by the Director- General Audit.
- (d) **Reducing of balance by Treasury Officer.** -- The Treasury Officer shall reduce the balance of the Personal Ledger Account by the total amount of lapsed items and shall forward to the Accountant-General the statement in form 29³, Civil Account Code, with the monthly accounts for June.

¹ Now Rule 635 of Treasury Rules Vol-I

² "653--Deposits not exceeding one rupee unclaimed for on whole account year, balances not exceeding one rupee of deposits partly repaid during the year then closing and all balances unclaimed for more than three complete account years shall, at the close of Junr in each year, be credited to the Government. Of deposits and balances thus lapsing, the Treasury Officer will submit to the Accountant General immediately after 30th Junr a list prepared in accordance with the directions contained in the Account Code, Vol.II."

² Now Form T.A 49 of Account Code Volume-II

³ Now Form T.A 49 of Account Code Volume-II

49. Report re lapsed items.—items so lapsed if claimed should only be paid by the Treasury Officer after the necessary sanction of the Accountant General has been obtained on Form 30¹, Civil Account Code.

MISCELLANEOUS

50. Diet-money of Government servants appearing as witnesses.-- Diet-money deposited in these accounts under rule 9 of these rules in respect of Government servants appearing as witnesses in Civil and Criminal cases will not be paid to them, but will be credited in the Treasury to the credit of Provincial or Central Government to which he belongs under the receipt head of the department in which he is employed, or if there is no such head to the head XLVI-Miscellaneous, Central or Provincial as the case may be. Sums deposited for travelling expenses in respect of such servant, who is not entitled to receive such expenses from the Court, will be credited in the Treasury in the same head.

In the case of State of Railway employee, however diet money or the travelling expenses referred to above will be credited in the treasury to the credit of Railway to which he belongs. In order to enable the treasury to credit these sums to the proper receipt heads the following particulars must be noted in the challan with which the sums are credited.

- (1) Name of witness,
- (2) Official designation,
- (3) Department and Government or the State Railway in which he is employed,
- (4) Name of Court in which he appeared,
- (5) Date of hearing,
- (6) Names of parties to the suit.

Note: The Reader of the Court concerned should give timely information to the Civil Nazir that the 'Servant of the state' has attended the Court so that there may be no avoidable delay in crediting the subsistence or travelling allowance into the treasury. As a further safeguard, the reader of the court, should, before the record of a decided case is consigned to the Record Room, attach to it a certificate that the subsistence allowance of all the government servants, who have appeared as witnesses in the case, has been credited into the treasury under the relevant head. The Record-Keeper should not receive any record to which this certificate is not attached.

¹Now Form T.R. 62 read with Rule 638 of The Treasury Rules Volume-I

51. Commission fees to Government Servants. -- The acceptance of commission fees by Government servants is governed by Supplementary Rule 12.

52. Forms of Receipts. -- The forms of "Receipts" will be machine-numbered with a book number and a receipt number on each foil and counterfoil and bound into books each containing 200 forms.

53. Custody and issue and checking of Receipt Books, Cheque Books and note book of process servers. -- "Receipt" books, "Cheque" books and note book of process servers will on receipt by the agency be entered in the "Stock Book of Receipt and Cheque Books" and remain in the personal custody of the Officer-in-charge. Issues will be made by the Officer-in-charge to the Nazir after accounting for such issue in the stock book. The number of Cheque and Receipt forms in each book should, when received, be checked and a certificate to this effect recorded on the cover of each copy.

54. Each page of register and account book to be paged and sealed and number of pages to be counted. -- Each page of every register and book of account shall be paged and sealed, and an endorsement shall be made at the end of such register or book showing the number of pages and signed by the Officer-in-charge.

SHERIFFS' PETTY ACCOUNTS RULES SCHEDULE A

List of items which may properly be included in Sheriffs' Petty Accounts.

- (1) Sums deposited by parties as the expenses of witnesses, fees of expert witnesses, and commission fees, in civil, criminal and revenue cases.
- (2) Deposits of advertisement charges of newspapers in cases of substituted service.
- (3) Sums deposited for immediate disbursement as costs in partition cases (revenue).
- (4) Sums deposited as costs in connection with applications for Probate, Letters of Administration, and Succession Certificates, other than the cost of stamps deposited by applicants, under Act XXXIX of 1925.
- (5) All petty items received for immediate disbursement in full except when they are deposited in courts following the cash system for Civil Court Deposits.

SHERIFFS' PETTY ACCOUNTS SCHEDULE B

List and specimens of registers and forms to be maintained or used in Sheriffs' Petty Accounts.

