



PESHAWAR HIGH COURT

JUDICIAL ESTACODE

THIRD EDITION

**REVISED & ENLARGED
2021**

Volume-II

Chapter-wise Contents

CHAPTER-II (District Judiciary)

SECTIONS	SUBJECT	PAGE #
<i>1</i>	Legal Framework of District Judiciary	305-394
<i>2</i>	Secretariat of District Judiciary	395-428

CHAPTER-III (Human Resources of District Judiciary)

SECTIONS	SUBJECT	PAGE #
<i>1</i>	Establishment of District Courts, Terms and Conditions	429-484
<i>2</i>	Recruitment Policy	485-489
<i>3</i>	Instructions on Implementation Of Different Quotas	490-501
<i>4</i>	Instructions regarding DSC/DPC	502-507
<i>5</i>	Instructions on Bowl Policy	508-510
<i>6</i>	Instructions on Appointment	511-515
<i>7</i>	Conduct of Ministerial Staff	516-524
<i>8</i>	Job Description	525-556
<i>9</i>	Transfer and Posting related Instructions	557-563
<i>10</i>	Joining Time Instructions	564-569
<i>11</i>	Conduct and Discipline – Statutory Provisions	570-608
<i>12</i>	Instructions Regarding Judicial Officer's Conduct and Discipline	609-639
<i>13</i>	Training of Human Resource	640-650
<i>14</i>	Instructions related to Training	651-686
<i>15</i>	Instructions on Writing of PERs	687-715

CHAPTER-IV (Administration)

SECTIONS	SUBJECT	PAGE #
<i>1</i>	Dress Code	716-719

Chapter-wise Contents

2	Business Hours	720-722
3	Court Management	723-737
4	Leave and Vacations	738-752
5	Instructions relating to Leave and Vacations	753-777
6	Standard Seals	778-779
7	Maintenance of Record	780-794
8	Destruction of Record	795-804
9	District Committees	805-823
10	Advocates	824-827
11	Processes	828-840

CHAPTER-V (Legal Practitioners and Paralegals)

SECTIONS	SUBJECT	PAGE #
1	Oath Commissioners	841-849
2	Notaries	850-861
3	Petition Writers	862-877
4	Ancillary Instructions regarding Oath Commissioners, Notaries and Petition Writers	878-888

CHAPTER-VI (Office Management)

SECTIONS	SUBJECT	PAGE #
1	Secretariat Instructions	889-913
2	Correspondence and Communication	914-916

CHAPTER-VII (Judicial Business)

SECTIONS	SUBJECT	PAGE #
1	Investment of Judicial Powers	917-946

Chapter-wise Contents

2	Instructions relating to Jurisdiction of Courts	947-957
3	Institution and Distribution of Business	958-966
4	Interim Injunction	967-977
5	Bail Applications	978-983
6	Investigation and Judicial Remand	984-990
7	Adjournments	991-995
8	Evidence and Witnesses	996-1005
9	Judgements, Orders and Decrees	1006-1021
10	Costs and Compensation	1022-1024
11	Sentencing Instructions	1025-1030
12	NJPMC related Instructions	1031-1049

CHAPTER-VIII (Monitoring and Evaluation)

SECTIONS	SUBJECT	PAGE #
1	Performance and Evaluation Policy	1050-1081
2	Performance Quantification Scheme (PQS)	1082-1088
3	Supervision, Inspections and Progress	1089-1110
4	Expeditious Disposal	1111-1123
5	Inspections of Jails	1124-1131

CHAPTER-IX (Federal Laws)

SECTIONS	SUBJECT	PAGE #
1	Law & Justice Commission of Pakistan	1132-1153
2	National Judicial Policy Making Committee	1154-1156

CHAPTER-X
(Financial Management)

SECTIONS	SUBJECT	PAGE #
<i>1</i>	Relevant Provision of High Court Rules & Orders and other related laws	1157-1166
<i>2</i>	Sheriffs' Petty Accounts	1167-1186
<i>3</i>	Civil Courts Deposit Accounts	1187-1200
<i>4</i>	Instructions	1201-1206
<i>5</i>	Disposal of unserviceable items	1207-1208
<i>6</i>	Official Vehicles	1209-1222
<i>7</i>	Residential Buildings	1223-1227
<i>8</i>	Medical Claims	1228-1238
<i>9</i>	Procurement Laws	1239-1306
<i>10</i>	Delegation of Financial Power Rules	1307-1346
<i>11</i>	Budget	1347-1365
<i>12</i>	Fines & Fees	1366-1373
	INDEX	1374-1395

CHAPTER-II DISTRICT JUDICIARY

Section-I (Legal Framework of District Judiciary)

1(2-1)	Constitutional and Legal Provisions	305
2(2-1)	The Khyber Pakhtunkhwa Civil Servants Act	305-318
3(2-1)	The Khyber Pakhtunkhwa Judicial Service Rules, 2001	318-330
4(2-1)	The Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act, 1991	331-333
5(2-1)	The Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Rules, 1992	334-341
6(2-1)	The Khyber Pakhtunkhwa Travelling Allowances Rules	342-394

Section-II (Secretariat of District Judiciary)

1(2-2)	Secretariat of District Judiciary	395
2(2-2)	Appendix-I (Oversight)	395
3(2-2)	Appendix-II (Structure)	396
4(2-2)	Appendix-III (Key Functions)	396-400
5(2-2)	Appendix-IV (Detailed Functions)	400-409
6(2-2)	Appendix-V (Standard Procedures)	410-428

CHAPTER-II DISTRICT JUDICIARY

SECTION-I

LEGAL FRAMEWORK OF DISTRICT JUDICIARY

C.No. 1(2-1)

CONSTITUTIONAL AND LEGAL PROVISIONS.

Article 175 of the Constitution of Islamic Republic of Pakistan, 1973. (1)
There shall be a Supreme Court of Pakistan, a High Court for each Province and such other courts as may be established by law.

Article 240. Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined-

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of Majlis-e-Shoora (Parliament); and
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation. -In this Article, “All-Pakistan Service” means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of Majlis-e-Shoora (Parliament).

Article 241. Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

C.No. 2(2-1)

THE [KHYBER PAKHTUNKHWA]¹ CIVIL SERVANTS ACT, 1973 ACT NO.XVIII OF 1973]

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the [Khyber Pakhtunkhwa]²

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Preamble- **WHEREAS** it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the [Khyber Pakhtunkhwa]¹, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1. **Short title, application and commencement:** - (1) This Act may be called the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

(3) It shall come into force at once.

CHAPTER-I PRELIMINARY

2. Definitions: - (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) **“adhoc appointment”** means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) **“civil servant”** means a person who is member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
 - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
 - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies;

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (iii) a person who is a “worker” or “workman” as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workmen’s Compensation Act, 1923 (Act VIII of 1923);
- (c) **“Government”** means the Government of the North-West Frontier Province
- (d) **“initial appointment”** means appointment made otherwise than by promotion or transfer
- (e) **“pay”** means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid
- (f) **“permanent post”** means a post sanctioned without limit of time
- (g) **“prescribed”** means prescribed by rules
- (h) **“province”** means the [Khyber Pakhtunkhwa]¹
- (i) **“rules”** means rules made or deemed to have been made under this Act
- (j) **“selection authority”** means the [Khyber Pakhtunkhwa]² Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) **“temporary post”** means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER-II

TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. Terms and Conditions: - The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

4. Tenure of office of civil servants: - Every civil servant shall hold office during the pleasure of the Governor.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

5. Appointment: - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf.

6. Probation: - (1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise-

- (a) if he was appointed to such service or post by initial recruitment, be discharged; o
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation: - (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post ¹[...] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. Seniority: - (1) For proper administration of a service, cadre or ²{post}, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ³{post} to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁴{post} as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁵[cadre] whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, ⁶[cadre] or post shall be determined as may be prescribed.

⁷ [(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

¹ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

² Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

³ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

⁴ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁵ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁶ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁷ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retain their inter-se-seniority as in the lower post.”]

¹ [“(5) The Seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January”].

9. Promotion: - (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a ²[higher] post for the time being reserved under the rule for departmental promotion in ³[...] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a)** in the case of a selection post, on the basis of selection on merit; and
- (b)** in the case of a non-selection post, on the basis of seniority-cum-fitness.

10. Posting and Transfer: - Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service: - (1)The service of a civil servant may be terminated without notice-

- (i)** during the initial or extended period of his probation:

¹ Added by Khyber Pakhtunkhwa Act No.1 of 1989

² Inserted by Khyber Pakhtunkhwa Ord. No.IV of 1985

³ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one ¹[service], cadre or post to another ²[service], cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such ³[service] or cadre, but he shall be reverted to his former ⁴[service], cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub section (2), the service of a civil servant in temporary employment or appointed adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

⁵[11-A Absorption of civil servants rendered surplus:- Notwithstanding anything contained in this Act, the rules made thereunder, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available, he may be offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower

¹ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

² Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

³ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

⁴ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

⁵ Inserted by Khyber Pakhtunkhwa Ordinance No. VI of 2001

post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

12. Reversion to a lower ¹(post): - A civil servant appointed to a higher post or ²[before the commencement of the (Khyber Pakhtunkhwa)³ Civil Servants (Amendment) Ordinance, 1985 to a higher] grade on adhoc or on temporary or officiating basis, shall be liable to reversion to his lower post ⁴[...] without notice.

⁵ **[12A. Certain persons to be liable to removal or reversion:-** Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977 may be removed from service or reverted to his lower post ⁶[] as the case may be, without notice, by the Governor or a person authorized by him in this behalf, on such date as the Governor or, as the case may be, the person so authorized may, in the public interest, direct].

⁷ **[13. Retirement from service. - (1)** A civil servant shall retire from service on the completion of sixtieth (60th) year of age.

(2) A Civil Servant may opt to retire early from service, after completion of twenty-five (25) years of qualifying service or attaining the age of fifty-five (55) years, whichever is later

(3) Notwithstanding anything contained in sub-section (1) and (2), the competent authority may in the public interest, direct that a Civil Servant may retire from service, from such date, as may be determined by the competent authority, after he has completed twenty (20) years of service, qualifying for pension or other retirement benefits, in the manner as may be prescribed;

Provided that no direction under this sub-section shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

¹ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

² Inserted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

⁵ Inserted by the Khyber Pakhtunkhwa Ord. No.IX of 1978

⁶ Omitted by Khyber Pakhtunkhwa Ord No. IV of 1985

⁷ Substituted vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2021. Act. No. XI of 2021

Explanation: In this section, the expression “competent authority” means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989]

¹[13-A. Protection of certain acts. --- (1) All the Civil Servants who were conditionally retired from service on or after 31st day of July, 2019 shall, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60th) years of age.

(2) Any Civil Servant who has completed sixty (60) years of age but is not retired from service, by virtue of or in pursuance of the Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2019, shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31st day of July, 2019 shall be deemed to be validly received and drawn]

14. Employment after retirement:-(1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provision of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. Conduct: - The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed

¹ Inserted vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2021. Act. No. XI of 2021

authority, whether generally or in respect of a specified group or class of civil servants.

16. Disciplinary action: -A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

17. Pay: - A civil servant appointed to a post ¹[....] shall be entitled, in accordance with the rules, to the pay sanctioned for such post ²[....]:

Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. Leave: - A civil servant shall be allowed leave in accordance with the leave rules applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

³[19. Pension and gratuity. - (1) On retirement from service, a civil servant appointed on regular basis in the prescribed manner before the commencement of the [Khyber Pakhtunkhwa]⁴ Civil Servants (Amendment) Act, 2005 (hereinafter referred to as the said Act), shall be entitled to receive such pension or gratuity as are admissible to him under the West Pakistan Civil Servants Pension Rules:

Provided that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as admissible under the said rules.

(2) A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointed on contract basis, shall, with effect from the commencement of the said Act, be deemed to

¹ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

² Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

³ Substituted by Khyber Pakhtunkhwa Act No. IX of 2005

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant except for the purpose of pension or gratuity. Such a civil servant shall in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund, along with the contributions made by Government to his account in the said Fund, in the prescribed manner:

¹[Provided that where a civil servant appointed to a pensionable post on regular basis before the 1st day of July, 2001, is appointed to another post after the 1st day of July, 2001, without any service break, he shall be given an option either to retain the benefit of pension and gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under his new appointment].

Provided ²[further] that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant.

(3) No pension to a civil servant, who is otherwise entitled to it, shall be admissible to him, if he is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such civil servants, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal:

Provided that a civil servant referred to in sub-section (2), in case of such dismissal or removal, may, in addition to his own contributions to the Contributory Provident Fund, be allowed, on account of such compassionate allowance, a sum not exceeding two-third of Government contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined

¹ Added vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2009 (Khyber Pakhtunkhwa Act No. VIII of 2009)

² Added vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2009 (Khyber Pakhtunkhwa Act No. VIII of 2009)

by the prescribed authority, according to the length of service of the civil servant which qualified for pension or gratuity and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.]

20. Provident Fund: - (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to including the interest accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts Officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

21. Benevolent Fund and Group Insurance: - All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employees Welfare Fund Ordinance, 1969. (W.P Ord. I of 1969), or the [Khyber Pakhtunkhwa]¹ Government Servants Benevolent Fund Ordinance, 1972 (²Khyber Pakhtunkhwa Ord. VII of 1972.), and the rules made thereunder.

22. Right of Appeal or Representation:-(1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER-III (MISCELLANEOUS)

23. Saving: - Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favorable to him than that provided by this Act or such rules.

¹[23-A-Idemnity --- No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued thereunder.

23-B. Jurisdiction barred --- Save as provided under this Act and the Service Tribunal Act, 1974 ²(Khyber Pakhtunkhwa Act No. 1 of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor or any officer authorized by him shall be called in question in any court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by or under Act or the rules made thereunder]

24. Removal of difficulties: - If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

¹ Inserted by Khyber Pakhtunkhwa Ord. No. XIV of 2002

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

25. Appointment of persons on contract, etc: - The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

***26. Rules: - (1)** The Governor or any person authorized by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out of the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made this Act.

27. Repeal: - The ¹[Khyber Pakhtunkhwa] Civil Servants Ordinance, 1973 (²Khyber Pakhtunkhwa Ordinance No.VI of 1973), is hereby repealed.

C.No. 3(2-1)

THE ³[KHYBER PAKHTUNKHWA] JUDICIAL SERVICE RULES, 2001 (SUBSTITUTED)

TO BE SUBSTITUTED FOR THE NOTIFICATION
BEARING THE SAME NO. & DATE

* The Governor has authorized the Chief Minister Khyber Pakhtunkhwa to make rules vide Notification No.SORI(S&GAD)1-206/74/Vol.V dated 18.4.1989 which reads as under:-

“In exercise of the powers conferred by sub-section (1) of Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973), the Governor North West Frontier Province is pleased to authorize the Chief Minister, North West Frontier Province to make rules for carrying out of the purposes of the said Act”

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

GOVERNMENT OF THE [KHYBER PAKHTUNKHWA]¹
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 05/03/2002

No. SOR-IV (E&AD)/3-11/2002. In exercise of the powers conferred by Section 26 of the [Khyber Pakhtunkhwa]² Civil Servants Act 1973 [(Khyber Pakhtunkhwa)³ Act No. XVIII of 1973] read with Cabinet Division, Government of Pakistan, Notification No. SOR 475 (1)/ 2001 dated the 28th June, 2001, the Governor of the North West Frontier Province is pleased to make the following rules regulating recruitment to the Judicial Service and prescribing the terms and conditions of service of persons appointed thereto namely.

THE [KHYBER PAKHTUNKHWA]⁴
JUDICIAL SERVICE RULES 2001

PART-1
GENERAL

1. **Short title and commencement:** (1) These rules may be called the [Khyber Pakhtunkhwa]⁵ Judicial Service Rules, 2001.

(2) They shall come into force at once.

2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:

- (a) “Administration Committee of the High Court” means Committee constituted under High Court Rules and Orders, volume-V, Chapter 10-A.
- (b) “Appointment on contract basis” means appointment made for a specified period in accordance with the policy of Govt: applicable to appointment on contract basis.
- (c) “Chief Justice” means the Chief Justice of Peshawar High Court Peshawar.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (d) “Commission” means the [Khyber Pakhtunkhwa]¹ Public Service Commission.
- (e) “Departmental promotion committee” means the Committee constituted under High Court Rules and Orders Volume-V, chapter 10-A.
- (f) “Government” means the Government of [Khyber Pakhtunkhwa]²
- (g) “High Court” means Peshawar High Court Peshawar.
- (h) “Initial appointment” means appointment made otherwise than by promotion or transfer from another service, department or post;
- (i) “Provincial Judicial Selection Board” means a Board comprising the Administration committee or such number of Judges of the High Court as may be nominated by the Administration Committee;
- (j) “Recognized University” means the University established by or under a law in Pakistan or any other University which may be declared by Government to be a recognized University for the purpose of these rules;
- (k) “Selection Authority” means the Commission or, as the case may be, the Provincial Judicial Section Board; and
- (l) “Service” means the [Khyber Pakhtunkhwa]³ Judicial Service.

PART-II RECRUITMENT

3. Constitution of Service: - The Service shall comprise the posts of:

- (a) District and Sessions Judge/Zilla Qazi
- (b) Additional District and Sessions Judge/Izafi Zilla Qazi
- (c) Senior Civil Judge-cum Magistrate, empowered under section 30 Cr.P.C/ Aala Alaqa Qazi
- (d) Civil Judge cum Judicial Magistrate /Alaqa Qazi

Note – The designation of Zilla Qazi, Izafi Zilla Qazi, Aala Alaqa Qazi and Alaqa Qazi wherever used in these rules, shall be deemed to be relevant only to the Provincially Administered Tribal Areas of the [Khyber Pakhtunkhwa]⁴.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

4. Appointing Authority: -Appointment to a post shall be made by the High Court.

5. Method of Recruitment: -Appointment to Service shall be made in the following manner:

- (a) appointment to a post of Civil Judge-cum-judicial Magistrate/Alaqa Qazi shall be made by initial recruitment;
- (b) appointment to a post of Senior Civil Judge cum Judicial Magistrate empowered under section 30 Cr.P.C/Aala Alaqa Qazi shall be made on seniority cum-fitness basis from amongst the Civil Judges-cum-Judicial Magistrate/Alaqa Qazi on the recommendation of Departmental Promotion Committee.
- (c) Appointment to a post of Additional District and Sessions Judge/Izafi Zilla Qazi shall be made to the extent of-
 - (i) not less than two-third by promotion, on the recommendation of Departmental promotion committee from amongst the holders of the post of Senior Civil Judge-cum-Judicial Magistrate, empowered under section 30 Cr.P.C./Aala Alaqa Qazi, and;
 - (ii) not more than one-third by initial recruitment, from amongst the members of the Bar, Public Prosecutors/Government Pleaders and Additional Public Prosecutors/Additional Government Pleaders;
- (d) Appointment to a post of District and Sessions Judge/Zila Qazi shall be made by promotion, on the recommendation of the Departmental Promotion Committee, on the basis of seniority-cum-fitness, from amongst the holders of the post of Additional district and sessions Judge/Izafi Zilla Qazi;
- (e) Appointment by initial recruitment to a post of Civil Judge-cum-Judicial magistrate/Alaqa Qazi shall be made on recommendations of the commission based on the result of a competitive examination to be conducted by it in the subjects specified in the Appendix to these rules;

Provided that the High Court may make appointment by initial recruitment on contract basis on the recommendations of the Provincial Judicial Selection Board in accordance with the policy of Government applicable to appointment on contract basis.

6. Age – (1) No person shall be appointed to the Service if;

- (i) In case of initial recruitment as Civil Judge cum Judicial Magistrate /Alaqa Qazi he/she is less than twenty-three years and more than thirty-two years of age.¹
 - (ii) in case of initial recruitment as Additional District and Sessions Judge/Izafi Zilla Qazi, he/she is less than thirty-five years or more than forty-five years of age.
- (2) For the purpose of this rule, age shall be reckoned as on the last date fixed for submission of applications for appointment.

7. Qualification :- (1) No person shall be appointed to a post in the service by initial recruitment unless he/she;

- (a) in case of appointment to a post of Civil Judge cum-Judicial-Magistrate / Alaqa Qazi, possesses a degree in law from a recognized University entitling him/her to practice the profession of law or is a Barrister of England or Ireland or is a Member of the Faculty of Advocates of Scotland [and have practiced the profession of law in the High Court or in the Courts subordinate thereto, for a period not less than two (2) years after enrollment as an advocate]²

Explanation – For the purpose of this clause, the expression “practiced the profession of law” shall include any period of government service by a person as Government Pleader, Public Prosecutor, Additional Government Pleader or Additional Public Prosecutor on behalf of Government;

- (b) in case of appointment to a post of Additional District and Sessions Judge/ Izafi Zilla Qazi, apart from possessing the qualification in clause (a), is also a practicing Advocate of High Court and/or the Courts subordinate thereto with a minimum practice of eight years.

¹ Provisos (a), (b) & (c) deleted vide Notification No.SOE-III(E&AD)2-1/2007 Dated 3rd September, 2008

² Added vide Notification No E&A/LD/2-2/14/VOL-VII; Dated the August 26 2015

Provided that the experience of practicing as an Advocate shall also include the service rendered as Public Prosecutor, Government Pleader, Additional Public Prosecutor or Additional Government Pleader.

8. Eligibility :- (1) No person shall be initially appointed to the service unless he/she-

- (a) is a citizen of Pakistan and is bonafide resident of the [Khyber Pakhtunkhwa]¹.
- (b) produces a certificate of character from the Principal Academic Officer of the academic institution last attended and also certificates of character from two other respectable persons, not being his/her relatives, who are well acquainted with his/her character and antecedents, and
- (c) is declared to be physically fit by a Board of Medical Officers, appointed by the Government.

PART-III CONDITIONS OF SERVICE

9. Probation: (1) A person appointed to a post against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation: Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

- (2) If the work or conduct of a member of the service during the period of probation has been unsatisfactory, the High Court may, notwithstanding that the period of probation has not expired, dispense with his/her services.
- (3) On completion of the period of probation of a member of the service, the High Court may, subject to the provisions of sub-rule (4), confirm him/her in his/her appointment, or if his/her work or conduct has, in the opinion of the High Court, not been satisfactory;
 - (a) dispense with his/her services, if he/she was not an employee of a department/organization before his/her appointment as above or his/her lien was not retained by his/her parent Department/Organization, or may revert him/her to the parent

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- Department/Organization if he/she was an employee of a department/ organization and his/her lien has been retained by the parent department/organization or
- (b) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial period of probation.

Explanation-I- If no order has been made by the day following the completion of the initial period of probation, the period of probation shall be deemed to have been extended.

Explanation-II- If no order has been made by the day on which the maximum period of probation expires, the probationer shall, subject to sub - rule (4), be deemed to have been confirmed in his/her appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

- (4) No person shall be confirmed in the service unless he/she successfully completes such training and passes such departmental examination as may be prescribed by the High Court from time to time.
- (5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under Sub-Rule (4), within such period or in such number of attempts as may be prescribed by the High Court, then the High Court may dispense with his/her services, if he/she was not an employee of a department/organization or his/her lien has not been retained by his/her parent department/organization, or may revert him/her to the parent department/organization if he/she was an employee of a department/organization and his/her lien has been retained by the parent department/organization.

10. Seniority: The seniority inter-se of the members of the service in the various pay scales thereof shall be determined by the High Court, subject to the following conditions:

- (a) In the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Authority as mentioned in Rule-5; provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection.

- (b) In the case of members appointed by promotion, seniority in a post, service or cadre to which a Civil Servant promoted shall take effect from the date of regular appointment to that post; provided that Civil Servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retained their inter-se seniority as in the lower post.

Explanation-I If a Jr. officer in a lower grade is promoted temporarily to a higher grade in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the seniority in the interest of his/her senior officer in the fixation of his/her seniority in the higher grade.

Explanation-II If a Jr. Officer in a lower grade is promoted to a higher grader by superseding a Sr. officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

11. **Selection Grade: -**

- (i) Not less than 33% of the posts of: -
- District & Sessions Judges/Zilla Qazis
 - Additional District & Sessions Judges/Izafi Zilla Qazis
 - Senior Civil Judges/Magistrates, empowered under Section-30 Cr.P.C/Aala Alaqa Qazis.
 - Civil Judges cum Judicial Magistrates/ Alaqa Qazis
 - Including members of the Service serving against ex-cadre posts.

Shall be placed in the next higher basic pay scale

- ii) Selection Grade of officers shall be made by the High Court on the recommendations of the Departmental Promotion Committee from amongst the senior most incumbents.

12 **Liability to Transfer and Serve:** Members of the Service shall be liable to:

- (a) transfer anywhere in the [Khyber Pakhtunkhwa]¹;

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (b) serve in any department of Government or any local authority or statutory body set up or established by Government; and
- (c) serve anywhere in Pakistan under the Federal Government.

13. **General Rules:** In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to their employees, with such modifications and changes as the High Court may prescribe.

14. **Repeal and Saving:** - The West Pakistan Civil Service (Judicial Branch) Rules, 1962, and the North West Frontier Province Senior Judicial Officers (Terms and Conditions of Service) Rules, 1979, are hereby repealed.

APPENDIX

SYLLABUS AND STANDARD FOR THE [KHYBER PAKHTUNKHWA]¹. JUDICIAL SERVICE COMPETITIVE EXAMINATION

1. The Competitive Examination shall be in the subjects as listed below and each candidate shall take all the subjects.
2. A candidate shall answer the papers in English, unless otherwise directed.
3. The subjects and maximum marks fixed for each subject/paper shall be such as shown below in column 2 and 3 respectively;

SUBJECTS / PAPERS

Serial Number	Subjects	Maximum Marks
1	2	3
1.	English General and English Essay	100
2.	Urdu/Pushto Essay and General Urdu/Pushto Paper	100
3.	General Knowledge: a. Current Affairs and Everyday Science. b. Pakistan Studies	100 50
4.	Civil Law-I	100
5.	Civil Law-II	100
6.	Criminal Law.	100
7.	Islamic Jurisprudence	100
8.	Qanun-e-Shahadat 1984 and Pleading	100
9.	Viva-Voce	100

Note: All papers shall be of three hours duration.

4. Qualifying marks in the aggregate of written papers and viva voce shall respectively be 425 and 30.
5. No candidate shall be summoned for viva voce test unless he/she has obtained at least 33 percent marks in each individual written paper and 50 percent marks in the aggregate. No candidate shall be considered to have

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

qualified in the examination unless he/she also obtained at least 30 percent marks in viva voce, failure in or absence from viva voce shall mean that the candidate has failed to qualify for appointment and his/her name will not be included in the merit list.

6. Deleted vide No. SOR-IV(E&AD)5-4/2006 dated 21st January, 2010.

7. If a candidate's handwriting is not easily legible, deduction which may be considered suitable may be made on this account from the total marks secured by him/her.

8. Credit will be given for good English including orderly, effective and exact expression combined with the economy of words, in all subjects of the examination and not only in subjects which are specially devoted to English.

9. Names of the candidates who qualify shall be arranged in order of merit according to the aggregate marks obtained in the examination.

10. In the event of a tie, the order of merit shall be determined in accordance with the highest marks secured in the viva-voce. Should the marks in the viva voce of the candidates who tie be equal then the candidate who is older in age shall be placed senior.

DETAILED SYLLABUS FOR THE [KHYBER PAKHTUNKHWA]¹. JUDICIAL SERVICE COMPETITIVE EXAMINATION

1. English General and English Essay. This paper is intended to test the candidate's command of the English language and may include precise writing usage of idioms, with an essay in English on one of the several specified subjects and is intended to test the candidate's ability to compose.

2. Essay and General Paper in Urdu/Pushto. This paper is intended to test the candidate's to write the language fluently and to translate from English into it. Candidate's will be expected to have a grasp of the language and to understand poetry and prose. Knowledge of literature as such will not form part of this paper.

3. General Knowledge including every day science and Pakistan Studies. This paper is intended to test the candidate's knowledge of current world affairs and also of broad facts of historical, political, geographical and economic importance. A section will be included to test the candidate's knowledge and understanding of matters of every day observation and experience in the scientific aspect. Eighty marks will be allowed for General Knowledge, Current Affairs and twenty marks for every day Science. Paper of Pakistan studies will be of Degree standard.

4. Details of subject with respect to certain paper. The following papers shall comprise the subject noted against each:

- | | |
|-----------------------------|---|
| a Civil Law Paper-I | <ul style="list-style-type: none"> (i) Civil Procedure Code 1908; (ii) West Pakistan Civil Court Ordinance, 1962. (iii) Contract Act 1872; (iv) Sales of Goods Act, 1930. |
| b Civil Law Paper-II | <ul style="list-style-type: none"> (i) Muhammadan Law / Islamic Law; (ii) Registration Act, 1908; (iii) Limitation Act, 1908; (iv) Specific Relief Act, 1877. |
| c Criminal Law | <ul style="list-style-type: none"> (i) Pakistan Penal Code, 1860; (ii) Criminal Procedure Code, 1898; |

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- | | |
|---|---|
| d Islamic Jurisprudence | <ul style="list-style-type: none"> (iii) Hudood Ordinances, 1979. (i) Pre-Islamic Arab Society
Evolution of the Islamic Legal system and sources of Islamic Law; (ii) Importance of Qiyas, Istehsan, Istidlal, Ijtehad and Taqlid; (iii) Acts, Rights and Obligations; (iv) Ownership and Possession; (v) Contracts, Torts and Crimes; (vi) Procedure and Evidence; (vii) Constitutional and Administrative Laws and Relations between Muslims and Non-Muslims. |
| (e) Qanun-e-Shahadat 1984 and Pleading | <ul style="list-style-type: none"> (i) Qanun-e-Shahadat 1984. (ii) Particulars of Plaints. (iii) Particulars of written statements; (iv) Drafting of Plaints and Written Statements. |

Note: Except in case of Muhammadan Law/Islamic Law, Hudood Ordinances, Islamic Jurisprudence and Pleadings, bare copies of the relevant Acts will be provided to the candidates.

5. The object of the Examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the kind of questions that will be asked will be to give the facts of a typical case and ask the candidate to frame issues, to write a Judgment and to discuss the admissibility of evidence.

6. Viva Voce: The viva voce will be a test of the personal qualities of the candidates. This examination will be in matters of general interest and is intended to test the candidates alertness, intelligence and general outlook. Consideration will also be paid to these bearing and physique of the candidate.

C.No. 4(2-1)

THE ¹[KHYBER PAKHTUNKHWA] SUBORDINATE JUDICIARY SERVICE TRIBUNAL ACT, 1991

1. Short title application and commencement: - (1) This Act may be called the ²[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Act, 1991.

(2) It shall apply to all members of subordinate Judiciary wherever they may be.

(3) It shall come into force at once.

2. Definition: In this Act, unless the context otherwise requires: -

- (a) “Chairman” means the Chairman of the Tribunal;
- (b) “Government” means the Government of the ³[Khyber Pakhtunkhwa];
- (c) “Governor” means the Governor of the ⁴[Khyber Pakhtunkhwa];
- (d) “Member” means a Member of the Tribunal and includes the Chairman;
- (e) “Members of Subordinate Judiciary” means and includes all the Judicial Officers under the administrative control of the Peshawar High Court;
- (f) “Tribunal” means the Service Tribunal established by this Act and includes a Bench thereof.

3. Tribunal: - (1) The Governor may by Notification in the Official Gazette establish a Service Tribunal for the ⁵[Khyber Pakhtunkhwa].

(2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to terms and conditions of the service of members of Subordinate Judiciary including disciplinary matters.

(3) The Tribunal shall consist of four sitting Judges of the Peshawar High Court to be nominated by the Chief Justice of whom the senior most shall be the Chairman.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Provided that Judge against whose orders an appeal is preferred shall not be member of the Tribunal.

4. **Constitution of Benches: - (1)** Notwithstanding anything contained in Section 3, Chairman may constitute a Bench consisting of two Members with or without the Chairman and when so constituted a Bench shall be deemed to be a Tribunal.

(2) If a Bench is unable to arrive at an unanimous decision in an appeal, the matter shall be referred to any one of the remaining two Members of the Tribunal as the Chairman may determine and the decision of the Tribunal shall be expressed in terms of the opinion of the majority.

(3) The Chairman may at any stage of hearing of an appeal withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

5. **Appeal to Tribunal: -**Any member of Subordinate Judiciary aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the Tribunal, whichever is later, prefer an appeal to the Tribunal.

Provided that-

(a) where an appeal, review or representation to a departmental authority is provided under the [Khyber Pakhtunkhwa]¹. Civil Servants Act, 1973 (²Khyber Pakhtunkhwa Act XVIII of 1973), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application, or representation was so preferred;

³[(b) no appeal shall lie to the Tribunal against an order or decision of a departmental authority determining, the quantum of departmental punishment or penalty imposed on a member of Subordinate judiciary as a result of departmental inquiry except where the penalty imposed

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted vide Khyber Pakhtunkhwa Act No. X of 2015

is dismissal from service, removal from service or compulsory retirement or any minor penalty as defined in the rules.]

Explanation: -In this section “Departmental Authority” means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of members of Subordinate Judiciary.

6. Powers of Tribunal: - (1) The Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) The Tribunal shall for the purpose of deciding any appeals, be deemed to be a Civil Court and shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908(Act V of 1908), including the powers of-

- (a) enforcing the attendance of any person and examining him on oath.
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

(3) No court fee shall be payable for preferring an appeal to or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

7. Limitation: - The provisions of Section 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

8. Transfer of Appeal: -All appeals pending before the Tribunal established under the [Khyber Pakhtunkhwa]¹. Service Tribunal Act, 1974 (²Khyber Pakhtunkhwa Act I of 1974), relating to members of Subordinate Judiciary shall stand transferred to the Tribunal established under this Act.

9. Rules: - The Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.

10. Repeal: - The ³Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Ordinance, 1991 (⁴Khyber Pakhtunkhwa Ord. No.III of 1991) is hereby repealed.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

C.No. 5(2-1)

¹[KHYBER PAKHTUNKHWA] SUBORDINATE JUDICIARY SERVICE TRIBUNAL RULES, 1992

1. Short title and commencement: - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Rules, 1991.

(2) They shall come into force at once.

2. Definition: - In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) “Act” means the ³[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Act, 1991 (⁴Khyber Pakhtunkhwa Act No. VIII of 1991);
- (b) “Chairman” means the Chairman of the Tribunal.
- (c) “Member” means a member of the Tribunal.
- (d) “Registrar” means the Registrar of the Tribunal, and includes any other person authorized by the Tribunal to perform the duties and functions of the Registrar under these rules; and
- (e) “Tribunal” means the Tribunal established under section 3 of the Act and includes a Bench constituted under section 4 thereof.

3. Working hours: - The Tribunal shall observe such hours of sitting as it may determine.

4. Holidays: - The Tribunal shall observe such holidays as are notified by Government, and such local holidays as are observed by the Peshawar High Court, Peshawar.

5. Sitting of Tribunal: - The Tribunal shall hold its sitting at Peshawar.

6. Procedure to prefer Appeal: - (1) An appeal to the Tribunal may be sent by Registered post or presented to the Registrar personally or through an advocate, during working hours.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (2) Every memorandum of appeal shall-
- (a) by legibly, correctly and concisely written or printed;
 - (b) be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be separate allegation;
 - (c) containing the full name, official designation and place of posting of each party;
 - (d) clearly set out the relief claimed;
 - (e) be accompanied by-
 - (i) a copy of the seniority list or other order of the competent authority fixing seniority, or in order cases, copy of the impugned order; against which the appeal is directed;
 - (ii) copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;
 - (f) be signed by the appellant;
 - (g) be accompanied by four spare copies of the memorandum of appeal and as many other copies thereof, complete in all respects, signed by the appellant and accompanied by the documents referred to in clause(e), as there are respondents;

Provided that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), it may waive the provision of the said clause.

Note: For the purposes of sub-clause (i) of clause (e), the appointing authority or any other authority to whom the powers to make decision regarding seniority of a member of the Subordinate Judiciary have been delegated shall prepare and notify in the official Gazette a list of seniority of the members of the subordinate Judiciary under its administrative control and the list so prepared shall be maintained up to date and shall be revised at least once a year preferably in the month of January.

(3) Every memorandum of appeal shall be presented to the Registrar in the covers and be accompanied by a typed or printed index of papers failing which the appeal may not be entertained.

(4) In every memorandum of appeal, the competent authority whose order is challenged shall be shown as Respondent No.1 and every civil servant who may be affected by the relief claimed, shall also be shown as respondent;

Provided that if the competent authority whose order is challenged is the Chief Justice or a Judge of the Peshawar High Court through the Registrar, Peshawar High Court shall be shown as Respondent No.1.

(5) Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

7. Security of appeals: -The Registrar shall scrutinize every memorandum of appeal received by post, or presented to him and shall-

- (a) if it be in order and drawn up in accordance with forgoing provisions, cause it to be registered in the Registrar of Appeals to be maintained by the Tribunal;
- (b) if it is not drawn up in the manner herein before prescribed, return it to the appellant or his advocate for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency;
- (c) where the memorandum of appeal is not drawn up in the manner herein before prescribed and the appellant or his advocate fails to amend the same within the period specified by the Registrar, the Tribunal may pass such order as it may deem fit.

8. Admission of the time barred appeals: - Any appeal may be admitted after expiry of the period of limitation prescribed thereof when the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within such period and the decision of the Tribunal as to the sufficiency of cause shall be final.

9. Fixation of date of hearing:-(1) The Tribunal may, after fixing a day for hearing the appellant, and hearing him or where he is represented by an advocate, hearing the advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its hearing, issued under the signature of

the Registrar or any other official authorized by him in this behalf, shall, subject to the provisions of Rule 10, be served on the appellant and the respondents, or on their advocates if they are so represented, and on such other persons as the Tribunal may deem proper.

(3) Except as otherwise directed by the Tribunal, for reasons to be recorded in writing, the cases shall be fixed for hearing on their own turn, according to the dates of their admission.

10. Deposit of Security etc: - (1) If the appeal is admitted, the appellant shall deposit with the Registrar: -

- (a) cash security for costs in the sum of Rs.100.00 (rupees one hundred only); and
- (b) such cost of service of notices on the respondents as may be determined by the Registrar, including the cost of publication, if it is desirable to serve the notices by publication in the newspapers.

(2) If within 10 days of the admission of appeal, the appellant does not deposit the security and the cost of service of notices, the appeal may be dismissed.

11. Service of Notices: - (1) A notice under sub-rule (2) of Rule 9 may be served by registered post or in any other manner as the Tribunal may direct.

(2) The notices to the respondents shall be accompanied by a copy of the memorandum of appeal and all the documents appended therewith.

(3) The Tribunal may, where the number of respondents is large or where otherwise the Tribunal considers it appropriate or desirable to do so, direct that in addition to sending a copy of the notice to the respondents by registered post, the notice shall be published in one or more daily newspapers having circulation in the areas where the respondents ordinarily reside or are serving.

(4) Service of notice in accordance with the provisions of this Rule shall be as effected as if it had been made on the respondents personally, and it shall not be necessary to prove that a party has actually received the notice.

12. Submission of objections by respondents: - (1) A respondents on whom a notice of appeal has been served under the provisions of Rule 11

shall send his written reply by registered post (A.D) to the Registrar, or deliver the same to the Registrar personally or through an advocate, not later than seven days before the date specified in the notice for the hearing of the appeal.

(2) The reply shall be correctly and concisely written, type written or printed, shall be signed by the respondent and shall be accompanied by a copy of every seniority list, or order or other documents on which the respondent wishes to rely in support of his case.

(3) The written reply shall be accompanied by 4 spare copies thereof, complete in all respects and containing copies of the lists, order and documents referred to in sub-rule (2), for use of the Tribunal.

13. Determination of questions: - (1) Questions arising for determination by the Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, the Tribunal may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

14. Summoning of Witnesses:- (1) A list of witnesses shall be presented to the Tribunal, and application for summoning witnesses before the Tribunal shall be made, within 10 days after the service of notice of appeal under Rule 11 which shall state whether they are required to give evidence or to produce any documents, shall give, where a witness is required to give evidence, a brief resume of the evidence he is expected to give, and where a witness is required to produce a document, give a brief description of the documents so as to identify it.

(2) If Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule(1) will be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and travelling charges of such witness, at the rates admissible to witnesses appearing in the High Court, should be deposited by the person calling him, within the period to be specified by the Tribunal.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness, within the period specified by the Tribunal under sub-rule (2), or within any extension thereof that may be

granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct that the witness be summoned.

(5) Where a Tribunal summons a witness under the provisions of sub-rule (4)-

(a) if such witness is a Government servant, his travelling and daily allowance, if any, shall be borne by Government; and

(b) if such person is a private person, his travelling and daily allowance shall be borne by the appellant.

(6) Process for service on witnesses of high rank shall be sent in the form of a letter

(7) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the Head of his office.

15. Evidence of Witnesses: - (1) The evidence of witnesses examined by the Tribunal shall be taken down under the superintendence of the Tribunal, ordinarily in the form of a narrative and shall form part of the record.

(2) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

16. What may be urged by an appellant; -- The appellant shall not, except by the leave of the Tribunal, urge, or be heard in support of any ground of objections not set forth in the memorandum of appeal, but the Tribunal, in deciding, the appeal shall not be confined to grounds of objections set-forth in the memorandum of appeal or taken by leave of the Tribunal under these rules:

Provided that the Tribunal shall not rest its decisions on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

17. Notice Board: - (1) A cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal cases to be set down in the cause list shall be in the order of the date of admission.

18. Hearing of Appeal: - (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant or his advocate shall be heard in the support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once hear the respondent or his advocate against the appeal and in such case, the appellant shall be entitled to reply.

19. Consequence of Non-appearance of the Appellant or Respondent: - (1) Where on the day fixed for the hearing of an appeal or any other day to which the hearing may be adjourned the appellant or his counsel, if any, does not appear when the appeal is called for hearing, the Tribunal may make an order that the appeal stands dismissed.

(2) Where the appellant or his counsel, if any, appears and the respondent or his counsel, if any, does not appear, the appeal shall be heard ex-parte.

(3) Where an appeal is dismissed under sub-rule (1) or an ex-parte order made under sub-rule (2), the Tribunal may for sufficient cause on an application made within 15 days restore the appeal or as the case may be set aside the ex-parte order on such terms as to costs or otherwise as it thinks fit.

Provided that no order of restoration of an appeal dismissed in default or setting aside the ex-parte order shall be made unless notice of the application has been served on the opposite party.

20. Adding Respondent: - When it appears to the Tribunal at the hearing that any person who has not been made a respondent in the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a further day to be fixed by the Tribunal and direct that such person be made respondent.

21. Pronouncement of Order: - The Tribunal shall pronounce order in open court, either at once on the conclusion of arguments or on some future date of which notice shall be given to the parties or their advocates.

22. Order regarding costs, etc: - (1) The Tribunal may make such order as to the costs of proceedings before it as it deems fit.

(2) Any cost awarded by a Tribunal which cannot be paid out of the cash security deposited by the appellant under Rule 10, if not paid by the appellant within one month of the order awarding the costs, shall, on the certificate of the Tribunal, be recoverable from the appellant as arrears of land revenue.

23. No entertainment of appeal in certain cases: - The Tribunal shall not entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a court or a Tribunal of competent jurisdiction.

24. Appellant precluded from bringing another appeal in certain cases: - Where an appeal has been withdrawn by the appellant and is in consequence dismissed by the Tribunal, the appellant shall, unless otherwise directed by the Tribunal, be precluded from bringing another appeal in respect of the same cause of action.

25. Administrative functions of the Tribunal to vest in the Chairman: - The administrative functions of the Tribunal except the appointment of staff shall be performed by the Chairman on behalf of the Tribunal.

26. Constitution of Benches: - Where the amount of work so justifies the Chairman may, for the purpose of admission of appeals, constitute one or more benches, each bench consisting of two members to be nominated by the Chairman.

27. Additional powers of the Tribunal: - Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.

28. Furnishing of copy of final adjudication order by the Tribunal to the competent authority: - A copy of every order of final adjudication on an appeal shall be furnished by the Registrar, free of cost, to the competent authority concerned which shall forthwith give effect to it.

29. Inspection of Records: - The provisions contained in the High Court Rules and Orders as applicable to the Peshawar High Court, in regard to copies of inspection of record, shall mutatis mutandis and to the extent practicable apply to proceedings before a Tribunal.

C.No. 6(2-1)

**GOVERNMENT OF [KHYBER PAKHTUNKHWA]
FINANCE DEPARTMENT.**

NOTIFICATION

15th July, 1980.

No. FD. SO(SR-IV) 1-10478. -- --In exercise of the powers conferred by section 26 of the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (²Khyber Pakhtunkhwa Act XVIII of 1973), the Governor of the ³[Khyber Pakhtunkhwa] is pleased to make the following rules namely:

**THE ⁴[KHYBER PAKHTUNKHWA] TRAVELLING
ALLOWANCES RULES.**

CHAPTER I—GENERAL

1.1, *Short title.*----These rules may be called the ⁵[Khyber Pakhtunkhwa] Travelling Allowances Rules, 1980.

1.2. *Commencement.*--*They* shall come into effect on the fourteenth day of July, 1980.

1.3. *Repeal.*—*The* Travelling Allowances Rules in force in any part of the ⁶[Khyber Pakhtunkhwa] immediately before the coming into force of these rules shall stand rescinded; provided that any order issued by competent authority under those rules shall, if not repugnant to these rules, continue to apply until expressly rescinded, r modified by a competent authority under these rules.

1.4. Extent of application. –These rules shall apply

- (i) all civil servants;
- (ii) all officers belonging to All Pakistan Unified Grades in respect of whom the Governor of ⁷[Khyber Pakhtunkhwa] has been delegated the powers to frame the rules regulating their Travelling Allowances; and

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁶ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁷ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (iii) officers on deputation with the Government of the ¹[Khyber Pakhtunkhwa] Province from the Federal Government or other Provincial Governments unless otherwise determined in any particular case.

1.5. Definitions. —In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

"Audit Officer" means the head of Office of Audit and Accounts subordinate to the Auditor-General of Pakistan, who keeps the accounts of the ²[Khyber Pakhtunkhwa] or a part thereof and exercises audit functions in relation to those accounts on behalf of the Auditor-General of Pakistan.

"Authorized Medical Attendant" means a Medical Officer of Government required to attend on a civil servant or his family under the rules relating to medical attendance on civil servants.

"Chief Public Office" means, at the Headquarters of a District the office of the Deputy Commissioner, at an out-post or Tehsil, the Office of the Officer-in-Charge of the post or Tehsil and at other places the Police Station or, if there be no Police Station the Post Office or, if there be no Post Office the point designated as such by a competent authority,

"Civil Servant" means the civil servants as defined in the ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁴[Khyber Pakhtunkhwa]. Act XVIII of 1973), and for the purposes of these rules shall include the officers, specified in clauses (ii) and (iii) of Rule 1.4, unless otherwise determined in respect of any officer or class of officers.

"Competent Authority in relation to the exercise of any power means the Administrative department concerned acting in consultation with Finance Department, or any other authority to which such power; may have been delegated.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

"Controlling Officer" means an officer declared as such for exercising supervision over the Travelling Allowance claims of a civil servant or a class of civil servants.

"Day" means a calendar day beginning and ending at midnight.
 "Family" means a civil servant's—

- (i) wife or wives, or husband as the case may be if residing with or wholly dependent upon him;
- (ii) legitimate children and step-children under 12 years of age;
- (iii) legitimate children and step-children not more than 24 years old, if residing with and wholly dependent upon him; and
- (iv) adopted child not more than 24 years old subject to the following conditions:--
 - (a) the civil servant has no legitimate or step-child of his own;
 - (b) prior approval of the Government is obtained for having adopted the child;
 - (c) Government's liability will be restricted to one adopted child only;
 - (d) adopted child will cease to be a member of the family if, after his adoption the civil servant has a legitimate or step- child of his own; and
 - (e) adopted child is residing with and wholly dependent upon the civil servant.

"Finance Department" means the Finance Department of the Government of the ¹[Khyber Pakhtunkhwa].

"Government" means the Government of the ²[Khyber Pakhtunkhwa].

"Head of Department" means any authority whom Government may declare to be the Head of Department for the purposes of these rules and includes all Secretaries to Government and Heads of Attached Departments.

"Head of Office" means any officer designated as Disbursing Officer or any other civil servant declared to be the Head of Office by a competent authority.

"Headquarters" of a civil servant is the station which has been declared as such by a competent authority or in the absence of such a declaration, the station where the records of his office are kept.

"Local Authority" means a municipal corporation, municipal committee, a district committee, a union council, a town committee. Body of port trustees

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

or Commissioners, or other authority legally entitled to, or entrusted by Government with the control or management of municipal or local fund.

"Month" means a month reckoned according to the British Calendar.

"Pay" includes special pay, qualifications pay, personal pay, technical pay, overseas pay and any other emoluments which may be specially classed as pay by a competent authority and in case of a re-employed civil servant whose pension is not wholly held in abeyance, pay includes the pension drawn by him; provided that if the total of pay and pension exceeds the maximum of the pay scale of the post held during re-employment, the maximum pay of such scale shall be deemed to be the pay.

"Public Conveyance" means a railway train, steamer, bus or other conveyance which plies regularly on a given course for the conveyance of passengers.

"prescribed" means prescribed under these rules.

"transfer" means the movement of a civil servant from one headquarters station to another such station either to take up duties of a new post or in consequence of a change in his headquarters

1.6. Nature of travelling allowance. — (1) Travelling Allowance is granted to a civil servant, to cover the expenses which he incurs in travelling in the interest of public service.

(2) A civil servant's claim to travelling allowance shall be regulated by the rules in force at the time the journey in respect of which the claim is made, is undertaken.

1.7. Functions of Controlling Officers. —A Controlling Officer in order to ensure that travelling allowance is not turned into a source of Profit and that travelling is resorted to only when it is necessary in the interest of public service may: -

- (a) issue instructions limiting the extent of touring to be done by a subordinate officer;
- (b) if the subordinate officer is in receipt of a conveyance allowance or a permanent travelling allowance and has done inadequate touring, may reduce the amount of such permanent travelling allowance or conveyance allowance; and
- (C) issue instructions to a subordinate civil servant to regulate his touring in such a way as to minimize unnecessarily large claims for travelling allowance.

1.8. Signature of Controlling Officer on Travelling Allowance Bill:- No bill for travelling allowance other than permanent travelling allowance or conveyance allowance shall be paid, unless it be signed or countersigned by the Controlling Officer.

1.9. Bar on delegation of duty of countersignature: - Unless expressly permitted by a competent authority, a Controlling Officer shall not delegate to a subordinate his duty of countersignature.

1.10. Duties of Controlling Officer: - Before signing or counter. signing a travelling allowance bill, the Controlling Officer shall: —

- (a) scrutinize the necessity, frequency and duration of journey and halts for which travelling allowance is claimed, and disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey or halt was unnecessary or unduly protracted, or that a halt was of excessive duration;
- (b) scrutinize carefully the distances entered in travelling allowance bills and satisfy himself by maintaining proper check registers of bills signed or countersigned by him, that a double payment for one and the same journey is not passed;
- (c) satisfy himself that, where the actual cost of transporting personal effects, etc, is claimed under these rules the scale on which such personal effects, were transported was reasonable and to disallow any claim which, in his opinion, does not fulfil that condition;
- (d) exercise care that there is no evasion or breach of the fundamental principle of travelling allowance, viz, that the allowance is not to be a source of profit;
- (e) observe any subsidiary rules or orders which a competent authority may make for his guidance;
- (f) Judge on the circumstances of each case whether the officer making the journey could or could not have purchased a return ticket and to allow travelling allowance accordingly when he considers that the officer making the journey could have purchased a return ticket;
- (g) satisfy himself that the mileage allowance for journeys by railways or steamer or other public conveyance has been claimed at the rate applicable to the class of accommodation actually used.

1.11. Preparation of bill connected with Local Fund:- When a civil servant paid from the [Khyber Pakhtunkhwa] Provincial

Consolidated Fund travels on duty connected with the affairs of a Local Authority (for which the travelling allowance is payable from the Local Fund), he should prepare a separate bill for such journeys but should forward such bill with the bill for the same month, if any, payable from the [Khyber Pakhtunkhwa] Provincial Consolidated Fund, to the Controlling Officer for the latter bill, who will scrutinize the bills, and forward the bill payable by a local body to the local body concerned for necessary actions under the rules of the Local Fund.

1.12 Journeys for which travelling allowance may be drawn,
— Travelling Allowance may be drawn in respect of a journey performed for any of the following purposes: --

- (a) for the purpose of tour;
- (b) on transfer;
- (c) on joining a first appointment;
- (d) on retirement; suspension, dismissal, death or termination of employment;
- (e) to attend a course of training or to appear at an examination;
- (f) to give evidence in a court or to attend an inquiry or conference;
- (g) to obtain or furnish medical advice or treatment;
- (h) to attend a Darbar or an official function; and
- (i) any other purpose authorized by a competent authority.

1.13. Journeys within sixteen kilometers— The pay of a civil servant is supposed to include the cost of maintaining a conveyance proper to his status, and therefore, ordinarily he is not to be paid any travelling allowance for journeys within sixteen kilometers of his headquarters, nor is he to be paid for journeys from his residence to his office. A competent authority may, however, sanction a monthly conveyance allowance to a civil servant under the following circumstances: —

- (i) when he does intensive tour within sixteen kilometers of his headquarters;
- (ii) when on account of shortage of residential accommodation in a particular locality, a civil servant has to reside at a considerable distance from his office.

1.14. Conveyance allowance: - Conveyance allowance is of two kinds:

- (i) that sanctioned on the condition that a particular type of conveyance will be maintained by the civil servant;
- (ii) that sanctioned without any such condition being imposed.

1.15. Conveyance allowance during leave or joining time: -

(1) Conveyance allowance falling under rule 1.14 (i) may be drawn only for the period the required conveyance is actually maintained on a certificate being furnished by the Officer concerned that this requirement has, in fact, been met.

Such a conveyance allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal drawn vehicle and at half rates, in case of any other conveyance.:

Provided that the post held by the civil servant immediately prior to the leave or joining time carried the allowance:

Provided further that the conveyance is actually maintained by the civil servant during the leave or, as the case may be, joining time

(2) Conveyance Allowance falling under rule 1.14 (ii) will be admissible only for the period during which the civil servants held the post to which the conveyance allowance is attached and will not be admissible during leave of joining time.

CHAPTER –II
TRAVELLING ALLOWANCE FOR JOURNEYS ON TOUR

SECTION – I
GENERAL

2.1. Definition of Tour. —a civil servant is on tour when he is absent on duty from his headquarters, either within or, with proper sanction, beyond his sphere of duty.

2.2. Absence on duty. —in doubtful cases, a competent authority may decide whether an absence from headquarter, whether in a particular case or in any specified class of cases is absence on duty for the purpose of rule 2.1.

Note: When power is exercised under this rule a copy of the sanction briefly giving the grounds of sanction should be sent to the Audit officer concerned.

2.3.Civil Servants who are not entitled to travelling allowance for journeys on tour.—where a competent authority has declared that the pay of the particular civil servant or class of civil servants has been so fixed as to compensate him or them for the cost of all journeys, other than journey by rail or steamer within the civil servant's sphere of duty, such a civil servant may not draw travelling allowance for such journeys though he may draw mileage allowance for journeys by rail or steamer.

Such Civil Servant or servants may, however, draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as it within his sphere of duty, when travelling with proper sanction beyond his or their sphere of duty.

2.4.Distance to be travelled before travelling allowance is admissible. —Travelling allowance may not be drawn for any journey during which a civil servant does not reach a point outside the radius of sixteen kilometers from his headquarters. The radius of sixteen kilometers will be calculated within reference to the nearest practicable route.

2.5.Kinds of travelling allowance. —the following are the different kinds of travelling allowances, which may be drawn by civil servants for journeys on tour:

- (a) Permanent travelling Allowance.
- (b) Mileage and Daily Allowance.

2.6.Permanent travelling allowance. —A permanent monthly travelling allowance may be granted by competent authority to any civil servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance or journeys within the civil servant's sphere of duty and is drawn all the year round, whether the civil servant is absent from his headquarter or not.

2.7.A permanent travelling allowance may be sanctioned on condition that a particular conveyance is maintained or without the imposition of any such condition.

2.8.Admissibility of permanent travelling allowance. —In case a permanent travelling allowance is sanctioned subject to the condition that a conveyance is maintained, it may be drawn only for the period for which it is certified by the civil servant concerned that a conveyance was in fact maintained by him.

Such allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal-drawn vehicle, and at half rates, in case of any other conveyance.

Provided that the post held by the civil servant immediately prior to the leave or joining time carried the allowance:

Provided further that the conveyance is actually maintained by the civil servant during the leave or joining time, as the case may be.

2.9.Permanent Travelling Allowance, which is sanctioned without imposition of any conditions to the maintenance of a conveyance, is admissible only for the period during which the charge of a post to which it is attached is held, and it not admissible during leave or joining time.

2.10. A civil servant deputed to undergo a course of training may draw a conveyance allowance or permanent travelling allowance for maintaining a conveyance during the course of training; provided he actually maintains the conveyance and the authority sanctioning the deputation is satisfied that on expiry of the training he is likely to return to the post of which the allowance is attached.

2.11. Permanent travelling allowance for two or more posts. — When a civil servant holds two or more posts, to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance not exceeding the total or the permanent travelling allowances attached to such posts, as the competent authority may consider to be necessary in order to reimburse him for the travelling expenses which he has to incur.

- 2.12. **Permanent travelling allowance to cover cost of all journeys within sphere of duty.** —Permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the civil servant, who draws it, and such civil servant may not draw any other travelling allowance for any such journeys. If, however, the civil servant travels outside the sphere of his duty, he may draw ordinary travelling allowance for such journeys in addition to permanent travelling allowance.

¹[2.13 **Grades of civil servants for purposes of mileage allowance.** —For the purposes of calculating mileage allowance, civil servants are divided into grades as follows: -

CATEGORIES

- a) Category-I Civil servants in B-17 and above.
- b) Category-II Civil servants in B-11 to B-16
- c) Category-III Civil servant in B-3 to B-10
- d) Category-IV Civil servants in B-1 to 2]

- 2.14. **Determination of grade of civil servant in transit.** — (1) A civil servant in transit from one post to another ranks in the grade to which the holding of the lower of the two posts would entitle him.

(2) If the initial order of transfer is modified while the civil servant is in transit, his travelling allowance shall be regulated in accordance with the initial or the final orders of transfer, whichever entitles him to rank in the lower grade; provided that if the initial order entitled him to travelling allowance admissible according to that grade on his certifying that he actually travelled by the mode of conveyance of the class admissible to an officer of the higher grade.

- 2.15. **Grade of part-time civil servants.** —A civil servant whose whole time not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may declare.

- 2.16. **Revision of travelling allowance due to retrospective promotion or reversion.** —The travelling allowance of a civil servant who is promoted or reverted or is granted an increased rate of pay with retrospective effect should not be revised in respect of

¹ No. FD/SR-II/8-52/2002 dated: 20-09-2002

the period intervening between the date of promotion, or reversion and date on which it is ordered, except when the promotion or reversion or increase in salary implies a change of duties. In the case of travelling allowance bills audited before the order is issued, the Audit Officer should be guided by the facts known officially at the time of the audit, but, in the case of travelling allowance bills not presented or audited before the promotion is ordered, the Audit Officer should recognize the retrospective effect of the order.

2.17. When a civil servant is permitted for his own convenience to perform his duties at a station other than his headquarters, he is not entitled to draw any travelling allowance for the journeys to or daily allowance for halts at such station. A Competent Authority may decide what should be considered to be the place of duty of a civil servant for the purposes of these rules.

2.18. The rate admissible for the road mileage shall be 125 per cent the rate admissible for road mileage under Section II, of this Chapter, if the journey is performed in the following areas: -

1. The Provincially Administered Tribal Area
2. The Federally Administered Tribal Area

2.19. Competent Authority may prescribe higher rates of travelling allowance for expensive localities.—A Competent Authority may prescribe a higher rate of daily allowance and mileage for a particular class of civil servants or generally for travelling in a particular expensive area, or for any other special reasons to be recorded in writing.

SECTION-II MILEAGE ALLOWANCE

2.20. Definition and principles of calculation.—A mileage allowance is an allowance calculated on the distance travelled, which is given to meet the cost of particular journey, and is governed by the following principles:

1. For the purpose of calculating mileage allowance, a journey between two places shall be deemed to have been performed by the shortest of two or more

practicable routes or by the cheapest of such routes as may be equally short.

2. The shortest route is that by which the traveler can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.
3. If a civil servant travels by a route, which is not the shortest, but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

2.21. Point of commencement and end of journey. —Mileage allowance shall be admissible from the residence of the civil servant to the railway station or the airport, or the sea/river-port, as the case may be, at his headquarters and from the railway station or the airport or the sea/river-port to the place of his temporary residence at the outstation, instead of from and upto the Chief Public Officer.

Note: - Mileage allowance shall also be admissible where road journey is performed by public transport plying for hire on single-sea basis from the residence of the civil servant to the bus/minibus/taxi stand at his headquarters and from such stand to the place of temporary residence at the outstation and vice versa.

2.22. Different rates for different classes of journeys. —Mileage allowance differently calculated according as the journey is, or could be, performed railway, by sea or river steamer, by road or by air.

The following are the authorized modes of travelling:-

1. Rail;
2. Sea or river steamer;
3. Road—
 - (i) Car;
 - (ii) Taxi;
 - (iii) Passenger Bus;

- (iv) Motor cycle.
 - (v) Cycle or foot.
 - (vi) On animal back or on an animal-driven carriage
4. Air.

2.23. Mileage allowance for journey by railway:- For the purpose of calculating mileage allowance, civil servants when travelling by railway are considered to be entitled to accommodation according to the following scales.

- | | |
|--------------|---|
| Category-I | Accommodation of the highest class by whatever name be it called. |
| Category-II | First Class (sleeper) Accommodation, if travelling on a line which does not provide 1 st class (sleeper), the next lower class. |
| Category-III | First class (sitter) accommodation. If travelling on a line which provides no 1 st class (sitter) accommodation, the next lower class. |
| Category-IV | Lowest class by whatever name be it called. |

2.24. The mileage allowance for a journey by railway admissible to a civil servant is the fare actually paid for the journey in a class of accommodation to which he is entitled or in a lower class plus half of the fare of the class of accommodation to which he is entitled:

Provided that a civil servant drawing pay exceeding Rs.2,150 per mensem may draw for any journey or part of journey by rail in respect of which he certifies that he took a private servant with him, an additional lowest class fare.

Note: - (1) Any tax or surcharge, if actually paid with the fare, should be included in the mileage allowance.

Note: - (2) A civil servant who reserves his seat in a train for official business but subsequently due to an unexpected change in programme, gets the reservation cancelled, may be allowed reimbursement of the reservation fee and any deduction made by Railway Authorities before refunding the price of the tickets out of contingencies; provided that it is certified by the Controlling Officer that ---

- (i) Cancellation was unavoidable and in the public interest; and
- (ii) The booking was cancelled at the earliest opportunity.

Note: - (3) The provisions contained in note (2) shall mutatis mutandis apply where a civil servant on his transfer reserves his seat but due to unexpected change in the programme gets reservation cancelled. The said provision shall apply and the concession of re-imbursement shall be admissible also in the case of cancellation of the reservation of seats for the members of the family of the civil servants; provided that the reservation of seats for the members of family was made along with the reservation of the seat for the civil servant concerned.

Note: - (4) Reservation charges, if actually paid by a civil servant are included in the terms 'the fare actually paid' in Rule 2.24

2.25. When through booking involves the payment, for part of a journey of rates for accommodation for a higher class than that to which the civil servant concerned is entitled, the civil servant may draw mileage allowance based on the higher rates for that part of the journey.

2.26. Mileage allowance for journey by sea or by River Steamer.

—For the purpose of calculating mileage allowances by sea or by river steamer, Civil servants are entitled to the class of accommodation according to the following scale.

Category-I	Highest class.
Category-II	if there be two classes only on the steamer, the higher class, and if there be more than two classes, the second class.
Category-III	(i) if there be two classes only on the steamer, the lower class, or (ii) if there be three classes, the second class, or (iii) if there be four classes, the third class.
Category-IV	Lowest class.

2.27. The mileage allowance for journeys by sea or river steamer, admissible to a civil servant is the amount actually paid, exclusive of diet, for travelling in the class of accommodation to which he is entitled.

2.28. If owing to the arrangements of classes on a steamer, the provisions of rule 2.26, if strictly construed, involves hardship, a competent authority may, in respect of particular journey or journey generally, decide to what class of accommodation a civil servant is entitled, and when so deciding may direct whether the civil servant should be granted the full or part allowance admissible for the higher class in which he is permitted to travel.

2.29. Mileage allowance for journeys by road.—For journeys by road mileage allowance is admissible at the following rates according to the different modes of travel—

(i) **Personal Car**

To a civil servant of the _____ at the rate of **Rs 5** per KM
First Grade.

Note:- (1) Civil servants drawing pay less than Rs 1,250 per month are not allowed to maintain cars. They will, however, be eligible to claim mileage allowance in respect of the cars being maintained prior to 1st May, 1997.

Note (2)—A personal car is a car registered in the name of the civil servant or his wife or her husband, as the case may be.

Note (3) – Whereas government vehicle is provided for use by, and made available to an officer, such officer shall not be entitled to any road mileage. However, if at any time the government vehicle provided to an officer is not in order, under repair or is otherwise not available to the officer for a particular journey, it should be construed that the government vehicle is not available and the use of personal car will then be permissible. The officer concerned may draw mileage allowance as admissible under these rules, after according a certificate on the T.A bill indicating therein why the government vehicle could not be used by him for the journey.

b. **Borrowed Car** – A civil servant travelling in a borrowed motor car may charge mileage allowance at the rate of 1.50 per kilometer if he incurs the cost of propulsion himself. In the bill claiming the travelling allowance in such a car, the civil

servant should give the number of the car and the name and occupation of its owner and record a certificate to the effect that he paid the cost of propulsion himself.

- c. **Taxi.** —To an officer of the first Grade for a journey between places not connected by rail, Rs.2 per kilometer, provided that all accommodation in the taxi is reserved by such officer;

Note (1) -- A taxi, for the purposes of this rule means a motor vehicle plying on hire and authorized to carry not more than eight persons.

Note (2) – This facility is not admissible to civil servant of the second, third and fourth Grades.

- d. **Public Transport.** – Plying for hire on single seat basis:
Civil servant in B-7 & above – “ Rs 0.50 per KM.
Civil Servant in B-6 & below – “ Rs 0.30 per KM.

- e. **Motor, Cycle /Scooter** - Mileage allowance is admissible to civil servant of the first and second grades at the rate of Rs. 1/ per kilometer.

Note (1) – No mileage allowance is admissible for travelling in any borrowed means of transport, except a borrowed car.

Note (2) – Where two or more civil servants travel in the same conveyance only that officer who either owns the conveyance or has hired it may draw mileage and daily allowance, while the rest may draw only daily allowance. A note showing the circumstances of such journey should be made on the travelling allowance bill of each such officer.

Note (3) -- Where a civil servant, while travelling on duty, is required to pay and pays toll, he shall be entitled to recover the amount in addition to the mileage allowance admissible to him.

Note (4) – No mileage allowance is admissible for journeys within the Municipal limits or cantonment limits of the town of halt.

Instruction-1 – Vouchers should be attached to every travelling allowance bill presented for payment, particularly in respect of claims for hiring a whole vehicle, but where vouchers cannot be obtained, the controlling officer should certify that to the best of his knowledge the claim is correct.

Instruction-2 – The nature of the conveyance used should be certified on the travelling allowance bill.

Instruction-3 – All controlling officers should maintain in their office a record of rates of hire of conveyance of all kind within the track in which the civil servants subject to their control ordinarily travel.

Instruction-4 – Head of Departments are not required to attach vouchers to their travelling allowance bills, but should certify that the amount claimed was actually paid by them.

2.30. Fractions of Kilometer to be omitted—In calculating mileage allowance for journeys by road, fractions of kilometer should be omitted from the total of the amount claimed for a complete journey but not from the various items which make up the completed journey.

Each complete journey on tour ends when the civil servant returns to headquarter or to a place in which his headquarters are situated, whether he halts there or not

2.31. Where a civil servant claims a road mileage for journey performed by road in his personal car between places connected by rail, the Controlling officer may at his discretion accept the claim if he is satisfied that journey by road had to be performed in the public interest.

2.32. Air Travel. —For the purposes of these rules, travel by air means journey performed in the machines of public air transport companies regularly plying, for hire. It does not include journeys performed in private airplanes or air taxis.

2.33. A Civil Servant (B-17) and above including those in receipt of pay exceeding Rs. 5400/- per month or entitled to travel by air and any other officer authorized by competent authority to travel

by air if the journey is urgent and in the interest of public service may draw mileage allowance equal to the fare charge for the air journey.

Note-I: An officer drawing pay of less than Rs.5400/- is not entitled to travel by air in the first class.

Note-II: wherever available a return ticket at reduced rate should always be purchased when an Officer expects to perform the return journey by air within the period for which a return ticket is valid.

Note-III: The provisions of the notes below ruled 2.24 also apply in case of air journeys.

Note-IV: Civil servants in BPS-20 and above shall be entitled to travel by air in 1st class on duty outside Pakistan. For the portion of journey, if any, lying in Pakistan such civil servants shall travel in economy class. Journey within Pakistan will be continued to be performed where admissible by air in economy class, irrespective of pay and status.

2.34. Mileage allowance for a civil servant not authorized to travel by air. —A civil servant who is not authorized to travel by air but performs journey by air can draw (i) traveling allowance that would have been admissible to him under rule 2.33 if he had been authorized to travel by air or (ii) allowance to a journey by rail, road or steamer whichever is less.

SECTION-III DAILY ALLOWANCE

2.35. (I) A daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the extra daily expenditure incurred by a civil servant in consequence of such absence.

- (II) A day is to be reckoned from mid night.
- (III) A part of the day, at the commencement or end of the tour, is to be reckoned as a day for which daily allowance will be admissible; provided that if the commencement or end of the tour falls on the same day, only one daily allowance will be admissible.

- (IV) In case of journey by rail, no daily allowance shall be admissible for journey day; but for the day of arrival at and of departure from the place of temporary duty, half the normal daily allowance shall be admissible.
- (V) In the case of departure from headquarters the rate of daily allowance during transit will be the same as admissible at the station of immediate destination and in the case of return to headquarters, the rate will be the one admissible at the last station of temporary duty before return to headquarters.

2.36. Rate of Daily Allowance. — (1) the rate of daily allowance shall be as below w.e.f. 01.07.2017¹:

BPS	Existing Ordinary Rates	Special Rates	Revised Ordinary Rates	Special Rates
1-4	310	500	496	800
5-11	390	550	624	880
12-16	700	900	1120	1440
17-18	1250	1600	2000	2560
19-20	1550	2050	2480	3280
21	1750	2500	2800	4000
22	1750	3000	2800	4800

(2) Specified stations as notified from time to time are Hyderabad, Karachi, Sukkar, Bahawalpur, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, Muzaffarabad & Mirpur AJ&K.

(3) Daily allowance will be admissible only for the actual night(s) at the out station for which daily allowance is claimed. Where night stop is not involved and if absence from headquarters exceeds 6 hours half daily allowance will be allowed.

(a). Daily allowance on domestic tours where stay for a night or more is involved will admissible only for the night(s) spent at out stations.

(b). Half daily allowance will be admissible only in those cases where the absence from headquarters does not involve stay for the night and no daily allowance is drawn for any

¹ No.FD/SOSR-II/8-52/2017 dated Peshawar the 14/07/2017

night stay. It cannot be drawn in addition to any daily allowance drawn for night stay.

(4) Government servants in BPS-1 to 19 may stay in Govt. Guest Houses, Public Sector Corporations, Rest Houses and Motels and Hotels (minus 5-star hotels). They can claim actual room rent charges on production of receipts subject to a maximum of 3 daily allowances in specified stations (i.e. localities where special rate of DA is admissible) and 1 ½ daily allowances at non-specified stations (i.e. Localities where ordinary rate of DA is admissible)

Provided that such governments servants shall not be provided to produce receipt for claiming actual room rent charges for staying in Hotels/Motels.

(5) i) Govt. Servants in BPS-20 and above may stay in Hotels and claim room rent charges on production of receipts subject to a maximum of three daily allowances for a specified stations, and 1 ½ daily allowance at non-specified stations. If, however, the room rent charges are in excess of the maximum ceiling aforementioned, the government will pay 50% of the additional amount. These orders shall take immediate effect.

Provided that such governments servants shall not be provided to produce receipt for claiming actual room rent charges for staying in Hotels/Motels.

Provided further that in cases where the actual room rent charges are in excess of the maximum ceiling aforementioned, 50% of the additional amount will be paid by Government on production of receipt for payment of room charges.

- i) Room rent means actual single room rent which includes taxes duties and service charges.
- ii) Special rate of daily allowance shall be admissible at Islamabad, Karachi, Lahore, Quetta, Rawalpindi, Peshawar, Hyderabad, Multan, Faisalabad, Saidu Sharif/Mingora, Abbottabad and Chitral.
- iii) In case of non-availability of single room, the touring civil servant may be allowed to book a double room for his exclusive use provided the rent thereof does not exceed the maximum permissible limit for a single room. If it happens to be more than one's entitlement, the re-imbursement shall be restricted to his one's entitlement only, while two officials on

tour at the same station, may be allowed to book a double suite in a hotel and share it. In such a case, either of them shall jointly certify that separate single accommodation was not available for them and that each one of them is claiming not more than one-half of the room-rent restricted to each individual entitlement. This certificate shall be appended to the T.A bill of either official.

2.37. Period for which allowance may be withdrawn. —Daily allowance may be drawn for the entire period of absence from headquarters i.e. for the time spent on a journey, a halt on tour or on a holiday occurring during a tour.

Note-I: A Civil servant who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

Note-II: A civil servant who during the course of his tour returns temporarily to headquarters on Friday or a public holiday to attend to his private business is not entitled to draw daily allowance for the day(s) spent at headquarters.

2.38. (a). Except as specified in Rule 2.38(b) below, daily allowance at full rate shall be admissible for the entire period of continuous halt at temporary duty, without any special sanction or subject to reduction in rate.

(b). In case of temporary duty at a hill station exceeding thirty days, Heads of Departments shall have full power to sanction daily allowance for the entire period of continuous halt of a civil servant.

Note: - A civil servant who takes casual leave immediately on the conclusion of temporary duty will draw daily allowance for the day of departure from the out-station to which he would have been entitled had he not proceed on casual leave.

TRAVELLING ALLOWANCE FOR JOURNEYS ON TRANSFER.

3.1 General condition of admissibility. - Travelling allowance may not be drawn under this Chapter by a civil servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs.

3.2. When a civil servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Audit Officer of the circle of audit in which he is serving, with an endorsement stating the reasons for the transfer. In the absence of such an endorsement the Audit Officer shall assume that the civil servant has been transferred, for the public convenience. In the case of civil servants in grade 1 to 15 a certificate from the head of office may be accepted in lieu of the copy of the order referred to above.

3.3. A competent authority may depute a civil servant on duty outside his headquarters and order him to reside at a temporary headquarters for a period not exceeding three months. In such circumstances travelling allowances as on transfer will not be admissible and the civil servant in question will only draw travelling allowance as on tour.

3.4. Elements of the travelling allowance on transfer. - Travelling allowance for a journey on transfer is meant to cover: -

- (a) The cost of transportation of the civil servant and his family;
- (b) Expenditure incidental to the travelling of the civil servant and his family;
- (c) Transportation cost of the personal effects of the civil servant and his family; and
- (d) In certain cases, the cost of the transportation of a conveyance or conveyances of a civil servant.

3.5. Travelling allowance will be admissible in respect of all items of expenditure specified in rule 3.4; provided that the transportation in question took place not earlier than one month and not later than six months of the date on which the civil servant took over charge of the new post.

3.6. Travelling allowance for journeys on transfer includes. -

- (a) mileage allowance for the civil servant and his family to cover the cost of their transportation;
- (b) daily allowance for the civil servant and his family to cover incidental expenses;
- (c) cost of transportation of the personal effects of the civil servant subject to certain limits; and
- (d) cost of moving motor car, other conveyance under certain circumstances.

3.7. Mileage and daily allowance. - A civil servant is entitled under clauses (a) and (b) of rule 3.6 to mileage and daily allowances as under: -

(I) In the case of journey by rail: -

(a) Mileage allowance for himself and for each member of his family equal to the fare actually paid for journey in a class of accommodation to which he is entitled, or in a lower class; plus half of the fare of the class of accommodation to which he is entitled.

(b) Transfer grant equivalent to one month's pay of the civil servant subject to a maximum of Rs. 2,000.00, if he possesses, a family, or, equivalent to half a month's pay subject to a maximum of Rs. 750.00, if he does not possess a family:

Provided that the transfer grant within the district in the case of a civil servant possessing a family shall be equal to one half of pay subject to a maximum of Rs. 500 and in the case of civil servants not possessing a family equal to one half of pay subject to a maximum of Rs. 350;

(c) One daily allowance at special rate shall be payable to the civil servant for every 480 kilometers of road distance; and

(d) One daily allowance at the rate applicable to the station shall be payable in respect of the civil servant and in respect of each member of his family above 12 years and one half of the full rate for every child above the age of 12 months, for the day of arrival at the new place of his posting.

(II) In the case of journey by modes other than rail: -

(a) Mileage allowance and daily allowance for himself and for each member of his family at the rates to which he is entitled while on tour;

Provided that only half of the daily allowance will be admissible for the child less than twelve years of age:

Provided further that where mileage is charged for a journey by personal car or by taxi, only a single mileage will be admissible

(b) Transfer grant equal to one month's pay of the civil servant subject to a maximum of Rs. 2,000.00, if he possesses a family, or, equivalent to half a month's pay subject to a maximum of Rs. 750.00, if he does not possess a family.

Provided that the transfer grant within the District in the case of a civil servant possessing a family shall be equal to one half of pay subject to a maximum of Rs. 500 and in the case of civil servant not possessing a family equal to one half of pay subject to a maximum of Rs. 350.

Provided further that if the civil servant is transferred within one year of his continuous posting at a station except in the case of transfer on promotion, he will not be entitled to receive the transfer grant but will draw two extra fares of the class of accommodation to which he is entitled in the case of journey by rail and two extra mileage allowance in the case of journey by modes other than rail.

Explanation. -For the purpose of the above proviso, the period of one year will be counted from the date on which the civil servant relinquished charge on the occasion of the transfer for which transfer grant was last paid to him.

Note (1): Transfer grant is admissible in cases only where travelling allowance on transfer is admissible.

Note (2): In the case of transfer between two stations: -

(a). Transfer travelling allowance is admissible where change of residence is involved, in consequence of change of head quarter; and

(b) Transfer travelling allowance is not admissible where: -

- (i) Change of residence is not involved in consequence of change of headquarter; or
- (ii) Change of residence takes place otherwise than in consequence of the change of headquarter.

3.8 (a) A civil servant shall be entitled under clause (c) of rule 3.6 to the cost of transportation of his personal effects not exceeding the following maxima:

-

Grade of Civil Servant	If possessing a family	If not possessing
Grade-I	4500	2240
Grade-II	3000	1500
Grade-III	1500	760
Grade-IV	560	380

- (b) Cost of carriage of personal effects upto the maximum weight permissible under clause (a) above shall be allowed at the rate of paisa 0.05 per kilometer per kilogram (or one paisa per kilometer per unit of 20 Kilograms), from the residence of the civil servant at the old station to his residence at the new station, irrespective of the mode by which the personal effects are carried. It will not be necessary to call for receipts in support of his claim of cost of transportation of personal effects.
- (c) A civil servant claiming the cost of transportation of personal effects is required inter alia-
 - (1) To render a certificate to the effect that the actual expenses incurred are not less than the amount claimed, and
 - (2) To indicate, in that certificate, the weight of personal effects actually carried and the amount actually paid for their transport.

The controlling officer has also to exercise the usual scrutiny of the claim.

3.9. Subject to the provisions of rules 3.14 to 3. 16 a civil servant shall be entitled under clause (d) of rule 3.6 to draw the actual cost of transportation by rail or steamer, at own risk, of conveyance at the following scale: -

Grade of the civil servant	Conveyance which he may transport.
First.	Two horses, and in addition a motor car or a carriage or a motor cycle or an ordinary cycle.
Second.	A horse, and in addition, a motorcar or a carriage or a motor cycle or an ordinary cycle.
Third.	A horse or motor cycle or an ordinary Cycle.
Fourth.	An ordinary cycle.

3.10. When a civil servant transports more than the maximum kilograms admissible, he may draw actual expenses not exceeding the amount admissible for the maximum kilograms prescribed in rule 3.8 (a).

3.11. For the purposes of these rules, the actual physical weight of personal effects carried by steamer should be taken into account, and not the theoretical weight as arrived by the shipping companies according to their own formula for calculating the charge.

3.12. subject to the prescribed maximum number of kilograms a civil servant may draw the actual cost of transporting personal effects to his new station from a place in Pakistan other than his old station (e.g. from a place where they are purchased en route, or have been left on the occasion of his previous transfer) or from his old station to a place in Pakistan other than his new station; provided that the total amount which he may draw for transporting personal effects shall not exceed the amount which would have been admissible had all his personal effects been transported from his old to the new station direct.

3.13. Motor cars and other conveyance shall be deemed a part of personal effects for the purposes of this rule in all cases where a civil servant is not entitled to travelling allowance for their transport under rule 3.9.

3.14. In the case of transportation of motor car, the cost of transporting a driver or cleaner and in the case of transportation of horses, cost of transportation of syce may be drawn.

3.15. The allowance to cover cost of transportation of a car or a motor cycle would be admissible only if the distance travelled exceeds 160 kilometers.

3.16. When a civil servant transports his motor car, motor cycle, horse, or horse and carriage by road under its own power between stations connected by rail, he may draw an allowance of 60 paisa per kilometer in respect of a motor car and 30 paisa per kilometer in respect of a motor cycle, a horse or horse and carriage:

Provided that if the civil servant or a member of his family travels by the conveyance, he may draw mileage allowance as for

journeys on tour and no additional allowance under this rule will be admissible.

3.17. Procedural matters. - A civil servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the number and relationship of the said members.

3.18. Civil servant taking over charge or handing over charge at a place other than his headquarters. ___ A civil servant transferred from one post to another who is permitted to hand over charge of his post or to take over the charge of the new post at a place other than the headquarters is entitled to:

(i) Travelling allowance as on tour for the journey to the place of taking over or handing over and also for the journey from such a place to his new headquarters; and

(ii) Travelling allowance as on transfer, except his own mileage and daily allowance for the journeys from his old headquarter to the new headquarters.

3.19. Deputation for training.-- A civil Servant who in consequence of his transfer or deputation on a course of training, in which travelling allowance as on transfer is admissible, is obliged to send his family to a station other than his new headquarter or place of training he may draw travelling allowance for his family to that other station, subject to the condition that it does not exceed the travelling allowance which would have been admissible if the family had accompanied him to his new headquarters or place of training.

3.20. Civil servant appointed to a new post while in transit.___ A civil servant appointed to a new post while in transit from one post to another, is entitled to draw traveling allowance as on transfer for so much of the journey as he has accomplished when he receives the fresh orders and for the journeys from the place at which he receives such orders to his new station.

3.21. Civil servant transferred after enjoying leave.___ A civil servant who goes on leave after he has had handed over charge of his old post and before he has taken charge of his new post, is entitled, whether the order of transfer is received before or after the

commencement of his leave, to travelling allowance as on transfer from his old to his new post.

3.22. when a civil servant under the administrative control of the Government of [Khyber Pakhtunkhwa], is transferred to the control of another Government, his travelling allowance for the journey to join his post under that Government and for the journey on reversion to a post under the Government of [Khyber Pakhtunkhwa], will be governed by the rules regulating travelling allowance on transfer of that Government.

Note: The controlling officer for the purposes of travelling allowance for the journey of civil servant to join his post under another Government as well as for the journey on reversion to a post shall be the Controlling Officer in regard to his post under that Government.

3.23. The travelling allowance of a civil servant both when proceeding on transfer to a foreign service and when reverting to duty under Government shall be borne by the foreign employer.

Note: The above rule applies even in cases in which a civil servant in Foreign Service takes leave before returning to duty under Government.

3.24. A local body employee transferred to officiate in a post under Government is entitled to travelling allowance for the journey, to join his post under Government and also for return journey under these rules.

CHAPTER-IV

TRAVELLING ALLOWANCE FOR JOURNEYS OTHER THAN THOSE ON TOUR OR TRANSFER.

SECTION-I.

JOURNEYS ON FIRST APPOINTMENT TO GOVERNMENT SERVICE AND ON RETIREMENT, DISMISSAL OR TERMINATION OF AN APPOINTMENT.

4.1. (1) Unless a competent authority by special or general order so permits, travelling allowance is not admissible to any person appointed to a post in Government service, who is not at the time holding any appointment under Government, for the journey to join his post.

(2) Travelling Allowance is not admissible for a journey undertaken to procure medical certificate required on first appointment to Government service.

4.2 A person holding a permanent post substantively under another Government, may be granted travelling allowance to join a post under the Government of the North-West Frontier Province and while reverting to his parent Government:

Provided that no such allowance will be admissible on reversion, if the reversion is at the request of such person.

4.3. Unless a competent authority so permits, no person is entitled to any travelling allowance for a journey made after dismissal from Government service or after termination of his service under Government.

Provided that:

- (i) A civil servant retiring from the Government service may draw travelling allowance as on transfer from his last headquarters to the place where the Controlling Officer certifies he is due to settle but, in that case, he shall also be entitled to the transfer grant as admissible to other Civil servants;
- (ii) The family of a civil servant who dies while in service shall be entitled, from the last headquarter to the place where the Controlling Authority certifies that the family is due to settle, to the travelling allowance, etc, as under:
 - (a) Actual fare by rail or steamer (to which the civil servant was entitled before his death) for each member of his family, for journey by road between places not connected by rail or steamer, mileage allowance shall be allowed;
 - (b) Cost of transportation of personal effects to the extent admissible to the deceased civil servant on transfer;
 - (c) Transfer grant to the extent admissible to the deceased civil servant on transfer from one station to another.
- (iii) The expenditure incurred by the family of a deceased civil servant on the transportation of dead body of such civil servant may be met by Government to the extent and in the manner indicated below:

- (a) Where the dead body is transported by rail, actual cost of transportation from the last station of duty of the deceased civil servant to his home-town.
- (b) Where the dead body is transported by road, actual cost of transportation subject to the maximum of Rs. 1.20 per road kilometer. The distance shall be calculated from the residence of the deceased at the last station of duty to his home-town.
- (c) Where the dead body is transported by air actual cost of transportation; provided that transportation by air shall be permissible only in cases where transportation by rail or road would take more than 24 hours to reach the destination.

Explanation. Actual cost of transportation of dead body shall also include, where necessary, the charges on crating not exceeding Rs. 400/-.

- (iv) When the dead body is transported by air, one single fare by economy class will also be allowed for the attendant, if any, accompanying the dead body:

Provided that in the case of death of the wife of a civil servant (only one wife), her dead body shall also be allowed to be transported to the home-town of the civil servant concerned at Government expense in addition to the facility of an attendant:

Provided further that such attendant may be only a member of the family of the deceased civil servant, as defined in Supplementary Rule 2 (8):

Provided further that any claim on this account shall be in lieu of, and not in addition to, the attendant's normal entitlement under rule 4.3. (ii).

- (v) The cost of transportation of dead bodies should in all cases be allowed on the application of the family of the deceased civil servants only. If applied for, advances may also be allowed to the bereaved family in accordance with the rules applicable for the advance of travelling allowance, which shall ultimately be adjusted as usual. The application should contain the following particulars:
 - (1) Name of the deceased civil servant;
 - (2) His/her designation and the name of the office in which he/she was working at the time of his/her death;
 - (3) Name and address of the applicant;

- (4) His/her relationship with the deceased;
 - (5) Home-town of the deceased civil servant or the place where the family intends to proceed;
 - (6) Names of family members along with age of each of them; and
 - (7) Approximate weight of personal effects.
- (vi) In the event of the death abroad of a civil servant deputed outside Pakistan in connection with temporary official duty or on a course of training financed entirely by Government, the expenditure connected with the death, to the extent supported by the relevant vouchers in original and certified as the minimum by the Head of Pakistan Embassy or Pakistan Mission in the country concerned, will be borne by Government, as follow:
- (a) If the dead body is buried/cremated locally in the country where the civil servant was deputed, the total cost of that local burial/cremation; or
 - (b) If the dead body is transported to Pakistan, the total cost of such transportation including incidental expenses incurred for preparation of the body for transportation, such as embalming and local transportation charges, etc.

4.4. Travelling allowance under rule 4.3 will be admissible in respect of all items of expenditure; provided that the journey and transportation took place either during leave preparatory to retirement or one month before the date of actual retirement but not later than six months of the date of actual retirement from Government service.

4.5. Except as other-wise provided, travelling allowance under this section should be calculated as for a journey on tour, but no daily allowance may be drawn for halts. The rate admissible in case of a new recruit is the rate prescribed for the grade to which he will belong after joining his post.

