



CPD Newsletter

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A bi-monthly newsletter for Punjab Prosecutors

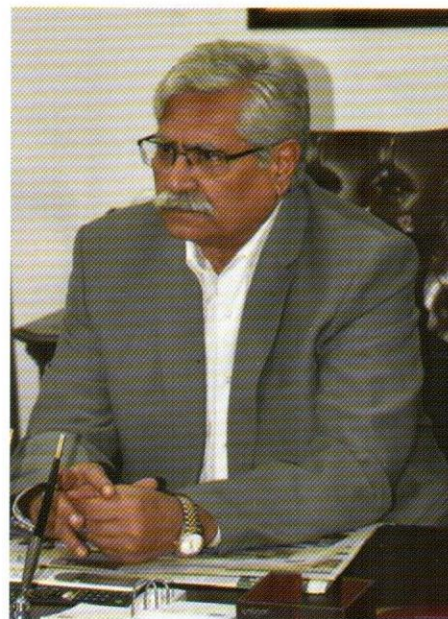
FOREWORD

After taking charge as Minister for Prosecution, I made my first visit to CPD on October 23, 2018. A detailed briefing about the functioning and establishment of CPD was given to me. It was of utter satisfaction to me that CPD is working in a professional, organized and methodical manner. There is an annual training calendar approved by the authority for every fiscal year and CPD is training around 800 prosecutors annually. CPD is mandated with three dimensions of work i.e. Training, Research and Mentoring. It is not confined to conventional training methodologies but also making innovations to learning and knowledge dissemination modalities. This newsletter is one of the aforesaid techniques alongside E-Learning, impact assessment and research activities.

No society can flourish without regular updating of knowledge; and in the field of law, it is even imperative. A prosecutor has to build a case and construct a whole building brick by brick unlike the defense side that has to shatter and demolish it in one go. So, it is essential for a prosecutor to know the interpretation of law and the latest legal trends emanating out of apex and higher court's judgments. In order to build the capacity of prosecutors, CPD is playing a vital role.

The publication of this newsletter not only highlights the important events and happenings but also is a tool for the dissemination of legal knowledge as it contains articles on various spheres of law. I will appreciate all the prosecutors to come up with articles on different issues having researches on various anomalies in the field of prosecution in particular and on other legal issues in general.

Lastly, I appreciate the initiative of Secretary, Public Prosecution Department to get the tradition of publication of newsletter started and not acknowledging the efforts of Director and team CPD will be unjust. I encourage and require CPD to perform exquisitely in their assigned field.

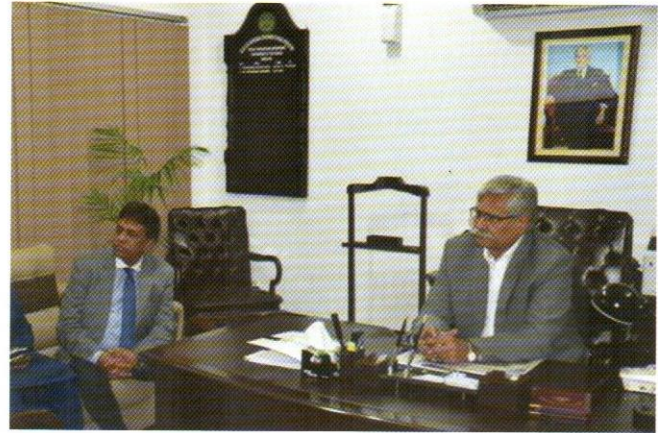


Ch. Zaheer Ud Din
Minister for Public Prosecution, Punjab

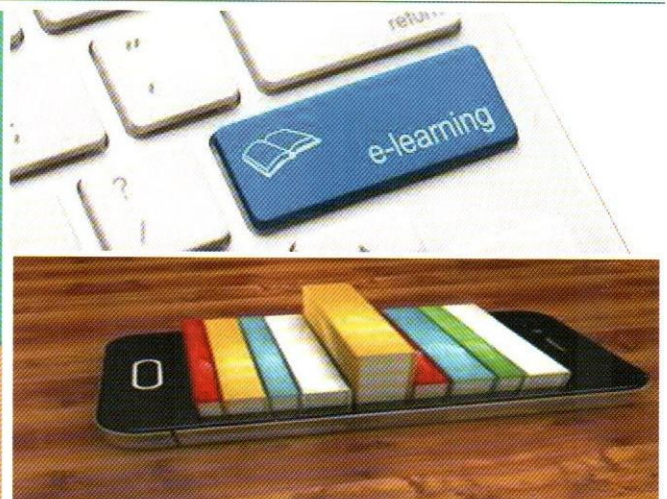
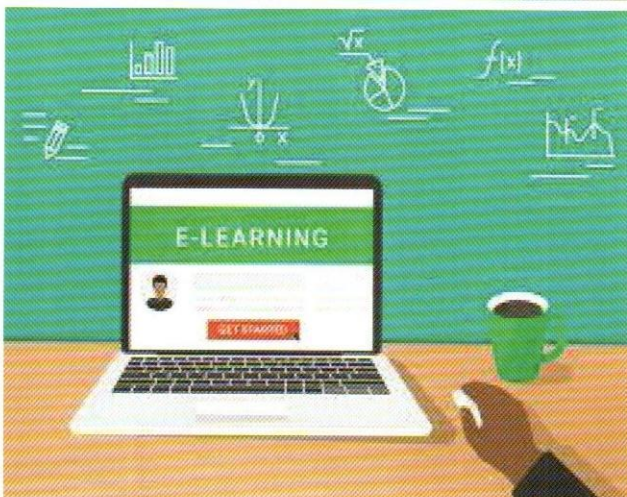
NEWS BRIEF