- (1) Register of Receipts.
- (2) Register of Disbursements.
- (3) Cash Book.
- (4) Treasury Pass Book.
- (5) Receipt Form.
- (6) Register of processes received and disposed of by the Nazir.
- (7) Note-book of process-server.
- (8) Payment Order Form.
- (9) Challan Form.
- (10) Cheque Form.
- (11) Form No. 29, Civil Account Code, Volume-I¹
- (12) Form No. 30, Civil Account Code, Volume-I²
- (13) Stock book of forms of Receipt Books/Cheque Books
- (14) Intermediate register of money orders, etc.,

¹ Now Form T.A 49 of Account Code Volume-II

² Now Form T.R. 62 read with Rule 638 of The Treasury Rules Volume-I

SECTION-III**CIVIL COURTS DEPOSIT ACCOUNTS**

C.No. 1(10-3)

Amounts Included:-- Civil Courts deposits consists of sums which are either paid into Court or paid into the Treasury under the orders of the Court with the intention that they should be paid out again either to the depositor or to a third person and should not be finally credited to the Government until they lapse to Government under Article 206¹, Civil Account Code, Volume I. Civil Court Deposit Accounts related to all deposits other than those which may properly be included in Sheriffs Petty Accounts. The large majority of such items are decretal amounts; a list of other items which may be included in these accounts is given in schedule A to these rules. (Rule 1, Chapter 8, Part-E High Court Rules & Order Volume –II)

Cash and voucher systems. - The system of accounts varies according as the Court is ordinarily permitted to receive and repay deposits in cash or is required to carry out both transactions through the Treasury. These two systems, known as the cash and voucher systems respectively, are described in sections B and C which prescribe the different classes of Courts in which each system is to be followed. The rules given in this section apply to all courts alike. (Rule 2, Chapter 8, Part-E High Court Rules & Order Volume – II)

Bailiffs' note-books and their checking. - In order to watch the return and execution of warrants, etc., entrusted to the Execution Bailiffs and to see on what dates the amounts were realized by them and paid into the Treasury, each Execution Bailiff shall maintain a note-book in the form prescribed in Schedule B to these rules. This note-book shall be printed in Vernacular (Rule 3, Chapter 8, Part-E High Court Rules & Order Volume –II)

Particulars of the warrant to be entered in Bailiff's note-book. - Before a warrant is handed over to the Bailiff for execution its particulars should be entered in columns 1 to 9 of his note book by the Nazir. The remaining columns should be completed by the Bailiff on the Nazir, as the case may be, after the execution of the warrant. (Rule 4, Chapter 8, Part-E High Court Rules & Order Volume –II)

Initial deposit by applicant in Insolvency cases. - Under rule 46 of Chapter 4-B, Rules and Orders, Volume II², the initial deposit made by an applicant

¹ Now rule 653 of Treasury Rules volume 1

² Peshawar High Court Rules & Order, Section-XI, Rule 46

for adjudication as insolvent is to be shown as a deposit under these rules. Insolvency Courts exercising powers of summary administration may also act as receivers of the Insolvents' estate. (Rule 7, Chapter 8, Part-E High Court Rules & Order Volume –II)

Money Orders: Money orders addressed to the Courts must be signed by the Presiding Officer and by no one else except another judicial officer appointed to discharge the duties of the Presiding Officer during temporary absence. It is absolutely forbidden for Superintendent or other ministerial officers to sign them. The Presiding Officer at the time of receiving any money orders, shall first see that the Nazir has entered sufficient particulars thereof to identify the transactions in the "Court's Intermediate Register" and he will then both initial the "Intermediate Register" in respect of the transaction and sign the money order receipt before handing over the receipt to the postman and the money with the money order coupon to the Nazir for further disposal. The money order coupon shall be treated as the depositor's application and the procedure with regard to such applications shall be followed with regard to it. The Presiding Officer must see that all items in the "Intermediate Register" are cleared by transfer entries to the appropriate "Register of Receipts " on the day of receipt if possible or the next morning and initial both the "Intermediate Register and the "Register of Receipts" in verification of this having been done by the Nazir. (Rule 10, Chapter 8, Part-E High Court Rules & Order Volume –II)

Application for deposits: When a deposit is tendered by a depositor in person, he will present an application to the Court. This application will be verified from the judicial record of the case concerned by the Ahlmad and if it is in order, he shall pass it on to the Nazir. The Nazir shall then fill in columns 1 to 7 of the "Register of Receipts" and prepare a "Receipt" on the foil and counterfoil on the prescribed form and he shall also note on the application over his initials the serial number of the entry in the "Register of Receipts". The Nazir shall then produce the depositor and these documents before the Presiding Officer who, if he approves the deposit, shall initial column 8 of the "Register of Receipts", hand over the foil of the "Receipt" to the depositor, and receive the money from him. He shall then pass on the money and the application to the Nazir for further action. If he does not approve the deposit, he shall cancel, over his own signature, the entries which have been made by the Nazir in all these documents including the register. (Rule 14, Chapter 8, Part-E High Court Rules & Order Volume –II)

Deposits by Bailiffs and Court Auctioneers. - When a deposit is made by a Bailiff or a Court Auctioneer, he shall put in a similar application. The receipt will be granted to him, but will show the deposit as made on behalf of the judgment-debtor. Receipts granted to bailiffs will be pasted in their note-books. (Rule 15, Chapter 8, Part-E High Court Rules & Order Volume –II)

Deposit by cheque or Remittance Transfer Receipts. - When a deposit is made through the post by cheque issued by Government Departments or by remittance transfer receipts, the accompanying letter will be treated as the application, and the "Receipt" will be sent to the depositor with an endorsement showing the manner of remittance. The cheque or remittance transfer receipt will be sent to the treasury the same day, the Nazir's accounts being balanced by showing the amount as paid into the treasury in the manner provided for remittances of surplus balances in rules 27 and 28. Particulars of the cheque or R.T.R. shall be entered in the "Intermediate Register" as laid down in Rule 10. (Rule 16, Chapter 8, Part-E High Court Rules & Order Volume –II)