SECTION-II

JOURNEY ON A COURSE OF TRAINING.

4.6. When a civil servant, or a student not already in Government service, is selected to undergo a course of training, the competent authority may decide the scale, if any, on which he shall draw:

- (a) Travelling allowance for the first journey to, and the last journey from, the place of training and for halts at such place;

- (b) In the case of training at a school, college or similar institution, travelling allowance for similar journey on the occasion of holidays and vacation; and
- (C) Travelling allowance for a journey during the course of training:
Provided that the scale so fixed shall not exceed that admissible to civil servants of similar status on duty at the place of training.

Note: When a civil servant is deputed to receive training at any of the Pakistan Army Schools of instructions, he should be permitted to draw, instead of house-rent or local allowance, daily allowance equal to messing charges levied by the Army Institutions, in accordance with his status. This note will apply when it is certified by the authorities of the Institution concerned that it is compulsory for a trainee to lodge and board at the Institutions or that it is not possible to make any cheaper arrangement outside.

SECTION-III

JOURNEY TO GIVE EVIDENCE IN A COURT, TO ATTEND AN INQUIRY OR CONFERENCE.

4.7. (1) A civil servant permitted at his request to attend a meeting or conference held in Pakistan, and if any Government interest is served thereby, may be paid a single return railway fare for the journey without any road mileage or daily allowance, if the meeting or conference is held in [Khyber Pakhtunkhwa], and tourist class air fare between Lahore, Karachi and Quetta in addition to railway fare for the rest of journey, if the meeting or conference is held in other Provinces of Pakistan.

(2) Mileage and daily allowance, etc, as for a journey on tour, are, however, admissible when an Officer is officially deputed to attend a meeting.

4.8. (a) A civil servant appointed as a member of a Committee, Commission or Board constituted by Government, may draw travelling allowance as for journeys on tour.

- (b) A civil servant appointed to assist at a departmental enquiry or at a preliminary investigation into charges of corruption or misconduct on the part of an official and under-takes any journey in connection with such enquiry or investigation is entitled to travelling allowance as for a journey on tour.

4.9. (1) A civil servant summoned to give evidence:

- (a) in a civil or criminal case, a case before a court martial or a departmental enquiry held by a properly constituted authority in Pakistan or before a court in a merged State or in foreign territory, provided the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties; or
- (b) Before a committee appointed by Government;
may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the Court or other authority which summoned him:

Provided that if the court by which he is summoned is situated within 16 kilometers of his headquarters or within municipal limits of the town where his headquarters are located, whichever may be farther, he may, if not in receipt of any permanent travelling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.

(2) When a civil servant draw travelling allowance under sub-rule (1).

- (i) if the court or authority by which he was summoned be in Pakistan, he may not accept any payment of his expenses in connection with the journey from such court or authority, and any fees which may be deposited in the court or with the authority for the travelling and subsistence allowance of the witness must be credited to Government; and
- (ii) if the Court or authority by which he was summoned be in a merged State or in foreign territory, he may receive from the court or the authority such payment of his expenses as may be admissible to him under the rules of the court and credit the amount to Government, stating in his travelling allowance bill the amount received, the treasury in which it has been credited and the date of credit and where no amount is paid to him by the court he should ascertain the reasons therefore and state them in his travelling allowance bill.

Note (1) -If the Court in which he gives evidence is situated within 16 Kilometers of his headquarters or within municipal limits, whichever may be farther, and no travelling allowance, is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.

Note (2) -A civil servant summoned to give evidence while on leave or on vacations is entitled to travelling allowance under this rule from and to the place from which he is summoned as if he were on duty.

Note (3) --When a civil servant summoned as witness in a criminal case, or a civil case claims travelling allowance under this rule, a certificate from the court should be attached to the bill showing the amount of travelling or subsistence allowance which he has been paid under the rules of the Court.

Note (4)-This rule applies also to a civil servant in foreign service, provided the facts to which he is to give evidence have come to his knowledge in the discharge of his duties while in the service of Government.

4.10. Other cases. --A civil servant summoned to give evidence in circumstances other than those specified in rule 4.9, is not entitled, by reason of his position as a civil servant to any payment other than that admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

4.11. A competent authority may sanction travelling allowance as for a journey on tour in a case in which a civil servant has to undertake journey to answer a criminal or civil case brought against him in respect of an act done by him in the discharge of his official duty and in which Government has decided to undertake his defence at public cost.

1.12. Travelling allowance as for a journey on tour is admissible to a civil servant proceeding in his official capacity to a police station to lodge a complaint or give information of an offence but no allowance is admissible to a civil servant summoned by a police officer to give evidence before him.

4.13. Persons attending Commissions of Inquiry, etc. (a) When any person, not being a civil servant, but including an employee of the Government of Pakistan or the Government of other Provinces is required to attend any meeting of a commission of inquiry or of a board, conference, committee, or departmental inquiry convened under proper authority or is required to perform any public duties in an honorary capacity, a competent authority may grant him travelling allowance for the journey calculated under the ordinary rules for the journey of a civil servant on tour, and for such purpose may declare, by general or special order, the grade to which such person shall be deemed to belong:

Provided that a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses, instead of travelling allowance, where it considers that such allowance would be inadequate.

- (b) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the civil servant presiding over the meeting of the Commission or other body which the person concerned is required to attend.
- (c) Travelling Allowance is not admissible to private Legal Practitioners employed in cases on behalf of Government unless they are officiating as public prosecutors,
- (d) Non-officials may be allowed by a competent authority travelling allowance (including daily allowance and conveyance allowance) according to their status for helping Government in its various activities.

SECTION-IV

JOURNEY TO GIVE OR OBTAIN MEDICAL ADVICE

4.14. (1) when the place at which a civil servant falls ill is not the headquarters of the authorised medical attendant—

- (a) The patient shall be entitled to travelling allowance for the journey to and from such headquarters; or
- (b) If the patient is too ill to travel and under the rules applicable to him is, in such circumstances, entitled to the attendance of the authorised medical attendant at his residence, the authorised medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is.

(2) A claim for travelling allowance under clause (a) above shall be accompanied by a certificate from the authorised medical attendant stating that medical attendance was necessary, and where the claim is under clause (b) above, that the patient was too ill to travel.

4.15. (1) If the authorised medical attendant is of the opinion that the case of a patient entitled to treatment under the rules relating to medical attendance on civil servants, and their families is of such a serious or special nature as to require medical attendance by some person other than himself, or that the patient requires anti-rabic treatment, he may with the approval of the Director

of Health Services (which shall be obtained beforehand, unless the delay involved entails danger to the health of the patient):

- (a) Send the patient to the nearest specialist or other medical officer in [Khyber Pakhtunkhwa], by whom in his opinion medical attendance is required for the patient, and in the case of anti-rabic treatment, to the nearest station in [Khyber Pakhtunkhwa] where such treatment is available, or
- (b) If the patient is too ill to travel and is under the rules applicable to him entitled to medical attendance at his residence, summon such specialist or other medical officer to attend upon the patient.

(2) A patient sent to a specialist or anti-rabic station under clause (a) of sub-rule (1) shall, on production of a certificate from the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the headquarters of the specialist or other medical officer or, as the case may be, the place of anti-rabic treatment.

(3) A specialist or other medical officer summoned under clause (6) sub-rule (1) shall, on production of a certificate from the authorised medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

4.16. When a civil servant is required under the orders of the Head of his office to obtain the countersignature of a medical board or a medical officer upon a certificate pronouncing him fit to return to duty from leave granted on medical certificate, he may draw travelling allowance for the journey undertaken to appear before such Board or Medical Officer.

4.17. If a civil servant, being stationed at a place where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an initial grant of leave he may draw travelling allowance for the journey undertaken to obtain that certificate.

Note: -Travelling allowance is not admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

4.18. If a civil servant, having obtained a medical certificate in support of an application for an initial grant of leave, is required to appear before a medical

board, or to appear before a nominated medical board, or to appear before a nominated medical officer of Government for further opinion as to the necessity for the leave recommended in that certificate, he may draw travelling allowance for the journey undertaken to obtain that opinion.

Note: -Travelling allowance is not admissible for a journey to obtain a further medical opinion in support of an application for an extension of leave.

4.19. A civil servant directed by his Officer superior, in the interests of the public service, to apply for an invalid pension may, if he be required to undertake a journey in order to appear before a Medical Board, draw travelling allowance as on tour;

Provided that his travelling allowance bill is supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service.

4.20. A civil servant who has been directed to apply for or is in receipt of a wound or disability pension from Government, may draw travelling allowance for journeys to obtain a certificate from a Medical Board for the grant of or the continuance of such pension.

4.21. A competent authority may allow travelling allowance to a civil servant who voluntarily applied for an invalid pension; provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

4.22. (1) When a civil servant suspected to be suffering from tuberculosis is required, after examination by the Medical Superintendent District Health Officer of the District in which he is serving or if he is too ill to go to the district headquarters, by the Medical Officer-in-charge of the focal or nearest hospital or dispensary, to proceed for X-Ray, Laboratory or other examination to the nearest station where such facilities are available, he may, on production of a certificate from the Medical Superintendent or District Health Officer or as the case may be, the Medical Officer draw travelling allowance for the journey performed by him to and from the place of examination as on tour.

(2) The journey under this rule should not be undertaken without the previous permission of the Controlling Officer, if such permission can be obtained without risk to the life of civil servant.

4.23. Travelling allowance under Rules 4.14, 4.15 and 4.20 should be calculated as for a journey on tour, provided that no allowance shall be drawn for halts on the journeys, while travelling allowance under other rules of this section may be allowed as for journeys on tour.

4.24. (1) A Medical Officer of Government who considers that a civil servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant:

- (a) if a civil servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour; and
- (b) if not a civil servant, may draw actual expenses.

(2) When the Medical Officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

Note: --An Overseer, Nurse, or other person, attending on or escorting an insane or a sick civil servant, should, when travelling in the same compartment with him, be allowed to draw the actual fare of the class in which he travels plus daily allowance to which he may be entitled.

SECTION-V **JOURNEYS TO ATTEND DARBARS AND CEREMONIAL** **FUNCTIONS, ETC.**

4.25. A civil servant who is required to attend investiture ceremony or Darbar or levee else-where than at the headquarters may draw travelling allowance for the journey as for a journey on tour.

Note: - No travelling allowance is admissible to a civil servant for attending a function with which he is not officially connected, though he may have received a courtesy invitation for the same. It is for the Head of the Attached Department concerned or where he is the Head of the Attached Department, the Administrative Secretary of the Department concerned to see, while permitting a civil servant to be present at a function, if he is really required to attend it in the public interest, and if so whether travelling allowance should be permitted for the journey as for a journey on tour. If several civil servants

of one and the same department attend a particular function, it should also be seen whether the same conveyance cannot be shared by all of them.

4.26. When a Commissioned Officer belonging to the Defence Forces of Pakistan, whether on the active or the retired list, is invited to attend a Darbar or levee at a place other than at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey, subject to the following limits:

- (i) for the journey from his station or place of residence to the place at which the darbar or levee is held and back to his starting point, single railway and steamer fares actually paid, plus actual travelling expenses for journeys by road subject to the maximum admissible to a civil servant of the first grade when on tour.
- (ii) for halts at the place at which the darbar or levee is held, a daily allowance, as admissible in the case of Officers of First Grade.

4.27. Journeys in connection with Local Fund (a) Except as provided in clause (b), the travelling allowance to civil servants for journeys performed in connection with the affairs of a Local Authority is governed by the rules of the Local Fund, and is payable from the Local Fund.

(b) When a civil servant, who is an ex-officio member of a local body, travels to attend meeting of the local body or when a civil servant travels for purposes of supervision or control of the affairs of a local body as a part of his regular duties, his travelling allowance shall be paid by Government and shall be governed by these rules.

Note: The instruction, contained in rule 1.11 should be carefully observed when preparing travelling allowance bills under this act.

CHAPTER-V

TRAVELING ALLOWANCE WHEN THE MEANS OF TRANSPORT ARE PROVIDED WHOLLY OR PARTLY FREE OF COST.

5.1. H.O.R. facilities --- A competent authority may grant to any civil servant, the general right to reserve by requisition an inspection carriage, an eight wheeled tourist car, an ordinary first-class carriage of two compartments, or an ordinary first-class compartment when travelling by railway on tour.

5.2. The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the railway Authorities.

5.3 When a civil servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

5.4 When a civil servant for whom special railway accommodation is provided, or who is entitled under these rules to reserve railway accommodation by requisition, travels in such reserved accommodation on tour: ---

- (i) The entire cost of haulage is borne by Government;
- (ii) Unless it be otherwise expressly provided in these rules, any person travelling with the civil servant in the reserved accommodation must pay usual fares to the railway by the purchase of first class tickets, and in every bill for travelling allowance in respect of a journey performed in reserved accommodation the civil servant reserving the accommodation, must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them

Note (1)--- The civil servants reserving the accommodation shall, before beginning the journey, have the numbers and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the Station Master of the station from which the journey is commenced, in order to enable an adjustment to be made between the Civil and Railway Departments in respect of the fare realized by the Railway.

Note (2) ---Where only debits are received by the Audit officer on account of railway requisitions in respect of which no travelling allowance bill has been preferred, the audit officer will obtain a certificate from the civil servant who

has travelled in the reserved railway accommodation to the effect that the journey covered by the requisition was performed in the interest of public service.

Note (3) ----A Personal Assistant, a Stenographer or a clerk holding a ticket for the class of accommodation in which he is entitled to travel according to his grade may travel with the higher official in his reserved accommodation but in that case the higher official will have to certify in the bill for travelling allowance that it was in the interest of public service that the Personal Assistant, Stenographer or clerk should have travelled with him in the reserved accommodation and that the Personal Assistant, Stenographer, or clerk actually purchased a ticket for the class of accommodation to which he was entitled. In such a case, the cost of the said ticket will not be deducted from the charge of account of haulage of reserved accommodation payable to the Railway.

Note (4) --- A civil servant who is entitled to reserve by requisition a first-class compartment may recover, when travelling by railway in such a compartment his actual travelling expenses up to maximum of one half of first-class fare.

5.5 The amount of luggage which may be transported free of cost by a civil servant travelling in reserved accommodation is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

5.6 *Free transit otherwise than in accommodation reserved by requisition.*---When a civil servant is entitled to or is allowed free passage by steamer whether on a free pass or otherwise, or travels by road in a staff car or other conveyance provided by the Government or a local authority, he is not entitled to any mileage for the journey, except where the journey is performed by Railway in which case the civil servant may draw mileage allowance equal to $\frac{1}{2}$ of the railway fare he is entitled to.

Note (a) This will not be applicable to:-

- (i) Officers and men of Railway Police;
- (ii) Medical Officers lent to the Railway Department; and
- (iii) Any other civil servant or class or civil servants, whose duties involve constant travelling by railway, except in cases where the competent authority may declare it to be applicable.

(b) When such a civil servant makes a journey by railway on tour:--

- (i) he is entitled either to a free pass under the free pass rules of the Railway or to the fares for himself and the servants and baggage accompanying with him which is a free pass would cover;
- (ii) he may draw daily allowance for any day on which he is absent from his headquarters for more than 8 consecutive hours;
- (iii) he may not exchange for mileage allowances admissible under sub clause (i) and (ii);
- (iv) He may, if he combines with a railway journey the journey by steamer or road, and travels to a place distant at least 16 kilometers from the points where he leave the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road in addition to daily allowance, if any, admissible under the rule; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration from the absence of his headquarters.

5.7. When a civil servant in receipt of permanent travelling allowance uses a free pass on a railway or steamer within his sphere of duty, or travels by road in a free conveyance, the allowance of the mileage allowance to which to which he would have been entitled if he had not travelled free, shall be deducted from his permanent travelling allowance for the month during which he so uses a free pass or a free conveyance.

5.8. *Civil servants entitled to travel in a higher class on payment of a lower fare.* ---When a civil servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be limited to the amount of the fare actually paid.

5.9. The following rules have been prescribed in respect of the drawing of travelling allowance by civil servants who accompany the Governor of the [Khyber Pakhtunkhwa]:

- (i) if the civil servants travel in the Governor's special train the travelling allowance which they would ordinarily draw shall be reduced by the amount of the fare which, but for such free passage, they would have paid.

Note: ---No refund to the Governor's Tour Fund is necessary, as no extra expenditure is incurred out of the grant on this account.

(ii) If the civil servants travel in an ordinary train, they should purchase their own tickets and draw the ordinary travelling allowance.

Note: ---No recoveries are necessary in this case unless their fares are in their first instance advanced from the Tour Fund, in which case the accounts of the Fund should be adjusted by the Military Secretary.

(iii) In all cases where full travelling allowance is claimed by the civil servants, it should be certified on the bills that the journey was performed by an ordinary train, or in an extra carriage attached to the Governor's special train. On the authority of such a certificate, and on the understanding that the account of the Governor's Tour Fund will (if necessary) be adjusted by the Military Secretary, the travelling allowance charged by the civil servants will be passed in full.

CHAPTER-VI

RULES GOVERNING TRAVELING ALLOWANCE AND HILL STATION ALLOWANCE ADMISSIBLE TO THE OFFICERS AND STAFF OF THE GOVERNOR'S SECRETARIAT ACCOMPANYING THE GOVERNOR TO A HILL STATION IN SUMMER SEASON.

SECTION-I.

6.1. The rules in this Chapter shall be applicable only to the officers and the staff of the Governor's Secretariat accompanying the Governor to the Hill Station.

Explanation:—For the purposes of this Chapter “Hill Station” means Nathiagali or any other Hill station specified by the Governor in this behalf.

6.2. A civil servant to whom the rules in this Chapter apply, who is required to move to a Hill Station may draw for the initial journey to and the final return journey from the Hill Station mileage and daily allowance as follows:—

(i) mileage and daily allowance for himself and for each member of his family.

(ii) one extra mileage allowance, as for himself to cover miscellaneous expenses of the journey provided that if he is holding a ministerial post and travels with his family, two additional mileage allowances as for himself will be allowed.

Note (1)—For the purpose of this rule a member of a civil servant's family should be held to have accompanied the civil servant if he/she arrives at the Hill Station two months before or one month after the civil servant, or arrives at the Headquarters one month before or after the civil servant's arrival.

Note (2)—Members of the family of the civil servant moving to the Hill Station who are entitled to draw Traveling Allowance will do so only on the first move to the Hill Station and the final move down. Beyond these two journeys they will not be entitled to any Traveling Allowance.

Note (3)—In case the civil servant's children are at a school or college of which the term begins or ends more than two months before of one month after the civil servant moves to the Hill Station, the limit of two months or of one month, as the case may be, may on the production of the following certificate be exceeded to cover the date of beginning or end of the term and for the examinations which may fall immediately or very soon after the conclusion of term. The certificate shall be recorded by the officer in the following form:

CERTIFICATE

I certify ----- that son/daughter of -

-----is a student in -----School

College, which closes on ----- and re-opens on -----

The last date on his/her examination at the close of the terms is/was

(Signature)

Drawing/Controlling Officer,

Dated _____

Note (4)—The claim for travelling allowance on account of the members of family should be supported by a certificate signed by the officer himself and in other cases countersigned by the Controlling Officer, stating: —

- (a) the number and age of the members of the family and their relationship with the civil servant;
- (b) that they are wholly dependent and residing with him; and
- (c) that they accompanied the civil servant [within the meaning of this rule read with Note (1)] to the Hill Station on his final return therefrom.

Note (5)—For the special reason to be recorded on the travelling allowances bills, the Controlling Office may apply these rules to other members of the family as included in the definition of family as given in rule 1.5.

6.3. A Military Officer on the personal staff of the Governor required to move to the Hill Station may draw charges for the conveyance of his horses according to his rank under the rules in force for Military Officers.

6.4. If a civil servant to whom the rules in this Chapter apply for any reason (e.g having travelled in a special train) does not pay for any of his travelling expenses such as rail fare, cost of conveyance or baggage or personal attendants, etc; the amount of the travelling allowance admissible to him under these rules should be reduced to the extent to expenses which he would otherwise have incurred on such journey.

6.5. If a civil servant in cases other than that provided in the foregoing rule, or any member of his family for whom travelling allowance is admissible under this Chapter, proceeds to the Hill Station or returned from a Hill Station to the Headquarters, by a route other than the normal route, he may draw travelling allowance for such journey limited to that normally admissible to him.

6.6. If a civil servant to whom the rules in this Chapter apply, while at the Hill Station obtains leave on medical certificate and is obliged to travel to Headquarters for treatment, he may draw his actual travelling expenses to Headquarters and back, limited to what is absolutely necessary, and not exceeding in any case the amount admissible under these rules for the normal journeys.

SECTION-II HILL STATION ALLOWANCE

6.7. (1) A civil servant to whom the rules in this Chapter apply shall be entitled to the following Hill Station Allowance for the period of his residence at the Hill Station and for the joining time allowed for moving to and from the Hill Station:—

- | | | |
|-----------------------------------|----|---|
| (a) Civil Servants in NPS-1 and 2 | .. | 1/2 of their pay. |
| (b) Other Civil Servants— | | |
| (i) if without a family | .. | Rs. 40 per mensem. |
| (ii) if with a family | .. | 1/2 of the pay, subject to inimum of Rs. 40 per mensem and a maximum of Rs. 150 per mensem. |

Note— Pay together with Hill Station Allowance should not exceed Rs. 850/- per mensem and where it exceeds, the allowance shall stand automatically reduced to the extent of the amount in excess.

(2) When both husband and wife (or wives) are civil servants and both of them move to the Hill Station, each of them draw Hill Station allowance on their respective pay at the rate admissible under sub-rule (1) to a civil servant who has no family.

(3) The higher rate allowance admissible to a civil servant who has a family shall ordinarily be drawn for the period his family or the dependents are actually residing with him at the Hill Station, but it may be drawn for the full period of resident at the Hill Station if his family or the dependents follow or precede him to or from the Hill Station within one month of the move.

Note (1)—Subject to the condition that he returns to the Hill Station to resume his residence there, a civil servant who is in receipt of an allowance under rules may be allowed to draw the

allowances admissible under this rule in addition to the travelling allowance admissible under the rules when they accompany officers on tour or on other duties away from the Hill Station.

Note (2)—A civil servant in receipt of house-rent allowance at the headquarters shall continue to draw that allowance in addition to the Hill Station Allowance during his stay at the Hill Station, provided he certifies that he had to undertake the payment of rent for a house at headquarters which remained unoccupied or that some members of his family or persons wholly dependent on him stayed at headquarters for the period for which the house rent allowance is claimed.

6.8. The allowance admissible under rule 607 may be drawn for the whole period of residence at the Hill Station and for the joining time allowed for moving to or from the Hill Station, subject as regards joining time, to a maximum of four days in each case. For special reasons of public convenience to be certified by the Controlling Officer, the allowance may be drawn for not more than ten days prior and ten days subsequent to the above dates.

6.9. A civil servant on leave on medical certificate at Hill Station, if no extra expense (other than the medical facilities provided under the Medical Attendance Rules) is caused to the Government, draw the Hill Station Allowance in full during such leave.

SECTION-III

GENERAL

6.10. A civil Servant residing at Hill Station may draw his pay and the allowances admissible under these rules either at the Hill Station or at his Headquarters or partly at the Hill Station and partly at the Headquarters.

Note: — A last pay certificate is not required to enable pay to be drawn under this rule.

6.11. *Advance of pay and travelling allowance.* —A civil servant to whom the rules in this Chapter are applicable, when proceeding to or from the Hill Station, may: —

- (a) if he be in grade 16 and above draw an advance of pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and of his travelling allowance and that of his family on written sanction of the Controlling Authority; and
- (b) if he be in grade 15 and below draws the pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and be advanced his traveling allowance and that of his family by, or on the countersignature of the Head of the office.

Note: — Temporary civil servants are not entitled to advances of pay, travelling allowance and other allowances under this rule unless the sanctioning authority is satisfied that the advances would be recovered from the civil servant concerned before his term of appointment expires.

6.12. (1) Advances of travelling allowances under clauses (a) and (b) of rule 6.11 must be adjusted by bill within a fortnight after the civil servant's arrival at his destination.

- (2) Recovery towards the advance of pay from such civil servants should be made from their pay in three equal monthly installments

RULES REGULATING TRAVELING ALLOWANCE AND HILL STATION ALLOWANCE ADMISSIBLE TO THE OFFICERS AND STAFF OF THE OFFICE OF THE POLITICAL AGENT, SOUTH WAZIRISTAN AGENCY ACCOMPANYING THE POLITICAL AGENT TO HILL STATION IN SUMMER SEASON.

7.1. The rules in this chapter shall be applicable only to the Political Agent, South Waziristan Agency, Assistant Protocol Officer, South Waziristan Agency, and their staff accompanying them to the Hill Station.

EXPLANATION --- For the purposes of this chapter "Hill Station" means Wana (South Waziristan Agency) and "Summer Season" means the period from 15th May to 15th September of the year.

7.2. A civil servant, to whom the rules in this chapter apply, and who is required to move to the Hill station may draw for the initial journey to and the final return journey from the Hill Station, mileage and daily allowance as follows:

- (i) Mileage and daily allowance for himself and for each member of his family.
- (ii) One extra mileage allowance, as for himself, to cover miscellaneous expenses of the journey; provided that if he is holding a ministerial post and travels with his family; two additional mileage allowance for himself will be allowed.

Note (1) For the purpose of this rule, a member of civil servant's family should be held to have accompanied the civil servant if he/she arrives at the Hill Station two months before or one month after the civil servant's arrival, or arrives at the Headquarters one month before or after the civil servant's arrival.

Note (2) Members of the family of the civil servant moving to the Hill Station who are entitled to draw travelling allowance under this chapter will do so only on their initial move to the Hill Station and the final move down. Beyond these two journeys they will not be entitled to any traveling allowance.

Note (3) In case of the civil servant's children are at school or College of which the term begins or ends more than two months before or one month after the civil servant moves to the Hill Station, the limit of two months or of one month, as the case may be, on production of the following certificate, be exceeded to cover the date of beginning or ending of the term and/or the examinations which fall immediately or very soon after the conclusion of the term. The certificate shall be recorded by the civil servant himself if he is in grade 16 and above, and in any other case, by the Controlling Officer.

CERTIFICATE

I certify ----- that son/daughter of -
 -----is a student in -----
 School College, which closed on ----- and re-opened on ---
 -----.

The last date on his/her examination at the close of the terms
is/was

(Signature)
Drawing/Controlling Officer,

Dated -----

Note (4) The claim for travelling allowance on account of members of the family should be supported by a certificate signed by the civil servant himself; provided that of the civil servant is in grade 15 or below, the certificate shall also be countersigned by the Controlling Officer, stating----

- (a) The number and age of the members of the family and their relationship with the civil servant
- (b) That they are wholly dependent and residing with him; and
- (c) That they accompanied the civil servant within the meaning of this rule read with notes (1) and (3) to the Hill Station and or on his final return therefrom.

7.3. If a civil servant or any other member of his family to whom travelling allowance is admissible under this chapter, proceeds to or returns from a Hill Station to the Headquarters, by a route other than the normal route (Tank to Jandola-Serwakai and Wana and *Vice versa*) he may draw travelling allowance for such journey limited to that admissible by the normal route.

7.4 (1) A civil servant to whom the rules in this Chapter apply shall be entitled to the following Hill Station Allowance for the period of his residence to the Hill Station and for the joining time allowed for moving to and from the Hill Station:-

- | | |
|-----------------------------------|---------------------------|
| (a) Civil Servants in NPS-1 and 2 | Half of their monthly pay |
| (b) Other civil servants:- | |
| (i) if without a family | Rs 40 per mensem |
| (ii) if with family | Half of the monthly |

pay subject to minimum of Rs 40.00 and a maximum of Rs 150.00 per mensem

Note: - Pay together with Hill Station Allowance should not exceed Rs 850/- Per mensem and where it exceeds the allowance shall stand automatically reduced to the extent of the amount in excess.

(2) The higher rate of allowance admissible to a civil servant who has a family shall ordinarily be drawn for the period his family or the dependents are actually residing with him at the Hill Station, but it may be drawn for the full period of residence at the Hill Station if his family or the dependents follow or precede with him to and from the Hill Station within one month of the move.

(3) For purposes of calculating the Hill Station Allowance under sub-rule (1), pay shall mean the pay drawn by the official at Tank excluding Cis-Frontier Allowance, i.e. the Hill Station Allowance shall be calculated on basic pay as defined in rule F.R.9 (21).

The officials who are in receipt of Cis- Frontier Allowance at Tank, may however continue to draw this allowance in addition to the Hill Station Allowance, but the Compensatory Allowance sanctioned under Government of North-West Frontier Province Finance Department's letter No.6/8-75 (FATA) II/FA, dated 27th August, 1978 shall not be admissible in addition to the Hill Station Allowance, under this rule.

Note (1) ---- Subject to the condition that he returns to the Hill Station to resume his residence there a civil servant who is in receipt of an allowance under his rule may be allowed to draw the same in addition to the travelling allowance admissible under ordinary travelling allowance rules when he accompanies an officer on tour or on other duties away from the Hill Station.

Note (2) ---- A civil servant in receipt of hose rent allowances at the Headquarters shall continue to draw that allowance in addition to the Hill Station allowance during his stay at the Hill Station; provided that he certifies that he had to undertake the payment of rent for a house at Headquarters which remained unoccupied, or that some members of his family or persons wholly dependent on him stayed at

the Headquarters for the period for which the house rent allowance is claimed.

7.5 The allowance admissible under rule 7.4 may be drawn for the whole period of residence at the Hill Station and for the joining time allowed for moving to or from the Hill Station. The Hill Allowance during joining time will, however be admissible for a maximum period of four days in each case. For special reasons of public convenience to be certified by the Controlling Officer, the allowance may be drawn for not more than ten days prior and ten days subsequent to the above dates.

7.6 A civil servant on leave on medical certificate at Hill Station may, if no extra expense other than the medical facilities provided under the Medical Attendance Rules) is caused to Government, draw the Hill Station Allowance in full during such leave.

7.7 A civil servant to whom the rules in this Chapter are applicable, proceeding to and from the Hill Station may: --

- (a) if he be in grade 16 or above, draw an advance of pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and of his travelling allowance and that of his family on written sanction of the Controlling Authority; and
- (b) if he be in grade 15 or below, draw the pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and be advanced his travelling allowance and that of his family by, or on the countersignature of the Head of the office.

Note: --- Temporary civil servants are not entitled to advances the pay, travelling allowance or other allowances under this rule unless the sanctioning authority is satisfied that the advance should be recovered from the civil servant concerned before his term of appointment expires.

7.8 (1) Advance of travelling allowance under clauses (a) and (b) of rule 7.7 must be adjusted by bill within a fortnight after the civil servant's arrival at the destination.

(2) Recovery towards the advance of pay to civil servants should be made in three equal monthly installments.

TA/DA ADVANCE

I am directed to refer to the subject noted above, and say that it has come to the notice that officers/officials are being sanctioned TA/DA advance in excess of the limit prescribed under Rule 265 of GFR i.e., an amount not exceeding one-month substantive pay plus the traveling allowance sanctioning exorbitant amount is clear violation of the rule resulting in financial loss to the Government Treasury.

In view of the above, you are hereby directed to strictly follow the rules at the time of sanctioning TA/DA advance to officers/officials on their transfer.

(PHC Letter No.2818-73/B&A Dated 26th April, 2010)

.

C.No. 1(2-2)

SECTION-II
SECRETARIAT OF DISTRICT JUDICIARY

In exercise of the powers conferred by Article 202 of the Constitution of Islamic Republic of Pakistan, 1973, Hon'ble the Chief Justice and Judges of this Court are pleased to make and add Rule-17 in Part A, Chapter 10-A, Volume-V of the Peshawar High Court Rules and Orders as herein below

Rule 17 Secretariat of the District Judiciary. On all matters pertaining to the District Judiciary, the Administration Committee shall be supported by a Secretariat called the Secretariat of the District Judiciary. The Chief Justice and the Administration Committee shall be an oversight body for the Secretariat. The Oversight, Structure, Key Functions, Detailed Functions and Standard Procedures are Appendix I, II, III, IV and V respectively

(PHC Endst No.14720-770/Admn Dated:14th September, 2018)

C.No. 2(2-2)

(Appendix-I)
Oversight

The Hon'ble Chief Justice, Peshawar High Court, Peshawar and the Administration Committee of the High Court, as per the existing law, shall act as Authority/ Competent Authority and the Appellate Authority, respectively.

The Registrar of Peshawar High Court, Peshawar shall act as a Coordinator between the Secretariat of the District Judiciary (SDJ) and the High Court. The Hon'ble Chief Justice of the High Court shall be the overall In charge of SDJ for the purpose of day-to-day affairs and the matters submitted before him through Registrar, Peshawar High Court, Peshawar.

C.No. 3(2-2)

(Appendix-II)
Structure

The SDJ shall comprise of four wings as under:

I. Regulation Wing

Detailed Nomenclature: Ethics, Integrity Management, Drafting & Legislation Wing (EDW)

Head: Legal draftsman

II. Operation Management Wing

Detailed nomenclature: Operations Management, Administration, Finance and P&D Wing (OMW))

Head: Registrar

III. Inspection Wing

Detailed nomenclature: Service Delivery Monitoring, Evaluation and Inspection Wing (MIW))

Head: MIT/Judicial Officer

IV. Human Resource Wing

Detailed nomenclature: Human Resource and Welfare Wing (HR/WW)

Head: Professional Expert

C.No. 4(2-2)

(Appendix-III)
Key Functions

I. Regulation Wing: Consists of the following four Units

A. Integrity Management Unit

Deals with:

- Updating the code of conduct, (financial code-already exists, e.g. GFR, etc; (Overall a holistic approach)
- making officials aware of the new code of conduct, if any
- assisting and ensuring compliance with financial code of conduct (cross cutting function)
- providing assistance to the worthy Administration Committee on financial matters

Team: one Chartered Accountant or ACCA assisted by the Internal Audit unit, on need basis (with support staff)

B. Internal Auditor Unit

Deals with:

- compliance monitoring and reporting, who can be involved in running a compliance management plan
- collecting data, making analysis and proposing suggestions regarding financial matters
- conducting audit and follow up streams

Team: 2 Chartered Accountants or ACCAs with 5 years audit experience (with support staff)

C. Drafting and Legislation Unit

Deals with:

- Legal drafting
- Opinion about legal issues
- Cross cutting role providing legal support to other wings/units

Team: 3 Professional Experts (with support staff)

D. National Judicial Policy Implementation Unit

Deals with:

- implementation of the decisions of National Judicial Policy Making Committee
- Quarterly Inspection Reports
- Jail inspection Reports

Team: 3 Professional Experts (with support staff)

II. Operation Management Wing

Consists of the following three Units

A. Administration, Coordination and Logistic Support Unit

Deals with:

- Administration
- Overall coordination with other wings, units and teams
- Logistic support
- Coordination with Federal and Provincial Governments

Team: 2 or 3 Professional Expert (with support staff)

B. Finance and Accounting Unit

Deals with:

- Revenues
- Budgets and expenditures of the district judiciary
- Internal Audit and coordination with audit practitioners
- Adherence of law and policy and value for money analysis
- Identification of areas for improvements in internal control

The internal audit unit, having a cross-cutting role will assist this team

Team: 3 Professional Experts (with support staff)

C. Planning & Development Unit

Deals with:

- Planning for financial and infrastructure development
- Processing development and maintenance & repair schemes of SDJ (Districts and Special courts)
- Looking after the implementation of schemes

III. Inspections Wing

Consists of the following six Units

A. Knowledge Management (KM) and Information and Communication Technology (ICT) Unit

Deals with:

- manage all data and documents, information and knowledge like an asset
- arrange and organize that asset for easy retrieval, navigation and use
- update and implement the Code of conduct for Judicial Officers
- manage manual records, digital records, data and statistics and IT system to support compliance management and facilitation processes

Team: 2 Professional Experts (with support staff)

B. Citizen Services, Human Rights, Communication and Outreach Unit

Deals with:

- design and implement communication plan between Peshawar High Court on
- District Judiciary and other stake-holders particularly bar associations, police, prosecution, revenue and citizens,
- manage grievance redress linked with the e-Citizen portal of PHC

Team: 1 or 2 Professional Experts (with support staff)

C. Technical Service Delivery Monitoring Unit

Deals with:

- ensuring compliance with statutory, NJP and any other policy requirement(s),
- setting disposal standards (quantitative and qualitative)
- Case disposal data

Team: 2 or 3 Professional Experts (with support staff)

D. Grievance Redress Unit

Deals with:

- staff redress
- dispute resolution
- resolving issues about recruitment and promotion

Team: 3 or 4 Professional Experts (with support staff)

E. Strategy, Reform and Business Plan Review Unit

Deals with:

- assistance to the Administration Committee on integrity related issues
- Make investigation and proposing action on integrity related issues
- define and improve processes
- devise strategy for better delivery

Team: 2 or 3 Professional Experts (with support staff)

F. Confidential Unit:

Deals with:

- Performance Evaluation Reports
- Declaration of Assets
- Complaints against the Judicial Officers and Staff
- Confidential matters

Team: 3 or 4 Professional Experts (with support staff)

IV. Human Resource and Welfare Wing

Consists of the following two Units

A. HR Unit:

Deals with

- Chalk out policy and process
- Hire, train and fire

Team: 2 or 3 Professional Experts (with support staff)

B. Welfare Unit:

Deals with:

- Chalk out and implement a welfare policy for Judicial Officer, Court Staff and their families from recruitment till retirement and post-retirement

Team: 3 or 4 Professional Experts (with support staff)

C.No. 5(2-2)

XIII. (Appendix-IV) Detailed Functions

I. Regulation Wing (Consisting of the following four Units)

Legal Drafting and Legislation Unit:

Detail Functions:

- Drafting of delegated legislation as envisaged in the constitution and law
- Supporting rules framing committees in PHC
- Providing legal assistance to HCJ, worthy Administration Committee and all wings
- Maintaining frequent interface with Inspection, Finance & HR for exchanging input on performance of District Judiciary and updating concerned laws and manuals within its competence

- Providing legal assistance in updating Code of Conduct and suggesting ways and means for compliance
- Giving input to HR for training needs on new laws, rules & code of conduct
- Proposing research on justice issues on new laws, regulations and policies and amendments in existing laws, etc
- Providing legal support in matters concerning Law & Justice Commission

Integrity Management Unit:

Detail Functions:

- Establishing and enforcing proper ethical standards, based on international benchmark for employees from recruitment till retirement
- Implementing the code of conduct
- Encouraging the observance of ethical standards
- Taking measures for eradication of corruption
- Reviewing and appraising the soundness, adequacy and application of accounting, financial and other controls to determine whether, so far as is reasonable, they provide assurance to management that:
 - Established policies and procedures are complied with
 - The Authority's assets and interests are properly safeguarded from losses of all kinds
- Ensuring that complete and reliable data, financial and performance, is provided to the management for proper decision making
- Advising and assisting operational management by issuing individual audit reports which:
 - Evaluate systems and identify inadequate or excessive controls
 - record whether systems of control have been designed, and are operated, to achieve the most effective, efficient and economic use of resources
 - Recommend any necessary improvements
- Drawing attention to any apparently unsatisfactory situation flowing from a decision or from an established policy or practice

- Following up on the decision taken by the Administration Committee

Internal Audit Unit:

Detail functions:

- Devising and implementing Audit strategy and policies, procedures and planning for all types of audit, including single issue audits, audit standards, coverage, compliance management with systems and procedures for the collection of arrears and related legal issues
- Enforcing audit strategies and methodologies
- Developing regular review and updating of risk based system for the selection of districts for audit
- Developing audit Standard Operating Procedures for ensuring compliance with standards
- Monitoring of plan implementation and evaluation of audits and audit performance against targets
- Suggesting remedial actions to remove bottlenecks, solve problems and address performance deficiencies
- Feeding back results of monitoring and evaluation into planning and policy formulation

Drafting and Legislation Unit:

Detail Functions:

- Drafting of delegated legislation
- Supporting rules framing committees in PHC
- Providing legal assistance to HCJ, worthy Administration Committee and all wings
- Maintaining frequent interface with Inspection, Finance & HR for exchanging input on performance of District Judiciary and updating concerned laws and manuals within its competence
- Providing legal assistance in updating Code of Conduct and suggesting ways and means for compliance
- Giving input to HR for training needs on new laws, rules & code of conduct
- Proposing research on justice issues on new laws, regulations and policies and amendments in existing laws, etc

- Providing legal support in matters concerning Law & Justice Commission
- Other relevant function and duties

National Judicial Policy Implementation Unit:

Detail Functions:

- Monitoring the disposal trend from judicial statistical data
- Keeping liaison with the NJPMC
- Following and implementing the decisions of the NJPM
- Supervising overseas Pakistanis Cell for speedy disposal of cases
- Receiving Jail reports and suggest action plan
- Receiving reports of the District Criminal Justice Coordination Committees and follow up their recommendations
- Receiving quarterly inspection reports and suggesting action

II. Operation Management Wing (Consisting of the following three units)

Administration Unit:

Detail functions:

- Conducting general administration
- Confirming policy and procedure compliance and their reporting
- Ensuring follow up on implementation of the decisions and policies
- Preparing of the Annual Operational Performance Report
- Ensuring policy assessment for internal and external risk potentials judicial administration
- Managing logistics
- Coordination within the SDJ
- Distribution of business
- Control over administrative matters
- Ensuring proper administrative, financial and physical security

Finance Unit:

Detail functions:

- Budgeting, accounting and auditing
- Safeguarding of assets

- Maintaining reliable financial data
- Ensuring optimal use of resources
- Providing guidance to the Districts for procuring goods per rules and procurement for the SDJ
- Reporting on financial matters
- Managing and acquiring assets, buildings and goods
- Maintaining, renewing and disposing of assets per rules
- Preventing misuse of official property for personal use
- Making effective province-wide planning and budgeting for ICT
- Ensuring at all levels efficient and effective implementation of Financial codes: FR, SR, GFR, Accounts Manual, Budget Manual, Treasury Rules, KPPRA and others

Planning and Development Unit:

Detail Functions:

- Making planning and development for finance and infrastructure
- Looking after the affairs related to foreign aid and technical assistance to facilitate the administration
- Processing of all development schemes, programs and proposals submitted by Districts and special courts
- Monitoring the progress and evaluation of development schemes and writing their critical appraisal
- Looking after the implementation of schemes
- Maintaining liaison with the National/Provincial Technical Agencies for quality assurance
- Keeping vigilant eye on economy measures in the planning and implementation of schemes
- Managing the affairs related to Access to Justice Development Fund

III. Inspections Wing (Consisting of the following six units)

Knowledge Management and Information Technology Unit

Detail functions:

- Finding, mapping, gathering, and filtering relevant data and information

- Developing new knowledge (identifying relations among variables)
- Converting personal knowledge into shared knowledge resources
- Understanding and learning
- Adding value to information to create knowledge
- Enabling action through knowledge (performance and management)
- Processing shared knowledge resources; delivering (transferring) explicit knowledge
- Building adequate technical infrastructures for better delivery

Information and Communication Technology Unit:

Detail functions:

- Proposing an ICT strategy for Districts, special courts and SDJ
- Creating, processing and manipulating case load databases
- Developing reliable data
- Devising an e-payment system
- Creating public interface for facilitating public through various processes regarding the steps involved in litigation
- Proposing training in information systems
- Creating litigants/citizens (case management) databases for providing relevant information about case progress; Management of information systems
- Creating coordination with other justice sector actors for redress (to manage through Provincial Justice Committee)
- Devising a data processing strategy with an indigenous backup system
- Procuring the relevant hardware, software and power and telecom back up
- Putting in place a plan for security and access control to system and data regarding:
 - Citizens / case registration, e-payment and assistance
 - Awareness, guidance, education and information for expected users and other interested in the justice services
 - Publication (including uploading and dissemination) of instructions(brochures), books and manuals for citizens / litigants and other key stakeholder

- Providing technical support to the District and Special courts in realization of their ICT strategies in relation to:
 - Province-wide planning and budgeting for ICT
 - Hardware and software procurement and control
 - Features and functions of the main data center
 - Arrangements for backup and business continuity in the cases of disasters and service
 - Interruptions such as power and telecom services
 - Plans for security and access control: to system and data
 - Troubleshooting in the ICT operations
- Facilitating the case-flow management through various steps, including:
 - Registry (case registration and database of registered cases) and Revenue (e-payment) management
 - Identification and removal of bottlenecks in service delivery for ensuring:
 - correct case filing
 - registration
 - payment of official dues [in litigation], and
 - timely processing of cases to ensure compliance with a statutory, NJP or any other standard
- Designing of case-filing, registration and other related forms
- Monitoring case-load
- Reviewing of filing systems and processes and how to improve efficiency;
- Feeding back results of monitoring and evaluation into planning and policy formulation

Citizen Services, Human Rights, Communication and Outreach Unit

Detail functions:

- Providing litigants/citizens the assistance, services and education through materials, in soft and hard regarding:
 - case registration and general assistance
 - available instructions, informative and educative material
- Managing Interaction with citizens and other key-stakeholders (Bar association, legal fraternity, Other Government Agencies particularly related to the Criminal Justice System, Media, etc.)

- Developing external communication strategy

Technical Services Delivery Monitoring Unit

Detail functions:

- Setting standards for quantitative and qualitative disposal per the National Judicial Policy or any other
- Devising long-, mid-, and short-term strategy in context of disposal and service delivery
- Monitoring Districts and Special courts to ascertain that they correctly and uniformly apply established policies, rules, regulations, and procedures
- Collecting and analysing data on case-load, disposal and compliance levels, patterns and trends
- Ascertaining compliance burden and risks and of motives for non-compliance
- Assessing internal and external risks potentially affecting the delivery, reputation and efficacy of the District Judiciary
- Developing and updating of district judiciary performance indicators in the perspective on in vogue policy, DPEP, (such indicators will also help in devising a new policy)
- Gauging the trends in litigation juxtaposed with performance
- Providing technical advice and guidance on policy matters to district judiciary for better disposal and up to the mark service delivery
- Monitoring:
 - Court, Case and Time Management
 - Compliance with SOPs and
 - Conformity to checklist(s)
- Evaluating:
 - Case disposal
 - Target achievement
 - Performance deficiencies
 - Corrective measures for efficiency

Grievance Redress Unit

Detail functions:

- Enforcing and ensuring (through an independent) equity, efficiency and fair play to Judicial Officers and court staff

- Redressing grievances of litigants and citizens
 - Resolving the issues related with grievances rooted in recruitment and promotion
 - Ascertaining the trends in resolving grievances; on the basis of such trends propose remedies to the Regulation wing through proper channel for devising and updating the grievance redress policy
- (The Team may resort to Alternate Dispute Resolution)

Strategy, Reform and Business Plan Review Unit

Detail functions:

- Ascertaining the adequacy of judicial performance
- Setting directions for effective judicial service delivery in line with public needs and expectations
- Determining difficulties in compliance with performance standards and proposing rectification
- Conducting SWOT analysis in assigned area
- Based on comparative study of performance in other countries, set business benchmarks
- Carrying out a value for money analysis

Confidential Unit

Detail functions:

- Timely dispatch of PER Forms
- Organizing timely completion of steps involved in performance evaluation reports
- Collection and safe custody of PER Forms
- Sensitizing the Judicial Officers and Staff about the submission of Declaration of Assets
- Timely submission of Tax Return
- Complaints against the Judicial Officers and Staff
- Creating and maintaining authentic data of PERs, integrity, financial matters, record of disciplinary proceedings
- Ensuring timely communication regarding confidential matters, including adverse entries in PERs, notices, summonses, decisions and judgments

IV. HR & Welfare Wing (Consisting of the following two Units)

HR Unit**Detail functions:**

- Proposing a recruitment, promotion, posting/transfer, training and incentive & reward policy
- Looking after disciplinary matters
- Preparing full job descriptions of Judicial Officer, court staff and staff of the SDJ
- Liaising with:
 - Public Service Commission for recruitment
 - Academies for trainings and their follow up
 - Concerned departments at home, embassies and training institutes abroad for international exposure and training
- Hiring and firing of human resources
- Developing rules for personnel management
- Suggesting policy for career progression
- Devising a retirement plan for timely and efficient processing of pension case
- Post-retirement plan including re-employment, job opportunity, and possibility of utilization of past experience
- Determining suitability for various postings
- Suggesting periodic review of emoluments for in-service and retired

Welfare Unit**Detail functions:**

- Planning a program for providing periodic incentive on the pattern of Pakistan Army
- Resolving the educational problems of staff's children, including:
 - Facilitation of admission into institutions of high repute
 - Provision of health care facilities at renowned healthcare units
 - Housing, plot, and construction
- Club(s) membership
- Post retirement welfare

C.No. 6(2-2)

XVI. (Appendix-V) Standard Procedures

1. ORGANIZATIONAL SETUP

a. Structure

- i. The Secretariat shall consists of the Wings as mentioned in Appendix-I. The Chief Justice may change the functions and numbers of the Wings.
- ii. A wing shall be led by a Director. It shall comprise of the staff as mentioned in Appendix-II and/or as the Chief Justice may determine.
- iii. A Wing shall be composed of the Units mentioned in Appendix-II and/or as the Chief Justice may determine.

b. Work Distribution

- i. The business of the Secretariat shall be distributed in accordance with Appendix-II. The Chief Justice/ Administration Committee may change the pattern of distribution of the business. A special task may be assigned by the Chief Justice/Administration Committee to any Wing.
- ii. The business of the Wing shall be distributed in accordance with Appendix-II. The Director may change the pattern of distribution of the business. A special task may be assigned by the Director to any Unit.
- iii. The business of the Unit shall be looked after by the head of the Unit (Deputy Director) in accordance with Appendix-II.

c. Line of Communication

- i. All external communication from and to the Secretariat shall be through Registrar.
- ii. The line of communication, within the Secretariat from higher to the lower and vice versa, shall be: Registrar to Director to DD and so on.

- iii. All communication pertaining to a complaint against a Judicial Officer or court staff, statement of declaration of assets, P.E.R forms, Representation, Departmental Appeal, etc. shall be sent to Director Inspections for initiation of action.
- iv. Line of Communication for secret and sensitive matters shall be determined by the Competent Authority.
- v. The Chief Justice or the Administration Committee may determine a particular line of communication in appropriate cases.

2. GENERAL PROCEDURE FOR DISPOSAL OF BUSINESS

- (1) The Secretariat, besides the specified functions in Appendix-II, shall be responsible for implementation of the policies approved by the High Court.
- (2) The Director shall cause a track-able digital copy to be prepared at the time the file is initiated or received in the Wing.
- (3) The Director or the DD, according to the work distribution, shall be responsible for suggesting a definite line of action while submitting a case for orders of the Chief Justice or the Administration Committee.
- (4) An order shall be in written form. The oral order shall be reduced into writing. In either case written approval of the Competent Authority shall be necessary.
- (5) The illegality or the extent of illegality of an order, irrespective of the fact whether it is final, shall be communicated by the officer who notices it, to the higher authority according to the line of communication.
- (6) The Chief Justice may determine the extent of authorizing other officer(s) in addition to the Registrar to sign specific executive orders, directives, instructions, guidelines, instruments or deeds etc. On behalf of the High Court.

3. DUTIES, FUNCTIONS AND POWERS OF THE REGISTRAR

The Registrar, besides the functions, duties and powers already assigned to him by law, rules and standing orders, shall:

- i. Coordinate the work of all the Wings of the Secretariat, and
- ii. Keep the Chief Justice/Administration Committee updated about the performance of the Secretariat.

4. COMMITTEE OF THE DIRECTORS

- (1) The committee shall be chaired by the Registrar with all the Directors as members. Director Regulation shall be ex-officio Secretary of the Committee. A Deputy Director(s) may be invited as observer to the meeting.
- (2) The committee shall meet regularly once a month. The Chairperson himself or on request of a Director may convene a special meeting.
- (3) Decisions of the committee shall be advisory unless approved by the Competent Authority for implementation.
- (4) The Secretary of the Committee shall provide secretarial support by recording the minutes, maintaining the files and making correspondence.
- (5) The Committee shall:
 - i. Develop policy proposals and implementation plans,
 - ii. Ensure Coordination amongst the wings,
 - iii. Provide guidance on policy matters and its implementation,
 - iv. Formulate advice on matters referred by the Chief Justice or the Administration Committee,
 - v. Afford forum for discussion and decision on matters brought before it by a Director, a member of the District Judiciary, a member of judicial staff or any other stakeholder,
 - vi. Review the working and progress of the Secretariat.
 - vii. Make proposals for communications to be made public or classified
 - viii. In addition to the relevant law the committee may propose a class of documents to be public or classified.

5. CONSULTATION BETWEEN DIFFERENT WINGS

- (1) All the Wings of the Secretariat shall work as a team to enable the District Judiciary for achievement of the core objective **“to provide inexpensive and expeditious justice to the citizens”**.
- (2) The Director shall make consultation with other Wing(s) when he considers a matter to be relevant with that wing— wing(s) required to be consulted.
- (3) The Wing sending a case for consultation to another Wing shall prepare a memo explaining all the relevant facts necessitating the consultation.
- (4) Consultation with Regulation and Operation Management Wings shall be mandatory in the matters concerning the legal and financial matters, respectively.

6. DISPOSAL OF CASES BY A WING

(1) RECEIPT AND DISTRIBUTION OF PAPERS

- (a) There shall be a receipt and issue branch in the office of the Registrar which shall be responsible for receipt and distribution of all written communications (communications) meant for the Secretariat.
- (b) The Receipt Clerk of Registrar’s office, after receiving the communications, shall pass the same immediately to the Superintendent.
- (c) The Superintendent shall enter all the communications in the relevant register, maintained both in hard and soft form. He shall open all the communications and affix the stamp “A” shown below, except those sealed or addressed by name to a particular officer.
- (d) He shall sort and make a note of omissions, if any, in the margin of the communications except complaints.
- (e) He shall distribute the communications relevant to different Wings through the issue clerk.
- (f) The Receipt Clerk of the Wing after receiving the communications shall make entries in the relevant columns of the stamp “A” and shall also acknowledge the receipt by putting his signature in the relevant column of the register— register of the office of Registrar.
- (g) He shall also maintain a register of record, for the Wing, similar to the one maintained by the Superintendent. [better language].

- (h) A soft/scanned copy of the communication shall also be caused by the receipt clerk. He shall also maintain digital track record of the communication within the Wing. The communication shall be converted into a proper file also called a Case.
- (i) The case shall be put up before the Director, who shall:
 - i. Finally dispose of the same himself, if in his competence, or
 - ii. Before the disposal may send the case to a Unit of his Wing for processing or may send it for consultation to another Wing(s), or
 - iii. Submit the case to the Competent Authority along with a self-explanatory note suggesting action for an appropriate orders; need not to say that cases shall be disposed of by a Director, Registrar, Administration Committee or the Chief Justice.
- (j) All the communications sealed or addressed to an officer by name shall be sent unopened to the concerned officer, who shall receive it himself or through his PA or PS.
- (k) The officer concerned shall himself open the communication, put his signature as acknowledgment. He shall initiate proceedings. If communication is not relevant with his office, shall transmit it immediately to the relevant office.

Figure-A:

First receiving office						
S.No	Nature of document	Sender details	Received in the office of	Sent to the office of	date	Time
Second receiving office						
S.No	Nature of document	Sender details	Received in the office of	Sent to the office of	date	Time

(2) Maintenance of files

- a) The file cover should have the following information:

Bar Code

File No:

Year

Wing Name: *e.g. HRD*Subject: *e.g. HR*Sub-subject(s): *e.g. Transfer & Posting/Civil Judges
(sub-subjects to be separated by “/”)*

Previous Reference:	Later Reference:

- b) A proper card board file cover shall be used for correspondence and other documents.
- c) A file shall be maintained in volumes. Each volume shall consist of 200 pages.
- d) A file after completion shall be properly indexed and cosigned to a record room specially meant for the official record.

7. MOVEMENT AND CUSTODY OF FILES

- a) There shall be two types of files, Sensitive and Ordinary. The former shall include those declared as top secret, secret and confidential. The latter shall include all others.
- b) Each type shall be labeled as: Most Urgent, Urgent, Important and Ordinary, based on specific timeline for processing and disposal.
- c) The timeline shall be developed by the Wing itself.
- d) A file's movement shall be recorded in a proper register as well as in a computer-based track record.
- e) The Diary receipts of all sensitive files shall be signed, in addition to a staff member, by the concerned office as well.

8. REFERENCES FROM THE FEDERAL AND THE PROVINCIAL GOVERNMENT

- a) All-important references received from the Federal or Provincial Government shall be attended to promptly.
 - i. Such cases shall be put up immediately by the officer dealing with them to the next higher officer;
 - ii. If a superior officer directs that a reply should be sent straight away or that the case should be further examined, he should indicate the lines on which the reply should be sent or the examination made;
 - iii. Where it is expected that the issue of a final reply to a reference would take some time, an interim reply should be sent indicating the approximate time by which a final reply is expected to be given; and
 - iv. Draft replies to the Federal Government and Provincial Government should be issued after approval of the Chief Justice.

9. REFERENCES TO THE FEDERAL AND THE PROVINCIAL GOVERNMENT

- a) References to Federal or Provincial Government shall be in the form of self-contained communication stating the fact of the case, the points for decision/resolution with specific recommendation.
- b) References shall be made only in the cases where an input or decision of Federal or Provincial Government is required.

10. COMPLAINTS AND PETITIONS BY THE JUDICIAL OFFICERS AND STAFF TO THE CHIEF JUSTICE

- a) All such complaints and petitions shall be marked to Inspection Wing.
- b) The Director Inspection Wing may:
 - I. Decide the matter within his Wing,
 - II. Propose an action/decision to the Authority,
 - III. Seek the opinion of the Regulation and/or any Wing(s) at any stage, prior to final decision or making a proposal.

11. DISPOSAL OF COMPLAINTS AGAINST THE JUDICIAL OFFICERS AND STAFF

All complaints against the judicial officers and staff shall be disposed of according to the procedure prescribed under Notification of 8th October, 2002 of the Peshawar High Court {SECTION-5¹ (inspections) JUDICIAL ESTACODE}.

12. NOTING AND DRAFTING

- a) The notifications, instruments and other documents having legal effects shall be vetted through the Regulation Wing at appropriate stage.
- b) Notes shall ordinarily be recoded on cases which have to be put up to Higher Officers for orders.
- c) When a case is put up to a higher Officer, it shall always be presumed that the paper under consideration will be read by the officer to whom it is submitted. Paraphrasing of the contents of the paper under consideration or reproduction of verbatim extracts from it in a note should, as a rule, be avoided. A précis may, however, be made if the paper under consideration is of a great length and complexity.
- d) The object of a note is to supply in the most concise, correct and clear from the relevant information required for the disposal of paper under consideration. In some cases, a mere perusal of the paper under consideration will be sufficient and no further elaboration will be needed beyond a brief suggestion for action. When a note is needed, it shall be a presentation of the case in the following sequence: -
 - i. The question for consideration;
 - ii. The circumstances leading up to it, with brief background and full facts of the case. (The noting officer should point out any error or miss-statement of facts in the paper under consideration or in the notes of other Wings);
 - iii. Any rule, regulation, precedent or policy having bearing on the case. (The noting officer should discuss their

¹ Now Section 6 of the Third Edition

- application or otherwise to the question under consideration);
- iv. The points for decision; and
 - v. The suggestions for action.
- e) All notes should be legibly written on note sheets. No note should be written on the receipt itself. If a higher officer has already made any remarks on a receipt, they should be copied out on the note sheet below the red ink entry relating to the receipt before subsequent notes are recorded.
 - f) Notes exceeding half a page may be neatly type-written, but if hand-written they should be easily legible.
 - g) Notes should be broken up, as much as possible, into short connected paragraphs, each dealing with a particular point. Long sentences and discursive style should be avoided.
 - h) All notes shall be temperately worded and shall be free from personal remarks. If apparent errors are to be pointed out, or if an opinion has to be criticized, it shall be done in sober and restrained language.
 - i) The officer recording the note should affix his signature and date on the right side of the note sheet at the end of his note with his full name.
 - j) The designation of the officer to whom a case is submitted should be indicated on the left margin below the signature of the officer submitting the note.
 - k) When an officer agrees with the preceding note or recommendations, he should append his signature and nothing more. Marginal notes or notes to emphasize specific points may, however, be made. Where officers are required to pass orders on notes they should do it in away so as to be directly convertible into a draft.

13. SUMMARY FOR THE PROVINCIAL & FEDERAL GOVERNMENT

- a) A summary to the provincial or federal government shall be in the following manner:-
 - i. Brief history of the case containing all relevant facts.
 - ii. Properly explained issue involved.

- iii. Points for consideration
 - iv. Views of the high court.
 - v. Recommendations with reasons.
 - vi. Date on which it is submitted.
 - vii. Supportive documents if any be properly flagged.
- b) A few blank sheets be attached to the summary.

14. DISPOSAL OF “SPEAK” OR “DISCUSS” CASES

The Senior Officer shall properly reflect the reasonable details regarding the outcome of “Speak” or “Discuss” in his note.

15. DISSEMINATION OF INFORMATION THROUGH MEDIA

The Registrar or any other Officer authorized by the Authority may communicate with the Media.

16. PREPARATION AND SUBMISSION OF CASES

- 1) Every file shall consist of two distinct parts via;
 - (a) The correspondence part; and
 - (b) The notes part.

The thick cardboard covers bearing two punched holes shall be used for the correspondence part of the file and the thinner folded file covers shall be used for the notes part.

- 2) Thick correspondence part of the file shall contain a docked sheet (Figure “B”) and all communications including demi-official reference, received or issued. The correspondence part shall be arranged strictly in the chronological order and shall be firmly laced through the punched holes of the hard.
- 3) All pages of the correspondence part of the file, should be serially numbered. The number should be written clearly and legibly and if the numbering has to be changed due to error or interpolation of some material, the original serial number should not be erased or over-written but simply scored out by a line drawn across it and the new number writhen thereunder. Necessary correction should also be made in the notes.
- 4) Each communication in the correspondence portion of the file shall be properly cross-referenced to facilitate prompt reference to the connected documents.
- 5) The latest communication on which action is being taken shall also be placed on the correspondence portion of the file at the end and page numbered. It may be flagged with a “PUC” (Paper under Consideration) label and referred to in the Note portion of the file as

- “PUC” at page_____/C”.
- 6) Reference to correspondence shall always be made page-wise as “at PP 13-14/C”.
 - 7)
 - a. The note-sheet in the note-part of the file should be tagged inside the file cover at the left-hand top corner so that it becomes possible to fold them backwards and bring the last portion of the note on the top; and
 - b. It shall be ensured that one or two blank sheets are added to the note portion of the file.
 - 8) The note portion of the file should not be page numbered, but shall be serially paragraph numbered continuously. References to notes shall always be made paragraph-wise as “Para_____/N”.
 - 9) Red Entry: - All incoming and outgoing communications shall be entered in red ink in the Note portion of the file at the appropriate stage and given a paragraph number. Such entries shall be separated from the running Notes by horizontal lines drawn across the page before and after each entry as under: -

From

The District & Sessions Judge, Peshawar
 No-----/-----dated----- page-----/

- 10) The file papers comprising a case under submission shall be placed on file boards or bands, preferably the former, and arranged in the following order reading from the top downward: -
 - (a) Note on the case, the last portion of the Note with the signature of the officer submitted the note facing upward;
 - (b) Draft for approval (DFA) if any;
 - (c) Correspondence file with the PUC fixed at the end and page numbered;
 - (d) File of previous proceedings, latest upper-most;
 - (e) File containing precedents, if any; and
 - (f) File containing approved policy on the subject.
- 11) No case shall be submitted to an officer without adding and referencing the previous papers to which references may have been made in the fresh receipt or in the Notes.

17. CATEGORIZATION OF FILES:

- a) **Category 'A' Permanent files.** These are files of permanent utility which are used for references time and again over a long period of time. All such files should be printed. Original file should be preserved whereas printed copy should be used for reference. This category shall normally contain: -
 - i) Matters relating to policy, rules & regulations
 - ii) Orders establishing procedures or conveying instructions of general nature.
 - iii) Any other file which in the view of the management needs to be printed and kept for future needs.
- b) **Category 'B'** these are also permanent files but of limited utility these shall also be preserved but not printed. Service record of the employees falls under this category.
- c) **Category 'C'** all other files of temporary nature shall include in this category preservation period of these files shall depend upon the discretion of the wing in charge or the unit head as to for how much period he deems its preservation necessary.
- d) **Secret and Confidential Files:** - All files classified as secret or confidential shall be kept in safe custody preferably in the strong room if any, if not in the personal custody of the officer specially authorized to deal with such files.

18. CONSIGNMENT TO THE RECORD ROOM

- a) A complete file after disposal shall be consigned in the Record Room of the Wing.
- b) The Receipt Clerk of the Wing shall be responsible for preparing the file for consignment.
- c) Shall prepare a C.D of the digital file or shall copy it on a Hard Disk/Databank specially maintained for the purpose.
- d) **Recording:** - Where a communication issued finally disposes of a case, the Deputy Director shall take the following further action before passing it on to the Receipt Clerk (for consignment): -
 - i. Read through the notes and correspondence and verify that no further action remains to be taken on the case.
 - ii. Take extracts of important orders, decisions, advice, etc; for incorporation in the reference register;

- iii. Check and satisfy himself that all pages are complete and intact;
 - iv. Remove and destroy all unimportant papers, routine notes and slips and other papers not material to the case;
 - v. Remove and destroy drafts or papers which have been printed or typed (except copies initialed by officers), proofs and any other duplicates of papers otherwise appearing in full on the record;
 - vi. Remove all pins, clips and tags, if any;
 - vii. Transfer notes to the correspondence file (Notes at the bottom following the correspondence) and lace them together securely, changing the file cover, if necessary, in case the existing one is mutilated; and
 - viii. The index card already prepared may be appropriately revised where necessary.
- e) On receipt of a file marked for record, the Receipt Clerk, shall:-
- i. Note the recording date and the classification of the file in the relevant columns of the file register (Figure “B”). Shall also maintain an annual register of recorded file as shown in (Figure “C”);
 - ii. Enter the serial number of the file on the relevant page of the Register of Files due for destruction (Figure “D”). This register should contain at least one page for each calendar year and the serial number of files due for destruction in a particular year should be entered on the relevant page;
 - iii. Place the file among other recorded files in its appropriate place; and
 - iv. The Deputy Director/Receipt Clerk shall also perform the following duties: -
 - Note the number of connected File(s) or previous reference(s) on the file cover of the file being recorded and also on the cover of the file under reference;
 - Have all torn pages mended and twisted pages straightened;

- See that all marginal references both in the notes and correspondence are either available on the file or in Appendix at the end of the file or are duly referenced so as to make them readily traceable. (In this process flags shall be clearly identified with or replaced by names or relevant document, number of files, page numbers, Para numbers, etc);
- Write or type the full names of officers (who deal with the file) with correct spelling and their designation below signature where-signatures of the officers are not legible; and
- Having completed the above action, place the file among other recorded files in its appropriate place or stamp the file “Recorded” in the margin of the last Para of the Notes, initial it and mark the file to the Record Room.

19. INSPECTION OF THE SECRETARIAT

- a) Hon’ble the Chief Justice/Judge In charge of the Secretariat may make inspection of the Secretariat annually.
- b) Registrar shall make inspection of the Secretariat twice-yearly.
- c) Director of each wing shall make inspection of his Wing quarterly.
- d) The objective of the inspection shall be correction, improvement and guidance.
- e) The scope of inspection shall include:
 - i. Compliance with relevant rules,
 - ii. Compliance with timeline,
 - iii. Proper categorization of files,
 - iv. Adequacy of staff and office equipment,
 - v. Personal hygiene and office cleanliness,
 - vi. Safety and security of office and equipment,
- f) An inspecting officer shall record an inspection note. The correction, improvement and guidance in light of inspection shall be implemented at appropriate level.

20. INSPECTION OF ACCOUNTS AND FINANCE

The inspection of accounts and financial matters by the Regulation Wing shall be conducted in light of the functions mentioned in Appendix-II.

21. INSPECTION OF COURTS

The Inspection Wing shall conduct inspections of courts according to the relevant High Court Rules & Orders and such other directions issued by the High Court.

22. MEETING WITH THE STAFF

- a) The Director should endeavor to convene meetings of all officers in the Wing once a month or once every quarter to discuss:-
 - i. Important pending cases;
 - ii. Specific problems calling for general expression of views or exchange of ideas; and
 - iii. Question of general interest concerning the Department as a whole.
- b) The Director should hold periodical meetings with the Deputy Directors.
- c) All meetings shall be business-like. Brief minutes shall be recorded mentioning only the silent points considered and decisions taken. Individual points should not be recorded except on request.

FIGURE "B"**DOCKET SHEET**

Subject:-

File No.....

Department

Section/Branch

Reference:

(Previous and subsequent papers)

Classification

YearSignature
Superintendent

Date	To whom sent
------	--------------

FIGURE “C”**FILE REGISTER**

Section/Branch.....Year.....

Attached Department
(Previous)

Subject/Heading
(15-Recruitment of staff)

Serial No.	Sub-Head	Date on which		Classification	Date of Destruction
		Opened	Recorded		
1	2	3	4	5	6

REGISTER OF FILES DUE FOR DESTRUCTION

(New Page for every year)

Serial No.	File No.	Subject	Classification assigned	Date of destruction	Remarks
1	2	3	4	5	6

CHAPTER-III HUMAN RESOURCES OF DISTRICT JUDICIARY

Section-I (Establishment of the District Courts, Terms and Conditions)

1(3-1)	Section 27(3) N.W.F.P Courts Regulation I of 1931:	429
2(3-1)	Rules framed by the Judicial Commissioner U/S 27(3) of the N.W.F.P Courts Regulation I of 1931 for Subordinate Services attached to Civil Courts.	429-439
3(3-1)	The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989	440-452
4(3-1)	Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003	453-469
5(3-1)	West Pakistan Civil Services (Applications For Posts) Rules, 1957	470-472
6(3-1)	Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008	473-476
7(3-1)	Appointing Authorities, Constitution of Departmental Selection and Departmental Promotion Committees.	477-479
8(3-1)	Anti-Terrorism Courts Appointing Authorities, Constitution of Departmental Selection and Departmental Promotion Committees.	479-480
9(3-1)	Anti-Terrorism Courts' Judges as Appointing Authorities for the posts of BPS 01 to 16.	480
10(3-1)	Anti-Terrorism Courts' Staff Recruitment Rules, 2020.	480-484
11(3-1)	Appointing Authorities And Constitution Of Departmental Selection Committees	484

Section-II (Recruitment Policy)

1(3-2)	Filling of vacancies in the Ministerial Establishment of Subordinate Courts through Initial Recruitment.	485-489
2(3-2)	Change in the recruitment policy regarding maintenance of waiting list of the eligible candidates Judgement of the Supreme Court of Pakistan.	488-489

Section-III (Instructions on Implementation of Different Quotas)

1(3-3)	Reservation of quota for appointment of children of retiring Class-IV Govt. Servants on Superannuation	490-491
2(3-3)	Quotas for different classes by Initial Recruitment	491
3(3-3)	Quota for specific classes in recruitment; observance of schedule	491-492

Chapter-III- Human Resources of District Judiciary Section-wise Contents

4(3-3)	Reservation of quota for appointment of children of retiring Class-IV Servants on Superannuation.	493
5(3-3)	Filing of vacancies/observance of different quotas.	493
6(3-3)	Appointment against retired employee's son quota.	493
7(3-3)	Application for appointment against retired employees' son quota.	494
8(3-3)	Guidance in 25% quota of Class-IV.	494
9(3-3)	Appointment against retired employees son's quota.	494
10(3-3)	Instructions regarding government servants (BS-03 to BS-05) children's quota	494-496
11(3-3)	Reservation of quota for appointment of Children of retiring driver (Civil Servants) on Superannuation.	496-497
12(3-3)	Permission to initiate process for recruitment to fill up the vacant posts through Testing Agency.	498
13(3-3)	Observance of 02% Quota reserved for disabled persons.	498
14(3-3)	Observance of 02% Quota reserved for persons with disabilities.	499-500
15(3-3)	Recruitment Policy for the Provincial Services.	500
16(3-3)	Application for appointment of widow, son or daughter of a deceased/retired Class-IV employees.	500
17(3-3)	Filling of vacancies under rule 10(4) of the Khyber Pakhtunkhwa (APT) Rules, 1989.	501

Section-IV (Instructions Regarding DSC/DPC)

1(3-4)	Departmental Selection and Promotion Committee; Preparation of Working Paper.	502
2(3-4)	Formal approval prior to filling of vacancies.	502
3(3-4)	Meeting of Departmental Promotion/Selection Committee.	503
4(3-4)	Promotion of Class-IV to Junior Clerk in District Judiciary.	503
5(3-4)	Guidelines for the purpose of promotion to the post of Junior Clerk (BPS-11).	503-504
6(3-4)	Pre-requisites for making requests for nominee of Departmental Selection Committee Meeting (02.10.2019).	504-505
7(3-4)	Pre-requisites for making requests for nominee of Departmental Selection Committee Meeting (02.01.2020).	505-506

Chapter-III- Human Resources of District Judiciary Section-wise Contents

8(3-4)	Templates for the Seniority Lists.	506-507
9(3-4)	Meeting of Departmental Promotion/Selection Committee.	507

Section-V (Instructions on Bowl Policy)

1(3-5)	Appointment of Class-IV Employees (22.08.2017).	508
2(3-5)	Appointment of Class-IV (08.11.2017).	508-509
3(3-5)	Bowl Policy for recruitment of Class-IV.	509
4(3-5)	Appointment of Class-IV through Bowl Policy.	510
5(3-5)	Appointment of Class-IV (01.04.2019).	510
6(3-5)	Appointment of Class-IV (04.04.2019).	510

Section-VI (Instructions on Appointment)

1(3-6)	Instructions regarding appointment of posts below (BPS-16) for whom typing is mandatory in their service rules.	511
2(3-6)	Model Appointment Order.	512-513
3(3-6)	Recruitment of Drivers (BPs-06) in District Judiciary (14.03.2018).	513-514
4(3-6)	Recruitment of Drivers (BPs-06) in District Judiciary (01.04.2019).	514
5(3-6)	Appointment Order.	514-515

Section-VII (Conduct of Ministerial Staff)

1(3-7)	Transfer of Clerks of Courts from one station to another.	516
2(3-7)	Complaints against Readers/Stenos.	516
3(3-7)	Maintaining of Attendance Register.	516-517
4(3-7)	Chief Justice Directives 15 (Close watch on Subordinate Staff).	517
5(3-7)	Part time jobs by Court employees.	517-518
6(3-7)	Disciplinary Proceedings.	518
7(3-7)	Committee for curbing corruption.	518-519

Chapter-III- Human Resources of District Judiciary Section-wise Contents

8(3-7)	Instructions to Stenographers/Personal Assistants.	519-520
9(3-7)	Complaint box in Court premises.	521
10(3-7)	Complaints against Ministerial/Menial staff.	521
11(3-7)	Transfer Proforma.	522-523
12(3-7)	Indulgence of Paralegal Staff in Corrupt Practices.	523
13(3-7)	Maintaining Discipline.	523
14(3-7)	Revision in the rate of Conveyance charges for late sitting.	523-524

Section-VIII (Job Description)

1(3-8)	Calendar of job descriptions of judicial officers.	525
1(a)(3-8)	Job description of District & Sessions Judge.	525-530
1(b)(3-8)	Job description of Additional District & Sessions Judge.	531-532
1(c)(3-8)	Job description of Senior Civil Judge.	533-536
1(d)(3-8)	Job description of Senior Civil Judge (Judl).	536
1(e)(3-8)	Job description of Senior Civil Judge (Administration).	536-538
1(f)(3-8)	Job description of Civil Judge & Judicial Magistrate.	538-540
2(3-8)	Calendar of job descriptions of staff of District Judiciary.	540-556

Section-IX (Transfer & Posting Related Instructions)

1(3-9)	Transfer and posting policy	557-558
2(3-9)	Corrigendum in transfer and posting policy.	559
3(3-9)	Instructions regarding transfer of Judicial Officers	559
4(3-9)	Parties to Government Servants on retirement, transfers and tours.	559-560
5(3-9)	Approach to the authorities for transfer and posting.	561
6(3-9)	Approach to the Hon'ble Chief Justice for transfer and posting.	561
7(3-9)	Charge of office	562-563

Section-X
(Joining Instructions)

1(3-10)	Applicability of FR & SR to Civil Servants.	564
2(3-10)	Relevant Provisions of FR & SR.	564-568
3(3-10)	Combination of holidays with leave and joining time.	568-569

Section-XI
(Conduct and Discipline - Statutory Provisions)

1(3-11)	Statutory provisions regarding conduct.	570
2(3-11)	The Khyber Pakhtunkhwa Government Servants (Conduct Rules), 1987.	570-585
3(3-11)	Efficiency and Discipline (Statutory Provision).	585
4(3-11)	Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011	585-602
5(3-11)	Code Of Conduct For Judicial Officers Of NWFP District Judiciary	602-603
6(3-11)	The Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986	604-608

Section-XII
(Instructions Regarding Judicial Officer's Conduct and Discipline)

1(3-12)	Observance of Courts Hours.	609
2(3-12)	Instructions (Acceptance of Parties).	609-610
3(3-12)	Punctuality in subordinate courts and expeditious disposal of cases.	610
4(3-12)	Use of High Court Monogram by the subordinate Judges on Eid Cards and Vehicles.	610
5(3-12)	Interview with the Honourable Chief Justice and Judges.	611
6(3-12)	Reception in Courts by Presiding officers of visitors and accommodating persons on the dais and in the retiring rooms.	612
7(3-12)	Use of the words "High Court" or designation on the registration number plats of vehicles.	612
8(3-12)	Attending visitors in Retiring Room and use of Telephone during Court hours.	612-613
9(3-12)	Entertainment of guests in the Retiring Room (08.11.1998).	613
10(3-12)	Observance of Court Hours.	613-614
11(3-12)	Entertainment of guests in the Retiring Room (27.11.1999).	614

Chapter-III- Human Resources of District Judiciary Section-wise Contents

12(3-12)	Meeting the Hon'ble Chief Justice and Judges without prior permission.	614-615
13(3-12)	Non-observance of Court hours and entertainment of Guests in the Retiring Room.	615
14(3-12)	Visit to High Court by the Judicial Officers.	615
15(3-12)	Grant of interviews to Judicial Officers by Hon'ble Chief Justice to avoid attempts to have indirect access to his lordship.	616
16(3-12)	Extraneous influence by government servants in respect of service matters.	616-617
17(3-12)	Visit To High Court By Judicial Officers.	617
18(3-12)	Use of Mobile Phones during Courts hours.	617
19(3-12)	Delay in relinquishment of Charge by the Judicial Officer.	618
20(3-12)	Unpleasant behaviour of Judicial Officers with the litigants.	618
21(3-12)	Approach to higher authorities for favours.	618-619
22(3-12)	Receipt of Honorarium by Magistrates.	619
23(3-12)	Involvement of Judicial Officers in litigation.	620
24(3-12)	Distinctive number plates on vehicles.	620
25(3-12)	Visit to High Court by the Judicial Officers.	620-621
26(3-12)	Code of Conduct (13.01.2010).	621
27(3-12)	Interaction with subordinate Judicial Officers by District & Sessions Judges.	621-622
28(3-12)	Code of Conduct (02.02.2010).	622
29(3-12)	Approach to higher authorities or favour (20.02.2010)	623
30(3-12)	Attendance of presiding officers.	623
31(3-12)	Moral and judicial standards of the judicial officers	623-624
32(3-12)	Peshawar High Court – Notice for general public.	624
33(3-12)	Phone call during Court hours.	624-625
34(3-12)	Curtailment of duration of journeys on tours/transit day.	625
35(3-12)	Eradication of Corruption.	625-626
36(3-12)	Code of Conduct (visit of judicial officers to their colleagues at home station).	626

Chapter-III- Human Resources of District Judiciary Section-wise Contents

37(3-12)	Favours to Relations.	627
38(3-12)	Fake and Bogus Communications for and on behalf of Hon'ble Judges and officers of judiciary in Pakistan.	627
39(3-12)	Model Show Cause Notice, Charge Sheet and Statement of Allegations under Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.	628-630
40(3-12)	Interaction with Media by Government Servants.	630-631
41(3-12)	Confirmation of Additional Judges of Lahore High Court and High Court of Balochistan.	631
42(3-12)	Illegal favour to friends, relatives and colleagues.	632
43(3-12)	Appearance through one judicial officer as representative in service matters.	632
44(3-12)	Code of Conduct for Judicial officers (03.03.2014).	633
45(3-12)	Attendance of presiding officer	633
46(3-12)	Completion of enquiries in accordance with stipulated period.	634
47(3-12)	Visitation of Judicial officers of High Court.	635
48(3-12)	Deduction of salary from Govt Employees in case of absenteeism	635-636
49(3-12)	Visit of Judicial officers of District Judiciary without prior appointment/permission.	636
50(3-12)	Anonymous/pseudonymous applications	636-637
51(3-12)	Dissemination of information against Hon'ble Judges and institution.	637
52(3-12)	Directives of Hon'ble the Chief Justice	637
53(3-12)	Wimpled photos of female judicial officers	637-638
54(3-12)	Directive of Hon'ble the chief justice	638
55(3-12)	Grant of M.Phil allowance @ 2500/- pm	638
56(3-12)	Visitation of Judicial Officers to High Court	639
57(3-12)	Visitation of judicial officers and other all type of visitors to High Court	639

Section-XIII (Training of Human Resource)

1(3-13)	Provincial Judicial Training Centre At Peshawar	640
---------	---	-----

Chapter-III- Human Resources of District Judiciary Section-wise Contents

2(3-13)	Establishment of Khyber Pakhtunkhwa Judicial Academy.	640
3(3-13)	The Khyber Pakhtunkhwa Judicial Academy Act, 2012.	641-650

Section-XIV (Instructions Related to Training)

1(3-14)	Training For Probationers Judicial Officers	651
2(3-14)	Chief justice directive No. 5 (local trainings)	651-652
3(3-14)	Foreign Tour/Trainings	652
4(3-14)	Mandatory Participation To Training Programmes	652
5(3-14)	Directives of the Hon'ble Chief Justice.	653
6(3-14)	Local Training Of Judicial Officer/Lawyers And Ministerial Staff	653
7(3-14)	Manual for Local/Regional Training.	653-686
--ditto--	Module-1 Uniformity in Discretionary Matters	654-657
--ditto--	Module-2 Tools of Expeditious Adjudication	658-659
--ditto--	Module 3 Judgment Writing Skills	659-662
--ditto--	Module 4 Legal Writing	662-664
--ditto--	Module 5 Advocacy Skills	664-666
--ditto--	Module 6 Information Technology Skills	666-667
--ditto--	Module 7 Maintenance of Judicial Record	668-670
--ditto--	Module 8 Process Serving Agency: Skills of Proper & Timely Execution of Processes	670-672
--ditto--	Module 9 Diary Management Skills	672-673
--ditto--	Module 10 Disciplinary Proceedings	673-675
--ditto--	Module 11 Supervisory Role of Magistrate in Pre-trial Proceedings: Skill Sets	675-678
--ditto--	Module 12 Code of Conduct of Government Servants	678-680
--ditto--	Module 13 Ethical Standards : Motivations	680-683

Chapter-III- Human Resources of District Judiciary Section-wise Contents

--ditto--	Module 14 Soft Skills	683-686
-----------	-----------------------	---------

Section-XV (Instructions on Writing of PERs)

1(3-15)	Relevant Instructions On Writing Performance Evaluation Report (PER)	687-713
2(3-15)	Representation Against Adverse Remarks In Performance Evaluation Report Of Judicial Officers To Be Decided By The High Court	713
3(3-15)	Declassification Of Performance Evaluation Report Of Civil Servants – Re-Categorization As ‘Restricted’ Instead Of ‘Confidential’	713-714
4(3-15)	Photographs	714
5(3-15)	Performance Evaluation Report	714-715
6(3-15)	Directives of Hon’ble Chief Justice	715

CHAPTER-III

HUMAN RESOURCES OF DISTRICT JUDICIARY

SECTION-I

ESTABLISHMENT OF THE DISTRICT COURTS ...

TERMS AND CONDITIONS OF SERVICE

C.No. 1(3-1)

Section 27(3) NWFP Courts Regulation I of 1931: Every appointment under this section shall be subject to such rules as the Judicial Commissioner may make in this behalf, and, in dealing with any matter under this section, a Judge of a Court of Small Causes shall act subject to the control of the District Judge

C.No. 2(3-1)

***RULES FRAMED BY THE JUDICIAL COMMISSIONER UNDER SECTION 27 (3) OF THE NORTH-WEST FRONTIER PROVINCE COURTS REGULATION, I OF 1931, FOR SUBORDINATE SERVICES ATTACHED TO CIVIL COURTS OTHER THAN THE JUDICIAL COMMISSIONER'S COURT**

Application

I. These rules shall come into force on the 1st January 1937 and shall apply to the following: --

- (a) Ministerial and menial establishment of District and Sessions Judges, including establishment of Record Offices and Sessions Houses.
- (b) Ministerial and menial establishment of Sub-Judges, Stipendiary and Honorary.

Note.—The term “menial” used in this rule and the other rules includes all inferior Government servants other than process-servers who have been classed as ministerial officers for the purpose of these rules.

* These rules are effective save their inconsistency with all the rules framed under section 26(1) of the Khyber Pakhtunkhwa Civil Servants, Act, 1973, including Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003

¹ [II. (a). The following officers, together with such others as the Judicial Commissioner may from time to time direct, shall be considered as ministerial officers: --

- (1). Clerks of Court;
- (2). Readers;
- (3). Record keepers;
- (4). English and Vernacular Clerks (Ahlmads and Muharris, paid candidates and Leave Reserve Clerks);
- (5) Stenographers;
- (6) Translators and Assistant Translators;
- (7) Copy Clerks, English and Vernaculars;

- (8) District and Sessions Judges' Nazirs;
- (9) Civil Nazirs, Naib-Nazirs and Madad Naib-Nazirs;
- (10). Execution Bailiffs;
- (11). Process-servers.

Nos. (1). to (8) shall be classed as General Line; Nos. (9) to (11) shall be classed as Process-serving Establishment.

(b). The ministerial officers serving in each civil division shall form a separate cadre. Provided that in those divisions, where one District and Sessions Judge has charge of more than one Revenue District, the following practice shall be observed: -

Unpaid candidates shall be recruited from each District separately. A joint list shall be kept in the office of the District and Sessions Judge, in which the name of the District to which candidates belong shall be clearly mentioned. As a general rule, a post in a particular district shall be given to an unpaid candidate of the District. This rule may, however, be departed from in those cases where it is considered that such an appointment will be prejudicial to the interests of the senior most unpaid candidate of the other district. In such cases, the later may be appointed in the district other than his own till his turn comes for appointment in his own district, when he should be sent back, and an unpaid candidate belonging to the other district appointed in his place. The prospects of a candidate shall not be prejudiced through his declining an appointment in a district other than his own.

¹ Substituted vide No. 23999 – HGA(Governor, NWFP) dated 2nd June, 1947

Notes. (1). The process serving Establishment in each district shall for the purpose of promotion be treated as separate from the general line up to the post of Civil Nazir. The Civil Nazir shall be treated in the same way as an officer of the same grade in the general line for purposes of promotion to higher grades.

(2) The term “ministerial” used in this rule is not intended to overrule the definition of a ministerial Government servant given in Fundamental Rule 9 (17). Bailiffs and process-servers will, therefore, continue to be regarded as non-ministerial and inferior Government servants, respectively, for the purpose of the rules relating to retirement, as contained in Fundamental Rule 56 for Bailiffs and Articles 481 to 485 of the Civil Service Regulations for process-servers.]

Qualifications

III. (1). No. person shall be accepted as a candidate for the clerical ministerial staff if he is over 25 years of age, or if there is no prospect of his getting a permanent Government post, or a post of paid candidate, or a post of section copyist, before attaining the age of 25 years.

(2). No person shall be appointed to or accepted as a candidate for, any clerical ministerial post, unless he has passed the Matriculation Examination or an equivalent examination:

Provided that a member of the non-clerical ministerial staff, who joined service before the 1st January 1937 may be appointed to a post of Madad Naib Nazir, Naib Naib Nazir or Civil Nazir if he has shown special ability, has a working knowledge of English and is able to examine and keep accounts:

Provided further that a non-Matriculate who joined service before the 1st January 1937, may be appointed to a post of Judicial Moharrir or Ahlmad in any of the Courts other than those of a District Judge, or Senior Sub-Judge, if he was actually accepted as a candidate for a clerical post and is otherwise fit for such appointment and if he has passed or has been exempted from passing the examination prescribed for appointment of Readers, may be appointed to any of the posts enumerated in Schedules I and II to this part.

(3). Preference shall be given in the recruitment of new candidates to those who are competent stenographers, and such candidates should be freely employed as court stenographers, while working as unpaid candidates.

