

**Independent Prosecution and Provision of Justice:
A Case Study of Punjab Criminal Prosecution Service
(2006-2013)**

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TABLE OF CONTENTS

Sr. No	Contents	Page No.
	Abstract	1
1	Introduction	2
1.1	Aim of study	4
1.2	Research Question	4
1.3	Significance of the study	5
1.4	Argument of the study	5
1.5	Key Concept	5
1.6	Historical Background of provision of CJS of Pakistan	9
1.7	Criminal Courts of Pakistan	10
1.8	Protection of Pakistan Act, 2014	18
2	Literature Review	19
2.1	Organs of Criminal Justice System	28
2.2	Independent Prosecution Service	32
2.3	Independent Prosecution Service in Pakistan	34
2.3.1	Prosecution System in Baluchistan	35
2.3.2	Prosecution System in KPK	36
2.3.3	Prosecution System in Sindh	38
2.3.4	Prosecution System in Punjab	40
2.4	Gap in Literature	45
	Theoretical Framework	46
3	Methodology	55
3.1	Data Collection	56

1.1	3. Primary Data	57
3.1.2	Official documents	61
3.2	Secondary data	62
3.3	Data Analyses	62
3.4	Ethical consideration	63
4	An Examines of Criminal Prosecution System in Punjab.	64
4.1	Separation of power	64
4.2	Powers and Function of the Prosecutor in Punjab	65
4.3	Working relation between Police and Prosecutors	66
4.3.1	SOPs for Police Prosecutor cooperation	66
4.4	Achievement of PCPS, 2006	69
5	An Examination of Perspectives within Each Section	73
5.1	Judges	73
5.2	Prosecutors	77
5.3	Investigation Officers	83
5.4	Private Lawyers	87
5.5	Accused persons	93
6	Presentation and Interpretation of the Data of Cross Section	97
6.1	Opinion of Judges and Prosecutors	97
6.2	Opinion of Investigation Officer and Private Lawyers.	104
6.3	Opinion of Private Lawyer and Accused Person	106
7	Conclusion	108

7.1	Finding	108
7.2	Recommendations	110
	Appendix	115
	References and Bibliography	116

ABSTRACT

This study investigates the role of Punjab Criminal Prosecution Service (PCPS), which deals with criminal cases in the court on behalf of the state, on the provision of justice in the Punjab province. The study explores the efficacy of Punjab Criminal Prosecution Act, 2006 through document analysis and interviews of 25 individuals representing all relevant stakeholders in PCPS namely judges, prosecutors, investigation officers, private lawyers and accused persons. The study finds that the structure of PCPS is much better as compared to former system of Attorney General that deals both criminals as well as civil matters in the courts on the behalf of state. After the establishment of PCPS, the power structure is divided between the police and the prosecutors to resolve the criminal cases. But despite better service the process of PCPS is not without demerits. This system is not entirely independent. It is evident in some cases that there is political interference and undue pressure which hinders provision of justice. The study strongly recommends transfer of power to prosecutors of the Punjab as per PCPS Act, 2006 for better delivery of justice in the province.

1**INTRODUCTION**

Prosecution is an important organ of the Criminal Justice System of the state. It has a pivotal role for provision of justice. It is a well-known fact that the criminal offence not only affects a private person, but state as well, because it affects the whole society. When a criminal offence is committed, its cognizance is taken by the police by registration of the case on the complaint of the victim or any relative of the victim or any other member of the state. Then police starts investigation to find out enough evidence to sustain a criminal charge in the court and then Prosecution follows the case in the court. As the commission of the offence is a violation of law which provides protection to every member of the society, therefore the state takes the responsibility to fight the case against the offender on behalf of the victim through prosecution. (The Criminal Procedure Code, 1898 (Act V of 1898))