Deposit by money order. - When the deposit is received by money order, the money order coupon will be treated as the application. A "Receipt" will be drawn up and will be attached to the coupon for being placed on the judicial record. All money orders addressed to the Court will be received by the Presiding Officer as laid down in rule 10. (Rule 17, Chapter 8, Part-E High Court Rules & Order Volume –II)

Entry of payments. - All payments made from these deposits shall be entered in the "Register of Disbursements" and also in the appropriate column of the "Register of Receipts" (Rule 19, Chapter 8, Part-E High Court Rules & Order Volume –II)

Mode of cash repayment. - When an application for repayment of deposits is made to the Court, the Nazir shall check the claim with reference to the entry in the "Register of Receipts" and if the balance be sufficient, he shall prepare a "Voucher" (Civil Account Code Form No. 27¹) and have it signed by the Presiding Officer of the Court concerned. He will then take the payee's receipt, duly stamped according to rule 5, and pay the amount out of his current receipts. The payment will be recorded in the "Register of Disbursements" with full details of the original deposit in columns 1 to 3, and a note of the date and the amount of the repayment will be made, at the same time, in the "Register of Receipts" against the original receipt entry. (Rule 20, Chapter 8, Part-E High Court Rules & Order Volume –II)

¹ Now Form T.R. 61 Treasury Rules Volume-II read with Rule 629 Treasury Rules Volume-I

Responsibility of Presiding Officer about repayments. - All repayments of such deposits to the parties concerned shall invariably be made in the presence of the Presiding Officer who will also be responsible for seeing that the amounts are paid to the proper claimants and that the entries made in respect of these transactions in the appropriate registers are duly supported by his initials (as required by Rule 23) before payment is made. (Rule 21, Chapter 8, Part-E High Court Rules & Order Volume –II)

Repayments by cheques.- If the balance of the current receipts is not sufficient to meet a demand, repayment shall be made by means of a "cheque" on the Treasury in favour of the actual claimant, signed by the Presiding Officer, the number and date thereof being endorsed on the "Voucher" (see Rule 20) as follows:-

"Paid by cheque No. _____ dated _____"

(Rule 22, Chapter 8, Part-E High Court Rules & Order Volume –II)

Repayments to be entered in proper registers.- All repayments of deposits, whether made from current receipts or by "cheque" on the Treasury against surplus collections remitted to it, shall be recorded in the "Register of Receipts" and the "Register of Disbursements" as in Rule 20 under the initials of the Presiding Officer. (Rule 23, Chapter 8, Part-E High Court Rules & Order Volume –II)

Instructions to be followed when authorizing payment. - When authorizing payment, the Presiding Officer signing the "voucher" or the "cheque" shall carefully observe the instructions contained in Articles 201, 202, 210¹, Civil Account Code, Volume I, which are summarized as follows:

- (a) A person claiming refund of a deposit must produce an order of the court or authority which ordered acceptance of the deposit; this order the Presiding Officer will compare with the entry in the Register of receipts, and, if the balance be sufficient, he will take the payee's receipt, make payment, and record it at once, under his initials both in the Register of Disbursements from which a daily total is carried to the Cash Book and in that of receipts noting in both also the date and the amount of the repayment.
- (b) In order to avoid the inconvenience and risk which accompany the payment of money upon proceedings recorded in the Urdu languages, and to ensure caution in the issue of such orders, the Government have directed that every order issued by a Court or office for the payment of money from a Government Treasury shall be in English, unless the Presiding Officer

¹ Now Rule 627 (2) 630 & 632 of Treasury Rule Volume-I. See also Section-IV "Civil & Criminal Courts Deposits" Treasury Rules Vol-I

is unacquainted with that language. If the disbursing officer does not understand English, and the officer ordering the payment does, the order for payment shall be both in Urdu and in English.

He will further see that each application for repayment is duly cancelled over his signature so that a second payment cannot be made. (Rule 24, Chapter 8, Part-E High Court Rules & Order Volume –II)

Voucher for cash payment to be stamped "paid."--All vouchers paid by the Nazir out of receipts shall be stamped "paid" by himself. (Rule 25, Chapter 8, Part E High Court Rules & Order Volume –II)

Surplus money to be sent to Treasury by post.- Whenever the amount of deposit in possession of the Court, is in excess of Rs.500 by Rs.10 or more; such excess shall at once be remitted to the Treasury by postal money order, commission being charged to contingencies for which a small advance will be made to the Court by the Senior Civil Judge out of the permanent advance sanctioned for him under Article 93 Civil Account Code Volume-I¹ A memorandum in the form prescribed in rule 35 of the Sheriffs' Petty Account Rules with a challan (Stereo A and T form No. 192) in duplicate shall be dispatched by post to the treasury officer who shall sign it and return one copy of the challan to the Court. The number and date of the challan should be noted on the money order coupon by which money is remitted. (Rule 28, Chapter 8, Part E High Court Rules & Order Volume –II)