(4). No person shall be appointed substantively as a Reader unless he has passed the examination prescribed for appointment of Readers or LL.B exam: of a reorganized university.

(5). No person shall be appointed as process-server or execution Bailiff unless he has passed the Lower Middle School Examination; provided that the Judicial Commissioner's Court may relax this rule in the case of ex-soldiers, provided further that a process server who joined service before 1st January 1937, may be appointed execution Bailiff if he is considered otherwise fit for promotion, although may not have passed Lower Middle School Examination.

(6). No person shall be appointed civil Nazir, Naib Nazir or Madad Naib Nazir who is not able to keep and examine accounts both in English and in Urdu.

(7). No person who is sickly, old or incapable of much physical exertion, and has not a good knowledge both of Urdu and of the language current in the district of his employment shall be appointed as execution Bailiff or process-server.

(8). For posts of menials the officers empowered to make appointments shall appoint the best man, provided that preference be given to ex-soldiers competent to do the duties required. Literacy should be regarded as a desirable though not essential qualification.

(9). All appointments shall be subject to a medical certificate of fitness.

First appointments

*IV. First appointments shall be made as follows: --

(1). By the District Judge—

(a). Ministerial officers in his own Court and in all Courts controlled by the District Court.

(b). Menials in his own Court.

(2). By the Senior Sub-Judge—

* Now vide No. DR Peshawar dated 14.11.2002 Chief Justice, District & Sessions Judge and Senior Civil Judge have been authorized to be as appointing authorities for various posts of the establishment of District Courts.

Minerals in his own Court and the Courts of other Sub-Judges in the same district.

Note.—A District Court may under the provisions of Section 29 of the North-West Frontier Province Courts Regulation with the previous sanction of the Judicial Commissioner delegate the power of appointment given above to any Sub-Judge, to be exercised by him in any specified portion of the district, subject to the control of the District Court.

Note.— This delegation has been made to the Senior Sub-Judge, 1st Class, in each district in regard to the process-serving establishment of all Courts in the districts.

Recruitment

V.(1). Recruitment to ministerial posts shall ordinarily be made either by open competition or by selection from a list of qualified candidates or apprentices accepted by the District Judge, or Sub-Judge to whom powers of appointment have been delegated, as the case may be. Any departure from either of these methods should be reported to the Judicial Commissioner for confirmation.

(2). No person shall be admitted to work in any Court as an apprentice unless his name is entered on the register of candidates by the written order of the District and Sessions Judge or Senior Sub-Judge, as the case may be, who shall in addition to the qualifications specified above satisfy himself by personal inspection that each candidate is otherwise qualified and suitable and has adequate means of subsistence. Each apprentice shall have his place and duty distinctly assigned to him in the office and shall work under the supervision of a recognized superior clerk.

(3). When appointment to a permanent post is made from candidates, preference must be given to the senior candidate unless he has shown himself unfit; provided that when candidates possessing higher educational qualifications for a post, for which an examination standard is fixed, such as graduates, are available they should be given preference over less well qualified candidates.

Promotion

VI. Appointment to the higher grades of the ministerial establishment should ordinarily be made by seniority from lower grades, provided that the official who would thus receive promotion possesses the prescribed educational qualifications and is otherwise fit to perform the duties to which he will be

promoted, for which purpose tests may be imposed. This rule does not apply to such posts as that of stenographer for which special qualifications are needed; but preference should be given to officers with such qualifications who are already working in the lower grades; provided that permanent vacancies in the Rs. 70—5—125 grade shall be filled by the District and Sessions Judges in the following rotation:-

- (i) By Selection on merit out of graduates who have at least two years' experience in the work of the office, if there is no suitable graduate who fulfils this condition an "outsider" graduate may be appointed, but he must be one who normally resides within the jurisdiction of the District and Sessions Judge.
- (ii) and (iii) By normal promotion in the office, i.e., the appointment of the next senior man whether graduate or non-graduate subject to his fitness:

Provided further that the rotation may be modified in very exceptional cases when the direct appointment of a graduate would mean the ousting of a man, who had been officiating quasi-permanently in the post concerned for an appreciable period. What is an appreciable period will depend on the circumstances of each case. After such a modification, the rotation should be restored as soon as possible.

Note.—For the purpose of complying with the provisions of this rule it is necessary that District and Sessions Judges should recruit graduates freely as candidates giving preference to those residing within their jurisdiction.

Security

VII. All officers having any dealings with public money or holding posts of particular trust shall on appointment give such security as the Judicial Commissioner may from time to time prescribe.

Conditions of service

VIII. (1). The establishment other than process-servers mentioned in Rule II in each district shall consist of so many posts as the Judicial Commissioner may fix from time to time by an order under this rule. The number of posts and the rates of pay of such posts as they stood on the 1st January 1937, are as enumerated in Schedules I and II annexed to these rules.

(2). The remuneration of process-servers and the number of the appointments are governed by rules issued by the Judicial Commissioner under Sections 20 and 22 of the Court Fees Act, 1870.

(3). Subject to Rule XI, service in grades the maximum pay of which is less than Rs. 125 shall be within the revenue district within which the officer was first appointed; thereafter it shall be within the civil division in which that revenue district is situated.

(4). Members shall be governed by the provisions of the Fundamental and the Supplementary Rules as framed from time to time.

Discipline, Penalties and Appeals

¹[IX. In matter relating to discipline, punishment and appeals persons to whom these rules apply shall be governed by the [Khyber Pakhtunkhwa]² Civil Services (Punishment and Appeal) Rules, 1943, which will hereafter be referred to as the Punishment and Appeal Rules.]

³ [IX-A (1) The Presiding Officer of a Court may impose the penalty mentioned in clause (I) of Rule 4 of the Punishment and Appeal Rules on any official of his own Court.

(2) The Senior Subordinate Judge may inflict any of the penalties mentioned in Rule 4 of the Punishment and Appeal Rules on any menial of his own Court or the Courts of other Subordinate Judges in the same district.

(3) Subject to the provisions of Rule XI the district Judge may impose any of the above penalties on the ministerial officers of the District Court or of any Court subordinate to him, and on the menials of the District Court.

(4) The District Judge, may, with the previous sanction of the Judicial Commissioner, delegate to a Senior Subordinate Judge the powers to inflict all or any of the penalties mentioned in Rule 4 of the Punishment and Appeal Rules on the ministerial officers or any class of ministerial officers serving in the Courts of the Senior Subordinate Judge and the other Subordinate Judges in the same district.]

¹ Substituted vide Governor NWFP Notification NO. 15 920-H Judl Dated 18.06.1943

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Same as 1

¹ [X. (1) An appeal from a penalty inflicted by a Subordinate Judge under clause (1) of Rule IX-A shall lie to the Senior Subordinate Judge.

(2) An appeal from a penalty inflicted by the Senior Subordinate Judge, otherwise than on appeal, or from an order passed by him regarding any of the matters referred to in clauses (b) to (e) of Rule 8 of the Punishment and Appeal rules shall lie to the District Judge. The District Judge may transfer such appeal to an Additional Judge and in disposing of it the Additional Judge shall exercise the same powers as the District Judge.

(3). An appeal from a penalty inflicted by the District Judge, or an Additional Judge, otherwise than on appeal, or from an order passed by the District Judge, otherwise than on appeal regarding any of the matters referred to in clauses (b) to (e) of Rule 8 of the Punishment and Appeal Rules shall lie to the Judicial Commissioner.

(4). A further appeal under Rule 10 of the Punishment and Appeal Rules shall lie to-

- (a) The Judicial Commissioner from an appellate order passed under sub-rules (1) and (2) of this rule.
- (b) The Governor from an appellate order passed by the Judicial Commissioner under sub-rule (3) of this rule.

(5) An application for revision under Rule 11 of the Punishment and Appeal Rules may be made to the Judicial Commissioner.

(6) An appeal shall lie to the Governor from an order passed by the Judicial Commissioner in the following cases: --

- (i) When in exercise of the powers conferred upon him by Rule 12 of the Punishment and Appeal Rules the Judicial Commissioner increases a penalty imposed by a Subordinate Authority, or himself inflicts a penalty in a case in which no penalty was inflicted.
- (ii). When otherwise than on appeal or revision he interprets to the disadvantage of a person any rule by which such person's conditions of service are regulated, or terminates such person's appointment otherwise than upon his reaching the age fixed for superannuation.]

¹ Same as 1

Appointments and Transfers in Special Cases.

XI. (1). All orders in regard to the appointment, suspension or removal of Clerks of Court attached to District and Sessions Judges' Offices should be reported to the Judicial Commissioner for confirmation.

(2). Notwithstanding Rule VIII (3) the Judicial Commissioner may transfer any ministerial officer or menial to any place within his jurisdiction.

General Orders regarding Discipline, etc

XII. Whenever any official (whether paid or unpaid) is personally interested in a case to be heard by the Court to which he is attached he must bring the fact to the notice of the presiding officer.

Conduct

XIII. Members shall observe the Government Servants Conduct Rules, and such other rules as may be framed by the Local Government from time to time.

Delegation of Powers

XIV. Any or all of the powers of the Judicial Commissioner under these rules may be delegated by him by general or special order to any Additional Judicial Commissioner.

SCHEDULE NO. I
ESTABLISHMENT OF COURTS OF DISTRICT AND
SESSIONS JUDGES

Posts	Rate of pay	Number		Total
		Peshawar	Dera Ismail Khan	
<i>Clerical</i>				
Clerks of Court	150-5-225	1	1	2
Readers	100-5-175	2	1	3
Stenographers	100-8-160*	...	1	1
Stenographers	50-5-95/5-125 plus 30% Special pay	2	...	2
Translators and Clerks	70-5-95/5-125	7	4	11
Clerks and Muharrirs	40-2-80/2-90	7	2	9
Clerks and Muharrirs	30-1-1/2-60/2-70	...	2	2
<i>Process Serving Establishment.</i>				
Nazirs	40-2-80/2-90	1	1	2
<i>Record Office Fund Establishment.</i>	plus 20% Special pay.			
Muharrirs	40	2	..	2
Muharrirs	16	...	1	1

* Old Grade for the present incumbent only

Note. - The above rates of pay are subject to 15 percent cut in the case of new entrants.

SCHEDULE NO. II
ESTABLISHMENT OF COURT OF SUBORDINATE JUDGES

Posts	Rate of pay	Total Number	Peshawar	Mardan	Hazara	Kohat	Bannu	Dera Ismail Khan
<i>Clerks</i>	Rs.	6	1	1	1	1	1	1
Clerk of Court	75-5-100/5-150	1	1	...	...	...	...	...
Assistant Clerk of Court	70-5-95/5-125	1	1	...	...	...	...	...
Stenographers	7-5-95/5-125	6	1	1	1	1	1	1
	Plus 30 Special pay	14	5	1	2	1	2	3
Readers ...	70-5-95/5-125	20	6	2	3	2	3	4
Readers ...	40-2-80/2-90							
Muharris ...	30-1½-60/2-70							
<i>Process Serving Establishment.</i>								
Nazir ...	70-4-110*	1	1	...				
Nazir s ...	30-1-50	4	...	...		
		2	...		...	...	...	...
	Plus 20	33	9	...	1	1	1	1
Senior Naib-Nazirs ...	Special pay	41	7		...	...	1	1
Naib Nazirs ...	Ditto			5	6	5	4	4
Bailiffs ...	30-1-50			5	10	6	5	8
	20							

* Old grade for the present incumbent only.

Note. 1. The above rates of pay are subject to 15 percent, cut in the case of new entrants except in the case of Bailiffs.

Note. 2. In addition to above there will be temporary posts of two Readers on Rs.40-2-80/2- 90 and two Muharris on Rs.30-1½ -60/2-70 for Court of Sub-Judges borne on the leave reserve.

C.No. 3(3-1)

THE [KHYBER PAKHTUNKHWA]¹ CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.

PART-I GENERAL

1. Short title and commencement: - (1) These rules may be called the [Khyber Pakhtunkhwa]² Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. Definitions: - (1) In these rules, unless the context otherwise requires: -

(a) **“Appointing Authority”** in relation to a post, means the person authorized under rule 4 to make appointment to that post;

(b) **“Basic Pay Scale”** means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed:

(c) **“Commission”** means the [Khyber Pakhtunkhwa]³ Public Service Commission.

⁴ [(d) **Departmental Promotion Committee:** means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government which do not fall within the purview of the Provincial Selection Board].

⁵ [(dd) **“Departmental Selection Board”** means a Board constituted for the purpose of making selection for initial recruitment / appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission].

Provided that more than one such committee may be constituted for civil servants holding different scales of pay”.

(e) **“Departmental Selection Committee”** means a committee constituted for the purpose of making selection for initial appointment

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by vide Notification No.SOR.I(S&GAD)4-1/80(Vol.II), dated 14.1.1992

⁵ Added and substituted by Notification No. SOR.III(S&GAD)2-7/86, dated 8.12.1994

to post under a department, or office of Government ¹[in Basic Pay Scale 17 and below not falling within the purview of the Commission]:

(f) **“Post”** means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades; and

²[(g) **“Provincial Selection Board”** means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time].

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the *Khyber Pakhtunkhwa*³ Civil Servants Act, 1973[(Khyber Pakhtunkhwa)⁴ Act XVIII of 1973] or any other statutory order or rules of Government for the time being in force.

3. Method of Appointment: - (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. Appointing Authority: - The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No	Posts	Appointing Authority
⁵ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services;	Chief Minister

¹ Added and substituted by Notification No. SOR.III(S&GAD)2-7/86, dated 8.12.1994

² Substituted by Notification No. SOR.I(S&GAD)4-1/80/Vol.II dated 14.1.1992

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by Notification No, SORDI(S&GAD)4-1/75 (Vol.I) dated 22.8.1991

<p>¹[(b)</p> <p>(c)</p>	<p>(i) Former Provincial Civil Service (Executive Branch)</p> <p>(ii) Former Provincial Civil Service (Judicial Branch); and</p> <p>(iii) Provincial Civil Secretariat Service.</p> <p>Posts in Basic Pay Scale 17 other than those covered by (a) above and the post of Deputy Superintendent of police; and</p> <p>²Posts of Deputy Superintendent of Police]</p>	
<p>2.</p>	<p>Posts in Basic Pay Scale 16</p>	<p>Chief Secretary</p> <p>(a) In the case of Secretariat of the Government of ³[Khyber Pakhtunkhwa], the Chief Secretary.</p> <p>(b) In case of High Court, the Chief Justice; and</p> <p>(c) In the case of Attached Department:</p> <p>(i) the Head of Attached Department concerned; and</p> <p>(ii) In any other case the Secretary of the Department concerned.</p>
<p>3.</p>	<p>Posts in Basic Pay Scale ⁴[6 to 15].</p>	<p>(a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief justice; and</p> <p>(b) In other cases</p>

¹ Added by SORIII-(E&AD)2(144)03 dated 22-09-2003

² Inserted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

		<p>(i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or</p> <p>(ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department /Office as the case may be.</p>
4.	Posts in Basic Pay Scale [3 and 5] ¹	Deputy Secretary In charge of Administration or office, as the case may be.

5. ² [Departmental Promotion & selection Committee/Board] – (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ³(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee ⁴(“or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

⁵[6. **Procedure when recommendation is not accepted:** - When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority].

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ⁶[(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority

¹ Substituted by Notification No.SOR.VI/E&AD/1-3/2015 dated 19-04-2016

² Substituted by Notification No.SORI(S&GAD)2-7/86, dated 8.12.1994

³ Inserted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁴ Inserted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁵ Substituted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁶ Substituted by Notification No. SORI(S&GAD)4-1/80 (Vo.II) dt:14.1.1992

under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee].

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

¹ [(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time, or, in case of posts in Basic Pay Scale 19 to 21, the officer, besides having the minimum length of service for the time being required for promotion has also attended such training and passed such departmental examination as may be prescribed from time to time.]

[(5) Deleted vide Notification No.SO(Policy)(E&AD)/1-3/2020 Dated 06/08/2020]

8. **Inter-Provincial Transfer:-** (1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis
- (iv) the person concerned is a bonafide resident of the ²[Khyber Pakhtunkhwa
- (v) a vacancy exists to accommodate the request of such a transfer; and

¹ Substituted by Notification No. SORI(S&GAD)4-1/80(Vol-III) dated 30.12.1999

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

(vi) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

¹Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²{three years}.

(2) Deleted vide Notification No.SOR-I(S&GAD)1-3/2009/Vol-VIII dated 22-10-2011

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against

¹ Added by Notification No. SOR(S&GAD) 4-1/80(V.II), Dated 20.10.1993

² Substituted by Notification SOR(S&GAD) 4-1/80(V.III), Dated 14.03.1996

vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III INITIAL APPOINTMENT

10. Appointment by Initial Recruitment: - (1) Initial appointment to posts ¹{in various basic pay scales} shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²[(2) Initial recruitment to posts which does not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers].

³[Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister's House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathiagali and Shahi Mehman Khana, Peshawar and any other House to be established by the Government].

⁴ [Provided further that the appointment in Grade [3 to 5]⁵ shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned], ⁶{or, where in a

¹ Substituted by Notification No. SORI(S&GAD)1-117/91 (c), Dated 12.10.1993.

² Substituted by Noti: No. SORI(S&GAD)1-117/91(C), Dated: 12.10.1993

³ Added by Notification No. SOR-VI (E&AD)1-3/2003 (Vol.V) Dated 03.07.2003.

⁴ Added by Notification No. SOR-VI (E&AD) 1-3/2003/ Vol. VI Dated. 16.03.2004

⁵ Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

⁶ Inserted by Notification No. SOR-VI (E&AD) 1-3/2003/ Vol. VI Dated. 23.01.2006

District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers].¹[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

² [(i) where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held];

(ii) in other cases as on the last date fixed for submission of applications for appointment.

³ [(4) Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government service, the widow or wife, as the case may be, of such civil servant, to a posts in any of the Basic Pay Scales No. 3 to 11 in Provincial cadre post and basic pay scale 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale.

Provided also that the provision of this shall not be applicable to posts falling within the purview of the Commission]

1 Second proviso in sub rule (2) was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 on 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

2 Substituted by Noti: No. SORI(S&GAD)4-1/80, Dated: 17.05.1980

3 Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

¹ [(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I: - For the purposes of reservation under this sub-rule “disability” does not include such disability which hampers in the smooth performance of duties required of a disabled candidate].

Explanation-II: - Ten percent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

²[Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battagram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.]

³(7) Notwithstanding anything contained in any rule for the time being in force, five⁴ percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to-

- i. the percentage of vacancies reserved for recruitment on merit;
- ii. short term vacancies likely to last for less than one year; and
- iii. isolated posts in which vacancies occur only occasionally.]

11. Eligibility. (1) A candidate for appointment shall be a citizen of Pakistan and bonafide resident of the ⁵[Khyber Pakhtunkhwa].

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

¹ Substituted by Notification No.SOR-VII(E&AD)1-10/03 (VI), Dated: 04.12.2007

² The provision stands ineffective vide circular Letter No.SOR-VI(E&AD)1-3/2005 dated 17-06-2015

³ Added vide Notification No. SOR-VI(E&AD)1-3/08 , Dated: 06.01.2009

⁴ Added vide Notification 47No.SO (Policy)E&AD/1-11/2019 Dated 02-08-2019

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

¹[(2)]

Provided that this restriction may be relaxed by Government in the case a person who has married a citizen of India [(or Bangladesh)]

Provided further that a person already in Government Service shall not marry a foreign national without prior permission of Government obtained in that behalf

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. Zonal and Divisional representation: - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time.

²[Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.]

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bonafide residents of the division or district concerned, as the case may be.

¹ Deleted vide Notification No. SOR-VI(E&AD)1-3/08 , dated 17-06-2008.

² Added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

(3) Initial recruitment to posts in Basic Pay Scales [3 and 5]¹ or equivalent shall ordinarily be made on local basis.

PART-IV

ADHOC APPOINTMENT

13. Requisition to Commission: - When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on adhoc basis as provided in rule 14, within two months of the filling of the post.

14. Adhoc Appointment:- (1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on adhoc basis for a period not exceeding ²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

³[**15. Probation:** - (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) On the successful completion of probation period, prescribed in sub-rule (1), the appointing authority may extend the probation for another year by specific order within two months of the expiry of first year of probation period.

¹ Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

² substituted vide Notification No.SOR-VI(E&AD)1-3/08 dated 17-1-09

³ Substituted vide Notification No. SO (Policies) E& AD/1-3/2017 dated 07-12-2017

(3) In case no specific order of extension of probation period under sub-rule (2), is issued on the expiry of one year within two months, the probation shall stand automatically terminates

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period

16. Confirmation:- After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section(3) of Section 6 of the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

PART-VI SENIORITY

17. Seniority: - (1) The seniority inter se of civil servants ²(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ³{or as the case may be, the Department Selection Committee;} provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I: - If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by Notification No.SOR-I(S&GAD) 4-1/80, dated 17.5.1989

³ Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 4.2.1996

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

¹[(3) In the event of merger / restructuring of the departments, attached departments or subordinate offices, the inter se seniority of Civil Servants affected by the merger / restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post]

²[(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is same, the civil servants older in age, shall be treated senior.]

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal: - The ³[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

¹ Added by Notification No. SOR-I(E&AD)4-1/80(Vol-IV), Dated 28.05.2002.

² Added vide Notification No. SOR-VI(E&AD)1-3/2008, dated 19-11-2009

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

C.No. 4(3-1)

PESHAWAR HIGH COURT (SUBORDINATE COURTS STAFF) RECRUITMENT RULES, 2003**NOTIFICATION**

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the [Khyber Pakhtunkhwa]¹ Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the [Khyber Pakhtunkhwa]² specified in column # 2 of the said Appendix.

APPENDIX

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1	2	3	4	5
S No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1	Superintendent BPS-17 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-16) ⁴ with at least five years' service as such:

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

				Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the post of Superintendent BPS-17 ¹ .
2	Senior Scale Stenographer BPS-16 ²	<p>i. Bachelor's Degree from a recognized University and speed of 100 words per minute in Shorthand and 40 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>ii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p>	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Steno typist (BPS-14)³ with at least three years' service as such.</p>
3	Steno typist BPS-14 ⁴	i. Intermediate or equivalent qualification from a recognized board; and	18 – 30 years	By initial recruitment.

¹ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2012 Dated 19th June 2012

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Substituted vide Notification No.13-J dated 26th November, 2019

		<p>ii. a speed of ¹[50] words per minute in shorthand and 35 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p>		
4	Assistant/Reader. BPS-16 ²	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14)³ with at least three years service as such.</p>
5	Assistant/Clerk Of Court BPS-16 ⁴	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of</p>

¹ Substituted vide notification No.130 of Peshawar High Court Dated 6th October, 2004

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-16 ¹	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and.</p> <p>ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.</p>
7	Assistant/Accountant BPS-16 ²	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 – 30 years	By initial recruitment.
8	Assistant/Civil Nazir BPS-16 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-11 ⁴), capable of keeping and examining accounts in English and Urdu, with five years service as such.

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Finance department Rectification No.BO-II/FD/SNE/PHC/2020-21 Dated 07th July 2020

9	Computer Operator BPS-16 ¹	² [] M.Sc/BIT/BCS or equivalent from recognized university	18 – 30 years	By initial recruitment.
10	Senior Clerk/Reader BPS-14 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such: Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Reader.
11	Senior Clerk/Record Keeper BPS-14 ⁴			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such:

¹ Substituted vide Peshawar High Court Notification No.22993 Dated 26th November, 2019

² Words "First Class" stand omitted vide Corrigendum dated 28th January 2021

³ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Record Keeper.</p>
12	Senior Clerk/English Clerk BPS-14 ¹			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/English Clerk.</p>
12 A	Telephone Operator ² BPS-7	Secondary School Certificate or equivalent qualification from a recognized Board with one year experience in any recognized organization	18-30	By initial recruitment

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Added vide Notification No.152-J Dated 18th May, 2012

13	Junior Clerk/Nazir BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board, preference will be given to holders of additional qualifications in Accounts; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p>
----	--	--	---------------	--

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
14	Junior Clerk/Copyist BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
15	Junior Clerk/Copy Clerk BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
16	Junior Clerk/Examiner BPS-11 ¹	i. Secondary School Certificate Examination or equivalent qualification from a	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

		recognized Board; and ii. a speed of 30 words per minute in typing.		<p>Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
17	Junior Clerk/Muharrir/Reader BPS-11 ¹	i. Secondary School Certificate Examination or equivalent	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

		<p>qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>		<p>posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
--	--	--	--	--

18	Junior Clerk/Typist BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite</p>
----	---	--	---------------	--

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				service and qualification shall be promoted in preference to the senior official.
18-A	Female Support Assistant ¹ -BPS-11	Secondary School Certificate Examination or Equivalent qualification from a recognized Board. Preference will be given to candidates having experience in the field of Child care/Day care centers/shelter house of the government recognized institutions	18-30 years	By initial recruitment
19	Junior Clerk/Naib Nazir BPS-11 ²			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three years' service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School

¹ Added vide Notification No.233-J Dated 15th October 2020

² Finance department Rectification No.BO-II/FD/SNE/PHC/2020-21 Dated 07th July 2020

				<p>Certificate Examination with at least five years' service as such.</p> <p>Note. Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring Secondary School Certificate:</p> <p>Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official</p>
19-A	Pesh Imam ¹ BPS-5	<p>i) A candidate of successful completion of Dars-i-Nizami or equivalent qualification from a recognized institution.</p> <p>ii) Proficiency in Tafseer and Hadith.</p> <p>iii) Free from sectarian bias.</p>	30-45	By initial recruitment

¹ Added vide Notification No.152-J Dated 18th May, 2012

		iv) Unblemished good moral character.		
20	Driver BPS-6 ¹	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years' experience as such.	30 -- 45 years	By initial recruitment.
21	Daftari BPS-04 ²			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination: Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
22	Record Lifter BPS-4 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination:

¹ Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

² Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

				Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
23	Bailiff BPS-6 ¹			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
23 A	Lift Operator BPS -4 ²	Middle standard with one year experience in any recognized organization.	18-30	
24	Process Server BPS-5 ³	Matric	18 – 35 years	By initial recruitment.
25	Chowkidar BPS-3 ⁴	Preferably Literate	25 – 40 years	By initial recruitment.
26	Naib Qasid BPS-3 ⁵	Preferably Literate	18 – 40 years	By initial recruitment.
27	Sweeper BPS-3 ⁶	Preferably literate	18 – 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-3 ⁷	Literate	25 – 40 years	By initial recruitment.
29	Mali BPS-3 ⁸	Preferably literate	18 – 40 years	By initial recruitment.
30	Water Carrier	Preferably Literate	18-40 years	By initial recruitment

¹Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

²Added vide Peshawar High Court Notification No.152-J Dated 18-5-2012

³Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁴Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁵Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁶Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁷Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁸Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

C.No. 5(3-1)

WEST PAKISTAN CIVIL SERVICES (APPLICATIONS FOR POSTS) RULES, 1957.

In exercise of the powers conferred by sub- clause(b) of clause(2)of Article 182 of the Constitution of Pakistan and in supersession of all previous orders on the subject, the Governor of West Pakistan, is pleased to make the following rules:-

1. **Short title:** - These rules may be called the West Pakistan Civil Services (Applications for Posts) Rules,1957.
2. **Eligibility:** - No Government Servant shall be eligible for appointment to any service of the Province or to any post in connection with the affair of the Province, other than the service of the post to which he is for the time being appointed, unless he applies with the permission, in writing of the head of office or department in which he is employed.
3. **Application for competitive examinations:** -If any Government servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by a Provincial (or the Central) Public Service Commission, his application shall be forwarded:
 - (a) always, if it is in connection with an examination for recruitment to a ministerial service; and
 - (b) twice, but not more than twice, if it is in connection with any other examination
4. **Release on Selection for Appointment to a post for which application has been forwarded:** -When a person whose application has been forwarded to the appointing authority or a Public Service Commission in accordance with these rules, is selected for appointment, he shall ordinarily be released.
5. **Application made before joining Government Service:**-If any person, who before appointment to any service of the Province or to any post in connection with the affairs of the Province, has appeared at any competitive examination or has applied for a post elsewhere and is, as a result, offered a post higher than the one to which he is for the time being appointed, he shall be released to join such service or post.
6. **Employment in other Departments of Government or under another Government:-** A Government servant shall not apply for any appointment in another office or department of Government or under

another Government unless the head of such office or department or such other Government has invited applications for the post, provided that in the case of an appointment for which applications are not ordinarily invited, a Government servant may inform the authority, which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.

7. **Temporary Government servants:** - If a temporary Government servant (other than an Accountant or Stenographer or employee of the Health, Irrigation, Electricity or Building and Road Department who is not likely to be employed permanently in the office or department in which he is employed, applies for a permanent post elsewhere his application shall not be withheld.

8. **Permanent Government Servants and Certain Temporary Government Servants:-**A permanent Government servant employed in any service of the Province, who is not covered by any of the foregoing rules and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Road Department may ordinarily be permitted to apply twice, and not more than twice, in any calendar year for a post to appear in an examination for a post or for the transfer of his services to a post in the Central Government or a Statutory Corporation constituted by the Government of West Pakistan or any other Provincial Government or the Central Government, unless the head of that office or department in which he is employed considers that the grant of permission would be inconsistent with the public interest.

9. **Circumstances in which advance copies of application may be sent:** -Ordinarily an application for a post in respect of which selection is to be made by a Provincial (or the Federal Public Service Commission shall be accompanied by permission in writing of the authority referred to in Rule (2). When however, there is likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained an advance copy may be submitted to the Commission. The candidature of such applicant will be treated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Public Service Commission concerned will be informed immediately of the decision, so that the Commission may cancel the candidature of the applicant

10. **Application for a higher post in the service or department:** -If a Government Servant, whether permanent or temporary, applies for a post advertised by the West Pakistan Public Service Commission, which

is included in the same service in which he is for the time being employed or in a higher service of the same nature, his application shall not be withheld.

10A. Application for service in Local bodies:-A permanent Government servant employed in any service of the Province to any post in connection with the affairs of the Province, and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Roads Department may ordinarily be permitted to apply for service under Local bodies unless the head of the office or Department in which he is employed considers the grant of permission would be inconsistent with the public interest.

11. Application for private employment :-(1) A Government servant shall not apply or accept private employment, without the previous permission, in writing of the appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that no such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

(3) If a Government servant who is refused permission to apply for private employment wishes to resign his appointment under the Government, the authority competent to accept his resignation, subject to any general or special law or order on the subject, may ordinarily accept the resignation but, where the authority is satisfied that the Government servant in securing the private employment has taken advantage of his official position, it shall not accept the resignation.

(4) A Government servant who is permitted to apply for private employment, must, on accepting it, resign his appointment under Government. After such acceptance, he shall not be allowed any leave, nor shall be permitted to retain his lien on his appointment under Government.

C.No. 6(3-1)

INITIAL APPOINTMENTS TO CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT) RULES, 2008

**GOVERNMENT OF [KHYBER PAKHTUNKHWA]¹
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(Regulation Wing)**

NOTIFICATION

Peshawar, dated the 01st March, 2008

No. SOE-III/(E&AD)2-1-2007.- In pursuance of the powers granted under Section 26 of the [Khyber Pakhtunkhwa]² Civil Servants Act, 1973 (³Khyber Pakhtunkhwa Act XVIII of 1973), the competent authority is please to make the following rules, namely:-

PART-I – GENERAL

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

2. ⁴[(1) Nothing in these rules shall apply to the appointment in BS-17 and the posts of Civil Judges cum Judicial Magistrates/Illaqa Qazi, BS 18 to be filled through the competitive examination of the Public Service Commission, in which case two years optimum relaxation shall be allowed to:

- a) Government servants with a minimum of 2 years' continuous service;
- b) Disabled persons; and
- c) Candidates from backward areas.

(2) For appointment to the post of Civil Judge-cum-Judicial magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and / or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.]

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Amended vide Notification No. SOE-III(E&AD)2-1/2007 Dated 3rd September 2008

PART-II – GENERAL RELAXATION

¹ [3. (i) Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column No. 2 to the extant mentioned against each in column No. 3 of the Table below:

TABLE

S. No.	Category of candidates	Age Relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years' continuous service	Up to 10 years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iii.	General Candidates	Up to two years by the appointing authority and exceeding two years up to five years by the Establishment Department ² [and beyond five years up to ten years by the Chief Minister of the Khyber Pakhtunkhwa]
iv.	Widow, son or daughter of a deceased civil servant who died during service and son/brother in case of a shaheed of Police Department; and	Discretion of the appointing authority.
v.	Disabled persons/divorced woman/widow]	Ten years automatic relaxation
vi.	(a) ³ Employees or ex-employee of development projects of the Government of [Khyber Pakhtunkhwa] ⁴ ; and (b) Employee or ex-employee of development projects of the Federal Government under the administrative control of the	Equal to the period served in the projects, subject to a maximum limit of ten years.”

¹ Added vide Notification No.SOE-III/(E&AD)2-1/2007 Dated 09-12-2010

² Added vide Notification No. SOE-III/(E&AD)2-1/2007 Dated 26-10-2011

³ Added vide Notification No.SOE-III(E&AD)2-1/2007 Dated 29-01-2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

	Government of [Khyber Pakhunkhwa]	
--	-----------------------------------	--

¹[Provided that the age relaxation at serial No. VI shall not be available in conjunction with any other provisions of these rules.]

- (ii) ²[In case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation.
- (a) in case of widow, death certificate of husband;
- (b) in case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned;
- (c) certificate from the District Coordination Officer of the District concerned to the fact that the applicant whether divorced or widow has not remarried at the time of submitting application.”]

4. A candidate shall only be allowed relaxation in age in one of the categories specified in rule 3:

Provided that the candidates from backward areas, in addition to automatic relaxation of three years under category (ii) specified in rule 3, shall be entitled to one of the relaxations available to Government Servants, general or disabled candidates, whichever is relevant and applicable to them.

5. ³[The age relaxation specified in column 3 against S.No (iii) of the TABLE of rule 3, shall be subject to cogent reasons and sound justification of the case.]

6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.

¹ Added by Notification No.SOE-III(E&AD)2-1/2007 dated 29-1-2011

² Added vide Notification No. Added vide Notification No.SOE-III/(E&AD)2-1/2007 Dated 09-12-2010

³ Added vide Notification No.SOE-III(E&AD)2-1/2007dated 26-10-11

8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.

9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

¹ [Appendix]

[See Rule 3 (ii)]

- i. Khyber Agency
- ii. Kurram Agency
- iii. Orakzai Agency
- iv. Mohmand Agency
- v. North Waziristan Agency
- vi. South Waziristan Agency
- vii. Malakand Agency including protected areas (Swat Ranizai and Sam Ranizai) and Bajaur.
- viii. Tribal Areas attached to Peshawar, Kohat and Hazara Division.
- ix. Tribal Areas attached to D.I. Khan and Bannu Districts.
- x. Shirani Area.
- xi. Merged areas of Hazara and Mardan Division and upper Tanawal.
- xii. Swat District.
- xiii. Upper Dir District.
- xiv. Lower Dir District.
- xv. Chitral District.
- xvi. Buner District.
- xvii. Kala Dhaka Area.
- xviii. Kohistan District.
- xix. Shangla District.
- xx. Gadoon Area in Swabi District.
- xxi. Backward areas of Mansehra and District Batagram.
- xxii. Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazi Field Kanungo Circle of Tehsil Ghazi.

¹ Replaced Vide letter No.SOE-III(E&AD)2-1/2007 Dated 12th March 2008

C.No. 7(3-1)

APPOINTING AUTHORITIES, CONSTITUTION OF DEPARTMENTAL SELECTION AND DEPARTMENTAL PROMOTION COMMITTEES

The Honorable Chief Justice has been pleased to direct that for all the District Courts the Officers specified in column 3 of the table below shall perform the functions of Chairman and Members of the Departmental Promotion Committee (DPC) and Departmental Selection Committee (DSC), respectively, for the purposes of making selection and recommendations to the appointing authorities authorized and specified in column 4 of the said table for appointment, by promotion and initial recruitment, to posts specified in column 2 of the said table:

TABLE

S#.	POSTS	CHAIRMAN/MEMB ERS OF DPC & DSC	APPOINTING AUTHORITY
1	2	3	4

I. SESSIONS COURTS (DISTRICT & SESSIONS JUDGES) ESTABLISHMENT

1.	1) Superintendent	1. Hon'ble Chief Justice-Chairman 2. Registrar-Member 3. District & Sessions Judge concerned-Member	Hon'ble Chief Justice
2.	2) Senior Scale Stenographer 3) Assistant 4) Reader 5) Key Punch Operator 6) Record Clerk 7) Senior Clerk 8) Copiest 9) Copy clerk 10) Junior Clerk 11) Moharrir	1. District & Sessions Judge/Zila Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of District & Sessions Judge/Zila Qazi concerned-Member	District & Sessions Judge/Zila Qazi Concerned

	12) Moharrir/ Clerk 13) Nazir 14) Driver 15) Daftari 16) Record Lifter 17) Water Carrier 18) Chowkidar 19) Chowkidar Cum Mali 20) Mali 21) Naib Qasid 22) Sweeper		
--	---	--	--

II. CIVIL COURTS (CIVIL JUDGES) ESTABLISHMENT

1	2	3	4
3.	1) Junior Scale Stenographer 2) Steno typist 3) Stenographer 4) Assistant 5) Key Punch Operator 6) Reader 7) Senior Clerk 8) Civil Moharrir 9) Junior Clerk 10) Moharrir 11) Typist 12) Driver]	1. District & Sessions Judge/Zila Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of District & Sessions Judge/Zila Qazi concerned-Member	District & Sessions Judge/Zila Qazi Concerned

¹ Added vide PHC No. 7060/Admn dated 25-06-2008

4.	1) Chowkidar 2) Naib Qasid 3) Sweeper 4) Mali 5) Water Carrier	1. Senior Civil Judge/Aa'la A'laqa Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of Senior Civil Judge/Aa'la A'laqa Qazi concerned-Member	Senior Civil Judge/Aa'la A'laqa Qazi concerned
----	--	---	--

III. Process Serving Establishment

5	1) Assistant 2) Civil Nazir 3) Junior Clerk 4) Bailiff 5) Process Server	1. Senior Civil Judge/Aa'la A'laqa Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of Senior Civil Judge/Aa'la A'laqa Qazi concerned-Member	Senior Civil Judge/Aa'la A'laqa Qazi concerned
---	--	---	--

(No. D.R Peshawar dated the 14th November, 2002.)

C.No. 8(3-1)

ANTI TERRORISM COURTS APPOINTING AUTHORITIES, CONSTITUTION OF DEPARTMENTAL SELECTION AND DEPARTMENTAL PROMOTION COMMITTEES

PESHAWAR HIGH COURT NOTIFICATION

Dated Peshawar the 26th January, 2010

No. 21-J: In exercise of the powers conferred by Rule 2 read with Rule 5 of the ¹[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Hon'ble the Chief Justice is please to

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

authorize all the Judges, Anti-Terrorism courts in the ¹[Khyber Pakhtunkhwa] as Appointing Authority for the posts from BPS-01 to 15 borne on the ministerial establishment of their respective Courts.

The composition of Departmental Promotion Committee and Departmental Selection Committee shall be as follow:-

- | | | |
|----|--------------------------------------|-------------|
| 1. | Judge Anti-Terrorism Court concerned | CHAIRPERSON |
| 2. | Nominee of Peshawar High Court | MEMBER |
| 3. | Nominee of Judge ATC concerned | MEMBER |

C.No. 9(3-1)

ANTI TERRORISM COURTS' JUDGES AS APPOINTING AUTHORITIES, FOR THE POSTS OF BPS-01 TO 16.

PESHAWAR HIGH COURT NOTIFICATION

Dated Peshawar the 24th November. 2015

No.194-J: In partial modification of this Court's Notification No.21-J dated 26.01.2010, the Competent Authority is pleased to authorize all the Judges of Anti-terrorism Courts in the Khyber Pakhtunkhwa as Appointing Authority for the posts from BPS-01 to 16 borne on the ministerial establishment of their respective Courts.

C.No. 10(3-1)

ANTI-TERRORISM COURTS STAFF RECRUITMENT RULES, 2020 NOTIFICATION

Peshawar, dated the 29th September, 2020

No. SO(Prosecution) / HD/1-5/2020/Vol-I: In pursuance of the provisions contained in sub rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home and Tribal Affairs Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions, specified in column NOs.3 to 5 of the Appendix to this Notification, which shall be applicable to various posts of Anti-terrorism Courts, as specified in column No.2 of the said Appendix.

APPENDIX

1.	2.	3.	4.	5.
S.#	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit	Method of recruitment

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

1.	Superintendent	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant, Senior Scale Stenographer and Computer Operators, with at least five year service as such. Note: For the purpose of promotion there shall be maintained a joint seniority list of Assistants, Senior Scale Stenographer and Computer Operators.
2.	Senior Scale Stenographer	(a) At least second class Bachelor's Degree, from a recognized University; (b) A speed of seventy (70) words per minute in shorthand and forty given (45) words per minute in typing; (c) In the districts where Urdu is the Court language, speed of thirty (30) words per minute in typing in Urdu as well; as (d) Knowledge of computer in using MS Word, MS Excel.	20-32 years	By Initial Recruitment.
3.	Assistant	At least second class Bachelor's Degree from a recognized University.	20-32 years	(a) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness from amongst Senior Clerks with at least five year service as Junior and Senior Clerks; and (b) Twenty five (25%) by initial recruitment (c)
4.	Computer Operator	At least:- a. Second class Bachelor's Degree in Computer Science /	20-32 years	By initial recruitment.

		Information Technology (BCS / BIT four years) from a recognized University; or (a) Second class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.		
5.	Senior Clerk	--	--	By promotion on the basis of seniority cum fitness from amongst junior clerks with at least two year service as such.
6.	Junior Clerk	At least:- (a) FA/F.Sc with second division or its equivalent qualification from a recognized Board; and (b) A speed of thirty (30) words per minute in typing.	18-30 years	(a) Fourth percent (40%) by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasids, Chowkidars and Sweepers including holders of other equivalent posts, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board, with two year service as such; and (b) Sixty (60%) percent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a common

				<p>seniority list of Naib Qasids, Chowkidars, Sweepers etc. with reference to the dates of their acquiring the FA/F.Sc qualification.</p> <p>Provided that-</p> <p>(i) If two or more officials have acquired the FA/F.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;</p> <p>(ii) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.</p> <p>Provided further that the condition of FA/F.Sc or its equivalent qualification from a recognized Board, as laid down at clause (a) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Naib Qasid, Chowkidar and sweeper including holders of other equivalent posts for promotion to the post</p>
--	--	--	--	--

				of Junior Clerk (BPS-11)
7.	Driver	(a) Secondary School Certificate or equivalent qualification from a recognized board; and (b) LTV license in case of light duty vehicle with at least five years' experience as such.	18-40 years	By initial recruitment.
8.	Naib Qasid	Preferably literate	18-40 years	By initial recruitment.
9.	Chowkidar	Preferably literate	18-40 years	By initial recruitment.
10.	Sweeper	Preferably literate	18-40 years	By initial recruitment.

C.No. 11(3-1)

APPOINTING AUTHORITIES AND CONSTITUTION OF DEPARTMENTAL SELECTION COMMITTEES

Honourable the Chief Justice has been pleased to direct that for all the District Courts, the Officers specified in Column 3 of the table below shall perform the functions of Chairman and Members of the Departmental Selection Committee (DSC), respectively, for the purposes of making selection and recommendations to the Appointing Authorities authorized and specified in Column 4 of the said table for appointment by initial recruitment to posts specified in Column 2 of the table.

S#	Posts	Chairman / Members of DSC	Appointing Authority
1	2	3	4
1.	1) Female Support Assistant (BPS-11) 2) Telephone Operator (BPS-07) 3) Pesh Imam (BPS-05) 4) Lift Operator (BPS-02)	1. District & Sessions Judge/Zilla Qazi - Chairman 2. Nominee of the Peshawar High Court – Member 3. Nominee of the District & Sessions Judge concerned – Member	District & Sessions Judge/Zilla Qazi concerned

(PHC letter No.10707-75/SDJ/HRW/Admn dated Pesh 16th July, 2021)

SECTION-II
RECRUITMENT POLICY

C.No. 1(3-2)

**FILLING OF VACANCIES IN
THE MINISTERIAL ESTABLISHMENT OF
SUBORDINATE COURTS THROUGH INITIAL RECRUITMENT**

I am directed to refer to this Court letter bearing endorsement # 4313-4360/Admn dated 19th April, 2003 on the subject noted above and to say that the competent authority has been pleased to lay down the following criteria for appointments against the subject vacancies: -

1. For posts in BPS-1 to 4: -

Such method and procedure as may be adopted by the concerned Departmental Selection Committee, subject, however, to the minimum prescribed qualification.

2. For posts in BPS-5 and above: -

The total marks shall be 100 as per detail below: -

(a)	Prescribed qualification	30
(b)	Higher qualifications	10
(c)	Experience	10
(d)	Test	25
(e)	Interview	25

Comparative grading of the marks above shall be according to Annexure "A"

3. For the posts in BPS-5 and above, candidates shall have to undergo screening test, before the aforesaid test and interview, in case their number exceeds four times the number of vacancies to be filled in.

4. I am, accordingly directed to request you to kindly ensure strict adherence to the aforesaid criteria. Working papers as per enclosed Annexure "B" be also prepared and columns # 1 to 8 thereof be filled up accordingly for placing before the respective Departmental Selection Committee.

ANNEXURE-A**COMPARATIVE GRADING OF QUALIFICATIONS/EXPERIENCE****A. Minimum prescribed Qualification: - Total Marks 30**

Sr No	Qualification	1st Division	2nd Division	3rd Division
i.	Matric	30	20	10
ii.	Matric	15	10	05
	F.A/F.Sc.	15	10	05
¹ [iii.	<i>BA/B.SC/M.Sc/MA/BCS/BIT/B A (Hon)</i>	<i>30</i>	<i>20</i>	<i>10</i>

B. HIGHER QUALIFICATION: -

(Higher qualification than prescribed under the rules).

One stage above05 Marks.

Two stages above07 Marks.

Three or more stages above10 Marks.

C. EXPERIENCE: -

Experience up to one year04 Marks.

Experience up to two years07 Marks.

Experience up to three years and above.....10 Marks.

ILLUSTRATIONS: -

- (a) Where qualification prescribed in the rules is Matric, comparative grading of candidates shall be done as shown at “A”(i) above. Where typing is prescribed in the rules as a part of the qualifications after Matric, all persons possessing the prescribed speed shall be considered as equal.
- (b) Where the prescribed qualification is Intermediate, grading shall be done as indicated at “A”(ii) above. To illustrate; if the candidate is a 2nd Divisioner in Matric and 1st Divisioner in Intermediate, he shall get 10 plus 15 marks out of the total of 30 reserved for prescribed qualification.

¹ Substituted vide PHC Letter No.2831-98/SDJ/HRW/ADMIN Dated 22nd February, 2021

- (c) ¹[Where the prescribed qualification is Graduation or above the comparative grading shall be done as shown at “A” (iii) above]
- (d) The above gradings are applicable only where academic qualifications are Matric and above. In cases where technical qualifications (like Diploma or Certificate) are also prescribed in addition to basic qualifications, then in such cases 30 marks for comparative grading shall be calculated as below: -

1	Total Marks	30
2	Basic qualification like Matric, Intermediate, Graduation as prescribed by the rules	20
3	Additional Technical qualification.	10

The method for further distribution of 10 marks shall be laid down on the analogy of the principles Indicated above. 20 marks shall be distributed for the basic qualifications by necessary modification in the formula indicated at “A” above. To illustrate, if the basic qualification is Matric, 20 marks shall be distributed as below: -

1 st Division	20
2 nd Division	13
3 rd Division	07

- (e) the equation of grades vis-à-vis Division shall be as follows: -

Grade A & B	1 st Division
Grade C.	2 nd Division
Grade D.	3 rd Division

- (f) In case where no Division/grade is given in the respective Certificates, it shall be worked out on the basis of marks secured by the candidate as follows: -

(a)	60% and above marks.	1 st Division
(b)	45% - 59% marks	2 nd Division
(c)	Below 45% marks	3 rd Division

¹ Substituted vide PHC Letter No.2831-98/SDJ/HRW/ADMIN Dated 22nd February, 2021

A candidate securing less than 12 marks each in the test and interview shall not be considered for appointment.

[illegible]

WAITING LIST OF ELIGIBLE CANDIDATES
C.No. 2(3-2)

Enclosed find herewith copy of circular letter No. SOR. VI(E&AD), 1-10/2010 dated 19.03.2013, on the subject noted above, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

CHANGE IN THE RECRUITMENT POLICY REGARDING MAINTENANCE OF WAITING LIST OF THE ELIGIBLE

CANDIDATES JUDGEMENT OF THE SUPREME COURT OF PAKISTAN

1. I am directed to refer to this department circular letter No. SORVI/E&AD/1-10/05/Vol: IV dated 31.12.2008 and to state that the maintenance of the waiting list of eligible candidates for a period of 06 months in initial recruitment were stopped in pursuance of the Judgement of the Supreme Court of Pakistan in a case titled MUSA WAZIR & OTHERS VS NWFP PUBLIC SERVICE COMMISSION AND OTHERS.
2. However in pursuance of a recent judgement of the Supreme Court of Pakistan in case titled NIAMATULLAH AND OTHERS vs NWFP PUBLIC SERVICE COMMISSION AND OTHERS dated 05.10.2010, the said policy has been reviewed and it has been decided by the competent authority that from now onwards, the public Service Commission or Departmental Selection Committee as the case may be, may maintain a waiting list of eligible candidates in the respective zones up to the commencement of the pre-service training of the candidates of the same selection or till expiry of 03 months, where no such pre-service training is prescribed. The public Service Commission or the Departmental Selection Committee may in case of non-joiners recommend the next eligible candidate on the top of the merit list from the respective zones up to the commencement of the training of the appointees of the same selection or for three months where no such training is prescribed provided that the process does not in any way affect the rights of any other selectee or appointee.
3. I am therefore directed to request that above policy decision may kindly be brought into the notice of all concerned for strict compliance.

(Letter No.SOR.VI(E&AD)1-10/2010 Dated 19th March 2013)

SECTION-III**INSTRUCTIONS ON IMPLEMENTATION OF DIFFERENT
QUOTAS**

C.No. 1(3-3)

**RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN
OF RETIRING CLASS-IV GOVT. SERVANTS ON
SUPERANNUATION**

I am directed to refer to the subject cited above and to state that in supersession of all instructions issued in this behalf, the competent authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment in BPS-1 to BPS-4 shall be reserved for appointment of one of the children of a “retiring Class-IV Civil Servants¹” on superannuation /invalidation; provided that:-

- 1) the appointment shall be made subject to the availability of vacancy;
- 2) a waiting list showing the name, designation and date of retirement/invalidation of retiring civil servant shall be maintained in the department/office. The merit shall be determined from the date of retirement/invalidation of the civil servant;
- 3) the child possesses qualification prescribed for the post;
- 4) in case, the date of retirement/invalidation of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment;
- 5) under age child of the said civil servant shall be included in the waiting list from the date of retirement/invalidation. However, he shall be considered for appointment after he attains the age prescribed for the post.

2. The competent authority has further been to pleased authorize the Chief Secretary, NWFP to exercise the power of grant of relaxation of ban for initial appointment in cases of appointment of one of the children of retired/invalid civil servant and deceased civil servant died during the service as required in rule 10(4) of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

¹ Substituted vide SOR.VI (E&AD) 1-3/2010 Dated Peshawar 29th, November, 2012. Circulated vide PHC Letter No.14986-15033/DSC-DPC/Admn Dated 14th December, 2012

3. I am, therefore, directed to request that the above policy instructions should be followed strictly in letter and spirit.

(No. SOR-I(S&GAD)4-1/80 (Vol.III) Dated Peshawar the 23rd May, 2000)

C.No. 2(3-3)

QUOTAS FOR DIFFERENT CLASSES BY INITIAL RECRUITMENT

I am directed to refer to the subject noted above and to say that under NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 a quota of two percent for disabled candidates and ten percent for female candidates is fixed for initial recruitment. Similarly, 25% quota is also fixed for children of retired government servants vide Government of NWFP letter No. SOR-I(S&GAD)4-1/80(Vol.III) dated 23.05.2000 for posts from BPS 1 to BPS 4. But none of the quotas is being observed by the Appointing Authorities nor advertised in the newspapers at the time of inviting applications.

You are, therefore, impressed upon to observe all the quotas in future and also advertise the same at the time of inviting applications for initial recruitment.

(PHC letter No.6298-9414/Admn Dated Peshawar, 05th April, 2010)

C.No. 3(3-3)

QUOTA FOR SPECIFIC CLASSES IN RECRUITMENT; OBSERVANCE OF SCHEDULE

I am directed to invite your attention to the above noted subject and to state that observance of quota is essential regarding recruitment to various posts and vacancies. To make the calculation convenient the following table may be considered for guidance which shows stage to stage fixation of percentage of quota to be worked out accordingly out of total strength of a post; a balance should be achieved taking in to consideration the adjustment of quota, if already observed.

S. No.	Nature of the Class	Initial % of Quota with date (from which Calculation is to be made)	Change in % of Quota with date (from which Calculation is to be made)	Relevant BPS
1	Retired Employee Son	10 % ; 27/10/1981	25% ; 23/5/2000	1-4

2	Female	2% ; 12/10/1993	10% ; 25/7/2007	All
3	Disabled	1% ; 12/10/1993	2% ; 19/2/1999	All
4	Minorities	1.0 % ; 6/1/2009	As initial	All

The calculation about the quota may be made at very preliminary stage when vacancies become available and the same be accordingly reflected in advertisement. For instance, if the total strength of cadre/ post is 3 then hardly any quota vacancy/ seat can be offered to **Disabled**; such facts may also be reflected in advertisement so that the specific class is aware of the fact, beforehand, that the quota is observed but no seat can be carved out for them in the circumstances.

Moreover, for the recruitment of a Driver, Daftari, Record Lifter, Naib Qasid etc the annexed Table format, showing the relevant details about the applicants, should be observed.

Under the rules it is required that after advertisement, a minimum period of 30 days should be allowed for receipt of applications.

Attention is also drawn to the fact that the Working Paper and Table about the candidates/ applicants should invariably to reach this court at least a week prior to the committee meeting. For the purpose, the closing dates of submission of application and request for nomination of the representative of High Court may be scheduled accordingly.

The judicial officers working under your administrative control, vested with power of appointing authority, should also be informed.

TABLE SHOWING THE APPLICANTS FOR POSTS OF DRIVER, DAFTARI, RECORD LIFTER, NAIB QASID ETC									
S. No	Name	Father's Name	Domicle	Date of Birth	Whether Within required age limit		Educational Qualification	Experience in Relevant Field, if any	Remarks of the Committee
					Yes	No			

(PHC letter No.9662-9706/Admn Dated Peshawar, 28th May, 2010)

C.No. 4(3-3)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING CLASS-IV SERVANTS ON SUPERANNUATION.

I am directed to refer to the subject noted above and document C-No.8(2-2) page 252 in the judicial Estacode 2011 and to say that certain instances have come to the notice of Hon'ble the Chief Justice where courts grant temporary injunctions/status quo in favor of those retired government servants whose names appear far below in the waiting list maintained for the purpose. It is brought to the notice of all the courts that every retired government servant does not become entitled for appointment of his son under the quota unless his name appears at serial No.1 in the seniority list. The court should, therefore, be cautious in granting interim remedy by keeping the spirit of the subject circular.

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

(PHC Letter No. 3145-68/Admn, Dated 07th March, 2012)

C.No. 5(3-3)

FILING OF VACANCIES/OBSERVANCE OF DIFFERENT QUOTAS.

I am directed to invite your attention to this court circular letter No. 9662-9706/Admn: dated 28.05.2010 (copy enclosed), with the remarks that compliance of the said instructions be ensured in letter & spirit, please.

(PHC Letter No. 4948-5012/Admn Dated 02nd May, 2016)

C.No. 6(3-3)

APPOINTMENT AGAINST RETIRED EMPLOYEE'S SON QUOTA.

In continuation of all previous instructions of this Court on the subject matter and in order to facilitate the appointments of the deserving candidates against the retired employee's son quota, Hon'ble the Chief Justice of this Court has been pleased to direct that such like cases be considered in their respective domiciled districts.

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

(PHC Letter No.10266-316/Admn Dated 20th September,2016)

C.No. 7(3-3)

APPLICATION FOR APPOINTMENT AGAINST RETIRED EMPLOYEES' SON QUOTA.

The Hon'ble Administration Committee of this Court, in its meeting on 23rd & 24th January, 2017, has directed that waiting list of the retired employees' sons for appointment against the subject quota be displayed by each District & Sessions Judge outside their Court.

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

(PHC Letter No. 4022-46/Admn, Dated 03rd March, 2017)

C.No. 8(3-3)

GUIDANCE IN 25% QUOTA OF CLASS-IV

Reference your Endst No. 1265 dated: 14.06.2017 and to inform that the children of Class-IV civil servants i.e. Bailiff and Process Server are still entitled to avail the 25% quota irrespective of the up-gradation of such positions, please.

(PHC letter No. 13198/Admn dated Peshawar 16.07.2017)

C.No. 9(3-3)

APPOINTMENT AGAINST RETIRED EMPLOYEES SON'S QUOTA

In continuation of all previous instructions on the subject, now the Hon'ble Administration Committee vide its meeting dated: 05.06.2017, has further clarified that the policy of retired employees' sons' quota is applicable to Class-IV employees only.

This is for compliance, please.

(PHC Letter No.11952-12015/Admn, Dated 21st July, 2017)

C.No. 10(3-3)

INSTRUCTIONS REGARDING GOVERNMENT SERVANTS (BS-03 TO BS-05) CHILDREN'S QUOTA.

Attached please find herewith a copy of provincial government circular NO. SOR-VI/E&AD/1-3/2012/APT Rules dated: 08.11.2017, on the subject, along with enclosure, for information and strict compliance.

(PHC Letter No. 19188-19248/Admn Dated 27th November2017)

INSTRUCTIONS REGARDING GOVERNMENT SERVANTS (BS-03 TO BS-05) CHILDREN'S QUOTA.

I am directed to refer to this department's circular letter No. SOR-I(S&GAD)4-1/80(Vol.III) dated: 01.07.2000 and to state that instances have come to the notice of the competent authority that a large number of cases of recruitment/appointment against the subject quota are being delayed on one pretext or the other in government offices. Resultantly, the families of retired government employees are suffering.

I am therefore, directed to request that the following measures may be adopted for processing appointment cases of children of retired government employees in (BS-3 to BS-5) on urgent basis so that suffering on their families be mitigated.

- a) All the departments should immediately work out detail of total posts in BS-3 to BS-5 and 25% quota for appointment of the children of retired employees.
- b) Number of posts already filled/held by members of quota/category.
- c) Balance posts available in this quota.
- d) Seniority/order of merit on which applications are to be appointed against available vacancies/future quota.

For transparency, it is suggested that all the above information be publicized on notice board of the department at conspicuous place in the formats annexed.

I am further directed that any objection against the order of merit be sought within a week's time and properly disposed of. Likewise, fresh applications against the quota must be obtained if someone has not applied earlier due to lack of information or omission and placed at appropriate order/seriatim, for which advertisement in press should be made. The competent authority has directed to finalize the appointments within 30 days.

(Letter NO. SOR-VI/E&AD/1-3/2012/APT Rules dated: 08.11.2017)

TABLE-A (FOR S.No. A, B AND C ABOVE)

TABLE-A: DETAILS OF RETIRED EMPLOYEES' SONS QUOTA

Total posts in BS(3-05)	Quota of retired employees (25% of Col#1)	Posts already filled out of quota (list be displayed in table B with copy to the performance monitoring & Reform Unit (Chief Secretary Office)	Balance post to be filled.

1	2	3	4

TABLE-B (See Col.#3 of Table A)

TABLE-B: LIST OF CLASS-IV APPOINTED AGAINST THE RETIRED GOVERNMENT EMPLOYEE'S SONS QUOTA AND DETAIL OF VACANCIES.

S. No	Name of the applicant	Father's Name	Date of appointment	Particulars of the retired government servant			
				Date of retirement of the father (Govt Servant)	Post last held	Office last attended	Pay scale
1		2	3	4	5	6	7

TABLE-C (for Sr.#d of para 2)

TABLE-C: ORDER OF MERIT FOR APPOINTMENT AGAINST AVAILABLE VACANCIES OF EMPLOYEES' SONS QUOTA OR SUCH FUTURE VACANCIES

S.No.	Name of the applicant	Father name	Date of retirement of the father (Govt Servant)	Post last held	Office of last posting	Pay scale
1	2	3	4	5	6	7

C.No. 11(3-3)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING DRIVER (CIVIL SERVANTS) ON SUPERANNUATION.

I am directed to forward herewith copy of Circular No. SO(Policy)/E&AD/1-3/2012/APT Rules dated: 26.12.2018, on the subject noted above, received from the Section Officer (Policy), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.

Hon'ble the Chief Justice has been pleased to extend the same quota for drivers working in the establishment of Peshawar High Court, Peshawar, its benches as well as in the District judiciary of Khyber Pakhtunkhwa, on the terms and conditions enumerated in the circular referred to above.

(PHC Letter No. 1257-1315/Admn, Dated 19th January, 2019)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING DRIVER (CIVIL SERVANTS) ON SUPERANNUATION.

I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment of the posts of Drivers shall be reserved for appointment of one of the children of a retiring Driver (Civil Servant) on superannuation; provided that:

- i. The appointment shall be made subject to the availability of vacancy.
- ii. A waiting list showing the name, designation and date of retirement of retiring civil servant shall be maintained in the department/office. The merit shall be determined from the date of retirement of civil servant.
- iii. The child possesses the required criteria prescribed for the post of driver.
- iv. In case, the date of retirement of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment.
- v. Under age Child of the said civil servant shall be included in the waiting list from the date of retirement. However, he shall be considered for appointment after he attains the age prescribed for the post.
- vi. Other recruitment criteria would be the same as admissible for drivers (Civil Servants).

I am, therefore, directed to request that the above policy instructions should be followed strictly in letter and spirit.

(Letter No. SO (Policy)/E&AD/1-3/2012/APT Rules, Dated 26th December, 2018)

C.No. 12(3-3)

**PERMISSION TO INITIATE PROCESS FOR RECRUITMENT TO
FILL UP THE VACANT POSTS THROUGH EDUCATIONAL
TESTING AND EVALUATION AGENCY (ETEA) KHYBER
PAKHTUNKHWA**

I am directed to refer to your letter # 2045/DSJ/Admn, Dated 17.07.2019 on the subject noted above and to say that the Competent Authority has been pleased to direct that the recruitment process has to be in line with Peshawar High Court (Subordinate Courts) Rules, 2003 read with recruitment policy already circulated vide letter No.4454-450/Admn, Dated 24th April, 2003 (Judicial Estacode pa 246-249) and all directives of this Court in this regard. Therefore, hiring services of any testing agency be avoided.

(PHC Letter Endst No.SDJ/PHC/REG/94-V-II-(1-33)/4722-87 Dated 23rd August, 2019)

C.No. 13(3-3)

**OBSERVANCE OF 2% QUOTA RESERVED FOR DISABLED
PERSONS**

Enclosed find herewith copy of letter No. SO(Policy)E&AD/3-2/2012/2018 dated: 21.10.2019, on the subject, received from the Section officer (Policy), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance, please.

(PHC Letter No.21164-21264/Admn, dated Peshawar the 30-10-2019)

**OBSERVANCE OF 2% QUOTA RESERVED FOR DISABLED
PERSONS.**

I am directed to this department letter No.SOR-VI/E&AD/3-2/2014 dated 8.7.2015 on the subject noted above and to say that while taking serious notice of non-observance of 2% quota reserved for disabled persons, the competent authority has directed that instructions may be issued to all concerned **for strict observance of 2% quota in employment reserved for disabled persons by the Provincial Government.**

2. I am further directed to request that the said instructions may be brought into the notice of all concerned for strict compliance, please.

(Letter No.SO(Policy)/E&AD/3-2/2012/2018 Dated 21st October, 2019)

C.No. 14(3-3)

OBSERVANCE OF 2% QUOTA RESERVED FOR PERSON WITH DISABILITIES

Enclosed find herewith copy of letter No. SO-VI/SWD/1-34/Disability quota/2560-2700 dated: 18.11.2019, on the subject, along with enclosures, received from the Section officer –VI, Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & women Empowerment Department, Peshawar, for information and compliance, please.

(PHC Letter No. 22993-23075/Admn, Dated 02nd December, 2019)

OBSERVANCE OF 2% QUOTA RESERVED FOR PERSON WITH DISABILITIES

I am directed to refer to the subject noted above and to state that the office of the Prime Minister of Pakistan has conveyed a policy for persons with Disabilities (PWDs) for implementation by all concerned Ministries/Divisions/Departments of Federal as well as Provincial Governments on ground implementation of 2% employment quota. The Prime Minister office has observed that the quota for PWDs is calculated against the posts being advertised/fixed at a particular point in time, which leads to negligible appointment against disable quota, whereas the quota needs to be worked out against the total strength of the department.

Moreover, as per provision of Section-10 of the Ordinance-1981 as well as the Civil Servant (Appointment, Promotion & Transfer) Rules, 1973 compulsory Employment of the Disabled persons which stated “Establishment to employ disabled person (1) Not less than two percent of the total numbers of person employed by an ‘Establishment at any time shall be disabled person’ while as per section-10(5) of the APT Rules -1989 @2% of all posts in each Basic Pay Scale are given to PWDs in all tiers of initial recruitment.

It is further stated that mechanism has also been circulated by the establishment division’s OM No.21.1.90-R-5 Islamabad, dated: 12th November 2015 on the direction of the Honorable Supreme Court of Pakistan vide Order dated: 26.11.2018 in Constitution Petition No.64/2013 title Dr. Shah Nawaz Monami Vs Federal Govt & Others.

The above roster/mechanism has been circulated vide this Department Notification No. SO-VI/SWD/1-34/PCRD/2018/2368-2421 dated: 23.07.2019, but instances have come to fore indicating that the same are not being followed.

I am therefore directed to request you to make sure that provision of the aforementioned roster/ mechanism, being a legal right of the Disabled persons and legal obligation on part of the state as well, are followed in letter and spirit.

In view of the above, it is requested to kindly direct all concerned working under your administrative control workout the quota fixed for Disabled persons against the total sanction strength in each basic pay scale/cadre instead of calculating the same against the posts being advertised and also ensure share to PWDs through initial recruitment.

(Letter No. SO-VI/SWD/1-34/Disability quota/2560-2700 Dated: 18th November, 2019)

C.No. 15(3-3)

RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES

Attached please find herewith a copy of the updated recruitment policy of the provincial government for further necessary action

Hon'ble the Chief Justice has directed that sub-clause (ii) of clause (j) of the ibid policy shall be complied with in letter & spirit wherein 10% quota has been fixed for female candidates in all the provincial services which are to be filled through initial recruitment in addition to their participation in the open merit.

(PHC Letter No.14838-14898/DSC-DPC/Admn, Dated 16th September 2017)

C.No. 16(3-3)

APPLICATION FOR APPOINTMENT OF WIDOW, SON OR DAUGHTER OF A DECEASED/RETIRED CLASS-IV EMPLOYEES.

I am directed to invite your attention to Rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion & Transfer) Rules, 1989 and to say that the Competent Authority has directed to prepare and maintain computerized updated list of subject officials in accordance with respective seniority in future corresponding to prescribed quota and consider such applications strictly in accordance with the rules ibid with no deviation thereto, please.

(PHC Letter No. 11231-11331/Admn Dated 20th October, 2016)

C.No. 17(3-3)

**FILLING OF VACANCIES UNDER RULE 10(4) OF THE
KHYBER PAKHTUNKHWA (APT), RULES, 1989.**

I am directed to refer to the cited subject and to say that the Competent Authority has been pleased to direct that standing committees comprising District & Sessions Judge, a senior most Additional District & Sessions Judge and Senior Civil Judge (Admn) be constituted to ascertain Physical and mental fitness of the candidates, scrutinize their academic record and verify eligibility (requirement of skill in case of junior clerk) while making appointments against the subject quota.

(PHC letter No. 4898-937/SDJ/HRW/Admn Dated 03rd April, 2021)

SECTION-IV
INSTRUCTIONS REGARDING DSC/DPC

C.No. 1(3-4)

**DEPARTMENTAL SELECTION AND PROMOTION
COMMITTEE; PREPARATION OF WORKING PAPER**

I am directed to invite your attention to the above noted subject and to state that selection and promotion to various posts and vacancies in systematic manner is vital for ensuring merit. In this regard the preparation of working paper should be considered as prerequisite for making request for nominee of the High Court. Therefore, such request should invariably to come with the working paper prepared on the attached proforma, at least a week prior to the date of meeting of the committee. The Judicial Officer under your administrative control vested with power of appointing authority should also be informed.

(PHC letter No.7564-7604/Admn Dated Peshawar, 28th April, 2010)

C.No. 2(3-4)

FORMAL APPROVAL PRIOR TO FILLING OF VACANCIES

1. I am directed to refer to the subject note above and to say that formal approval shall be required prior to filling of vacancies through initial recruitment or promotion. The 'approval request' should clearly show the bifurcation of seats for initial recruitment, further divided into quotas, and promotion. A tentative time line for completion of various steps may also be indicated. The ensuing steps, including publication of advertisement, preparation of working paper or dissemination of information about posts and vacancies, may be taken after authorization by the Peshawar High Court.
2. The gap between advertisement and last date of receipt of application should be not less than a month. A complete working paper in respect of all candidates, is to be sent to High Court with sufficient time to allow for deliberations and preparations.
3. It shall be mandatory that all recommendations of Departmental Selection and/ or Promotion Committees be made unanimously.
4. The concerned judicial officers, under your administrative control, having power of appointing authority, may also be informed.

(PHC letter No.19926-75/Admn Dated 06th December, 2010)

C.No. 3(3-4)

MEETING OF DEPARTMENTAL PROMOTION / SELECTION COMMITTEE.

I am directed to inform you that Hon'ble the Chief Justice has been pleased to direct that the meetings of DPC/DSC of your respective establishment shall be scheduled only on Saturday in future, please.

(PHC Letter No. 2859-2918/DSC-DPC/Admn, Dated 09th February, 2017)

C.No. 4(3-4)

PROMOTION OF CLASS-IV TO JUNIOR CLERK IN DISTRICT JUDICIARY

The Competent Authority has been pleased to direct that henceforth promotion of Class-IV employees to the post of junior Clerk shall be made in accordance with rules on the basis of "Seniority-cum-Fitness". In order to sift competent from incompetent, a test may be taken from Class-IV employees like dictation and few essay questions like abbreviations and common general knowledge about Pakistan.

This is for compliance, please.

(PHC Letter No.19657-19706/DSC-DPC/Admn, Dated 9th December, 2017)

C.No. 5(3-4)

GUIDELINES FOR THE PURPOSE OF PROMOTION TO THE POST OF JUNIOR CLERK (BPS-11)

I am directed to refer to the subject noted above and to say that as a result of different queries from the District Judiciary about method of promotion to the post of Junior Clerk (BPS-11) from the holders of the post of Daftari, Record Lifter, Naib Qasid, Sweeper, Chowkidar, Mali and Water Carrier against the promotion quota, the Competent Authority has been pleased to approve the guidelines for appointing authority as enumerated herein below:-

1. To avoid the ambiguity having crept due to splitting of the post of junior clerk into seven categories in the appendix to Peshawar

High Court (Subordinate Courts Staff) Recruitment Rules, 2003, the appointing authorities in District judiciary are advised to treat the post of Junior Clerk in their establishments as a single category as against its five categories reflected at S. No. 14 to 18 in the said appendix. In turn, a common seniority list of holders of the post of Daftari, Record Lifter, Naib Qasid, Sweepers, Chowkidar, Mali and Water Carrier be maintained with reference to the dates of their acquiring Secondary School Certificate (SSC), for the purpose of promotion against 30% reserved quota in posts of Junior Clerk. In order to avoid any further doubt on account of the expression “dates of acquiring SSC”, it would be in the fitness of things to provide that the said expression refers to two different cases. In one case, it refers to those persons who are appointed in one batch and among them, one who acquired SSC prior in time will stand senior in common seniority list to the other who acquired SSC later in time. In the second case, it will refer to those persons who at the time of appointment did not possess such qualification and acquired in during service. In this case, the person who acquired SSC prior in time will stand senior to the other in common seniority list irrespective of their seniority in terms of date of appointment.

2. A Class-IV employee having got promotion as Daftari will not be stripped off his right accrued to him on the basis of common seniority maintained for promotion to the post of Junior Clerk. So, he will carry his original seniority with him at the time of promotion to the post of Daftari for the purpose of promotion to the post of Junior Clerk.

(PHC Letter No. 2315-49/SDJ/REG Dated 29th April, 2019)

C.No. 6(3-4)

PRE-REQUISITES FOR MAKING REQUEST FOR NOMINEE OF DEPARTMENTAL SELECTION COMMITTEE MEETING.

I am directed to refer to the subject noted above and to say that several discrepancies have been observed in requests for nomination of representative of this Court for the subject meeting, resulting into different anomalies pertaining to compliance of the rules, regulations and recruitment policy of this Court in letter and spirit.

I am therefore, directed to say that the competent authority has been pleased to direct that following information be furnished along

with the working paper while making requests for nominee of this Court:

1. Number of sanctioned and vacant posts
2. Details of quota of each category i.e. number of quota seats, appointment so far made and vacant posts thereof.
3. Copy of advertisement.

Such information along with the working paper must reach this Court at least a week prior to the date of subject meeting.

(PHC Letter No. 19642-75/Admn Dated 02nd October, 2019)

C.No. 7(3-4)

PRE-REQUISITES FOR MAKING REQUEST FOR NOMINEE OF DEPARTMENTAL SELECTION COMMITTEE MEETING.

I am directed to refer to the subject noted above and to say that divergent practice is prevailing in the province regarding working out of female, disable and minority quota during the process of recruitment, which stems out from misinterpretation of sub-rule (5) of Rule 10 of the KPK Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

The “Basic pay scale” is a general term which includes post or group of posts whereas the “Post” is a restricted term. The posts of Chowkidar, Naib Qasid, Sweeper, Mali are group of posts in same basic pay scale, therefore quota of disable (2%) and minority (5%) will be carved out from aggregate of sanctioned post of same basic pay scale. Contrary in case of female quota, the legislature in order to empower women and to give them share in each post had intentionally omitted the term “in each basic pay scale” and used the restricted term “of all Posts” in ibid Rule which means that female quota is to be carved out from each post meant for initial recruitment, irrespective of BPS i.e. to say 10% of the posts of Steno, Assistants, Computer Operator, Junior clerk, Chowkidar, Naib Qasid Sweeper, etc.

In view of the above stated legal position, the competent authority has been pleased to direct you to carve out the quota of minority and disable candidates on the basis of aggregate

sanctioned strength of posts of same BPS and female quota be carved out from sanction strength of each post.

(PHC LetterNo.1-68/SDJ/HRW/05-V.I-2019,Dated 02nd January, 2020)

C.No. 8(3-4)

TEMPLATES FOR THE SENIORITY LISTS

I am directed to refer to the subject noted above and to enclose herewith approved format of maintaining the common seniority lists for the post of Superintendent, Senior Clerk and Junior Clerk and similarly the format for maintaining the seniority lists for other posts.

FINAL COMMON SENIORITY LIST FOR PROMOTION TO THE POST OF JUNIOR CLERK (BS____) DISTRICT _____ AS STOOD ON _____

Sr.No	Name of official	Academic Qualification	Date of Birth	Date of acquiring SSC	Date of 1 st entry in Dist. Judiciary on regular basis	Date of appointment in present position (BS__)	Remarks

FINAL COMMON SENIORITY LIST OF SUPERINTENDENTS (BS____) DISTRICT _____ AS STOOD ON _____

S.No	Name of official	Academic Qualification	Date of Birth	Date of 1 st entry in Dist. Judiciary on regular basis	Date of appointment in present position (BS__)	Date of appointment in present position (BS__)	Remarks

FINAL SENIORITY LIST FOR PROMOTION TO OTHER POSTS (BS____) DISTRICT _____ AS STOOD ON _____

S.No	Name of official	Academic Qualification	Date of Birth	Date of 1 st entry in Dist. Judiciary on regular basis	Date of Regular Promotion as ____ (BS__)	Date of appointment in present position (BS__)	Remarks

(PHC letter No. 12900-968/PHC/SDJ/HRW dated Peshawar 24.07.2020)

C.No. 9(3-4)

MEETING OF DEPARTMENTAL PROMOTION / SELECTION COMMITTEE.

I am directed to refer to this Court's letter No. 2859-2918/DSC-DPC/Admn, dated: 09.02.2017 (copy enclosed) on the subject cited above and to say that the directives stand withdrawn to the extent of meeting of DSC.

(PHC Letter No. 1416-96/SDJ/HRW/Admn, Dated 20th January, 2021)

SECTION-V

INSTRUCTIONS ON BOWL POLICY

C.No. 1(3-5)

APPOINTMENT OF CLASS-IV EMPLOYEES

In order to bring more transparency, fairness to the candidates, the following procedure shall now be followed in appointing Class-IV employees: -

- i. List of registered people be obtained from respective employment exchange office and suitable candidates be called for screening test/driving skills tests (where needed) and short list be prepared.
- ii. Where local Employment Exchange office does not exist, notices be displayed at visible place in Court premises to inform aspiring candidates.
- iii. Interview of most suitable candidates be held to determine physical and psychological suitability.
- iv. A draw through lots (bowl policy) wherein names of all the eligible and physically fit candidates be put in a bowl and in the presence of almost all the candidates, the senior most person available should pick the ticket/name against the number of posts and the candidate(s) getting successful should be given letter of appointment.

The entire process is aimed at creating good will amongst the general public and creating a healthy precedent for other to emulate.

The instructions were passed earlier verbally but are again notified for compliance. Deviation from above will be viewed seriously.

The above is for approval of Hon'ble the Chief Justice.

(PHC Letter No.13607-656/Admn, Dated 22nd August, 2017)

C.No. 2(3-5)

APPOINTMENT OF CLASS-IV

In order to ensure transparency, fairness and with a view to restoring people's trust and confidence in the judiciary, the following process of appointment against Class-IV vacancy(s) should be followed:-

Step # 1

- I. Publicity of vacancy(s)
- II. Preparation of long list, followed by detail scrutiny.
- III. Preparation of shortlist (of candidates meeting requisite standards)

Step # 2

- I. Interview conducted by a panel which should include individual(s) of requisite skills.
- II. Preparation of list of eligible candidates (each eligible can be appointed)

Final Step

- I. Draw/balloting in the presence of all eligible candidates
- II. Issuance of appointment letters (who wins the draw)

The purpose of conducting balloting at this stage is to minimize discretion and ensure fairness to all eligible candidates. You are requested to follow the above procedure in letter and spirit in future.

This is issued with the approval of Hon'ble the Chief Justice.

(PHC Letter No.18403-29/Admn, Dated 08th November, 2017)

C.No. 3(3-5)

BOWL POLICY FOR RECRUITMENT OF CLASS-IV.

I am directed to refer to the subject noted above and to say that the august Supreme Court of Pakistan vide order dated 19.02.2018 (copy attached) has suspended the operation of the judgment of Peshawar High Court in W.P. No. 3005-P/2014 regarding bowl policy to the extent of government departments only who have its own rules and policies for recruitment of Class-IV. The bowl policy of Peshawar High Court has neither been challenged nor suspended to the extent of Peshawar High Court, its Benches and District Judiciary.

Hon'ble the Chief Justice has, therefore, been pleased to direct that the bowl policy for recruitment of Class-IV shall be followed in letter and spirit.

(PHC Letter No. 6322-87/Admn Dated 28th April, 2018)

C.No. 4(3-5)

APPOINTMENT OF CLASS-IV THROUGH BOWL POLICY.

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 appointment of Class-IV shall be made through "Bowl Policy" and in this regard instructions of this Court vide letter No.18403-29/Admn: dated 08.11.2017 (copy enclosed) shall be complied with in letter and spirit, please.

(PHC letter No.16026-16075/Admn: Dated 29th September, 2018)

C.No. 5(3-5)

APPOINTMENT OF CLASS-IV

I am directed to refer to the subject noted above and to say that procedure contained in this Court letter No. 18403-429/Admn dated: 08.11.2017 regarding bowl policy qua vacancies of Class-IV (copy enclosed), may be followed in letter and spirit.

(PHC Letter No7174-256/Admn, Dated 01st April 2019)

C.No. 6(3-5)

APPOINTMENT OF CLASS-IV

I am directed to refer to the subject noted above and to say that it has been noticed that during the recruitment process against the post of Class-IV, some of the appointing authorities initially ballot for short listing followed by interview for further short listing and again holding balloting.

The Competent Authority has , therefore, been pleased to modify para (i) of Step No.2 of this Court's letter No. 18403-429/Admn dated: 08.11.2017 (copy enclosed) and replace the same with the following:

“Interview conducted by a panel to see the physical and mental fitness of the candidates”

The Competent Authority has further been pleased to direct that the purpose of interview should not be for short listing of the candidates, rather it should be for checking physical and mental fitness of the candidates and the candidates who fail to fulfill the eligibility criteria i.e., age, domicile etc be omitted from the list and balloting be carried out once, between all the eligible candidates.

(PHC Letter No.7453-7554/Admn, Dated 04th April, 2019)

SECTION-VI
INSTRUCTIONS ON APPOINTMENT

C.No. 1(3-6)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to forward herewith copy of letter No. E&A/LD/5-97/2008/18062-63 dated 26.11.2011, on the subject, along with enclosure, received from the Section Officer (Gen), Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar, for information and compliance.

(PHC letter No. 14195-267/Admn: dated Pesh the 07.12.2011)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to refer to the subject noted above and forward herewith a copy of letter No. SOE-IV/E&AD/1-35/2011 dated 17.11.2011 received from Section Officer E-IV, Establishment Department for information and necessary action please.

(Letter No. E&A/LD/5-97/2008/18062-63 dated Peshawar the 26.11.2011)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to refer to the subject cited above and to state that for all those posts below (BPS-16) for which typing is mandatory in their Service Rules, in future Typing Test will be conducted through Computers on Typing Software instead of manual Typewriter as the same is no more in use.

I am further directed to request to follow the said instruction in letter and spirit as well as direct your attached/lower formations as well.

(Letter No. SOE-IV/E&AD/1-35/2011 dated Peshawar the 17.11.2011)

C.No. 2(3-6)

MODEL APPOINTMENT ORDER

In continuation of this court's letter No. 5219-29/Admin dated 21.04.2011 followed by letter No. 6301-60/Admin dated 24.05.2011, on the subject noted above, I am directed to forward herewith a copy of amended model appointment order for information and compliance.

(PHC Letter No. 6454-6508/Admn, Dated 04th June, 2013)

MODEL APPOINTMENT ORDER

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates as _____ in BPS _____, with effect from the date of assumption of charge of the posts, subject to medical fitness, antecedents verification and verification of testimonials through quarter concerned: -

SR.#	NAME OF CANDIDATES	FATHER'S NAME
1		
2		

2. Their appointment to the service shall be subject to the following terms and conditions: -

- I. They will be governed by the [Khyber Pakhtunkhwa] Civil Servants Act, 1973 and [Khyber Pakhtunkhwa] Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
- II. They will be allowed the minimum pay BPS _____ plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS _____ will be allowed to draw pay which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS _____
- III. They shall be governed by such rules and instructions relating to leave, T.A, and Medical Attendance as may be prescribed from time to time.

- IV. They shall be on probation initially for a period of one year extendable up to two years.¹
 - V. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
 - VI. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/ extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days' notice or in lieu thereof fourteen days pay will be paid by the Government. In case of resignation, they will give one-month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.
 - VII. They will be governed by the [Khyber Pakhtunkhwa] Government Servants (Efficiency and Discipline) Rules, 2011 and the [Khyber Pakhtunkhwa], Government Servants Conduct Rules, 1987 and any other instructions which may issue by the Competent Authority from time to time.
3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order
 4. They shall join duty at their own expenses.

C.No. 3(3-6)

RECRUITMENT OF DRIVERS (BPS-06) IN DISTRICT JUDICIARY

The Provincial Government vide Finance Department, KPK Peshawar letter No. BO-II/FD/3-14/SNE/PHC/17-18 dated 06.02.2018 (copy attached) has created 128 (one hundred and twenty-eight) positions of drivers i.e. one each for Additional District & Sessions Judges and for Senior Civil

¹ For the latest position see Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

Judges. The Hon'ble Chief Justice has directed that a fair and transparent recruitment process be conducted for recruitment of these drivers.

You are, therefore, authorized to constitute a two-member committee consisting of one Civil Judge and an official of traffic police (representative of DPO) for taking practical test of the short-listed candidates, having a valid driving license and registered with Employment Exchange of the District or adjoining district but a bonafide resident of that district.

Policy circulated vide No. 18403-429/Admn dated 08.11.2017 should be followed strictly (copy attached),

(PHC Letter No.3877-3926/Admn, Dated 14th March, 2018)
C.No. 4(3-6)

RECRUITMENT TO DRIVER (BPS-06) IN DISTRICT JUDICIARY

I am directed to refer to the subject noted above and to say that since the post of driver has been upgraded from BPS-04 to BPS-06, therefore, the condition of recruitment through District Employment Exchange does not apply to the post of driver.

In view of the above, letter No. 3877-3926/Admn dated: 14.03.2018 stands reviewed to the extent of above-mentioned condition.

(PHC Letter No. 7257-339/Admn, Dated 01st April, 2019)
C.No. 5(3-6)

APPOINTMENT ORDER

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that appointing authorities while scribing TORs of the appointment orders referred to the repealed NWFP Government servants (Efficiency and Disciplinary) Rules, 1973 for regulating conduct, despite the fact that the prevailing rules are of 2011.

Similarly, the authorities do not mention the probation period in accordance with Rule 15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. Under the rule, the extendable period of probation is one year and the order thereof is to be passed by the appointing

authority within two months of the expiry of first year of probation. And if no such order is passed; the probation shall stand automatically terminated.

In view of the above legal position, you are directed to mention correct period of probation in the appointment orders and refrain from referring repealed laws or rules in the order.

(PHC Letter No. 2178-236/SDJ/HRW/Admin, Dated: 9th February, 2021)

SECTION-VII
CONDUCT OF MINISTERIAL STAFF

C.No. 1(3-7)

TRANSFER OF CLERKS OF COURTS FROM ONE STATION TO ANOTHER

I am directed to address you on the subject noted above and to say that Hon'ble the Chief Justice of this Court has been pleased to observe that the Clerks of Court attached to the District and Sessions Judges would be responsible for all the lapses on their part, and they would also be amenable to transfer from one station to another in case their performance is found below the required standard.

These instructions should be brought to the notice of all concerned officials for strict compliance.

(PHC letter No. 4520-4535/Admn.Brh.Dated Peshawar the 13th June. /1993)

C.No. 2(3-7)

COMPLAINTS AGAINST READERS / STENOS

I am directed to say that complaints have been received suggesting tendency of corrupt practices in the staff of the subordinate Courts. This unsavoury trend indicates lack of supervision and control on the part of Presiding Officers. Needless to say, that the instances of corruption are bringing bad name to the Judiciary as an institution. Therefore, Hon'ble the Chief Justice has been pleased to direct that vigilant eye should be kept on the activities of subordinate staff and appropriate disciplinary action be initiated against those found indulging in such like tactics.

(PHC letter No. 1546- 1696 Dated Peshawar the 29th February,2000)

C.No. 3(3-7)

MAINTAINING OF ATTENDANCE REGISTER

It has come to the notice of the Hon'ble Chief Justice that some of the staff members of the subordinate Courts do not sign the Attendance Register even for the whole month. In such a situation most of the employees

are presumed to be either absent from duty or on leave. The dominant impression nevertheless would be that the employees were not on duty. The Hon'ble Chief Justice has seriously viewed this unbecoming attitude and desired that corrective measures be taken immediately.

2)- I am, therefore, to request that the Clerk of Court who is responsible for maintaining/supervising attendance be directed to maintain a proper attendance register, complete in all respects, which shall be produced before the Presiding Officer daily for physical checking. It should also be impressed upon all concerned that violation of these instructions would make the defaulting official liable to disciplinary action under the N.W.F.P. Government Servants (Efficiency and Discipline) Rules, 1973.

(PHC letter No. 7971-8014 Dated Peshawar the 30.10.2000)

C.No. 4(3-7)

CHIEF JUSTICE DIRECTIVE # 15 (CLOSE WATCH ON SUBORDINATE STAFF)

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

“Instructions be issued to all the District and Sessions Judges in particular and all the Judicial Officers in general to have a close watch on the subordinate staff in their day to day business. The Authorities may be required to initiate stern disciplinary actions against the delinquent officials, under intimation to this Court”.

I am further directed to request you to circulate the above directive to all the Judicial Officers of your respective Districts for compliance.

(PHC letter No. 656-79/MIT Dated Peshawar, the 24/04/2004)

C.No. 5(3-7)

PART TIME JOB BY COURT EMPLOYEES

It has been brought into the notice of His Lordship the Chief Justice that some of the employees of the District Judiciary have been working part time with the lawyers, resulting in their unwanted interaction and contacts with the litigants, which in turn affects impartial performance of their official duties as such.