Minister stresses on the need for improved quality of continuous professional education

Mr. Chaudhary Zaheer Ud Din visited the CPD on 23rd of October 2018. The Deputy Director CPD briefed him on the establishment, functions, achievements and goals of the CPD. Mr Zaheer Ud Din appreciated the progress made by the CPD in a short span of time; despite limited resources. He assured of his support in strengthening the capacity of the institution. He participated as the chief guest at the closing ceremony of the induction training of the 17th batch of the Assistant District Public Prosecutors. He reminded the prosecutors of their obligation of delivering justice to the victims of the crimes and of providing assistance to the courts in the best possible manner. He said that it is important for the prosecutor to improve their knowledge and skills to meet the challenges of legal profession. He distributed the certificates among the participants.



Operationalization of E-CAPRI



E-CAPRI, the online learning system installed at CPD, is now running smoothly. Approximately one hundred prosecutors from different districts have accessed it and have learnt various subjects from the existing set of 56 modules. The CPD can train greater number of prosecutors with reduced costs without



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compromising the quality of training through this tool. The benefits of this interventions are greatly appreciated by the prosecutors.

Approval of training modules

The Public Prosecution Department has approved the training modules, which form part of the curriculum of the induction and promotion training programs. CPD had developed these modules with the assistance of the CAPRI project. The modules cover subjects of legal knowledge, skills and ethics. The training needs of the participants and purpose of the training inform the decision to select the modules for each training. The modules are reviewed to update them on the new legal developments.

CAPRI training on Charging Standards

A group of 25 prosecutors received training in the module of Anti-Terrorism Charging Standards. The PPD has issued charging standards. The BHC in collaboration with CPD designed and delivered the course. The purpose of the training was to familiarize the participants with the concept of charging, the principles of charging and charging standards in respect of terrorist offences. The participants are expected to use these standards in selecting right charges in reviewing the police reports and during the trial.



LEGAL DEVELOPMENTS

Writing of Case Review under Code of Conduct

The Code of Conduct for Prosecutors (Punjab Criminal Prosecution Service) 2016 under section 17 of Punjab Criminal Prosecution Service Act, 2006 (PCPSA) has come in force. Prosecutors, as per Article 5 of the Code of Conduct (COC), are required to make an objective assessment of criminal cases and write down the case review or result of scrutiny under section 9 (7) of the PCPSA, 2006.

Writing of case review at the stage of scrutiny of Police Reports U/S 173 Cr.P.C not only enables the prosecutor to make him/herself well acquainted with the circumstances of the case, but also helps putting the crux of prosecutorial review based upon evidence in such a way that if some other prosecutor has to conduct the case at any later stage, he/she will be having a wholesome glimpse of the case. This has been vastly an ignored avenue in the recent past. At this stage, prosecutor can: underline the evidential



weaknesses and subject to Article. 4 of COC, direct the Investigator to collect additional evidence, follow a line of inquiry, provide additional information about the collection of evidence, provide additional information about the circumstance of a witness and why a key witness was not recorded. And apart from this, a prosecutor is bound to direct the Investigating Officer for forensic analysis of items collected. Though the general rule is this that prosecutor cannot direct the Investigating Officer but Article 4 of COC enshrines the exceptions to this rule. While reviewing, a prosecutor in order to determine the chances of the success of a case, which is measured on the yard stick of “Realistic prospect of conviction”, reckon reliability of evidence, sufficiency of evidence and most importantly the presumed defence perspective and comes to a conclusion. The case will meet the “Realistic Prospect of Conviction” test if there are more chances of its success than not.

The “Evidential Test” and “Public Interest Test” should be applied to the case throughout till pronouncement of judgement. But the sine qua non is that the test must always remain positive, if the case has to proceed further.

It seems to be the rule that the courts are not bound to accept the assessment report of the prosecutors. However, they should ensure that they should thoroughly prepare the assessment reports.

(By: Syed Ihtesham Qadir Shah – Prosecutor General Punjab)