Remittance to Treasury by cheque or Remittance Transfer Receipt. - When a deposit is made by cheque issued by Government Departments, or by R.T.R., under rule 16, this should be sent to the Treasury in the manner provided for the remittance of surplus balances in Rules 27 and 28, and will be shown as such in the "Cash Book." **(Rule 29, Chapter 8, Part E High Court Rules & Order Volume –II)**

Balance to be credited in Treasury at the end of the month. - The balance in the hand of the Nazir at the end of the month should be remitted to the treasury so that it may be included in the treasury accounts for that month with a memo, as prescribed in the Sheriffs' Petty Accounts Rules. The date for closing the monthly accounts at the outlying Courts, should be so fixed as to admit of the remittance (made through money order or otherwise) being included in the balance of the treasury on the last working day of the month. The procedure for remittance will be the same as described in rules 27 and 28. (Rule 29-A, Chapter 8, Part E, High Court Rules & Order Volume –II)

¹ Now Rule 288 of the Treasury Rule Volume-I

The Treasury Account will be a personal ledger account. - The treasury account will be a personal ledger account as provided in the Sheriffs' Petty Account Rules, Section IX, and will be verified as provided in Section X of those Rules with the necessary modifications. **(Rule 30, Chapter 8, Part E, High Court Rules & Order Volume –II)**

Register of uncashed cheques. - In order to make the figures shown in the books of the Court agree with the Treasury balance it will be necessary to make a list of uncashed cheques. For this purpose the Court will maintain a "Register of uncashed Cheques" showing all cheques issued during the month, and those which have actually been cashed or adjusted. The latter will be taken from the "Treasury Pass Book." (Rule 31, Chapter 8, Part E High Court Rules & Order Volume –II)

Statement of uncashed cheques to be shown in cash book. - The amounts of the uncashed cheques will be totaled. A statement will then be shown in the "Cash Book" as follows: -

Actual Treasury balance	Rs
Deduct for uncashed cheques	
Balance in hand of	Nazir		
	Cashier		
To be remitted on the last working day _____			
	last day of the month on which		
	the account is closed (In case of outlying Courts)		
	Total	

The last total should agree with the current total balance of the Court.
(Rule 32, Chapter 8, Part E High Court Rules & Order Volume –II)

Mode of supervision. - The daily supervision of accounts will take place exactly in accordance with the Sheriffs' Petty Accounts Rules-Section VII.
(Rule 33, Chapter 8, Part E High Court Rules & Order Volume –II)

Matters requiring special attention of the Presiding Officer. - (i) The Presiding Officer should pay special attention to two matters. He must see that all amounts received by money order are promptly brought to account and he must also see that all cheques and R. T. Rs. are sent to the Treasury as soon as received.

(ii) The Presiding Officer must satisfy himself every day of the correctness of the balance in the "Cash Book."

He should see that-

- (a) the excess amount over the prescribed limit when necessary and the entire amount of cash in the hand of the Nazir on the last working day of the month is positively remitted to the treasury;
- (b) That a reference to the treasury receipt is quoted against the relevant entry in the Cash Book and that the receipt is pasted in a separate guard file.

(Rule 34, Chapter 8, Part E High Court Rules & Order Volume –II)

Applications to be returned to Ahlmad for inclusion with the judicial records. - **After attestation, the applications will be returned to the Ahlmad for inclusion with the judicial records concerned.** (Rule 35, Chapter 8, Part E High Court Rules & Order Volume –II)

As soon as the Registers of a month are closed and the Treasury Pass Book has been received, the Presiding Officer of each Court will submit to the Treasury Officer: -

- (i) Monthly submission to the Treasury of extracts from Register of Receipts. - An extract from the "Register of Receipts" in Form No. Civil Account Code Form No.28¹ which should be written up day to day, so that there may be no delay in sending it at the close of the month.

Note:- At the end of every quarter, the Presiding Officer of the Court shall certify that he has personally and carefully examined the register and that the entries are made with the utmost care and regularity.

- (ii) Monthly submission to the Treasury on list of repayments with payee's receipts. - A list of repayments of deposits made during the month in Form Civil Accounts Code Form No.47² supported by receipts of the payee duly stamped when in excess of Rs. 20. This list will include payments made by the Court under Rule 20 and payment made by the Treasury on cheques under rules 22 and 26, the number of the cheque and the word "Cheque" being noted in columns 4 of the list

Treasury officer will forward the returns cheques paid by him: The returns received from Courts will be transmitted by the treasury officer to the Accountant General in original, the cheques paid by the treasury officer being attached to the returns with a covering list showing the number and amount of each cheque (Rule 37, Chapter 8, Part E High

¹ Now Form T.A 43 Account Code Volume-II

² Now Form No. T.A 44 Accounts Code Volume-II

Court Rules & Order Volume –II)