I am, therefore, to ask for preventing all the employees of the District Judiciary from such jobs and, in case anyone is found so doing, he may be dealt with according to law/rules.

(PHC letter No. 9300-9323/Admn Dated 01st August, 2005)

C.No. 6(3-7)

DISCIPLINARY PROCEEDINGS

I am directed to refer to the subject noted above and to say that a number of cases have come to the notice of Hon'ble the Chief Justice wherein the disciplinary proceedings against the members of ministerial establishment of District Courts are not carried out strictly in accordance with the laid down procedure, resulting in reversal of the orders passed by the Authority / Authorised Officer in such proceedings. Such reversal of orders causes serious repercussions on the administrative hold over discipline and adversely affects institutional stability. The respective Authorities, Authorised Officers and Enquiry Officers are thus required to adhere to up to date rules on the subject in such proceedings. The Judicial Estacode, 2006 [C.No. 4(5-2)] contains up to date rules so far.

I am, therefore, to ask for circulating these instructions amongst all the Judicial Officers of your district for compliance in future, please.

(PHC letter No. 4180-4203/Admn Dated Peshawar, 05th April, 2007)

C.No. 7(3-7)

COMMITTEE FOR CURBING CORRUPTION.

I am directed to invite your attention to this Court's letter No. 6774-99/Admn: dated 02.06.2011 and National Judicial Policy Para C(3)(ii) (Page 17). For ready reference the relevant para and minutes of the meeting of NJPMC dated 21.05.2011 are reproduced below:

“To curb the malpractices and corruption of courts staff. Munshies/clerks of the lawyers and touts a “Committee” headed by the District & Sessions Judges and President District Bar Association should be formed to entertain complaints against corrupt officials for taking action against them under the law”. (Para C(3)(ii) of NJP.

“The Committee asked the District & Sessions Judges to constitute Committee for curbing corruption at Tehsil level and

the concerned Judicial Officers be asked to issue a certificate on monthly basis to the effect that no complaint of corruption has been received against the paralegal staff in the respective Tehsil” (Minutes of NJPMC meeting dated 21.05.2011)

Recently some of the District & Sessions Judges have constituted the Committee both at District & Tehsil level but not in accordance with the spirit of the NJP as President of District Bar or Tehsil Bar has not been included as member of the respective Committees. You are, therefore, further directed to constitute the proper Committees and hold regular meetings of these Committees on monthly basis duly minuted.

(PHC Letter No. 5092-5116/Admn, Dated 07th April, 2012)

C.No. 8(3-7)

INSTRUCTIONS TO STENOGRAPHERS / PERSONAL ASSISTANTS.

Enclosed find herewith copy of letter No. 2963/47-Admn/2011 dated 07.10.2011 of the Registrar, High Court of Balochistan, Quetta, on the subject noted above, for information and compliance.

(PHC Ends No. 9920-10291/Admn, Dated the 06th September, 2013)

INSTRUCTIONS TO STENOGRAPHERS / PERSONAL ASSISTANTS.

Following directives of the Hon’ble Chief Justice should be implemented by all Stenographers/Personal Assistants and Judges should ensure compliance:-

1. The orders/judgment to be typed in font size 12 and “Time New Roman” script be used.
2. 1.5 or double (2) line space be used, however, if anything is quoted its spacing may be 1 or 1.5.
3. Reported judgment should be cited by underlining the names of parties followed by the citation .Example
 Muhammad Umar V Government of Balochistan.
 1992 PLD SC (or Supreme Court)343.
 If there are more parties do not write “and others”.
 The citation alone should not be used.
4. All paragraphs should be numbered.

5. Amount should be written both in words and figures/numbers.
Example: Rs. 500/- (Rupees five hundred only)
If the same amount is mentioned again in the judgment/order it need not be written in words again.
6. If abbreviations are used, the same should be introduced first time within brackets, where after the abbreviation may be used.
Example: Advocate General (“AG”), thereafter, AG may be written
7. Dates should be written as under:
15th September 2011 or September 15, 2011.
However, in order sheets written on daily basis dates may be written as under 15.09.2011.
8. Non-English words to be written in italics.
Example: *Nikah Nama*
Mehr
9. A colon is only two dots. One above the other, and not two dots followed by a hyphen.
Example of correction usage: The following cases: and not,
The following cases:-
10. Quotations:
 - (1) Double quotation marks should be used both at the beginning of the quoted text (“”) and at the end (“”);
 - (2) Long quoted paragraph(s) should be started on a new line and should be indented;
 - (3) If words are omitted in a quotation, you should indicate that words have been deleted by using ellipsis marks, which are three dots ...preceded and followed by a space and
 - (4) If in a quoted text there is a mistake you should write – (sic), which indicates that the mistake is not yours and you are aware of it.
11. Daily order sheet should not have empty spaces. In case empty space cannot be avoided the same should be deleted in pen to ensure against misuse by way of subsequent insertion.
12. The name of lawyers and whose behalf they are appearing should be mentioned under the title and before the text of the judgment/order.

*(Letter No. 2963/47-Admn/2011 Dated 07th October, 2011 of the Registrar,
High Court of Baluchistan)*

C.No. 9(3-7)

COMPLAINT BOX IN COURT PREMISES

I am directed to say that this Court is receiving complaints, which ordinarily should have been filed at your level. In order to enable the litigants, public to address their grievances to the authority at their door steps, you are required to install/affix complaint box in a conspicuous place within the Court premise and also to maintain a complaint register with necessary details as per the format given below, for furthering the cause of justice.

Sr#	Complainant name, address & contact No.	Nature of complaint	Date of receipt	Action so taken and date	Signature of Authority with comments, if any and date.

Please acknowledge receipt.

(PHC Letter No. 9233-60/Admn, Dated 06th June, 2014)

C.No. 10(3-7)

COMPLAINTS AGAINST MINISTERIAL/MENIAL STAFF

I am directed to say that, complaints are pouring in about corruption/corrupt practices in the ministerial and menial staff of the District Judiciary. The District & Sessions Judge, being the administrative head of the District Judiciary, is bound to supervise the conduct and activities of the ministerial and menial staff as any inaction in this respect not only reflect badly on his administrative abilities but tarnishes the image of the institution.

In this backdrop, Hon'ble the Chief Justice is pleased to direct that, vigilant eye should be kept on the activities of the sub-ordinate staff, and appropriate measure be adopted to check the evil in bud.

(PHC Letter No. 11297-321/Admn Dated 23rd September, 2015)

C.No. 11(3-7)

TRANSFER PROFORMA

I am directed to refer to the subject noted above and to say that from now onward any member of staff of the District Courts who desires to be transferred from one district to other shall apply on specified proforma (Enclosed herewith).

TRANSFER PROFORMA

PHOTO

Name:	
Father's Name:	
Designation:	
Place of posting	
Working Since: (Note) Length of service shall not be less than 15 years)	
Reason for appointment/posting at existing station	
Details of previous posting(s)/transfer(s)	
Remarks:	
Certificate Certified that the contents of this application are true & correct.	
Signature (applicant)	
Approved by the DSJ/SCJ for transfer.	
Signature DSJ/SCJ	
Report / approval of the DSJ/SCJ where the applicant to be transferred.	

Signature DSJ/SCJ

(PHC Letter No.1123-55/Admn Dated 31st January, 2012)

C.No. **12**(3-7)

INDULGENCE OF PARALEGAL STAFF IN CORRUPT PRACTICES

I am directed to say that complaints have been received by the undersigned as well as Hon'ble the Chief Justice regarding corrupt practices of paralegal staff in some of the districts.

Hon'ble the Chief Justice has taken serious notice of the corrupt practices of paralegal staff and has been pleased to direct that stern action may be taken against those found indulged in corrupt practices.

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

(PHC Letter No12475-523/Admn Dated 21st October, 2013)

C.No. **13**(3-7)

MAINTAINING DISCIPLINE

The ministerial/support staff in the District Judiciary approach this office directly which is against the service discipline and accountability. This trend needs to be discouraged.

That in view, you are requested to please inform all under your control that no application whatsoever will be entertained without the endorsement or covering letter of the District & Sessions Judge concerned.

(PHC Letter No. 2685-2709/Admn, Dated 07th February, 2017)

C.No. **14**(3-7)

REVISION IN THE RATE OF CONVEYANCE CHARGES FOR LATE SITTING.

Reference to the subject noted above.

Forwarded herewith is letter NO. FD/SO(SR-II)8-52/2018 dated 20.03.2018 received from Secretary to Govt of Khyber Pakhtunkhwa Finance Department Peshawar for information, please.

(PHC Letter No. 1021-24/Admn Dated 20th April, 2018)

REVISION IN THE RATE OF CONVEYANCE CHARGES FOR LATE SITTING.

The Competent Authority, is pleased to enhance / revise the rate of Conveyance Charges for late sitting for official working in BPS-1 to 16 (non Gazetted), excluding Drivers/DR, with immediate effect as under: -

Description	Days	EXISTING RATE	REVISED RATE
For official in BPS-1 to 16 (Non Gazetted) excluding Drivers/Dispatched Riders	One working days	Rs. 75/- Per day	Rs. 150/- Per day
	On closed holidays	Rs. 115/- Per day	Rs. 190/- Per day

(Endst No. FD(SOSR-II)/8-52/2018 Dated 20/03/2018)

**SECTION-VIII
JOB DESCRIPTION**

C.No. 1(3-8)

CALENDAR OF JOB DESCRIPTIONS OF JUDICIAL OFFICERS

The jobs given in this calendar have been taken from different laws, instructions and settled practice. Effort has been made to give maximum references to relevant law. Apart from these descriptions of jobs there are many other functions and this list is not all inclusive. Nevertheless, an attempt is made to enlist most important of the jobs here.

C.No. 1(a)(3-8)

I. DISTRICT & SESSIONS JUDGE

1. To see that Performance Evaluation Reports of all the staff of whom he is the appointing authority are record by 15th January each year. (Ch. 18-B, Vol-I of High Court Rules & Orders (HRO))
2. To check half yearly the register of security kept by Superintendent. (Ch. 18-C, Vol-I of HRO)
3. All the complaints and petitions in civil cases to be received and distributed by the District Judge or this power be delegated to any Subordinate Judge under section 15 of West Pakistan Civil Courts Ordinance, 1962. (Rule 3, Ch. 1-B, Vol-I of HRO)
4. The list of all cases so distributed be exhibited outside the Court house daily.
5. To distribute the business in criminal cases under section 17(1) Cr.P.C.
6. To pass orders for disposal of urgent criminal applications while he is absent or incapable of acting under section 17 (3) Cr.P.C.
7. Delegation of powers in his absence from headquarter under section 22 of the West Pakistan Civil Courts Ordinance, 1962.

8. Empowering any other Civil Judge in case of temporary vacancy of office of Civil Judge under section 23 of the West Pakistan Civil Courts Ordinance, 1962.
9. District judge to transfer cases to equalize the civil work by giving date to the parties in the transferee Court [Rule 6, Ch 1-B, Vol-I of HRO].
10. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO]
11. Presiding Officer to decide that whether the Summon is to be issued for final disposal or for settlement of issue [Order 5, Rule 5, CPC].
12. Framing of issues [Rule 2, Ch 1-F of Vol-I of HRO].
13. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
14. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol-I of HRO].
15. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
16. District Judge to distribute execution work and to see that execution work is not neglected in Lower Courts [Rule 4&5, Ch 12-A, Vol-I of HRO].
17. District Judge to issue instructions on the subject of translation of Judgments [Rule 10, Ch 11-A, Vol-I of HRO].
18. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch 13, Vol-I of HRO.
19. In remand reasonable time for return of findings by the Lower Court should be fixed. [Rule 24, Ch14-B, Vol-I of HRO].
20. Giving date in case of remand. [Rule 21, Ch 14-B, Vol-I of HRO].
21. Note by Court on limitation and explanation of delay from appellant. [Rule 4,5,6,7,8,9 & 10, Ch 14-D of Vol-I of HRO].

22. Rules of transmission of Appellate Courts Order to Lower Courts [Part E, Ch 14, Vol-I of HRO].
23. Holding of examination of petition writers [Rule VIII of Part B of Petition Writers Rules]
24. Constitution of Board for examination of petition writers [Rule IX of Part B of Petition Writers Rules]
25. Declaration of result of petition writers and submission of statements of their names to the High Court. [Rule X of Part B of Petition Writers Rules]
26. Granting of license to petition writers [Rule XI of Part B of Petition Writers Rules]
27. In case of failure to produce license by petition writer between prescribed period, his name to be posted on Board. [Rule XIV of Part B of Petition Writers Rules]
28. In case of promotion of grade of petition writer, the next grade license is to be issued. [Rule XV of Part B of Petition Writers Rules]
29. May transfer any petition writer from one place to another within district. [Rule XVI of Part B of Petition Writers Rules]
30. Issue of duplicate license to loser petition writer. [Rule XVII of Part B of Petition Writers Rules]
31. Order rewriting of petition to petition writer. [Rule XXXI of Part B of Petition Writers Rules]
32. Breach of Rule XXXV of petition writers rule, offence to be cognizable by District Judge. [Rule XXXVI of Part B of Petition Writers Rules]
33. Keys of will-safe [Ch 7-B, Vol-II of HRO]
34. Being Inspection Judge Civil Nazir to be checked [Rule 12, Ch 8-D, Vol-II of HRO].

35. Grant of leave to official receiver. [Ch 5-A, Vol-II of HRO]
36. Quarterly Inspection of his own court Nazir [Rule 18, Ch-8-D of Vol-II of HRO]
37. Daily checking of accounts, in case the district judge is also having PLA [Rule 32 & 33, Ch 8-D, Vol-II of HRO].
38. Prompt remittance of money to treasury, in case the district judge is also having PLA [Rule 38, Ch-8-D of Vol-II of HRO]
39. List of un-lapsed items, in case the district judge is also having PLA [Rule 43, Ch 8-D, Vol-II of HRO]
40. Physical verification of balance at the hands of Nazir, in case the district judge is also having PLA [Rule 44, Ch 8-D, Vol-II of HRO]
41. Monthly inspection of Nazir's balance with treasury pass book, in case the district judge is also having PLA [Rule 45, Ch 8-D, Vol-II of HRO]
42. Statements of lapsed items to be prepared, in case the district judge is also having PLA [Rule 48, Ch 8-D, Vol-II of HRO]
43. Checking of register, at least once a month, relating to pecuniary transactions by the Presiding Officer [Rule 4, CH-8-A, Vol-II of HRO].
44. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
45. Inquiry into embezzlement [Rule 5, 6 CH-8-B, Vol-II of HRO]
46. Maintenance of Land Acquisition Register [Rule 2, CH-8-D, Vol-II of HRO]
47. Quarterly inspection of Register of Process Servers and Bailiff Note Book [Rule 18, CH-8-D, Vol-II, Rule 3, CH-8-E, Vol-II of HRO]
48. Supervision and control of District Judge over subordinate courts – parameters [Rule 3, CH-1-A, Vol-IV of HRO]

49. Errors and Irregularities of lower courts – In Appellate Jurisdiction – Parameters [Rule 4, CH-1-A, Vol-IV of HRO]
50. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
51. Periodical Inspection by District Judge of subordinate courts [CH-1-C of Vol-IV of HRO]
52. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
53. Assumption and Relinquishment of charges or appointments [CH-1-E, Vol-IV, Rule 15, CH-18, Vol-IV of HRO]
54. Circular Orders issued by District Judge only with prior approval of High Court [Rule 6, CH-2-A of Vol-IV of HRO]
55. Surprise Inspection to check cancellation of Court fee stamps [Rule 5, CH-2-B of Vol-IV of HRO]
56. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
57. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
58. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
59. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
60. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
61. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]Parwana and Arzi [Rule 7, CH-19-B Vol-IV of HRO]
62. Responsibility of preparation of estimated revenue and expenditure [Rule 4, CH-21-A, Vol-IV of HRO]
63. Procedure to be adopted whenever a civil construction work is proposed [CH-22 Vol-IV of HRO]

64. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
65. Periodical returns and report [CH-23, Vol-IV of HRO]
66. Submission of Indents for Registers [Rule 1, CH-24, Vol-IV of HRO]
67. Submission of Indents for supply of Form [Rule 2, CH-25-A, Vol-IV of HRO]
68. Each page of account book to be paged [Rule 54, Ch 8-D, Vol-II of HRO]
69. Adjournment caused by holiday, how to be dealt with [Rule 8, CH-1-A, Vol-III of HRO]
70. Bail applications on holidays [Rule 7, CH-10, Vol-III of HRO]
71. Remand case should be fixed back in proper place – Procedure [CH-14-E, Vol-I of HRO]
72. Inspection of Judicial lockup [CH-27, Vol-III of HRO]
73. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
74. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
75. Monthly reconciliation of all deposits in treasury. [GFR]
76. Table of Process Fee outside Court room [S-21, Court Fee Act]
77. Delegatee of Financial Powers (Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018)
78. For procurement see Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.
79. For maintenance of vehicles see the Government Staff Vehicles (Use & Maintenance) Rules, 1997.

C.No. **1(b)**(3-8)

II. ADDITIONAL DISTRICT & SESSIONS JUDGE

1. Examination of the plaint in terms of Rule 1 of Chapter 1-C of Vol-I of High Court Rules and orders.
2. Presiding Officer to decide that whether the summons is to be issued for final disposal or for settlement of issues [Order 5, Rule 5 of CPC]
.
3. Signing of summons himself or authorization to Reader. [Rule 6, Ch 1-D, Vol-I of HRO].
4. Framing of issues [Rule 2, Ch 1-F of Vol-I of HRO].
5. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
6. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol-I of HRO].
7. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO].
8. In remand reasonable time for return of findings by the Lower Court should be fixed. [Rule 24, Ch14-B, Vol-I of HRO].
9. Giving date in case of remand. [Rule 21, Ch 14-B, Vol-I of HRO].
10. Note by Court on limitation and explanation of delay from appellant. [Rule 4,5,6,7,8,9 & 10, Ch 14-D of Vol-I of HRO].
11. Reference can be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
12. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
13. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
14. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]

15. Errors and Irregularities of lower courts – In Appellate Jurisdiction – Parameters [Rule 4, Ch 1-A, Vol-IV of HRO]
16. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
17. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
18. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
19. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
20. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
21. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
22. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
23. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
24. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
25. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO]
26. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
27. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
28. Monthly reconciliation of all deposits in treasury. [GFR]
29. Table of Process Fee outside Court room [S-21, Court Fee Act]

C.No. 1(c)(3-8)

III. SENIOR CIVIL JUDGE

1. To see that Performance Evaluation Reports of all the staff of whom he is the appointing authority are record by 15th January each year. (Ch. 18-B, Vol-I of HRO)
2. To check half yearly the register of security kept by clerk of court. (Ch. 18-C, Vol-I of HRO)
3. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO].
4. The list of all cases distributed amongst Civil Judge be exhibited outside the Court house daily, provided Senior Civil Judges is authorized to distribute the cases. (Rule 3, Ch. 1-B, Vol-I of HRO)
5. While distributing business he should keep in mind Rule 3(ii) of Ch 1-B, Vol-I of HRO
6. Presiding Officer to decide that whether the summon is to be issued for final disposal or for settlement if issues [Order 5, Rule 5 CPC].
7. Signing of summon himself or authorization to COC [Rule 6, Ch 1-D, Vol –I of HRO].
8. Framing of issues [Rule 2, Ch 1-F, Vol –I of HRO].
9. Examination of parties [Rule 5, Ch 1-F, Vol-I of HRO].
10. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol –I of HRO].
11. In case of unexpected holiday or unexpected absence he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
12. To see that money realized in execution is accounted for [Rule 7, Ch 12-A, Vol-I of HRO].

13. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO.
14. In case of remand if time cannot be honoured the Lower Court to apply for extension of time to Appellate Court [Rule 24, Ch 14-B, Vol-I of HRO].
15. In case of remand under Rule 23, Order XLI CPC, the case be registered on is original No, In case of re-investigation of certain issues under Order XLI Rule 25 CPC, it should remain on the register of Appellate Court.
16. Statement of Serving Officer [Rule 28, Ch 14-B, Vol-I of HRO].
17. Reference can be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
18. Return of money.[Rule 17, Ch 8-D, Vol-II of HRO].
19. Periodical Inspection of his own court's Nazir [Rule 18, Ch-8-D of Vol-II of HRO]
20. Checking of Process Servers note book [Rule 23, Ch 8-D, Vol-II of HRO].
21. Daily checking [Rule 32, 33, Ch 8-D, Vol-II of HRO].
22. Prompt remission of money to treasury [Rule 38, Ch 8-D, Vol-II of HRO]
23. List of un-lapsed items, in case the district judge is also having PLA [Rule 43, Ch 8-D, Vol-II of HRO]
24. Physical verification of balance at the hands of Nazir, in case the district judge is also having PLA [Rule 44, Ch 8-D, Vol-II of HRO]
25. Monthly inspection of Nazir's balance with treasury pass book, in case the district judge is also having PLA [Rule 45, Ch 8-D, Vol-II of HRO]
26. Statements of lapsed items to be prepared. [Rule 48, Ch 8-D, Vol-II of HRO]

27. Each page of account book to be paged [Rule 54, Ch 8-D, Vol-II of HRO]
28. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
29. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
30. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]
31. Quarterly inspection of Register of Process Servers and Bailiff Note Book [Rule 18, CH-8-D, Vol-II, Rule 3, CH-8-E, Vol-II of HRO]
32. Pecuniary Control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
33. Inspection by Presiding Officer of his own court [Rule 10, CH-1-C of Vol-IV of HRO]
34. Belts and Bedys of Bailif and Process Server [Rule 8, CH-6-A, Vol-IV of HRO]
35. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
36. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
37. Annual checking of library [Rule 17, CH-18, Vol-IV]
38. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
39. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
40. Parwana and Arzi [Rule 7, CH-19-B Vol-IV of HRO]
41. Responsibility of preparation of estimated revenue and expenditure [Rule 4, CH-21-A, Vol-IV of HRO]

42. Placement of Furniture Card on the wall [Rule 2, CH-22-C, Vol-IV of HRO]
43. Periodical returns and reports [CH-23, Vol-IV of HRO]
44. Remand case should be fixed back in proper place – Procedure [CH-14-E, Vol-I of HRO]
45. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
46. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
47. Monthly reconciliation of all deposits in treasury. [GFR]
48. Table of Process Fee outside Court room [S-21 Court Fee Act]
49. Delegatee of Financial Powers ((Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018)
50. For procurement see Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.

C.No. 1(d)(3-8)

IV. SENIOR CIVIL JUDGE (JUDICIAL)¹

1. Disposal of judicial work of civil nature including Succession, Guardianship, Rent, Family, Insolvency, overseas Pakistani cases, environmental issues etc and that of criminal nature already defined and elaborated in any local or special law enforced for the time being, High Court Rules & Orders and Judicial Esta Code, excluding administrative work
2. Marking of all cases to Civil Judges

C.No. 1(e)(3-8)

V. SENIOR CIVIL JUDGE (ADMINISTRATION)²

1. Regular procurement falling within the domain of Senior Civil Judge:

¹ Added vide PHC Notification No.291-J dated Peshawar 27th November 2018

² Added vide PHC Notification No.291-J dated Peshawar 27th November 2018

2. Compilation and maintenance of data of criminal and Civil cases and provision of information regarding all daily/fortnightly/monthly and quarterly performance and inspection reports of the district judiciary and required by the Secretariat and High Court;
3. All matters relating to Process Serving Agency (Nazarat Branch);
4. All related matters of the establishment of Senior Civil Judge/Process Serving Agency including recruitment, posting, transfer, promotion, disciplinary actions, attendance, leave etc and preparation of SNEs for creation of new posts;
5. Stop-gap arrangements of Court staff (as per necessity);
6. Supervision of pay and allowances of the establishment of Senior Civil Judge and other allied matters as DDO in terms of Delegation of Financial Power Rules, 2018;
7. Preparation of budget including pay, TA bills of the establishment of Senior Civil Judge including Civil Judges and contingency;
8. All matters relating to the accounts of Civil Courts including revenue deposits, Sheriff Petty Accounts, Minor's Accounts etc and its regular transmission to the quarter concerned including documents preparation thereof;
9. Auction of properties where necessary;
10. Regular inspection of judicial buildings / residential buildings, their maintenance and repair, security and maintenance of their proper record in the relevant registers;
11. Stock taking of all movable assets and amenities of the Courts including handing and taking over of residential buildings on transfer of allottees;
12. Subject to general control of District & Sessions Judge, Supervision of record room, copying agency, library, judicial lockup, information Kiosk and automation of court record;
13. Supervision of cleanliness and sanitation of the courts and judicial colonies, greenery and beautification and commercial activities in the Courts premises;
14. General Administrative input under supervision of District & Sessions Judge particularly to liaise with the Judicial Officers, Khyber Pakhtunkhwa Judicial Academy, PJC, Bench and other departments;
15. Scheduling and arranging all monthly meeting including Criminal Justice Coordination Committee, Bench-Bar Liaison

- and Judicial Officers monthly meetings etc by taking requisite data and regular follow up of the decisions;
16. Head of Juvenile Justice Committee established under section 10 of the Juvenile Justice System Act, 2018;
 17. Arrangements of training for the Judicial Officers and staff at local level including workshops;
 18. Computerization of record and implementation of CFMIS;
 19. Subject to overall supervision of the District & Sessions Judge looking after the matters relating to the official transport;
 20. Mechanisms for the Incentive and Reward policy under the overall supervision of District & Sessions Judge;
 21. At the end of each month, ensure reconciliation of fines collected by the courts of Judicial Magistrates;
 22. To assist the District & Sessions Judge in supervision of the Oath Commissioners, Notary Public and Deed/Petition writers with particular reference to their working and fees etc;
 23. Channel of communication with the High Court and other Government departments;
 24. Maintenance of PERs and declaration of assets of staff;
 25. Maintenance of English files;
 26. Reporting loss and damage of the record through proper channel;
 27. Maintaining record of specimen signatures, addresses including contact number and Email of the Judicial Officers and staff.
 28. Maintain list of bail bonds / sureties and its updating on daily basis;
 29. Any other administrative task assigned by the District & Sessions Judge concerned;
 30. Judicial work as assigned by the District & Sessions Judge concerned.

Note:The District & Sessions Judge may, with the concurrence of High Court mutually transfer the two Senior Civil Judges not before one year of work at the same station

C.No. 1(f)(3-8)

VI. CIVIL JUDGE & JUDICIAL MAGISTRATE

1. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO]

2. Presiding Officer to decide that whether the summons is to be issued for final disposal or for settlement if issues. [Order 5, Rule 5 of CPC]
3. Signing of summons himself or authorization to Reader. [Rule 6, Ch 1-D of HRO, Vol –I of HRO].
4. Framing of issues [Rule 2, Ch 1-F, Vol-I of HRO].
5. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
6. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol –I of HRO].
7. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the proceeding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
8. Return of money.[Rule 17, Ch 8-D, Vol-II of HRO].
9. Reference case be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
10. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
11. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
12. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]
13. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
14. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
15. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
16. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
17. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
18. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
19. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]

20. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
21. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
22. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO]
23. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
24. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
25. Monthly reconciliation of all deposits in treasury. [GFR]
26. Table of Process Fee outside Court room [S-21, Court Fee Act]

C.No. 2(3-8)

CALENDAR OF JOB DESCRIPTIONS OF STAFF OF DISTRICT JUDICIARY

The jobs given in this calendar have been taken from different laws, instructions and settled practice. Effort has been made to give maximum references to relevant law. Apart from these descriptions of jobs there are many other functions and this list is not all inclusive. Nevertheless, an attempt is made to enlist most important of the jobs here.

I. SUPERINTENDENT COURT OF DISTRICT & SESSIONS JUDGE

1. Maintenance of character Rolls of all the staff of whom the District & Sessions Judge is the appointing authority [Ch 18-B, Vol-I of High Court Rules & Orders (HRO)].
2. Submission of blank form of Performance Evaluation Reports of the staff to concerned reporting officer. (Ch. 18-B, Vol-I of HRO)
3. Maintenance of Register of Security of Officials required to give security. [Ch 18-C, Vol-I of HRO].

4. To see that all appeals, complaints and petitions etc, received in the court are properly stamped with court fee [Rule 5, Ch1-B, Vol-I of HRO].
5. Comparison of copies of accounts under Order 7 Rule 17 CPC, in cases retained by the District Judge for disposal.
6. Signing of summons if authorized by District Judge [Rule 6, CH 1-D, Vol-I of HRO].
7. To examine the letters of request and commission [Rule 34, Ch 10-F, Vol-I of HRO].
8. Reception of memorandum of appeals [Rule 5, Ch 14-B, Vol-I of HRO].
9. Memo of appeal to be checked for purpose of limitation [Rule1&2, Ch 14-D, Vol-I of HRO].
10. To assist District and Sessions Judge in performing his duties as to petition writers.
11. Checking of Process Servers register of the Agency of District & Sessions Judge. [Rule 23, Ch 8-D, Vol-II of HRO].
12. Public Notice as to money transaction. [Rule 6(b), Ch-9-A, Vol-II of HRO].
13. Nazir accounts to be checked. [Rule 9, Ch-9-A, Vol-II of HRO].
14. Monthly checking of Register of processes. [Rule 18, Ch-8-D, Vol-II of HRO].
15. Accounts of process fee and costs of establishment to be maintained. [Rule 8, Ch-5-A, Vol-IV of HRO].
16. Incharge of library. [Rule 9, Ch-18, Vol-IV of HRO].
17. Budget Estimates as directed by Presiding Officer.
18. All correspondence pertaining to Court of District & Sessions Judge.

19. Review of monthly and annual statement both civil and criminal of all Courts.
20. Matters of establishment of District & Sessions Judge.
21. Checking and verification of copies issued by the Sessions courts.
22. Receipt of all the dak from other offices and marking to concerned officers.
23. Daily checking of copying accounts.
24. General Supervision of the work of staff.
25. Maintenance of stock register.

II. SENIOR SCALE STENOGRAPHER

1. Dictation of Judgments [Rule 7, Ch 11-A, Vol-I of HRO].
2. In camp carries clerical duties.

III. JUNIOR SCALE STENOGRAPHER

1. Dictation of Judgments [Rule 7, Ch 11-A, Vol-I of HRO].
2. In camp carries clerical duties.

IV. READER TO THE COURT OF DISTRICT/ADDITIONAL DISTRICT & SESSIONS JUDGE

1. Preparation of cause list of cases and exhibiting the same in the veranda of Court house one day before [Ch 1-A, Vol-I of HRO].
2. To see that all appeals, plaints and petitions etc received in the court are properly stamped with Court fee [Rule 5, Ch 1-B, Vol-I of HRO].
3. Comparison of copies of accounts under Order 7, Rule 17 CPC.
4. Giving Parcha Yadashat [Rule 13, Ch-1-C, Vol-I of HRO].

5. Signing of summons other than Court of District Judge, if authorized by the Presiding Officer. [Rule 6, Ch-1-D, Vol-I of HRO].
6. Giving information to the parties and witnesses of the next date in case of adjournment due to unexpected holiday or unexpected absence of Presiding Officer [Rule 4, Ch 1-K, Vol-I of HRO].
7. Recording note on warrant of attachment that all the formalities have been complied with [Rule 4, Ch-12-H, Vol-I of HRO].
8. Memo of appeal to be checked for purpose of limitation except court of District & Sessions Judge. [Rule 1&2, Ch 14-D, Vol-I of HRO].
9. Noting of number of case on application involving a deposit in the Sheriffs' Petty Account. [Rule 13, Ch 8-D, Vol-II of HRO].
10. Certificate to the effect that the subsistence allowance of all the servants of the state who appeared as witnesses in the case has been credited into the treasury under the relevant head. [Rule 50, Ch 8-D, Vol-II of HRO].
11. Certificates regarding diet money before consignment [Rule 29, Ch-8-D, Vol-II of HRO].
12. Records about service [Rule 3, Ch-7-B, Vol-IV of HRO].
13. To ensure that court room is locked.[Rule 10, Ch-18, Vol-IV of HRO].
14. Posting of correction slips in books.[Rule 14, Ch-18, Vol-IV of HRO].
15. Preparation of list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
16. Maintenance of registers of dates. (Part A-IV, Vol-VI & Part B-IV, Vol-VI of HRO)
17. Maintenance of register of return of documents. (Part A-IV, Vol-VI of HRO)

18. Maintenance of register of return of complaints. (Part A-IV, Vol-VI of HRO)
19. Maintenance of register of appointment of commission. (Part A-IV, Vol-VI of HRO)
20. Maintenance of register of Fine. (Part B-IV, Vol-VI of HRO)
21. Maintenance of stock register of Court other than that of District and Sessions Judge.
22. Maintenance of register of attendance.
23. Maintenance of register of general correspondence other than that of District and Sessions Judge.
24. Maintenance of management file other than court of District and Sessions Judge.
25. Maintenance of register of correspondence.
26. Maintenance of register of stamp deficiencies. (Part A-IV, Vol-VI of HRO)
27. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
28. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]

V. CLERK OF COURT TO THE COURT OF SENIOR CIVIL JUDGE

1. Maintenance of character Rolls of all the staff of whom the Senior Civil Judge is the appointing authority [Ch 18-B, Vol-I of HRO].
2. Submission of blank form of Performance Evaluation Reports of the staff to concerned reporting officer. [Ch 18-B, Vol-I of HRO]
3. Maintenance of Register of Security of Officials required to give security [Ch 18-C, Vol-I of HRO].

4. To see that all appeals (if any), plaints and petitions received in the court are properly stamped with court fee [Rule 5, Ch 1-B, Vol-I of HRO].
5. Comparison of copies of accounts under Order 7 Rule 17 CPC, in cases retained by the Senior Civil Judge for disposal.
6. Memo of appeal to be checked for purpose of limitation [Rule1&2, Ch 14-D, Vol-I of HRO].
7. Public Notice as to money transaction. [Rule 6(b), Ch-9-A, Vol-II of HRO].
8. Monthly checking of Register of processes. [Rule 18, Ch-8-D, Vol-II of HRO].
9. Monthly checking of Process Servers' Note Book. [Rule 23, Ch-8-D, Vol-II of HRO].
10. Incharge of library. [Rule 9, Ch-18, Vol-IV of HRO].
11. Maintenance of stock register
12. Maintenance of register of general correspondence.
13. Maintenance of management file.

VI. ACCOUNTANT/NAZIR

1. Budget Estimates as directed by Presiding Officer.
2. Signatures of all the Presiding Officers to be kept. [Rule 1, Ch-9-B, Vol-III of HRO].
3. Preparation of Pay & TA Bills of Judges and Establishment.
4. Preparation of contingent bills.
5. Correspondence connected with financial matters
6. Control over office contingency.

7. Preparation of progressive statement of expenditure.
8. Signatures of all the Presiding Officers (District and Sessions Judge and Additional District and Sessions Judges) to be kept [Rule 1, Ch-9-B, Vol-III of HRO].
9. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
10. Monthly reconciliation of all deposits in treasury. [GFR]

VII. CIVIL NAZIR

1. Service of process of attachment of immovable property by himself or through his subordinate [Rule 3, Ch 12-H of HRO, Vol-I].
2. Jewels and portable property brought to the Court to be placed in cash chest. [Rule 2, Ch 12-K, Vol-I of HRO].
3. Civil Courts Deposit Account. [Ch 10, Vol-II of HRO]
4. Sheriffs' Petty Account. [Ch 9, Vol-II of HRO]
5. Deposit of cash of Sheriffs' Petty daily and monthly. [Rule 2, Ch-8-D, Vol-II of HRO].
6. Register of Receipt, Cash Book etc. [Ch-8-D, Vol-II of HRO].
7. Submission of report as to the members of establishment. [Rule 11, Ch-8-D, Vol-II of HRO].
8. Distribution of processes. [Rule 11, Ch-8-D, Vol-II of HRO].
9. To see that prescribed accounts are properly maintained. [Rule 11, Ch-8-D, Vol-II of HRO].
10. To prepare correspondence regarding the payment of diet money of witnesses and other similar matters. [Rule 11, Ch-8-D, Vol-II of HRO].
11. How deposit in Sheriffs' Petty account to be received. [Section-III, Ch-8-D, Vol-II of HRO].

12. How service of process of outside district to be dealt with. [Section-III, Ch-8-D, Vol-II of HRO].
13. Transmission of process and money between Agencies. [Section-V, Ch-8-D, Vol-II of HRO].
14. How deposit is Sheriffs' Petty claimed by LR's of deceased to be dealt with. [Rule 30, Ch-8-D, Vol-II of HRO].
15. Payment Order of Sheriffs' Petty to lapse after one month how revalidated. [Rule 31, Ch-8-D, Vol-II of HRO].
16. Lapsed deposit of Sheriffs' Petty how to be dealt with. [Section-XI, Ch-8-D, Vol-II of HRO].
17. Monthly verification of Accounts of Sheriff's Petty to be done. [Section X, Ch-8-D, Vol-II of HRO].
18. Diet Money of State Servants appearing as witnesses, how to be dealt with. [Rule 50, Ch-8-D, Vol-II of HRO].
19. Particulars of warrant to be entrusted in Bailiff's Note Book. [Rule 4, Ch-8-E, Vol-II of HRO].
20. Civil Court deposit, how to deal (voucher system). [Section-C, Ch-8-E, Vol-II of HRO].
21. Table of fee chargeable on processes should be exhibited in each court. [Rule 1, Ch-5-A, Vol-IV of HRO].
22. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
23. Account of process fee and costs of establishment to be maintained. [Rule 8, Ch-5-A, Vol-IV of HRO].
24. Register of process servers with remarks column to be maintained. [Rule 5, Ch-6-A, Vol-IV of HRO].

25. Distribution of business amongst process servers. [Rule 9, Ch-6-A, Vol-IV of HRO].
26. Stocking of Forms. [Rule 8, Ch-25-A, Vol-IV of HRO].
27. Budget Estimates. [As directed by PO].
28. Signatures of all the Presiding Officers to be kept. [Rule 1, Ch-9-B, Vol-III of HRO].
29. Maintenance of stock register.
30. Monthly reconciliation of all deposits in treasury. [GFR]

VIII. K.P.O/COMPUTER OPERATOR

1. Judgment writing.
2. Automated cause list.
3. Periodical statements.
4. Other computer related job.

IX. READER TO THE COURT OF SENIOR/CIVIL JUDGE/JUDICIAL MAGISTRATE

1. Preparation of cause list of cases and exhibiting the same in the veranda of Court house one day before [Ch 1-A, Vol-I of HRO].
2. To see that all appeals (if any), complaints and petitions etc received in the court are properly stamped with Court fee [Rule 5, Ch 1-B, Vol-I of HRO].
3. Comparison of copies of accounts under Order 7, Rule 17 CPC.
4. Giving Parcha Yadashat [Rule 13, Ch-1-C, Vol-I of HRO].
5. Signing of summons other than Court of District Judge, if authorized by the Presiding Officer. [Rule 6, Ch-1-D, Vol-I of HRO].
6. Giving information to the parties and witnesses of the next date in case of adjournment due to unexpected holiday or unexpected absence of Presiding Officer [Rule 4, Ch 1-K, Vol-I of HRO].
7. Noting of number of case on application involving a deposit in the Sheriffs' Petty Account. [Rule 13, Ch 8-D, Vol-II of HRO].
8. Certificate to the effect that the subsistence allowance of all the servants of the state who appeared as witnesses in the case has been credited into the treasury under the relevant head. [Rule 50, Ch 8-D, Vol-II of HRO].

9. Information to Nazir regarding statement of state witnesses. [Rule 50, Ch-8-D, Vol-II of HRO].
10. Reader's Note about service. [Rule 3, Ch-7-B, Vol-IV of HRO].
11. Index of files. [Part-II of Ch-16-A, Vol-IV of HRO].
12. In charge of library. [Rule 9, Ch-18, Vol-IV of HRO].
13. To ensure that court room is locked. [Rule 10, Ch-18, Vol-IV of HRO].
14. Posting of correction slips in books. [Rule 14, Ch-18, Vol-IV of HRO].
15. Preparation of list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
16. Maintenance of registers of dates (Part A-IV, Vol-VI of HRO)
17. Maintenance of register of return of documents. (Part A-IV, Vol-VI of HRO)
18. Maintenance of register of return of complaints. (Part A-IV, Vol-VI of HRO)
19. Maintenance of register of appointment of commission. (Part A-IV, Vol-VI of HRO)
20. Maintenance of register of Fine. (Part B-IV, Vol-VI of HRO)
21. Maintenance of stock registers of Court other than that of Senior Civil Judge.
22. Maintenance of register of attendance
23. Maintenance of Register of General Correspondence other than that of Senior Civil Judge.
24. Maintenance of Management file other than that of Senior Civil Judge.
25. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
26. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]

X. RECORD KEEPER

1. Record Keeper to ensure that certificate of reader regarding diet money is attached with file. [Rule 29, Ch-8-D, Vol-II of HRO].
2. Checking of record by the Record Keeper. [Rule 6, Ch-16-A, Vol-IV of HRO].
3. How to hand over judicial record to successor on transfer or leave. [Ch-16-D, Vol-IV of HRO].
4. To check list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
5. Checking of record received from the High Court. [Rule 6, Ch-20, Vol-IV of HRO].

6. Transmission of record of High Court. [Rule 7, 8 & 9, ch-20, Vol-IV of HRO].
7. To maintain a register C.D.8 for receipt of application and judicial files for copying purpose.
8. The reason for delay in handing over record to copying agency be given daily on the application for copies.
9. If it is not possible or desirable to hand over file then only the copy of concerned document be given to file fetcher and receipt taken in this respect.
10. To maintain a running list of all the cases in which copies of judgment have been sent out. [Rule 5, CH 14-E, Vol-I of HRO].
11. To direct & supervise all the current business of receiving and issuing records (CH-19 District Office Manual Punjab).
12. Receiving, examining, registering, placing, issuing and restoring files.
13. To perform all functions as catered in District Office Manual Punjab Chapter 9.
14. Some important task under District Office Manual Punjab Chapter 9 are as under.
 - a. Entry of all civil & criminal files in the registers and goshwara.
 - b. Necessary alteration in the index on receipt of the appellate or other paper regarding the period of retention.
 - c. Attachment of appeal, review, revision and execution files to the original file.
 - d. To separate "A" files from "B" files by the record rooms officials.
 - e. Arrangement of file by Muaziat or Khuliat.
 - f. Memorandum (Form R-16) to put in the bastas of the village.
 - g. To see whether proper Court fee have been realized.
 - h. To see whether stamp affixed to documents etc are genuine.
 - i. To see whether figure head of stamp has been punched by Court officials.
 - j. To punch second or third hole in the stamps.
 - k. To see whether form R-9 signed by Muharrir on receipt of files.
 - l. To see whether files are requisitioned by courts on form R-8.
 - m. Days to be fixed for receipt of files from each Muharrir.
 - n. To place the requisition slip (R-8) in the bundle in place of the files issued from the record room.

- o.* To send on the second day of the first month of each quarter a list in Form (R-10) of the files to Muharrir for verification.
- p.* To see whether files are sent by courts within 10 days or a week and beyond that Form (R-18) is sent by the Court.
- q.* To maintain register in Form (R-12).

XI. ENGLISH CLERK

- 1. In charge of library [Rule 9, Ch-18-Vol-IV of HRO].
- 2. Work of stationary.
- 3. Issue & receipt of concerned dak.
- 4. Prepares all correspondence and notes of the superintendent.
- 5. Prepares all indents.
- 6. Annual returns of petition writers
- 7. Maintenance of register of correspondence.
- 8. Maintenance of management file.

XII. VERNACULAR CLERK

- 1. Issued & Receipt of vernacular business (Ch 19-B, Vol-IV of HRO).

XIII. COPYING SUPERVISOR

- 1. To maintain stock of receipt book in form CD-10.
- 2. To keep account of receipts and issues in form CD-12.
- 3. To maintain the counter foil of receipts, issues and payment orders.
- 4. To maintain register in form CD-6 for payments received by money order or through V.P.P.
- 5. Conversion of money received through money order or V.P.P into Court fee stamp affixing the same on application and canceling the Court fee stamps.
- 6. The money order and V.P.P coupons to be pasted in a separate guard file.
- 7. He is to approve the duty list of copying agent.
- 8. Immediate In charge of internal organization.
- 9. To witness all refunds.
- 10. Receive cash payment for the purpose of converting them into Court fee stamp.
- 11. Report all complaints to the officer In charge and cases of dereliction of duty of staff members.
- 12. Examine the register weekly, deal with delays.

13. Secretary of the Copying Agency Committee.
14. Maintenance of register in Form C-D-4.

XIV. COPYING AGENT

1. Responsible for maintenance of accounts.
2. Sanctioning of application for copies.
3. Reject or accept the application for copies.
4. Endorsement of date and time on application.
5. Initial the endorsement.
6. In case of doubt he is to obtain orders of the officer In charge.
7. Grant receipt in the prescribed form CD-10
8. Cause the application to be entered in register CD-2 and S.No. of register be given in red ink on the reverse of application.
9. Cause the application to be made over to the file fetcher for bringing the record.
10. He shall be responsible that no file is taken out of copying room by anyone.
11. That copyists and file fetcher are supplied with locks and keys.
12. To prepare the duty list of his staff.
13. To ensure that public has no access to the copyists or the copying room.
14. To maintain service books and leave account for all the members of agency.
15. He is responsible for regular and proper delivery of copies.
16. He is to ensure that no record is sent to the tehsil or outlying Court for supplying copies.
17. Cause of delay in delivery of copy beyond third day is to be written.
18. Recovery of outstanding fee.
19. Endorsement of date of delivery and of cancellation of stamps.
20. Maintain a register in form CD-11.
21. Assistant Secretary of Copying Agency Committee.
22. Keep income account in form CD-3.
23. Monthly to submit report in cases in which fee is to be realized.

XV. COPYIST

1. To keep all the file under lock and key which are in his possession.
2. To maintain a register in Form CD-8.
3. Procedure to be followed in making copies [See Rule 1.22 to 1.29 of R.C No. 45]
4. To maintain daily record of outturn in register CD-5.

XVI. FILE FETCHER

1. Maintenance of register Form CD-7 of application made over to record room and Court staff.
2. Maintenance of register in Form CD-8 for acknowledgement of receipts of application and judicial files. To be kept under lock and key.
3. In case of urgent application, he is to endeavour to receive record.
4. To keep all the record and files in lock which are in his possession.

XVII. TRANSLATOR

1. Copying the translation.
2. Make a translation.
3. Entries of translation to be made in register CD-2 & CD-3.

XVIII. COPYING AGENCY CLERK

1. Maintenance of regular accounts in various registers prescribed under rules.

XIX. EXAMINER

1. Revision of copies.
2. Examine the copies.
3. Certify the copies.
4. Stamp the copies.
5. Page the copies
6. Endorsement on the copies.
7. Cancellation of defective copies.
8. Submission of report against the copyist for his carelessness.
9. Verification of delay in preparation of copy.
10. To see that Court fee stamps affixed are punched, cancelled and initiated.
11. To see that all provision of law and rules have been complied with.
12. At least every attestation made in such copy by initialing the same.
13. Make an entry in register CD-5 as to the outturn of the copyist.
14. Cause of delay in delivery of copy beyond third day is to be written.
15. To submit report about the carelessness of copyist.
16. Can supply unattested copies in case of documents mentioned in item No. 9 of schedule 'A' of RC-45.

17. Attest the translated copies.
18. Entries of translation to be made in register CD-2 & CD-3.

XX. MUHARIR

1. Diary of process fee to be maintained. [Rule 10, ch-5-A, Vol-IV of HRO].
2. Separate Index to each part of file. [Part-II of Ch-16-A, Vol-IV of HRO].
3. Goshwara Number to be entered in the court register. [Rule 5-A (iii), Ch-16-A, Vol-IV of HRO].
4. How to hand over judicial record to successor on transfer or leave. [Ch-16-D, Vol-IV of HRO].
5. Checking of judicial record received. [Rule 6, Ch-19, Vol-IV of HRO].
6. Checking of record received from the High Court. [Rule 6, Ch-20, Vol-IV of HRO].
7. Transmission of record of High Court. [Rule 7, 8 & 9, Ch-20, Vol-IV of HRO].
8. Custody of registers. [Rule 8, Ch-24, Vol-IV of HRO].
9. Consigning of registers to record room. [Rule 9, Ch-24, Vol-IV of HRO].
10. Periodical statements and returns. [Ch-20, Vol-IV as directed by PO].
11. Maintenance of all relevant Civil & Criminal Registers except those maintained by Reader of court, Civil Nazir, Record Keeper etc. [Vol-VI of HRO]
12. Receiving and dispatching all files to and from other courts.
13. Consigning of decided cases to Record Room.
14. Maintenance of register of application for inspection of files.
15. Punching of stamps coming to the files.
16. To maintain a register CD-8 for receipt of applications and judicial files for copying purpose.
17. The reason of delay in handing over record to copying agency be given daily on the application for copies.
18. If it is not possible or desirable to hand over the whole file then only the copy of concerned document be given to file fetcher and receipt taken in this respect.
19. Compilation of files as contained in Rule-9.6 of District Office Manual Punjab and HRO in three series.

XXI. NAIB NAZIR

1. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
2. Custody of registers. [Rule 8, Ch-24, Vol-IV of HRO].
3. Consigning of registers to record room. [Rule 9, Ch-24, Vol-IV of HRO].
4. How to deal with road and diet money in outlying court. [Rule (4) (a), Ch-9-B, Vol-IV of HRO].

XXII. DRIVER

1. Driving of official vehicle.
2. Responsible for maintenance, care and repair of vehicle.
3. Maintenance of log book.
4. Deposit change parts in store.

XXIII. DAFTARI

1. Dispatching all the dak.
2. Looks after the articles of stationery required by Judge.

XXIV. RECORD LIFTER

1. Provides assistance in arrangement of libraries.
2. Provides assistance in keeping, distributing and arranging stationary.
3. Preparing daily bundles of files ready for consignment.
4. Keeping bundles on proper place.

XXV. BAILIFF

1. Bailiff Note Book and its checking. [Rule 3, Ch-8-E, Vol-II of HRO].
2. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
3. Warrant of arrest. [Rule 11, Ch-7-B, Vol-IV of HRO].
4. Warrant of attachment. [Rule 11, Ch-7-B, Vol-IV of HRO].
5. Warrant of delivery of process. [Rule 11, Ch-7-B, Vol-IV of HRO].

XXVI. PROCESS SERVER

1. Payment of diet money to witness. [Rule 21, Ch-8-D, Vol-II of HRO].

2. Procedure when processes are returned served or unserved. [Rule 22 & 23, Ch-8-D, Vol-II of HRO].
3. Service of summons.
4. Service of warrant of attachment, arrest and sale only in certain circumstances. [Rule 11, Ch-7-B, Vol-IV of HRO].

XXVII. CHOWKIDAR

Duty of watching building & record of the courts.

XXVIII. NAIB QASID

1. Placing of petition box in the veranda of Court. [Rule 7, CH-1-B, Vol-I of HRO].
2. Dusting of court room and library. [Rule 11, Ch-8, Vol-IV of HRO].

XXIX. SWEEPER

Sweeping the court premises

XXX. MALI

Gardening

XXXI. Water Carrier

Water fetching

SECTION-IX

TRANSFER & POSTING RELATED INSTRUCTIONS

C.No. 1(3-9)

TRANSFER AND POSTING POLICY NOTIFICATION

Dated Peshawar, the 13th March, 2017

No. 69-J The Competent Authority has been pleased to amend the transfer and posting policy as under: -

ZONES:

For the purpose of transfer and posting, the province of the Khyber Pakhtunkhwa is divided into the following five Zones:

Zone-I	Charsadda, Mardan, Nowshera, Peshawar and Swabi
Zone-II (Hard area)	Battagram, Buner, Chitral, Dir Upper, Kohistan, Shangla, Tank, Hangu and Tor Ghar
Zone-III	Bannu, DI Khan, Lakki Marwat, Kohat & Karak
Zone-IV	Abbottabad, Haripur and Mansehra
Zone-V	Dir Lower, Malakand at Batkheal and Swat

TENURE:

- I. Tenure of stay in Zones I, III, IV and V shall be three years
- II. Tenure of stay in Zone-II (hard area) shall be two years.
- III. Tenure for an ex-cadre judicial post shall be two three years.
- IV. Tenure of an ex-cadre non-judicial posts shall be two years.

ROTATION:

- I. After having served in Zone-I, or at ex-cadre post, or upon return from study leave, (including abroad for a period of more than six months), the judicial officer(s) shall be posted to Zone-II (hard area for a tenure as fixed above.
- II. After having served in Zone-II (hard area), the judicial officer (s) shall be posted in Zone-III thereafter in zone IV, further thereafter,

to zone-V, and further followed by a posting to Zone-I. The rotation shall thus continue.

TRANSFER & POSTING TIME:

Routine transfers and postings shall be made in the months of March and September only. However, the Chief Justice in consultation with the Administration Committee may order transfer and posting where it is deemed appropriate owing to some unforeseen reason(s).

SPOUSES:

Transfer and posting of spouses to one station shall be considered in the public interest.

RETIREMENT:

Transfer and posting of judicial officer(s) due to retire within one, many, on his/her their options, be posted to a District near to the home District, till retirement.

HEALTH ISSUE(S):

Transfer and posting of judicial officer(s) having serious health issues(s) to himself/herself and/or to family members(s), requiring specific medical treatment, will be considered with due regard to such health issues. For this purpose, such a judicial officer has to inform the Registrar in writing with sufficient documentary proof. The Registrar shall verify the information. The Administration Committee shall on a case-to-case basis, decide the gravity of the health issue that may be assessed as serious enough to be considered for the purpose of transfer and posting.

EX-CADRE POSTING:

Transfer and posting to an ex-cadre position shall be on one time basis. Posting to an ex-cadre post shall be on the basis of Performance Evaluation Report.

REPRESENTATION:

A transfer and posting order passed by the Administration shall be initially a proposal, against which a judicial officer may file a representation within three days. After the decision on the representation, the Administration Committee shall pass a final order.

C.No. 2(3-9)

**CORRIGENDUM IN TRANSFER & POSTING POLICY
PESHAWAR HIGH COURT, PESHAWAR
CORRIGENDUM**

Dated Peshawar the 7th April, 2017

No. 78-J In partial modification of this Court's Notification No. 69-J, dated: 13.03.2017, the Competent Authority has been pleased to order that the posting tenure of the judicial officers may be read as follows:

TENURE:

- I. Tenure of stay in Zones I, III, IV and V shall be up to three years.
- II. Tenure of stay in Zone-II (hard area) shall be up to two years.
- III. Tenure for an ex-cadre judicial post shall be up to three years.
- IV. Tenure for an ex-cadre non-judicial posts shall be up to two years.

C.No. 3(3-9)

INSTRUCTIONS REGARDING TRANSFER OF JUDICIAL OFFICERS

I have been directed to inform you that transfer is an incident of service and is always ordered in the interest of the officers and the public in general. It has been noticed that Judicial Officers try to approach this Court for their transfer prematurely, which is not approved-rather it is deprecated.

The Officers are, therefore, directed to avoid approaching this Court for their transfers through indirect means. Entries to this effect shall be made in the ACRs of the officers disobeying these orders.

(PHC letter No. 9881-9950/ Admn: Brh: Dated Peshawar the 14th
September, 1982)

C.No. 4(3-9)

**PARTIES TO GOVERNMENT SERVANTS ON RETIREMENT,
TRANSFERS AND TOURS**

I am directed to address you on the subject and to say that on the eve of recent general postings and transfers of Judicial Officers it has been come in the notice of this High Court through press and otherwise that some Judicial Officers accepted individual and collective tea/dinner and lunch

parties from Members of the bar and private persons on event of their transfers to other districts. In some districts the Superintendents of Police and Jail also acted as hosts in arranging the parties in which police shield etc were given to Judicial Officers. This sort of acceptance of farewell parties amounts to misconduct under the N.W.F.P., Government Servants (Efficiency and Discipline) Rules, 1973 liable to disciplinary action. It further amounts to demonstration and ostentation which both do not suit the status and position of a Judge and Presiding Officers of Courts. The best appreciation for Judicial Officers is honest, fair and prompt disposal of judicial matters. In this respect I am also to inform that acceptance of public parties and functions by the Government Servants on the eve of their transfer, retirement and tour are not allowed as per the Government instruction contained in letters No. S(R) 225/1-5/67 SOXIII dated 01.02.1967 and No. S(R)-830/1-5/69-SOXIII, dated 27.03.1969 copies of which have already been sent to you. However, fresh copies of the same are enclosed with this communication for your guidance.

2. I am also directed to draw your attention to the subject titled “Ziafat may Shirkat” at page 66 of the Book “Islami Nizam-e-Adalat” by Dr. Tanzilur Rehman, which is reproduced in original as follows:-

”تاضی کو عام دعوت قبول کرنا جائز ہے کیونکہ رسول ﷺ نے فرمایا ”من لم یجب الدعوة فقد نهى بالقاسم“ یعنی جس شخص نے دعوت قبول نہ کی اس نے بالقاسم (محمد صلی اللہ علیہ والہ وسلم) کی نافرمانی کی۔ البتہ تاضی کو ایسی دعوت قبول کرنا جائز نہیں ہے جو اس کی ذات کیلئے کی گئی ہو، کیونکہ ایسا کرنے سے تاضی پر طرفداری کی تہمت لگائی جاسکتی ہے البتہ اس شخص کی خاص دعوت میں جانا تاضی کو جائز ہے جو تاضی کے تاضی بننے سے پہلے بھی اسکی دعوت کرتا رہا ہو۔ اسی طرح تاضی کو عزیمت و اتار ب کی مخصوص دعوت بھی قبول کر لینی چاہیے تاضی کو کسی فریق مقدمہ کی دعوت نہ کرنا چاہیے کیونکہ ایسا کرنے سے رسول کریم ﷺ نے منع فرمایا ہے اور نہ انکی دعوت میں شرکت کرنی چاہیے“

The perusal of the aforesaid provisions indicates that participation of Qazis (Presiding Officers of Courts) in feast/ public functions / parties are not allowed under the ‘Islamic Fiqa’. It is first and foremost duty of every Judicial Officer to ensure that Justice is not only done but is also seen to be done without any fear and favour. A Judge has to act as a Judge and impartially.

3. In view of the above, I am directed to request that in future all possible ostentatious acts in accepting farewell parties on the eve of transfers etc shall be avoided. The Hon’ble Chief Justice and Judges of this Court further desire that these instructions would be adhered in letter and spirit in future.

(PHC letter No. 4351-4420 Dated: 13th May 1986)

C.No. 5(3-9)

APPROACH TO THE AUTHORITY FOR TRANSFER & POSTING

I am directed to refer to this Court's earlier correspondence on the subject noted above and to say that all postings & transfers are made in public interest and in the interest of Institution. They are never motivated. However, it has been noticed that Judicial Officers approach the 'Authority', either directly or indirectly making request for their transfer and postings. This practice besides being uncalled for also militates against the service discipline and makes the delinquent Judicial Officer liable to disciplinary action on account of misconduct. Therefore, all the Judicial Officers are warned to desist from such practice in future.

However, if a Judicial Officer has some genuine personal reasons / unavoidable circumstances, he may approach the undersigned for redressal of his problems / difficulties by the Hon'ble Chief Justice.

You are, therefore, directed to circulate the above instructions amongst all the Judicial Officers in your district for strict compliance and forward acknowledgement obtained from them to this Court at the earliest.

(PHC letter No.14722-14746/Admn Dated Peshawar, 16th October, 2008)

C.No. 6(3-9)

APPROACH TO HON'BLE CHIEF JUSTICE FOR TRANSFERS

I am directed to refer to the instructions/directives already issued on the subject by this Court from time to time, and to say that approaching the Hon'ble Chief Justice or any Higher Authority for posting/transfer is misconduct and against service discipline which may entail the initiation of disciplinary action against the delinquents.

All the Judicial Officers are, therefore, once again asked to desist from using influence in this regard. The Hon'ble Chief Justice has, however, been pleased to direct that in case of any genuine grievance, the Judicial Officers can seek interview this his lordship through his Secretary.

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

(PHC letter No. 14294-317/Admn: Dated 08th December, 2011)

C.No. 7(3-9)

CHARGE OF OFFICE

I am directed to refer to the subject noted above and to say that it has been noticed that the judicial officers and other Court officials do not adhere to the relevant rules concerning charge of office as contained in Appendix-3, Part-II (a) to the Fundamental Rules and Supplementary Rules, Volume-I and II. The relevant Rules, inter alia, require both the relieving and relived Government Servants to be present at the time of making over charge of an office.

The following matters must be taken into consideration by each judicial officer and official, hereinafter referred to as “person” while making over the charge of an office besides others;

1. If the relieved person is in charge of certain accounts or cash, it must be accounted for to the relieving person.
2. If the relived person is in the charge of some confidential documents, it must be handed over to the relieving person with details.
3. If the relieved person is having some inquiries pending under Disciplinary Rules, those must be handed over with details to the relieving person.
4. If the relieved person is having some keys of safe, chest etc, those must be handed over to the relieving person.
5. All the important directives of the higher authorities including judgments of Superior Courts specially circulated for compliance must be brought into the notice of the relieving person by the relieved person particularly matters regarding jurisdiction of the Courts and fiscal matters.
6. All the confidential files must be handed over to the relieving person by the relived person.
7. If the relieved person is in custody of original impounded documents, those must be handed over to the relieving person. If there are some unsigned / unwritten judgments, those must be brought into the notice of relieving person by the relieved person.
8. If the relieved person is in custody of original statements recorded u/s 364 Cr.P.C no yet sent with the challan to the

concerned Magistrate, those must be handed over to the relieving person.

9. In case the relieved person is in custody of any files, registers or books etc, then the same should be handed over to the relieving person with all possible details.
10. An inventory of all assets of Court/Office must be prepared and signed by both the relieving and relieved person.
11. In case no successor is appointed in place of transferee judicial officer, the charge should be handed over to the successor Court as determined by the District & Sessions Judge under the Law (C.No.16 (4-10) of Page 452 of Judicial Estacode, 2011).

I am further directed to say that these instructions may be circulated amongst all the officers/officials under your control.

(PHC letter No.17017-61/Admn Dated 27th December 2011)

SECTION-X JOINING INSTRUCTIONS

C.No. 1(3-10)

APPLICABILITY OF FR & SR TO CIVIL SERVANTS

Article 241 of the Constitution of Islamic Republic of Pakistan: Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government

Section 26(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973: Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

C.No. 2(3-10)

RELEVANT PROVISIONS OF FR & SR

Definition of Joining Time [F.R 9(10)].-- Joining time means the time allowed to a government Servant in which to join a new post or to travel to or from a station to which he is posted.

Admissibility of Joining Time [F.R 105].-- Joining time may be granted to a government Servant to enable him:-

- (a) to join a new post to which he is appointed while on duty in his old post; or
- (b) to join a new post
 - (i) on return from leave on average pay of not more than four months' duration, or
 - (ii) when he has not sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or

- (c) to travel from the port of debarkation (or, in the case of arrival by aircraft, from its first regular port in Pakistan and organize his domestic establishments when he returns from leave out of Pakistan or more than four months' duration; or
- (d) (i) to proceed from a specified station to join a post at a place in a remote locality which is not easy of access;
- (ii) to proceed on relinquishing charge of a post at a place in a remote locality which is not easy of access to a specified station.

F.R 106.-- A local government may make rules regulating the joining time admissible in each of the cases mentioned in Rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

RULES FRAMED UNDER FR 106

S.R 293 (General Rules).—Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S.R 294.—the joining time of a government servant in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of thirty days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:

- (a) A Government servant is allowed –

For the portion of journey which he travels or might travel	One day for each
By railway	250 miles or any longer
By Ocean Steamer	200 miles
By river steamer	80 miles
By motor-car or horse-drawn conveyance	80 miles
plying for public hire	
In any other way	15 miles

- (b) A day is allowed for any fractional portion of any distance prescribed in clause (a).
- (c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidable spent in awaiting the departure of the steamer.
- (d) Travel by road not exceeding five miles to or from a railway station or steamer ghat¹ at the beginning or end of a journey does not count for joining time.
- (e) A Government servant whose pay does not exceed Rs.100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.
- (f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

Exception-I.—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

S.R 294-A.—not relevant to Judicial Officers

S.R 294-B.—not relevant to Judicial Officers

S.R 295.— When a Government servant returning from leave out of Pakistan exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air, from the day following that on which the aircraft in which he returns arrives at his first regular port in Pakistan and be calculated from such port; provided that it shall, if he so desires, be subject to minimum of ten days.

S.R 296. — By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travelers ordinarily use.

¹ In South Asia flight of steps leading down to river

S.R 297.— If a Government servant is authorized to make over charge of a post elsewhere than at its headquarter his joining time shall be calculated from the place at which he makes over charge.

S.R 298.— If a Government servant is appointed to a new post while in transit from one post to another his joining time begins on the days following that on which he receives the order of appointment.

S.R 299.— If a government servant takes leave while in transit from one post to another the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case, the period may be treated as joining time.

S.R 300.— If a government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever will entitled him to the less joining time.

S.R 301.— Except in the case of joining time admissible under rule 294-A, a competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

S.R 302.— Except in the case of joining time admissible under rule 294-A, within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a government servant a longer period of joining time than is admissible under the rules in the following circumstances:

- (a) when the government servant has been unable to use the ordinary mode of travelling or notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or
- (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or
- (c) when the rules have in any particular case operated harshly; as for example, when a government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S.R 302-A.— when a Government servant under the administrative control of the President is transferred to the control of a Government which has made

rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return of journey will be governed by those rules.

C.No. 3(3-10)

COMBINATION OF HOLIDAYS WITH LEAVE AND JOINING TIME.

F.R 68.—Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of Pakistan, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in Pakistan a local government may, however, make rules defining the circumstances in, and the conditions, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

RULES MADE UNDER F.R 68

S.R 209.—When the day immediately preceding the day on which a Government servant's leave beings or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the government servant may leave his station at the close of the day before or return to it on the day following, such holiday or series of holidays' provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the government servant who was performing his duties during his absence or in the discharge from government service of a person temporarily appointed to it.

S.R 210.—On condition that the departing government servant remains responsible for the money in his charge , a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case.

S.R 211.—Unless the competent authority in any case otherwise direct –

- (a) if holiday are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

SECTION-XI**CONDUCT AND DISCIPLINE – STATUTORY PROVISIONS**
C.No. 1(3-11)**STATUTORY PROVISION REGARDING CONDUCT**

Section.15 OF ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973.
Conduct -The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

C.No. 2(3-11)**THE ²[KHYBER PAKHTUNKHWA] GOVERNMENT SERVANTS (CONDUCT) RULES, 1987.**

1. **Short title and commencement.** (1) These rules may be called the ³[Khyber Pakhtunkhwa] Government Servants (Conduct) Rules, 1987.

(2). They shall come into force at once.

2. **Extent of application;-** These rules apply to every person, whether on duty or on leave within or without the ⁴[Khyber Pakhtunkhwa] serving in connection with the affairs of the ⁵[Khyber Pakhtunkhwa], including the employees of the Provincial Government deputed to serve under the Federal Government or with a statutory Corporation or with a non-Government employer, but excluding:-

- (a) members of an All-Pakistan Service serving in connection with the affairs of the Province;
- (b) employees of the Federal Government or other authority deputed temporarily to serve under the Provincial Government; and
- (c) holders of such posts in connection with the affairs of the Province of ⁶[Khyber Pakhtunkhwa] as the Provincial

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁶ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Government may, by a notification in the official Gazette, specify in this behalf.

3. **Definitions:** - (1). In these rules, unless there is anything repugnant in the subject or context;

- (a) “Government” or “Provincial Government” means the Government of the ¹[Khyber Pakhtunkhwa];
- (b) “Government Servant” means a person to whom these rules apply;
- (c) “member of a Government Servant’s family” includes:-
 - (i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and
 - (ii) any other relative of the Government servant or his wife when residing with and wholly dependent upon him; but does not include a wife legally separated from the Government servant or a child or step-child who is no longer in anyway dependent upon him, of whose custody the Government servant has been deprived by law;
- (d). “Province” means the ²[Khyber Pakhtunkhwa].

(2). Reference to a wife in clause (c) of sub-rule (i) shall be construed as reference to the husband where the Government servant is a woman.

4. **Repeal:** - The West Pakistan Government Servants (Conduct) Rules, 1966, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

³ [4A No Government Servant shall-

- (a). accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Inserted by Notification No. SOR.II(S&GAD)5(2)/79(C), dated 27.1.1997

reward such as is mentioned in section 161 of the Pakistan Penal Code; or

- (b) do or forbear to do any official act or show or forbear to show, in the exercise of his official functions, favour or disfavour to any person or render or attempt to render any service or disservice to any person, in violation or contravention of any provision of any law for the time being in force, or of rules made under Article 119 or 139 of the Constitution of the Islamic Republic of Pakistan, or the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 or any other law for the time being in force, including the ²[Khyber Pakhtunkhwa] Government Rules of Business, 1985 in a manner which may appear to facilitate acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself or for any other person any gratification, whatsoever, other than the legal remuneration, as a motive or reward; or
- (c) accept or obtain or agree to accept or attempt to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be likely to be, concerned in any proceedings or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any Government servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- (d) misappropriate, dishonestly or fraudulently, or otherwise convert for his own use or for the use of any other person any property entrusted to him or under his control as a Government servant or willfully allow any other person to do so; or
- (e). obtain, by corrupt, dishonest, improper or illegal means, or seek for himself or for any other person, any property, valuable thing, pecuniary advantage or undue favour; or
- (f) possess, directly or through his dependents or benamidars, any movable or immovable property or pecuniary resources, disproportionate to his known sources of income, which he cannot reasonably account for];

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- ¹ [(g) attend such functions and meetings in which Islamic moral values are not regarded or which are in violation of such values like functions of music and dancing by women etc.]

5 **Gift:** - (1). Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of Government, accept or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without causing undue offence, it may be accepted and delivered to Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of Government thereon shall be final.

(3). If any gift is offered by the head of representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without offending the donor. If, however, he cannot do so, he shall accept the gift and shall report its receipt to Government for orders as to its disposal.

(4). Government servants are prohibited from receiving gift of any kind for their persons or for members of their families from diplomats, consulars and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the S & GAD.

(5). Government servants, except those drawing pay in basic pay scale 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, if it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account.

(6). A Government servant may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Government of comparable or high level;

Provided that the value of the gift in each case does not exceed one thousand rupees. A government servant desirous of retaining a gift worth more than one thousand rupees, can retain it on payment of

¹ Added by S.O OR V-I(E&AD)2-16/2003 dated 28.06.2004

the difference as evaluated under sub-rule (7). In any other case, the gift may be offered for sale.

(7). For the purpose of sub-rule(6), the value of the gift shall be assessed by the S&GAD in consultation with the Finance Department and shall be allowed to be retained by the recipient, if it does not exceed one thousand rupees. Where the value of the gift exceeds one thousand rupees, the recipient may be allowed to retain the gift, if he so desires, on payment of a sum worked out in the following manner:-

- (a) Where the value of the gift exceeds one thousand rupees but does not exceed five thousand rupees, twenty-five percent of the value of the gift in excess of one thousand rupees; or
- (b) Where the value of the gift exceeds five thousand rupees, twenty five percent of so much of the value as exceeds one thousand rupees but does not exceed five thousand rupees plus fifteen percent of so much of the value as exceeds five thousands rupees.

(8). The responsibility for reporting the receipt of a gift shall devolve on the individual recipient. All gifts received by a Government servant, irrespective of their prices or value, must be reported to the S&GAD. However, the responsibility for reporting to the S&GAD the receipt of gifts, including the names of recipients, from foreign dignitaries or delegations, either during their visits to Pakistan or during the visits of Pakistani dignitaries or delegations abroad, shall lie with the Chief of Protocol or his representative in the former case, and with the Ambassador concerned in the latter case. In the case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry/Department sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the S&GAD.

6. Acceptance of foreign awards;- No Government servant shall, except with the approval of the Governor of ¹[Khyber Pakhtunkhwa], accept a foreign award, title or decoration.

Explanation:- For the purpose of this rule, the expression “approval of the Governor” means prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior approval.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

7 **Public demonstration in honour of Government servants or raising of funds by them:-**(1). No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him;

Provided that the Head of Pakistan Mission Abroad, while so posted, may attend a public meeting or entertainment held in his honour.

- (2). No Government servant shall take part in raising funds, except:-
- (a) for any public or charitable purposes, with the previous permission of his next higher officer; or
 - (b). for a charitable object connected with the name of a Government servant or person recently quitted Government service with the previous permission of the Government;

Provided that Government servants belonging to the Provincial Police Service or Excise and Taxation Service shall not be granted any such permission.

8. **Gifts to Medical Officer:-** Subject to the departmental rules in this behalf, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

9. **Subscriptions:-** No Government servant shall, except with the previous sanction of Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. **Lending and Borrowing:-**(1). No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that a Government servant may:-

- (i) deal in the ordinary course of business with a joint stock company, bank or a firm of standing or the House Building Finance Corporation; and
- (ii) accept a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bonafide tradesman.

(2). When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business, within the local limits of such authority, the Government servant shall forth-with declare the circumstances, when he is a Gazetted Officer, to Government through the usual channel, and where he is a Non-Gazetted Government Servant, to the head of his office.

(3). This rule, in so far as it may be construed to relate to loans given to or taken from Co-operative Societies registered under the Cooperative Societies Act, 1927, or under any law for the time being in force relating to the registration of Cooperative Societies, by the Government servants shall be subject to any general or special restrictions or relaxation made or permitted by Government.

¹[11 Omitted]

12. **Declaration of property:- (1).** Every Government servant shall, at the time of entering Government service, make a declaration to Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies, cash and jewelry having a total value of Rs. 50,000/- (Fifty thousand rupees) or more belonging to or held by him or a member of his family and such declaration shall.-

- (a) state the district within which the property is situated;
- (b) show separately individual items of jewelry exceeding Rs.50,000/-(Fifty thousand rupees) in value; and
- (c) give such further information as Government may, by general or special order, require.

²[(2) Every Government servant shall submit to the Government, through the usual channel an annual declaration of income, assets and expenses for the financial year, ending on 30th June, showing any increase or decrease of property as shown in the declaration under sub-rule (1) or the last annual return, as the case may be.

(3) Declaration of Assets Proforma shall be opened in the concerned section each year and entered into the relevant database]

¹ Omitted by Notification No.SOR-VI/E&AD/2-16/2003 dated 07.03.2005 and before omission this rule stood as

² Substituted and added vide notification No.SOR-VI/E&AD/2-16/2003 dated 7-3-2005

13. ¹ **[Disclosures of assets, immovable and liquid:-** A Government servant shall disclose all his assets, immovable as well as liquid and expenses during any period in the specified form, when required to do so by Government].

14. **Speculation and Investment:-** 1. No Government servant shall speculate in investments. For the purpose of this sub-rule the habitual purchase and sale of security of notoriously fluctuating value shall be deemed to be speculation in investments.

(2). No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3). No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4). If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of Government thereon shall be final.

15. **Promotion and management of companies, etc: -** No Government servant shall, except with the previous sanction of Government take part in the promotion, registration or management of any bank or company:

Provided that a Government servant may, subject to the provisions of any general or special order of Government, take part in the promotion, registration or management of a Co-operative Society registered under any law for the time being in force for the purpose.

16. **Private trade, employment or work:-(1).** No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position

¹ Substituted by Notification No. SORIII(S&GAD)5(2) 79, dated 9.6.1996

or obligations as a Government servant but he shall not undertake or shall discontinue such work if so directed by Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of Government:

Provided further that non-gazetted Government servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise along with the declaration of assets.

(2). Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by Government.

(3). This rule does not apply to sports activities and memberships of recreation clubs.

17. No Government servant shall live beyond his means, etc:- No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

18. Subletting of residential accommodation allotted by Government:- No Government servant shall, except with the prior permission of the Head of the Department, sublet residential accommodation or any portion thereof let to him by Government.

19. Insolvency and habitual indebtedness- (1). A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt has been continuously so attached for a period of two years, or is attached for a sum which in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened these rules unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and was not due to extravagant or dissipated habits.

(2). A Government servant who applied to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the Office or Department or to the Secretary to the Administrative Department, as the case may be, in which he is employed.

20. **Report by Government servant in case of his involvement in a criminal case:-** If a Government servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Head of the Office or Department immediately or, if he is arrested and released on bail, soon after such release.

21. **Unauthorized communication of official documents or information:-** No Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or the contents of any official document to a Government servant not authorized to receive it, or to a non-official person, or to the press.

22. **Approach to Members of the Assemblies:-** No Government servant shall, directly or indirectly approach any member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

23. **Management, etc. of Newspaper or Periodicals:-** No Government servant shall except with the previous sanction of Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

24. **Radio-Broadcast and communications to the Press:-** No Government servant shall, except with the previous sanction of Government, or any other authority empowered by it in this behalf, or in bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign states or to fend public order, decency or morality, or tantamount to contempt of court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

25. Publication of information and public speeches capable of embarrassing Government:- (1). No Government servant shall, in any document, published or any public utterance, radio broadcast or television programme, or in any other manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government.

Provided that technical staff may publish research papers on technical subjects, if such papers do not express views on political issues or on Government Policy and do not include any information of a classified nature.

(2). Where a Government servant submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction: and if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.

26. Evidence before Committees:- (1). No Government servant shall give evidence before a public committee except with the previous sanction of Government.

(2) No Government servant giving such evidence shall criticize the policy nor decision of the Federal or any Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which has powers to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

27. Taking part in politics and elections:- (1). No Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

(2). No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement directly or indirectly, to be subversive to Government as by law established in Pakistan.

(3). No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(4). No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule 3 to act.

(5). A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule 3 to have taken part in an election to such body.

(6). The provisions of sub-rule 3 and 5 shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of Government, for the time being in force, to be candidates at such election.

(7). If any question arises whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

28. **Propagation of Sectarian Creeds, etc:-** No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

29. **Government servants not to express views against the ideology of Pakistan:-** No Government servant shall express views detrimental to the ideology or integrity of Pakistan.

30. **Nepotism, favouritism and victimization, etc:-** No Government servant shall indulge in provincialism, parochialism, nepotism, favouritism, victimization or willful abuse of office.

31. **Vindication by Government servants of their public acts or character:-** (1). A Government servant shall not, without the previous

sanction of Government have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks, when Government grants sanction to a Government servant to have recourse to a Court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, Government may reimburse him to the extent of the whole or any part of the cost.

(2). Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

32. Membership of service Association:- (1). No Government servant shall be a member, representative of office bearer of any association representing or purporting to represent Government servants, unless such association satisfies the following conditions, namely:-

- (a). Membership of the Association and its office bearers shall consist of persons in one and the same “functional unit” and if there is no such functional unit, it may be formed by persons borne on a specific single cadre in or under a Department;
- (b). Office-bearers of the Association shall be elected from amongst members of the Association actually serving. Persons who have retired or have been dismissed or removed from service shall cease to be members of such Association;
- (c). The Association shall neither affiliate nor associate with any other body or Association belonging to any other cadre;
- (d). The Association shall confine its representations to matters of general interest of Government servants whom it represents and shall not involve itself in individual cases of its members. Also the office bearers and members of the Association shall not participate in the activities of the Association at the cost of their official duties;
- (e). The Association shall not engage in any activity or pursue a course of action which its members are individually prohibited to engage in or pursue under these rules or the instructions issued by Government, from time to time, concerning conduct of Government servant and service discipline;
- (f). The Association shall not, in respect of any election to legislative body, or to a local authority or body, whether in Pakistan or elsewhere-

- (i) pay or contribute towards any expenses incurred in connection with the candidature for such election.
 - (ii) support in any manner the candidature of any person for such election; or
 - (iii) undertake or assist in the registration of a candidate for such election;
- (g) The Association, shall not-
 - (i). issue or maintain any periodical publication except in accordance with any general or special order of Government; and
 - (ii). publish, except with the previous sanction of Government, any representation on behalf of its members, whether in the press or otherwise;
- (h) The Association shall get its bye-laws or rules approved by the Appointing Authority, who may at any time require any modification therein or propose rules or bye-laws, in a particular manner; and
 - (i) the Association shall submit annual statement of its accounts and lists of its members and office bearers to the Appointing Authority. Such statement and lists shall be submitted before 1st September every year;
 - (ii) the Association shall not represent or purport to represent Government servants unless it is recognized by the competent authority;
 - (iii) the appointing authority in respect of a cadre shall be the authority competent to recognize the Association of that cadre;
Provided that where the cadre consists of higher and lower grades, the authority competent to recognise the Association shall be the appointing authority in respect of the highest post in the cadre;
 - (iv) a Government servant who deals with the Association of a particular cadre and is also member of that cadre shall not become office bearer of such Association nor shall he take part in any activity of the Association ;
 - (v) Government in its discretion may withdraw recognition of an Association, if in its opinion, such

Association has violated any of the conditions of recognition.

33. Restriction on acceptance of membership of certain association:-

No Government servant shall accept membership of any association or organization whose aims and objects, nature of activities and memberships are not publicly known.

34. Use of political or other influence:- No Government servant shall bring or attempt to bring political or other outside influence directly or indirectly, to bear on Government or any Government servant in support of any claim arising in connection with his employment as such.

35. Approaching Foreign Mission and Aid-Giving Agencies:- (1). No Government servant shall approach, directly or indirectly a Foreign Mission in Pakistan or any foreign aid-giving agency in Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

(2). Government servant should exercise great caution and restraint in the matter of social contacts with members of foreign missions working in Pakistan. They should also avoid casual remarks and observations on official matters in social gathering where foreigners are present.

(3). Official of the level of Additional Secretary and below should not receive officials of foreign missions, except with the express permission of the Secretary.

(4). Government servants are prohibited from contacting or making direct approaches to foreign missions in Pakistan in connection with their private business. All such approaches should be made through proper channel i.e through Chief of Protocol of the Ministry of Foreign Affairs.

(5). Invitations extended by Foreign Missions on the occasions of their National days to officers below the status of Secretaries may be accepted after obtaining permission from the Chief Secretary.

(6). The participation of officers below the status of Secretary in private functions arranged by foreign diplomats should generally be discouraged. Secretaries and officers of equivalent status, will, however, do so with prior approval of the Chief Secretary.

(7). Repeated and frequent attendance by officers at private functions held by the same foreign diplomat must be avoided.

(8) As a general rule, only those officers who come into official contact with the foreign diplomat concerned should accept invitations.

36. **Delegation of powers:-** Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to Government and the officers the receipt by whom such reports shall be regarded as receipts of the reports by Government within the meaning of these rules.

37 **Rules not to be in derogation of any law, etc:-** Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

C.No. 3(3-11)

EFFICIENCY & DISCIPLINE (STATUTORY PROVISION)

Section 16 of Civil Servants Act, 1973:- Disciplinary Action. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

C.No. 4(3-11)

KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011.

NOTIFICATION

Peshawar dated the 16th September, 2011.

No.SO(REG-VI)E&AD/2-6/2010.-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) “accused” means a person in Government service against whom action is initiated under these rules;
- (b) “appellate authority” means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) “appointing authority” means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) “charges” means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) “Chief Minister” means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) “competent authority” means-
- (i) the respective appointing authority;

- (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

¹[Provided further that where Chief Minister is the Appointing Authority, the Chief Secretary shall be the Competent authority for the purpose of these rules except rules 14 & 15]

²[Provided further that where the Peshawar High Court, Peshawar is the Appointing Authority, the Chief Justice shall be the Competent Authority, for the purpose of these rules]

- (g) “corruption” means-

- (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
- (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
- (iii) entering into [voluntary return or]³ plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or

¹ The proviso added vide Notification No.SO(Policies)E&AD/1-41-2017 dated 07-12-2017

² The proviso added vide Notification No.SO(Policy)E&AD/2-6/2017 Dated 08-08-2019

³ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

- (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;
- (h) “Governor” means the Governor of the Khyber Pakhtunkhwa;
- (i) “inefficiency” means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (h) “inquiry committee” means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (l) “inquiry officer” means an officer appointed by the competent authority under these rules;
- (l) “*misconduct*” includes-
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official

position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or

- (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) Conviction for a moral offence by a court of law.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive

activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or

- (f) entered into [voluntary return or]¹ plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. Penalties.---(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- i. ²[reduction to a lower post of pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government

¹ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

² Substituted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

- servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty]
- (ii) compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings.---(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or

- (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. Suspension.---A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. Procedure where inquiry is dispensed with.---If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, along with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;

- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any.

8. Action in case of conviction or plea bargain under any law.---

Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:

Provided that dismissal in these cases shall be with ¹[] effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of willful absence.---Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received

¹ The word "immediate" deleted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18-07-2012

from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.---(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3)
11. Procedure to be followed by inquiry officer or inquiry committee.---(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

12. Powers of the inquiry officer or inquiry committee.---(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No.V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.---The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.---(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) Inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;
- (c) Provide a copy of the inquiry report to the accused; and
- (d) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (i) Exonerate the accused if charges had not been proved; or
- (ii) Impose any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or

may order a de novo inquiry through different inquiry officer or inquiry committee ¹[subject to sub-rule(7) of rule 11]

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

15. Personal hearing.---The competent authority may, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

16. Procedure of inquiry against Government servant lent to other governments or organizations etc.---(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) Suspend him under rule 6; and
- (b) Initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a

¹ Added vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and

(2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

17. Departmental appeal and review.---(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) Uphold the order of penalty and reject the appeal or review petition; or
- (b) Set aside the orders and exonerate the accused; or
- (c) Modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.---No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.---(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of ¹[ninety] days of the expiry of the aforesaid period, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

20. Exception.---Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of the senior most accused may serve upon them, through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

21. Indemnity.---No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

22. ²[].

23. Repeal.---(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

¹ Substituted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

² Deleted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

C.No. 5(3-11)

CODE OF CONDUCT FOR JUDICIAL OFFICERS OF NWFP DISTRICT JUDICIARY

Independence of an institution, in fact, requires more responsible and accountable system from within, especially in dealing with stakeholders. Judiciary, being independent institution, demands all its members to show more responsibility than others. It was in this perspective that Hon'ble the Chief Justice desired to have a Code of Conduct for all the judicial officers in NWFP, in addition to the Rules of conduct already applicable to the government servants.

I am, therefore, directed to circulate the subject Code of Conduct for compliance by all the judicial officers. Receipt may be acknowledged by all within a week.

CODE OF CONDUCT FOR JUDICIAL OFFICERS OF NWFP DISTRICT JUDICIARY

The conduct of judicial officers of NWFP has so far been regulated by the NWFP Government Servants (conduct) Rules 1987. These Rules are primarily meant for all government servants. However, the job requirement of the judicial officers warrants special behavior in the judges which demand for possession of the highest quality of intellect and character, Peshawar High Court, therefore, considers it imperative to further provide, the following, in addition to the aforesaid Rules, Code of Conduct for judicial officers of the District Judiciary.

- Para I A judicial officer should be God fearing, law abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, patient and calm, blameless, untouched by greed, completely detached and balanced, faithful to his words and meticulous in his functions.
- Para II He must not show any fear or favour to any party before him or their lawyers, both in his judgment and conduct.
- Para III He should avoid mixing up with people, roaming in hotels, markets and streets except in dire need.
- Para IV He should avoid rage and should abstain from deciding in rage.
- Para V He should be learned in law and should have command and control over the proceedings in the Court.
- Para VI He must be consistent in his judgments.
- Para VII He should be courteous and polite, but not weak, towards the litigants and their lawyers. He must maintain the decorum of the Court.
- Para VIII He should always endeavor to decide cases expeditiously and should take all necessary measures to ensure speedy justice.
- Para IX He should have effective control over the staff of his court without being rude, rough or humiliating.
- Para X A judicial officer must be punctual while taking or leaving his seat.
- Para XI He must be dressed in prescribed uniform and seated in dignified manner, but not so as to look a proud man.
- Para XII He must avoid hearing cases, receiving guests or his colleagues in the retiring room, besides avoiding frequent use thereof, except in urgent need.
- Para XIII He must avoid hearing one party or his lawyer in the absence of the other except in the case of *ex parte* proceedings.
- Para XIV He must not hear those cases in which he, his near relatives or close friends have got any interest.
- Para XV He should not advise any of the parties so that it becomes a favour to the prejudice of the other party.
- Para XVI Judicial officers must avoid discussing particular cases before them save allowed by law or when it is intended to give advice or counselling by a higher forum to lower forum.
- Para XVII He should not engage in business with any party to the case before him. If, however, it is unavoidable, he should discontinue the hearing of the case forthwith.

(PHC letter No.10367-10390/Admn: Dated Pesh: the 25th November 2005)

C.No. 6(3-11)

THE ¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE SERVICE
AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

23RD APRIL, 1986

No. SORII(S&GAD)3(4)/78.(Vol.II).__In exercise of the powers conferred by section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (NWFP Act XVIII of 1973), read with section 22 thereof, the Governor of the North-West Frontier Province is pleased to make the following rules, namely:-

THE ³[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

1. **Short title, commencement and application.** __ (1) These rules may be called the ⁴[Khyber Pakhtunkhwa] Civil Servants (Appeal) Rules, 1986.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with the affairs of the Province.