When amounts lapse. Statement of lapsed items to be sent annually. Lapsed amounts not to be paid by Nazir.- In accordance with the provision of Article 206¹, Civil Account Code, Volume-I and in partial modification thereof all deposits not exceeding five rupees unclaimed for one whole account year, balance not exceeding five rupees of deposit partly repaid during the year then closing and all balances unclaimed for more than three complete account year will, after the close of March in each year be credited to Government by means of transfer entries in the office of the Accountant General. A statement of deposit and balances thus lapsing shall be prepared by the Nazir immediately after the 31st March in each year in Form CAC, Form No.29² and after having being checked by the Presiding Officer, submitted to the Accountant General through the treasury officer. Amounts shown in this statement shall not thereafter be paid by the Nazir. They shall be paid by the treasury with the sanction of the Accountant General according to the procedure laid down in Article 207 & 208³, Civil Account Code Volume-I (Rule 38, Chapter 8, Part E High Court Rules & Order Volume –II)

Clearance register to be sent along with lapsed statement. - Along with the statement of lapses each Court shall also furnish the Accountant-General, through the Treasury Officer, with a list of balances still outstanding of the second preceding year. This list is prepared in Form C.A.C No. 28⁴ after changing its headings and is called the "Clearance Register." The deposits reported for lapse should be excluded from the "Clearance Register". To this "Clearance Register" should also be transferred any items in the last preceding clearance register but one that are for special reasons not allowed to lapse to government while the bulk of the outstanding in it so lapse. (Rule 39, Chapter 8, Part E High Court Rules & Order Volume –II)

VOUCHER SYSTEM

Courts which follow voucher system. - These rules apply to all Civil Courts i.e. they apply to Courts of District Judges, and to all Courts of Civil Judges at the headquarters of a district or at stations where there is a Treasury or a Sub-Treasury. (Rule 40, Chapter 8, Part E High Court Rules & Order Volume –II)

¹ Rule 653 of Treasury Rule Volume-I

² Form No. T.A 49 Accounts Code Volume-II

³ Rule 637 & 638 Treasury Rule Volume-I

⁴ Form T.A 43 Accounts Code Volume-II

Principle of the system explained. - The principle of this system is that laid down in Article 209¹ Civil Account Code Volume-I that is, it is intended that these Courts should neither receive nor pay out money, but that all deposits should be paid into the treasury on documents signed by the Presiding Officer of the Court, and all payments should be made by means of vouchers on the Treasury. (Rule 41, Chapter 8, Part E High Court Rules & Order Volume –II)

Exceptions. - Certain exceptions, however, have to be made in the case of money received by the Court by money order or collected. Special provision for such cases is made in these rules, the principle being that the money must be paid into the Treasury by the Court on the same day. The Presiding Officer is responsible for seeing that this is done. (Rule 42, Chapter 8, Part E High Court Rules & Order Volume –II)

Register of Receipts. - Only one register will be maintained under the Voucher System and that is the "Register of Receipts" which is slightly different from the one maintained for Sheriffs' Petty Accounts and for the Cash System of Civil Court Deposits; it is reproduced in Schedule B to these rules. The important point to bear in mind is that this register is primarily a record of challans and vouchers issued, and not of actual cash transactions. (Rule 43, Chapter 8, Part E High Court Rules & Order Volume –II)

Application for deposit: How to be dealt with. - When a deposit is tendered by a depositor in person, he will present an application to the Court. This application will be verified from the judicial record of the case concerned by the Ahlmad and if it is in order, he shall pass it on to the Nazir. The Nazir shall then fill in column 1 to 7 of the "Register of Receipts" and prepare a "Challan" in duplicate. The Nazir shall then produce the depositor and these documents before the Presiding Officer who, if he approves the deposit, shall sign the Challan in duplicate after initialing the account in column 7 of the "Register of Receipts" and then hand over to the depositor his application and the challan in duplicate and warn him that he must make the deposit and present the three documents at the Treasury himself and must not do so through any Court official. If the Presiding Officer does not approve the deposit, he shall cancel, over his own signature, the entries which have been made by the Nazir in all these documents including the register. The deposits shall, where branches of the State Bank of Pakistan have not been established, be made in the Treasury. The depositors shall submit challan form in triplicate with the application to the Court concerned. After verification and approval by the Court and after the Nazir

¹ Rule 641 of the Treasury Rules Volume-I

has made entries in columns 1 to 7 of the Receipt Register, the challans shall be submitted by the depositor to the Treasury together with the amount for deposit. The Treasury shall retain one copy, give the other to the depositor by way of receipt, and send, on the next day, the third to the court concerned after noting there on the date and number of the entry in the Treasury register. The Nazir shall enter the date and number in the Receipt Register under the initials of the Presiding Officer. The court shall, at the end of every month, prepare a statement of deposit and send it to the Treasury for verification and it shall be returned by the Treasury Officer within a week.

(Rule 44, Chapter 8, Part E High Court Rules & Order Volume –II)

Return of application by the Treasury. -On receipt of the money by the treasury, one copy of the challan will be returned to the depositor duly signed by way of receipt and the other copy will be retained by the treasury. The application will be returned by the treasury to the Court concerned direct after the number and date of the entry in the treasury receipt register (Form No.43 Civil Accounts Code Volume-II) have been noted thereon. (Rule 45, Chapter 8, Part F High Court Rules & Order Volume –II)

Remittance to Treasury of money received by money orders.- When money is received by money order and dealt with in the "Court's Intermediate Register" as provided in rule 10, the Nazir will prepare a formal application and the necessary challan in duplicate, fill in columns 1 to 7 of the "Register of Receipts," and remit the money to the Treasury after the Presiding Officer signs the application and the challans in duplicate, and initials the amount in column 7 of the "Register of Receipts." (Rule 46, Chapter 8, Part E High Court Rules & Order Volume –II)

Deposit by Bailiff or Court Auctioneer. - When money is to be paid in by a Bailiff or a Court Auctioneer, he should be required to pay the money into the Treasury himself as if he were a private depositor. The copy of the challan returned by the Treasury to the Bailiff by way of receipt should be pasted into his note-book.