2. **Definitions.**__ In these rules, unless there is anything repugnant in the subject or context:

- (a) “Appellate Authority” means the officer or authority next above the competent authority;
- (b) “Competent Authority” means the authority or authorized officer, as the case may be, as defined in the ⁵[Khyber

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Pakhtunkhwa] Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and

- (c) “Penalty” means any of the penalties specified in rule 4 of the ¹[Khyber Pakhtunkhwa] Servants (Efficiency and Discipline) Rules, 1973.

3. **Right of appeal.** __ (1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

²*[Provided that where the order is made or penalty imposed by the High Court or the Chief Justice, as the case may be, there shall be no appeal but the member of the Service may, prefer a review petition before the authority passing the order or imposing the penalty.]*

^{*}*[Provided further that the appellate or the reviewing authority, as the case may be, may condone the delay in preferring the appeal or the review petition, if it is satisfied that the delay was for the reasons beyond the control of the appellant or that the earlier appeal or review petition was not addressed to the correct authority].*

Explanation. __ For the purpose of the first proviso, the expression “appeal”, where the context so requires, shall mean the “review petition” as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² First proviso modified by PHC in its applicability to members of “Service” (judicial service) vide Notification No. 159-J, dated 19-05-2008

^{*} Substituted by Notification No.SORII(S&GAD)3(4)/78/Vol.II dated 3.12.1989.

4. **Form of Memorandum.** _ (1) Every memorandum of appeal shall:-

- (a) contain full name and address, official designation and place of posting of the appellant;
- (b) state in brief the facts leading to the appeal;
- (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

Explanation. _ Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders the purpose of the first proviso, the expression “appeal”, where the context so requires, shall mean the “review petition” as well.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

5. **Action by the appellate authority.** _ (1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine__

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is excessive, adequate or inadequate and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

(2) The competent authority against whose order an appeal is preferred under these rules shall give effect to any order made by the appellate

authority and shall cause the order so passed to be communicated to the appellant without undue delay.

6. Withholding of appeal in certain cases. __ (1) An appeal may be withheld by the competent authority if__

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the requirements of rule 4; or
- (c) it is not preferred within the time limit specified in sub-rule (1) of rule 3 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of rule 4 or clause (d) of this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall lie against the withholding of an appeal under this rule.

7. Disposal of appeal: - (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority along with the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these rules which has been withheld by the competent authority and may pass such order thereon as it considers fit.

8. Savings: - Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any orders passed before they came into force.

9. Pending appeals: -All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. Repeal. ___ The ¹[Khyber Pakhtunkhwa] Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

SECTION-XII**INSTRUCTIONS REGARDING JUDICIAL OFFICER'S
CONDUCT AND DISCIPLINE**

C.No. 1(3-12)

OBSERVATION OF COURTS HOURS

I am directed to say that it has come to the notice of this Court that most of the Judicial Officers and their staff are not punctual in observing court hours and the Hon'ble Chief Justice of this Court has noted the matter with great concern. Punctuality for every Civil Servant is a must and especially for Head of an Office & presiding officer of court, it assumes additional responsibility. The Judicial Officer being a supervisory officer should be vigilant and regular in attendance. It is the Judicial Officer who has to control and supervise the work of the staff working under him and if a controlling officer becomes slack and unpunctual in attendance the result of office efficiency is quite evident. Moreover, non-observance of punctuality by a civil servant amounts to misconduct under the NWFP, Government Servant (Efficiency & Discipline) Rules, 1973.

In view of the above Hon'ble the Chief Justice has been pleased to order that these instructions should be followed by all the Judicial Officers and in case any compliant / report is received in this Court against any Judicial Officer or his staff in future strict action will be taken against him.

(PHC letter No. 6083-6152 Dated: 30th July, 1986)

C.No. 2(3-12)

**INSTRUCTIONS
(ACCEPTANCE OF PARTIES)**

It has come to the notice of the Hon'ble Chief Justice that some judicial officers do not hesitate in accepting dinners, lunches and Tea parties etc; from the lawyers and the general public. The Chief Justice has been pleased to deprecate this practice.

I am, therefore, directed to impress upon all the judicial officers that utmost discretion should be exercised in accepting such like invitations. These instructions are desired to be followed strictly.

(PHC letter No. 772-851/Admn: Dated Peshawar 30th January 1988)

C.No. 3(3-12)

PUNCTUALITY IN SUBORDINATE COURTS AND EXPEDITIOUS DISPOSAL OF CASES

It has come to the notice of Hon'ble the Chief Justice that some Presiding Officers of the subordinate Courts do not observe Court hours, remain absent during working hours, waste much of their time in entertaining friends and relatives in their retiring rooms and frequently adjourn cases on one pretext or the other causing delay in disposal. Hon'ble the Chief Justice has viewed this state of affairs with grave concern and desired that corrective measures be taken immediately.

As envisaged by paragraph 6, chapter 1-A of volume IV, Rules and Orders of the High Court, all District and Sessions Judges are required to ensure that officers subordinate to them are punctual in keeping court hours and to pay surprise visits in order to verify that the Rules are strictly followed.

I am, therefore, to request that you should carry out frequent surprise visits of the subordinate courts, obtain explanations in respect of non-punctuality, remissness of duty or other dereliction concerning court hours and submit reports to this court about cases, which call for disciplinary action.

(PHC letter No. 1682 – 1696 Dated: Peshawar the 21st May, 1989)

C.No. 4(3-12)

USE OF HIGH COURT MONOGRAM BY THE SUBORDINATE JUDGES ON EID CARDS AND VEHICLES

I am directed to address you on the subject noted above and to say that it has come to the notice of the Hon'ble Chief Justice that some Judicial Officers use monogram of this Court on Eid Cards and on their vehicles. Deprecating this practice, Hon'ble the Chief Justice of this Court has been pleased to order that in future no member of the Subordinate Judiciary shall use the monogram of this Court on Eid Cards and on his Vehicle. Violation of these instructions shall expose the defaulting officer to disciplinary action.

(PHC letter No. 4318-4418/Admn: Brh: Dated. Pesh: the 27th May, 1991)

C.No. 5(3-12)

INTERVIEW WITH THE HONORABLE CHIEF JUSTICE AND JUDGES

I am directed to say, that a tendency has been noticed in some of the Judicial Officers to purposelessly call on the Hon'ble Chief Justice or the Hon'ble Judges of this Court at their residence as well as in their chambers without seeking prior permission convenient for the purpose. Such frequent unscheduled visits on the part of the Judicial Officers are not only unwarranted but cause a lot of inconvenience to the Hon'ble Chief Justice and the Judges.

In view of the above position, you are hereby directed to note that in future no unscheduled visits are to be made, and that in case of dire necessity, prior permission will have to be obtained from the undersigned for any visit, either, to the Hon'ble Chief Justice or to the Hon'ble Judges of this Court.

Besides, it has also come to the notice of this Court that certain Judicial Officers directly or indirectly attempt to influence the Hon'ble Chief Justice of this Court in connection with their transfer or promotion. This practice is not only undesirable, but is also violative of the existing Disciplinary Rules on the subject and as such has to be deprecated.

In future any attempt by Judicial Officers to obstruct the Administrative orders of this Court through any means would be viewed as an act of in-discipline liable to be reflected in the ACR of the concerned Officer, besides exposing such officer for an action under the Efficiency and Disciplinary Rules.

I am, therefore, to request all the Judicial Officers that they shall in future desist from the above mentioned practices, and in case of any default on their part they shall render themselves liable for strict action by this Court.

(PHC letter No. 151-250 / Admn: Brh: Dated. Peshawar 5th January, 1992)

C.No. 6(3-12)

RECEPTION IN COURTS BY PRESIDING OFFICERS OF VISITORS AND ACCOMMODATING PERSONS ON THE DAIS AND IN THE RETIRING ROOMS

I am directed to say that it has come to the notice of Hon'ble the Chief Justice of this Court that some of the Presiding Officers of subordinate Courts, sometimes receive visitors in Court and made them to sit on the Dais / Retiring Room when they come to give evidence or otherwise come to meet the Presiding Officers. It is wholly un-desirable to allow the guests / visitors / witnesses to sit in the retiring room or on the dais beside the Presiding Officer, as such conduct is open to objection and can be easily misconstrued.

Moreover, no visitors should be received during the course of trial of cases as their presence and entertainment detracts from the dignity and decorum of judicial proceedings.

I am to request for strict compliance in future of above instructions.

(PHC letter No. 534-634 / Admn: Brh: Dated. Pesh: the 14th January, 1992)

C.No. 7(3-12)

USE OF THE WORDS "HIGH COURT" OR DESIGNATION ON THE REGISTRATION NUMBER PLATS OF VEHICLES

It has come to the notice of Hon'ble the Chief Justice that some Officers/Officials serving in N.W.F.P. Judiciary display on their private vehicles the words 'High Court' or their designations with the Registration Number Plats which is apparently violative of the Rules and Regulations. All concerned are thus warned in their own interest to desist from doing so forthwith, failing which disciplinary action shall be taken as allowed under the Rules against the defaulting Officers/Officials.

(PHC Endst.No.8446-8474/Admn.Brh. Dated Peshawar the 19th Nov: 1996)

C.No. 8(3-12)

ATTENDING VISITORS IN RETIRING ROOM AND USE OF TELEPHONE DURING COURT HOURS

I am directed to say that it has been brought to the notice of the Hon'ble Chief Justice that Presiding Officers of the Subordinate Courts spend unnecessary

time in their retiring rooms in attending to visitors and telephone calls during their court hours.

2. You are, therefore, required to direct the subordinate courts under your control to desist from the aforesaid practice and ensure compliance of this directive.

I am further directed to say that the numbers of telephones installed by the subordinate courts in their court premises be intimated immediately.

(PHC letter No. 4833-4854 Dated Peshawar the 14th June, 1997)

C.No. 9(3-12)

ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM

I am directed to say that it has come to the notice of the Chief Justice and Judges of this Court that some Presiding Officers in flagrant violation of the standing Orders of this Court entertain guests in their retiring rooms during Court hours. Taking a serious view of this unsavoury practice, the Chief Justice and Judges have been pleased to Order that in future no Presiding Officer shall entertain guests in his retiring room.

(PHC No. 9244-9343/Admn/D(a)260-A,Part-III Dated 08th November, 1998)

C.No. 10(3-12)

OBSERVANCE OF COURT HOURS

It has come to the notice of Hon'ble the Chief Justice that some of the Judicial Officers do not observe court time, remain absent during working hours and entertain friends and relatives in retiring room. Hon'ble the Chief Justice has seriously viewed this unbecoming attitude and desired that corrective measures be taken immediately.

2) As laid down in paragraph 6,Chapter 1-A Volume IV, Rules and Orders of the High Court, all District and Sessions judges are required to ensure that Judicial Officers in the district observe court hours and may visit the courts in order to see that Rules on the subject are strictly adhered to.

3) I am, therefore, to request that frequent surprise visits of the subordinate courts should be carried out with a view to check unpunctuality, and other dereliction with regard to regular court hours and report cases which warrant disciplinary action.

(PHC letter No. 1751-1772 Dated 9th March, 1999)

C.No. **11**(3-12)

ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM

In continuation of this Court's circular letter No. 9244-9343 Admn. Brh/D(A) 260-A,Part-III, dated 8.11.1998, I am directed to say that after following instructions on the subject for some time a few Judicial Officers have revived the practice of entertaining guests in their retiring rooms. No words are strong enough to deprecate the practice as it adversely affects disposal of cases, which have increased manifold in the aftermath of separation of the Judiciary from the Executive.

2) The directions contained in the above referred circular letter are, therefore, once again reiterated with stern warning that those found defying the instructions will expose themselves to appropriate disciplinary action.

(PHC letter No. 10170-10220 Admn Dated 27th October, 1999)

C.No. **12**(3-12)

MEETING THE HON'BLE CHIEF JUSTICE AND JUDGES WITHOUT PRIOR PERMISSION

I am directed to say that despite clear warnings on the subject, some of the Judicial Officers are still making attempts to call on the Hon'ble chief Justice and Judges of this Court at their residences as well as in their chambers without seeking prior permission. It has also been observed that certain Judicial Officers directly or indirectly attempt to approach the Hon'ble Chief Justice in connection with their transfer or promotion.

2. Hon'ble the Chief Justice and Judges have taken serious notice of this unsavoury practice and have directed me to reiterate the earlier directions issued on the subject and impress upon all the Judicial Officers that in future no attempt should be made for meeting with the Hon'ble Chief Justice and Judges without seeking prior permission from the undersigned and desist from making attempts to influence administrative decisions, otherwise they

shall expose themselves to stern disciplinary action under the Efficiency and Discipline Rules.

(No. 927-1126 Dated Peshawar the 8th February, 2000)

C.No. **13**(3-12)

NON-OBSERVANCE OF COURT HOURS AND ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM.

1. In continuation of this Court's circular letters no.1751-1772, dated 9.3.1999 and No.10170-10220/Admn: dated 27.10.1999, I am directed to say that complaints are still pouring in showing non-observance of court hours and entertainment of guests in the retiring room by some Judicial Officers in flagrant violation of the standing orders of this Court. The incessant resort to this unsavoury practice not only tends to lower the image of Judiciary in the eyes of general public but also adversely affects the disposal of cases which have witnessed manifold increase owing to several reasons including separation of the Judiciary from the Executive and transfer of the entire judicial work from the Executive Magistrates to the Judicial Officers.

2. I am, therefore, to reiterate instructions on the subject issued by this Court from time to time with the directions to all the Judicial Officers to observe Court time by remaining in the Courtroom during working hours excepting thirty minutes break from 1.00 p.m. to 1.30 p.m for "Zohar Prayer", and shun the tendency of entertaining friends and relatives in the retiring room.

(PHC letter No.344-443/ Admn: Brh. Dated Pesh: the 10th January, 2002)

C.No. **14**(3-12)

VISIT TO HIGH COURT BY THE JUDICIAL OFFICERS

I am directed to inform that the Judicial Officers of the Subordinate Judiciary shall not visit the High Court without being called by the High Court or on prior appointment made at their request.

The Judicial Officers so visiting the High Court will be received by the Protocol Officer of this Court at the 'Judges' Entrance at the time and date fixed for the visit.

(PHC letter No.1494-1701/ Dated Peshawar the 26-2-2002)

C.No. **15**(3-12)

GRANT OF INTERVIEWS TO JUDICIAL OFFICERS BY HON'BLE CHIEF JUSTICE TO AVOID ATTEMPTS TO HAVE INDIRECT ACCESS TO HIS LORDSHIP.

I am directed to refer to the subject noted above and to request you to please inform all concerned that the Hon'ble Chief Justice is accessible (subject to availability at station to be confirmed through the Registrar/Secretary to Hon'ble Chief Justice) to all the judicial officers and is anxious to remove all legitimate grievances but the attempts to have indirect access to his lordship must be avoided to avoid disciplinary action followed by reflection of such misconduct in the ACR of defaulter.

The receipt of this communication is to be acknowledged by all concerned and sent to the undersigned.

(PHC letter No. 4029-4051 Dated Peshawar the 4th May, 2002)

C.No. **16**(3-12)

EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS

I am directed to refer to the subject noted above, and to say that bringing or attempting to bring any sort of extraneous influence on the Authority in respect of service matters, including transfers/postings, amount to **misconduct** within the provisions of Rule 2(1)(e) of the N.W.F.P Government Servants (Efficiency and Discipline) Rules, 1973.

The Competent Authority, has therefore, been pleased to ask all concerned to desist from such practices. Any such attempt shall expose the delinquent officer/official to proceedings under the Rules *ibid*.

In case of any genuine problem of a Judicial Officer, appointment for interview with His Lordship the Chief Justice be sought through the Secretary. (091-9211296; Fax. 091-9210482).

I am further directed to require you to circulate these instructions amongst all the Judicial Officers of your District and their staff for strict compliance.

(PHC letter No. 10089-10112/Adm Dated 04th August, 2004)

C.No. **17**(3-12)

VISIT TO HIGH COURT BY JUDICIAL OFFICERS.

I am directed to refer to this Court's letter # 1494-1701/Admn dated 26th February, 2002 on the subject noted above and to state that the Hon'ble Chief Justice has been pleased to dispense with the requirement of prior appointment for visit to the High Court, to the extent of District and Sessions Judges/Zila Qazis.

(PHC letter No. 10065-10088/Admn Dated 04th August, 2004)

C.No. **18**(3-12)

USE OF MOBILE PHONES DURING COURT HOURS

I am directed to refer to the subject noted above and to state that reports have been received about some of the Judicial Officers using mobile phones in the court rooms during court proceedings. Hon'ble the Chief Justice has taken serious notice of such practice.

I am, therefore, to direct that no Judicial Officer shall use or keep mobile phone in Court, during court hours, in future. It may, however, be kept either in retiring room or with any staff member, performing duty outside the court room.

I am further to request you to circulate these instructions among all the Judicial Officers of your District for compliance.

(PHC letter No. 3049-3072/Admn Dated 19th April, 2005)

C.No. **19**(3-12)

DELAY IN RELINQUISHMENT OF CHARGE BY THE JUDICIAL OFFICERS

It has been observed that most of the Judicial Officers tend to delay relinquishment of charge on their transfer. This practice not only amounts to defiance of the order but also at times creates complications and inconvenience for the succeeding officers.

The Competent Authority has, therefore, been pleased to direct that henceforth, on receipt of transfer order, the officers shall immediately relinquish charge of their office.

I am further to request that such orders, when received either by fax or otherwise, be forthwith communicated to the transferee officers.

(PHC letter No.3332-3355/ Admn Dated Peshawar the 28th April, 2005)

C.No. **20**(3-12)

UNPLEASANT BEHAVIOR OF JUDICIAL OFFICERS WITH THE LITIGANTS.

I am directed to say that complaints are pouring in regarding the rude and improper behavior of some of the Judicial Officers with the litigants during court proceedings. Such undesirable attitude is adversely affecting the cause of justice and public confidence.

Hon'ble the Chief Justice has desired that a gentleman behaviour and sobriety should be observed in the Court and proceedings be conducted in a respectful manner, maintaining judicial norms and dignity of the Court, for better administration of justice.

I am further to request that the aforesaid instructions may please be circulated amongst all the Judicial Officers of your respective districts for strict compliance, to avoid such complaints in future.

(PHC letter No. 9324-9347 Dated 01st August, 2005)

C.No. **21**(3-12)

APPROACH TO HIGHER AUTHORITIES FOR FAVOURS

I am directed to refer to the meeting of National Judicial Policy Making Committee (NJPMC) dated 19th November 2005, and to say that the

Committee in the said meeting has resolved that no judicial officer may approach the higher authorities for securing favourable transfer, posting or promotion and that any such attempt shall be treated as misconduct and disciplinary action be taken against the delinquent judicial officer.

Attention is also invited to the earlier instructions, issued vide this Court's letter No. 469-569/Admn dated 08.01.1998, 927-1126/Admn dated 08.02.2000 and Endst # 10113-10162/Admn dated 04.08.2004 in the subject matter (Copies are attached).

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

(No. 10853-10876/Admn: Dated Peshawar, the 12th December 2005)

C.No. **22**(3-12)

RECEIPT OF HONORARIUM BY MAGISTRATES

I am directed to refer to the subject noted above and to say that the issue of payment of honorarium by different Departments, Authorities, Corporations, Local Governments, autonomous or semi-autonomous bodies to Magistrates trying criminal cases pertaining thereto came up before Hon'ble the Chief Justice, who was pleased to observe that no honorarium could be received without the sanction of the Competent Authority and other than from General Revenue.

All the Judicial Officers are paid Civil Servants of the Provincial Government and the disposal of criminal cases as Magistrates under the Code of Criminal Procedure or any other law falls within the orbit of their normal duties. Receipt of honorarium for such work would, therefore, involve contravention of F.R. 9(9) and as such is not permissible. Moreover, the Departments, Authorities, Corporations and other Bodies granting honorarium being party to the cases sent to Magistrates for proceedings; receipt of honorarium from them would cause serious impact on the integrity of the Court and the Institution, besides hampering safe administration of justice.

I am, therefore, directed to ask that such practice be stopped forthwith. The aforesaid directions may please be circulated amongst all the Magistrates of your respective Districts for immediate/strict compliance.

(PHC letter No. 4089-4112/Admn: Dated Peshawar the 29th April, 2006)

C.No. **23**(3-12)

INVOLVEMENT OF JUDICIAL OFFICERS IN LITIGATION.

I am directed to refer to the subject noted above and to request that all Judicial Officers of your respective Districts, who are party to any case pending in any Court, be asked to furnish to this Court details of such case/cases within seven days.

Hon'ble Chief Justice has further been pleased to direct that henceforth any Judicial Officer, filing suit in his official capacity, shall observe the requirement of law/Rules, whereas filing of defending a suit in his private capacity, shall intimate in advance particulars thereof to this court.

(PHC Letter No. 9179-9202/Admn Dated 27th October, 2006)

C.No. **24**(3-12)

DISTINCTIVE NUMBER PLATES ON VEHICLES

In continuation of this Court's letter No. 4318-4418/Admn: Brh: Dated 27.05.1991 and Endst No. 8446-8476/Admn: Brh: Dated 19.11.1996 (C. No.6(4-2) page No. 301 and C. No. 9(4-2) page No. 303 of Judicial Estacode), on the subject noted above, I am directed to say that it has come to the notice of this Court that some Judicial Officers display their own designation or other distinctive number like "Zaid-1" on registration plates of their private or official vehicles. This practice on the part of Judicial Officer is not up to their status resulting in lowering the image of Judiciary in the eyes of public.

All the Judicial Officers are, therefore, directed to desist from the aforesaid practice.

I am further to request that the aforesaid instructions may please be circulated amongst all the Judicial Officers of your district for strict compliance.

(PHC letter No. 2341-64/Admn Dated Peshawar, 04th May, 2007)

C.No. **25**(3-12)

VISIT TO HIGH COURT BY THE JUDICIAL OFFICERS

I am directed to refer to the subject noted above and to say that, except in the Court proceedings, henceforth all visits by the Judicial Officers to the

Hon'ble Chief Justice and Judges of this Court shall be scheduled, with specific reference to the agenda, in consultation with the Secretary to the Hon'ble Chief Justice in order to save the precious time. Similarly, frequent visits to other offices of this Court should also be minimized except in urgent matters / problems which cannot otherwise be addressed.

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

(PHC letter No.14145-85/Admn-AMIT-II Dated 14th November, 2009)

C.No. **26**(3-12)

CODE OF CONDUCT

I am directed to refer to the subject cited above and to say institutions are made and shaped by individuals and individuals, in turn, by possession the traits of highest character and intellect. The independence of judiciary further fomented by the recent mass movement demand of all the judicial officers to behave in a manner befitting of an umpire as the fate of the nation is to be decided by these individuals in the days to come. The role of a Judge demands him to be abstemious, cautious, blameless, untouched by greed and meticulous in his functions. These behavioral manifestations, inter alia, must be jealously guarded in order to show impartiality on one hand and enhance the public confidence in the institution on the other.

But unfortunately instances have come on the notice of Hon'ble the Chief Justice that Judicial Officers do not mixing up with the people at the stations of their posting, who are direct stakeholders, like lawyers, public office holders, politicians, other elites etc., in cases before them and such mixing up goes to the extent that the Judicial Officers get obliged by demanding and accepting petty personal needs like borrowing of vehicles, fuel etc. Such petty personal benefits do tarnish the image of the concerned Judicial Officer as well as the Institution.

All the Judicial Officers are expected to show restraint from indulging in such practices in future, as the same militates against the established Code of Conduct of Judges. The directive may be circulate amongst all the Judicial Officers under your control for strict compliance.

(PHC letter No.761-835/Admn Dated Peshawar, 13th January, 2010)

C.No. **27**(3-12)

INTERACTION WITH SUBORDINATE JUDICIAL OFFICERS BY DISTRICT & SESSIONS JUDGES

I am directed to refer to the subject noted above and to say that District & Sessions Judge being administrative head of other judges in the district on

one hand and reporting officer on the other is to conduct himself, in dealing with subordinate judges, in a way not to affect his official duty in both the areas. Closeness with subordinates, at times, results in undue favors to them. The task of reporting officer becomes all the more daunting in such proximity with subordinates as he is to evaluate and assess performance objectively with detail microns of character. Such objectivity is possible only and only when assessor becomes circumspect and circumspection demands emotional detachment.

The Hon'ble Chief Justice has, therefore, desired that all the District & Sessions Judges of the province should regulate their interaction with subordinate judicial officers in line with the above-mentioned objective so that human weaknesses should not mar their important official functions.

(PHC letter No.836-910/Admn Dated Peshawar, 13th January, 2010)

C.No. 28(3-12)

CODE OF CONDUCT

The behavioral province of a Judge transcends the jurisdictional bounds as opposed to *lis* and *dicta* which cannot go beyond circumscribed limits of law. The conduct of a Judge for maintenance of rule of law, therefore, extends to all areas within the range of human activities in a nation. But unfortunately, Judges feel them free of all clutches of standards of conduct in those matters not before them. Direct or indirect interference in judicial matters not before them is as culpable as a judge in his own cause.

The maxim “*nemo debet esse iudex in propria causa*” does not relieve a judge or his friend to do through others what he cannot do himself in law or morality.

The Honourable Chief Justice has taken a very serious view of certain instances in which judicial officers oblige each other in judicial matters in respective home stations as, it too, militates against their integrity.

I am, therefore, to impress upon all the judicial officers to be highly wary in defending the attributes presumptively ingrained in a person of a Judge to save the institution in the ultimate. The directive may be circulated amongst all the judicial officers under your control.

(PHC letter No.1601-46/Admn Dated Peshawar, 02nd February, 2010)

C.No. **29**(3-12)

APPROACH TO HIGHER AUTHORITIES FOR FAVOURS

I am directed to refer to the subject noted above and to say that approaching the authorities in the matter of postings and transfers is a misconduct and against service discipline which may entail the consequences adverse to the concerned judicial officer. All the judicial officers are, therefore, asked to desist from using any channel for the purpose in future.

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

(PHC letter No.2695-2755/Admn Dated Peshawar, 20th February, 2010)

C.No. **30**(3-12)

ATTENDANCE OF PRESIDING OFFICERS

I am directed to refer to the subject noted above and to say that complaints are pouring in regarding lack of punctuality of the judicial officers necessitating a watch on them so that it may be seen whether they attend the courts regularly well in time. Telephonic communications in the morning in this connection revealed that most of the Judges do not attend their courts well in time.

I am, therefore, directed to ask you to mark the attendance of all the Presiding Officers at a station from 08.30-A.M to 08.50-AM on all the working days and fax the same on Telephone No. 091-9210170 on daily basis before 09.00-AM as per the form enclosed herewith. Similarly attendance at sub-divisional/tehsil headquarters may also be marked and faxed directly to this court. This circular may be circulated to Senior/In charge Judge at sub-divisional/tehsil headquarters.

(PHC letter No.2944-68/Admn Dated Peshawar, 05th March, 2010)

C.No. **31**(3-12)

MORAL AND JUDICIAL STANDARDS OF THE JUDICIAL OFFICERS

I am directed to refer to the subject noted above and to state that his lordship honourable the Chief Justice noticed that the District and Sessions judges feel least concerned in monitoring the activities of the judicial Officers subordinate to them notwithstanding it is the District and Sessions Judge who is to see and supervise their conduct and other activities, if any.

Failure of the District and Sessions Judges to focus on this aspect of their responsibility would worsen the already deteriorating moral and judicial standards. Therefore, they are required to maintain discipline in their interactions with each other to ensure check and balance in their working.

(PHC letter No.4803-4853/Admn Dated Peshawar, 11th March, 2010)

C.No. 32(3-12)

پشاور ہائی کورٹ پشاور

نوٹس

ہر عام و خاص کو مطلع کیا جاتا ہے کہ کسی بھی عدالت یا اسکے ذیلی دفاتر میں کسی بھی قسم کا کوئی بھی لین دین یا طلبی اجرت بالواسطہ یا بلاواسطہ کسی بھی سرکاری کام کو غیر سرکاری طور پر کرنا قانوناً حرام اور قابل سزا ہے جس کیلئے متاثرہ یا دلچسپی رکھنے والا کوئی بھی شخص دوران اوقات کار متعلقہ سیشن جج کو یا فون نمبرات 091-9210159 (ممبر انسپکشن ٹیم) یا 091-9210135 (رجسٹرار) کو اطلاع کرے تو اس کا نام صغیر راز میں رکھا جا کر بدعنوانی کے ناسور کو ختم کرنے کیلئے تمام اقدامات کئے جائیں گے۔

(سید مصدق حسین گیلانی)

رجسٹرار

No.13716-13764/Admn Dated Peshawar the 3rd August, 2010

C.No. 33(3-12)

PHONE CALLS DURING COURTS HOURS

In continuation and partial modification of this Court's letter No. 3049-3072/Admn dated 19/04/2005 on the subject, I am directed to say that Hon'ble the Chief Justice has taken serious view of the judicial officers attending to the phone calls during court hours which not only hampers the court proceeding but also create an impression amongst litigants that the judicial officer presiding over the proceedings of a case has been influenced by the person talking on telephone. This may result in shattering the

confidence of the litigants in the courts though the phone call might not have any relevance with the proceedings before the court.

I am, therefore, to direct that no judicial officer shall use any landline or cell phone during court hours. Those judicial officers who have been provided facility of official phone should also take care of attending official calls keeping in view the spirit of this directive.

The instructions may be circulated amongst all the judicial officer of your district for compliance.

(PHC letter No.18859-99/Admn Dated Peshawar, 05th November, 2010)

C.No. **34**(3-12)

CURTAILMENT OF DURATION OF JOURNEYS ON TOURS/TRANSIT DAY

I am directed to refer to the subject noted above and to say that it has been noticed by Hon'ble the Chief Justice that Judicial Officers spend long durations of journeys on official tours than required in ordinary course resulting in undue and prolonged absence from duty. It is, therefore, decided that duration of journeys on tours be curtailed to the maximum and transit day shall not be claimed henceforth if it is all the more convenient for the Judicial Officer/Official to come back to the place of his duty/headquarters. In no case such transit day shall be claimed if the distance between his place of duty/headquarters and place of tour is less than 200 KM save in unavoidable circumstances which shall be noted down and communicated to this court.

These instructions may be circulated amongst all concerned under your control.

(PHC letter No.16773-96/Admn Dated Peshawar, 06th December, 2010)

C.No. **35**(3-12)

ERADICATION OF CORRUPTION

I am directed to refer to the subject noted above and to enclose herewith a specimen of notice in Urdu for information of general public. The same may be written on large signboards and be affixed on conspicuous places in the court premises both at District, Sub Divisional and Tehsil level within a week time. After doing the needful, please intimate this court about the completion of the task. The expenditure involved may be met out of contingency.

اطلاع عام

کوئی بھی حکومتی اہلکار بےشمول عدالتی عملہ ، عملہ محکمہ مال و پولیس اگر کسی سے کوئی رقم تحفہ وغیرہ بطور رشوت وصول کرے تو آپ بغیر خوف و خطر اپنی عرضی جناب چیف جسٹس پشاور ہائی کورٹ یا زیر دستخطی کے نام بھیجیں جس میں مکمل تفصیل معہ نام و پتہ شکایت کنندہ درج ہونا ضروری ہے۔

رشوت ختم کرنے میں ہماری مدد کیجئے اسی میں آپ کا، ملک کا اور قوم کا بھلا ہے۔

بحکم چیف جسٹس پشاور ہائی کورٹ

(رجسٹرار پشاور ہائی کورٹ)

(PHC letter No.19976-99/Admn Dated Peshawar, 06th December, 2010)

C.No. 36(3-12)

CODE OF CONDUCT (VISIT OF JUDICIAL OFFICER TO THEIR COLLEAGUES AT HOME STATION)

I am directed to refer to this court letter No. 1601-46/Admn dated 02-02-2010 on the subject noted above and to draw you attention to the constant complaints of visits by Judicial Officers to their colleagues posted at the home stations of the former giving rise to multiple implications and doubts in the minds of litigants public marring their confidence in the system.

I am, therefore, to direct that henceforth no Judicial Officer shall visit any Judicial Officer at their home stations in particular and at any other station in general. This directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No.745-815/Admn Dated Peshawar, 17th January, 2011)

C.No. **37**(3-12)

FAVOURS TO RELATIONS

I am directed to refer to the subject noted above and to say that certain instances have been noticed by Hon'ble the Chief Justice where Judicial Officers show inclinations towards litigants or advocates related in any way to any other Judicial Officer or Judge of superior judiciary. Hon'ble the Chief Justice has directed that propriety demands that in case of balance of scale between two parties, grains of mercy be poured on the party which is without such relation. It must further be borne in mind that the Hon'ble Chief Justice, Hon'ble Judges of superior courts or Judicial Officers have no friends or relatives. Their friends or relatives are those who are victims of injustice; misuse of their names thus be religiously guarded against.

(PHC letter No.5295-355/Admn Dated Peshawar, 27th April, 2011)

C.No. **38**(3-12)

FAKE AND BOGUS COMMUNICATIONS FOR AND ON BEHALF OF HON'BLE JUDGES AND OFFICERS OF JUDICIARY IN PAKISTAN

I am directed to refer to the subject noted above and to express serious concern regarding repeated instances of fake and bogus communications and impressions being created and disseminated through various means, on behalf of senior Judges and Officers in the Judiciary, by impersonating and exercising undue influence to seek favours in the disposal of judicial as well as official business of junior Judges and officer. Such highly condemnable practices cause inconvenience, misunderstandings and disruption in the administration of justice.

I, am, therefore, to ask all the concerned to immediately communicate, as and when the occasion may arise, with the quarter concerned and obtain prior confirmation regarding the source and other vires of such communications before taking any action in this regard. All the concerned under your control please be informed for compliance.

(PHC Letter No. 7266-7312/Admn: dated Peshawar 11th June, 2011)

C.No. 39(3-12)

**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 2011**

I am directed to refer to this Court's letter No. 11867-915/Admn: dated 06.10.2011, on the subject and to forward herewith, copy of letter No. SOR-VI/E&AD/2-6, dated 08.10.2011, along with enclosures, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

(PHC letter No. 12238-309/Admn: dated Pesh the 19.10.2011)

**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 2011**

In continuation of this Department letter No. SOR-VI/E&AD/2-6 dated 17th September, 2011 on the subject. Copies of specimens of Model Show Cause Notice, Charge Sheet and Statement of Allegations (duly vetted by the Law Department) are enclosed for the purpose of disciplinary proceedings against accused government servants under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(Letter No. SOR-VI/E&AD/2-6 Dated 8th October, 2011)

SHOW CAUSE NOTICE

I, (Name and Designation), as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. _____, as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No. _____, dated: _____; and

(ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee,-

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (a) _____
(b) _____
(c) _____

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under rule 4 of the said rules.

3. You are, therefore, required to show cause as to why aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer/inquiry committee is enclosed.

COMPETENT AUTHORITY

CHARGE SHEET

I, (Name and Designation), as competent authority, hereby charge you, Mr. (Name and Designation), as follows:

That you, while posted as _____ committed the following irregularities:

- (a) _____
(b) _____
(c) _____

2. By reason of the above, you appear to be guilty of _____ under rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

COMPETENT AUTHORITY

DISCIPLINARY ACTION

I, (Name and Designation), as competent authority, am of the opinion that (Name and Designation), has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. _____
ii. _____
iii. _____

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. _____
ii. _____

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/committee.

COMPETENT AUTHORITY

C.No. 40(3-12)

INTERACTION WITH MEDIA BY GOVERNMENT SERVANTS

Enclosed find herewith, copy of letter No. SOR-VI/E&AD/2-16/2005/Vol-II dated 25.10.2011, on the subject, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

(PHC letter No. 12760-83/Admn: Dated 03rd November, 2011)

INTERACTION WITH MEDIA BY GOVERNMENT SERVANTS

I am directed to refer to the subject noted above and to state that instances have come to the notice of Government where Government Servants have interacted with press/media and contributed articles and writings in the newspapers making statements of their opinion which is highly objectionable and places the Government in embarrassing position. All such communications/statements of opinion and articles by a Government Servant without prior sanction of the government are prohibited under the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

In this regard, attention is invited to rule 24 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 which prohibit interaction of Government Servants with the media (both print and electronic) through participation in a radio or television program or contribute any article or write any letter to any newspaper or periodical expressing views on Government policy and political issues. Any violation of these rules may warrant punitive action under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

It is requested to kindly bring the above provisions of rules to the notice of all Government Servants serving under your control including attached.

(Letter No. SOR-VI/E&AD/2-16/2005/Vol-II Dated 25th October, 2011)

C.No. **41**(3-12)

CONFIRMATION OF ADDITIONAL JUDGES OF LAHORE HIGH COURT AND HIGH COURT OF BALOCHISTAN.

With reference to subject noted above I am to enclose herewith copy of letter No. 7(19) IR-General/2011 dated 04.2.2012 with the request that all the Judicial Officers working in your district may be directed to file their income tax return/wealth statements in time.

(Letter No. 5601-24/B&A, Dated Peshawar the 16th August, 2012)

C.No. **42**(3-12)

ILLEGAL FAVOUR TO FRIENDS, RELATIVES AND COLLEAGUES.

I am directed to refer to the instructions/directives already issued on the subject by this Court from time to time, and to say that Hon'ble the Chief Justice has been pleased to direct that any member of the Administration of this Court approaches for favour in any case pending in your respective districts, may directly inform his lordship through his Private Secretary Mr. Faqir Jan.

I am further directed to say that Member of the Departmental Selection/Promotion Committees shall also directly inform his lordship as and when any staff member of the Administration approaches them for any favour.

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

(PHC Letter No. 12055-78/Admn, Dated 09th October, 2013)

C.No. **43**(3-12)

APPEARANCE THROUGH ONE JUDICIAL OFFICER AS REPRESENTATIVE IN SERVICE MATTERS

I am direct to refer to the subject noted above and to say that Hon'ble Chief Justice has been pleased to direct that henceforth learned judicial officers having identical cases clubbed together pending before SJST or august Supreme court of Pakistan shall nominate one representative from amongst themselves for appearing before Tribunal/Court from either side. Practice of appearing so many judicial officers having identical cases clubbed together from one side shall be discontinued

Please provide list of cases of judicial officers pending before SJST or august Supreme court of Pakistan along with name of one judicial officer to represent bunch of judicial officers pleading the same cause to appear before the court

(PHC Letter No.14117-40/Admn Dated 21st November, 2013)

C.No. **44**(3-12)

CODE OF CONDUCT FOR JUDICIAL OFFICERS

I am directed to refer to the subject noted above and enclose herewith photo copies of code of conduct for Judicial Officers and KPK conduct Rules, 1987.

You are, therefore, requested to circulate the same amongst all the Judicial Officers in your respective districts and insist upon them for strict compliance.

I am further directed to say that Mr. Justice Waqar Ahmad Seth, Hon'ble Chairman, cell for Eradication of Corruption from Judiciary has desired that all the Judicial Officers shall forward the detail of their declaration of Assets, copies of CNICs along with CNICs of dependents within one month positively.

(PHC Letter No. 3014-37/Admn Dated 03rd March, 2014)

C.No. **45**(3-12)

ATTENDANCE OF PRESIDING OFFICER

With reference to this Court's letter No.2944-68/Admn dated: 05.03.2010 on the subject noted above, I am directed to say that it is noted with concern that judicial officers are not abiding the timings of working hours in true sense.

You are, therefore, to mark the attendance of all the presiding officers at a station within 30 minutes of the commencement of working hours in the morning on the enclosed form, and fax the same to this office not later than 09:00 a.m, on daily basis.

(PHC Letter No. 9280-303/Admn, Dated 09th June, 2014)

ATTENDANCE OF PRESIDING OFFICERS OF DISTRICT /TEHSIL

Date: _____

Sr#	Name of J/O with designation	Time arrival	of	Signature of J/O	Remarks

Signature of District & Sessions Judge/Senior Judge at Station

C.No. **46**(3-12)

COMPLETION OF ENQUIRIES IN ACCORDANCE WITH STIPULATED PERIOD.

Enclosed find herewith copy of letter No. SOR-VI/E&AD/2-6/2010 dated 17.07.2014, on the cited subject, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance, please.

(PHC Letter No. 11500-11524/Admn Dated 26th July, 2014)

COMPLETION OF ENQUIRIES IN ACCORDANCE WITH STIPULATED PERIOD.

I am directed to refer to the subject cited above and to say that Competent Authority has taken a serious note for delay in conduct and submission of enquiries and desired that the enquiry officers/committee should complete enquiries within the stipulated period of 30 days as per Rule-11 (7) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, positively, such delays often result in deferment of promotions of the officer which needs to be controlled.

2. In case where submission of the enquiry is not possible within the stipulated period for some valid reasons, the enquiry officers/committee shall get express approval of the Competent Authority for extension of the period for 1/2 week(s). In case the extended period also does not suffice, further extension for 1/2 week(s) shall be sought from the Chief Minister, Khyber Pakhtunkhwa. If in spite of extensions granted, the enquiry report is not completed within the extended period, disciplinary action shall be initiated against the enquiry officer concerned on account of his failure in submitting the report within the stipulated period/extended period.

3. I am further directed to advise that the above instruction may be brought into the notice of all concerned to strict compliance.

(Letter No. SOR-VI/E&AD/2-6/2010 Dated 17th July, 2014)

C.No. **47**(3-12)

VISITATION OF JUDICIAL OFFICERS TO HIGH COURT

With reference to the subject matter, the Competent Authority has taken a serious note of the fact that officers and subordinate staff of district judiciary have made it a habit to visit High Court on trivial matters without prior appointment / intimation at the cost of wasting precious time at both ends.

It has been desired that in future unless unavoidable, visits to this Court shall be regulated by way of advance intimation to the office of Registrar or Secretary to HCJ.

All the concerned officers and staff be accordingly intimated, please.

(PHC Letter No. 14564-98/Admn, Dated 05th November, 2014)

C.No. **48**(3-12)

DEDUCTION OF SALARY FROM GOVT EMPLOYEES IN CASE OF ABSENTEEISM

With reference to the subject noted above, I am to forward herewith letter No. SO(FR)/5-14-2014 dated: 16.12.2014, received from Section Officer (FR), Govt of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Peshawar for information and further necessary action, please.

(PHC Letter No. 7910-70/B&A, Dated 22nd December, 2014)

DEDUCTION OF SALARY FROM GOVT EMPLOYEES IN CASE OF ABSENTEEISM

I am directed to refer to the subject noted above and state that it has come to the notice of the government that on some occasion government employees remain absent from duty without authorization or fail to perform their assigned duties. Such instances attract the provision of Fundamental Rules and Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules, 2011. Accordingly, such government employee loses right to payment of pay and allowances for such periods besides making themselves liable for disciplinary proceedings. All concerned offices are duty

bound to deduct pay and allowances of the defaulting government employees for the period of absence and non-performance of the duty.

I am further directed to convey that all administrative departments and their attached entities shall ensure implementation of the above legal provisions in letter & Spirit.

(Letter No. SO (FR)/FD/5-14/2014, Dated 16th December, 2014)

C.No. **49**(3-12)

VISIT OF JUDICIAL OFFICERS OF DISTRICT JUDICIARY WITHOUT PRIOR APPOINTMENT/ PERMISSIONS

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has shown resentment over the frequent and uncalled for visits of the Judicial Officer of the District Judiciary to this Court and residences of the Hon'ble Judges especially without prior appointment/permission thus creating inconvenience and disorder whereas the earlier instruction issued in this regard are being flagrantly violated.

Hon'ble the Chief Justice has, therefore, been pleased to direct that all previous circular/orders, issued from time to time, in this respect be strictly complied and failure to comply these instructions would render the officer concerned liable proceedings under the E&D Rules.

(PHC Letter No. 11865-905/MIT/Admn dated 06th October, 2015)

C.No. **50**(3-12)

ANONYMOUS/PSEUDONYMOUS APPLICATIONS

I am directed to refer to the subject noted above and to say with great concern that this court receive a number of anonymous applications from time to time, addressed to Hon'ble the Chief Justice, by the Judicial Officers and paralegal staff.

Deprecating this practice, Hon'ble the Chief Justice has directed to impress upon all the judicial officers and paralegal staff to avoid submission of such applications to his lordship in future. Such applications shall not be considered and stern action will be taken against those found responsible.

This may be circulated amongst all the Judicial Officers and paralegal staff under your control, for information and strict compliance, please.

(PHC Letter No. 2910-50/Admn Dated 17th March, 2016)

C.No. **51**(3-12)

DISSEMINATION OF INFORMATION AGAINST HON'BLE JUDGES AND INSTITUTION.

I am directed to refer to the subject noted above and to say that spreading of graceless and indecorous information or commenting against the Hon'ble Judges and Institution through "Social Media" not only falls within the ambit of mis-conduct but is also a serious Cyber Crime.

I am therefore, to convey grave concerns of his lordship Hon'ble the Chief Justice expressed during visit of his lordship Hon'ble the Chief Justice to District Bar, Peshawar with directions to refrain from such practice in future otherwise, strict action will be initiated in due course.

(PHC Letter No. 8428-8627/Admn Dated 23rd July, 2016)

C.No. **52**(3-12)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE

I am directed to say that Hon'ble the Chief Justice has been pleased to direct that henceforth all the Judicial Officers and his staff shall not use mobile/cell phone inside the Court Room during working hours.

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

(PHC Letter No. 11419-11463/Admn Dated 26th October, 2016)

C.No. **53**(3-12)

WIMPLED PHOTOS OF FEMALE JUDICIAL OFFICERS.

The subject issue was examined by Hon'ble Administration Committee in its meeting dated: 20.02.2017 in the light of National Policy on such issues such as CNIC and Passport and it was decided that the same

policy shall also be applicable for female employees of Peshawar High Court. Therefore, the exemption of showing face was regretted.

Please inform all the female judicial officers of your respective districts accordingly.

(PHC Letter No. 4175-99/Admn, Dated 04th March, 2017)

C.No. **54**(3-12)

DIRECTIVE OF HON'BLE THE CHIEF JUSTICE

The Hon'ble Chief Justice has been pleased to order that in future, no judicial officer shall participate in any function of the Bar, where a politician or an executive is invited as a Chief Guest.

That in view, it is requested that these standing instructions may be circulated amongst subordinate judicial officers for strict compliance.

(PHC Letter No.6936-60/Admn, Dated 14th April, 2017)

C.No. **55**(3-12)

GRANT OF M.PHIL ALLOWANCE @ 2500/- PM

This court is in receipt of letters from District/Civil Courts seeking sanction of the subject allowance on the basis of equivalent qualification. Regarding admissibility of the aforesaid allowance on the basis of equivalent qualification (MS, LLM), this Court sought clarification from the Finance Department. The Finance Department vide its letter No. FD(SOSR-II/8-14/13 PHD allowance dated: 29.09.2016 clarified that there is no provision about admissibility of such allowance for other qualification equivalent to the M. Phil Degree.

(PHC Letter No.1605-55/B&A, dated Peshawar the 19-04-2017)

C.No. **56**(3-12)

VISITATION OF JUDICIAL OFFICERS TO HIGH COURT

I am directed to refer to the subject noted above and to state that in continuation of this Court letter No. 14564-98/Admn dated: 05.11.2014, the Competent Authority has taken a serious note of the fact that officers and subordinate staff of district judiciary have made it a habit to visit High Court on trivial matters without prior appointment/intimation at the cost of wasting precious time at both ends.

It has been desired that in future unless unavoidable, visits to this court shall be regulated by way of advance intimation to the office of Registrar or PSO to Hon'ble Chief Justice.

Non observance of the order shall make the delinquent officer/official liable to disciplinary action under the law.

All the concerned officers and staff be accordingly intimated, please.

(PHC Letter No. 10422-10446/Admn, Dated 12th July, 2018)

C.No. **57**(3-12)

VISITATION OF JUDICIAL OFFICERS AND OTHER ALL TYPE OF VISITORS TO HIGH COURT

I have been directed to invite your attention to this Court's letter No. 10422-10446/Admn dated: 12.07.2018 (copy enclosed). It is once again reiterated that certain officers, staff of District Judiciary and other visitors (from NGOs, etc) have made it a habit to visit the High Court on trivial matters without prior appointment /intimation.

It is therefore requested that visits to this Court be regulated through prior appointment / intimation to the office of Registrar or PSO of Hon'ble Chief Justice. I have been further directed to communicate that failure to comply with shall be liable to punitive action.

(PHC Letter No. 4356-4462/Admn, Dated 12th March, 2019)

SECTION-XIII
TRAINING OF HUMAN RESOURCE

C.No. 1(3-13)

PROVINCIAL JUDICIAL TRAINING CENTRE AT PESHAWAR

PESHAWAR HIGH COURT
NOTIFICATION

Dated Peshawar the 11th March 2008

No. H(a)/Trg-I-II-III-IV-V/ J. Whereas the proper training of Judicial Officers and Court personnel is necessary, in order to improve the professional competence of Judges and Court staff, and to enhance the quality of Justice administered in the Courts;

And whereas the provincial government shall be asked to establish a full-fledged Provincial Judicial Academy at Peshawar in due course of time;

Now, therefore, the Chief Justice is pleased to notify a Provincial Judicial Training Centre at Peshawar with a Director for making arrangements towards the end of capacity building of the Judges and staff of the Courts.

C.No. 2(3-13)

ESTABLISHMENT OF KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

Government of the Khyber Pakhtunkhwa
Law, Parliamentary Affairs and Human Rights Department

ORDER

Dated Peshawar the 05th March 2011

No. E&A/LD/8-100/2008:- The Competent Authority has been pleased to order the establishment of the Khyber Pakhtunkhwa Judicial Academy, with immediate effect as an interim arrangement, till the enactment of the draft law for the establishment of the Khyber Pakhtunkhwa Judicial

Academy. Faculty and other staff will be provided by the Peshawar High Court, Peshawar.

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Pesh the 13th April, 2011

In pursuance of Provincial Government order No.E&A. LD.8-100.2008 dated 05.03.2011, Hon'ble the Chief Justice has been pleased to establish Khyber Pakhtunkhwa Judicial Academy with immediate effect in the old premises of Sessions Court, Peshawar, opposite to the Central Jail, Peshawar, previously occupied by the District & Sessions Judge, Additional District & Sessions Judges and Civil Judges

(PHC Endst No.5162-207/Admn Dated 21st April, 2011)

C.No. 3(3-13)

THE KHYBER PAKHTUNKHWA JUDICIAL ACADEMY ACT,2012

**(KHYBER PAKHTUNKHWA ACT NO. IV
OF 2012)**

AN ACT

to provide for the establishment of the Khyber Pakhtunkhwa Judicial Academy

WHEREAS it is expedient to establish an academy for imparting training to the judicial officers and personnel concerned with the system of administration of justice with a view to develop their capacity, professional competence and ethical standard for efficient dispensation of justice and matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Judicial Academy Act, 2012.

(2) It shall extend to the whole Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless there is anything repugnant in the subject or context,-

- (a) “Academy” means the Khyber Pakhtunkhwa Judicial Academy established under section 3;
- (b) “Board” means the Board of Governors of the Academy;
- (c) “Chairman” means the Chairman of the Board;
- (d) “Director General” means the Director General of the Academy;
- (e) “faculty” means members of the teaching staff of the Academy;
- (f) “Fund” means the Fund of the Academy established under section 11;
- (g) “Government” means the Government of the Khyber Pakhtunkhwa;
- (h) “member” means a member of the Board;
- (i) “prescribed” means prescribed by rules made under this Act; and
- (j) “staff” means members of the staff of the Academy, including employees on contract, part time and deputation

3. Establishment of the Academy.---(1) Government shall, by notification in the official Gazette, establish an Academy to be known as the Khyber Pakhtunkhwa Judicial Academy.

(2) The Academy shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable in its

name, and shall by its name sue and be sued.

- (3) The main office of the Academy shall be at Peshawar. The Academy shall have its regional offices at such places as the Board may deem fit.

4. Aims and objectives of the Academy.---The aims and objectives of the Academy shall be-

- (a) to provide training to the judicial officers and court personnel and the personnel of all those departments, organizations, bodies and institutions, which are directly or indirectly connected with the system of administration of justice like Police, Prosecutors, Government Pleaders, Probation Officers, Medico Legal Experts and others;

¹[(aa) to provide higher education in the field of law and judicial studies,]

- (b) ²[to award certificates, degrees, diplomas and other distinctions to the students and trainees and to prescribe standards of proficiency before awarding such degrees, diplomas, certificates and distinction's,]

- (c) to hold conferences, seminars, lectures, workshops and symposia in matters relating to court management, administration of justice, law and development of skills in legislative drafting;

- (d) to initiate, promote and encourage research, publication of books, journals, research papers and reports on important topics relating to administration of justice;

- (e) ³ [to establish liaison with research institutions, universities and other bodies including the Federal

¹ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

² Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

³ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

Judicial Academy and the Higher Education Commission towards the cause of administration of justice for legal and judicial education.]

- (f) to inculcate and promote ethical values and standards in judicial officers and in personnel connected with the system of administration of justice.

5. The Board.---The Board shall consist of the following:

- | | |
|---|---------------|
| (a) Chief Justice of the Peshawar High Court; | Chairman |
| (b) Senior most Judge of the Peshawar High Court; | Vice-Chairman |
| (c) Additional Chief Secretary to Government; | Member |
| (d) Secretary to Government Law, Parliamentary Affairs and Human Rights Department; | Member |
| (e) Secretary to Government Finance Department; | Member |
| (f) Advocate General, Khyber Pakhtunkhwa | Member |
| (g) Registrar, Peshawar High Court; | Member |
| (h) The Additional Registrar (Admn), Peshawar High Court | Member |
| (i) Member Inspection Team, Peshawar High Court | Member |
| (j) the Principal/Dean, Faculty of Law, University of Peshawar; ¹ [] | Member |

¹ The word “and” deleted vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

- | | |
|--|----------------------|
| (k) Director General of the Academy;
and ¹ | Member-cum-Secretary |
| (l) ² [a representative of the Higher Education Commission, not below the rank of basic pay scale 20 officer] | Member |
6. Powers and functions of the Board.---(1) For carrying out the aims and objectives of the Academy, the Board shall, [subject to the provisions of this Act]³-
- (a) exercise supervision and control over the affairs of the Academy;
 - (b) lay down the policy and program for training;
 - (c) initiate, modify, adopt the curriculum, courses, modules, clinics, for orientation and training;
 - (d) organize and carry out the activities and performance of the Authority;
 - (e) consider and approve the annual budget and revised budget estimate of the Academy;
 - (f) manage financial affairs;
 - (g) cause proper books of account to be maintained for all sums of money received and expenditure incurred by the Academy and arrange for audit of accounts;
 - (h) specify qualifications, conditions of service and matters relating to the Director General, faculty members and staff of the Academy;
 - (i) create, abolish, suspend and upgrade posts;

¹ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

² Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

³ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

- (j) purchase, hire, construct or alter any building for the use of the Academy;
 - (k) acquire, hold, control, maintain, administer, construct or dispose of any property, or other assets; and
 - (l) acquire, maintain and dispose of any vehicle;
 - (m) affiliate the Academy with other academies, institutions and centers of the Federal, Provincial or Foreign Government and Organizations;
 - (n) appoint advisors, consultants and experts and specify their terms and conditions;
 - (o) appoint or hire permanent or visiting faculty and specify their terms and conditions; and
 - (p) decide any other matter ancillary or incidental to aims and objectives of the Academy.
- (2) The Board may delegate any of its powers or functions to the Chairman, member or the Director General, as it may deem fit.
7. Appointment of the Director General.---(1) The Director General shall be appointed by the Chairman from amongst the serving or retired District and Sessions Judges on such terms and conditions as may be determined by the Board.
- (2) The Director General may resign from his office by writing under his hand, addressed to the Chairman.
8. Powers and functions of the Director General.---The Director General shall-
- (i) manage the affairs of the Academy under the general directions of the Chairman;

- (ii) be the academic and administrative head of the Academy and shall be responsible for administration, maintenance, order and discipline;
- (iii) be the drawing and is disbursing officer of the academy; and
- (iv) execute the policy, set out by the Board.

9. Meetings of the Board.---(1) A meeting of the Board shall be called by the Chairman on such date and at such time and place as he may deem appropriate:

Provided that the intervening period between two meetings of the Board, shall not exceed six months.

- (2) In the absence of the Chairman, the Vice-Chairman and in his absence, the nominee of the Chairman shall preside over the meeting of the Board.
- (3) The quorum of the meeting of the Board shall be six members.
- (4) All decisions shall be made by simple majority present and voting.
- (5) The Chairman or the Vice-Chairman or member, as the case may be presiding over the meeting, shall have a casting vote in case of tie.

10. Appointing authority.---(1) The Appointing authority of the staff shall be the Chairman.

- (2) The Chairman may delegate his power to the Director General for appointment of any class of staff.

¹[10-A The Controller of Examination shall be appointed by initial recruitment on contract basis and if no suitable person is available for initial recruitment then by deputation for a period of three years, on such terms and conditions of service as may be prescribed.]

² [10-B There shall be an Academic Council, which shall comprise of-

¹ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

² Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

(a)	The Director General, Judicial Academy;	Chairperson
(b)	All the Directors of Judicial Academy	Members
(c)	A representative of the Peshawar High Court	Member
(d)	A representative of Higher Education Commission.	Member
(e)	Two faculty members of the Judicial Academy to be nominated by the Director General, Judicial Academy, for a period of two years;	Members
(f)	An eminent lawyer to be nominated by the Director General, Judicial Academy, for a period of two years;	Member
(g)	A legal expert having a rich experience of academics and research, preferably a university teacher to be appointed by the Director General, Judicial Academy for a period of two years; and	Member
(h)	The Dean, Faculty of the Judicial Academy.	Member-cum-Secretary

(2) The Academic Council shall be responsible for all academic matters including course, syllabi, examinations, degrees, diplomas, certificates and other matters connected therewith and ancillary thereto;

(3) The meeting of the Academic Council shall be held at least once in six months.

(4) The Dean Faculty of the Judicial Academy shall be the Secretary of the Council and in the absence of the Chairperson, dean faculty of the Judicial Academy shall preside over the meeting.

(5) The quorum of a meeting of the Academic Council shall be one half of the total members.

(6) All decisions shall be made by the majority of the members present in the Council's meeting".]

11. Application of the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules.---The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules shall, mutatis mutandis apply to the employees serving in the Academy.

12. Fund.---(1) There shall be a Fund to which all its income shall be credited and from which all its expenditures shall be met.

- (2) The sources of income of Funds shall be-
- (a) grants made by the Federal Government;
 - (b) grants made by Government;
 - ¹[(b) grants made by the Higher Education Commission, or any Federal or Provincial Agency;”.]
 - (c) sale proceeds of the property and publications of the Academy; and
 - (d) fees, charges or any other sum received by the Academy from any lawful source.
- (3) The Fund shall vest in the Academy and the money to the credit of the Fund shall be kept in a personal ledger account in the Government Treasury or with the approval of the Board, in a Scheduled Bank.

13. Budget.---(1) The Director General shall, in respect of each fiscal year, submit for approval of the Board, by such date and in such manner as may be prescribed, a statement showing the estimated receipts, the current and development expenditures and the sums required as grants-in-aid from the Federal Government and Government.

- (2) The Director General shall not incur any expenditure from the Fund which is not provided for in the Budget approved by the Board except in certain conditions, situations and to such limit as may be prescribed.

14. Audit.--- The accounts of the Academy shall be audited by the Director General, Provincial Audit in such a manner as may be prescribed.

15. Annual Reports, etc.---(1) Within two months of the conclusion of each calendar year, the Director General shall submit the annual report to the Board, in respect of various activities carried

¹ Added vide Khyber Pakhtunkhwa Judicial Academy Act, 2015

out by the Academy during the previous year.

(2) The Board shall submit such annual report within period of six months of the close of the calendar year, to Government.

16. Power to make rules.--- The Board may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Repeal.-- The Khyber Pakhtunkhwa Judicial Academy Ordinance, 2011 (Khyber Pakhtunkhwa Ordinance No. II of 2011) is hereby repealed

SECTION-XIV INSTRUCTIONS RELATING TO TRAINING

C.No. 1(3-14)

TRAINING FOR PROBATIONERS JUDICIAL OFFICERS

In exercise of the powers conferred by Rule 9(4) of the *[Khyber Pakhtunkhwa]*¹ Judicial Service Rules, 2001, the following training is prescribed by the High Court for Probationers, henceforth placed on probation, as mentioned against each category, to be undertaken in each institute / Academy / Body as may be specified by the Chief Justice of the Court from time to time.

S.No.	Category of Probationers	Duration of Training
1	District & Sessions Judges / Zila Qazis	Two weeks
2	Additional District & Sessions Judges / Izafi Zila Qazis appointed by promotion	Three weeks
3	Additional District & Sessions Judges / Izafi Zila Qazis appointed by initial recruitment	From Four to Eight weeks
4	Senior Civil Judges / A'ala A'laqa Qazis	Three weeks
5	Civil Judges-cum-Judicial Magistrates / A'laqa Qazis	From Four to Eight weeks

(PHC Notification No. 5-J dated Peshawar the 20th December, 2003)

C.No. 2(3-14)

CHIEF JUSTICE DIRECTIVE NO. 5 (LOCAL TRAININGS)

I am directed to reproduce herewith the subject directive issued by his Lordship the Chief Justice for immediate compliance.

“The District & Sessions Judges be required to lay emphasis on local training of ministerial staff and to arrange local training activities (Workshops, Seminars & Study Circles) for the Judicial Officers from within their own resources so that maximum output is ensured”.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

(PHC letter No.4536-4550/Admn. Dated Peshawar the 23rd April, 2004)

C.No. 3(3-14)

FOREIGN TOUR/TRAININGS

I am directed to refer to the subject noted above and to say that certain instances have come to the notice of this Court that some judicial officers apply or manipulate for foreign tour/training without first getting permission of this court. This practice is against service discipline and should be discontinued forthwith. Anyone found guilty shall be dealt with strictly under disciplinary rules.

These instructions may be circulated amongst all the judicial officers under your control.

(PHC Letter No. 1024-60/Admn, dated Peshawar the 31-01-2012)

C.No. 4(3-14)

MANDATORY PARTICIPATION TO TRAINING PROGRAMMES

I am directed to say that the Competent Authority has shown his displeasure on the attitude of the Judicial Officers who upon nomination for training, comes up with excuses for exemption at the eleventh-hour creating embarrassment both for this Court and the training agencies.

Needless to say, that training is an integral part of service which is an essential medium to nurture skills for better service delivery.

It is therefore, once again reiterated the participation in trainings is compulsory for the Judicial Officers and exemptions application or non-serious participation reports, shall be placed on their personal files for consideration at the time of writing PER reports.

You are therefore, to communicate this to all the Judicial Officers under your administrative control for information and future compliance, please.

(PHC Letter No.13707-731/Admn, 26th November, 2015)

C.No. 5(3-14)

DIRECTIVES OF THE HON'BLE CHIEF JUSTICE.

I am directed to refer to the subject noted above and to say that in order to bring a positive improvement in quality of adjudication besides ensuring expeditious disposal of cases, Hon'ble the Chief Justice has been pleased to approve introduction of a system of mentorship and directed that each District & Sessions Judge shall entrust a group of Civil Judges-cum-Judicial Magistrates to the Additional District & Sessions Judge(s) with a view to ensure their mentorship that would lead to improvement in quality and quantity of disposals besides the facilitation of the District & Sessions Judge in monitoring and control.

You are, therefore, requested to comply with the above directions of Hon'ble Chief Justice in letter and spirit, please.

(PHC letter No. 14695-719/Admn Dated 14th September, 2018)

C.No. 6(3-14)

LOCAL TRAINING OF JUDICIAL OFFICER/LAWYERS AND MINISTERIAL STAFF

I am directed to refer to the subject cited above and to say that Khyber Pakhtunkhwa Judicial Academy has devised the uniform training module for carrying out local/regional trainings. The manual can be downloaded from the website of the Peshawar High Court.

In case of any difficulty regarding reading material, you may approach academic wing of the KPJA for assistance.

(PHC Letter No.4514-48/SDJ/HRW/ADMIN Dated 31st March 2021)

C.No. 7(3-14)

MANUAL FOR LOCAL/REGIONAL TRAINING

Introduction

Para # 16 of the District Judiciary Performance, Monitoring, and Evaluation Policy 2020-2025 of Hon'ble the Peshawar High Court, Peshawar, refers to local/regional training programs of Judicial Officers, Lawyers, and Ministerial Staff. Such programs are also mentioned in the High Court's

strategy for eradication of corruption. Training areas identified in the policies include skill development, uniformity in judicial discretion, expeditious adjudication tools, soft skills, leadership, smart management, scheduling mechanisms, maintenance of record, ethical standards motivation, observance of code of conduct rules and directives of Peshawar High Court, inquiries and disciplinary proceedings etc.

Hon'ble the Peshawar High Court, Peshawar, vide letter No. 19889 dated 09-11-2020 followed by letter No. 3017 dated 26-02-2021, instructed the Academy to bring uniformity in the local training plans. This Manual has been formulated with the stated objective. Training sessions may be rolled out, as per local requirements, according to the Manual. It is envisaged that sound and systematic methodology will be followed in designing training plans and evaluation mechanisms to make training sessions effective. The Academy can be consulted for further assistance, if any.

Module 1

Uniformity in Discretionary Matters

Judicial discretion is commonplace in the administration of justice. It manifests itself in the traditional "may" dilemma of the statutory interpretations. Yet, the doctrinally-recognized areas of discretion, sentencing, bail, probation and parole in the criminal law and equitable remedies in civil law, are the prominent areas to focus on. The legal literature abounds in the discussion of dimensions and contours of judicial discretion, such as the primary and secondary discretion, the strong and weak discretion, and discretion in hard cases. However, allowing even for judicial creativity, judicial discretion is neither judicial intuition nor judicial freedom. The judge, even when he is free, is still not wholly free. He is to exercise discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to the primordial necessity of order in the social life. He decides on principle, not precedent. Uniformity, an essential characteristic of legal rules, can only be achieved when the judge uses his or her authority while adhering to the whole philosophy of law and justice and principles of jurisprudence.

Learning Objectives

- To understand the philosophy of law and fundamental issues of jurisprudence
- To understand, the nature, purpose, principles and history of equitable reliefs

- To understand bail jurisprudence and its principles
- To understand sentencing jurisdiction
- To understand probation and parole regime

Target Audience

- Judges and Lawyers

Structured Learning

- **Part A. Jurisprudence**
 - Purposive Approach, Fuller
 - Hart's Concept of Open Texture, Hard Case and Judicial Discretion, Hart
 - Concept of difference between principles and rule, Dworkin
 - Institutional Thesis
 - The Rights Thesis
 - Terms of Strong and Weak Discretion, Dworkin
 - Judges Do not Make Policy Decisions, Dworkin
- **Part-B: Equitable Reliefs**
 - Historical Overview
 - Interlocutory Injunctions: General Principles
 - Interlocutory Injunctions: Specific Areas
 - Mareva Injunctions
 - Anton Piller Injunctions
 - Perpetual Injunctions: General Principles
 - Injunctions to Protect Property
 - Injunctions to Enforce Public Rights
 - Specific Performance: General Principles
 - Specific Performance: Discretionary Defences
 - Specific Performance: Specific Areas
 - Enforcement of Contracts by Injunctions
 - Enforcement of Equitable Court Orders
 - Equitable Damages
 - Equitable Compensation
 - Rectification
- **Part-C: Bail**
 - Bail-General: Meaning, Scope, Basic Rule and Concept
 - Bail for purposes of Evidence
 - Bail for Appearance
 - Remand and Law of Detention
 - Statutory Bail

- Bail in Bailable Offence
- Bail in Non-Bailable Offence
- Anticipatory Bail
- Transit Bail
- Cancellation of Bail
- Bail in contemplation of and pending Appeals
- Bonds, Sureties and Forfeiture
- **Part-D: Sentencing**
 - Sentence Defined
 - Sentencing Guidelines and Purpose
 - American Experience
 - English Sentencing System
 - Theories of Sentencing
 - Key principles of Sentencing: Consistency, Uniformity, Proportionality and Totality
 - Extant Sentencing Regime
- **Part-E: Probation and Parole**
 - Alternatives to Imprisonment
 - Probation Defined: Conviction and Sentence
 - Objectives of Probation
 - Legal Instruments
 - Applicability of Section 4: The Probation of Offenders Ordinance, 1960
 - Section 4 and Section 6: The Probation of Offenders Ordinance, 1960
 - Social investigation report
 - The scope of Section 5 (Juvenile Justice System Act-life or death sentence)
 - Community Service order

Learning Outcomes

On completion of the training, we expect to have: -

- Enhanced knowledge of the trainees about exercise of judicial discretion as an issue of jurisprudence
- Improved sensitivity of the trainees to proper exercise of judicial discretion
- Better understanding of the trainees to the principles of grant or refusal of equitable reliefs
- Better understanding of the trainees of bail jurisprudence
- Better understanding of the trainees of sentencing jurisdiction

- Better understanding of the trainees of probation and parole legal regime
- Trainee's recognition of the importance of uniformity in exercise of judicial discretion
- Court's exercise of judicial discretion based on adherence to the philosophy of law and principles of jurisprudence
- Improvement in quality and efficiency of judicial system

Required Reading

- The Constitution of Islamic Republic of Pakistan, 1973
- High Court Rules and Orders
- The Probation of Offenders Ordinance, 1960 and the Rules
- Good Conduct Prisoners, Probationer Release Act & Rules
- Juvenile Justice System Act, 2018
- Jurisprudence: The Philosophy of Law: Textbook, *Michael Doherty*
- Learning Legal Rules, *James Holland and Julian Webb*
- Islamic Jurisprudence, *Imran Nyazee*
- *Islami-Qanun-e-Faujdari*, Abdul Qadir Auda
- Law of Injunctions, *Nelson*
- The Specific Relief Act, *M. Mehmood*
- Law of Bail, *Shaukat Mehmood*
- How Judges Sentence, *Geraldine*
- Sentencing and Criminal Justice, *Ashworth Andrew*
- Punishment, Prison and the Public, *Cross Rupert*
- Judges Attitudes in Sentencing: A Study of the Factors Underlying the Sentencing Practice of the Criminal Courts of Philadelphia, *Green Edward*

Recommended Reading

- Law in the Making, *Austin*
- Legal Philosophies, *Harris*
- Introduction to Jurisprudence, *Lloyd*
- The Concept of Law, *H.L.A Hart*
- Taking Rights Seriously, *Ronal Dworkin*
- The Morality of Law, *Lon. F. Fuller*
- The Concept of a Legal System, *Joseph Raz*
- Specific Relief Act, *Justice A.K Nandi*
- Effecting Change in Khyber Pakhtunkhwa Probation Regime by Research Society of International Law Pakistan

Module 2

Tools of Expeditious Adjudication

The Constitution of the Islamic Republic of Pakistan guarantees inexpensive and expeditious justice. Regrettably, however, the justice system suffers from the vices of cost, complexity, and delay and is in a state of crisis. The root causes may be many, yet judicial case management has gained worldwide acceptance as a time-tested panacea. Case Management Rules are now a feature of the Procedural Codes of all the Common Law countries. No wonder early identification of issues, pre-cognizance scrutiny, summary judgments, and scheduled trials contribute to swift and timely adjudication of disputes.

Learning Objectives

- Clear understanding of the role of judge in understanding the matter-in-controversy through the use of examination of the parties and discovery etc.
- Pre-Cognizance Scrutiny and judging appropriateness of trial
- Summary Judgement and its significance
- Trial scheduling and its significance

Target Audience

- Judges and Lawyers

Structured Learning

- Part-A Civil
 - Historical Perspective
 - Rationale of the Rules
 - Summons for final disposal
 - Identifying and Narrowing the Issues: Examination of Parties, Discovery, Affidavits
 - Alternative Dispute Resolution: Various Modes & Procedures with special focus on Mediation Skills
 - Summary Judgment
 - Trial Scheduling
 - Conduct of Summary Trials: Focus on cases under O. 37 CPC & SCMO Cases
- Part-B Criminal

- Pre-Cognizance Scrutiny
- Discharge
- Charge Framing
- Trial Management
- Dealing with SCMO Cases

Learning Outcomes

On completion of the training, we expect to have:-

- Enhanced knowledge of the trainees about summary judgments
- Increase in ratio of summary judgments
- Enhanced knowledge of the trainees about trial scheduling
- Improved sensitivity of the trainees to pre-cognizance scrutiny and appropriateness of charge
- Trial scheduled and concluded in an agreed and definite time framework
- Improvement in quality and efficiency of justice system

Required Reading

- Civil Procedure Code, *Amer Raza*
- Criminal Procedure Code, *Shaukat Mehmood*
- High Court Rules and Orders
- KP Civil Case Management Rules
- Case Management Handbook, Law Council Australia
- Case Management Rules of Common Law Countries

Recommended Reading

- Criminal Procedure, *Sheikh Abdul Haleem*
- Civil Procedure Code, *Justice Thakker*
- *Hryniak v. Mauldin*. 2014 SCC
- Trilogy, *Celotex*

Module 3

Judgment Writing Skills

A judge must consider a variety of factors when making decisions, including knowledge of human behavior, social norms, rules of interpretation, and case law. Besides, he must be well versed in both substantive and procedural laws.

But all of this would be for naught if the judge is unable to present his thoughts in a clear, coherent, and concise manner.

Learning Objectives

- To understand the statutory requirements of judgment writing
- To understand the elements of judgments writing and their sequence
- To understand principles of appreciation of evidence
- To understand interpretation of law
- To understand the applicability of case law
- To understand principles of effective communication

Target Audience

Judicial Officers

Structured Learning

Judgment Writing: General

- Essential Requirements
- Language
- Title, Heading
- Sketchy
- Use of Couplets
- Quoting Extracts
- Long or Laboured
- Use of abbreviations or Codes
- Emotion or Sentiments
- Reference to documents, commentaries, thoughts of creative writers, law reports, online databases
- Criticism of witnesses
- Demeanour of witnesses
- Remarks
- Conclusion

Judgments in Civil cases

- Opening Sentence
- Narration of Facts
- Issues
- Discussion of Evidence
- Applying law

- Findings with reasons
- Summing up
- Relief
- Costs

Judgments in Criminal Cases

- Essential Matters
- How begins
- Statement of Facts
- Points to determine
- Discussion of Evidence
- Applying law
- Findings with reasons
- Operative Portion
- Punishments

Judgments in Appeals

- Essentials
- Beginning
- Facts
- Points to determine
- Reasons for finding
- Discussion and Analysis of Evidence
- Relief
- Costs

Learning Outcomes

On completion of the training, we expect to have:-

- Enhanced knowledge of the trainees about the basic principles of good judgment writing
- Improved sensitivity of the trainees to the proper exercise of judicial discretion
- Better understanding of the trainees of principles of appreciation of evidence
- Better understanding of the trainees of applying law to the facts
- Better understanding of the trainees of operation of precedents
- Better understanding of the trainees of principles of effective communication and its importance in judgment writing
- Improvement in standard of judgment writing

- Improvement in quality and efficiency of justice system

Required Reading

- Judgments and How to Write them, *S.D Singh*
- Criminal Procedure Code, *M. Mehmood*
- Civil Procedure Code, *Amer Raza*
- Law of Evidence, *Justice Muneer*
- Understanding Statutes, *S.M Zafar*
- Learning Legal Rules: *James Holland and Julian Webb*
- Handbook of Technical and Scientific Writing, *Mayfield*

Recommended Reading

- Legal Writing, *Chief Justice Beverly McLachlin*
- On the Writing of Judgment Writing, *Justice Michael Kirby*
- Judgment Writing, *Sir Henry Gibbs*
- Why Write Judgment?, *Sir Frank Kitto*
- Judicial Opinion Writing, *Judge Gerald L. A. Vasi and Lisa Solomon Ethical*
- Judgment Writing, *Justice Roslyn Atkinson*
- A Matter of Judgement, *Justice Linda Dessau and Judge Tom Wodak*
- The Form and Language of Judicial Opinion, *Lord Roger of Earlferry*
- Judges Writing Style, *Richard A. Posner*

Module 4

Legal Writing

The importance of pleadings in the administration of justice needs no emphasis. Properly drafted pleadings bring the controversy to clarity, enabling the court to decide the cases justly and expeditiously. It is trite that the party is expected to prove the case as alleged by him. Thus every practicing lawyer appreciates that the art of pleadings is the skill he must necessarily possess. For the pleadings to be free from the vices of abusive, irrelevant, reckless statements, unfounded charges of fraud, baseless justification, and intentional misstatements, a lawyer needs to grasp fundamental principles of pleadings and principles of effective communication.

Learning Objectives

- To understand the importance of pleadings
- To impress upon the necessity of proper client interview and scrutiny of relevant records
- To understand the basics of pleadings
- To understand principles of effective writing

Target Audience

- Lawyers

Structured Learning

- Importance of pleadings
- What is pleading
- Object and Purpose of Pleadings
- Functions of Pleadings
- Language of Pleadings
- Particulars in Pleadings
- Pleadings and proof
- Inconsistent pleadings
- Pleadings vary from evidence
- Doctrine of relation back
- Legal Pleas
- Alternative pleas
- Relief to be founded on pleadings
- Amendments of pleadings
- Striking out pleadings
- Classes of parties
- Cause of action and jurisdiction
- Presumptions
- Onus of Proof
- Interest and cost

Learning Outcomes

On completion of the training, we expect to have:-

- Enhanced knowledge of the trainees about importance of pleadings
- Improved sensitivity of the trainees to the proper interview of the clients and assessment of record

- Better understanding of the trainees of principles of effective communication
- Expeditious adjudication resulting in summary judgments
- Increased Use of ADR
- Properly formulated issues
- Improvement in service delivery by justice sector

Required Reading

- Civil Procedure Code, *Amer Raza*
- High Court Rules and Orders
- Law of Pleadings, *Mogha*
- Pleadings Without Tears: A Guide to Legal Drafting under the Civil Procedure Rules, *William Rose*,
- Pleadings and Practise, *NS Bindra*
- Handbook of Technical and Scientific Writing, *Mayfield*

Recommended Reading

- Civil Procedure Code, *M. Mehmood*
- Civil Procedure Code, *Justice Thakker*
- Pleadings in Indian Courts, *Pundit Sheo Narain*

Module 5**Advocacy Skills**

Advocacy skills involve two distinct roles, the presentation of evidence and forensic persuasion. A lawyer presenting evidence has the opportunity to dissect human character and motives, to distinguish between sincerity and sham, the genuine and the spurious, truth and false. More than that, he has the opportunity to serve the noble cause of justice by bringing before the court nothing but the whole truth. Moreover, evidence alone fails to attain full significance without forensic persuasion. All the more the two skills do not come by grace but must be assiduously cultivated.

Learning Objectives

- To understand the principles of examination-in-chief, cross and re-examination
- To understand skills of forensic persuasion

Target Audience

Lawyers

Structured Learning

- Relevancy, Admissibility, Weight and Proof: The Principles and Distinctions
- Hearsay and Exceptions
- Burden of Proof and Presumptions
- Direct Examination - The Fundamentals
- Form of the Question, Inflection, Body Language
- Cross Examination - The Fundamentals
- Examination of Witness - Direct and Cross (Exercise)
- Impeachment: Bias, Prejudice and Motive, Prior Untruthful Acts, Prior Conviction, Prior Inconsistent Statements
- Refreshing Memory and Past Recollection
- Forensic Persuasion

Learning Outcomes

On completion of the training, we expect to have:-

- Enhanced knowledge of the trainees about the law of evidence
- Improved sensitivity of the trainees to the proper conduct of witness examination
- Better understanding of the trainees of difference in examination of various kinds of witnesses
- Improved Court decorum during examination proceedings
- Availability of better evidence before the court
- Effective communication before the courts
- Improvement in quality and efficiency of justice system

Required Reading

- Effective Advocacy (Legal Skills), Shaw Noel
- Law of Evidence, *Justice Muneer*
- Qanoon-e-Shahdat Order, *Shaukat Mehmood*
- High Court Rules and Orders
- Law of Evidence, *Cross and Tapper*
- The Advocacy Trainer: A Manual for Supervisors

Recommended Reading

- Law of Evidence, Field
- Islami-Qanoon-e-Shahdat, Justice Tanzeel-ur-Rehman

Module 6**Information Technology Skills**

Information technology in its varied manifestations has completely changed the dynamics of the justice sector. Word processors and spreadsheets, to an unimaginable extent, have increased the accuracy and speed of office tasks. Network I.T has revolutionized communication mechanisms. Enterprise I.T has helped redesigning business processes and standardizing workflows, bringing phenomenal changes in case management, record management and evidence management. Advent of Artificial Intelligence (AI) has increased the possibilities for online conflict resolution. Thus quite significantly I.T has enabled the justice sector to realize its core values of fairness, timeliness, impartiality, and independence. Every judicial system hence is obligated to take full advantage of the benefits information technology has to offer.

Learning Objectives

- To gain an understanding of fundamentals of computing
- To Gain an understanding and use of word processors and spreadsheets
- To gain an understanding of AI

Target Audience

- Judicial officers,
- Court Staff, and
- Lawyers

Structured Learning

- Introduction to Computer
- Evolution of Computing
- The World Wide Web
- Computer Systems. Building a Personal Computer.
- Developing and Hosting a Web Page.
- Microprocessor. Binary Numbers & Logic Operations. Lists and Tables.
- Computer Software. Operating Systems. Interactive Forms. Application Software. Word Processing. Algorithms, Objects,

Properties and Methods. Programming languages. Software Development Methodologies. Data Types and Operators. Spreadsheets. Flow Control and Loops. Design Heuristics. Web Design for Usability. Arrays.

- Computer Networks. Introduction to the Internet. Function and Variable Scope. Internet Services. Developing Presentations. Event Handling. Graphics and Animations. Intelligent Systems. Mathematical Methods. Data Management. Database Software. String Manipulations. Cyber Crime. Social Implications of Computing. Images and Animations.
- Use of word processors and spreadsheets
- What is AI and how it is used?
- Case-Flow Management and Information System (CFMIS): Orientation of the Dedicated Software developed by Peshawar High Court
- Evidence through video-link
- Digitization and Record Management

Learning Outcomes

On completion of the training, we expect to have:-

- Enhanced knowledge of the trainees about the uses of ICT
- Increased quality and efficiency of court work including court and case management, record management, evidence management and office work
- Trainee's realization of the importance of ICT in justice sector
- Improvement in quality and efficiency of justice system

Required Reading

- Understanding Computers: Today & Tomorrow, *Deborah Morley etc (Lated Edn.)*
- Microsoft Office 365 & Office 2019: Introductory, *Sandra Cable, Steven M. Freund, Ellen Monk, Susan L. Sebok, Joy L. Starks, and Misty E. Vermaat*
- Artificial Intelligence – A Modern Approach (3rd Edition), *Stuart Russell et al.* Technology for justice: How IT can support Judicial Reform, *Dory Reiling*

Recommended Reading

- Computer Science: An Overview, *Global Edition, Glenn Brookshear, Dennis Brylow*
- MS-Office 2010 Training Guide, *Prof. Satish Jain, M. Geetha*

Module 7**Maintenance of Judicial Records**

Maintenance of record is considered as the most neglected area and non-observance of the prescribed rules has lead to irremediable consequences in shape of piling of unorganized and improper bulk in the Record Room. Hon'ble the Peshawar High Court, Peshawar, has time and again ordered proper compliance of the relevant rules and directives pertaining to maintenance etc of the judicial records. Considering the importance of the subject, Judicial Officers and Court Staff need to be sensitized about and trained to maintain and preserve the records in accordance with the prescribed procedures. Additionally, the stakeholders are also required sensitization about digitization of judicial record under the directives of Peshawar High Court, Peshawar. This training module describes the rules and procedure, addresses the important but neglected areas with common mistakes and identifies officials responsible for maintenance of judicial records.

Learning objectives

This module intends to train the stakeholders regarding:

- Purpose of maintenance and compilation of judicial record
- The relevant rules pertaining to the maintenance & destruction of the judicial record
- The standards, relevant to use of paper and writing in judicial proceedings
- Preparation of the prescribed index on judicial record
- Arrangement of judicial file in Part-A and Part-B
- Modes of transmission of record between the Courts/offices and Record Room
- The procedure for inspection of records, pending trial and consigned
- Procedural mandate of consignment of the record in Record Room
- The periods prescribed under the Rules for preservation of the judicial record and registers.
- Mode and manner of destruction of the judicial record and registers
- Procedure of digitization/scanning of judicial record per directive of Peshawar High Court

Target Audience

- Judicial Officers,
- Court Staff, and
- Paralegal Staff

Structured Learning

Sequence of the discourse shall be following:-

- Objectives of maintenance of Judicial Record
- Preparation of Index and arrangement of Part-A & Part-B of judicial record.
 - Anomalies Currently in practice and ensuing implications
 - Contents of Part-A & Part-B of various judicial records
 - Relevant Rules
- Size and Quality of the paper
 - Common mistakes made in writing and paging
- Digitization of Record
 - Directive of Peshawar High Court for digitization of the judicial record
 - SOPs for maintaining the digitized judicial record.
- Consignment of Judicial Record
 - Erroneous practices employed in consignment
 - Use of Prescribed Challan and importance of relevant entries
 - Relevant Rules and procedure
- Inspection of Record
 - Inspection in practice
 - Relevant rules of appropriate procedure and prohibitions.
- Transmission of Record
- Preservation & Destruction of Records & Registers
 - Record to be maintained in Perpetuity
 - Periods prescribed for destruction of records & registers
 - Procedures of Destruction
- Maintenance & Consignment of Registers of Paralegal Staff
 - Rules & Procedures for Maintaining the Records
 - Surveillance of the relevant record/registers

Learning Outcomes

On completion of the training, the trainees shall be able to:-

- Improve creation, maintenance, preservation, and destruction of record
- Enumerate the periods prescribed under the Rules for maintenance of the judicial record and registers

- Describe the mode and manner of destruction of the judicial record and registers
- Gain better understanding about the procedure of digitization of judicial record
- Demonstrate the requisite skill for better management of records
- Ensure proper maintenance & preservation of the record of paralegal staff
- Improve court records management system and preservation through digitization
- Improvement in quality and efficiency of justice system

Required Reading

- High Court Rules & Order (Civil) Vol. IV Chapter-5, Part-C
- High Court Rules & Order (Civil) Vol. IV Chapter-16
- High Court Rules & Order (Civil) Vol. IV Chapter-24
- The Destruction of Record Act, 1917
- Judicial Estacode: Directives of the Peshawar High Court
- Rules and Instructions relevant to Petition Writers, Oath Commissioners and Notary Public

Recommended Reading

- Trial Court Record Manual California Courts

Module 8**Process Serving Agency: Skills of Proper & Timely Execution of Processes**

The Process Serving Agency plays a crucial role in the justice sector. A strengthened process serving agency contributes to expeditious, inexpensive and impartial justice. Considering the importance of the process serving agency, it is essential to enhance its capacity to execute processes with promptitude and in accordance with the Rules. With the incorporation of modern devices as means of process serving, advanced training of the members of the Agency is also a need of hour.

Learning Objective

- To understand the statutory provisions of CPC and directives of the High Court pertaining to the process serving
- To understand the utilization of modern devices for speedy service of processes
- To impress upon the consequences of improper service

Target Audience

- Judicial Officers,
- Civil Nazir,
- Naib Nazirs,
- Bailiffs, and
- Process Servers

Structured Learning

- Duties of Civil Nazir, Naib Nazir, Bailiff and Process Server: High Court Rules And Orders
- Types of Processes
- Registers
- Affidavit of Process Server
- Different modes of service
- How to conduct effective service of processes
- Scale of process fee
- Police assistance in execution of warrants
- Processes in criminal cases
- Financial duties: Sheriff Petty Account

Learning Outcomes

The discourse will enable the trainee to:

- Improvement in the knowhow of effective service of process
- Resort to the new mode of services.
- Avoid mistakes which become the causes of delay, remand and other legal consequences resulting from the improper service of process.

Required Reading

- Code of Civil Procedure, 1908.
- Code of Criminal Procedure, 1898.
- High Court Rules and Orders.
- Judicial Esta Code

Recommended Reading

- Urdu Hidayaat baraye amla zile Adliya Khyber Pakhtunkhwa, compiled by Mr. Yahya Zahid Gillani, Former District and Sessions Judge, Published by Access to Justice Program
- Rehnomye Usool Barye Paida Gaan, Bali Fan waa Naziraan Wagiaraa, Published by Peshawar High Court, Peshawar

- Amomee Qanoon-e-Zawabit Tamil Qunandagan or Bailiff Sahiban Ki Liye, published by Punjab Judicial Academy.

Module 9

Diary Management Skills

The Case Management Rules envisage novel and distinct conferences and trial scheduling mechanisms. Trial preparation is scientifically planned with the active participation and consent of parties and lawyers. Diary Management Database and the Revenue Record Cell are used as facilitation tools. The actual dates are a timetable with a daily hearing feature. All of this necessitates dexterity and foresight not only on the part of the presiding officer but the reader of the court to be well aware of the niceties of the new legal regime in addition to his core duties.