Note: - When money is realized by a Bailiff on a warrant issued by a Court not situated at the headquarters of the Process Serving Agency to which he is attached the challan will be prepared in triplicate by the Local Process Serving Agent and signed by the Officer in charge of the Agency. On receipt of the money, the treasury will retain one copy of the challan, return the second copy to the Bailiff and forward the third, after noting thereon number and date of the deposit in the books of the treasury, to the local Process Serving Agent for transmission to the Court concerned so that the deposit may be entered in the Register of Receipts maintained

in that Court. (Rule 47, Chapter 8, Part E High Court Rules & Order Volume –II)

Money received to be sent immediately to the Treasury. - All money received under Rule 46 must be paid into the Treasury on the same working day, or on the morning of the next working day if received after the closing hours of the Treasury. (Rule 48, Chapter 8, Part E High Court Rules & Order Volume –II)

The names of both the actual depositor and the person on whose behalf the deposit is made should be entered.- Where money is received either by money order or through a Bailiff or Court Auctioneer, the words "By money order" or "Through Bailiff" or "Through Court Auctioneer" as the case may be, should be entered in column 5 of the "Register of Receipts" beside the name of the person from whom the money is received. The Presiding Officer will then be responsible for checking the Treasury receipt numbers and dates of these items with the challans received back from the Treasury, which should be laid before him on the following day. He should initial column 9 of the "Register of Receipts" in token of this check. (Rule 49, Chapter 8, Part E High Court Rules & Order Volume –II)

Treasury Receipt Number and date to be entered in Receipt Register. - When the application is received back from the Treasury, the Nazir will enter the treasury receipt number and date in column 8 of the "Register of Receipts" and the Presiding Officer will initial column 9 after verification. The application will then be placed on the judicial record of the case by the Ahlmad concerned. (Rule 50, Chapter 8, Part E High Court Rules & Order Volume –II)

Deposits in prohibitory orders issued against salaries of Government and Railway servants. - Deposits in Courts which maintain accounts according to the voucher system in this section, in respect of prohibitory orders issued by them against the salaries of Government servants, railway employees, etc., will be made as follows:-

- (i) Where a Government servant or railway employee, etc., is paid by an office which is situated in a station other than that in which the Court issuing the prohibitory order is located, the salary disbursing office must remit the amount to the Court by postal money order, the postal money order commission being deducted from the amount specified in the attachment order;
- (ii) Where a Government servant or railway employee, etc., is paid by an office which is situated in the same station at which the Court issuing the prohibitory order is located the salary

disbursing office must deposit the amount in the local treasury or sub-treasury as a "Revenue Deposit" on a challan prepared by the salary disbursing office in triplicate; one copy of the challan for record, one copy will be returned by the Treasury Officer to the salary disbursing office as a receipt, and the third copy will be forwarded by the Treasury Officer to the Court issuing the prohibitory order with the number and date of the treasury deposit noted on it to enable the Court to make the necessary entries in its "Register of Receipts" and place the challan receipted by the treasury or sub-treasury on the judicial record of the case.

Presiding Officers of Courts shall endorse all prohibitory orders with clear instruction, that is (i) or (ii) above as the case may be, to guide the salary disbursing offices how to pay into Courts the money attached. (Rule 51, Chapter 8, Part E High Court Rules & Order Volume –II)

Mode of payment. - No separate register for recording repayment of Civil Court deposits will be maintained by the Nazir of the Court. On receipt of an application for the repayment of such deposit, the Nazir or the Court will verify the item from the "Register of Receipts" and put up the application along with the register and the original record, if not already consigned to the record room for orders of the Presiding Officer. After orders for repayment are passed by the latter, the Nazir will prepare a voucher in form "C.A.C. Form No. 27¹," enter the particulars of repayment in the "Register of Receipts" against the relevant item and will get both the register and the voucher signed by the Presiding Officer of the Court concerned. He will then deliver the voucher along with a memo showing brief particulars of payment to the payee for drawing money from the Treasury and place the application and the payee's receipt for the voucher on record. The Treasury Officer will return the memo to the Court after recording thereon the number and date of the Treasury voucher and these particulars should be noted against the entry of payment in the "Register of Receipts" over the signatures of the Presiding officer of the Court.

(Rule 52, Chapter 8, Part E High Court Rules & Order Volume –II)

Duplicate vouchers. - If a second claim is presented for the amount shown in the "Register of Receipts" as paid a duplicate voucher may, if necessary, be issued to the payee after obtaining a non-payment certificate from the Treasury Officer, vide Article 16² Civil Account Code, Volume I. This

¹ Now Form T.R. 61 Treasury Rules Volume-II read with Rule 629 Treasury Rules Volume-I

² Rule 86 of Treasury Rules Volume-I

voucher should be distinctly marked "Duplicate". A note regarding the issue of the duplicate voucher should be recorded against the item in question in the "Register of Receipts" over the initials of the Presiding Officer. (Rule 53, Chapter 8, Part E High Court Rules & Order Volume –II)

Voucher forms should be supplied in book form, stitched and machine numbered. - Vouchers in form C. A. C. Form No. 27¹ are often supplied in unbound form. The Courts should not accept vouchers in form C. A. C. Form No. 27 except in book form stitched and machine-numbered. . (Rule 54, Chapter 8, Part E High Court Rules & Order Volume –II)

Repayment by transfer credit to Government Account. - In the case of repayment to be made by transfer credit to Government account, the voucher will be prepared by the Nazir in the same way as laid down in rule 52 but signed by the Presiding Officer of the Court who should note distinctly on the voucher.

"Received payment by transfer credit to-----" (specifying the appropriate head of account). On receipt of the voucher, the Treasury Officer will make the necessary entries in his account by "debit to deposit" and credit to the head specified in the voucher entering the amount in the relevant receipt schedule. Such vouchers need not be stamped even though the amount involved exceeds Rs. 20.

(Rule 55, Chapter 8, Part E High Court Rules & Order Volume –II)

Returns to be prepared by Treasury Officer. - All returns in connection with the receipt and repayment of deposits for submission to the Accounts Office will be prepared by the Treasury Officer and not by the Nazir of the Civil Court concerned. (Rule 56, Chapter 8, Part E High Court Rules & Order Volume –II)

CIVIL COURTS DEPOSIT ACCOUNTS SCHEDULE A

List of items which may properly be included in Civil Court Deposit Account

1. Money paid into Court by parties in anticipation of judgment.
2. Pre-emption money.
3. Decretal amounts paid in by judgment-debtors or by their superior officers, when their pay is attached, or by other Courts, on attachment of a decree.
4. Amounts realised in execution by Bailiffs or Court Auctioneers.
5. (Insolvency Court only): advertisement charges and realisations

¹ Now Form T.R. 61 Treasury Rules Volume-II read with Rule 629 Treasury Rules Volume-I

- from estates summarily administered.
6. (District Courts only): Compensation for land acquisition deposited by Collector.
 7. Deposits for Court fee in Probate, Letters of Administration, and Succession Certificate cases.
 8. Compensation deposited with District Judges or Civil Judges appointed as Commissioners under the Workmen Compensation Act.
 9. Deposits under the West Pakistan¹ Relief of Indebtedness Act/Ordinance.
 10. Security required by a Civil Court and deposited by a party to a suit.
 11. (District Courts only): Money realised in liquidation proceedings when this is not paid into an account opened by the Liquidator with the State Bank/National Bank of Pakistan.
 12. Any other amount received by a Civil Court in a case and cannot be disbursed immediately, provided that in no case will money be deposited in these accounts which under other rules is straightaway to be credited to Government revenues.

Note: - No Court should receive money unless it is authorised to do so either by law or by the rules of the High Court and in the absence of express authority, and of full particulars, the deposit should be refused, otherwise, difficulties may arise over refunds. All money received must be brought to account. In particular, it should be noted that-

- (i) (the taking of security in cash from subordinate officials is absolutely forbidden; and
- (ii) Guardianship Courts are not allowed to take money into deposit on behalf of minors. Guardians frequently try to deposit money with the Court. They should be required to deposit it with an approved Bank in accordance with the rules on the subject. Other persons should be directed to make payment to the guardian.

¹ Punjab Relief of indebtedness Ordinance 1960 is not applicable to the Khyber Pakhtunkhwa

**SECTION-IV
INSTRUCTIONS**

C.No. 1(10-4)

**COLLECTION OF RENT FROM THE CABINS IN THE PREMISES
OF SESSIONS COURTS.**

I am directed to address you on the subject noted above and to say that the matter was placed before the Administration Committee of this Court on 4.12.2000 for consideration and it was decided that:-

“Henceforth the District and Sessions judges shall collect rent from the cabins in the premises of Sessions Courts in the Province by entering into proper rent agreement with the occupants of such cabins. The rent so collected will be deposited in a distinct account, which will be opened, by respective District and Sessions judges under the “Miscellaneous Head”. The deposits will be available for spending on Misc: needs of the courts of District and Sessions judges and the Courts subordinate thereto. The receipts and expenditures/under the above head of account will be subject to internal audit by the budget and Accounts Branch of the Peshawar High Court”.

(PHC letter No. 9150-71 Dated Peshawar the 11th December, 2000)

C.No. 2(10-4)

CEILING OF THE OFFICIAL TELEPHONE

I am directed to refer to the subject noted above and to say that the Competent Authority has observed a tremendous increase in the expenditure on account of official telephone connections resulting in huge financial liabilities. Keeping in view limited resources of this Court, the trend needs to be arrested at once.

The Competent Authority has, therefore, been pleased to fix Rs.1500/- per month as maximum ceiling (including line rent) for the official telephones, installed for Additional District & Sessions Judge, Senior Civil Judge; and Civil Judges throughout the Province, I am further directed to require you to cause the record of the outgoing calls maintained, for the above-mentioned official telephones, besides taking other necessary steps for the control of expenditure under this head.