Learning Objectives

- To understand the duties of the reader mentioned in the High Court Rules and Orders
- To understand the duties of the reader vis-a-vis diary management under the case management rules and Five Years Policy of the High Court

Target Audience

- Readers

Structured Learning

- Handling of Files
- Preparation of Daily Cause list
- Display of Cause List
- Giving *Parcha Yadasht*
- Arrangement of the files per Cause list
- Checking of the pleadings and court fee
- Signing of summons, if so authorized
- Reader' Note about service of process
- Timely intimation to the parties and witnesses of the next date in case of absence of presiding officer of unexpected holiday
- Noting the number of the case on an application involving deposit in sheriff petty account
- Certificate of subsistence allowance
- Communication and dealing with the public, litigants, other staff members, and lawyers

- Managing Conferences
- Diary Management
- Maintenance of Registers
- Keep the list of approved commissioners
- List of approved newspapers for publication
- Maintenance of Attendance Register and casual leave record
- Issuance of Fine Receipt, entries in the fine register and monthly reconciliation
- Conciliation of the registers and overall supervision of the staff
- Maintenance of Stock, library and relevant Registers

Learning Outcomes

On completion of the training, we expect:

- Improved knowledge about the trainee's bout their duties in the High Court Rules and Orders
- Improved knowledge of the trainee's about scheduling conferences and trial management under the case management rules
- Personal grooming of the readers to work efficaciously with successful output
- Progression in teamwork and collaboration
- Improvement in the quality of the justice system

Required Reading

- High Court Rules and Orders
- Judicial Estacode
- Five Years Policy of the Peshawar High Court

Recommended Reading

- *Urdu Hidayaat baraye amla zile Adliya Khyber Pakhtunkhwa*, compiled by Mr. Yahya Zahid Gillani, Former District and Sessions Judge, Published by Access to Justice Program
- *Rehnomaye Usool Barye Paida Gaan, Bali Fan waa Naziraan Wagiaraa*, Published by Peshawar High Court, Peshawar
- *Amomee Qanoon-e-Zawabit Tamil Qunandagan or Bailiff Sahiban Ki Liye*, published by Punjab Judicial Academy.

Module 10

Disciplinary Proceedings

Civil service is considered the backbone in delivery of services to the nation. To have an efficient human resource and to maintain the discipline therein is

the hallmark for achieving the above objective. Efficiency and discipline are a correlative concept in the civil service, therefore to have internal accountability thereof, a foolproof, transparent process of investigation into the allegations of inefficiency and misconduct, and other ancillary issues are important. Unfortunately, such objectives are not met when the officials conducting the disciplinary proceedings do not have first-hand knowledge of the statutory mandate of disciplinary proceedings including fact-finding, regular and discreet inquiries, charge-sheet, statement of allegations, role of departmental representative etc. This module aims to provide knowledge of the rules and procedures of the disciplinary proceedings and to highlight the patent common errors occurring mainly due to incompetence issues affecting the objective culmination of the proceedings.

Learning Objectives

- To understand misconduct and inefficiency parameters
- To understand the repercussion of delayed or improperly conducted disciplinary proceedings
- To appreciate the domain of Competent and Appellate authority, Inquiry Officer, inquiry committee and their respective role in departmental proceedings.
- To comprehend different kinds of inquiries i.e. discrete, fact finding and regular inquiries and their domain, scope, and procedure
- To appreciate the circumstances in which regular inquiry dispensed with and where it is essential.
- To gain conceptual clarity of charge sheet, statement of allegations and show cause notice, differences therein and their mode of services upon the accused officer/official.

Target Audience

- Judicial Officers

Structured Learning

- Laws governing disciplinary proceedings
- Definition of delinquent official/accused, competent authority, inquiry committee and inquiry officer
- Concepts of Misconduct and Inefficiency
- Grounds of action
- Distinction between fact-finding, regular and discreet inquiry
- Show-cause notice, reply and findings
- Charge sheet and statement of allegations
- Enquiry proceedings: necessary legal prerequisites

- Powers of Inquiry officer, Competent Authority
- Major and Minor Penalties
- Departmental Appeals and remedies

Learning Outcomes

On the completion of training, the trainees shall be able to: -

- Demonstrate knowledge of the inquiry proceedings as per the law and rules
- Effect play their respective role as Competent Authority, Member of Inquiry Committee, and Inquiry Officer
- Contribute to improved service discipline
- Improvement in efficacious outcomes of the disciplinary procedures

Required Reading

- The Constitution of Islamic Republic of Pakistan, 1973
- The Khyber Pakhtunkhwa Civil Servant Act, 1973
- The Khyber Pakhtunkhwa Judicial Service Rules, 2001
- The Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.
- Instructions by Peshawar High Court, Peshawar. Judicial Esta-Code: Section-02 (Judicial Officers Conduct and Discipline)
- Establishment Code 2011 of Government of Khyber Pakhtunkhwa
- A Compendium of Laws and Rules containing Efficiency and Discipline Rules, Pakistan Public Administration Research Centre, Establishment Division, Cabinet Secretariat Islamabad, 2012

Recommended Reading

- Fundamental law of Pakistan, *A.K. Brohi*
- Civil Services in Pakistan, *Dr. Agha Iftikhar Hussain*
- Manual of ACRs Instructions of Government of Khyber Pakhtunkhwa

Module 11

Supervisory Role of Magistrate in Pre-trial Proceedings: Skill Sets

Crimes are investigated by the police and during the investigation the police interact with the Judicial Magistrates. The scheme of the Code of Criminal Procedure, 1890 (hereinafter referred as the Code) is designed to observe protection of rights of the accused during pre-trial proceedings. The Code provides for independence of the police officers in the investigation process and noninterference of the judiciary therein, albeit close supervision through Judicial Magistrate to ensure fairness in the investigation. In order to perform

such duties, judicial Magistrates are vested with certain powers and functions such as recording of statements, grant or otherwise of the police/physical remand, sending the seized objects for forensic laboratories, procuring of the specimen signatures and hand writing of the suspects for sending them to the experts for analysis, identification parades etc. The object behind entrusting this kind of functions of Judicial Magistrate is to enhance credibility of the evidences collected during investigation. Judicial Magistrate has the power to order the investigation and in certain circumstances he can order stopping of investigation as well.

This module provides an overview of supervisory function of Judicial Magistrate. It intends to address to all the pre-trial tasks which a Judicial Magistrate undertakes and also pin-points the common mistakes made and omissions occurred leading to ineffectiveness of the role.

Learning Objective

- Sensitizing the trainees to play the desired supervisory role and & persuading them to improve the way they perform
- Enhancing skills & building capacity of the trainees in conduct of pre-trial proceedings
- Identifying common decision-making points during pre-trial proceedings where an understanding of domain might affect how to make decide and what to decide
- Streamlining investigation proceedings through active & effective magisterial supervision within legal mandate
- Ensuring expeditious & timely submission of final/interim reports
- Restoring public confidence in Courts

Target Audience

- Judicial Officers

Structured Learning

- Scheme of the Code in transmission of information to Magistrate
- Recording of FIR and its dispatch to the Magistrate
- Complaint Case: Initial Proceedings
- Statement u/s 200 Cr.P.C
- Sending of complaint to police/others u/s 202 Cr.P.C
- Investigation by police/others
- Submission of report
- Issuance of process
- Indefinite, unwarranted & offending delay in conclusion of investigations

- Safeguarding the Rights of the Accused on Arrest
 - Production of accused within 24 hours from the time of his arrest
 - Whether arrestee is harassed during the period during the detention
 - Disclosure of information of the grounds and reasons for arrest to accused
 - Disclosure of informed of arrest to the relatives of the accused
 - Need of any medical examination etc to person arrested
- Searching for persons wrongfully confined
- Grant of Police or Judicial Custody
 - Criteria to be observed to exercise discretions: Whether police custody is required or not?
 - Mandate to be followed
 - Whether Judicial Magistrate has jurisdiction?
 - Medical examination of the accused
 - Case of female accused
 - Duration of the Police Custody
 - Copy of the order to Sessions Judge
 - Transit Custody
 - Writing of the Orders
- Power to order Investigation
 - Non-cognizable Cases
 - Section 156 (3) of Cr.P.C.
- Recording of statements
 - Statement u/s 164 Cr.P.C
 - Judicial Confession u/s 164/364 Cr.P.C, etc.
 - Recording of Dying Declaration
- Determination of age of victim and accused
- Medical Examination of the accused, in case of alleged lunacy
- Exhumation Proceedings
- Identification Parade
- Cases based on suspicion
 - Inquest u/s 174 CrPC
 - Application for permission for conducting enquiry u/s 523/550 Cr.P.C
 - Unqualified Permission by Magistrate
 - Enquiry/investigation Report
 - Arrest on suspicion
 - Seizure of property
 - Report to Magistrate
 - Custody & production

- Disposal of property
- Discharge of Accused
 - Section 63, 169 and 173 (3) of Cr.P.C.
- Completion of investigations within the time specified by law
 - Final Report within statutory period
 - Mandatory Interim Report
- Cognizance of offence (S.190 Cr.P.C)
- Sending up/Forwarding of the Challan in Sessions Trial Cases
- Taking Cognizance and proceeding with the case

Learning Outcomes

- Improvement of trainees' skill to effectively supervise the investigation process
- Able to identify and appropriately address factual, legal, procedural, and resource issues that arise frequently during pre-trial proceedings
- Erroneous proceedings shall be curtailed, leading to efficacious investigation proceedings
- Assessment of importance of role of Judicial Magistrate
- Ensuring safeguard to rights of persons arrested
- Improvement in quality of justice delivery system

Required Reading

- Code of Criminal Procedure, 1890, *Shaukat Mehmood*
- High Court Rules and Orders (Criminal)
- Khyber Pakhtunkhwa Police Act, 2017
- Investigation for Fair Trial Act, 2013
- Constitution of Pakistan, 1973 (Fundamental Rights)
- Directives of Peshawar High Court (Judicial Esta Code)

Recommended Reading

- Code of Criminal Procedure, 1890, *Sheikh Abdul Haleem*
- Criminal Practice, *Sheikh Abdul Haleem*

Module 12

Code of Conduct of Government Servants

Human resource is critical for the efficiency of the department. Government officials have a responsibility to the State and its citizens to display unconditional loyalty to the laws and public interest above personal interest. They must possess unblemished character. They need to know what are the Codes regulating their conduct and what constitutes its violation. Ignorance

about and violation of such norms may bring a bad name to the officer's integrity on the one hand and repute of the institution on the other. Awareness of the prescribed norms has become exceptionally important with recent technological advancements in our daily life. The module aims at creating awareness of the officers about the laws and rules pertaining to their conduct and inculcating sensitization of strict observance.

Learning Objectives

This module is design to train the personnel of justice sector regarding:

- Observance of relevant law, rules, regulations and instructions on the subject
- To bring into their knowledge those acts and omissions which amounts to misconduct.
- To avoid the misuse of technology by interacting with irrelevant quarters.

Target Audience

Judicial Officers, Court Staff

Structured Learning

- Law governing Code of Conduct of Government Servants
- Gifts and Gratifications
- Funds Raising
- Declaration of Property
- Private trade
- Involvement in criminal cases
- Communication and use of technology
- Approach of foreign missions
- Instructions of Peshawar High Court

Learning Outcomes

At the conclusion of the session, the trainees will be able to:

- To maintain service discipline.
- Create better working environment.
- To make district judiciary a better service delivery institution

Required Reading

- The Constitution of Islamic Republic of Pakistan, 1973.
- The Khyber Pakhtunkhwa Civil Servant Act 1973.
- The Khyber Pakhtunkhwa Government Servant (conduct) Rules, 1987.

- Instructions by the Hon'ble Peshawar High Court, Peshawar. Judicial Esta Code Section 02 (Judicial Officers Conduct and Discipline).
- Establishment Code 2011 of Government of Khyber Pakhtunkhwa

Recommended Reading

- Fundamental law of Pakistan, *A.K. Brohi*
- Civil Services in Pakistan, *Dr. Agha Iftikhar Hussain*
- Manual of ACRs Instructions of Government of Khyber Pakhtunkhwa

Module 13

Ethical Standards: Motivation

“A judicial officer should be God fearing, law abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, patient and calm, blameless, untouched by greed, completely detached and balanced, faithful to his words and meticulous in his functions.” (Code of Conduct)

Public service is a public trust. All the public servant must be God-fearing in dealing with their official as well as private matters. They are also expected to exhibit unconditional loyalty to the State and public interest above personal interest in a dignified manner. Laws based on ethical principles identify the ethical principles to which public officials should be committed and aspire to attain and envisage their character building. Ethical behaviour of officials directly or indirectly influences performance and reputation of the institution. Recognizing the problems regarding integrity and corruption in the institution, ethics training is always considered as useful tool for character building and improving ethical culture in earning *rizq-e-halal*, which ultimately works for preventing corrupt practices and uplifts the quality and performance of the institution.

The foremost aim of ethics training for stakeholders of justice system is to maintain the ethical standards, which would upgrade the public service. Furthermore, ethical capacity is increased by identifying and working to remove obstacles to ethical conduct within the institution and motivating the stakeholders to align their demeanour with the ethical standards. This approach will broaden the consideration of personal integrity in public service to advance the public interest, uphold and strengthen the rule of law, advance social equity, and promote professional excellence. Additionally, the module targets the attitude and emotional intelligence of the stakeholders which include self-motivation, empathy and social skills. This module also addresses utilization of appropriate working environment/equipment and

highlights the legitimate expectations of the stakeholders. Another important area is to provide practical guidance on ethical behaviour in situations the rules do not provide clear answers on how to deal with certain risk situations. Finally the module also addresses the professional services of the Bar and the ethical considerations involved in the administration of justice. The nature of judicial process is not “slot machine operation”. It hinges on the hunch of the bench which itself depends on the way facts are presented, precedents are applied and the statutes constructed. None of it is possible unless the members of the Bar are courageous, intellectually honest and morally sound and independent.

Learning objectives

This value-added module intends to deliberate on:

- Self-development with emphasis on God-fearing trait
- Personality development and character building
- Significance of earning *Rizq-e-Halal*
- Maintenance of the highest standards of integrity and morality postulated by the injunctions of Islam by the trainees in dealings with the stakeholders, and to maintain the same standards in their personal lives
- Advancement of ethical behaviour and character building; and sensitizing the trainees about values, standards, and practices to reinforce ethics in the institution
- Relation between the ethical standards to the objectives and general outlook of the institution in the society and its performance
- Examination of common ethical issues and identification of specific behaviour that fall short of the standard, on the one hand, and that advance the standard, on the other
- Demonstration of integrity and professional excellence as a trustee for the public
- Developing administrative practices and processes which promote ethical values

Target Audience

- Judicial officers,
- Court Staff,
- Lawyer, and
- Paralegal Staff

Structured Learning

- Prescribed Rules and Regulations: Code of Conduct
- Religious, Ethical and Ideological Implications of our Constitution

- Principles of professional ethics and public values
- Significance of ethics in professional life, importance of
- Objective of maintaining ethical behaviour
- Description of various approaches towards Ethical Standards
- Examination of the ethical issues: Differentiate between the ethically good and bad behaviour
- Reasons, why disciplinary proceedings are initiated
 - Corruption & Malpractices
 - Incompetence
 - Violation of Code of Conduct
- Explanation of working culture and environment: What is happening and Why happening?
- Impartiality & due diligence
- Trust and honesty
- Social Obligation and contributions (time, ability, competence)
- Stakeholder' interest and good governance
- Accountability
- Impacts and incentives/appreciation of upholding professional ethics

Learning Outcomes

On completion of the training, trainees are expected to:-

- Have knowledge about standard ethical behaviour, values, and practices to reinforce those standards
- Exhibit improved sensitivity about relationship of the ethical standards to the objective and societal outlook of the institution
- Imbibe character building through self-development
- Acquire better recognition of impacts of earning *rizq-e-halal* and non-observance of ethical standards, individually and collectively
- Display standard ethical behaviour with God-fearing traits
- Have improved beneficence in a professional, litigant conducive environment
- Have improved the quality and efficiency of justice system

Required Reading

- Judicial Estacode: Directives of Peshawar High Court
- Rules, Instructions & Guidelines pertaining to Paralegal Staff
- The Government Servants (Conduct) Rules, 1987
- United Nations Convention against Corruption.
- Bangalore Principles of Judicial Conduct
- The Legal Practitioners and Bar Council Act, 1973 and the Rules, 1976 (For Lawyers)

Recommended Reading

- Fundamental Law of Pakistan, *Brohi*
- Be A Competent Lawyer, *S. M. Zafar*
- *Mery Mashoor Muqaddamy, S. M. Zafar*
- Ethics Codes and Codes of Conduct as Tools for Promoting an Ethical and Professional Public Service, *Stuart C. Gilamn (oecd.org)*
- ‘A Study on the Civil Service Structure, Civil Servants Training and an Overview of National Commission of Government Reforms in Pakistan’ (*lgkp.gov.pk*)
- Raising the Bar: The Emerging Legal Profession in East Asia, *Henry L. Stimson, Harvard Law School*
- The Tools of Argument: How the Best Lawyers Think, Argue, and Win”, *Joel Tretchmen*

Module 14

Soft Skills

Introduction of formalized judicial education, as internationally recognized norm, addresses the needs to improve professional competence of judges and the institutional needs for performance enhancement. Core job of judiciary is to impart justice. The institution has its own working environment regulating administrative set up. Additionally, judicial officers have to deal with the public litigants, legal fraternity and liaison with other governmental and non-governmental institutions. Trainings of stakeholders therefore require the components which are people-focused. Being ‘people focused’ needs not only legal expertise but necessitates developing interpersonal skills, also known as soft skills. These include leadership, team work, communication, understanding oneself, empathy, innovative thinking, conflict management and stress management. These are **experience based and tend to be more personality-focused**, as opposed to being based on qualifications, technical skills, or vocational experience (hard skills). These intangible skills, considered as the life skills, create a positive environment which enables a person to secure the desired results efficaciously.

Importance of soft skills, often underestimated, is undeniable and constitutes important place in trainings world-wide. A judge with able expertise in legal knowledge, but without the right interpersonal skills may be insufficient to assure a true success. Soft skills, on the one hand, are essential for building and maintaining interpersonal relations and effective communications; and on the other, these influence the professional development.

This module aims to identify the essential soft skills for judicial officers and to practically train them in these skills. Expansion of the scope of soft skills

will deepen the understanding of and commitment to these areas and it will further enhance the likelihood that judicial officers will act more effectively. This training will pave the way for professional excellence and ultimately achieve the goal of institutional accomplishment.

Learning Objectives

This module intends to fulfill the demand of the judiciary by capacity building of the judicial officers, who possess the soft skills and the ability to achieve performance targets through practical team work.

The participants shall be able to achieve the following objectives at the end of this module

- Understanding and proper utilization of the Soft Skills in the day to day life
- The ability to confront the everyday challenges of life confidently & successfully
- The ability to tackle conflict situations and adversaries with ease
- The ability to showcase ones skills in a creative manner
- The ability to identify and showcase ones leadership skills via effective human resource management
- The ability to become an outstanding personality in the social and work environment by skillfully maneuvering individual emotions

Target Audience

- Judicial Officers, and
- Court Staff

Structured Learning

The trainees will be sensitized in the following:

- Leadership and Management
 - Development of strategic plans
 - Change Management
 - Talent development
 - Quality standards
 - Teamwork facilitation
- Teamwork
 - Understanding the benefits of efficient teamwork
 - Identifying capabilities
 - Interaction between the team members
 - Formation of team and assigning roles to members

- Constitution of team strategies and goals
 - Developmental changes to increase efficiency
- Communication Skills
 - Modes of Communication
 - Identifying the ways of Communication
 - Practical, effective communication skills—listening, speaking, writing and interpretation.
 - Challenges facing effective communication
 - Challenges of developing a consensus
 - Deficiencies of transparent communications: Openness & Honesty
 - Deficiencies in authority, clarity & understanding
 - Deficiencies presentation skills
 - Environmental influences
 - Body Language
- Development of the communication skills
- Emotional Skills
 - Self-awareness: identifying and managing feelings for appropriate expression
 - Self-confidence: Confidence building tactics
 - Social Awareness & Empathy: ability to recognize other's emotions and needs
 - Relationship management and building trust
 - Stress Management
 - Adaptability/Flexibility: Ability to learn
- Inter-personal Skills
 - Conflict Management
 - Resolution of the interpersonal and intergroup conflicts
 - Best techniques for conflict resolution
 - Problem-solving ability
 - Skills in arriving at decision through deliberation
- Time Management
 - The Art of Scheduling
 - Prioritizing & implementation
 - Managing Distractions
 - Multitasking
- Critical Thinking
 - Logical Reasoning
 - Creative thinking for improvement & problem solving
 - Collaboration & Brainstorming
 - Professionalism and integrity

- Developing administrative practices and upholding professional standards and integrity
- Maintains personal independence and authority
- Promotes highest standards of behaviour in court

Learning Outcomes

On completion of the training, we expect:

- Improved knowledge about the soft skills and their proper utilization
- Upholding personal independence and authority of the officials
- Promotion of the highest ethical standards in the institution
- Personal grooming of the officials to work efficaciously with successful output
- Progression in teamwork and collaboration amongst the members of judiciary
- Improvement in quality of the justice system

Required Reading

- Human Resource Management, *Decenzo and Robbins (9th Edition)*, 2007
- Human Resource Management, *Dessler (11th Edition)*

Recommended Reading

- Soft Skill Development, *Jamal Mohammed*
- Social Intelligence: The New Science of Human Relationships, *Daniel Goleman*
- Five Levels of Leadership, *John Maxwell*
- Presence: Bringing Your Boldest Self to Your Biggest Challenges, *Amy Cuddy*
- Influencer: The New Science of Leading Change, *Joseph Grenny etc*
- Never Split the Difference, *Chris Voss*
- Getting Things Done: The Art of Stress-free Productivity, *David Allen*

SECTION – XV

INSTRUCTIONS ON WRITING OF PERs

C.No. 1(3-15)

RELEVANT INSTRUCTIONS ON WRITING PERFORMANCE EVALUATION REPORT (PER).

0.1 Extent of Application: The instructions will apply to all Government Servants serving in connection with the affairs of the Province of North-West Frontier except the following who need not be reported upon :-

- (a) Judges of N.W.F.P¹ High Court;
- (b) Members of N.W.F.P², Public Service Commission.

0.2 How to write PER: Since the evaluation reports constitute an aid to selection for training, appointments/ transfers, promotions, confirmations or screening of officials, it is essential that these are written most carefully. A Reporting Officer before he embarks on the report writing work, should try to comprehend the characteristics listed in the Performance Report Forms. The report should give a clear picture of the officer reported upon viz personal qualities, standard of performance, dealing with others, potential growth and his suitability for promotion to special posts according to individual aptitude. Similarly, the **Countersigning Officers** should scrutinize the report scrupulously in accordance with the prescribed procedure before countersigning it.

The revised Performance Evaluation Report Form was introduced by the Establishment Division in 1982 to reflect an officer's strong and weak points more objectively and to ensure that such performance evaluation effectively serve its true purpose. The revised form is by now well understood and generally accepted to have improved the quality of reporting. The new form and promotion policy in fact constitute the key elements in personnel administration but their usefulness is ultimately dependent on objective reporting. The attention of Reporting Officers/ Countersigning Officers is drawn to the deficiencies commonly noted in such reports.

0.3 Manner of Writing the Reports: Instructions for the Reporting Officers:

- (i) While reporting on your subordinate: -
 - 1) Be as objective as possible.
 - 2) Be as circumspect as possible.

¹ Now may be read as Khyber Pakhtunkhwa.

² Now may be read as Khyber Pakhtunkhwa

- 3) Be clear and direct, not ambiguous or evasive in your remarks.
- 4) Avoid exaggeration and gross understatement.

(ii) State whether any of the defects reported have already been brought to the notice of the officer concerned and also whether he has or has not taken steps to remedy them.

(iii) Fill the form in duplicate by initiating the relevant boxes in both the original and the duplicate copies. If necessary, the R.O views under "Pen Picture" typed. In that case affix his signature at the end of the "Pen picture".

(iv) It has been decided that PERS of the officers should be initiated only by such officers who have the opportunity of seeing the performance of the subordinate officers closely.

04. Instructions for Reporting Officers: - In many cases the signature of the Reporting Officers on the reports are illegible. This means that after some time it may, in such cases, be impossible to identify the Reporting Officer. The name and designation of the reporting office should, therefore, invariably be typed or written in block letters on the evaluation reports.

INSTRUCTIONS FOR THE COUNTERSIGNING OFFICERS

i. The Countersigning Officers should weigh the remarks of the Reporting Officer against their personal knowledge of the officer under report and then given their assessment in Part V. Similarly, if the Countersigning Officers differ with the grading or remarks given by the Reporting Officer in Part III, they should score it out and give their own grading by initialing the appropriate box.

ii. The Countersigning Officer should weigh the remarks of the RO against their personal knowledge of the officer under report, compare him with other officers of the same grade working under different Reporting Officers, but under the same Countersigning Officer and then give their overall assessment of the officer. In case of disagreement with the assessment done by Reporting Officer, a specific reasons should be recorded by the Countersigning Officers in Part IV (2)¹.

iii. The Countersigning Officers should make an unbiased evaluation of the quality of performance evaluation made by the RO by categorizing the

¹ This instruction relates to PER form for Officers in BPS-19 and BPS-20.

reports as exaggerated, fair and biased. This would evoke a greater sense of responsibility from the reporting officers.

iv. The Countersigning officers should underline, in red ink, remarks which in their opinion are adverse and should be communicated to the officer reported upon. All adverse remarks whether remediable or irreparable should be communicated to the officer under report, with a copy of communication placed in the CR dossier. Reporting Officers should ensure that proper counselling is given to the officer under report before adverse remarks are recorded.

v. After countersigning the form, return it to the officer responsible for the custody of the character Roll.

0.6:- Utmost care should be taken by the Reporting Officer while assessing the qualities and work of their subordinates. Biased or evasive reports are likely to cause incalculable damage to the officers reported upon. The whole purpose of evaluation report is defeated unless the Reporting Officer judge the performance of their subordinates from an absolutely detached and objective point of view. To achieve this objective, it has been provided in the old format that the Countersigning Officer should assess the report itself and categorize it as very good/ reasonably good/ strict /lenient/ biased. This would be conducive to greater sense of responsibility on the part of the Reporting Officer.

0.7 (i) The following two points have been raised in connections with writing of an evaluation reports of officers: -

(a) How to determine the performance assessment of an officer in part III of the Evaluation Report from when the assessment of any other officer in the same grade is not known to the Reporting/Countersigning Officer?

(b) Whether the assessment in part III of the PER form in respect of Officers performance is to be determined with reference to his assessment in part II of the form.

(ii) With regard to the first point, it has been decided that where there is only one officer in a particular grade, his assessment of performance in part III may be made independently.

(iii) As regards the second point, it has been observed that in some

cases the assessment of an officer in [Part II and Part III]¹ of the PERS form are not co-related. This inconsistency causes a lot of inconvenience to the DPCs as well as the PSB while reviewing the cases of such officers for promotion to higher-grade posts. To remove this inconsistency, the assessment of an officer in Part III should, as far as possible be based on the assessment made about his personal traits and on the job performance in Part II. If the major number of entries in Part-II are 'good' and in Part III the officer is classified 'average' the Reporting Officer should give detailed reasons for his average assessment. Normally these should be identical.

0.8 (i) It has been observed in a large number of cases that Reporting and Countersigning Officers award intermediate grading e.g. "between very good and good and "between good and average", etc. Reporting and Countersigning Officers are directed to adhere to the grading provided in the PER form and not to deviate from these.

(ii) It has also been observed that Countersigning Officers while assessing the reports given by Reporting Officer and having assessed these as strict or lenient do not give their final grading themselves which leads to complications. Countersigning Officers are advised that when they assess the report as strict or lenient they must record their overall assessment of the officer reported upon in their remarks clearly and also preferably change the overall assessment in Part V² of the report.

(iii) Many reports have been received which have not been seen by the senior officers in the Department higher than the Reporting Officers. This is clearly undesirable, they should always be countersigned by him in token that he accepts the reports if he does.

0.9. Avoidance of personal remarks in writing PERs: It may be impressed upon the Reporting Officers, that in writing such reports, they should take utmost care to ensure that personal remarks are avoided and that reports are written in an objective manner. If, subsequently, despite these instructions, any Reporting Officer indulges in subjective reporting, it will be open to his Superior Officers to report adversely on him for having failed to record his remarks in an objective manner.

1.0 When should a report be written: Para-0.2 of the Instructions about Evaluation Reports envisages that reports on civil servants be initiated in the first week of January each year by the initiating authority and forwarded to the higher authority in the same week. The higher authority shall give its

¹ Forms of Officers of BPS-16.

² As per new forms of PER.

remarks within one week, so that the report is completed within the month of January each year.

1.4 Responsibility of the Final Authority to ensure prompt writing of Evaluation Reports: Generally, the writing of Evaluation Reports gets delayed, which affects the disposal of cases in which it is necessary to consult Character Rolls. This also leads to frustration among the Government servants. The final authority about the writing of Evaluation Report will be responsible for obtaining evaluation reports for the preceding calendar year within the month of January each year. It would then **furnish a certificate** to Establishment & Administration Department that all the evaluation reports which were due to be completed have actually been completed and placed on the Character Rolls. This certificate should reach E&A Department (Secret Section) in the first week of February. The defaulting authority shall be brought to the notice of Government for appropriate disciplinary action.

- (a) Apart from the above instructions E&AD has repeatedly re-iterated the said instructions through circular letters every year so that the concerned officers could be reminded afresh for compliance of the laid down policy instructions. However, despite these repeated instructions it has been noticed with concern that very few officers adhere to the same and resultantly a large number of officers/ officials suffer in cases of their promotions due to the laxity of Reporting/ Countersigning Officers and all others who are responsible for **timely completion** of their service record.
- (b) The competent authority has therefore decided that the following policy guide lines for writing of Performance Evaluation Reports should be followed so that the system could be improved and complications/ repercussions could be avoided in future:-
 - (i) Onus of initiating of PERS will lie on the Reporting Officer.
 - (ii) Section officer (Establishment) of a Department/ Attached Department will place a requisition for the required number of PER Forms with the Printing Press in October each year and the same should be delivered to the Departments as soon as possible but not later than 30th November. The Section (concerned) will send PER Forms to those officers whose record are maintained by them by 15th of December each year.
 - (iii) The particulars at Part - 1 & 2 of the PER Forms shall be filled by the officer/ official concerned to be reported upon.
 - (iv) No Performance Evaluation Reports will be accepted by the Controlling Officer **by hand** from the officer concerned. The same must be dispatched in a confidential envelope.

- (v) The initiating officer of an officer being reported upon will endorse an entry in his PER if he has not initiated the PERs of his immediate subordinates for his failure in doing the needful in time.
- (vi) The **retiring officers** shall be responsible for completing PERs as Reporting or Countersigning Officer and that the Department/Office concerned should render a certificate to this effect before forwarding the pension papers of the retiring officers.
- (vii) Emphasis on safe custody of the Performance Evaluation Reports is once again reiterated with a view that in no case an officer/official should have any access to his own reports. The contents of the report will not be divulged to the Government Servant concerned.
- (viii) Rest of the instructions issued by this Provincial Government regarding procedure for communication of adverse remarks and other related matter shall remain in force.

1.5 Minimum period for writing of reports: (i) The minimum period during which an officer is expected to form a judicious opinion about the work of his subordinate for the purpose of writing a report on his work and conduct has been prescribed as three months. The report recorded in respect of period less than the minimum prescribed period should be ignored.

(ii) It has also been observed that some time an Evaluation Report is written to cover part periods covering two calendar years. It is not permissible to do so as in terms of Para 2.29 (ii) of "A Guide to Performance Evaluation", the period of two calendars years cannot be combined to form a single report for the purpose of report writing. If a civil servant has served under a Reporting Officer in two calendar years for a period aggregating to reports-one each for the period of 3 months or more in a calendar year, Evaluation Reports should be written for such periods. If the period under report in one calendar year is 3 months or more and less than 3 months in the other year, the report for the former period only should be written. If the continuous period of service under a Reporting Officer is spread in two years but the part period in each year is 3 months or more two evaluation reports-one each for the period of 3 months or more in a calendar year, should be written.

1.6 Action when a Reporting Officer or subordinate is transferred: If the Reporting Officer is transferred during the course of calendar year he should be required to write a report if his transfer occurs more than three months from the date, the last report was due. Such reports must be written before relinquishing charge. The report shall be sent to the higher authority when all the reports for the year have been written. If a subordinate is transferred

during the course of a calendar year and he has worked for more than three months under the Reporting Officer then the latter shall record his opinion. In case he is being transferred from the jurisdiction of the higher authority then the views of the higher authority shall be obtained and forwarded to the Department/Office where a subordinate has been transferred.

1.7 - Special report: If a Government Servant is placed on special report for any reason the special report recorded on him should be placed on the character roll.

1.8 Placing Government Servants on Special Reports: Whenever the Head of Department is convinced, on good grounds, that the work of a particular Government servant is not satisfactory, the former could put the Government servant concerned, with simultaneous intimation to him, on a special report. A special report on the latter's work would in such an eventuality, be drawn on the expiry of six months irrespective of the fact whether the Performance Report on him becomes due during this period.

If such a special report does not indicate any improvement in the work of the Government servant concerned it would be open to the competent authority to take such action against him as may be permissible under the existing rules.

2.6 Officer who have worked for less than three months with Reporting Officer: The question of recording of an Evaluation Report in respect of officer who may not have worked with a Reporting Officer for a minimum period of three months during a year has been considered. It has been decided that in such cases the Countersigning Officer may obtain separate reports from each of the Reporting Officer with whom the officer concerned has worked during the year. After examining these reports should be accepted. Alternatively, he may himself write the report after examining the reports of the Reporting Officers with whom the officer concerned worked during the year. The Establishment Division has classified the above mentioned instructions as under: -

"It is clarified that if major period in a calendar year is spent by an officer under different Reporting Officers for less than three months on each occasion the above mentioned instructions will apply. In case where a major period of the calendar year is covered by regular report, the performance Evaluation Report for a period of less than three months is not required to be initiated."

2.7 More than one Countersigning Officers:- Where there are more than one Countersigning Officers during a year, the one who has seen the performance of his subordinates for the major part of the year is entitled to countersign the Evaluation Reports.

2.8 Officers under suspension/ absent from duty:- There is no need to record an Evaluation Report on an officer/ official for the period during which he remained under suspension/ absent from duty.

2.9 Writing/ Countersigning of PERs by Officer under suspension:- (i) A question has arisen whether an officer under suspension may initiate or Countersign the PERs of his subordinates. The matter has been considered in the Establishment Division and it has been decided that officers under suspension may not be allowed to write or countersigned the PERs of their subordinates during the period of their suspension.

(ii) “Political figures who cease to hold their office are not allowed to write/ countersign Performance Evaluation Report on their subordinates”.

3.0 Other Officers retired compulsorily: (i) it has been decided that officers compulsorily retire under Efficiency and Discipline Rules/RSO 2000 or on completing 25 years’ service or under FR 10-A, may not be allowed to write or countersign the PERs of their subordinates.

(ii) A question has arisen whether officers retired compulsorily under Efficiency and Discipline Rules or on completing 25-years of service or under FR 10-A should not be allowed to write or countersign the PERs of their subordinates. Officers can write PERs during the leave preparatory to retirement. After due consideration it has been decided that such officers, if allowed leave preparatory to retirement, should not be allowed to write/ countersign PERs of their subordinates, in that case the procedure laid down in Estt: Division's O.M No. 6/1/70-A.II, dated 17th June, 1972 and 43/1/78-CP-I, dated 21. 5 December, 1978 may be followed for writing of the PERs of the affected official.

(iii) A question has arisen whether officers retired under Section 13(i) of Civil Servants Act, 1973 can initiate/countersign Performance Evaluation Reports of their subordinates or not. After a careful consideration it has been decided that officers so retired may not be allowed to write Performance Evaluation Reports of their subordinates. For writing of PERs of affected subordinates procedures laid down in Estt: Division's Office Memoranda No. 6/1/70-A.II, dated 17th June, 1972 (*For ready reference, letter is reproduced hereunder*) and No 4371/78-CP- I, dated 21st December, 1978 (*For ready reference, letter is reproduced hereunder*) may please be followed.

[Officers retired under MLR 58 and MLR 114: - *The question as to who should write or countersign the evaluation reports which the officers retired under MILR 58 and MLR 28 114 were supposed to write had they not been compulsorily retired, has been considered in the Establishment Division and it has been decided that the following procedure should be followed in getting the reports in question written or countersigned:-*

- (i) *The Reporting Officers who have been compulsorily retired will not write or countersign any report on their subordinates. In such cases the next higher officer may initiate the report provided he has seen*

the performance of the officer reported upon for a minimum period of 3 months.

- (ii) *The report initiated under sub-para (i) above will be countersigned by the officer higher than the reporting officer, if available, provided that the former has personal knowledge about the performance of the officer concerned. In case no countersigning officer be available to countersign, the report will not be countersigned and the circumstances under which the report could not be countersigned will be mentioned in Part-IV of the report indicating the name of the officer who was supposed to countersign the report had he not been retired under MLR 58 and MLR 114.*
- (iii) *In case both the reporting officer and the countersigning officer have been compulsorily retired, the officer higher than both of them, if available, may initiate the report and the next higher officer, if any, will countersign it. In a case like this both the reporting and the countersigning officers should have personal knowledge about the officer concerned. In case no countersigning officer be available, the fact should be noted in Part IV of the form.*
- (iv) *When no officer is available to write or countersign the report, the Administrative Division may make a reference to the Establishment Division, as to how the situation can be met. It is, however, to be ensured as far as practicable, that the report, does not remain unwritten.*

[Extract from O.M. No. 6/1/70-A. 11, dated 2-3-1970 and O.M. No. 6-5-72-A. 11, dated 17-6-72.]

Writing/ countersigning of PERs by retired or expired Officers.- *It has been decided that as in the case of Government Officers who are transferred, the officers proceeding on retirement, whether voluntary or on attaining the age of superannuation, should be asked to write/countersign reports on the officers and staff who have worked under them for more than three months, before their retirement. If an officer proceeds on retirement without writing/ countersigning the reports and cannot be contacted or fails to oblige despite repeated requests, the following procedure should be adopted:*

1. *The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report provided he*

- has seen work of the officer reported upon, for a minimum period of three months. The next higher officer, if any, should countersign it.*
2. *If the report has already been initiated but the countersigning officer has retired, the next higher officer, if any, should countersign, provided he has personal knowledge of the work of the officer concerned.*
 3. *If both the initiating and the countersigning officers have retired, the officer next higher than both of them, if any, should initiate and the next higher officer, if any, Should countersign it. In such cases both the initiating and countersigning officers must have personal knowledge of the work of the officer reported upon.*
 4. *In case the report cannot be initiated at all, a suitable note to this effect be recorded in the C.R. dossier. If the report has been initiated but cannot be countersigned, the reasons, therefore, be recorded in Part IV of the PERs.*

[O.M. No. 43/1/78- CP. I dated 21st December, 1978.]

3.1 Character Roll: A face-sheet should be inserted at the beginning of each character Roll giving the following information:-

1. Name and Qualifications
 2. Father's Name
 3. Date of Birth
 4. Place of domicile
 5. Place where immoveable property, if any is held
- (i) Forms for the writing of reports have been prescribed in appendixes "A to K". The reports should be written on one of these forms according to the nature of posts held by the Government Servant reported upon. The date on which the report is signed should also be given.
 - (ii) The report if written in hand should be legible; the name and designation of the Reporting Officer should be clearly written in block letters or typed under the signatures. The date of which the report is signed should also be given.

3.2. Revised Performance Evaluation Forms:- The competent authority has been pleased to approve a revised and separate PER Form, for officers in BS-17/18, BS-19/20 and BS-21. It may be observed that PER Forms have been trifurcated and colour coded. This is indicative of the fact that evaluation criteria for lower management, middle management and higher management

posts is clearly distinguishable and in line with the job requirements of the posts at different levels.

It may be intimated that the revised format of PER shall come into force w.e.f 1st January 2001, meaning thereby PERs for the year 2000 shall be initiated on the revised format.

Reference Establishment Division O.M No. 1/10/2000-DS (Coord) dated the 18th August, 2000. A detachable certificate shall be affixed to the revised format of the PERs. Samples of certificate already provided to all Administrative Secretaries.

The officers being reported upon would be required to fill in the Name/Designation of their Reporting and Countersigning Officers and dispatch the certificate to the officer-in-charge entrusted with the maintenance of their evaluation records on the same date the PER is forwarded to the Reporting Officer.

This shall enable the controlling Department to ensure follow up and prompt retrieval of PERs from the Reporting/Countersigning Officers.

The guidelines for filling up the PERs have been printed on the reverse page of the PER Proforma.

3.3 Reporting by Relations: Whenever a Reporting Officer is related to the officer reported upon, this fact should invariably be mentioned in the evaluation report and he should submit the case to the higher officer for writing of report with recording his remarks.

3.4 Report on Integrity: Integrity is the most important trait of character of a Government servant. It should be assessed without fear or favour. The report should not be vague, but definite. An officer may be reasonably believed to corrupt, if-

- (a) he has a general and persistent reputation of being corrupt; or
- (b) any of his dependents or any other person through him or on his behalf is in possession of pecuniary resources or property disproportionate to his own sources of income or which he cannot account for satisfactory; or

Explanation: The dependents will include wife/ wives, children, step-children, parents, sisters and minor brothers, residing with and wholly dependent on the reported officer.

- (c) He has assumed a style of living beyond his means if any official dabbles in politics it should be specifically brought out in the general remarks.

3.5 Action in case of Inquiry, Communication of Displeasure:

- (a) If a formal inquiry is ordered against the Government official during

the year under report, the fact must be mentioned in the report. Similarly, final order passed as a result of the inquiry should be placed on Character Roll.

A censure or any other punishment imposed on a Government Servant as a result of formal inquiry under the Efficiency and Discipline Rules/ RSO, 2000 should also be placed on the Character Roll. Similarly, the result of an appeal, if filed, should also be reflected in the report.

(b) In partial modification of the instructions contained in the Establishment Division's O.M.No 9(4)/54- SE, dated 27.9.1954 it has been decided that:

- (i) On initiation of disciplinary proceeding against an officer, a copy of original order/showcause notice should be placed on his CR Dossier.
- (ii) If an officer is exonerated or some punishment is awarded, a copy of the final order should be placed on the dossier as per instructions 5.1 (a)(b) and (c).

3.6 Warning/Counselling: it has been noted that the requirement of warning/counselling are not being fulfilled before recording adverse remarks in the PERs of the Government Servants. Resultantly, these are expunged under the orders of the NWFP Service Tribunal.

In order to minimize litigations, the Provincial Government have reviewed the position and have decided that:

- (a) Counselling may be ensured in all cases before initiation an adverse report or grading the PERS;
- (b) The officers who give adverse remarks without any solid grounds shall be personally held responsible for deviation from rules;
- (c) Non-observance of the Government instructions amounts to misconduct under clause (e) of Sub-rule (1) of rule 2 of the NWFP Civil Servant (Efficiency and Discipline) Rules, 1973 and can attract disciplinary action;

3.7 Officers with average Reports (i) an officer who is superseded or whose promotion is deferred comes to know about it automatically when his juniors are promoted to higher scale posts. He need not, therefore, be informed of average reports, unless the Countersigning Officer decides otherwise. The cases of officers whose promotion is deferred may be reconsidered on the basis of their PERs for the next year.

- ii. It is clarified that if any or all entries in part III of the existing PER form of BPS-17/18 are initialed in the column headed C, i.e. Average, the assessment does not become adverse in nature

and is, therefore, not be treated and proceeded as an adverse report PERs with average entries in part III of the PER Form would continue to be treated in accordance with the instructions contained in Estt: Division O.M. No. 32/4/76-A, IV, dated 7th July, 1976¹.

3.8 Advisory remarks: Advisory remarks are not to be treated as adverse for the purpose of promotion unless it has been established that the officer concerned has not paid heed to the piece of advice given to him and has failed to show any improvement. Advisory remarks communicated, cannot be represented.

3.9 Evaluation Reports which are not in accordance with instructions should be returned by the higher authority to Reporting Officer, for revision in compliance with these instructions.

4.1 Adverse Remarks: When a report is built on the individual opinion of the Reporting and Countersigning Officers, it is only the opinion as accepted by the latter which should be communicated.

- (i) All adverse remarks whether remediable or irreparable should be communicated in writing to the officer reported upon and copy of the communication placed.
- (ii) Countersigning Officer should underline in red ink, remarks which, in his opinion, are adverse and should be communicated to the officer concerned.
- (iii) Remarks in cases where the Head of a Department/ countersigning or other higher officer suspends judgment, should not be communicated.
- (iv) (a) When an adverse remark is made in the Evaluation Report of any officer only a copy of the adverse entries should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a D. O letter, a copy of which should be signed and returned by him in acknowledgement of the D. O letter. A serious view should be taken if any failure on the part of the official concerned to furnish adverse remarks of the officer reported upon, within the stipulated period. Nevertheless, the adverse remarks should be communicated to the officer concerned even at the belated stage.
(b) The officers making representation against adverse remarks recorded in their Evaluation Reports should not make any personal remark or remarks against the integrity of the Reporting Officer. Violation of this rule will be considered misconduct and will also render the representation liable to be summarily rejected.

¹ The content of letter is mentioned in paragraph 3.7(i).

- (v) Any remarks to the effect that the officer reported upon has or has not taken steps to remedy the defects pointed out to him in previous years, should also be communicated.
- (vi) The adverse remarks should be communicated by Head of Department/Office in the case of Grade-17 and above officers and by the senior officer-in-charge of the establishment matters in case of other officers (custodian of C.R. Dossiers).
- (vii) An Evaluation Report containing adverse remarks should not be taken into consideration until they have been communicated in writing to the officer concerned and decision representation, if any.

4.2 Instructions regarding adverse remarks: - (i) The presumption that if any adverse entry is not underlined in red ink, it is not to be communicated, is not quite in order. Marking in columns "C" below average " and "D" "Poor"(in old Format) and "D" Below Average in New format of BS-17/18 Form do create an unfavorable impression on the members of the Selection Committee/Board while scrutinizing the service record of an officer. Unless an officer is informed about such entries, he will remain in the dark without making any effort for improvement and yet to suffer for the adverse entries.

(ii) Entries which may tend to create an unfavorable impression about an officer should be communicated even if he Reporting Officers or Countersigning Officers do not underline them in red ink.

(iii) Under the existing instructions, remarks once recorded in evaluation reports cannot be altered. If a Reporting/Countersigning Officer changes his views about the officer reported upon, the changed views can be incorporated only in the next year's report.

4.3 Unlikely to progress further/unfit for further promotion: - (i) A question has been raised whether or not the remarks "**Unlikely to progress further/unfit for further promotion, has reached his ceiling**", in an evaluation report are adverse and should be communicated. The point has been given due consideration and it has been decided that the remarks should be considered as adverse and should be communicated to the officer reported upon.

- (i) The question whether the remarks "Not Yet fit for promotion, but likely to become fit in course of time" in Part-III of the PER (in old format) and Part-IV(in new format of BS- 17 /18) under caption "Fitness for promotion" are to be treated as adverse in the case of an officer who fulfils the condition of length of service for promotion to the next higher grade; has been considered. It has been decided that the remarks should be considered as adverse in the case of an officer who fulfils the condition of length of service for promotion to the next

higher grade and should and should be communicated to him.

- (ii) It has been decided that if an officer is adjudged **unfit for continued retention in service** such an entry should be treated as adverse and should be communicated to the officer concerned.

4.4 Un-finalized Departmental Proceedings: - In the case of an officer against whom departmental proceedings are in progress, no mention whatsoever should be made about it in his performance Evaluation Report. Only when such proceedings have been finalized, and the punishment, if any, has been awarded/exonerated should be mentioned in his Evaluation Report. In such a case complete copy of the final order may be placed, as is usually done, on his Character Roll.

4.5. According to the instructions (vide Para 4.4) no mention should be made in the Evaluation Report of a Government Servant, of the departmental proceedings which may be in progress against him, unless such proceedings have been finalized, and the punishment, if any, has been awarded. There is no bar to a Government servant being considered for promotion during the pendency of departmental proceedings against him. However, in such case, a copy each of the charge sheet and the statement of allegations should be placed before the Provincial Selection Board or the Departmental Promotion Committee, as the case may be vide Establishment Division's O.M No. 2/20/67-D.I., dated the 13th November, 1967 (printed at S. No. 118 of Chapter V of the Establishment Manual, Volume-I, Reprint, 1968 and page 615 of, ESTACODE).

4.6 According to the instructions contained in the Establishment Division's letter No. 9(1)/58-SE.III, dated the 8th May, 1958 (Para 4.4) no mention whatsoever can be made about a departmental inquiry pending against an officer in the Evaluation Report. However, there should be no harm in making as mention about a criminal case pending against an officer in his C.R.

4.8 It has been observed that wherever any adverse remarks are communicated to any officer, no mention is made in the next year's report whether the officer concerned has or has not taken steps to remedy defects. This defeats the very purpose for which the system of communicating adverse remarks had been introduced.

4.9 It is the responsibility of the departmental representative who attend the meetings of the Departmental Promotion Committee/ Provincial Selection Board to apprise the Committee/ Board whether or not any departmental proceedings are pending against the Government Servants whose cases are being considered by the Committee/ Board. A serious view should be taken if the departmental representatives do not give this information to the Committee/ Board and if later it comes to notice that a Government servant

was promoted notwithstanding the fact that disciplinary proceedings were pending against him.

5. Deputationists : -

The question whether the borrowing Government/ Department should communicate the adverse remarks recorded in the PER of the civil servant who is on deputation, and who should dispose of his representation for expunction of such remarks has been considered in the Establishment Division In consultation with the Provincial Governments. It has been decided that the borrowing Government/ Department should communicate the adverse remarks to the civil servant concerned and take further action thereon in accordance with the existing instructions on the subject. The borrowing Government/Department should, however, keep the lending Government/Department informed of the adverse remarks communicated to the civil servant concerned during the period of his deputation, and of the decision of the competent authority to expunge such remarks, by furnishing a copy each of such communications/orders to the lending Government/Department. A copy of such communication may also be furnished to the Establishment Division in respect of officers of the Federal Government in Grade-17 and above.

5.1 Punishment Orders: -

A question was raised whether and how any facts regarding punishments in departmental enquiries should be recorded in the Character Rolls of officers.

- a. The answer is that, in such cases, only a copy of the order awarding punishment should be filed in the Character Roll of the officer concerned. In case an appeal is preferred, a note may be recorded on the copy of the punishment order filed in the Character Roll, stating the decision taken on the appeal, and reference to the relevant records.
- b. On initiation of disciplinary proceedings against an officer, a copy of original order/showcause notice should be placed on his CR Dossier.
 - ii. If an officer is exonerated or some punishment is awarded, a copy of the final order should be placed on the Dossier as per instruction mentioned at Para 5.1 (a).
- c. It is clarified that the instructions mentioned at Para 5.1 (b) (i) and (ii) will also be applicable to non-gazetted staff.

5.2 Timely Communication, of Adverse Remarks:-

The question of non-communication to subordinate officers of such unfavorable remarks as may be made in their PERs in regard to them by their superiors is a matter of great importance both in the interest of the efficiency of administration and to the officers themselves. It does not provide an

opportunity to the officer reported upon for improving his efficiency or asking for the expunction, if these are *malafide*. Under the existing instructions, the Countersigning Officer is required to underline in red ink, remarks which, in his opinion are adverse and should be communicated to the officer concerned. All adverse remarks whether remediable or irreparable are required to be communicated in writing to the officer reported upon. The fact of communication must be recorded on the evaluation reports and a copy of the communication is to be placed in the official's dossier.

In order to retain and save the Evaluation Report System as a useful, open and dynamic system, rather than a hidden whip for harming the subordinates, it may please be ensured that:

1. The instructions contained in Para 5.2 of the "Instructions About Evaluation Reports" are complied with by all the officers working the Administrative Departments, Attached Departments and subordinate offices with immediate effect in letter and spirit. Unless there are justifiable or technical reasons to the contrary, the adverse remarks must be communicated without fail to persons concerned well before the end of June each year.
 2. Disciplinary action is invariably initiated against the defaulters in future under the NWFP Government Servants (Efficiency and Discipline) Rules, 1973.
 3. Steps are taken to ensure that the Dossiers of all the officers and staff working in your Administrative Departments or Attached Departments and subordinate offices under your administrative control are thoroughly checked up to ensure that they contain no uncommunicated adverse remarks otherwise steps be taken to communicate the same to all concerned expeditiously.
 4. No request for expunction of adverse remarks not communicated within prescribed period is either entertained or referred to Establishment Department in future till such time responsibility for the same has been fixed and disciplinary action against the defaulter has been initiated/ taken.
 5. A certificate is furnished to this Department not later than 30th April, 1988, that all the adverse remarks in the PERs of the civil servants working in your Department have been communicated to all concerned and no such case is pending.
- 5.3 Experience has, however, shown that some of the Departments do not care to communicate the adverse reports to the concerned civil servants within the period prescribed under Para 5.2 of the "Instructions About

Evaluation Reports" *i.e.* by the end of June. After expiry of years, when the case of promotion/move-over etc. of a civil servant comes up, the Department instead of ignoring these remarks not only illegally expunge them in one stroke but also fail to comply with the other part of the aforesaid instructions *i.e.* initiating disciplinary action against the defaulting authorities. This defeats the very purpose for which the Performance Evaluation Reports are written. Moreover, civil servants who otherwise would have been superseded, get promotion to higher posts/cadres.

5.4 The Supreme Court of Pakistan has, in a case Muhammad Farooq Chauhan versus the Province of Punjab (reported as PLD 1987 Supreme Court 271) held that adverse remarks recorded in Performance Evaluation Reports if communicated out of time shall not be ignored in the case of promotion. These would be ignored only if they were not communicated whether in time or out of time.

In future following action may be taken:-

- a. Direct all concerned under your administrative control to go through the CR Dossiers of all the officers/ officials and ensure that they contain no adverse entries which have not been communicated so far;
- b. Take steps that un-communicated adverse entries, if any, are communicated to all concerned without any further loss of time.
- c. Ensure that un-communicated adverse entries are not expunged at the belated stage, and
- d. In case, any adverse entries relating to previous periods come to notice, disciplinary action should invariably be taken against those responsible for non-communication of adverse entries.

5.5 When a report consists of opinions of different departmental superiors in gradation, it is only the opinion as accepted by the highest Reporting Officer which need be considered from the point of view of communication.

5.6 If the highest officer does not comment on any remarks of lower authority, it will be presumed that he has accepted it.

5.7 The adverse remarks should be communicated in a personal letter. It may also bring out Good points, if any.

5.8 The adverse remarks shall be communicated in writing; a duplicate copy with the acknowledgement of the officer concerned be kept on his record. The identity of the Reporting Officer should not be disclosed to the officer against whom an adverse report has been recorded.

5.9 If a person's integrity is adjudged as '**average**', it shall not be construed to be an adverse remarks and shall not be communicated.

6.0 In case of **retired Government servants** communication of adverse remarks is not necessary if the pension has been sanctioned. In case, however

the pension has not been sanctioned and the remarks are of serious nature which pertain to integrity and are likely to result in reduction in pension then they should be communicated within the prescribed time-limit and not otherwise.

6.1 Action in case of recording adverse remarks by same Reporting Officer for two successive years:-

In order to guard against personal likes and dislikes, an official receiving adverse remarks for two successive years from the same Reporting Officer should be placed under another Reporting Officer.

6.2 Representation for Expunction of Adverse Remarks:

- i. A person who is communicated adverse remarks can apply for the expunction of such remarks. But this should be done not later than one month from the date of receipt of the communication. The representation must be made in temperate and dignified language and no allegations of personal and malicious nature should be made. Indiscreet and irresponsible allegations against Reporting Officers will result in disciplinary action.
- ii. The officers making **representation** against adverse remarks recorded in their Evaluation Reports should not make any personal remark or remarks against the integrity of the Reporting Officer. Violation of this rule will be considered a misconduct and will also render the representation liable to be summarily rejected.
- iii. Comments of the Reporting/Countersigning Officers should be obtained only after a representation has been made by the officer adversely reported upon. These comments are means for the senior officers competent to take final decision on such representations. They are, in no case, to be divulged to the individual concerned before or after he has made a representation to avoid generating avoidable controversy between such officer/official and the Reporting Officer.
- iv. According to the existing instructions, there is scope for only one representation against adverse remarks, which should be submitted, if desired, by the officer concerned, within (30 days), of the receipt of those remarks.

6.5 Review by the Successor Authority:-

Cases have come to the notice of Government where the adverse remarks in the performance Evaluation Reports of Officers have been expunged after the lapse of many years. In some cases, the representations of the Officers for expunction of remarks had been rejected by the authorities who had the occasion to see the performance of the officer and were, therefore, in an ideal

position to determine whether or not the adverse remarks were justified. In spite of this, the successor authorities have reviewed the early decisions and expunged the remarks spreading over a number of years in one sweep, thus giving rise to claims of proforma promotion. Government are of the view that this is not a judicious exercise of the discretion vested in the expunging authorities and have decided that the officers adversely reported upon will continue to have only one right of making a representation and absolute finality would be attached to the decision taken thereon, whether in favor of the officer or against. The decision on representation for expunction of adverse remarks should be taken expeditiously, preferably within six months of the making of representation. The orders of the expunging authority will not be subject to review by the successor authorities.

6.6 Expunction of Adverse Remarks: -

References are frequently received from various departments enquiring about the competent authority for expunction of adverse remarks in the PERs of various categories of Government Servants.

- i. In future all **representation** about expunction of adverse remarks will be made, through proper channel, to the authority next above the Countersigning Officer. In the cases, however, where the Chief Minister is the Countersigning Authority, the Civil Servant concerned may submit a review petition.
- ii. If the final authority dealing with a report, considers it to be biased or unjustified or inconsistent with the facts and decides that the entries should be expunged, then the adverse entries should be scored through, but not in such a way as to make them illegible. A marginal note should be added showing the file number and date of the orders by which the entry has been expunged. However, such a representation will not form part of Character Roll.
- iii. Under no circumstances should any entry in Evaluation Report be mutilated or papers physically removed from the file of Evaluation Reports.

6.7 Safe Custody¹: -

Except to the extent of communicating the remarks in accordance with the above instructions the contents of the reports should not be divulged to the Government Servant concerned, in no case should an officer have

¹ This instruction is subject to Establishment Department (Secret Section) Govt. of KPK Letter No.SOS (ED) CR./2(1)Inst-2008 dated Peshawar 06th November, 2008

access to his own reports. In order to guard against the evaluation reports being tempered with, the reports when filed in the Character Roll will be page numbered in ink and entered in the index on first page after the face sheet prescribed in the form in appendix-J.

- i. No Reporting Officer / Countersigning Officer will hand over the performance Evaluation Report to the Officer/ Official concerned by hand except its proper delivery in dealing section under sealed cover with a proper letter.
- ii. The borrowing authorities should under no circumstances change the order in which the various Evaluation Reports have been filed and indexed on the first page or carry out any other alteration in the Character Roll. However, such documents should be returned immediately to the lending authority.
- iii. The same principle applies to borrowing authorities to which Government Officers are sent on deputation.
- iv. It has further been observed that Reporting Officers as well as Countersigning Officers in some cases initiated revised reports on an officer with improved grading on the request of individual officer to substitute the Performance Evaluation Report written by them earlier. It clearly shows that some officers have access to their Evaluation Reports in violation of the existing instructions regarding security of classified documents/ information in Government Departments issued by the Cabinet Division, Islamabad.
- v. The Provincial Government has taken a serious note of it and it has been decided that appropriate action should be taken against these officers of the Federal as well as Provincial Government found guilty of violation of these instructions.
- vi. Competent Authority has shown grave concern over the maintenance of secrecy in respect of PERs/ CR Dossiers in respect of PSB meeting cases. The copy of synopsis of PERs have been found in excess of irrelevant persons which is against the instructions on the subject.

6.8 Maintenance of Character Roll:-

The Character Rolls shall be maintained in duplicate except where specified otherwise. The Administrative Department/ Head of the Attached Department or the Head of the office concerned shall take a decision about each class or category of posts where the original and the duplicate copy shall be maintained. The original shall be maintained at a level where it is not required to be moved whereas, the duplicate copy may move, to the appropriate authority, with each transfer of a Government Servant.

6.8 (a) Copies of the Character Roll of the Officers mentioned below shall be maintained by the authorities noted against each:-

S.No	Name of Service	No.of copies.	Maintaining Authority Central
1.	APUG Officers.	2	i) Central Government. ii) Establishment & Admn. Department.
2.	PSP and Provincial Police officers officiating in Senior PSP Scale(Except-IGP).	2	i) Central Government. ii) C.S (Estt: Deptt) iii) I.G.P Office
3.	Listed Post holders, PCS(EG) other than those serving under Board of Revenue.	3	C.S (Establishment & Admin. Deptt:)
4.	Head of Administrative Department.	2	C.S(Establishment & Admn. Deptt:
5.	All Secretariat Officers/Officials.	2	C.S Establishment & Admn. Deptt)
6.	Other than Secretariat Officers.	2	Administrative Department.

6.9 Honour/Award Entry in the PERs:-

In case an officer has received Honour/Award suitable entry should be made in the Character Roll and Copy of citation placed in it. The order rewarding officers/officials in connection with their suggestions found useful and worth adopting, may be placed in the personal file and not in the Character Roll of the Government Servant concerned. The reporting Officer should keep the fact in view and mention the same while recording Performance Evaluation Report. It is the duty of the branch/ section concerned to bring to the notice of the Reporting Officer, for the calendar year, that the person on whose work and conduct a report is to be written, has been awarded by Government for a found useful and worth adopting.

7.0 No chits or certificates should be granted to the subordinates by any officer and the assessment of the work of Government Servant should be confined to the Performance Evaluation Report. Such chits/certificates, if still issued will be ignored by Government for any purpose.

7.1 The letters or notes of appreciation recorded by the Minister or any other higher officer may be filed in the character roll of the officer if these relate to the work done by the officer concerned outside the normal sphere of duties. But if these pertain to the work connected with the normal duties; they must not be placed in the character roll but commented upon in the Performance Evaluation Report.

7.2 The **photographs** to be pasted on the folders attached to the revised forms for evaluation reports on gazetted officers should be furnished by the concerned officers, at their expenses.

7.3 The Reporting Officers may, if they like, to maintain a katcha register for keeping rough notes relating to the work of the subordinates including cases of outstanding good or poor work. This will avoid writing of reports based

on vague impression and will make the reports more realistic and character and will be easier to assess the performance of the subordinate from a such memoranda and thus present a true picture in the report. The proforma of this register is at Appendix 'K'. This register will not be a permanent record but only be destroyed as soon it has out lived its utility.

7.4 The reports of officers detailed for training at various institutions, e.g. Administrative Staff College, N.I.P.A., Village Aid Academies will be placed on the Character Rolls of the officers. Similarly, the assessment reports on the officers attending training courses shall also form part of their Character Rolls.

7.5 A note may be recorded in respect of the periods for which reports do not exist in the Character Rolls, due to long leave or other causes which should be stated in proper sequence of the filling of the reports.

7.6 Preservation of Character Rolls:-

The Character Rolls of retired Government Servant should be maintained for ten years after retirement or up to the age of sixty five years whichever is later. In the case of persons relieved from Government Service otherwise than by retirement, the Character Rolls shall be retained at least for ten years, after the date of release from Government service. On the expiry of the prescribed period the Character Roll will be destroyed by burning.

7.7 Supply of Copies/Extracts from C. R :-

Supply of copies or extracts from Character Rolls is prohibited. It is, however, permissible for the Head of the Attached Department, or Government whichever may be the final authority, having custody of the record to give the officers who have retired, a letter in which their final record is summed up.

7.8 Writing/Countersigning of PERs by Retired/Expired Officers: - The question, whether a retired officer should write/countersign Performance Evaluation Reports on officers and staff; who worked under him prior to his retirement has been under consideration in the Establishment Division. It has been decided that as in the case of Government Officers, who whether voluntary or on attaining the age of superannuation, should be asked to write/countersign reports, on the officers and staff who have worked under them for more than three months, before their retirement. If an officer proceeds on retirement without writing/countersigning the reports and cannot be contacted or fails to oblige despite repeated requests, the following procedure should be adopted:

- i. The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report, provided that he has seen the work of the officer reported upon, for a minimum period of three months. The next higher officer, if any, should countersign it.

- ii. If the report has already been initiated but the Countersigning Officer has retired/ expired, the next higher officer, if any, should countersign, provided that he has personal knowledge of the work of the officer concerned.
- iii. If both the initiating and the Countersigning Officers have retired/expired, the officer next higher than both of them countersign, if any, should countersign it. In such cases both the Initiating and Countersigning Officers must have personal knowledge of the work of the officer reported upon.
- iv. In case the report cannot be initiated at all, a suitable note to this effect be recorded in the C.R. dossier, if the report has been initiated but has not so far been countersigned, the reasons, therefore, be recorded in respective part of the PERs.

8.0 Filling up of PERs:- The learned Peshawar High Court in writ petition filed by a Government servant has observed that in the Evaluation Report for the year 1989, the petitioner was found placed in column "B" (Average) in Part-II throughout in all six places. However, in overall grading in the said part, in part-III he was placed at 10 places in column 'A' (Good) and six places in column 'B' (Average) and his overall grading in Part-III has been recorded in column 'A' (Good) and in Part-IV he has again been placed throughout at all eight places in column 'B' (Average). The Reporting Officer has still placed him in overall grading "Good" although he was to be placed in overall grading "Average". It is unfortunate that Countersigning authority has also not noticed this anomaly and has simply put his signature to it as agreeing with the Reporting Officer.

- i. The Peshawar High Court while dismissing the Writ petition in limine, have inter alia observed that necessary directions be issued to the Reporting Officer and Countersigning Officers to first read the instructions incorporated in the Performance Evaluation Report forms and then to fill up the Performance Evaluation Reports in accordance with the instructions.
- ii. The Provincial Selection Board, while examining Performance Evaluation Reports in promotion cases in its meetings held from time to time have also made the following observations: -
 - a. While recording the overall grading, the Reporting/Countersigning Officer concerned should confine themselves to the Grading specified in the PERS forms, i.e. (Very Good, Good, Average, Below Average).
 - b. When an officer reported upon is under enquiry, the report

must indicate: -

- (i) The specific charges levelled against the Officer reported upon.
 - (ii) The result of enquiry, i.e. whether he was exonerated or a penalty (to be specified) was imposed on him, may invariably be mentioned in the PERS.
- c. Adverse remarks should always be underlined with Red ink by the Countersigning Officer and also reflected in the synopsis under the relevant column.
- d. In most of the cases, the words "Adverse Remarks expunged" are written. The Department concerned must indicate the nature and contents of the expunged adverse remarks so that it could be known whether those pertained to the integrity or otherwise of the officer concerned. It may also be insured that adverse remarks are not expunged at a belated stage i.e. after expiry of the prescribed period.

8.2 Annual Medical Examination of Officers: - Government of Pakistan has decided that every officer in the employment of the Federal/Provincial Government should be medically examined every year and the report of such examination be recorded in the Performance evaluation reports/ service record of the officer.

The Report will be disclosed to the officer. If he contests the medical category assigned to him by the Medical Officer conducting the medical examination he may be placed before a Medical Board.

The above decision has been taken in the interest of the officers themselves so that their physical defects are discovered at an early stage and an easy treatment is assured. An officer who is completely incapacitated and placed in "C" category would still be given such treatment as may be possible. There will be no categorization of jobs and the Establishment Division/Service Department concerned will take the medical report into account while considering particular appointment.

The intention of the orders issued in the Ministry of Health O.M. No. F.9/18/60-M, dated the 10 January, 1961 is to ensure that officers in Government service are fit and as such all Grade-17 and above officers including those reemployed after retirement, should be medically examined annually.

8.3 Maintenance of Medical Rolls with the CR Dossier:- According to the instructions contained in the Health Division O.M. No. F.9/18/60-M, dated 10th January, 1961 (Para-4 12) Annual Medical Reports in respect of

all Grade-17 and above officers are required to be placed in the C.R. Dossier of the officers concerned. Experience has, however, shown that mixing of medical reports with Evaluation Reports in the C.R. Dossiers for purposes of career planning, promotion, etc. of the Officer. It has, therefore, been decided that medical reports should henceforth be placed in a separate folder to be called "Medical Roll" attached with the C.R Dossier of the Officer.

8.4 Character Roll of Retired Officer:- It has been decided as a general principle that the Character Rolls may not be given to the retired officers.

8.5 Character Rolls of Government Servants no longer in service:- It has been decided that in case of death or resignation of officers, the Character Roll may be preserved for five years after their death and resignation and in other cases for ten year after their retirement, removal discharge or dismissal, etc. or until they attain the age of 65 years, whichever is earlier.

8. 6. Affixing of photographs on Character Ro/1:-

O. M. No. 6/1/70- A.II, dated 16.03.1970 (Para 5.27).

D.O. No. 6/1/70-A.II, dated 26.2.1970 (Para 5.28).

In spite of the instructions noted in the above quoted letter, in a quite large number of cases photographs of officers are not affixed to their C.R. Dossiers. In some cases the photographs have become too old, although according to the instructions, photographs should be replaced after every ten years. It may kindly be ensured that the latest photographs of all officers are affixed immediately to their Character Roll Dossiers. Copies of the latest photographs may also please be supplied to the Provincial Government. Certain Purdah observing officers have objected to supply their photographs for affixing them on their C.R. Dossier. The matter has been considered in the Establishment Division. It has been decided that such officers will have the option to supply or not to supply their photographs for the purpose. In respect of officers who do not like to supply their photographs, a certificate that they observe purdah will have to be given by the Head of the Institution where they serve¹.

APPENDIX 'K'

[vide para 7.4]

PROFORMA OF KATCHA REGISTER TO BE MAINTAINED BY
OFFICER TO BE USED FOR WRITING PER.

Page No. _____

¹ For Judicial Officers, please follow the instructions contained in PHC letter No.4175-99/Admn dated 04th March, 2017.

Name of Officer _____

REMARKS

Date _____

Signature _____

Name (in block letters) _____

Designation _____

C.No. 2(3-15)

REPRESENTATION AGAINST ADVERSE REMARKS IN PERFORMANCE EVALUATION REPORT OF JUDICIAL OFFICERS TO BE DECIDED BY THE HIGH COURT

Please refer to your D.O. letter No.39-72/PS dated the 16th March, 1972 regarding representation made by District/Additional District and Sessions Judges for expunction of adverse remarks in their Character Rolls.

On reconsideration, the Governor, NWFP desires that the representation by the affected person may be decided by the High Court itself.

The representation enclosed with your letter quoted above alongwith the Character Rolls of the officers concerned are returned herewith.

(Government of NWFP D.O.No.PS/CS-NWFP-72/236 dated Peshawar the March 17th, 1972)..... Addressed to High Court.

C.No. 3(3-15)

DECLASSIFICATION OF PERFORMANCE EVALUATION REPORT OF CIVIL SERVANTS – RE-CATEGORIZATION AS ‘RESTRICTED’ INSTEAD OF ‘CONFIDENTIAL’

I am directed to refer to the above noted subject and to state that with the conversion of Annual Confidential Reports (ACRs) into Performance Evaluation Report (PERs) it has been under consideration that in order to improve the Performance of the civil servants being reported upon, it is imperative that their appraisal is shared with them. It was noticeable that while adverse remarks were communicated officially, the civil servant never got to know of the good work done by him/her. Since PERs include various assessment variables, it is necessary that assessments against each are known to the civil servants so that they could further improve.

Keeping in view the above justifications, the Govt. of NWFP has decided to re-categorize the 'Confidential' category of the Performance Evaluation Report to 'Restricted' and also substitute para-5.3 of the booklet 'A Guide to Performance Evaluation (2004 Edition)' as under: -

5.3 Performance Evaluation Report of the officer reported upon shall be shown to him/her on his/her request.

Consequent, PERs forms to be issued in December 2008/ Jan 2009 will have the word 'Restricted' on top-right corner of page-I.

The procedure for showing PERs to officer reported upon would be that on receiving a written request, the administrative Secretary of the Department concerned, or officer authorized by him/her shall approve such request and the custodian of PERs shall show them to the officer reported upon in the office of the Secretary/Authorized Officer. In no circumstances would a copy of the PERs be given to the officer reported upon.

Kindly bring the above into the notice of all officers and attached Departments under your control for information and compliance.

(Establishment Department (Secret Section) Govt. of KPK Letter No.SOS (ED) CR./2(1)Inst-2008 dated Peshawar 06th November, 2008)

C.No. 4(3-15)

PHOTOGRAPHS

I am directed to say that all the Judicial Officers and Ministerial Staff of grade-16 and above, while submitting PER forms to this Court, shall annex two latest passport size photographs with the same in future.

I am, therefore, to request for following the directive accordingly, please.

(PHC letter No. 3021-60/Admn dated 05th March, 2012)

C.No. 5(3-15)

PERFORMANCE EVALUATION REPORT

I am directed to refer to the cited subject and to say that Hon'ble the Chief Justice, while countersigning the PERs, has observed that some of the

reporting officers had graded the officers/officials reported upon as very good without mentioning reasons and justifications.

I am, therefore, to request that whenever a reporting officer is grading the officer/official reported upon as very good, the same shall be based on sound reasons.

(PHC letter No. 1907-30/Admn dated 22nd February, 2013)

C.No. 6(3-15)

DIRECTIVES OF HON'BLE CHIEF JUSTICE

I am directed to say that in future counselling by the District & Sessions Judges and other Senior Judicial Officers shall only be in writing with a copy to this Court, please.

(PHC letter No. 12447-77/Admn dated 27th October, 2015)

CHAPTER-IV ADMINISTRATION

Section-I (Dress Code)

1(4-1)	Dress Code For Judicial Officers	716
2(4-1)	Official Dress For Female Judicial Officers	717
3(4-1)	Dress Code For Employees Of The Peshawar High Court, Peshawar, Its Benches And Of District Judiciary	717-718
4(4-1)	Revised Dress Code For Female Employees Of Peshawar High Court, Peshawar, Its Benches And That Of The District Judiciary	718
5(4-1)	Non-Observance Of Official Dress Code	718-719

Section-II (Business Hours)

1(4-2)	Working Hours Of Peshawar High Court (Principle Seat), Benches And District Courts (Summer)	720
2(4-2)	Working Hours Of Peshawar High Court (Principle Seat), Benches And District Courts (Winter)	720-721
3(4-2)	Working Hours For The Special Courts/Tribunals (Federal & Provincial)	721-722

Section-III (Court Management)

1(4-3)	Recitation Of The Holy Quran At The Commencement Of The Judicial Work Before The High Court And The Subordinate Courts	723
2(4-3)	Preparation Of Annual Work Plan	723-727
3(4-3)	Female Judicial Magistrate As Mod	728
4(4-3)	Contact Information Of Parties	728
5(4-3)	Quality Of Administration & Court	728-729
6(4-3)	Disposal of explosive material taken as case properties.	729
7(4-3)	Contact Information Of Parties	730
8(4-3)	Daily Situation Report (DSR) (05.03.2012)	730
9(4-3)	Daily Situation Report (DSR) (17.03.2012)	730

10(4-3)	Daily Situation Report (DSR) (16.04.2012)	730-731
11(4-3)	Prohibition Of Carrying Weapon In The Court Premises	731
12(4-3)	Cautious Approach Of Courts In Matters Of Representation Through Attorneys	731
13(4-3)	Provision of Wheelchair Accessibility Within Court Premises.	732
14(4-3)	Daily Situation Report (DSR) (29.11.2014)	732
15(4-3)	Slow Disposal In Criminal Cases	732-733
16(4-3)	Daily Situation Report (27.01.2015)	733
17(4-3)	Power Of Attorney On Stamp Paper Of Rs, 300/- (25.11.2015)	733
18(4-3)	Power Of Attorney On Stamp Paper Of Rs.300/- (05.11.2015)	733-734
19(4-3)	Attestation Of Documents	734
20(4-3)	Directives of the Hon'ble Chief Justice.	734
21(4-3)	Female Judicial Magistrate As MOD	735
22(4-3)	Directives Of Hon'ble The Chief Justice; Filing Of Written Statement Within Stipulated Period	735
23(4-3)	Observance Of Cleanliness Week In District Judiciary	735-736
24(4-3)	Cr.Misc. BA No.1937-p/2019 -Shaheen Ali v/s The State	736
25(4-3)	Directives Of Hon'ble The Chief Justice	736
26(4-3)	MOD At Sub-Division Level During Summer And Winter Vacations	737

Section-IV (Leave and Vacations)

1(4-4)	Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981	738-751
2(4-4)	The West Pakistan Casual Leave Rules 1956	752

Section-V (Instructions Relating To Leave and Vacations)

1(4-5)	Casual Leave Rules Of Judicial Officers	753-757
2(4-5)	Submission Of Casual Leave Applications	757
3(4-5)	Accumulation Of Earned Leave Staff	758

4(4-5)	Casual Leave– Absence Of Judicial Officers From Duty On Short Notice	758
5(4-5)	Function Of Subordinate Judiciary During Summer Vacation.	759
6(4-5)	Station Leave/Stay At The Place Of Posting	760
7(4-5)	Presence At The Station Of Duty	760
8(4-5)	Chief Justice Directive # 17 (Non Availing Of Regular Vacations)	761
9(4-5)	Instructions Regarding Casual Leave By The Judicial Officers	761-766
10(4-5)	Instructions Regarding Casual Leave By The Judicial Officers	767
11(4-5)	Station Leave / Stay At The Place Of Posting	767
12(4-5)	Casual Leave --- Curtailment / Clubbing Together With Holidays	768
13(4-5)	Casual Leave By The Judicial Officers	768
14(4-5)	Late Submission Of Application For Earned Leave	769
15(4-5)	Earned / Medical Leave	769
16(4-5)	Casual Leave By Judicial Officers	769-770
17(4-5)	Casual Leave/Earned Leave	770
18(4-5)	Medical Leave	770-771
19(4-5)	Earned Leave	771
20(4-5)	Leave And Transit	771-772
21(4-5)	Medical Leave.	772
22(4-5)	Long, Earned And Ex-Pakistan Leave	773
23(4-5)	Short Leave (11.12.2012)	773
24(4-5)	Standardized Policy For The Grant Of Earned Leave (Ex-Pakistan) For Performance Of Umra.	774
25(4-5)	Earned Leave (13.04.2019)	774
26(4-5)	Policy For Performance Of Umrah, Hajj And Tableegh.	775
27(4-5)	Policy For Umrah, Hajj And Tableegh	776
28(4-5)	Senior Civil Judges, Civil Judges And Their Establishment As A Vacation Department	776-777

Section-VI (Standard Seals)

1(4-6)	Use Of Standard Seals	778
2(4-6)	Use Of Standard Seals	778
3(4-6)	Use Of Standard Seal In Qazi Courts At Malakand Division And Kohistan District	779

Section-VII (Maintenance of Record)

1(4-7)	Submission Of Record	780
2(4-7)	Circular Letter – Instructions Regarding Speedy Disposal Of Cases, Filing Of Documents ---Non-Observance Of High Court Rules And Orders.	781-783
3(4-7)	Maintenance Of Judicial Record	783
4(4-7)	Record Of Decided Sessions Cases	783-784
5(4-7)	Copy Of Bail Order	784
6(4-7)	Certified Copies In Pending Cases Of Civil Judges And Judicial Magistrates / Copying Agency Of District & Sessions Judge	784-785
7(4-7)	Proper Arrangement/Preparation Of Record Of Trial Cases	785
8(4-7)	Supply Of Copies Free Of Charge To The Central And Provincial Governments.	785-786
9(4-7)	Issuance Of Illegible Attested Copies Of Orders And Judicial Record By Copying Branch Of District Courts.	786
10(4-7)	Certified Copies In Pending Cases At Sub-divisional Headquarters	786
11(4-7)	Copying Branch At Sub-divisional Headquarters	787
12(4-7)	Instructions For Copying Agency	787-788
13(4-7)	Unauthorized Access To Judicial Record.	788-789
14(4-7)	Consignment Of Cases To The Record Room	789
15(4-7)	Issuance Of Certified Copies Of Judgments And Decrees	789
16(4-7)	Complaints Regarding Non-Provision Of Attested Copies Of Judgments At Tehsil	790
17(4-7)	Digitization Of Old And Pending Cases In Session Divisions.	790
18(4-7)	Transmission Of Case Files.	791

19(4-7)	Record Note Of The Meeting With Dba Malakand & TBA Dargai.	791
20(4-7)	Scanning Of Court Record	792
21(4-7)	Digitization Of Cases/Record At Districts	793-794

Section-VIII (Destruction of Record)

1(4-8)	The Destructions Of Useless Judicial Records	795-804
--------	--	---------

Section-IX (District Committees)

1(4-9)	District Bench Bar Liaison Committee (05.06.2002)	805
2(4-9)	District Bench Bar Liaison Committee (18.08.2004)	806
3(4-9)	District Bench Bar Liaison Committee (29.03.2017)	807
4(4-9)	District Judiciary Performance Monitoring and Evaluation Policy (2020-2025) (Monthly Meeting of Bench Bar Liaison Committee)	807-808
5(4-9)	Citizens Courts Liaison Committee	808-809
6(4-9)	Criminal Justice Coordination Committee	809-810
7(4-9)	Criminal Justice Coordination Committee Meetings.	810
8(4-9)	Constitution Of District Legal Empowerment Committee For AJDF	810-811
9(4-9)	District Legal Empowerment Committee (Constitution & Functions) Rules, 2011	811-816
10(4-9)	Endowment Fund Rules	816-822
11(4-9)	Monthly Meeting Of Judicial Officers	822
12(4-9)	Agenda Of Monthly Meeting Of Judicial Officers	822-823

Section-X (Advocates)

1(4-10)	Fee Certificate	824
2(4-10)	Section Of Law To Be Given	824
3(4-10)	Engagement Of Junior Advocates	824-825
4(4-10)	Use Of Seal By Advocates	825

5(4-10)	Streamlining The Affairs Of Clerks Of Legal Practitioners	825
6(4-10)	Directives Of Hon'ble The Chief Justice	826
7(4-10)	Payment Of Pauper's Counsel/State Counsel Fee Bill	826
8(4-10)	Record Note Of Visit Of Delegation Of District Bar Association Peshawar, To Hon'ble The Chief Justice Dated 06.10.2016.	827
9(4-10)	Revised Criteria For Fitness Certificate	827

Section-XI (Processes)

1(4-11)	Substituted Service	828-829
2(4-11)	Service Of The Parties In Civil Cases	829-830
3(4-11)	Issue Of Summonses In Cases To Government Department	830-831
4(4-11)	Civil Revision No. 420 Of 1987 Protection Of The Rights Of Minors In Suits According To Law	831
5(4-11)	Service Of Summons/Notices Issued By The High Court	832
6(4-11)	Process Serving Agency	832-833
7(4-11)	Implementation Of The Decisions Taken In The Meeting Of The Chief Justices Committee At Islamabad On 24th March, 2000	833-834
8(4-11)	Incorporation Of National Identity Card No, On Processes	834
9(4-11)	Training Program For The Process Serving Agency	835
10(4-11)	Monitoring The Performance Of Process Serving Agency	835
11(4-11)	Proper Service Of Court Summons/Notices And Its Timely Return	835-836
12(4-11)	Service Of The Parties By Process Serving Agency	836
13(4-11)	Inefficient Process Serving Agency	836
14(4-11)	Service Report Of Notices	837
15(4-11)	Service Report Of Notices	837-838
16(4-11)	Non-Submission Of Monthly Performance Report Of Process Serving Agency And Inefficiency On Part Of Process Servers/Bailiffs	838
17(4-11)	Effective Execution Of Service On The Government Authorities/ Functionaries	838

18(4-11)	Return Of Summons/Notices And Warrants On Time After Service/Execution.	839
19(4-11)	Service Of Summons/Notices Issued From Peshawar High Court	839
20(4-11)	Service Of Summons/Notices Issued From Peshawar High Court.	839-840

CHAPTER-IV ADMINISTRATION

SECTION-I DRESS CODE

C.No. 1(4-1)

DRESS CODE FOR JUDICIAL OFFICERS ORDER

Dated Peshawar the 28th April, 2004

No. U-86-II The Competent Authority has been pleased to prescribe the following dress code for all the Judicial Officers of the District Judiciary as well as members of the bar, with immediate effect and until further orders;

	Summer(15th April to 14th October)
Gents:	White Shalwar Qameez with black coat/waist coat (Sherwani Collars) and black shoes. OR Black suit/black coat with gray pants, white shirt, black neck tie with black shoes.
Ladies:	White Shalwar Qameez with black scarf (Dupatta) and black shoes(black coat-optional).
	Winter(15th October to 14th April)
Gents:	White Shalwar Qameez with black coat and black Shoes. OR black Suit / Black coat with gray pants, white shirt, black neck tie with black shoes.
Ladies:	White Shalwar Qameez with black coat, black scarf (Dupatta) and black shoes.

This is issued in supersession of all previous orders on the subject.

C.No. 2(4-1)

OFFICIAL DRESS FOR FEMALE JUDICIAL OFFICERS

This is with reference to District & Sessions Judge, Peshawar vide letter No. 1086 dated 09.02.2018 on the subject.

After through deliberation & feedback from female Judicial Officers, the Competent Authority has been pleased to allow black gown (optional) besides white shalwar Qameez, black Coat, black scarf and black shoes as official dress for female Judicial Officers.

(PHC Letter No. 2869-95/Admn Dated 03rd March, 2018)

C.No. 3(4-1)

DRESS CODE FOR EMPLOYEES OF THE PESHAWAR HIGH COURT, PESHAWAR, ITS BENCHES AND OF DISTRICT JUDICIARY

PESHAWAR HIGH COURT, PESHAWAR NOTIFICATION

Dated Peshawar the 10th September, 2018

No.U-86-III/233-J: Hon'ble the Chief Justice has been pleased to prescribe the following dress code for the employees (BPS-06 to 20) of Peshawar High Court, Peshawar, its benches and all the courts staff of District Judiciary, Ex-Cadre and Special Courts/Tribunals in the Khyber Pakhtunkhwa, with immediate effect:-

SUMMER (15TH APRIL TO 14TH OCTOBER)	
Gents:	White Shalwar Qameez with Grey Waist Coat and black shoes
Ladies	White Shalwar Qameez with Grey Scarf (Dupatta) and black shoes.
WINTER (15TH OCTOBER TO 14TH APRIL)	
Gents:	White Shalwar Qameez with Grey Coat/Sweater and black shoes
Ladies	White Shalwar Qameez with Grey Sweater, Grey Scarf (Dupatta) and black shoes.

Note:

1. All concerned shall also put a badge containing his name and designation
2. White Shalwar Qameez and Green Waist Coat shall be standard uniform for Class-IV employees
3. The drivers shall wear the uniform, already prescribed

C.No. 4(4-1)

**REVISED DRESS CODE FOR FEMALE EMPLOYEES OF
PESHAWAR HIGH COURT, PESHAWAR, ITS BENCHES AND
THAT OF THE DISTRICT JUDICIARY**

NOTIFICATION

Dated Peshawar the 01st October, 2018

No.U-86-III/236-J: In partial modification of this Court's Notification No. U86-III-233-J,, dated: 10.09.2018, Hon'ble the Chief Justice has been pleased to approve revised dress code for female employees of Peshawar High Court, Peshawar, its benches and that of the District Judiciary, Ex-Cadre and Special Courts/Tribunals in the Khyber Pakhtunkhwa, with immediate effect:-

SUMMER (15TH APRIL TO 14TH OCTOBER)	
Ladies	White Shalwar Qameez with white Dupatta, Grey Coat and black Shoes or Grey Abaya with white scarf and black shoes.
WINTER (15TH OCTOBER TO 14TH APRIL)	
Ladies	White Shalwar Qameez with Grey Blazer, white Dupatta and black shoes or Grey Abaya with white scarf and black shoes.

C.No. 5(4-1)

NON-OBSERVANCE OF OFFICIAL DRESS CODE

It has been observed with great concern that certain employees of Peshawar High Court, its Benches, and that of District Judiciary, Ex-Cadre and Special Courts/tribunals in the Khyber Pakhtunkhwa do not observe the official dress code notified vide this Court's Notification No. U-86-III/233 & 236-J dated 10-09-2018 and 01-10-2018.

The Competent Authority has, therefore, been pleased to direct that final warning may be issued to those officers/officials who do not observe official dress code. Failure to comply with may lead to punitive action

**SECTION-II
BUSINESS HOURS**

C.No. 1(4-2)

**WORKING HOURS OF PESHAWAR HIGH COURT (PRINCIPLE
SEAT), BENCHES AND DISTRICT COURTS (SUMMER)**

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar the 7th April, 2020.