(PHC letter No.10207-29/ Dated Peshawar the 19th December, 2003)

C.No. 3(10-4)

ALLOCATION OF FUNDS FOR STATIONERY ITEMS

I am directed to refer to the subject noted above and to say that Hon'ble Chief Justice has taken a strong notice of the fact that stationery items are, at times, provided by litigants to the courts. The reason put forth for justification by the courts is shortage of fund in the relevant head. The Hon'ble Chief Justice has therefore, allocated sufficient amount in the relevant head for the next two months keeping in view the actual demand of each court in the district. The Hon'ble Chief Justice has further issued directions that periodical allocation in the relevant head shall be made without fail so that the need of each court is met out in time. The concerned DDOs are impressed upon to get the requisite supply of stationery items ensured to each and every court. For the purpose each DDO is required to constitute a purchase committee which shall be responsible not only for the purchase of stationery items but for timely supply of the same to the concerned court against the proper signatures of the concerned judicial officer as a token of the receipt of stationery items. The purchase and disbursement record are to be kept by each DDO for audit and inspection purpose.

In future no stationery item shall be accepted from litigants as the same militates against the dignity of judiciary. The amount so allocated shall not be re-appropriated to any other head. The District and Sessions Judges is to distribute this letter amongst all the judicial officers in the district except the Senior Civil Judge.

(PHC letter No.2731-79/Admn Dated Peshawar, 24th April, 2010)

C.No. 4(10-4)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE

I am directed to refer to the subject noted above and to ask to seek prior approval of this Court before raising any construction on land owned by the government or government-controlled institutions, as directed by Hon'ble the Chief Justice, please.

(PHC Letter No. 10399-10422/Admn, Dated 22nd June, 2014)

C.No. 5(10-4)

MINUTES OF THE MEETING OF ADMINISTRATION COMMITTEE HELD ON 06TH FEBRUARY, 2015 at 02:00 PM

With reference to the subject noted above, I am to forward herewith abstract of the minutes of the meeting item No. 10 Peshawar for information and further necessary action, please.

(PHC Letter No. 1864-1914/B&A: Dated 25th March, 2015)

Minutes of the Meeting of Administration Committee held on 06th February, 2015 at 02:00 PM

ITEM NO.10: COLLECTION OF RENT FROM THE CABINS IN THE PREMISES OF SESSIONS COURT (REQUESTED BY DISTRICT BAR ASSOCIATION KOHAT)

The Administration committee directed that rent of the cabins within the court premises shall be distributed between District and Sessions Judge concerned and District Bar Association at the ratio of 50/50. In this respect, a separate account in bank will be opened and maintained by District & Sessions Judge. The Administration Committee further decided that the mode of payment to the concerned District Bar Association would be through cross cheque in the name of concerned District Bar Association against proper receipt which shall be signed by President and General Secretary.

As a policy decision, the Administration Committee directed the Registrar to communicate the same to all the District & Sessions Judges and all the Presidents of District Bar Association throughout KPK for its compliance in letter and spirit.

C.No. 6(10-4)

PLACEMENT OF PUBLIC FUND IN COMMERCIAL BANKS

1. I am directed to refer to this Department letter of even No. dated 10.02.2014 on the subject noted above and to reiterate that Finance Department has allowed/sanctioned Bank account in the commercial bank for various Departments/Autonomous/Semi-Autonomous Bodies/Corporations in Khyber Pakhtunkhwa from time to time for particular and specific purposes.

2. It was instructed vide above referred letter that such accounts be converted PLS mode and the profit earned be deposited in Government Treasury under the following head of account immediately and not later than a week when declared by the concerned bank:-

C01	Total income from property and enterprise
C018	Total interest on loan -others
C01803	Interest realized on investment of cash balance
PR5562	RCO #

3. It was also instructed that no funds shall be placed in any commercial banks from the PLAs or Assignment Accounts without prior approval of the Finance Department as contained in Para-6 & 7 of GFR-Volume I.

4. In view of the above, all heads of Government Departments/ Autonomous/Semi-Autonomous Bodies/Corporations/Institutions are once again requested to ensure compliance of the Govt. instructions and send quarterly reports of their bank-wise funds placement to the Finance Department on regular basis, positively.

5. Failure to comply with these instructions shall be taken seriously and stern disciplinary proceedings will be initiated against the concerned officer/official.

(Government of Khyber Pakhtunkhwa Finance Department Letter No.2/3-(F/L)/FD/2007-08/Vol-IX Dated 16th March 2018)

C.No. 7(10-4)

DIRECTIVES OF THE HON'BLE CHIEF JUSTICE.

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to direct that all the Judicial Officers shall adopt strict austerity measures to avoid unnecessary expenditures and observe strict financial discipline to avoid wastage of public money.

(PHC Letter No. 14890-914/Admn: Dated 17th September, 2018)

C.No. 8(10-4)

CIRCULAR LETTERS/NOTIFICATIONS REGARDING:

- c. **Settlement of leftover death compensation claims of group insurance scheme of state life insurance corporation of Pakistan (CLICP).**