No. 26-J. Hon'ble the Chief Justice has been pleased to order that the Peshawar High Court, Peshawar, its Benches as well as subordinate Courts in the Khyber Pakhtunkhwa, shall observe the following working hours during the summer season:-

W.E.F 16TH APRIL,2020 TO 15TH OCTOBER, 2020 BOTH DAYS
INCLUSIVE)

Monday to Thursday and Saturday.

8:00 A.M to 2:30 P.M (With 30 minutes break from 1:00 P.M to 1:30 P.M
for Zohar Prayers).

FRIDAY: 8:00 A.M to 12:00 Noon

SUNDAY: Closed.

(PHC Endst: No53469-570/Admn: Dated Peshawar 07th April, 2020)

C.No. 2(4-2)

**WORKING HOURS OF PESHAWAR HIGH COURT (PRINCIPLE
SEAT), BENCHES AND DISTRICT COURTS (WINTER)**

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Pesh the 13th October, 2020

No224-J. Hon'ble the Chief Justice has been pleased to order that this Court, its Benches and all the subordinate Courts in the Khyber
---720-----Judicial Estacode 2021-

Pakhtunkhwa, subordinate to this Court shall observe the following working hours during the winter season: -

Winter: (W.E.F 16TH OCTOBER, 2020 TO 15TH APRIL, 2021 BOTH DAYS INCLUSIVE)

Monday to Thursday and Saturday:

8:30 am. to 3: 00 P.M (with 30 minutes break from 1:00 P.M to 1:30 P.M for Zohar Prayers).

Friday. 8:30 A.M to 12:30 Noon

Sunday. Closed.

(PHC Endst: No. 17534-734/Admn: Dated Peshawar 14th October, 2020)

C.No. 3(4-2)

**WORKING HOURS FOR THE SPECIAL COURTS/TRIBUNALS
(FEDERAL & PROVINCIAL)**

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar the 10th July, 2018

No.172-J: Hon'ble the Chief Justice has been pleased to order that all the Judicial Officers working against ex-cadre posts in special Courts/Tribunals (Federal & Provincial) shall strictly observe the following office/Court timing.

SUMMER: (w.e.f 16th April, 2018 to 15th October, 2018 both days inclusive).

Monday to Thursday & Saturday:

08:00 to 02:30 pm (with 30 minutes break from 01:00 pm to 1:30 pm for Zohar Prayers)

Friday: 08:30 am to 12:00 noon.

Sunday: Closed.

WINTER: (w.e.f 16th October-2018 to 15th April, 2019 both days inclusive).

Monday to Thursday & Saturday:

08:30 am to 03:00 (with 30 minutes break from 01:00 pm to 01:30 pm for Zohar prayers)

Friday: 08:30 am to 12:30 pm.

Sunday: Closed.

Note:

- Saturday shall be the working day for all Courts in KPK.
- Non-Observance of the order shall amount to inefficiency and gross misconduct, liable to disciplinary action under the law.

(PHC Endst No: 9702-9816/Admn: Dated 11th July, 2018)

SECTION-III**COURT MANAGEMENT**

C.No. 1(4-3)

RECITATION OF THE HOLY QURAN AT THE COMMENCEMENT OF THE JUDICIAL WORK BEFORE THE HIGH COURT AND THE SUBORDINATE COURTS.

A Special meeting under the Chairmanship of the Hon'ble the Chief Justice was convened on 03.04.1993 at 11:00 A.M, which was attended by the Hon'ble Judges of this Court. In the meeting, it was unanimously resolved that as the preamble of the Constitution and the Objective Resolution direct our lives to be conducted in conformity with the injunctions of Quran and Sunnah, therefore, it was decided that the court proceedings in the Province shall commence with recitation from Holy Quran in the morning and that the act of recitation from the Holy Quran shall be performed by a senior Muslim Advocate appearing in the case or by the readers of the respective Courts.

I have, therefore, been directed by the Hon'ble Chief Justice and Judges of this Court to emphasize that the proceedings in the High Court as well as in the subordinate Judicial Courts should commence with the recitation from the Holy Quran. The recitation should be performed by a Senior Muslim practicing lawyer appearing in the first case or by the Readers of the respective Courts.

It is, therefore, desired that all the Courts throughout the NWFP are to follow the suit.

(PHC letter No. 1963-2062 / Admn: Brh: Dated Pesh: the 3rd April, 1993)

C.No. 2(4-3)

PREPARATION OF ANNUAL WORK PLAN

I am directed to refer to the subject noted above and to say that in order to streamline the work procedure in a scientific manner and to enable the Judicial Officers to better manage their Court & Cases, it will be proper to plan Court work. This will also enable the Presiding Officers to manage their time so as to use it more efficaciously. With this aim in mind, the idea of Work Planning was also discussed in the recently held quarterly conference of District & Sessions Judges and it was decided that this Court

will communicate a model Annual Work Plan to all the Judicial Officers, who after preparing their individual work plans will submit it to their respective District & Sessions Judges. The District & Sessions Judges will in turn prepare a consolidated work plan and send it to this Court for approval. This Court has prepared a model Annual Work Plan separately for Civil, Criminal and Administrative Business. A model work plan has been filled with presumptive figures for convenience. While fixing a month for disposal of case, current stage of the case is to be taken into consideration.

To further improve the proforma, any suggestion will be appreciated.

(PHC letter No.AJP/HC/43-A-8-A/2003/KP-4 Dated Peshawar the 5th
March, 2005)

Annual Work Plan for the Disposal of Civil Cases
pending in the Court of _____

S No	Year of Institution	Total Number of Cases	Time Schedule for Disposal (March 2005 to December 2005)															
			March				April				May				June and so on			
			*W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4

[illegible]

Annual Work Plan for the Administrative Functions of the Court of _____

S No	Activity	Ministerial Officer responsible for the Activity	Time Schedule (March 2005 to December 2005)															
			March				April				May				June and so on			
			*W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4
1	Monthly Inspections																	
2	Quarterly Inspections																	
3	Periodical Inspection of Accounts																	
4	Periodical Statements																	
5	Budgetary Statements																	
6	Writing of PERs																	
7	Local training for Process Serving Establishment																	
8	Workshop for Presiding Officers																	
9	DSCs																	
10	DPCs																	
11	Circulation of Seniority List																	
12	Destruction of Record																	
13	Jail Visit																	

C.No. 3(4-3)

FEMALE JUDICIAL MAGISTRATE AS MOD

I am to refer to the subject noted above and to say that the Hon'able Chief Justice has been pleased to direct that female Judicial Magistrates shall be exonerated from the duty of MOD, in future, except in cases of urgency, like non-availability of Judicial Magistrate at the station.

(PHC Letter No.9526-9549/Admn Dated 1st October, 2007)

C.No. 4(4-3)

CONTACT INFORMATION OF PARTIES

I am directed to refer to the subject noted above and to say that under Order VII rule 1 of the Code of Civil Procedure, 1908 the plaintiff is required to give the particulars regarding name, description and place of residence of plaintiff as well as defendant. The description, in this era of Information Technology, encompass the following, which should, invariably be provided, to the extent possible, by the plaintiff, appellant, petitioner etc in all judicial proceedings, whether criminal or civil. The said details should also be provided in list of witnesses, at the time of filing of F.I.R, complaint etc.

- a. NIC number and copy of NIC.
- b. Present address of parties if different from permanent address.
- c. E-mail address.
- d. Cellular/Mobile phone number.
- e. Fax number.
- f. Telephone number

These descriptions of contacts must be updated by the parties or other concerned in case of any change. This directive may be circulated amongst all the judicial officers, police officers and other concerned in the district.

(PHC letter No.18627-80/Admn Dated Peshawar, 03rd November, 2010)

C.No. 5(4-3)

QUALITY OF ADMINISTRATION & COURT

I am directed to refer to the subject noted above and to say that it has been noticed by this Court that the office management of many courts in the

province in not up to the mark and the important administrative steps like preparation of seniority list, maintenance of service books, PERs etc of staff be improved and compliance of different directions and rules be ensured in letter & spirit, please.

(PHC letter No. 4562-85/Admn Dated Peshawar, 09th April, 2011)

C.No. 6(4-3)

DISPOSAL OF EXPLOSIVE MATERIAL TAKEN AS CASE PROPERTIES.

Enclosed find herewith, copy of letter No. 604/Ccc/Invest: dated: 06.05.2011, on the subject, received from the Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar, for information and compliance.

(PHC letter No. 6078-6112/Admn Dated Peshawar, 19th May, 2011)

DISPOSAL OF EXPLOSIVE MATERIAL TAKEN AS CASE PROPERTIES.

Seeking privilege to address your kind self on the above noted subject and state that large quantities of explosives and explosive material are being taken into possession by the Police in varied cases. There is no standard arrangement with the police to safely keep the material till exhibits before court of competent jurisdiction are made. Meanwhile, the custody of material poses serious threat of being exploded for various reasons. Several lethal and accidental blasts have occurred in the past resulting in severe damage to police buildings and personnel which could have been avoided by timely diffusion/destruction of explosive substances.

It is, therefore, requested that subordinate courts especially the Anti-Terrorism Courts may kindly be directed to grant prompt permission for destruction of explosive based case properties/material after allowing exhibit samples of manageable size and photography of the material. If granted, the Police Department will feel obliged for enabling it to quickly dispose of such lethal material, once they come to be part of case properties.

Please also kindly accept the assurances of highest consideration and gratitude for patronizing Police Department in its pursuit for upholding justice and rule of law.

(Letter No. 604/cc/Invest dated 06th May, 2011)

C.No. 7(4-3)

CONTACT INFORMATION OF PARTIES

I am directed to refer to this Court letter No. 18627-80/Admn dated 03.11.2010, Code No. 27(4-23), Page No. 544 in Judicial Estacode 2011 (copy enclosed) and to impress upon all the courts to follow the said instructions in letter and spirit. The instructions may be circulated amongst all the concerned under your control.

(PHC letter No. 14366-94/Admn: dated Pesh the 08.12.2011)

C.No. 8(4-3)

DAILY SITUATION REPORT (DSR)

I am directed to say that a Daily Situation report (DSR) particularly highlighting any important event within the districts be submitted invariable to this Court by Fax.

I am, therefore, to request for following the directive accordingly, please.

(PHC Letter No. 3062-85/Admn, Dated Peshawar the 05-03-2012)

C.No. 9(4-3)

DAILY SITUATION REPORT (DSR)

I am directed to invite your attention to this Court's letter No.3062-85/Admn dated: 05.03.2012, and to say that it has been noticed with great concern that instructions contained in the letter are not complied with by some of the District & Sessions Judges.

I am therefore directed to impress upon all the District & Sessions Judges that aforesaid instructions must be complied with, in letter and spirit, in future.

(PHC Letter No. 3643-86/Admn, Dated Peshawar the 17th March, 2012)

C.No. 10(4-3)

DAILY SITUATION REPORT (DSR)

I am directed to refer to this Court's letter No. 3062-85/Admn dated 05.03.2012, followed by Reminder No. 3643-86/Admn dated 17.03.2012, on the subject noted above and to say that Hon'ble the Chief Justice has taken serious notice of non-submission of Daily Situation Report

(DSR) by most of the District & Sessions Judges. In future, failure to submit in time report shall be considered inefficiency on the part of the defaulting officer.

I am further directed to say that the DSR may be faxed on daily basis on 091-9210493 to Principal Staff Officer of the Hon'ble Chief Justice for placing the same before his lordship.

(PHC Letter No. 5625-48/Admn, Dated 16th April, 2012)

C.No. 11(4-3)

PROHIBITION OF CARRYING WEAPON IN THE COURT PREMISES

ORDER

Hon'ble the Chief Justice has been pleased to prohibit the carrying of any weapon including service rifle/pistol, even to the carried by police or law enforcement agencies, within the court premises throughout the Province of Khyber Pakhtunkhwa. Any violation of this order shall make liable the person for prosecution under the relevant law.

Provided, that the above order shall not apply to security staff/police guards or any other security agency attached to the High Court, its Benches, subordinate Courts, the personal guards of Hon'ble Judges and other senior Judicial Officers. This order shall remain in force till further order.

(Endst No. 10114-10164/Admn, Dated 31st July, 2012)

C.No. 12(4-3)

CAUTIOUS APPROACH OF COURTS IN MATTERS OF REPRESENTATION THROUGH ATTORNEYS

While going through a complaint, Hon'ble the Chief Justice has been pleased to direct that "the Courts should be careful in matters where parties are being represented through attorneys (General/Special). The Courts should entertain such instruments with due care and caution particularly when they are subject of compromise in civil/criminal cases"

You are, therefore requested to convey these directions to all the Judicial Officers in your respective districts

(PHC Letter No. 4687-710/Admn/MIT, Dated 02nd April. 2014)

C.No. 13(4-3)

PROVISION OF WHEELCHAIR ACCESSIBILITY WITHIN COURT PREMISES.

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice, Peshawar High Court, Peshawar is pleased to direct to make arrangement of wheelchairs, ramps and pathways from the entry point in the court premises to the court rooms for easy access of the disabled /senior citizens.

It is, therefore, requested that necessary arrangements be made, for compliance of order of Hon'ble the Chief Justice and in the best public interest, please.

(PHC Letter No. 8750-73/Admn/HRD, Dated 20th May, 2014)

C.No. 14(4-3)

DAILY SITUATION REPORT (DSR)

I am directed to refer to this Court's letter No.3062-85/Admn dated: 05.03.2012, followed by Reminders No.3643-6/Admn dated: 17.03.2013, No. 5625-48/Admn dated: 16.04.2012 and No.11064-588/Admn dated: 23.09.2013 on the subject noted above and to inform you that the DSRs are not being received regularly from certain districts which has been noted with serious concern by Hon'ble the Chief Justice

It is once again emphasized that the reports in question be sent to this Court on daily basis regularly on Fax No.091-9210493 to Principal Staff Officer to Hon'ble Chief Justice for placing the same before his lordship.

(PHC Letter No. 15776-799/Admn, Dated 29th November, 2014)

C.No. 15(4-3)

SLOW DISPOSAL IN CRIMINAL CASES.

The Competent Authority has taken serious view of the slow pace of disposal in criminal cases and has suggested certain steps to improve the pace of disposal:

- I. To undertake coercive methods against the PWs on willful disobedience of Court processes.
- II. To highlight the absention defence counsel name in order sheet and appropriate steps to ensure his presence may be worked out locally in Bench Bar Liaison Committee meetings
- III. To establish Summon and Warrant Cell headed by a police officer not below the rank of S.I, responsible for execution of summons / warrants in criminal cases, in liaison with the police authorities.

(PHC Letter No. 469-92/Admn, Dated 15th January, 2015)

C.No. 16(4-3)

DAILY SITUATION REPORT.

It has been noted with concern that the Daily Situation Reports are not being sent to this Court on regular basis. The Competent Authority is pleased to direct that in future Daily Situation Report be sent each day at the end of working hours on regular basis on the approved proforma.

(PHC Letter. 879-902/Admn, Dated 27th January, 2015)

C.No. 17(4-3)

POWER OF ATTORNEY ON STAMP PAPER OF RS, 300/-

Enclosed find herewith copy of letter No. AS(S)3/240-III/25418-56 dated 05.11.2015, on the subject, along with enclosures, received from the Assistant Secretary (Stamps), Government of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department, Peshawar, for information and necessary action, please.

(PHC Letter No.13570-534/Admn Dated 25th November, 2015)

C.No. 18(4-3)

POWER OF ATTORNEY ON STAMP PAPER OF RS.300/-

I am directed to refer to the subject and to say that this Department has already issued a circular to all concerned vide this Department letter No. AS(S)3/240/2014-15/20997-21083 dated 23/10/2014 but it regretted to say that they have not implemented the same affecting adversely the Government

revenue. It is further stated that instances have come to the notice that in most of the cases power of Attorney has been authenticated by Notary Public on Stamp Paper of Rs. 30/- and the power of Attorney on deficient paper not only lead to the loss of revenue generation but also provide occasions of excuses for the aggrieved party to agitate this defect in appellate or revisional courts.

I am, therefore, directed to request you to please direct your subordinate to obtain power of Attorney immediately on stamp paper of Rs. 300/- for attendance in the courts otherwise, this Department will be constrained to take disciplinary action against the responsible offer/official please.

(Letter No. AS(S)3/240-III/25418-56 Dated 05th November, 2015)

C.No. 19(4-3)

ATTESTATION OF DOCUMENTS

I am directed to refer to the subject noted above and to say that the Competent Authority is pleased to order that while attesting documents/degree etc, utmost care should be taken and if the degrees/documents so attested are found fake/bogus, strict action under the law shall be taken against the concerned Judicial Officer, please.

(PHC Letter No. 408-507/Admn Dated 25th January, 2016)

C.No. 20(4-3)

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 henceforth list of witnesses must be scanned so that duplication may be avoided and the official witness may not be unnecessarily summoned time and again. This may be circulated amongst all the courts within your respective district for compliance, please.

(PHC Letter No. 14412-436/Admn: Dated 04th September,2018)

C.No. 21(4-3)

FEMALE JUDICIAL MAGISTRATE AS MOD

I am directed to invite your attention to this Court's letter No.9526-9549/Admn: dated: 01.10.2007, on the subject (copy enclosed), and to say that keeping in view increase in the number of female judicial officers, Hon'ble the Chief Justice has been pleased to direct that exemption from duty of MOD or otherwise of female judicial officers be considered on the basis of their ratio in the District, please.

(PHC Letter No. 111-138/Admn, Dated 03rd January, 2019)

C.No. 22(4-3)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE; FILING OF WRITTEN STATEMENT WITHIN STIPULATED PERIOD

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice of this Court has been pleased to direct that:

“All the Courts in the Khyber Pakhtunkhwa shall observe time frame for filling written statements as wet-forth in the first proviso to rule-1 of order –VIII CPC and in case of extension of time, the court shall record reasons for such extension. This time frame shall also be observed even when an application for rejection of plaint is filed”

The above directions shall be circulated amongst all courts of the District and shall be followed in letter and spirit.

(PHC Letter No. 77-101/HRC, Dated 10th January, 2019)

C.No. 23(4-3)

OBSERVANCE OF CLEANLINESS WEEK IN DISTRICT JUDICIARY

I am directed to refer to the subject noted above and to say that in order to emphasize the significance of cleanliness for providing healthy atmosphere at workplaces, his lordship Hon'ble the Chief Justice has been pleased to direct that the District Judiciary of Khyber Pakhtunkhwa shall observe first week of September as a “Cleanliness Week” every year.

You are, therefore, requested to frame a sanitation and cleanliness policy in your respective district/bench and observe cleanliness week in the first week of September in collaboration with respective Bar. Final report in this respect be submitted to this Court after observance of the cleanliness week, please.

(PHC Letter No.17855-900/Admn, Dated 20th August, 2019)

C.No. **24**(4-3)

CR.MISC. BA NO.1937-P/2019.
SHAHEEN S/O SHER ALI V/S THE STATE

I am directed to refer to the subject noted above and to convey the following extract of the Judgement dated: 07.08.2019, passed by his lordship Hon'ble the Chief Justice in the subject case:

“Before parting with this order, I direct the Registrar of this Court to circulate in all District Courts of the province that while handing over notice to the bailiff in detention cases, date along with time should be mentioned by the bailiff in his report.”

This may be circulated amongst all concerned within your respective district for strict compliance, please.

(PHC Letter No.18264-99/Admn, Dated 31st August, 2019)

C.No. **25**(4-3)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE

I am directed to say that his lordship Hon'ble Chief Justice has directed:

- a. The cases of special persons (having disabilities) be decided expeditiously and within the shortest time frame.
- b. In all courts, necessary facilities to special person be provided.

(PHC Letter No.20279-319/Admn, Dated 10th October, 2019)

C.No. 26(4-3)

MOD AT SUB-DIVISION LEVEL DURING SUMMER AND WINTER VACATIONS

I am directed to refer to the subject noted above and to say that the competent authority has been pleased to direct that in the districts where the distance between the headquarter and sub-division is more than an hour the District & Sessions Judges shall depute MOD at sub-division level during the summer and winter vacations.

PHC Letter No.22351-55/PHD/SDJ/HRW/ADMIN Dated 17th December 2020

SECTION-IV LEAVE AND VACATIONS

C.No. 1(4-4)

LAWS RELATING TO LEAVE AND VACATION

¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS REVISED LEAVE RULES, 1981

GOVERNMENT OF [Khyber Pakhtunkhwa]² FINANCE DEPARTMENT
(SR-IV SECTION)

NOTIFICATION 17TH December, 1981

No.FD.SO (SR-IV)5-54/80(Vol: II). __In exercise of the powers conferred by section 26 of the [Khyber Pakhtunkhwa]³ Civil Servants Act, 1973 [(Khyber Pakhtunkhwa)⁴ Act XVIII of 1973] and in supersession of this Department's Notification No.FD.SO(SR-IV)1-17/78, dated the 20th November, 1979, the Governor of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules namely:-

[KHYBER PAKHTUNKHWA]⁶ CIVIL SERVANTS REVISED LEAVE RULES, 1981

1. Short title, commencement and application. __ (1) These rules may be called the [Khyber Pakhtunkhwa]⁷ Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the [Khyber Pakhtunkhwa]⁸ Civil Servants Leave Rules, 1979.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁶ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁷ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁸ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

2. Admissibility of Leave to Civil Servant. __ Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale: __

- (i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as “leave on fully pay” duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.
- (ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under: _
 - (a) When he avails himself of vacation in a calendar year At the rate of one day for every calendar month of duty rendered;
 - (b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and
 - (c) When he avails himself of only a part of the vacation As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.
- (iii) There shall be no maximum limit on the accumulation of such leave.

Note____¹ (deleted).

3. When leave earned. __ (a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

¹ Deleted by Notification No. FD.50 (SR-IV) 5-54/80 (Vol.II), dated 1.6.1982

- (b) Any period spent by a civil servant in Foreign Service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

4. Grant of Leave on Full Pay. __ (1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows: -

- | | | |
|-------------|---|----------|
| (i) | Without medical certificate | 120 days |
| (ii) | With medical certificate | 180 days |
| PLUS | | |
| (iii) | On medical certificate from leave account in entire service | 365 days |

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words, a civil servant may be granted, at a time, total leave on full pay on medical certificate up to the permissible extent in continuation of leave up to 120 days without medical certificate, subject to given conditions.

5. Grant of Leave on Half Pay. _ (1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. Conversion of Leave Account. __ (1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in the case of a civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:-

(i)	Leave on full pay__	
	(a) 1 month	30 days
	(b) 1 day	1 day
(ii)	Leave on half pay__	
	(a) 1 month	15 days
	(b) 2 days	1 day

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of three hundred and sixty-five days fixed under rule 4(1) (iii).

7. Leave not due. __ (1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty-five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

8. Leave Salary. __ (1) Leave pay admissible during leave on full pay shall be the greater of-

- (a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and
- (b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

¹ [(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant].

9. Special Leave to Female Civil Servants. __ A female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose, she will have to produce death certificate issued by competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

10. Maternity Leave. __ (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

¹ Added by Notification No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

11. Disability Leave. __ (1) Disability leave may be granted outside leave account on each occasion up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contracted in course or in consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

12. Extraordinary Leave. (Leave without pay). __ (1) Extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

¹[(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave].

13. Leave on Medical Certificate. __ Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary

¹ Added by Notification No. FD-SO(SR-IV)5-54/80(Vol-II) dated 1.6.1982

Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

14. Leave Preparatory to Retirement. __ The maximum period up to which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

15. Recreation Leave. __ Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay:

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

Note: Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

16. Leave Ex-Pakistan. __ (1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958 shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

17. Assigning reasons for leave. __ It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

18. Commencement and end of leave. __ Instead of indicating whether leave starts/ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

19. Absence after the expiry of leave. __ Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

¹**[20. Encashment of Leave Preparatory to Retirement.** __²(1) Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of ³[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him month wise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 1.7.1983].

⁴[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty-five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired, as the case may be, retiring on or, after the first day of July, 2012, provided such leave is available at his credit to a maximum of three hundred and sixty-five days.

¹ Substituted by Notification No. FD.SO (SR-IV) 5-54/80(Vol:II), dated 24th August, 1983.

² Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

³ Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

⁴ Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

(3) If at any time during such period, leave is granted on account of ill health supported by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted.

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown on the last pay certificate of a civil servant.]

¹ [21. **In Service Death, etc.** __ (1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave pay up to ²[365] days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant].

(2) For the purpose of lump sum payment under sub rule (1), only the “senior post allowance” will be included in the “leave pay” so admissible.

22. Recall from Leave. __ If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one-way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

23. Any type of leave may be applied. __ A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

24. Combination of different types of leave etc. __ One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

¹ Substituted by Notification No. FD.SO (SR-IV) 5-54/80 (Vol: III), dated 3.5.1988.

² Substituted vide Finance Department Notification No. SO(FR)FD/5-92/2005/Vol-V/6040 dated 25.08.2017

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

25. Civil Servants on leave not to join duty without permission before its expiry. _ unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

26. Leave due may be granted on abolition of post, etc._ (1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

27. Manner of handing over charge when proceeding on leave, etc._ (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

28. Assumption of charge on return from leave, etc._ (1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

29. Account Office to maintain leave account. _ (1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

30. Leave to lapse when civil servant quits service. _ All leave at the credit of a civil servant shall lapse when he quits service.

31. Leave application, its sanction, etc._ (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a Department, Attached Department, Office or any other officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave ;and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

**FORM OF MEDICAL CERTIFICATE
FORM-I**

Signature of applicant _____

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED
FOR LEAVE OR EXTENSION**

I _____
after careful _____ personal examination of the case, hereby
certify that, _____ whose signature is given above, is
suffering from _____ and I consider that a period of absence
from duty of _____ more with effect
from _____ is absolutely necessary for the
restoration of his/her health.

Dated, the _____ Government Medical Attendant

**APPLICATION FOR LEAVE
FORM-II**

Notes: - Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade 16 and above.

1. Name of applicant.
2. Leave Rules applicable.
3. Post held
4. Department or office
5. Pay
6. House rent allowance/conveyance allowance or other compensatory allowances drawn in the present post.
7. Nature of leave applied for.
 - (a) Nature of leave applied for.
 - (b) Period of leave in days.
 - (c) Date of commencement.
8. Particular Rule /Rules under which leave is admissible.
9. (a) Date of return from last leave.
 - (b) Nature of leave.
 - (c) Period of leave in days.

Signature of applicant

10. Remarks and recommendation of the Controlling Officer.
11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Signature
Designation

12. Report of Audit office.

Signature
Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the application is likely to return to the same post carrying the compensatory allowances being drawn by him.

Signature
Designation

Dated

IV-Administration

IV-Leave and Vacations

FORM III

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1981

Leave Account of

Mr./Miss/Mrs.....

Date of commencement of
service.....Date of attaining age of
superannuation.....(N.B---Instruction for filling in the form are printed on the
succeeding pages.

Government/Department served under	PERIOD OF DUTY				Leave earned on full Pay 4 days for each calendar month.	Leave at Credit(column 21+6)	LEAVE TAKEN (From Column 8 to 20)												Total Leave (Columns 10, 11, 12, 14, 15, 17, 18)	Balance on 1.7.1978/return from leave (Columns 7-20)	Remarks	ATTESTATION						
							PERIOD		Leave on Full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	Leave on full pay on medical certificate subject to maximum of 180 days.	Leave on full pay on medical certificate subject to maximum of 365 days in entire service.	LEAVE ON HALF PAY		Recreation leave of 15 days in a year but 10 days to be debited.	LEAVE NOT DUE		ABSENCE											
												In terms of half pay	In terms of full pay		In terms of half pay	In terms of full pay	Actual No. of days	No. of days debit able (double the actual number)										
	From	To	Y.M.D.	Full Calendar months	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23						

C.No. 2(4-4)

THE WEST PAKISTAN CASUAL LEAVE RULES 1956¹

Government has decided to issue the following orders in supersession of all previous orders on the subject of the grant of casual leave to Government servants. These orders will also supersede all orders issued by the integrating units in respect of Summer Spell or Hot Weather Leave which can now be taken only in the form of casual leave.

2. (a) Casual leave should not ordinarily exceed 10 days at a time and 25 days during any one calendar year. The sanctioning authority may, however, grant casual leave upto 15 days at a time in special circumstances.
- (b) It may be granted in conjunction with Sundays or public holidays, but not with any other kind of leave or joining time. In case casual leave is combined with holidays the total period should not exceed 15 days at a time.
3. No Government servant may leave his headquarters during casual leave or holidays except with the permission of the sanctioning authority.
4. [Subject to the delegation of powers which has been or may be made by Government from time to time in this behalf, casual leave may be sanctioned to a Government servant by his immediate superior of Gazetted status.]²

¹ These rules were issue vide Memorandum No.S(R)-21-42/56 Dated Lahore 10th June 1956 from the Office of Chief Secretary to Government of West Pakistan. As per the letter No.914 Gaz/XXIX-N.14 Dated Lahor 20th January 1958 these rules read with Memorandum No.S(R)-21-24/57 dated 29th April 1957 are applicable to Non-Gazetted staff in the district. As far judicial officers are concerned their casual leave are governed by the instructions of the High Court

² Substituted vide letter No.S.O.XII-21-21/58 Government of West Pakistan Dated Lahor 30th October 1958

SECTION-V**INSTRUCTIONS RELATING TO LEAVE AND VACATIONS**

C.No. 1(4-5)

CASUAL LEAVE RULES OF JUDICIAL OFFICERS

The Rules on the subject of casual leave are to be found in paragraphs 10.3 to 10.10 of the Subsidiary Rules (Fundamental Rules Volume II). The original object of the casual leave was to enable an officer to leave his duty for a day or two to attend to an urgent private business without demitting the charge of his duties and thereby making it necessary to appoint someone to officiate in his place. This is still the idea which underlines the grant of casual leave, though the practice has been somewhat extended. Government servants are not entitled to casual leave as of right. It is entirely within the discretion of the sanctioning authority either to refuse or sanction leave. Undoubtedly, the sanctioning authority will use its discretion judiciously and take steps to ensure that the leave is allowed to the extent considered necessary and proper. In case leave is not sanctioned and the Judicial Officer concerned remains away, his absence is to be treated as unauthorized and he shall not be entitled to pay for that period. In addition, action can be taken against him, as willful absence amounts to 'misconduct'.

- 1). The District and Sessions Judges/Additional District and Sessions Judges are entitled to a total period of 25 days casual leave during a year commencing from the 15th of April. They can ordinarily have only one period of casual leave exceeding 07 days but not exceeding 15 days at a time during the leave year.
- 2). The District and Sessions Judges/Additional District and Sessions Judges are to apply to the High Court, whatever be the number of days, for which casual leave is required by them.
- 3). The period during which any Judicial officer of the rank of a District and Sessions Judges/or an Additional District and Session Judge, remains absent from court, but not from the headquarters, on account of illness, shall be reported to the High Court even if this does not exceed four days, so that a separate account of such absences may be kept, though this period is not to be debited to the leave account of the officer concerned. Should the period of absence from court, on account of sickness exceeds four days, the total period

of such absence will be debited to the casual leave account of the Officer concerned subject to admissibility of the casual leave.

4). The District and Sessions Judges/Additional District and Sessions Judges if need urgently a short leave up to a period of 04 days and orders of the High Court are not received in time, the Officer may proceed on leave in anticipation of sanction, if the object for which leave is desired would be otherwise defeated.

5). Casual leave may not be combined with the summer vacation leave granted to the District and Sessions Judges/Additional District and Sessions Judges and ordinarily casual leave is not to be granted to them so as to end or begin less than a week before or after the summer vacation.

6). The total amount of casual leave allowed to the Senior Civil Judges/Civil Judges is also 25 days. They are eligible to have one period of casual leave exceeding 04 days but not exceeding 15 days during summer i.e. from 15th of April to 14th of October and another period exceeding 04 days but not exceeding 10 days during the winter i.e. from the 15th of October to 14th of April.

7). In the case of casual leave granted to the District and Sessions Judges/Additional District and Sessions Judges and Senior Civil Judges/Civil Judges holidays may not be prefixed or affixed to casual leave but one Sunday either at the beginning or end of the leave may be combined with it. All other holidays shall be included in the period of leave taken but such holidays will not, however, be counted as casual leave enjoyed.

Casual leave may not be combined with the vacation of subordinate courts and ordinary casual leave is not to be granted so as to end or begin less than a week before or after the vacation.

8). When submitting application for grant of casual leave, the judicial officers are required to state the purpose for which the leave is required, as well as to make a report about the arrangement which have been made for dealing with the cases, if any fixed during the period of leave.

9). When an application for a period of casual leave exceeding 04 days is submitted to the High Court, the following form must invariably accompany it with all details filled in by the District and Sessions Judges concerned and duly signed by them:

- i. Application for casual leave by
- ii. Leave asked for days, from to
- iii. (a) Gazetted holidays before
Gazetted holidays after
- (b) Local holidays before _____
Local holidays after _____
- iv. Number of times leave in excess of 04 days at a stretch has already been
taken since 15th April
- v. Total leave taken prior to present application since 15th April
- vi. Place where leave will be spent
- vii. Pending files on the date of application.

Appeals

Regular suits (each class to be stated separately)

Small cause court suits

Insolvency and guardianship cases

Executions (regular and small cause separately)

10). Those Civil Judges who exercise the criminal powers will not be granted casual leave, save for really urgent reasons, for the grant of such leave may involve the adjournments of the hearing of important criminal cases. In all cases where a Civil Judge who exercises criminal powers is granted leave, the District Magistrate concerned must be informed.

11). When casual leave is granted to a Senior Civil Judge / Civil Judge who is responsible for the control of monetary transactions by Nazirs or Naib-Nazirs, such Civil Judge must within a week of his return from casual leave forward a certificate to the District and Sessions Judge that he has

carefully scrutinized the records of all the transactions which took place in his absence and he has satisfied himself that no irregularities were committed.

12). Applications for casual leave should be submitted well in advance from the date it is wanted and care must be taken that no case is fixed for hearing during the period of absence of leave. The District and Sessions Judges should generally refuse to forward applications for casual leave which are not made in an ample time to permit a reply from the High Court in the ordinary course, unless urgency is proved, unless this condition is fulfilled such applications will be summarily rejected when received in the High Court.

13). Casual leave for which the sanction of his Lordship the Chief Justice is necessary, should not be granted by the District and Sessions Judges in 'anticipation of sanction' save in cases of grave urgency, where casual leave has been sanctioned by his Lordship, the Chief Justice no subsequent change of dates should be permitted by the District and Sessions Judges without the previous permission of sanctioning authority. Such applications should, however, be discouraged in view of the dislocation of work and inconvenience and expenses which they entail to all concerned.

14). All applications for casual leave by Judicial Officers must state the place where the applicant proposes to spend his leave. The giving of address would not be sufficient but an address of urgent correspondence should always be left with the District and Sessions Judges, by Senior Civil Judges/Civil Judges and in his office by the District /Additional District and Sessions Judges.

15). When an officer is compelled by the circumstances to ask for the grant of casual leave by telegram, he should in no case forward postage stamps to meet the costs involved. The cost of the telegram sent in reply will always be intimated to him and he should thereupon make the necessary deposit in the local treasury informing the High Court (through proper channel), that this has been done.

16). The District and Sessions Judges are empowered to grant casual leave not exceeding 04 days at a time to the Civil Judges under their control, provided where the period of such leave exceeds the limit of 04 days, the High Court shall alone be competent to grant the leave.

17). The District and Sessions Judges may absent themselves from their divisions on gazetted holidays without previous reference to the High Court provided that:

- i. They do not leave their court earlier or return later than the regular hours.
- ii. Their judgments are not in arrears.
- iii. They report the actual period of absence, specifying the dates, to the Registrar, Peshawar High Court, Peshawar.
- iv. They certify that the holidays are not spent outside their home districts in the N.W.F.P.

18). No Civil Judge may leave his headquarter during the casual leave or holidays except with the permission of the sanctioning authority.

19). It is the primary duty of the Clerk of Court of the Sessions Courts to see that the casual leave applications of the Judicial Officers are quite in accordance with the rules and if not they may be got corrected accordingly and then forwarded to the High Court for necessary action, otherwise they will be held responsible for their negligence and will be exposed to disciplinary action.

(With covering letter PHC letter No. 1764-181 dated 18-4-1974)

C.No. 2(4-5)

SUBMISSION OF CASUAL LEAVE APPLICATIONS

I am directed to say that it has come to the notice of the Hon'ble Chief Justice that while forwarding casual leave applications of civil Judges etc the prescribed forms as mentioned in rule 9 of the casual leave rules are not attached.

I am, therefore, directed to say that in future such like applications must invariably be accompanied by the aforesaid forms duly filled in and signed by the District and Sessions Judge concerned.

In case of non-compliance of the order, the casual leave applications will not be entertained.

(PHC letter No: 3522-51 Dated: 02nd April, 1985)

C.No. 3(4-5)

ACCUMULATION OF EARNED LEAVE STAFF

I am directed to refer to your letter No.9633, dated 17.10.1984 on the subject and to say that only the Civil Judges belong to Vacation Department. The District/Additional District and Sessions Judges do not belong to Vacation Department as they do not figure amongst the Departments defined in Appendix 18 C.S.R (Punjab), Volume I Part I; however they are allowed by the High Court a spell of three/two weeks vacation under Annexure 1 to Rule 8.60 C.S.R. (Punjab), Volume I part, subject to the conditions laid down in this Court's Circular letter No.7969-JOB.3/3, dated 19.06.1984.

(PHC letter No.4703/A/XXII-2, Dated Lahore, the 20th April, 1985)

Note- The letter is addressed to Registrar Peshawar High Court from the Registrar, Lahore High Court.

C.No. 4(4-5)

CASUAL LEAVE- ABSENCE OF JUDICIAL OFFICERS FROM DUTY ON SHORT NOTICE

I am directed to address you on the subject and to say that some judicial officers absent themselves from the court duties at a very short notice. This sort of availing the casual leave is not only irregular but also causes great hardships to the litigant public, their witness and counsel. In this respect rule-5 chapter-2 of the High Court Rules and orders Vol: IV enjoins that: -

“All subordinate judges should submit their application for casual leave well in advance of the time at which they intend to proceed on casual leave and in doing so they should arrange, when-ever this is practicable, and no cases are fixed for hearing the period for which they intend to be absent”.

2. Pursuant to the above, Hon'ble the Chief Justice has been pleased to direct that all judicial officers shall see that no unnecessary hardship is caused to the litigants, their witnesses and counsel in case of availing the casual leave by them.

3. Hon'ble the Chief Justice further hopes that these order will be complied with in letter and spirit. In the event of non-compliances of these instructions the casual leave application will not be entertained.

(PHC letter No. 9312-391 Dated: 12.10.1985)

C.No. 5(4-5)

FUNCTION OF SUBORDINATE JUDICIARY DURING SUMMER VACATION.

I am directed to say that in summer vacations in a civil matter, the honorable Judge of this Court has been pleased to make the following observations:-

“The learned Judge of District Court is the Principal Civil Court of the District and it is his duty under the procedure to nominate Presiding Officer of a civil court for hearing of such like applications during summer vacations of the civil courts for the month of August each year. I will go to the extent that one of the Civil Judge be allocated the duty of deciding such like applications or entertaining suits, applications etc of urgent nature during the said summer vacations”.

The matter was put up before the Administration Committee of this Court and a proposal for amendment of rule 3. Chapter 3-B, High Courts Rules and Orders Volume V was placed on 24.09.1992. The honorable members of the Committee after considering the proposal and the amended rule 3 chapter 3-B, High Court Rules and Orders Volume V made that the following observations: -

“In the light of the legal position already existing on the subject and being followed since long, it is felt that otherwise no cogent grounds or any other difficulty exists to disturb the prevalent system which is being followed without any legal hindrance, nor the rule is in any manner adverse to public interest. Such being the position, the Committee directs that all the subordinate courts be informed accordingly”.

The above observation made by the Hon’ble members of the Administration Committee of this Court is being communicated to you for your guidance and compliance.

(PHC letter No. 6463-6500/Admn: Brh: Dated Pesh: the 20th Oct: 1992)

C.No. 6(4-5)

STATION LEAVE/STAY AT THE PLACE OF POSTING

I am directed to address you on the subject noted above and to say that it has come to the notice of Hon'ble the Chief justice and judges of this Court that some judicial Officers commute between their residences located elsewhere, and the station of their posting, and some judicial Officers leave their stations of posting without obtaining station leave. These practices not only offend against the rules but also affect the performance and efficiency of the defaulting officers.

You are, therefore, directed to ensure that no Judicial Officer leave the Station of his posting without obtaining station leave. Besides, a certificate be furnished within a week that Judicial Officer residing outside the limits of their station have shifted to their place of posting.

(PHC letter No. 9349-9370:- Dated Peshawar the 10/11/1997)

C.No. 7(4-5)

PRESENCE AT THE STATION OF DUTY

I am directed to forward herewith a copy of Provincial Government letter No. SOI (S&GAD) 1-1/98 dated 8th November, 1999, containing instructions on the subject noted above for compliance. Attention is also invited to this Court's circular letter No. 9349-9370, sated 10.11.1997 whereby all the District and sessions Judges in the Province were directed to ensure that no judicial Officer shall leave the station of his posting without station leave. Moreover, they shall furnish a certificate within a week that Judicial Officers residing outside the limits of their stations have shifted to their place of posting.

The instructions contained in the above referred circular letter are once again reiterated with the direction that all the judicial Officers in the province shall furnish a certificate afresh that he/she is residing within the limits of his/her station of posting Violation of these instructions would make the defaulting officers liable to disciplinary action under the NWFP, Government Servants (Efficiency and Discipline) Rules, 1973.

(PHC letter No.10933-11032 Admn. Dated Pesh: the 23rd Nov: 1999)

C.No. 8(4-5)

**CHIEF JUSTICE DIRECTIVE # 17
(NON-AVAILING OF REGULAR VACATIONS)**

I am directed to refer to the subject noted above and to say that Hon'ble Chief Justice, during his recent visits to various districts has been pleased to observe that the Civil Judges / Judicial Magistrates sometimes do not avail the regular vacations due to official duty and they are not given the leave credit by the Accounts Office concerned. In order to protect the rights of the subordinate Judges and their ministerial establishment, Hon'ble the Chief Justice has desired to issue the following instructions.

“Under the Rules the subordinate Judges (i.e. Civil Judges, Senior Civil Judges and their establishment) are vacation department (SR 264). In the event of non-availing of full or part vacation by these judges & establishment the concerned Account Office is bound to credit proportionate earned leave to their leave Account (Rule 2(ii) of the N.W.F.P Civil Servants Revised Leave Rules, 1981). All such Judges & Ministerial Staff should send certificate of official duty during vacation to concerned Account office for the purpose.”

You are, therefore, directed to please circulate these instructions amongst all the concerned Judicial Officers of your district.

(PHC letter No. 5340-5363/Admn: Dated 21st May, 2004)

C.No. 9(4-5)

**INSTRUCTIONS REGARDING CASUAL LEAVE BY THE
JUDICIAL OFFICERS**

I am directed to refer to the subject noted and to say that the Competent Authority has taken serious view of the escalating trend of casual leave in anticipation of sanction by the Judicial Officers and the practice of clubbing casual leave with holidays.

While reviewing instructions on the subject circulated vide this Court's letter No. 1764-181 dated 18th April, 1974, in order to check the availing of casual leave in anticipation of sanction and to streamline the matters connected thereto, the Competent Authority has been pleased to direct that: -

1. Henceforth no Judicial Officer shall leave the station **prior to sanction** of leave sought for, except in acute emergencies, to be verified by the District & Sessions Judge concerned.

2. The purpose of casual leave, short leave or permission to leave the station shall **clearly and specifically** be mentioned in the relevant space of the leave form, mentioned hereinafter.

3. Before proceeding on casual leave, Judicial Officers must ensure the compliance of **Rule 4 Chapter I-K Vol-I** of the High Court Rules & Orders, which is reproduced hereunder: -

“On the occurrence of an unexpected holiday or the unexpected absence of an Officer, the Presiding Officer, before his departure or before finishing the work on the day preceding the holiday, should himself fix fresh dates of hearing in his Peshi Register for the cases fixed for the day in question. The Register should then be made over to the Reader of the Court, or in the case of holiday to a selected Reader, who should be made responsible for informing all parties and witnesses of the adjournments given on their coming to attend the closed Court or Courts.

Whenever the Presiding Officer has obtained leave in advance, he should, as soon as possible, fix fresh dates in the cases fixed for the date for which he has obtained leave, and should issue notices to parties, their counsel and witnesses on the dates fixed”.

4. Proceeding of several Judicial Officers on casual leave at a time from a station shall be discouraged.

5. Applications from Senior Civil Judges and Civil Judges-cum-Judicial Magistrates for leave up to 4 days shall be submitted on the enclosed Form ‘A’, to the District Judge who shall send it through Fax to this Court the same day, after endorsing his orders thereon.

6. The casual leave applications in respect of District & Sessions Judges and Additional District & Sessions shall be submitted on the enclosed Form ‘B’ through fax, which shall be faxed back to the concerned District the same day after obtaining the orders of the Leave Sanctioning Authority thereon.

7. In cases, where the leave sought for by Senior Civil Judges and Civil Judges exceeds 4 days, such applications shall be submitted on enclosed Form 'C' and shall be processed by the District & Sessions Judge as per procedure provided for Form 'B'.
8. The District & Sessions Judge concerned shall maintain proper casual leave account of each Officer, to be indicated on each form, submitted for the purpose.
9. The aforementioned forms shall also be used for short leave and permission to leave the station, with the same procedure.
10. Short leave shall not be for more than **two hours** in any case.
11. Forms are also available at
www.peshawarhighcourt.gov.pk/district_judiciary.html.

PESHAWAR HIGH COURT, PESHAWAR

FORM "A"

Name of Officer

Designation with place of posting

Leave sought for *

Days for which Leave required
(for casual Leave only)

No. of days	From	To

Purpose

Signature of the Officer

No. _____

Dated _____.

Forwarded Please.

SENIOR CIVIL JUDGE

F O R - O F F I C E - U S E

No. _____

Dated _____.

Leave Account

(for casual leave only)

Previous Balance	This Leave	Remaining Balance

**Orders of the Leave
Sanctioning Authority.**

DISTRICT & SESSIONS JUDGE

Casual Leave, Short Leave, Permission to Leave the Station.

FORM "B"

Name of Officer

Designation with place of posting

Leave sought for *

Days for which Leave required
(for casual Leave only)

No. of days	From	To
<input type="text"/>	<input type="text"/>	<input type="text"/>

Purpose

Signature of the Officer

No. _____

Dated _____.

Forwarded to Registrar,
Peshawar High Court, Peshawar.**DISTRICT & SESSIONS JUDGE**

F O R - O F F I C E - U S E

No. _____

Dated _____.

Leave Account
(for casual leave only)

Previous Balance	This Leave	Remaining Balance
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Orders of the Leave
Sanctioning Authority.**

**REGISTRAR,
Peshawar High Court, Peshawar.**

* Casual Leave, Short Leave, Permission to Leave the

PESHAWAR HIGH COURT, PESHAWAR
FORM "C"

Name of Officer

Designation with place
of posting
Days for which
C/Leave required

No. of days	From	To
<input type="text"/>	<input type="text"/>	<input type="text"/>

Purp
ose

Signature of the Officer

No. _____

Dated _____.

*Forwarded
Please.*

**SENIOR CIVIL
JUDGE**

No. _____

Dated _____.

Leave
Account

<i>Previous Balance</i>	<i>This Leave</i>	<i>Remaini ng Balance</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>

*Forwarded to Registrar,
Peshawar High Court,
Peshawar.*

**DISTRICT &
SESSIONS JUDGE**

FOR - OFFICE - USE

No. _____

Dated _____.

*Orders of the Leave
Sanctioning Authority.*

**REGISTRAR,
Peshawar High Court,
Peshawar.**

C.No. **10**(4-5)

INSTRUCTIONS REGARDING CASUAL LEAVE BY THE JUDICIAL OFFICERS

I am directed to refer to the instructions issued vide this Court's letter No. 12258-12281/Admn dated 27th October, 2004 and to say that the Competent Authority is pleased to further issue the following instructions, on the subject, for compliance by all concerned: -

1. Casual leave may be clubbed with Sundays falling either at the beginning or at the end of such leave.
2. Practice of mentioning vague sentences and stereotype phrases, as purpose for leave shall be avoided.
3. The forms 'A, B & C' shall be sent to the High Court through fax only. It shall not follow the dispatch of the original form by post.

(PHC letter No. 87-177/Admn Dated 4.1.05)

C.No. **11**(4-5)

STATION LEAVE / STAY AT THE PLACE OF POSTING

I am directed to invite your attention to this Court's letters # 9349-9370/Admn dated 10th November, 1997 and 10933-11032/Admn dated 23rd November, 1999, (copies enclosed) and to say that it has been noticed by His Lordship the Chief Justice with concern that the instructions contained in the letters mentioned above are not complied with by some of the Judicial Officers and they leave their station of posting without obtaining permission.

I am, therefore, to request you to ensure that henceforth no Judicial Officer leaves the station of his posting, even on holiday, without prior permission in this regard.

The above instructions may please be circulated amongst all the Judicial Officer of your District for compliance.

(PHC letter No.9650-9673 /Admn Dated 24-10-2005)

C.No. **12**(4-5)

CASUAL LEAVE --- CURTAILMENT / CLUBBING TOGETHER WITH HOLIDAYS

I am directed to refer to the subject noted above and to say that in the recent postings and transfers, most of the Judicial Officers have been posted near their home districts, keeping in view the hardships faced by them while travelling to their home towns in exigencies. Such Judicial Officers are now expected to curtail casual leaves and avoid clubbing these together with holidays, as earlier allowed by this Court, vide letter # 87-117/Admn dated 4th January, 2005.

I am, therefore, to request that care may please be taken while sanctioning casual leaves so that these are curtailed and the practice of clubbing of casual leave together with holiday is avoided.

(PHC letter No. 1790-1813/Admn Dated 03.03.2006)

C.No. **13**(4-5)

CASUAL LEAVE BY THE JUDICIAL OFFICERS

I am directed to refer to the earlier correspondence of this Court on the subject noted above, and to say that the Hon'ble Chief Justice has seriously viewed prefixing and suffixing of casual leave with public and gazetted holidays, especially Sunday, on vague and stereotype grounds like "**Urgent work**" and "**Domestic problem**".

I am, therefore, to reiterate the earlier instructions of this Court to the effect that the aforesaid practice of clubbing casual leave with Sundays be avoided and the purpose for which the leave is applied for be clearly and vividly mentioned in the application.

I am further to say that repetition of such uncalled-for practice may have serious reflection on the conduct of the Judicial Officers, and can lead to formation of adverse opinion about his overall performance.

(PHC letter No.14842-14872/Admn Dated Peshawar, 22nd October, 2008)

C.No. **14**(4-5)

LATE SUBMISSION OF APPLICATION FOR EARNED LEAVE

I am directed to refer to the subject noted above and to say that the Hon'ble Chief Justice has taken serious notice of late submission of applications for earned leave either in the midst of leave applied for, or when the leave has already been availed. This practice clearly militates against service discipline.

It has, therefore, been decided not to entertain applications for earned leave submitted late, unless such applications are received in the High Court well before the commencement date and the concerned officer receives confirmation of sanction of leave from this office, otherwise, leaving the station before sanction is conveyed will be treated absence from duty and dealt with accordingly under the relevant Rules.

(PHC letter No.2338-2361/Admn Dated Peshawar, 28th February, 2009)

C.No. **15**(4-5)

EARNED / MEDICAL LEAVE

I am directed to refer to the subject noted above and to say that it has come to notice of this Court that Judicial Officers seek casual leave in the districts while their applications for earned leave/medical leave are under process in this Court for consideration.

I am, therefore, to ask you that sanction of casual leave in similar cases may not be allowed, please.

(PHC letter No.11848-71/Admn Dated Peshawar, 06th October, 2009)

C.No. **16**(4-5)

CASUAL LEAVE BY JUDICIAL OFFICERS

I am directed to refer to the subject noted above and to invite the attention of all the judicial officers to the subject rules where under it has been clearly laid down that government servants are not entitled to casual leave as of right. It is entirely within the discretion of the sanctioning authority either to refuse or sanction leave. But the trend of Judicial Officers qua the availing of causal leave speaks otherwise. It appears that Judicial Officers consider the casual leave as their right and not only exhaust the

balance of 25 days of casual leave in a year but also then start availing earned leave in the manner as if they are availing casual leave without relinquishing the charge of their post. The actual legal position is that a civil servant shall have to relinquish the charge while availing the earned leave. (Rule 27 of NWFP Civil Servants Revised Leave Rules, 1981).

It is, therefore, requested to make it sure that the rules on the subject are not only comprehended in true spirit but are also being acted upon. These instructions may be circulated amongst all the Judicial Officer under your control.

(PHC letter No.2122-45/Admn Dated Peshawar, 11th February, 2010)

C.No. **17**(4-5)

CASUAL LEAVE/EARNED LEAVE

I am directed to refer to this Court's Circular No. 2122-45 dated 11.02.2010 (copy enclosed), and to say that it has come to the notice of this Court with great concerned that some of the officers/official are applying for earned leave for short spells having sufficient balance of casual leave account. All the officers/officials shall, therefore, resort to earned leave only and only when the limit exceeds the permissible balance of casual leave or there is no casual leave at their credit. Moreover, the officer/officials, availing the earn leave, shall have to relinquish the charge of the post and then the salary of the days he is on earned leave, shall not be paid out of regular head of pay and allowances but out of leave salary account; as after relinquishment of charge of a post the officer/official can no more be considered posted against the post and after expiry of leave he is to report to the authority for further posting unless directed otherwise in advance by the authority.

The above directions be circulated amongst all the officers/officials under your control, for information and strict compliance, please.

(PHC Letter No. 7106-66/Admn: dated Peshawar 09th June, 2011)

C.No. **18**(4-5)

MEDICAL LEAVE

I am directed to refer to the subject noted above and to say that it has been noticed by Hon'ble the Chief Justice that the judicial officer while applying for medical leave attach medical certificate issued by unauthorized doctors, henceforth, no application for medical leave shall be entertained without the certificate of civil surgeon/medical superintendent/deputy

superintendent of Govt hospital with full details of treatment and period of rest advised.

The directive may be circulated amongst all the judicial officers under your control.

(PHC Letter No. 336-370/Admn, dated Peshawar the 14-01-2012)

C.No. **19**(4-5)

EARNED LEAVE

I am directed to refer to this Court's letters No. 2338-2361/Admn dated: 28.02.2009 and No.2122-45/Admn dated: 11.02.2010 (Pages 509 & 510 of Judicial Estacode 2011) on the subject noted above and to say that henceforth no judicial officer shall avail earned leave even for a single day without prior approval of the competent authority and without relinquishing the charge of the post. Non-compliance whereof shall expose the concerned to disciplinary action.

These instructions may be circulated amongst all the judicial officers under your control.

(PHC Letter No. 1099-1122/Admn, dated Peshawar the 31-01-2012)

C.No. **20**(4-5)

LEAVE AND TRANSIT.

I am directed to refer to all the previous instructions resting on the subject and to say that the judicial officers, it appears, have either failed to comprehend the overall scheme of the casual leave, earned leave, station leave and availing of transit while on tour or are willfully flouting the same. Some judicial Officers continue availing all the permissible casual leaves as of right before the end of each judicial year; rather they willfully exhaust the balance, if any, without any urgency. They are also in the habit of not only exhausting the balance of casual leave but then start availing earned leave for short period of a day or two like casual leave on the grounds similar to that of casual leaves. The scheme of earned leave is dissimilar to casual leave as the former cannot be availed without prior approval even an urgency, and without relinquishing the charge and not for short period, that is why is called long leave in common parlance. The practice of relinquishing and assuming the charge in case of earned leave has become a routine for them. The instruction on the subject of relinquishing the charge vide this court letter No. 170161-211/Admn dated Peshawar 27th December, 2011, are not at all complied with. It should also be born in mind that the matter of relinquishing and assuming the charge on earned leave is not as simple as is thought to be.

The period during which an officer is on earned leave cannot count towards regular monthly pay. During this period the officer shall get pay out of leave salary which is a separate head and which salary is not equal to regular pay but is admissible as per the rules governing the subject. It was in this backdrop that instructions/rules of casual leave were introduced in order to avoid the complications of prior approval, charge relinquishment and leave salary. Had there been no difference between the two, there was no occasion to allow casual leave over and above earned leave. Some of the judicial Officers despite warning of not availing earned leave without prior approval and relinquishing the charge continue to do so. Similarly, despite clear cut instructions vide this court letter No. 16773-96/Admn dated Peshawar 6th December, 2010, they continue to avail transit on tours when the distance between place of duty and place of tour is less than 200 K.M, without any cogent reasons. The same is the case of leaving headquarters/station of duty without prior information or permission, as the case may be, of the competent authority.

The Hon'ble Chief Justice has taken serious view of all these practices as these aid to indiscipline and deterioration in institutional output. All the judicial officers are informed that henceforth the violations mentioned above shall be reflected in the PERs of the concerned officers apart from disciplinary action which the competent authority may take against the delinquents including withholding of pay for unauthorized leave, station leave, transit leave etc.

These instructions may be circulated amongst all the judicial officers under your control.

(PHC Letter No. 5688-738/Admn, Dated 17th April, 2012)

C.No. 21(4-5)

MEDICAL LEAVE.

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 applications for leave on medical ground should be braced by diagnosis/report of medical specialist and endorsed by Medical Superintendent of the concerned hospital; except in case of emergency which would be substantiated at the earliest after submission of application.

(PHC Letter No. 9527-77/Admn, Dated 16th July, 2012)

C.No. **22**(4-5)

LONG, EARNED AND EX-PAKISTAN LEAVE¹

Hon'ble the Chief Justice has taken serious notice of the subject leave being granted to the Ex-cadre Judicial Officers without deputing or authorizing other Judicial Officers to deal with the urgent matters pertaining to the Courts of Judicial Officers on leave which cause inconvenience not only to the public litigants but also bring bad name of mismanagement to the parent Institution i.e. the High Court as well.

Hon'ble the Chief Justice has, therefore, been pleased to direct that no leave without the consultation/approval of the Competent Authority (Hon'ble the Chief Justice) through Registrar be granted in future. Any leave granted to the Judicial Officers without approval/consultation of the Competent Authority will be void, having no legal effect and against service discipline.

You are, therefore, requested to direct all the Administrative Secretaries of the respective Courts not to sanction any leave to Ex-cadre Judicial Officers without the approval/consultation of the Competent Authority, referred to above.

(PHC Letter No. 10169-914/Admn Dated 31st July, 2012)

C.No. **23**(4-5)

SHORT LEAVE.

During the visit of different Courts by a Member of Inspection Team, it was found that Judicial Officers leave short leave applications in advance with the Court staff just to cover their late coming or early leaving. Hon'ble the Chief Justice has taken serious notice of this practice and has been pleased to direct that except in serious emergency, no short leave will be allowed particularly in the morning to any Judicial Officers in future.

I am, therefore, to request for compliance of the above-mentioned directive and also to have a close watch on the staff attendance.

(PHC Letter No. 14860-83/Admn Dated 11th December 2012)

¹ Letter is addressed to Chief Secretary Government of KPK

C.No. **24**(4-5)

**STANDARDIZED POLICY FOR THE GRANT OF EARNED LEAVE
(EX-PAKISTAN) FOR PERFORMANCE OF UMRA.**

I am directed to say that in view of an increased interest in Umrah by Judicial Officers and staff alike, Hon'ble the Chief Justice is pleased to fix maximum of three weeks leave as a standard policy for the grant of earned leave (Ex-Pakistan).

This may be intimated to the concerned, please.

(PHC Letter No. 636-59/Admn, Dated 24th January, 2015)

C.No. **25**(4-5)

EARNED LEAVE

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that judicial officers despite repeated instructions of this Court contained in letters No. 2338-2361/Admn dated: 28.02.2009 (Judicial Esta Code Page 509), No. 2122-45/Admn dated: 11.02.2010 (Judicial Esta Code Page 510), No. 7106-66/Admn dated: 09.06.2011 (copy enclosed), No. 1099-1122/Admn dated: 31.01.2012 (copy enclosed), No. 5688-738/Admn dated: 17.04.2012 (Copy enclosed) are availing earned leave without relinquishment of charge as required under rule 27 of the Khyber Pakhtunkhwa Civil Servants (Revised Leave) Rules, 1981 and without waiting for approval of this Court.

It has also been noticed that judicial officers are still in the habit of submitting earned leave applications lately. The Competent Authority has taken serious notice of all such violations and as a last warning has directed that all the judicial officers shall comply with all such instructions strictly and in future any such violation shall not be tolerated and shall expose the officers to disciplinary action.

These instructions shall be circulated amongst the judicial officers under your control with acknowledgement, duly forwarded to this Court for record.

(PHC Letter No.8186-8220/Admn, Dated 13th April, 2019)

C.No. 26(4-5)

POLICY FOR PERFORMANCE OF UMRAH, HAJJ AND TABLEEGH.

I am directed to refer to the subject noted above and to say that the competent authority has been pleased to laid down the following policy in relation to leave for performance of Umrah, Hajj and Tableegh, with the directions for its applicability to judicial officers and employees of the district judiciary in the Province with its retrospective effect in case of those officers/officials who have already availed the leave for Hajj, Umrah and Tableegh:-

- i. The Judicial Officer/Official, who intends to perform Hajj shall apply for NOC from their respective appointing authorities at least six months before the anticipated date of Hajj.
- ii. The Judicial Officer/Official, who intends to perform Umrah shall apply for the NOC from their respective appointing authorities at least two months before the anticipated date of Umrah.
- iii. The Judicial Officer/Official once performed Hajj or Umrah shall not ordinarily apply for such leave before expiry of five years.
- iv. Maximum 45 days leave will be allowed to Judicial Officer/Official for performance of Hajj and 21 days for performance of Umrah subject to furnishing of schedule.
- v. The District & Sessions Judge concerned before forwarding the leave application of judicial officer to this Court shall ensure smooth functioning of judicial business at the station.
- vi. Maximum three times Umrah leave is permissible in the whole service and beyond three times the leave will be allowed without pay.
- vii. In entire service only four months leave is allowed for “Tableegh” purpose with full pay. If an officer/official applies beyond four months the leave will be granted without pay.

You are requested to circulate this policy at your end for compliance of all concerned, please.

(PHC Letter No.17501-70/SDJ/HR&W/Admn, Dated 07th August, 2019)

C.No. **27**(4-5)

POLICY FOR UMRAH, HAJJ AND TABLEEGH

In continuation of this Court letter No. 17501-70/SDJ/HR&W/ Admn, dated: 07.08.2019, I am directed to refer to the subject noted above and to say that the Competent Authority has been pleased to relax the subject policy to the following extent.

“a judicial officers/official who has once performed Hajj shall not ordinarily apply for such leave before expiry of 05 years and one who has performed Umrah shall not ordinarily apply for such leave before expiry of 03 years except in the following circumstances:

- a) Where he/she is the sole person to accompany his/ her ailing or extreme old age parents.
- b) Where a male judicial officer/official is the sole available Mehram of his mother, wife, daughter and dependent sister.

The Policy shall not be applicable to performance of Umrah during summer/winter vacations.

(PHC Letter No.23604-72/SDJ/HR&W/Admn, Dated 17th December, 2019)

C.No. **28**(4-5)

SENIOR CIVIL JUDGES, CIVIL JUDGES AND THEIR ESTABLISHMENT AS A VACATION DEPARTMENT

LEAVE

ANNEXURE I.

[See Rule 8.60 of Civil Services Rules (Punjab) Volume-I Part-I]

1. A vacation department is a department, or part of a department, to which regular vacations are allowed during which Government servants serving in the department are permitted to be absent from duty.
2. (i) The following classes of Government servants serve in vacation departments when the conditions of paragraph I above are fulfilled:-
-

- a. Educational officers, other than the Director of Public instruction and Inspecting officers and their establishments.
- b. Judicial officers of rank not higher than that of subordinate Judge and their establishments.
- c. Any other class of Government servant which a competent authority may declare to be so serving.
- (ii) In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a vacation department.

Note. 1- District and Sessions Judges may, with the express permission of the Hon'ble Judges of the High Court, Lahore, avail themselves, without prejudice to their regular leave, of so much of the vacation during the month of September as is not needed for the disposal of Criminal business: provided that suitable arrangements, with the approval of the High Court, can be made for the disposal of work and that the State is not put to any additional expenditure in the way of telegraph, postal or other similar charges. Vacation in their case shall be treated as recognized holidays.

Note. 2- A complete list of Government servants serving in vacation departments is given in Appendix 18.

SECTION-VI STANDARD SEALS

C.No. 1(4-6)

USE OF STANDARD SEALS

I am directed to say that a tendency has been developed among the Judicial Officers for using Courts seals/stamps of their own choice. It results into different types and dimension of seals, which are uncalled for.

2) The relevant law is contained in this regard in section 26 of the West Pakistan Civil Courts Ordinance 1962 as follows.

“26. Every Court shall have and use, as the occasion may arise, a circular seal two inches in diameter bearing round its circumference the title of the Court in English and Urdu script and in the center a device and impression of a crescent moon with the horns pointing upward, surmounted by a star, and the said seal shall be delivered to and kept in the custody of the presiding officer of the Court

3) The seal of the court must, therefore, be in accordance with the standard specification. The improper seals/stamps be collected from all the courts and destroyed forthwith A certificate of having done so, be furnished to this court at an early date. A rough sketch of specimen in enclosed.

(PHC letter No 6181-6202 Admn Brh. Dated Peshawar the 17th July 1997)

C.No. 2(4-6)

USE OF STANDARD SEALS

I am directed to invite your attention to this Court's letter No. 6181-6202 Admn: Brh: Dated 17.7.1997 (Copy attached for ready reference) and to say that the directions issued by this Court are not being complied with in letter and spirit.

You are therefore, directed once again to do the needful at an early date and report compliance.

(No. 7404-7553 Dated Peshawar the 3rd October, 1998)

C.No. 3(4-6)

**USE OF STANDARD SEAL IN QAZI COURTS AT MALAKAND
DIVISION AND KOHISTAN DISTRICT**

In continuation of this Court's letter No. 6181-6202 dated 17.7.1997, I am directed to say that all the Qazi courts in Malakand Division and Kohistan District in Hazara Division shall use official seal as prescribed in Section 26 of the Civil Court's Ordinance, 1962 bearing the title of the Court in circumference in Urdu and English script as Illaqa Qazi, Aala Illaqa Qazi, Izafi Zilla Qazi and Zilla Qazi for use in cases under the Shari Nizam-e-Adl Regulation, 1999.

I am, therefore, to request that the prescribed seal be prepared for use in addition to the already available seals for the aforementioned purpose and certificate for having done so be furnished to this court at an early date

Four specimens are enclosed for further necessary action-
(PHC letter No. 5688-740 Dated Peshawar the 05th July, 1999)

SECTION-VII
MAINTENANCE OF RECORD

C.No. 1(4-7)

SUBMISSION OF RECORD

I am directed to say that in Civil Revision Petitions pending in motion before this court, the record as ordered by the Court to be sent for from the subordinate courts are often not received in time despite many letters and reminders. The Civil Revisions Petitions thus lay pending in this Court for long due to the non-availability of the records from the subordinate Courts. Hon'ble the Chief Justice has viewed this situation with concern.

In order to ensure that the records in the Civil Revision Petitions pending before this Court for consideration in motion are received in time and no delay is caused in this behalf, the following procedure has been laid down: -

1. That Civil Revision Petitions, in which this Court has ordered that the records of the subordinate Courts be sent for, be fixed before the Court and should not be kept in motion until the records are received.

2. If a Civil Revision Petition is fixed in motion for a date after a month, the record shall reach this Court within a month and if such revision petition is fixed in motion for a date after 15-days but not beyond a month, the record shall reach this Court within 15-days.

3. If a date has been fixed by the Court in a Civil Revision in motion, the record shall reach this Court in time before that date.

Hon'ble the Chief Justice has further directed that if the records in the above cases are not received within the stipulated period, the concerned official or officials shall appear before this court on the date of hearing in order to explain his/their position for not sending the record within the specified period.

I am to request that the contents of this letter may please be got noted from the staff under your control for strict compliance and an acknowledgement certificate may be furnished to this Court for record.

(PHC letter No. 1-80 / Admn Dated 3rd. January, 1988)

C.No. 2(4-7)

CIRCULAR LETTER – INSTRUCTIONS REGARDING SPEEDY DISPOSAL OF CASES, FILING OF DOCUMENTS ---NON-OBSERVANCE OF HIGH COURT RULES AND ORDERS.

I am directed to say that during the recent inspection of various Courts, in D.I. Khan Division, by Judge-XI (Mr. Justice Muhammad Bashir Khan Jehangiri) it has been observed: -

- i. That in flagrant violation of Rule 1 of Order XIII C.P.C, the Courts have developed the practice of admitting documentary evidence produced much after striking the issues between the parties. Under the rule *ibid* as amended by this Court, subject to the general provisions of order VII C.P.C., after the settlement of the issues the Court may fix a date not being more than 30 days after such settlement within which the parties may present supplementary lists of documents on which they rely. The bare reading of the Order (as amended) would convey that while permission to file documents other than those required by Order VII is within the discretion of the court, the production thereof has been limited within the stipulated period of 30 days of the settlement of the issues. On the other hand, order VII Rules 14 C.P.C makes it obligatory upon the plaintiff to produce along with the plaint the document(s) upon which he sues and which is / are in his possession while the document upon which he relies as evidence, whether these are or not in his possession, shall be entered in the list annexed to such plaint. Failure to follow this procedure makes the document inadmissible under rule 18 of Order –VII C.P.C.
- ii. That the Courts are least perturbed in granting adjournments in the cases on flimsy and in many cases on no grounds, for instance, that counsel for a party requests for adjournment, without showing any plausible cause, or that counsel for both the parties request for adjournment. Sometimes a case is adjourned because both the counsel for the rival parties agree to the adjournment. This practice of putting the litigants to undue expense and delay must be deprecated because the Courts of law are not under any obligation to please the duly paid representatives of the parties who are supposed to

- advocate the case of the parties whom they represent, and not to add in by asking for adjournment for no valid reason.
- iii. The record of the Courts is not maintained in accordance with the High Court Rules & Orders in that the cases are not indexed in accordance with the instructions contained in Chapter 16-F of the High Court Rules & Orders Vol: IV causing inconvenience to the appellate and revisional Courts. Similarly, the registers are not kept on the prescribed forms. The attention of all the Presiding Officers of the Courts is invited to part A-IV of High Court Rules & Order Vol: VI which provides the forms for various registers in various Courts on Civil side and Part B-IV of High Court Rules & Orders Vol: VI which prescribes the forms for registers in various Criminal Courts. The Presiding Officers are duty bound to see that the files are properly indexed and consigned and that the registers are properly and accurately maintained.
- iv. It has been generally noticed that 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 is 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 Court by way of an administrative adjustment.
- v. The cases are transferred from one Court to the other just on the application of one party on the ground that the court in which the case is pending has no objection to such transfer. Obviously when an application for transfer of a case pending in a particular Court is made the Presiding Officer of that Court would naturally not object to its transfer. It is for the transferring authority to look into the propriety and bonafides of the grounds for transfer and should use the discretion strictly judiciously because discretion is always restricted by judicial conscience and not that where there is a discretion it should be exercised irrespective of realization if it is judicious or arbitrary.
- vi. The inexperienced and fresh recruits are posted at responsible seats like Court Moharrirs, which mainly accounts for defective maintenance of the record of the Court. It shall be duty of the District & Sessions Judge to see to the worth of the employee proposed to be on such post/ responsible seat. It shall also be ensured that before posting on responsible seat,

the incumbent so proposed is given some sorts of training by attaching him with an experience hand.

I am accordingly directed to impress upon you to strictly follow the above instructions.

(PHC letter No. 2947 – 3034 / Dated Peshawar 2nd June, 1990)

C.No. 3(4-7)

MAINTENANCE OF JUDICIAL RECORD

I am directed to convey the following decision taken in the Chief Justice Conference, held in Quetta recently, in regard to the maintenance of Judicial Record of subordinate courts, for strict compliance: -

“It was decided that after decision of a case a responsible official should inspect the file, damaged papers should be repaired and binding of the record should be done. The clerk of court should give the certificate that the record has been prepared in accordance with the rules and is in good condition. This certificate should be counter signed by the Presiding Officer.”

(PHC letter No. 6399-6498/Adm:Brh: Dated Pesh: the 9th September, 1991)

C.No. 4(4-7)

RECORD OF DECIDED SESSIONS CASES

I am directed to invite your attention to the High Court Rules and Orders Volume- III Rule 5 Chapter- 25-G providing for the transmission of written copies of the entire proceedings in murder cases (Penalty of death and life imprisonment) in the form of paper book, to the High Court. It is on the receipt of such printing papers that the printing Branch of the High court prepares printing books for further disposal of these matters in the High Court.

It has been noticed that Sessions Courts do not submit clear and legible copies of the required record in time, despite the fact that their attention have been invited to this problem through various letters and circulars issued by this Court from time to time. This in-attention on the part of some of the Sessions Judges have at times occasioned an abnormal delay in the disposal of such matters in the High Court. Normally this is required

to be submitted within fortnight without fail. But instances have been noticed that the record is received in the High Court after 4/5 months of delay.

I am, therefore, directed to request you that such record may in future be submitted well within time. Any inadvertent omission in this respect would seriously be taken note of in the light of the direction of the Hon'ble Chief Justice.

(PHC letter No. 3569-3584 Admn. Brh. Dated Peshawar the 23/5/1993)

C.No. 5(4-7)

COPY OF BAIL ORDER

I am directed to invite your attention to the fact that in bail matters when the Judicial/ Police files are received in this court the same do not contain the copies of orders passed by the Judicial Magistrates/Addl: Sessions Judges.

2) I am, therefore, to direct you to see that in future the requisite copies of the bail orders are invariably attached with the files i.e, police file/ Judicial file.

3) I am to further inform you that any deviation from these instructions will be viewed seriously and the official responsible would be proceeded against in accordance with law.

4) The receipt of this letter be kindly acknowledged at an early date.

(PHC letter No. 1958-1980 Admn. Dated Peshawar the 17th March, 1999)

C.No. 6(4-7)

CERTIFIED COPIES IN PENDING CASES OF CIVIL JUDGES AND JUDICIAL MAGISTRATES / COPYING AGENCY OF DISTRICT & SESSIONS JUDGE

Hon'ble the Chief Justice of this Court, in order to facilitate the procurement of the certified copies of Judgment/Orders and decrees etc and to lesson the financial and other difficulties of the litigant public, has been pleased to authorize all the District and Sessions Judges/Zilla Qazis in NWFP to constitute a Copying Agency with the existing staff for issuing certified copies of Judgments/Orders and decrees in all pending cases and of decided

cases pertaining to the Courts of Civil Judges/Judicial Magistrates, till further orders. They are further authorized to constitute such agencies in sub divisional Headquarters for attested copies in pending cases, if so required.

(PHC Endst: No. 10869-10892 / Admn: Dated Peshawar, the 07-9-2004)

C.No. 7(4-7)

PROPER ARRANGEMENT/PREPARATION OF RECORD OF TRIAL CASES

It has been noticed in a number of criminal cases, coming up for hearing before this Court, that the files are not properly prepared/arranged in accordance with the provisions of High Court Rules & Orders. This practice, on one hand, amounts to violation of rules and on the other causes inconvenience to the Hon'ble Judges during hearing of the cases. Attention is invited to Chapter 16-A and Chapter 16-F, Vol-IV of the High Court Rules & Orders, requiring the record in criminal cases to be prepared / arranged in two parts with proper paging and indexation.

I am, therefore, directed to ask all the Courts that henceforth record in the subject cases shall be prepared and arranged as per the rules *ibid*, before sending the same to this Court.

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

(PHC letter No. 10499-10522/Admn: Dated 29.11.2005)

C.No. 8(4-7)

SUPPLY OF COPIES FREE OF CHARGE TO THE CENTRAL AND PROVINCIAL GOVERNMENTS.

It has been brought to the notice of Hon'ble the Chief Justice that some of the copying agencies under your control do not follow the provisions of Chapter I, part 3, Rule 1.7, sub rule ix (2) of the Revenue Circular Punjab No. 45 for the grant of copies of record. The relevant rule is reproduced below for ready reference:

“Copies required for public purposes by Public Officers of the Central or Provincial Governments as defined in section 2(17) of the Code of

Civil Procedure, shall be supplied free of charge on reciprocal basis provided the application for copy is endorsed by the head of the Department concerned". (Copy enclosed).

I am, therefore, directed to ask for following the provision as laid down, please.

(PHC letter No. 3274-3297/Admn: Dated 4th April 2006)

C.No. 9(4-7)

ISSUANCE OF ILLEGIBLE ATTESTED COPIES OF ORDERS AND JUDICIAL RECORD BY COPYING BRANCH OF DISTRICT COURTS.

I am directed to say that it has come to notice of this Court that instructions issued on the subject by this Court from time to time are not being complied with in letter and spirit. The Copying Branches of various district Courts are issuing illegible attested copies of orders and judicial record which, at times create problems in proper scanning of record by this Court.

I am, therefore, to request to ask the concerned to issue clear and legible attested copies of orders and judicial record in future.

(PHC letter No.2564-87/Admn Dated Peshawar, 03rd March, 2010)

C.No. 10(4-7)

CERTIFIED COPIES IN PENDING CASES AT SUB DIVISIONAL HEADQUARTERS

I am directed to refer to this Court letter Endst: No. 10869-10892/Admn dated Peshawar, the 07.09.2004 (Judicial Estacode C. No. 6(4-7) (page 349) on the subject and to say that attested copies are to be provided at sub divisional headquarters in pending cases only. Any directive issued by any authority other than High Court in this regard has no legal force.

It may also be added that any circular concerning judicial matters issued by your office to the judicial officers of your district must be got approved by this Court as envisaged in High Court Rules and Orders (Rule 6, Chapter 2 of Volume-IV).

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

(PHC letter No.5388-5447/Admn Dated Peshawar, 25th March, 2010)

C.No. **11**(4-7)

COPYING BRANCH AT SUB DIVISIONAL HEADQUARTERS

In supersession of this Court order Endst: No. 7069-73/Admn: Dated 28.06.2002 and letter No. 10869-10892/Admn: dated 07.09.2004 and in view of sub-Rule (2) of Rule 6 of Chapter-I of Revenue Circular No. 45 (for the grant of copies of records), exercising the powers of superintendence and control under Article 203 of the Constitution of the Islamic Republic of Pakistan, Hon'ble the Chief Justice, is pleased to order that henceforth senior most Civil Judge at a station other than district headquarter shall act as Officer In charge of the Copying Agency while Reader of his Court shall act as Copying Agent and Examiner and the Moharrir of his Court as Copyist respectively. The Civil Judge designated as Officer In charge shall act as Head of the Copying Agency while Reader of his Court acting as Copying Agent and Examiner should be responsible for the maintenance of the accounts and the conduct of business to revise and attest copies of records. The Moharrir performing duty of Copyist shall be responsible for the preparation of copies of records.

Hon'ble the Chief Justice has further been pleased to order that applications for certified copies of the records still pending in the Court at Sub-Division and not yet consigned to record Room at District Headquarter, shall be submitted to the designated Copying Agent for providing certified copy of the record applied for to the applicant strictly in accordance with the rules governing supply of copies of records and shall maintain proper accounts under the physical verification of the Officer In charge.

(PHC Endst. No.7270-7293 Dated Peshawar, 21st April, 2010)

C.No. **12**(4-7)

INSTRUCTIONS FOR COPYING AGENCY

I am directed to refer to the subject noted above and to enclose instructions in Urdu for affixing the same in some conspicuous place outside the copying branch in large size, preferably in shape of banners, signboards etc, so that the litigant public should know the cost of copies and all illegal, unjustified and exorbitant charging be checked and discouraged. The compliance may be intimated to this court immediately.

ہدایات برائے شعبہ نقولات

- ۱) فوری درکار نقول، درخواست دائر کرنے کے ترجیحاً ایک دن کے اندر یا دوسرے دن فراہم کی جائیں گی۔
- ۲) باقاعدہ نقول درخواست کے تین (3) دن کے اندر فراہم کی جائیں گی۔
- ۳) باقاعدہ نقول کی شرح فیس مبلغ (2) دو روپے فی صفحہ ہو گی۔
- ۴) فوری درکار مصدقہ نقول کی شرح فیس مبلغ (2) دو روپے فی صفحہ بمع (1) ایک روپیہ اضافی فی دستاویز ہو گی۔

یاد دہانی

- ۱) متذکرہ بالا فیس تمام فوجداری مقدمات میں وصول نہیں کی جائیگی۔
- ۲) ان دیوانی مقدمات میں بھی فیس وصول نہیں کی جائے گی جس میں مالیت مقدمہ بغرض کورٹ فیس مبلغ (25000) پچیس ہزار روپے سے کم ہو۔
- ۳) فیس کی رقم نقد وصول نہیں کی جائے گی بلکہ عدالتی فیس ٹکٹ کی صورت میں باخترسید وصول ہو گی۔

ڈسٹرکٹ اینڈ سیشن جج

(PHC letter No.18800-23/Admn Dated Peshawar, 03rd November, 2010)

C.No. 13(4-7)

UNAUTHORIZED ACCESS TO JUDICIAL RECORD.

It has been noted with great concern that certain official, do not observe the rules & proper procedure, and allow inspection of files and issue copies there from in violation of the rules. It has further been noted that in the garb of clerks of advocates, un-authorized people are not only entertained in the courts/offices but are also allowed access to judicial record. The inspection of judicial record and issuance of copies there-from are regulated by the rules contained in Chapter-5 Volume-V of the High Court Rules and Orders. Similarly, for regulating the conduct of the clerks of the legal practitioners the rules are contained in chapter 6 part (J) Volume-V of the High Court Rules and Orders.

Hon'ble the Chief Justice has therefore been pleased to direct that the rules on the subject noted above be strictly followed and neither any one not authorized under the above rules should be allowed access to the judicial

record nor copies be issued to them. These instructions be brought into the notice of all concerned under your administrative control.

(PHC Letter. 2766-2865/Admn Dated 02nd March, 2015)

C.No. **14**(4-7)

CONSIGNMENT OF CASES TO THE RECORD ROOM

It has come into the notice of this Court that despite issuance of directions vide this Court orders dated: 04.09.2004, 10.06.2002 and 13.04.2010, the certified copies of the judgments / orders are not supplied to the litigants/public at Tehsil level.

You are therefore, once again requested that the files of decided cases should remain in the Tehsil for 30 days and during this period copies would be provided to the litigants there.

(PHC Letter No.12563-12613/Admn, Dated 05th August, 2017)

C.No. **15**(4-7)

ISSUANCE OF CERTIFIED COPIES OF JUDGMENTS AND DECREES

It has been noticed by this Court that while issuing certified copies of the Judgments and decrees, the copying staff of the District Courts do not enter thereon certain important details like number and date of application, date of preparation, date of delivery of copies and amount of fee, if any paid. This is not only the violation of relevant rules but also becomes impossible for this Court to ascertain whether the appeals/revision filed on the basis of such copies are within time and also to calculate the cost of litigation so as to be entered in the decree sheet.

Please direct all concerned copying staff to properly observe all such legal formalities.

(PHC Letter No.19064-19114/Admn, Dated 23rd November, 2017)

C.No. **16**(4-7)

COMPLAINTS REGARDING NON-PROVISION OF ATTESTED COPIES OF JUDGMENTS AT TEHSIL

On 8th July 2017, President Tehsil Bar Association Booni (Chitral) had raised an issue that attested copies of the judgment may be given at the Tehsil level as the lawyers and litigants get the same from the District Court Record Room. Hon'ble the Chief Justice noted the fact that issuance of certified copies at the Tehsil Headquarter has already been allowed vide letter No. 12563-12613/Admn dated 5th August 2017

The above in view, I am directed to convey the dissatisfaction of his lordship over non-compliance. It is further directed to take appropriate measure to ensure strict compliance of the same.

(PHC Letter No. 855-903/Admn Dated 27th January, 2018)

C.No. **17**(4-7)

DIGITIZATION OF OLD AND PENDING CASES IN SESSION DIVISIONS.

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to approve digitization of old and pending cases in session divisions. However, before embarking on digitization and scanning of cases, classification of documents for record of cases shall be carried out as per Rule-9 to 13 of Part-C, Chapter-5 of High Court Rules & Order (Civil) to avoid unnecessary documentation not required under the rules.

You are, therefore, requested to form a committee of at least three officials who shall carry out classification of record of cases as per rules (copy attached) where-after digitization may be carried out, please.

(PHC Letter No. 4941-65/Admn Dated 04th April, 2018)

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

TRANSMISSION OF CASE FILES.

I am directed to refer to the subject noted above and to say that in order to limit scope for missing of case files, proper mechanism for transmission of case file is to be adopted. Therefore, all case files shall be transmitted to the Court and from the Court upon proper receipt and signature by both the concerned Moharrir and Reader. Reader of the court shall provide cause list to convened branches/ Moharrir one day before the hearing date.

Please direct all concerned officials under your administrative control to comply with the above directions in letter and spirit.

(PHC Letter No. 6003-32/Admn Dated 20th April, 2018)

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

RECORD NOTE OF THE MEETING WITH DBA MALAKAND & TBA DARGAI.

I am directed to say that during the subject meeting, it was pointed out that copies of judgments obtained from the official website of this Court are not ordinarily entertained by the courts as they emphasize on attested copies.

Hon'ble the Chief Justice has been pleased to observe that all the Judicial Officers working under the administrative control of Peshawar High Court are supposed to use the official website of this Court and should continually educate themselves from the judgments available on website. On presentation of downloaded copy of the judgments by the advocates, the same shall be verified by the court concerned from the website of this court instead of demanding certified copies of such judgments and discarding it, if they opt to rely on any such judgment.

You are, therefore, requested to circulate it amongst all the Judicial Officers within the district, for information and compliance, please.

(PHC letter No. 17419-443/Admn: Dated 19th October, 2018)

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

SCANNING OF COURT RECORD.

I am directed to say that in order to facilitate Bench, Bar, Litigants and other stake holders and for generation of data to be employed in the software designed by the MIS Branch of this Court, Hon'ble the Chief Justice has been pleased to direct that henceforth;

- a) All trial/Appellate/Revisional Courts shall on institution and progressively ensure scanning of pleadings/memo of appeal, revision/Judicial Files (criminal cases), supportive documents (Exhibits) etc.
- b) In respect of pending cases, this process of scanning be completed within reasonable time depending on the pendency figures of individual courts.
- c) All courts of first instance on entertaining bail matters ought to scan the Police Investigation Record.
- d) For each case a separate FOLDER, be maintained in the dedicated computer of that court. The scanned documents so generated, order sheets, evidence/statements, statement of accused, orders, judgments etc. be maintained therein and ought not be deleted.
- e) In bail matters or appeal/revision the court of first instance shall on passing of bail order/interlocutory order transmit as soon as possible the soft record so generated to the principal next higher court in hierarchy.
- f) Towards DATA WARE HOUSING, at the District; this data be stored with the court concerned, with the Senior Civil Judge and the District & Sessions Judge concerned so that potential theft/destruction of record generated in soft be averted.
- g) Towards, DATA AUTHENTICATION, all files so generated ought to be in read only protected format with a water mark, "COMPUTER RECORD REQUIRES AUTHENTICATION OF COPYING BRANCH".
- h) In case evidence/order/order sheet is recorded hand written it ought to be scanned.
- i) The District & Sessions Judges shall ensure adequate scanning facilities. In case of scarcity of funds demands be made at the earliest.

Please ensure compliance of the above directions in letter & spirit.

(PHC letter No. 17727-774/Admn: Dated 24th October, 2018)
C.No. **21**(4-7)

DIGITIZATION OF CASES/RECORD AT DISTRICTS

I am directed to refer to the subject noted above and to say that the following plan / timeline and instructions for digitization of record be ensured at Districts.

1. Each district to establish a dedicated scanning branch for digitization of record room with need base Human resource.
2. Scanning branch shall be equipped with heavy duty document scanners, snap scanners, computers, and storage devices for backup of database.
3. A certificate shall be obtained on each file from Moharars at the time of consignment, to ensure classification of cases in Part A and B as per High Court Rules & Orders. In-charge record room shall not receive files unless classification is ensured.
4. District & Session Judges to hold monthly meetings with the Committees constituted for the digitization/destruction of record to maintain a constant check and monitoring of digitization process.
5. Court work is reduced due to COVID - 19, time shall be utilized to the maximum for digitization of record.
6. Process of destruction of record shall be initiated, starting from security proceedings and Bail applications, as per existing mode of destruction provided in the Peshawar High Court Rules & Orders.

MONTHLY TARGETS:

Following are the zone wise targets for digitization of record/files at record rooms.

SNO	ZONE	DISTRICTS	TARGETS/PER MONTH
1	A	Peshawar	7500 files/cases
2	B	Swat, Mardan, D.I.Khan, Mansehra, Kohat, Haripur, Bannu, Charsadda, Swabi, Abbottabad, Nowshera	6000 files/cases
3	C	Lakki Marwat, Karak, Buner, Malakand, Dir Lower	4500 files/cases
4	D	Dir Upper, Tank, Hangu, Lower Chitral, Shangla Batagram, Kohistan Upper	3000 files/cases
5	E	Khyber, Mohmand, Bajaur, Kurram North Waziristan, Orakzai, South	500 files/cases

		Waziristan, Kolai Palas Kohistan, Kohistan Lower, TorGhar, upper Chitral.	
--	--	---	--

TIMELINE

1. The process of procurement of scanners, computers and storage devices shall be completed within 2 months.
2. All Courts to ensure classification of cases in Part A & B as per High Court Rules & Orders with proper indexing at the time of consignment within 30 days and obtain a certificate on each file from Moharar to this effect.
3. Arrange local trainings of the ministerial staff for capacity building on scanning digitization and classification of record within 30 days.
4. Committees constituted for digitization/destruction of record to start the process of destruction of the record which has completed its period of preservation, as per existing mode of destruction provided in the Peshawar High Court Rules & Orders and report within 30 days.
5. Destruction of record of the "Security Proceeding files" & "Bail applications" in record rooms which completed the period of preservation shall be accomplished as per High court Rules & Order within a period of three months.
6. District & Sessions Judges to hold monthly meeting with the Committees constituted for the digitization/destruction of record within a fortnight, minutes of the meeting shall be forwarded along with "Monthly Progress report" of digitization.
7. Process of digitization of all pending cases shall be completed in six months.

(PHC letter No. 04/Records dated Peshawar 03rd May, 2021)

SECTION-VIII (Destruction of Record)

C.No. 1(4-8)

THE DESTRUCTIONS OF USELESS JUDICIAL RECORDS

These rules made by the Chief Court confirmed by the Local Government and sanctioned by Governor-General of India in Council, under the powers conferred by Section 5 of the Destruction of Records Act, 1879¹, regulating the destruction of useless judicial records and registers in Courts subordinate to the Chief Court.

RULES

A – General

I. Obsolete Records and Registers to be destroyed annually.

- All judicial records and registers which by the lapse of a year, have become liable to destruction under the following rules shall be destroyed during the month of September every year.

II. How to be destroyed and disposed of. - The destruction of such records and registers shall be carried out under the supervision of a responsible officer not below the rank of *Munsif*, and shall be effected by tearing and soaking in waters, care being taken that all Court-fee stamps have been duly cancelled. The paper shall then be sent to the Superintendent of nearest District Jail, who will purchase it at its market value, and return the bill drawn from the office from which the purchase is made, duly countersigned, for transmission to the Accountant-General. The latter will place the sum to the credit of the Record office Fund (now relevant head) in the public account.

Note. —No *Munsif* shall be deputed to supervise the annual destruction of records and registers in a district office, except with the previously obtained sanction of the Chief Court. Such permission must be applied for through the District Judge in sufficient time to allow of orders being passed before the commencement of the September vacation, and the application must explain why an officer of the head-quarters staff cannot be employed on the duty. Such applications will be granted only when it can be shown to the Courts satisfaction that no other suitable officer is available for the duty.

¹ These rules though framed under Destructions of Record Act, 1879 but shall be deemed to be rules under Destruction of Records Act, 1917 (See Section 4 of the Destruction of Records Act, 1917).

2. It must be remembered that it is of the greatest importance that the work of destruction should be regularly proceeded with in the month of September in each year.

B – Records

III. Files.—All civil and criminal records shall be arranged in separate files, A and B.

IV. Arrangements of civil records. -- In the case of civil records, File A shall contain the following papers:-

(a) In original cases heard by any Court other than a Court of Small Causes.

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint together with any schedule annexed thereto, and all documents, whether original or copies, filed with the plaint.

Note:- In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.

- (4) The written statement and pleading of the parties.
- (5) Application of parties who are strangers to the suit, with the Court's order thereon.
- (6) The memorandum of issues, with amended or additional issues, if any.
- (7) All depositions of witnesses
- (8) All documents received by the Court, during the trial, as evidence between the parties.
- (9) Commissions, proceedings held thereunder, and reports of Commissioners
- (10) Reports furnished by the record departments.
- (11) Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and

- documents submitted therewith, and any application to set aside the award, with the Court's orders thereon.
- (12) Deeds of withdrawal, compromise or confession of Judgement.
 - (13) Orders of arrest or attachment before Judgement, with all documents relating thereto.
 - (14) The Judgement or other final order.
 - (15) The decree.
 - (16) All notes in the handwriting of the Judge.
 - (17) Application for review of Judgement with the Court's orders thereon.
 - (18) Judgments and decrees of Appellate Courts, if any.
 - (19) All orders passed in execution proceedings, with all applications, objections, writs of which service has been effected, notices, reports and return relating thereto.
 - (20) All receipts and acknowledgments filed in execution proceedings.
- (b)**
- (c) In appeal cases.—
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The petition of appeal.
 - (4) Copies of judgments and decrees of lower Courts.
 - (5) Any cross-objection filed by the respondent under "Order XLI, Rule22' of the Code of Civil Procedure.
 - (6) Issues referred for trial by the Appellate Court, with the evidence and findings thereon.
 - (7) Commissioners' proceedings held thereunder, and reports of Commissioners.
 - (8) Any additional evidence, oral or documentary admitted by the Appellate Court under 'Order XLI, Rule27' of the Code of Civil Procedure.
 - (9) Application to the Appellate Court to refer to arbitration, references, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted

therewith, and any applications to set aside the award, with the Court's orders thereon.

- (10) Deeds of withdrawal, compromise or confession of Judgment.
- (11) The Judgement or other final order.
- (12) The decree of the Appellate Court.
- (13) All notes in the handwriting of the Judge.
- (14) Applications for review of Judgment with the Court's orders thereon.
- (15) Any Judgement and decree of a superior Court of appeal.

File B shall consist of all papers not including in File A:

V. Arrangements of criminal record.—In the case of criminal records File A shall contain the papers noted below,--

(a) In original cases tried by a Court of Sessions.

- (1) The index of papers.
- (2) The order sheet or chronological abstract of the orders.
- (3) The charge, original and as amended by the Sessions Judge.
- (4) All depositions of witnesses and statements of accused persons, including depositions and statements transferred from the file of the sending Magistrate.
- (5) All documentary evidence.
- (6) The final order.
- (7) **
- (8) All notes in the handwriting of Judge.
- (9) The Judgement or order of the Appellate Court, if any.
- (10) Any order passed by the High Court as a Court of reference or revision.
- (11) Warrants returned after execution of sentence.
- (12) All proceedings relating to the realization of fines.

(b) In Magisterial inquiries and trials,

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The final police report (Challan) or petition of complaint.
- (4) All depositions of witnesses and statements of accused persons.
- (5) All documentary evidence.
- (6) The charge, where a formal charge is drawn up.
- (7) The final order of the Court.
- (8) All notes in the handwriting of the Magistrate.
- (9) **
- (10) The Judgement of the Appellate Court, if any.
- (11) The judgment of the High Court in revision if any.
- (12) Warrants returned after execution of sentence.
- (13) All proceedings relating to the realization of fines.
- (14) Bonds of for good behavior taken under Section 110 of the Codes of Criminal Procedure.

(c) In appeal cases –

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The petition of appeal.
- (4) Copy of the judgment of the Lower Court.
- (5) Any additional evidence taken under Section 428 of the Code of Criminal Procedure.
- (6) The final order of the Court.
- (7) All notes in the handwriting of the Judge.

File B shall consist of all papers not included in File A.

VI. Records to be preserved in perpetuity.—the following records shall be preserved in perpetuity:-

1. File A of all suits and appeals involving the title to immovable property , as defined in Section 3 clause 25 of the General Clauses Act, 1897*.

Note: in suits for arrears of rent or for a share in the produce, when the right is not disputed and only the amount contested clause I of Rule X will apply.

2. File A of all suits and appeals relating to the succession to an office or to establish or set aside an adoption, or otherwise the status of an individual and of all suits and appeals relating to trusts or religious endowments.
3. Records of attachment, sale and delivery of immovable property in execution of decree, including all objections, proceedings and orders thereon.
4. File A of proceedings under sections 7 & 8 of Regulation XVII of 1806.
5. File A of proceedings under “the succession Act of 1925 and the repealed Acts entered in Schedule 9 of that Act and of all cases connected with the custody and disposal of intestate property.
6. File A of proceedings under the Divorce Act, IV of 1869.
7. Records relating to the disposal of immovable property forfeited to Government under section 62 of the Pakistan Penal Code.
8. Correspondence with other offices on matters connected with the administration of justice, including annual reports and the statements appended thereto; provided that heads of offices may, with the previous sanction of the District Judge order the destruction after three years, of any correspondence of merely formal or ephemeral character, after personally satisfying themselves, in regards to each paper ordered to be destroyed, that its retention is no longer necessary.

Note: A list of all papers which it is proposed to destroy under this clause must be prepared, and, in the case of subordinate office, be submitted to the District Court for sanction. This list will be preserved in perpetuity.

VII. Records to be preserved for fifty years.—the following records shall be preserved for fifty years and shall then be destroyed—

1. **
2. File A of the cases relating to any of the offences specified in Section 44 of the Code of Criminal Procedure as offense of which all persons are bound to given information, in which any of the suspected persons have escaped apprehension, provided that, whenever it is known that the offender or offenders on whose account such records are kept, are dead, the records may be destroyed.
3. File A of criminal cases in which the offences is punishable with death, and it is not known who the offender is.

Note: The records specified in clauses 2 and 3 when the time comes when under ordinary circumstances they would be liable to destruction, shall be removed to a separate bundle of cases of absconding and unknown offenders.

4. File A of Criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died.

VIII. Records to be preserved for twenty years.—The following records shall be preserved for twenty years and shall then be destroyed unless their preservation is necessary on any of the special grounds noted below:-

1. File A of Sessions cases: provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrant, and then destroyed.
2. The charge, finding and sentence in cases in which conviction has been had of an offence for which enhanced punishment is provided on a second or subsequent conviction.
3. File A of cases in which any public servant has been tried, whatever may have been the result of the case.

IX. Records to be preserved for twelve years.—the following records shall be preserved for twelve years and shall then destroyed.

1. **

2. Insolvency proceedings under Chapter XX of the Code of Civil Procedure.

X. Records to be preserved for six years.—the following record shall be preserved for six years and shall then be destroyed unless their preservation is necessary on any of the special grounds noted below:-

1. File A of the all civil suits and appeals other than suits and appeals falling under Rule VI: provided that, if the decree has not been fully executed or become incapable of further execution, File A must be preserved until such time as the decree has been fully executed or become incapable of further execution.

Note: A note of all cases destroyed in district offices under this clause shall be made at the time of destruction in the list of cases put up with the village bundle.

2. File A of cases tried by the Magistrate ** under Section 30 of the Code of Criminal Procedure, in which he has inflicted a heavier punishment than might have been inflicted by a Magistrate of the first class; provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrant and then destroyed.

3. Records relating to the realization of fines of Criminal Courts.

XI. Records to be preserved for three years.—The following records shall be preserved for three years and shall then be destroyed.

1. File of Criminal cases inquired into or tried by Magistrates and not otherwise provided for in these rules.
2. File A of appeals from orders passed by the Magistrates.
3. All correspondence between the ** District Judge and Subordinate Courts, and other records, periodical statements,

reports, proceedings, application & c., not expressly provided for in these rules; provided that, in respect of records falling under this clause, heads of offices must exercise their discretion in preserving report, return and proceedings likely to be useful in the future as containing the result of inquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

XII. Records to be preserved for one year.—The following records shall be preserved for one year and shall then be destroyed.

1. File B of all civil and criminal cases and appeals.
2. Proceedings of other Courts and officers forwarding notices, proclamation, calling for records & c.

XIII. Periods how to be calculated.— The periods prescribed above shall, except in the cases noted below, be taken to run from the date of the final order of the Court of first instance, or in the event of an appeal, from that of decision of the appeal.

1. **
2. In insolvency proceedings under the ‘Provincial Insolvency Act’, the period shall be taken to run from the order of the Court declaring he insolvent discharged from further liability in respect of his schedule debts.
3. In insolvency proceedings under the Punjab Laws Act, 1872 the period shall be taken to run from the date of the order of discharge.

XIV. Note of record destroyed to be made.—A note of every record destroyed under the above rules shall be made at the time of destruction on the register in which the case is entered under the signature of a responsible officer.

XV. Private documents how to be dealt with.-- Before destroying File A of the any judicial proceedings, care must be taken to separate and remove from the record all documents belonging to private persons or to Government, as a party to the proceedings, which have not been superseded by the decree of impounded in the case in which they were produced. These documents shall be preserved and tied up in a separate parcel, and notice shall, whenever practicable, be given to the persons who produced them in Court, requiring them to take them back

into their own keeping within six months from the date of the notice and warning them that they will be kept at their risk, and that the Court declines all responsibility for them. Copies of this notice should also be put up in a conspicuous place of the Court-house of the Deputy Commissioner of the district, and of the Court in which the suit was tried, or, if such Court has been abolished, of such other Court or Courts as may be exercising jurisdiction in lieu of it. Heads of offices must make the best arrangements for the custody of these documents that the circumstances admit of. In District offices it will probably be most convenient to keep them with the appropriate village bundles.

C. Registers.

XVI. Registers to be destroyed after 12 years.—The following judicial registers shall be preserved for twelve years from the date of the last entry and shall then be destroyed:--

Civil Registers Nos. VI and XIV.

Criminal Registers Nos. I, III, IV and XVII.

XVII. Registers to be destroyed after 6 years.-- The following judicial registers shall be preserved for six years from the date of the last entry and shall then be destroyed.—

Civil Registers Nos. XVI, XVIII, XIX, XXII.

Criminal Registers No. XVI and XVIII.

Civil and Criminal Registers C & D.

XVIII. Registers to be destroyed after 3 years.-- The following judicial registers shall be preserved for three years from the date of the last entry and shall then be destroyed.—

Civil Registers Nos. VII, VIII, IX, XII, XVII, XXIII, XXIV, XXV.

Criminal Registers No. V, VI, XIII, XIV, XV, XIX.

Civil and Criminal Registers E, F, G, H.

XIX. No other judicial registers to be destroyed.—No judicial register shall be destroyed except as directed above.

SECTION-IX
(DISTRICT COMMITTEES)

C.No. 1(4-9)

DISTRICT BENCH-BAR LIAISON COMMITTEE

I am directed to refer to the subject noted above and to state that the Honorable Chief Justice has been pleased to direct that the subject committee comprising the following members is to be formed and functional, **under intimation to the undersigned**, by 2nd week of June, 2002, to hold meetings at least once in three months:

1. One Additional District & Sessions Judge;
 2. Senior Civil Judge;
 3. One Civil Judge;
 4. Three advocates.
2. The committee shall work formally for the achievement of growth and development under the supervision of the Provincial Steering Committee with the following amongst other, objects, to:
- Promote awareness in the litigant public;
 - To observe discipline and decorum in courts;
 - Persuade the lawyers to accept that much cases as they can conveniently handle within a reasonably short period;
 - Advise the lawyers to regularly attend the courts and instruct their clients to avoid dilatory tactics in order to ensure in-expensive and expeditious justice as envisaged by the principles of policy enshrined in Article 37(d) of the constitution;
 - Determine the location of judicial complex to be constructed on the availability of funds;
 - To study the subject of Rule of Law, needs of the Bar and Bench, etc.

(PHC letter No.DR:/(ADMN/HC/43-A-3/2002 Pesh: the 5TH June, 2002)

C.No. 2(4-9)

DISTRICT BENCH BAR LIAISON COMMITTEE

I am directed to refer to the subject noted above and to the state that Hon'ble Chief Justice of this Court has been pleased to direct in partial modification of this Court's letter No. **D.R/(ADMN)/HC/43-A-3/2002** dated **5th June, 2002**, that the subject Committees be re-constituted in the following manner:

- | | | |
|----|---|----------|
| 1. | District & Sessions Judge | Chairman |
| 2. | One Addl: District & Sessions Judge | Member |
| 3. | Senior Civil Judge | Member |
| 4. | One Civil Judge cum Judicial Magistrate | Member |
| 5. | President, District Bar Association | Member |
| 6. | General Secretary, District Bar Association | Member |
| 7. | President, Sub-Divisional Bar Association | Member |

The committee shall work for the achievement of the following objectives under the supervision of this Court:

1. to promote awareness in litigant public;
2. to promote observance of discipline and decorum in Court;
3. to persuade Lawyers to accept that much cases as they can conveniently handle within a reasonably short period.
4. to advise the Lawyers to regularly attend the courts and instruct their clients to avoid dilatory tactics in order to ensure inexpensive and expeditious justice as envisaged by the principles of policy enshrined in Article 37 (d) of the Constitution;
5. to promote the study of the subject of law; and
6. to further the cause of creation of healthy and friendly working relation between Bench and Bar.

The committee shall meet at least once in three months.

(PHC letter No AJP/HC/43-A-3/2003/D-1 dated 18-8-2004)

C.No. 3(4-9)

DISTRICT BENCH BAR LIAISON COMMITTEE

In partial modification of this Court's letter No. AJP/HC/43-A-3/2003/D-1 dated: 18th August 2004, the District Bench Bar Liaison Committee is reconstituted as under:-

- | | |
|--|----------|
| 1. District & Sessions Judge | Chairman |
| 2. One Addl: District & Sessions Judge | Member |
| 3. Senior Civil Judge | Member |
| 4. One Civil Judge cum Judicial Magistrate | Member |
| 5. Member Provincial Bar Council | Member |
| 6. President, District Bar Association | Member |
| 7. General Secretary, District Bar Association | Member |
| 8. President, Sub-Division Bar Association | Member |

The Committee shall work for the achievement of the following objectives under the supervision of this Court.

1. To promote awareness in litigant public;
2. To promote observance of discipline and decorum in Court;
3. To persuade lawyers to accept cases as they can conveniently handle within a reasonable short period;
4. To advise the lawyers to regularly attend the courts and instruct their clients to avoid delaying tactics in order to ensure inexpensive and expeditious justice as envisaged by the principles of policy enshrined in Article 37(d) of the Constitution;
5. To promote the study of the subject of law; and
6. To further the cause of creation of healthy and friendly working relation between Bench and Bar.

The Committee shall meet at least once in three months

(PHC Letter No. 5595-5619/Admn, Dated 29th March, 2017)

C.No. 4(4-9)

DISTRICT JUDICIARY PERFORMANCE MONITORING AND EVALUATION POLICY (2020-2025) (MONTHLY MEETING OF BENCH BAR LIAISON COMMITTEE)

In pursuance of para-8 (page-28) of the subject policy and in supersession of earlier directives in this regard, the Competent Authority has been pleased to direct that henceforth the meetings of Bench Bar Liaison Committee shall be convened on monthly basis.

(PHC letter No.19484-518/Admn dated Pesh 09th November 2020)

C.No. 5(4-9)

CITIZENS COURTS LIAISON COMMITTEE

I am directed to refer to the letter No. F 2 (12)/2002-AJP. Government of Pakistan Ministry of Law, Justice and Human Rights (Project Management Unit) Islamabad, the 27th June, 2002 on the subject noted above and to state that as a means of establishing an institutionalized interface between the citizens and the formal judicial systems, it is proposed to create Citizen – Courts Liaison Committee (CCLC) at each district headquarter. This institutional mechanism is designed to facilitate the public in accessing the judicial system in a friendly and service-oriented environment.

2. The Hon'ble Chief Justice has, therefore, been pleased to direct that District & Sessions Judge is to be the Chairperson of the Committee at the District level and also the appointing authority of its non-official members. You are, therefore, required to constitute the subject committee, comprising of the following members, under intimation to this office.

1.	District and Sessions Judge	Chairperson
2.	President, District Bar Association	Member
3.	Speaker Zilla Assembly / Naib Nazim	Member
4.	EDO (Law)	Member
5.	Zilla Mohtasib	Member
6.	Representative of women community	Member
7.	Community Liaison Facilitator.	Secretary

The tenure of office of non-official member of the committee may be fixed at two years.

To be appointed by the District and Sessions Judge from a panel of three lady councilors to be submitted by the office of the Zilla Nazim.

3. The following core functions are entrusted to district CCLC:

- To setup and maintain an Information Kiosk in district court premises for the guidance of the public regarding all matters pertaining to different courts;
- To promote legal literacy;
- To guide people regarding dispute prevention measures, alternate dispute resolution (ADR) and other such like avenues;
- To register, report and address citizen's grievances regarding the functioning of the judicial system in the District;
- To provide a channel for the citizens and other stakeholders to send suggestions for reform and improvement:
Provision of specific legal advice to litigants will not be the functional responsibility of the District CCLC.

4. The Committee would, however, **be made functional only on the availability of infrastructure** (for staff SNE has been submitted to the Finance Department and for accommodation Works and Services Department has been asked to prepare Umbrella (PC-I for the same) so that the desired results may be achieved.

(PHC letter No. DR: (ADMN/HC/43-A-3/2002 Pesh: the 20TH Sep: 2002)

C.No. 6(4-9)

CRIMINAL JUSTICE COORDINATION COMMITTEE

RELEVANT PROVISIONS OF KHYBER PAKHTUNKHWA POLICE ACT, 2017

74 Establishment of Criminal Justice Coordination Committee and its composition - (1) There shall be a Criminal Justice Coordination Committee in each District of the Province.

(2) The Criminal Justice Coordination Committee shall consist of-

- (a) District and Sessions Judge (Chairperson)
- (b) Head of District Police
- (c) District Public Prosecutor
- (d) District Superintendent Jail
- (e) District Probation Officer
- (f) District Parole Officer
- (g) Head of Investigation (Secretary)

75. Functions of the Criminal Justice Coordination Committee.-(1) The Criminal Justice Coordination Committee shall-

- (a) keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;
- (b) promote understanding, co-operation and coordination in the administration of the criminal justice system;
- (c) exchange information and give advance notice of local developments, which may affect other parts of the system ;
- (d) formulate coordinated priorities and plans to give effect to locally agreed policies;
- (e) raise relevant issues with the appropriate authorities;
- (f) promote the spread of good practices; and
- (g) review the implementation of any decisions taken by the Criminal Justice Coordination Committee..

76. Meetings of the Committee The meeting of the Criminal Justice coordination Committee shall be held at least once a month. The secretary of the committee shall record the minutes of the meetings.

C.No. 7(4-9)

CRIMINAL JUSTICE COORDINATION COMMITTEE MEETINGS.

With reference to the subject noted above, I am directed to ask you to invite the Executive Magistrates to the Criminal Justice Coordination Committee meetings, please.

(Letter. 2734-57/Admn, Dated 02nd March, 2015)

C.No. 8(4-9)

CONSTITUTION OF DISTRICT LEGAL EMPOWERMENT COMMITTEE FOR AJDF

GOVERNMENT OF PAKISTAN
LAW & JUSTICE COMMISSION OF PAKISTAN

NOTIFICATION

Dated Islamabad the 12th May, 2009

File No. 14(198)/05/LJCP-A1-Peshawar:-

Pursuant to clause (b) of Rule 10 of the Access to Justice Development Rules 2002, the Law and Justice Commission of Pakistan with concurrence of the Peshawar High Court, Peshawar and the Government of NWFP has been pleased to constitute the District Legal Empowerment Committee each for the following selected Districts.

Name of the District

- i. Lower Dir.
- ii. Haripur.
- iii. Charsadda.
- iv. Bannu

2. District and Session Judge shall be the head of the District Legal Empowerment Committee, comprising with the following members.

- i. President, District Bar Association.
- ii. Superintendent, District Jail.
- iii. One Representative of the Civil Society to be co-opted by the Committee.

3. Each Committee shall open separate account in the National Bank of Pakistan to be managed and operated by its head.

4. The funds shall be utilized by the committee for the purpose of legal aid as per criteria laid down by the Government Body of the AJDF.

C.No. 9(4-9)

**DISTRICT LEGAL EMPOWERMENT COMMITTEE
(CONSTITUTION & FUNCTIONS) RULES, 2011**

GOVERNMENT OF PAKISTAN
LAW AND JUSTICE COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 2nd July, 2011

S.R.O 684 (I)/2011.- In exercise of powers conferred by sub-section (1) of section 9 of the Law & Justice Commission of Pakistan Ordinance (XIV of 1979), the Law & Justice Commission of Pakistan is pleased to make the following rules for constitution and regulating the functions of the District Legal Empowerment Committees.

1. **Short title and commencement.** – (i) These Rules may be called the District Legal Empowerment Committee (Constitution & Functions) Rules, 2011.
- (ii) They shall come into force at once.

2. **Definitions.-** In these rules, unless there is anything repugnant in the subject or context, -

- (a) **“Chairperson”** means Chairperson of the District Legal Empowerment Committee;
- (b) **“Committee”** means the District Legal Empowerment Committee constituted to administer and manage funds for the purpose of provision of legal aid to the deserving litigants;
- (c) **“Deserving Litigant”** means a litigant who might otherwise be unable to obtain legal aid or assistance for protecting his genuine legal rights or interests, involved in litigation, on account of his limited financial resources.
- (d) **“District Legal” Empowerment Fund”** means an amount allocated for District Legal Empowerment Committee from the Legal Empowerment Fund Window of Access to Justice Development Fund or other grants or donations made by the Federal Government, Provincial Government or a Local Government.
- (e) **“Legal aid”** means free legal aid or assistance extended to a deserving litigant by the Committee in areas hereinafter prescribed:
- (f) **“Member”** means member of the District Legal Empowerment Committee;

3. **Establishment of the Committee.-** The Committee shall be constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government.

4. **Composition of Committee.** – (i) The composition of the Committee shall be as under:-

- (a) District & Sessions Judge / Zilla Qazi as *ex-Officio* chairperson;
- (b) District Co-ordination Officer / Deputy Commissioner / Political Agent, member *ex-officio*.
- (c) Superintendent, District / Central Jail, member *ex-*

officio;

(d) President, District Bar Association, member *ex-officio*; and

(e) A Representative of the Civil Society as co-opted member of the Committee.

(ii) The co-opted member shall be selected by the Committee, for a period of three years but shall be eligible for re-appointment for another term.

(iii) The co-opted member shall hold the office during the pleasure of the Committee and can be removed earlier by majority of its members.

(iv) The co-opted member may resign from his office by writing under his hand addressed to the Chairperson.

(v) The Committee may designate any of its members as Secretary to the Committee who shall act and perform such functions as may be assigned to him by the Committee.

5. Functions of the Committee.- (i) Subject to the provisions of any other law for the time being in force, the Committee shall extent funds for provision of legal aid to the deserving litigants.

(ii) Without prejudice to the generality of the provisions of sub-rule (i) of the Rule 4, the legal aid may be extended in following areas:-

(a) Professional fee / honorarium payable to lawyer;

(b) Court fee;

(c) Copying charges;

(d) Process fee; and

(e) Any other area which the Committee may deem appropriate in a particular case, for extending legal aid to the deserving litigant.

6. Meetings of the Committee. – (i) The Committee shall hold its meeting at least once in a month to consider applications of the deserving litigants for grant of legal aid for pursuing their cases in the Courts, however, it may hold special meetings in view of any such application warranting urgent disposal.

(ii) Presence of 50% members including chairperson shall

constitute the quorum for a meeting.

(iii) All decisions of the Committee shall be expressed in terms of opinion of the majority of its members.

(iv) The Committee shall report its performance together with its recommendations, if any, to the Commission through High Court, within seven days of each meeting.

7. Procedure for Grant of Legal Aid. – (i) Any deserving litigant shall submit requests in writing on a plain paper addressed to the Chairperson or in a manner prescribed by the Committee. The application must clearly contain the request for payment as prescribed by Rule 5 (ii) to plead his case before the Court. The applications must be accompanied by National Identity Card or any other document of identity.

(ii) The Superintendent District Jail may also forward applications of the under trial or convicted prisoners, or any person confined in jail in relation to civil proceedings after necessary verification that the applicant is a deserving litigant.

(iii) The Committee may also consider cases referred by any Court for provision of legal aid to the person whose case is pending before such Court.

(iv) Office of the Chairperson shall register the applications in the relevant register with brief particulars and by assigning Diary No. The applications so registered shall be placed before the Chairperson who if thinks appropriate may refer the same to any other person for verification and report qua financial position of the applicant.

(v) The application shall be examined by the Committee in its monthly or special meeting, as the case may be, which shall determine the eligibility or otherwise of applicant for grant of legal aid, the manner, nature and extent of such aid:
Provided that a person shall not be entitled to legal aid, for whom an advocate or public prosecutor or government pleader has already been appointed in the same case, under any other law for the time being in force.

(vi) The decision of the Committee shall be final; however, this shall not debar the applicant litigant to apply again after furnishing sufficient proof that his financial condition has been

weakened to bear the expenses of litigation.

8. Selection of Legal Practitioner. – (i) The Committee in consultation with *Vice* Chairman, Provincial Bar Council, President, District Bar Association and approval of the Chief Justice of High Court shall maintain a list of legal practitioners to be appointed for the purpose.

(ii) A legal practitioner having at least five years standing at the Bar would be eligible for appointment.

(iii) The Committee shall determine the fee of the legal practitioner and it may vary from case to case however, it shall not be more than Rs.20,000/- in any circumstances for a case.

(iv) If the Committee is satisfied that performance of the lawyer appointed for the purpose is not satisfactory, may substitute him with another lawyer and delete his name from the list.

(v) The Committee shall examine the performance of each legal practitioner on annual basis and may amend the list on the basis of their efficiency and output.

9. Management and Accounts of the Fund . – (i) The District Legal Empowerment Fund shall be operated through an account to be opened in a branch of an authorized bank, which shall be operated by the Chairperson.

(ii) The Accountant of the District Court shall maintain all records of the District Legal Empowerment Fund including books of account, cash book, ledgers, cheques and other record.

(iii) The Accountant shall submit the accounts of the District Legal Empowerment Fund in the manner and form specified by the Committee and shall lay a statement of funds transferred from the Law and Justice Commission of Pakistan and or any other source and also maintain statements of expenditures and releases.

(iv) The Committee shall submit half yearly and annual audited accounts of the District Legal Empowerment Fund to the Commission through High Court.

(v) All payments shall be made through cross cheques under the signature of the Chairperson subject to decision of the Committee.

(vi) The Committee shall release funds in favor of legal practitioner in two installments; first installment shall be paid at the

time of assigning the case while the final installment shall be paid after verification of the fate of the case.

(vii) The Committee after receiving copy of final order with regard to the case assigned to a legal advisor may also call report from the concerned Court for the purpose of verification of disposal of the case.

(viii) The internal audit of the District Legal Empowerment Fund shall be conducted annually in accordance with the relevant laws, rules or bylaws of the Provincial Government.

(ix) The internal audit report shall be communicated to the Commission through High Court.

10. **Relaxation of Rules.** – The Chairperson may, for the reasons to be recorded in writing relax strict application of any rule in appropriate cases.

11. **Interpretation of Rules.** – Any question relating to the interpretation of these rules shall be decided by the Chairperson

C.No. 10(4-9)

ENDOWMENT FUND RULES

GOVERNMENT OF PAKISTAN MINISTRY OF HUMAN RIGHTS

NOTIFICATION

Islamabad the 04th April, 2017.

F.No.11-5/2015-16/F&A: In pursuance of the approval of the Action plan to improve Human Rights Situation in Pakistan by the Honorable Prime Minister of Pakistan on 13th February 2016, the Ministry of Human Rights has laid the Endowment Fund Rules for non-lapsable Endowment Fund of the Ministry of Human Rights established to extent legal aid to the poor victims of human rights violations. The fund rules are notified as under:

- (1) **Purpose and Objectives of Fund:** The purpose of the fund shall be to provide free legal aid to the poor victims of human rights violations.
- (2) **Source of Fund:** Federal Government Grants and receipts are the major source of fund. Savings accrued from the investment of the fund can also be the source of the fund.

- (3) **Budget Process:** Government Grants would be provided as usual budgetary mechanism.
- (4) **Eligibility for the Fund:** (1) The poor victims of human rights violations including orphans, widows, divorced women, person with disability, destitute, members of minority community shall be eligible for grant of fund.
(ii) The areas of preferences for grant of legal aid shall include child custody, inheritance/property rights, maintenance, divorce/khulla, sexual offences and offences against body.
- (5) **Recommendation for Legal Aid:** The case for the grant of legal aid shall be recommended by a Legal Aid Committee (hereafter referred as committee).
- (6) **Composition of Committee:** The composition of the committee shall be as under:
- i. District & Sessions Judge as ex-officio Chairperson;
 - ii. District Co-ordination Officer/Deputy Commissioner/ Political Agent, Member ex-officio;
 - iii. President, District Bar Association, Member ex-officio;
 - iv. Representative of the Civil Society, Member co-opted by the Committee;
 - v. District Officers (Social Welfare)/Social Welfare Officer, Member/ Secretary to the Committee.
- (7) **Items to be covered for Legal Aid:** The committee shall recommend the legal aid to the deserving litigants for the following items:
- (1) Professional fee/honorarium payable to lawyers;
 - (2) Court fee;
 - (3) Copying charges;
 - (4) Process fee and expenditure;
 - (5) Any other item which the committee may deem appropriate in a particular case.
- (8) **Meetings of the Legal Aid Committee:** (i) The Committee shall hold its meeting at least once a month to consider application of the deserving person for grant of legal aid in order to pursue their cases in the Courts; however, it may hold special meetings in view of any such application warranting urgent disposal.

- (ii) Presence of three members including District and Session Judge and DCO/DC shall constitute the quorum for a meeting.
- (iii) All decision of the committee shall be with consensus.

(9) **Procedure for Grant of Legal Aid:** (i) A deserving applicant shall submit request on the prescribed form as Annex-A. The applications must be accompanied by National Identity Card or any other documents of identity.

(ii) The Superintendent Jail may also forward applications of the under trial or convicted prisoners, or any person confined in jail after necessary verification that the applicant is a deserving litigant.

(iii) The committee may also consider cases referred by any Court for provision of legal aid to the person whose case is pending before such Court.

(iv) The Secretary of the committee shall register the applications in the relevant register with brief particulars and by assigning Diary number. The registered applications shall be placed before the committee during the next meeting and the committee if thinks appropriate may refer the same to any other person for verification.

(v) The application shall be examined by the Committee in its monthly or special meeting, as the case may be, which shall determine the eligibility or otherwise of applicant for grant of legal aid.

(vi) A person shall not be entitled to legal aid for whom an advocate or public prosecutor or government pleader has already been appointed in the same case, under any other law for the time in force.

(vii) The decision of the Committee shall be final; however, this shall not debar the applicant litigant to apply again after furnishing sufficient proof that his financial condition has been weakened and is unable to bear the expenses of litigation.

(viii) The secretary of the committee shall forward the recommendation to the Regional Director (Human Rights) who shall process the case within one week.

(10) **Selection of Legal Practitioner;** (i) The Committee shall select a lawyer to be appointed for purpose.

(ii) A legal practitioner having at least five years standing at the Bar would be eligible for appointment.

(iii) The Committee shall determine fee /honorarium etc. of the legal practitioner and it may vary from case to case however, it shall not be more than Rs.20,000/- (Twenty thousand) in any circumstances for a case.

(11) **Management of the Fund:** (i) The fund shall be divided amongst federal and provinces as under:

(1) Punjab	40%
(2) Sindh	25%
(3) Baluchistan	10%
(4) KP	15%
(5) ICT	10%

(ii) The Endowment Fund shall be operated through a Bank Account to be opened with bank having 'A' (long term) rating as appearing on the website of State Bank of Pakistan (preferably at National Bank of Pakistan) with the approval of Finance Division. The said account shall be operated by the Regional Directors and Ministry of Human Rights, Government of Pakistan.

(iii) The Drawing and Disbursing Officer of the Regional Office (Human Rights) shall maintain all records of the Endowment Fund including books of account, cash book, ledgers, cheques and other record.

(iv) The payment shall be made directly to the legal practitioner through the cheque.

(v) The Regional Director shall send quarterly progress report to the Ministry of Human Rights.

(vi) To the extent of ICT, the Fund will be operated by Director (HR) Ministry of Human Rights, Islamabad.

(12) **Maintenance of Cash Book:** Cash book will be maintained as per requirements under the government rules.

(13) **Investment Committee:** (i) There would also be an investment committee for the fund to collect proposal, from the financial institutions for investment of the principal and surplus amount and to prepare its investment plan in the light of the Government/Finance Division's instructions issued from time to time.

(ii) The Composition of the Committee will be as under:

a) Secretary, Ministry of Human Rights	Chairman
--	----------

- b) Joint Secretary, Ministry of Human Rights Member
 - c) Financial Advisor, Ministry of Human Rights Member
 - d) Director, Board of Investment (BOI) Member
 - e) Representative of the Finance Division Member
 - f) Director General (Human Rights) Member
- + Secretary

(iii) **Quorum:** Minimum Four Members must be present to conduct the business of the meeting.

(iv) The investment will be made in the Federal Government approved securities.

(14) Reconciliation with Banks, AGPR, AG and DAO(s): Bank/Fund reconciliations would be made on monthly basis.

(15) **Financial Management/ Administration / Functions and powers:** Secretary Ministry of Human Rights being PAO may use or delegate the powers as per Government rules, procedures instructions etc.

(16) **Observations of Rules and Record Keeping:** Federal Government rules as prescribed in General Financial Rules, Federal Treasury Rules and Accounting Policies Procedure Manual etc would be observed and record shall be maintained accordingly.

(17) **Audit Management:** Internal Audit would be conducted by the Ministry and external Audit by Auditor General of Pakistan.

2. These rules are issued with the approval of Finance Division (Budget Wing) conveyed vide letter No. 3(4)BR-II-2009-91/17 dated 10th February 2017.

Annex-A

APPLICATION FOR FREE LEGAL AID UNDER

“THE ENDOWMENT FUND FOR EXTENDING LEGAL AID TO THE POOR VICTIMS OF HUMAN RIGHTS VIOLATIONS”

The District and Sessions Judge
Chairman,
Endowment Fund Committee for Free Legal Aid,
District

Subject: Provision of Free Legal Aid.

Dear Sir,

I, being very poor, hereby apply for free aid under the “Endowment Fund for extending legal aid to the poor victims of human rights violations established by the Ministry of Human Rights, Government of Pakistan to pursue my case to be instituted/filed/pending in the _____ court.

A. My person bio-data is given below:

- (1) Name : _____
- (2) Father's Name _____
- (3) I.D Card _____
- (4) Source of earning Livelihood _____
- (5) Monthly income from all sources _____
- (6) Whether the applicant possesses any moveable/immovable and /or other property /assets, if yes, the particulars and details there of _____
- (7) If the applicant possesses any property/assets, the reason of seeking, free legal _____
- (8) Whether the applicant is liable to pay Wealth Tax/Income tax _____

B. The details of the case / suit are as under :-

- (a) Name of the plaintiff/complainant/defendant/accused

- (b) Court where case/suit is pending / to be filed

- (c) Nature of case/suit

- (d) Claim of suit /offences of the case

C. Copies of the relevant documents/orders/judgments as detailed below are enclosed.

1. _____
2. _____
3. _____
4. _____
5. _____

I hereby state on solemn affirmation that the contents of my application are true and correct. If any of the above mentioned particulars/facts are found incorrect or false, I shall be liable to pay to the Government all the expenses incurred by it for providing me the free legal aid.

Signature of the applicant/deponent_____

Full Address _____

Contact No. _____

C.No. **11**(4-9)

MONTHLY MEETING OF JUDICIAL OFFICERS

I am directed to circulate the following directive of Hon'ble the Chief Justice for strict compliance.

“The District & Sessions Judges are required to convene meeting of all the Judicial Officers of the District at least once a month, preferably before the meetings of District Criminal Justice Co-ordination Committee and Bench Bar Liaison Committee, so as to develop interaction and discuss local issues concerning Courts”.

Copy of the minutes of such meetings be regularly sent to this office.

(PHC letter No.AJP/HC/43-A-37/2004 Peshawar, the 21st April, 2004)

C.No. **12**(4-9)

AGENDA OF MONTHLY MEETING OF JUDICIAL OFFICERS

I am directed to refer to earlier directive of this Court vide letter No. AJP/HC/43-A-37/2007 dated: 21.04.2004 on the subject noted above and to say that in order to build capacity of judicial officers, ensure professional excellence, uniformity in discretionary matters, overcome stage fright, promote cordial relationship with bar and bench and with the aim to restore public confidence, the competent authority has been pleased to direct that henceforth monthly meetings of judicial officers shall be divided into the following four (04) segment:

1. Performance evaluation
2. Administration
3. Academics
4. Research paper

With regard to segment No. 3 and 4, learned the District & Sessions Judges shall highlight the legal issues affecting administration of justice in the respective District. such issues may vary from station to station, however, generally include suit evaluation and court fee, case management, summary adjudications, judicial deposits, maintenance of record, decree sheets, uniformity and consistency in exercise of discretion, executions, bails etc.

The chair may assign different topics to judicial officers for preparation, presentation as well as writing of research papers. The presentation and papers, so submitted, shall be circulated amongst all the judicial officers at the station, who in return shall formulate at least five (5) critical questions for discussion in the meetings on the topics.

The presentation and research papers along with questions of each judicial officer shall be recorded and their copy shall be sent to this Court along with minutes of the meeting. Likewise, a copy shall also be sent to Khyber Pakhtunkhwa Judicial Academy for research analysis.

The District & Sessions Judge concerned may also consider holding study circles/workshop in the said judicial officer's meeting for academic part and adopt the same procedure as mentioned above.

(PHC Letter No.SDJ/PHC/REG/26-V.II-(1-34)/5488-5521 Dated: 07th October 2019)

SECTION-X ADVOCATES

C.No. 1(4-10)

FEE CERTIFICATE

It has come to the notice of the learned Judges that the fee certificates filed by the counsel in civil appeals, civil revisions and writ petitions etc, are not on the form prescribed by Rules 17 & 18, Chapter 6-1, High Court Rules and orders, Vol. V, which form is given in Rule 18 of the same book, and as such, these certificates do not fulfill the requirement of the rules. The learned Judges have, therefore, been pleased to order that if the fee certificates filed by the counsel in future are not on the prescribed form, they will not be allowed any counsel fee.

Copy of the prescribed form is attached for ready reference.

(PHC letter No.4450-56 / Judl: Dated Peshawar the 06th May, 1969)

C.No. 2(4-10)

SECTION OF LAW TO BE GIVEN

Honorable the Chief Justice Peshawar High Court, Peshawar, has been pleased to Order that in the future all the advocates should invariably give the sections of Law under which relief is sought in the heading of the applications for bail OR cancellation thereof which are to be filed by the learned counsel on behalf of their clients in Courts.

(PHC letter End: # 13457-506/Admn: Brh: Dated Pesh: the 16th Dec: 1982)

C.No. 3(4-10)

ENGAGEMENT OF JUNIOR ADVOCATES

I am directed to address you on the subject and to say that Hon'ble the Chief Justice of this Court has been pleased to direct that all Senior Advocates engaged for conducting murder cases/appeals etc shall also engage one or two junior Advocates for their assistance. Similarly junior Advocates shall also be engaged by the Senior Advocates in important civil suits / appeals etc. These directions on compliance would not only result in enabling the junior Advocates to follow correctly the law & practice on the one hand but would also enable the Courts in early disposal of the cases and providing prompt justice to the litigants on the other.

2. Hon'ble the Chief Justice has further desired that these directions will be implemented in letter & spirit.

(PHC letter No. 5591-604 Dated: May 30, 1985)

C.No. 4(4-10)

USE OF SEAL BY ADVOCATES

I am directed to bring it to your kind notice that some of the learned members of the Bar are using Seals, which have resemblance with the official seal of the High Court / Sessions Courts.

It may be pointed out that the official seal can only be used by the Courts under Section 26 of the West Pakistan Civil Courts Ordinance, 1962 (Ordinance II of 1962). In other words, use of official seal by the Advocates is not at all permissible under the law and as such the said practice must be stopped forthwith.

You are, therefore, required to direct all the learned members of the Bar to refrain from using such seals in future so as to avoid any confusion.

(PHC letter No. 2789-90 Dated Peshawar the 19.4.1999)

C.No. 5(4-10)

STREAMLINING THE AFFAIRS OF CLERKS OF LEGAL PRACTITIONERS

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 affairs of the Clerks of Legal Practitioners are not properly dealt with by the District Judges in accordance with the Rules applicable to them, resulting in mismanagement, the ultimate sufferers whereof being the litigant public.

It is, therefore, desired by Hon'ble the Chief Justice to get the matter streamlined by taking appropriate steps in accordance with Chapter 6-J of Vol-V of the High Court Rules & Orders. These steps, inter alia, include the exercise of powers by the District Judge under Rule 11 thereof. The observance of these Rules on the part of Bar Associations should be ensured by the District Judges and Bench Bar Liaison Committee can be a useful Forum for the purpose.

(PHC letter No. 4706-4729/Admn Dated 28.04.2004)

C.No. 6(4-10)

DIRECTIVES OF HON'BLE THE CHIEF JUSTICE.

I am directed to say that Hon'ble the Chief Justice is please to direct that henceforth "Wakalatnama" filed in a case shall be accompanied by a copy of the professional Identity Card of the lawyer issued by the Bar Council and shall also contain his enrollment number.

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

(PHC Letter. 4962-87/Admn, Dated 16th April, 2015)

C.No. 7(4-10)

PAYMENT OF PAUPER'S COUNSEL/STATE COUNSEL FEE BILL

I am directed to refer to the subject noted above forward herewith a copy of letter No. DP/6(4)2014-15/PHC/8986 dated Nil on the subject noted above received from the Directorate of Prosecution, Khyber Pakhtunkhwa and to state that incomplete cases regarding payment of fee bills to Pauper Counsel/State Counsel are received to this department which often causes delay in their payment. It is submitted that provision of the following documents in respect of Pauper Counsel is necessary in this regard.

1. Name
2. CNIC
3. Bar Counsel appointment
4. Bank name
5. Bank code
6. Account number with address
7. Copy of cheque Book, first page.
8. Copy of judgement and fee bill verified from the registrar concerned Bench under his official stamp.

I am further directed to request you that the field formations may be instructed to submit complete cases for payment of pauper's counsel fee bills, by containing the above mentioned documents necessarily.

Letter No. SO (Pros) HD/1-19/2012/vol-1 Dated 20th September, 2015

C.No. 8(4-10)

RECORD NOTE OF VISIT OF DELEGATION OF DISTRICT BAR ASSOCIATION PESHAWAR, TO HON'BLE THE CHIEF JUSTICE DATED 06.10.2016.

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 lists of touts be displayed on conspicuous spots in all the court premises of your respective districts, please.

(PHC Letter No. 11186-11210/Admn Dated 19th October, 2016)

C.No. 9(4-10)

REVISED CRITERIA FOR FITNESS CERTIFICATE

I am directed to refer to the following specimen certificate to be issued by a District & Session Judge to those counsels who want to seek Supreme Court License for practice: -

"A certificate from the concerned District & Session Judge of the District where the applicant is enrolled to the effect that the conduct and behavior of the applicant with the Judges of the District Judiciary is professional, decent and the character of the applicant/advocate is sound and up to the mark."

And to impress upon you that contents of the certificate were intentionally so drafted with a view to restore the authority and dignity of the office of District & Session Judge which will operate as a tool to arrest lawless conduct of some of the counsels at station but the District & Session Judges use to issue the certificate without applying their own intelligent view about professional conduct of counsels and ultimately the objectives of the certificate are defeated.

You are, therefore, called upon to issue the subject certificate as per the specimen to aspirant exercising due diligence so that the objectives visualized in the format are achieved.

With profound regards

(PHC Letter No. 11812-36/Admin: Dated 24th July, 2018).

SECTION-XI (PROCESSES)

C.No. 1(4-11)

SUBSTITUTED SERVICE

I am desired to address you on the subject cited above and to say that order-V Rule 10 Sub-rule (1) Code of the Civil Procedure 1908, no doubt empowers courts to affect substituted service of process on a defendant.

- i) When the court is satisfied that the defendant is avoiding service of the summons; or
- ii) for any other sufficient reason the summons cannot be served on him in the ordinary way, nevertheless, this provision of Law needs to be used as a last resort for the obvious reasons that substituted service as compared with actual service of a party to a suit or other proceeding:-
 - (a) is the weakest service;
 - (b) it impairs the principle of natural justice which further requires that no one shall be condemned unheard especially in matters involving valuable properties rights and huge financial implications;
 - (c) thirdly the superior courts with few exceptions here and there usually set aside ex parte decrees passed by subordinate courts on the basis of substituted service, and as such it assumes utmost importance.

2. The idea in issuing these instructions is to stress upon the Presiding officers of courts the importance of:

- 1. actual service and
- 2. substituted service by
 - (a) tuning up the process serving agency;
 - (b) scrutinizing thoroughly reports of the process servers by the Presiding Officer personally and
 - (c) taking corrective measures including disciplinary action against defaulters where necessary for quick disposal of suit and prompt dispensation of justice.

3. This Court has further reasons to believe that substituted service is not made in accordance with the procedure as laid down in rules 4 and 8 Chapter 7-B of the High Court Rules and Orders Vol: IV which are reproduced below for your ready reference and guidance:

Rule-4

“The discretionary power alluded to above is frequently exercised by courts by publication in one or more newspaper of a notice calling upon the defendant to appear, but in many cases this method is quite unsuitable. When, for example, the defendant is illiterate or belongs to a class which cannot be expected to read newspaper such notice is obviously useless. In the case of Europeans or educated Indians likely to read newspapers it may be proper to resort to this method, but even in such cases, the practice should only be adopted as a last resort,”

Rule-8

“In sending a judicial notice for publication in a newspaper, the court should, in the covering letter, require the manager of the newspaper to send, under postal certificate, the copy of the paper containing the notice to the party for whose perusal it is intended at the address given in the notice, marking the notice in question with red ink, he should also be required, as proof of compliance with this order, to attach the postal certificate to his bill when submitting the letter to the court for payment..”

In view of the above, I am further desired to request you to please strictly adhere, in the ends of justice, to the provisions of the law and rules on the subject referred to above.

(PHC letter No.5045-6056/ Dated Peshawar the 27th March, 1983)

C.No. 2(4-11)

SERVICE OF THE PARTIES IN CIVIL CASES

I am directed to say that Civil Appeals, Civil Revision, Petitions etc. fixed before this Court are often adjourned on the dates of hearing for want of service of the parties by the Process Serving Agencies. The reports of the Process Serving Agencies in this connection invariably are that the male petitioners/respondents were not present on the spot and the female petitioners/respondents being Parda Nashin ladies could not be served. Hon’ble the Chief Justice considers a report of this nature not only wholly unsatisfactory but has observed that it reflects adversely on the integrity of the Process Server to make such a report. His honour has further observed that if the address of a male person is correct, there is no reason why he should not be served. The Process Server must visit his residence time and again in an attempt to serve him. As regards the female litigant she can be served through her father, brother, husband, son or her other nearest relative, as the case may be, in the manner that in the presence of a responsible person of the

locality, any of her said relatives may enter the premises of the lady by taking the notice to obtain her signature or thumb impression.

It may be stated that the procedure laid down in the matter of service of the parties in civil cases is simple and practicable and ensures service of the parties. In this connection, reference may be made to Order V, rule 17 of the Civil Procedure Code, which would, inter alia, show that if the defendant refuses to accept service or cannot be found or that in his absence, there is no agent to accept service on his behalf, nor any other person on whom service can be made, a copy of the summons shall be affixed on the outer door or some other conspicuous part of the house in which the defendant ordinarily resides or carries on business or personally works for gain.

A look at the cited provision of the Civil Procedure Code would show, that it is very clear and hardly leaves any chance of non-service of the parties provided their addresses are correct and they do not deliberately avoid service.

I have, therefore, been directed by the Hon'ble Chief Justice to ask you to administer a warning to the Process Serving Agency under your control, that the provisions of Order V, rule 17 of the Civil Procedure Code must be complied with in letter and spirit in the matter of service of the parties in Civil cases. If in future Process Server is found to have reported that the male and female respondents could not be served, as the former was not present on the spot while the latter a Parda Nashin lady, his report will not be accepted unless he shall positively furnish a convincing proof that despite his very earnest efforts he was unable to serve the processes. In case of an unsatisfactory report, action under the Efficiency and Disciplinary Rules may be invoked against the defaulter.

I am to request that the contents of this letter may please be got noted from the staff of the Process Serving Agency under your control for strict compliance and an acknowledgement certificates furnished to this Court for record.

(PHC letter No. 344-356 Dated 13.1.1988)

C.No. 3(4-11)

ISSUE OF SUMMONSES IN CASES TO GOVERNMENT DEPARTMENT

I am directed to say that inconvenience is caused to the Government Departments as well as the Courts when either summons issued by the Courts

to the Government Departments are received late or un-accompanied by a copy of the plaint.

2. I am, therefore, to inform you that the summons may please be issued by the Courts in your District to the Government Department well in time and accompanied by a copy of the plaint in future without fail.

(PHC letter No. 3848-73 Admn: Brh: Dated. Pesh: the 28th August, 1989)

C.No. 4(4-11)

CIVIL REVISION NO. 420 OF 1987 PROTECTION OF THE RIGHTS OF MINORS IN SUITS ACCORDING TO LAW

I am directed to inform you that it was detected during the proceedings in Civil Revision No.420 of 1987, that the service of minors arrayed as a party therein had not been conducted in accordance with the requirements of law, right from the time when the proceedings in the case commenced before the Civil Judge. The result was that unnecessary defective legal proceedings to the detriment of the rights of the minor continued till the case was remanded back to the lower court by the Peshawar High Court at revisional stage. This lapse on the part of all concerned Judicial Officers obviously resulted in gross mis-carriage of justice and waste of time.

2. I am, therefore, directed to emphasize on all the judicial Officers serving in the NWFP, to exercise great caution in cases where minor/ minors are involved and to ensure that all the proceedings, particularly, in matters relating to service of the minors are meticulously observed according to the requirements of law so that the rights of the minors are fully protected.

3. I am, further directed to stress upon the concerned that any laxity in respect of any right of the minors, if detected, by the High Court would be seriously dealt and action against all the defaulting officers would be taken according to law.

(PHC letter No. Admn. 2996-3095 Brh. Dated Peshawar the 13th May,1993)

C.No. 5(4-11)

SERVICE OF SUMMONS/NOTICES ISSUED BY THE HIGH COURT

I have been directed by His Lordship Mr. Justice Sardar Jawaid Nawaz Khan Gandapur, to address you on the subject noted above and to say that as and when the summons/notices issued by this Court are sent to you for service on the petitioner(S)/respondent(s), the same are either not received back in time or are received back without affidavit of the process server who serves the respondent (s)/petitioner(s) etc.

2. The callous attitude of the District and Sessions Judges/Senior Civil Judges sufficiently demonstrates their lack of respect for the orders of the august High Court. I am, therefore, to direct you to take personal interest in the matter of service of summons/notices issued by this Court. You are also to ensure that the processes issued by this Court are returned, served or unserved, well with in time and positively before the date fixed. It should also be ensured that the summons/notices so served invariably bear the affidavits of the process server, which are duly attested by the Civil Nazir/Naib Nazir.

3. I have also been directed to inform you that these instructions should be followed in letter and spirit. Non-compliance with the above instructions shall be reported to His Lordship, the Hon'ble Chief Justice for appropriate action against the defaulting officers.

(PHC letter No. 1812-1855 Dated Peshawar the 13.6.1998)

C.No. 6(4-11)

PROCESS SERVING AGENCY

I am directed to say that of late complaints in regard to inefficiency and corrupt practices in the process serving agencies have increased manifold. These complaints speak volumes about the lack of supervision and effective control. There are also reports suggesting that some process servers are performing duties other than service of processes, which is one of the major factors responsible for their poor performance.

2) You are, therefore, required to keep a vigilant eye on the performance and conduct of the process serving agency under your control and impress upon the process servers and bailiffs that if service of processes entrusted to them is less than 70% for four consecutive months they will expose
---832-----Judicial Estacode 2021-

themselves to disciplinary proceedings under the N.W.F.P. Government servants (Efficiency and Discipline) Rules, 1973. A quarterly report about the performance of the process serving agency, showing the number of summons/ notices served and un-served shall also be furnished to this court without fail.

(PHC letter No.9659-9680 Admn. Dated 9th October, 1999)

C.No. 7(4-11)

IMPLEMENTATION OF THE DECISIONS TAKEN IN THE MEETING OF THE CHIEF JUSTICES COMMITTEE AT ISLAMABAD ON 24TH MARCH, 2000.

I am directed to address you on the subject noted above and to say that in the meeting of the Chief justice's committee held on 24.3.2000, the following decision was taken by the Committee:-

“Monitoring the Performance of Process Servers”

One of the patent snags in the execution of processes to the parties in criminal litigation in general and civil litigation in particular is the delinquency of the process Serving Agency for various reasons. It has a direct nexus with the ‘laws delays’. Since we have embarked upon a campaign to cut short the ‘laws delays’ and deliver justice expeditiously at all levels, it is, therefore, expedient that the Process Serving Agency whether on civil or criminal side should be revamped. The problem can be tackled, as in every such exercise, by immediate and emergent measures and long drawn out program.

Immediate measures should be taken by the District and Sessions judges throughout Pakistan, in consultation with the learned Chief justices of the respective High Courts to the effect that:

- 1) The performance of each and every Process server/Bailiff should be monitored under the direct supervision and control of Senior Civil Judge/Administrative Civil Judge who has the charge of the such Agencies.
- 2) If the Process server is found delinquent in performance, he should be stripped off the powers of execution of processes and made to sit on a job on which there is no public dealing and is not

worth while, a-part from initiating disciplinary proceedings against him.

- 3) As a temporary measure the other officials of the equal grade be involved to perform such duties, if they deliver then they may continue temporarily for some reasonable time frame in order to institutionalize the system. In the meantime, the Process Server who had been side-lined and had been deprived of duty, involving public dealing, would himself come to terms and would promise to perform. In early 1970 the learned senior judge of the Supreme Court Mr. Justice Mohammad Bashir Jehangiri, in his capacity as Senior Civil Judge (as he then was) followed the above process, in consequence whereof, the process used to be successfully executed almost 80 per cent. The same procedure should be strictly followed.

In this connection, attention is also invited to this Court's letter No.9659-9680, dated 9.10.1999. (copy enclosed) whereby instructions were issued to all the Senior Civil Judges in the Province.

I am further directed to request that action taken on the above decision may please be intimated to this Court within shortest possible time, but in no case later than 10 days.

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

C.No. 8(4-11)

INCORPORATION OF NATIONAL IDENTITY CARD NO. ON PROCESSES

I am directed to invite your attention to the provisions of CPC regarding service of summons, notices etc and to say that in future, all the officers entrusted with service of processes shall invariably incorporate the National Identity Card No of the persons served as well as the witnesses of the service. Failure on the part of the concerned officer, without reasonable cause, shall render him liable to appropriate disciplinary action.

I am further to ask you to please circulate these instructions among all the Judicial Officers of your district with the direction to communicate the same to all the members of process serving establishment under their control.

(PHC letter No. 13503-13526/ Admn: Dated Peshawar the 17.11.03)
C.No. 9(4-11)

TRAINING PROGRAM FOR THE PROCESS SERVING AGENCY

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that training programs / workshops for Process Serving Agency are being held in the Province without prior permission of this Court.

I am, therefore, directed to ask you not to hold such trainings /workshops in future, without prior permission of this Court.

(PHC letter No. 5390-5437/Admn Dated Peshawar, 04th May, 2007)

C.No. 10(4-11)

MONITORING THE PERFORMANCE OF PROCESS SERVING AGENCY

I am directed to refer to the subject cited above and to say that the performance of Process Serving Agency is not up to the mark both in quality and quantity which is one of the reasons for delay in dispensation of justice. You are, therefore, required to direct the Senior Civil Judge to keep a vigilant eye on the performance and conduct of the Process Service Agency and to ensure the compliance of this court direction No. PHC 9659-9680/Admn dated 09.10.1999.

I am further directed to say that in order to improve the quality of processes a training program at local level for the bailiffs/process servers be chalked out. The training should be initiated on priority basis and the schedule be sent this court for information.

(PHC letter No.14354-77/Admn Dated Peshawar, 19th November, 2009)

C.No. 11(4-11)

PROPER SERVICE OF COURT SUMMONS/NOTICES AND ITS TIMELY RETURN

I am directed to refer to the subject noted above and to say that the notices/summons issued by this Court may be given due attention and priority by taking personal interest. The processes served or un-served may be communicated to this Court well within time so that the parties and their

counsel may not suffer due to non-service of processes and the chances of deletion of cases from the cause list of this Court may be minimized.

(PHC letter No. 13795-822/Admn: Dated 01st December, 2011)

C.No. 12(4-11)

SERVICE OF THE PARTIES BY PROCESS SERVING AGENCY.

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that the Hon'ble Judges of this Court spent whole night in studying the cases and at the nick of time when the case is called, it is brought to their notice that the service in the case is either incomplete or either of the party is not served which results in adjournment. This state of affairs depicts lethargic attitude on the part of Process Serving Agency, the official at the helm of affairs and the officers supervising them. Besides, the non-appearance or assigning of a case to any State counsel on the part of Advocate General Office creates problems.

I am, therefore, to convey the following directions/observations of Hon'ble the Chief Justice for smooth running as well as quick disposal of judicial business, for strict compliance of all concerned: -

1. The concerned official shall place a report/certificate verifying the factum of service or otherwise on each case before submitting the same for study.
2. Notice issued to the parties shall also be placed on the file, so that before going through the record of the entire file, report can be seen. The information shall be exhibited on the top of case file.
3. The State Counsel who is to appear in the case, his assignment must be communicated by the Advocate General Office in black and white and such record be also placed on file.

(PHC Letter No. 4119-23/Admn, Dated 31st March, 2012)

C.No. 13(4-11)

INEFFICIENT PROCESS SERVING AGENCY

I am directed to convey the displeasure of the Competent Authority and to say that complaints of inefficiency and corrupt practices are being received at random, which speaks volumes about the lack of supervision and effective control on your part.

You are, therefore, reminded to keep a vigilant eye on the performance and conduct of the process agency with strict action against the delinquents.

(PHC Letter No. 9613-37/Admn, Dated 14th June, 2014)

C.No. **14**(4-11)

SERVICE REPORT OF NOTICES

Enclosed find herewith copy of letter No. F.1-DR(J)/2014-SCJ(I) dated 02.10.2014, on the cited subject, received from the Deputy Registrar (Judicial), Supreme Court of Pakistan, Islamabad, for information and compliance.

(PHC Letter No. 13530-78/Admn Dated 13th October, 2014)

C.No. **15**(4-11)

SERVICE REPORT OF NOTICES

I am directed to state that notices in the cases fixed before the Supreme Court are issued through process serving agencies working under the control of learned District & Sessions Judges with the request to serve the same upon the persons (s) mentioned therein and copy thereof in token of service is to be returned to this court through Fax immediately before date of fixation for perusal of Hon'ble Judges at the time of hearing in Court. However, it has been observed that either the service report of notices is sent to this court by the office of concerned District & Sessions Judges at eleventh hour or after date of fixation due to which inconvenience is caused to the Hon'ble Court.

2. In these circumstances, Hon'ble Chief Justice of Pakistan has been pleased to direct that a fresh directive be issued to all concerned District & Sessions Judges/Civil Judges through Registrar of High Courts to re-emphasize upon the concerned quarters to ensure immediate service of notices and to send reports thereof through Fax to this court well before the date of fixation of cases by taking special steps in this regard.

3. In view of the above, you are requested to convey above direction of the Hon'ble Chief Justice of Pakistan to all District and Sessions Judges/Civil Judges serving under your kind control for compliance so that inconvenience may not be caused to the Hon'ble Court in future at the time of hearing of

case due to non-availability of service report as in such a situation, cases cannot proceed and Court often takes note thereof.

(Letter No. F.1-DR(J)/20 Dated 2nd October 2014)

C.No. 16(4-11)

NON-SUBMISSION OF MONTHLY PERFORMANCE REPORT OF PROCESS SERVING AGENCY AND INEFFICIENCY ON PART OF PROCESS SERVERS/BAILIFFS.

It is noticed with concern that, some districts don't submit the report, and similarly, it's equally dismal that, performance of some of the process servers/bailiffs is below the 70 % mark, which speaks volumes about the lack of supervision and affective control on the process serving agency.

I am, therefore, to refer you to this office's earlier letter No. 9659-9680/Admn dated 09.10.1999, and to ask for timely submission of the subject report to this court, and also to keep a vigilant eye on the performance of the process serving agency under your control so that, performance of the process servers/bailiffs, in no circumstance, ebbs below 70 % for four consecutive months, else, they will expose themselves to disciplinary proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. A quarterly report about the performance of process serving agency, showing the number of summons/notices served and un-served shall also be furnished to this court, please.

(PHC Letter. 5581-605/Admn, Dated 30th April, 2015)

C.No. 17(4-11)

EFFECTIVE EXECUTION OF SERVICE ON THE GOVERNMENT AUTHORITIES/ FUNCTIONARIES.

I am directed to refer to the subject noted above and to say that his lordship Hon'ble the Chief Justice has been pleased to direct the following;

"The execution of summons/notices of Peshawar High Court on the Government Authorities/Functionaries be ensured by obtaining official stamp as token of receipt from the receiving official/clerk of the concerned department in order to avoid delay in execution"

You are, therefore, to ensure that the directives are implemented in letter and spirit.

(PHC Letter No.10558-82/Admn Dated 09th September, 2015)

C.No. 18(4-11)

RETURN OF SUMMONS/NOTICES AND WARRANTS ON TIME AFTER SERVICE/EXECUTION.

It has been noted with concern by the Hon'ble Judges of this Court that notices/summons/warrants issued for service/execution upon the parties in various cases are not returned to this Court despite lapse of months after issuance thereof.

Therefore, all concerned under your control may be directed to return the notices/summons/warrants to this Court immediately after service/execution so as to reach this court not later than two days before the date fixed.

(PHC Letter No.20113-137/Admn, Dated 18th December, 2017)

C.No. 19(4-11)

SERVICE OF SUMMONS/NOTICES ISSUED FROM PESHAWAR HIGH COURT

It has been noted with concern by the Hon'able Chief Justice & Judges of this Court that in most of the cases, it is reported that the addresses especially the lawyers have been informed telephonically despite the fact that the notices are issued long before the dates of hearing and the Process Servers do have sufficient time to properly serve the addressees/counsel. It has further been noted that in cases where notices are issued to various government offices, only stamp of such offices are available on the summons/notices which too are illegible with no report written as to how or who was served.

Their lordships have, therefore, been pleased to direct that all concerned be issued instructions to ensure that such way of service is avoided and every addressee is served properly and well within time.

(PHC Letter No.5911-44/Admn Dated 20th March, 2019)

C.No. 20(4-11)

SERVICE OF SUMMONS/NOTICES ISSUED FROM PESHAWAR HIGH COURT.

I am directed to refer to the subject noted above and to inform you that the Hon'ble Chief Justice & Judges of this Court have noted with great

concern that in most of the cases the summons/notices issued by this Court are either not returned at all after the service or returned without proper service. Their lordships have therefore been pleased to direct that you all should look personally into the matter of serving summons/notices sent to you by this Court and make it sure that the same are served in proper manner and returned to this Court at least 3/4 days before the date fixed. Their lordships have warned that henceforth any violation of these instructions will be taken serious note of & besides the Process Servers the Senior Officers Supervising them would also have to account for the lapses.

(PHC Letter No.15121-145 Dated 19th September, 2020)

CHAPTER-V LEGAL PRACTITIONERS AND PARALEGALS

Section-I (Oath Commissioners)

1(5-1)	Legal Provision Regarding Oath Commissioners	841
2(5-1)	High Court Rules And Orders Part-B (Affidavits) Chapter-12, Volume IV	841-848
3(5-1)	Record Note Of Visit Of The Members Of The District Bar Association Karak To Hon'ble Chief Justice On 23.04.2014	849

Section-II (Notaries)

1(5-2)	The Notaries Ordinance, 1961	850-855
2(5-2)	West Pakistan Notaries Rules, 1965	855-861

Section-III (Petition Writers)

1(5-3)	Legal Provisions Regarding Petition-Writers	862
2(5-3)	Petition Writers' Rules	862-876
3(5-3)	Amendments In Petition Writers' Rules	876-877
4(5-3)	Section 14 Of The Punjab Courts Act (XVIII Of 1884)	877

Section-IV (Ancillary Instructions Regarding Oath Commissioners, Notaries and Petition Writers)

1(5-4)	Unauthorized Attestation Of Affidavits By Oath Commissioners In Criminal Matters	878
2(5-4)	Unauthorized Attestation Of Affidavits By Oath Commissioners In Criminal Matters	878-879
3(5-4)	Instructions Regarding Petition Writers	879
4(5-4)	Instructions Regarding Oath Commissioners	879-880
5(5-4)	Instructions Regarding Oath Commissioners And Notary Public	880-881
6(5-4)	Appointment Of Oath Commissioners	881
7(5-4)	Mal-Practices By Oath Commissioners, Notary Publics, Petition Writers And Deed Writers	881-882

8(5-4)	Grant Of Petition Writers' Licences To Unqualified Persons	882
9(5-4)	Streamlining The Affairs Of Petition Writers	882
10(5-4)	Renewal Of Petition Writers' License	883
11(5-4)	Affairs Of Petition Writers / Deed Writers	883
12(5-4)	Appointment As Oath Commissioner (13.12.2013)	883-884
13(5-4)	Appointment As Oath Commissioner (29.12.2014)	884
14(5-4)	Appointment As Oath Commissioner (21.01.2015)	884
15(5-4)	Appointment As Oath Commissioner (02.03.2015)	885
16(5-4)	Legal Action Against Unauthorized Oath Commissioners.	885
17(5-4)	Examination Of Petition Writers(14.09.2019)	885-886
18(5-4)	Examination Of Petition Writers (07.11.2019)	886
19(5-4)	Streamlining Business Of Stamp Vendors And Deed Writers	886-888

CHAPTER-V
LEGAL PRACTITIONERS AND PARALEGALS

SECTION-I
OATH COMMISSIONERS

C.No. 1(5-1)

LEGAL PROVISION REGARDING OATH COMMISSIONERS

Sec. 139 of CPC: Oath on affidavit by whom to be administered.

In the case of any affidavit under this Code.

- (a) any Court or Magistrate, or
- (b) any officer or other person whom a High Court may appoint in this behalf, or
- (c) any officer appointed by any other Court which the Provincial Government has generally or specially empowered in this behalf, may administer the oath to the deponent.

C.No. 2(5-1)

HIGH COURT RULES AND ORDERS PART-B (AFFIDAVITS)
CHAPTER-12, VOLUME IV

1. Relevant law.- The provisions of the Code of Civil Procedure, 1908 on the subject of affidavits, are contained in section 139 and Order XIX of the Code.

2. Superior Court may send affidavit for attestation to a lower Court. --- When an application for the attestation of an affidavit is presented to any Court superior to the Court of Sub-Judge, 4th Class, such Court may, if convenient, refer it for disposal to an inferior Court sitting at the same place.

3. Affidavit exempted from Court –fees.—No Court-fee or other stamp is required upon an affidavit made for the immediate purpose of being filed and used in any Court or before an officer of any Court under Stamp Act, 1899, Schedule I, Article 4, exemption (b) and no fee has been prescribed as chargeable for the attestation of an affidavit except as laid down in paragraph 5 below.

4. Joint affidavit- There is no legal objection to several persons joining in a single affidavit in whole or in part; but Courts or Magistrates should, in

such cases, be careful that each declarant deposes separately, and that the certificate is adapted to the actual circumstances of the particular case.

5. Oath Commissioners.—their appointment. Fees etc. (i) Under section 139 (b) of the Code of Civil Procedure approximately ¹[fifty to sixty] legal practitioners at ²[all Divisional Headquarters], ³[thirty-five to forty] at ⁴[all District Headquarters] and ⁵[six to ten] at each station, where there is a Subordinate Judge, are appointed as commissioners for the purpose of administering oaths affirmations.

- (ii). Such Commissioners are ordinarily appointed from among legal practitioners of not less than three year's standing at the Bar. They may continue as such until the expiry of thirteen years reckoned from the date of first admission as a legal practitioner, provided that their work is satisfactory, * or until the further orders of the High Court, whichever is earlier.

Note:___ The thirteen years referred to in this clause include periods during which a legal practitioner does not practice.

⁶[(iii). Commissioners may charge a remuneration of rupees, **fifty (50)** in cash for each affidavit and shall keep a register in Form prescribed in Paragraph 7 infra in which all affidavits shall be entered a written receipt for amount paid shall be given by the commissioner to the deponent. The receipt shall be in a printed form consisting foil and counterfoil, the foil being handover to the person paying the money and the counterfoil being kept by the commissioner for purposes of inspection.

The above charge will be an addition to any stamp duty payable on the affidavit under the stamp act, 1899, scheduled 1 article 4.

Note... The commissioner will be entitled to an additional fee of rupees **two hundred** from a deponent when he is required to attend the deponent's residence.]

¹ Amended vide PHC Order Endst. No.5074-5125/Admn Dated 08-04-2014.

² Amended vide PHC Endst. No. 3421-3443/Admn Dated 02.05.1997

³ Amended vide PHC Order Endst. No.5074-5125/Admn Dated 08-04-2014.

⁴ Amended vide PHC Endst. No. 9352-9399/Admn.Dated 21.12.2000

⁵ Amended vide PHC Order Endst. No.5074-5125/Admn Dated 08-04-2014.

* Ordinary term of appointment of oath commissions will be three years, and in exceptional cases it may be extended for a further period of three years and not beyond it--- (Decision of Admn: Committee of Peshawar High Court dated 06.04.1972)

⁶ Substituted vide PHC Endst.No.5680-5800/Admn. Dated 30.03.17

¹ [(iv) The District & Sessions Judge himself or through the judicial officer nominated by him shall inspect the register/record of the Oath Commissioners, of his Sessions division, after every three months and prepared and submit a detail report to the High Court.]

6. Attestation of affidavits by process serving and other officials. In order to facilitate the verification of affidavits of serving officers made under Order V. Rule 19, Order XVI, Rule 10, of the Code of Civil Procedure the Provincial Government has empowered the Court of the Subordinate Judge of the First Class in charge of the Nazarat to appoint an officer subordinate to itself to administer oaths to process-servers, bailiffs, Naib-Nazirs and Nazirs making affidavits of service of summons, notice and other processes under the Code of Civil Procedure, (Punjab Government Notification No. 216—19, dated the 20th June 1931). In the case of such affidavits and of all other affidavits made by officers of the Courts in their official capacity, no application, such as is referred to in paragraph 2 is necessary.

7. ²/Register of affidavits.—

- I.** A register of affidavits, in the following form, should be maintained at the headquarters of every district at each Court attested and every affidavit verified, should be entered,
- II. Oath Commissioner register shall contain the following;**
 - a. Serial Numbers.
 - b. Date and time of making affidavit.
 - c. Particulars of the case to which affidavit relates.
 - d. On whose behalf the affidavit has been filed.
 - e. Full particulars of the person making affidavit.
 - f. Particulars of the person identifying him.

¹ Added vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

² Substituted vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

Form of Register

Register of affidavits attested in the _____ of the
 _____ in the _____ District _____

1	2	3	4	5	6	7	8	9
<i>Serial No.</i>	<i>Date and "time" of application of tendering affidavit.</i>	<i>Name, "Father Name And other particulars" of person tendering application (if any) or affidavit.</i>	<i>Nature of affidavit briefly stated; if the affidavit relate to a cause in court, the cause should be specified.</i>	<i>Detail of Exhibits (if any) attached to affidavit.</i>	<i>Civil Court, Magistrate or other officer empowered in that behalf administering the oath are</i>	<i>Date of administering oath or affirmation.</i>	<i>Particulars of the person identifying him.</i>	<i>Signature and Designation of Civil Court, or other officer.</i>

¹[**Rule 7-A.** The district judge shall provide register of affidavit to the Oath Commissioner, on payment of cost, certify the number of pages contain in the register.

Rule 7-B. **Deposit of register in the sessions record room;** Register or Registers, on completion shall be deposited in the record room of the District & Sessions Judge.]

8. Title of affidavit.—(i) Every affidavit to be used in a Civil Court shall be entitled:--

"In the Court of-----at-----
 (naming the Court and place of sitting).

¹ Added Vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

- (ii) If there be a cause in Court, the affidavit in support of or opposition to an application respecting it shall also be entitled in the cause, thus:--

_____ PLAINTIFF

against

_____ DEFENDANT

Claim: _____

(Naming the parties and stating the nature of the claim)

- (iii) If there be no cause in Court, the affidavit shall be entitled:

“In the matter of the petition of _____
 _____ (name) praying _____
 _____.” (Brief statement of subject).

- (iv) Every affidavit shall further entitled:-

“Affidavit of _____ (name) made on this _____
 day of _____ 19 (date) before
 _____ name of
 Attesting officer), at _____” (place).

9. ¹[**Contents of affidavits.**—(i) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.

- (ii) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such manner as will serve to identify him clearly; that is to say, by the statement of his full name, the name of his father, **CNIC Number, Mobile Number (if any)**, his profession or trade, and the place of his residence.]

- (iii) When the declarant in any affidavit speaks to any facts within his own knowledge, he must do so directly and positively, using the words ‘*I affirm*’ or ‘*I make oath and say*’.

- (iv) When the particular fact is not within the declarant’s own knowledge, but is stated from information obtained from others, the declarant must use the expression “*I am informed,*

¹ Substituted vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

-and, if such be the case, should add '*and verily believe it to be true*,- or he may state the source from which he received such information. When the statement rests on facts disclosed in documents, or copies of documents procured from any Court of Justice or other source, the declarant shall specify the source from which they were procured, and state his information or belief as to the truth of the facts disclosed in such documents.

10. **Affidavits generally to be confined to facts which are within defendant's knowledge.**- Attention is drawn to Order XIX, Rule 3, which lays down that affidavit shall be confined to such facts, as the deponent is able of his own knowledge to prove, except interlocutory applications (See Order XXXIX, Rules 6 to 10), on which statements of his belief may be admitted : provided that the grounds thereof are stated.

11.¹ **[Identification of deponent.** Every person making an affidavit shall, if not personally known to the Court, Magistrate or other officer appointed to administer the oath or affirmation, be identified to such Court, Magistrate or officer by some person known to him, and such Court, Magistrate or officer shall specify, at the foot of the affidavit, the name and description **i.e. Name, Father Name, and CNIC Number** of the person by whom the identification is made, as well as the time and place of the identification and of the making of the affidavit.]

12. Mode of attestation. — The Court, Magistrate, or other officer as aforesaid, before whom an affidavit is made, shall certify at the foot of the affidavit the fact of the making of such affidavit before him, and shall enter the date and subscribe his signature to such certificate, and shall, for the purpose of identification, mark, date, and initial every exhibit to in the affidavit. The name of the verifying authority must be signed in full, and care must be taken that proper designation as a Civil Court or Magistrate is added.

13. Female deponents.—²[An affidavit purporting to have been made by a female declarant, who has not appeared unveiled before the Court, Magistrate, or other officer as aforesaid, before whom the affidavit is made, shall not be certified, unless and until she has been identified before, **by her husband or by other relation in prohibitory degree**, and an affidavit of her identity by the person identifying her has been made before, and certified by such Court, Magistrate or officer.]

¹ Substituted vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

² Substituted vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

14. Attesting officer's duty.—If any person making an affidavit appears to the Court, Magistrate or other officer administering the oath on affirmation, to be ignorant of the language in which it is written, or to be illiterate, or not fully to understand the contents of the affidavit, such Court, Magistrate or officer shall cause the affidavit to be read and explained to him in a language which both he and such Court, Magistrate or officer understand; either doing so himself, or causing another person to do so in his presence. When an affidavit is read and explained as herein provided, such Court, Magistrate or other officer as aforesaid shall certify in writing at the foot of the affidavit that it has been so read and explained, and that the declarant seemed perfectly to understand the same at the time making it.

15. Attesting, signing and verification of affidavits.—Every affidavit shall be signed or marked and verified at foot by the declarant and attested by the Court, Magistrate or other officer administering the oath or affirmation, the verification by the declarant shall be in one of the forms attached hereto, and shall be signed or marked by the declarant. The attestation of the Court, Magistrate or other officer administering the oath or affirmation shall also be in the form prescribed below.

16. Manner of administering oath to deponent. In administering an oath or affirmation to the declarant in the case of any affidavit under the Code of Civil Procedure, the Court, Magistrate or other officer appointed in that behalf shall be guided by the rules under the Oaths Act, 1873, printed in Part A of this Chapter and shall follow the form of verification by oath or affirmation hereto appended.

¹[17. On completion of tenure or cancellation of license of licensee, register and his seal both shall be consigned to district record room.]

**I. FORM OF VERIFICATION OF OATH OR AFFIRMATION
(Vide Paragraph 15 Above)**

Oath

I solemnly swear that this my declaration's true, that it conceals nothing, and that no part of it is false—so help me God!

Affirmation

I solemnly affirm that this my declaration is true, that it conceals nothing, and that no part of it is false.

¹ Added vide PHC Endst.N0.5680-5800/Admn. Dated 30.03.17

II. FORM OF CERTIFICATE**(Vide PARAGRAPH 12, 14 and 15 ABOVE)**

Certified that the above was declared on (a) -----before me
this (b) -----day of (c) -----19,
at (d)-----in the district of (e) -----by
(f)-----who is
(g) -----

(Full signature)
A.B.

(Office) District Judge (or as the case may be) of-----
oath

- a. here enter-----as the case may be affirmation
- b. date
- c. months
- d. Place,
- e. name of district,
- f. full name and description of declarant,
- g. here enter “personally known to me” or “identified at (time
and place of identification by (full name and description of
person making the identification who is personally know to
me.”

II-A

The exhibits marked A, B, C (as the case may be) above referred to
are annexed hereto under this date and my initials.

II-B

Certified further that this affidavit has been read and explained to
(name) -----the declarant who seemed perfectly to understand the same at
the time making thereof.

C.No. 3(5-1)

**RECORD NOTE OF VISIT OF THE MEMBERS OF THE DISTRICT
BAR ASSOCIATION KARAK TO HON'BLE CHIEF JUSTICE ON
23.04.2014**

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

“All the Judicial Magistrates throughout the province be directed not to refuse the affidavits attested by Oath Commissioners/ Notary Public regarding admissions of the students in the colleges/ educational institutions”

(PHC Letter No. 8638-63/Admn, Dated 15th April, 2014)

SECTION-II (NOTARIES)

C.No. 1(5-2)

THE NOTARIES ORDINANCE, 1961

(ORDINANCE No. XIX OF 1961)

[14TH June 1961]

An Act to provide for and to regulate the profession of notaries in Pakistan.

Whereas it is expedient to provide for and to regulate the profession of notaries in Pakistan.

Now, therefore, in pursuance of the Proclamation of the seventh day of October, 1958 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 Notaries Ordinance, 1961.
- (2). It extends to the whole of Pakistan.
- (3). It shall come into force on such date¹ as the Provincial Government may, by notification in the official Gazette, appoint.

2. Definitions:- In this Ordinance, unless the context otherwise requires,--

- (a). "Instruments" includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;
- (b). "legal practitioner" means any advocates or attorney of the Supreme Court or any advocate of the High Court or any pleader authorized under any law for the time being in force to practice in any court of law;
- (c). "notary" means a person appointed as such under this Ordinance:

¹ This Ordinance has been brought into force in the Province of West Pakistan except the Tribal Areas with effect from the 5th January, 1966

Provided that for a period of six months from the commencement of this Ordinance it shall include also a person who, before such commencement, was appointed a notary public by the Master of Faculties in England, and is, immediately before such commencement, in practice as a notary in any part of Pakistan;

- (d). “prescribed” means prescribed by rules made under this Ordinance;
- (e) “Register” means a Register of Notaries to be maintained under section 4.

3. Power to appoint notaries. -- The Provincial Government, for the whole or any part of the Province, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

4. Registers. — (1). The Provincial Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practice as such under this Ordinance.

(2). every such Register shall include the following particulars about the notary whose name is entered therein, namely:-

- (a) his full name, date of birth, residential and professional address;
- (b) the date on which his name is entered in the Register;
- (c) his qualification; and
- (d) any other particulars which may be prescribed.

5. Entry of names in the Register and issue or renewal of certificates of practice.— (1). Every notary who intends to practice as such shall, on payment to the Provincial Government of the prescribed fee, if any, be entitled—

- (a) to have his name entered in the Register maintained by that Government under section 4, and
- (b) to a certificate authorizing him to practice for a period of three years from the date on which the certificate is issued so him.

¹[(2). Every such notary who wishes to continue to practice after the expiry of the period of three years referred to in clause (b) of subsection (1)

¹ Substituted by Ord. LI of 1984.

shall, at such time before the expiry of the said period as may be prescribed, submit to the Provincial Government an application for renewal of his certificate of practice accompanied by the prescribed fee.

(3) On receipt of an application under subsection (2) from a notary, the Provincial Government may, if, after such inquiry as it may deem fit, it is satisfied that the conduct of the notary during the preceding three years has been unobjectionable, renew the certificate of practice for a period of three years.

(4) A person who has been in practice as a notary for a continuous period of six years shall not be appointed as a notary unless a period of not less than three years has elapsed since the expiry of the period for which his certificate of practice was renewed].

6. **Annual publication of lists of notaries.**—The Provincial Government shall, not later than the end of January each year, publish in the official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. **Seal of notaries.**—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. **Functions of notaries.**—(1). A notary may do all or any of the following acts by virtue of his office, namely:--

- (a) verify, authenticate, certify or attest the execution of any instrument;
- (b) present any promissory note, hundi or bill of exchange for acceptance or payment or deemed better security;
- (c) note or protest the dishonor by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881, or serve notice of such note or protest;
- (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;
- (e) administer oath to, or take affidavit from, any person;
- (f) prepare bottomry and respondentia bonds, character parties and other mercantile documents;

- (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate;
- (h) translate, and verify the translation of, any document from one language into other;
- (i) any other act which may be prescribed.

(2). No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. **Bar of practice without certificate.**—(1). Subject to the provisions of this section, no person shall practice as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5;

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2). Nothing contained in sub-section (i) shall, until the expiry of six months from the commencement of this Ordinance, apply to any such person as is referred to in the proviso to clause (c) of section 2.

10. **Removal of names from Register.**-- The Provincial Government may, by order, remove from the Register maintained by it under section 4 the name of the notary if he--

- (a) makes a request to that effect ; or
- (b) has not paid any prescribed fee required to be paid by him; or
- (c) is an undischarged insolvent ; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government , renders him unfit to practice as a notary.

11. **Construction of references to notaries to public in other laws.**-- subject to the provisions of section 16, any reference to a notary public in any other law shall be construed as a reference to notary entitled to practice under this Ordinance.

12. **Penalty for falsely representing to be a notary, etc.**—Any person who-

- (a) falsely represents that he is a notary without being appointed as such or
- (b) practices as a notary or does any notarial act in contravention of section, 9

shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

13. **Cognizance of offences.**—(1). No Court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Ordinance save upon complaint in writing made by an officer authorized by the Provincial Government by general or special order in this behalf.

(2). No magistrate other than a magistrate of the first class shall try an offence punishable under this Ordinance.

14. **Reciprocal arrangement for recognition of notarial acts done by foreign notaries.**—If the Central Government is satisfied that by the law or practice of any country or place outside Pakistan, the notarial acts done by notaries within Pakistan are recognized for all or any limited purposes in that country or place, the Central Government may, by notification in the official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognized within Pakistan for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

15. **Power to make rules.**—(1). The Provincial Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2). In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely--

- (a) the qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applicants;
- (b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish ;
- (c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption,

whether wholly or in part, from such fees in specified classes of cases ;

- (d) the fees payable to a notary for doing any notarial act;
- (e) the form of Registers and the particulars to be entered therein;
- (f) the form and design of the seal of a notary;
- (g) the manner in which inquiries into allegations or professional or other misconduct of notaries may be made ;
- (h) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions.

16. **Saving of Act XXVI of 1881.** — Nothing in this Ordinance affects the provisions of the Negotiable Instruments Act, 1881, or any appointment made in pursuance of section 138 of that Act or the power of any person so appointed.

C.No. 2(5-2)

WEST PAKISTAN NOTARIES RULES, 1965

(Gazette of West Pakistan, Extraordinary, 5th January, 1966)

No. 5/8-H. Judl. (II)/61. In exercise of the powers conferred by section 15 of the Notaries Ordinance, 1961 (Ordinance XIX of 1961), the Governor of West Pakistan is pleased to make the following rules, namely:-

1. Short title and commencement. (1) These rules may be called the West Pakistan Notaries Rules, 1965.

2. Definitions. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) “Competent authority” means the officer or authority designated as such by Government under rule 5 ;
- (b) “Form” means the respective forms appended to these rules ;
- (c) “Government” means the Government of West Pakistan;
- (d) “Ordinance” means the Notaries Ordinance, 1961 (XIX of 1961); and
- (e) “Section” means the respective sections of the Ordinance.

3. Qualifications for appointment as a notary. No person shall be eligible for appointment as a notary unless on the date of the application for such appointment-

- (a) he is a notary public appointed by the Master of Faculties in England; or
- (b) he has been practicing as a legal practitioner for at least five years.

4. Age. (1) No person shall be appointed as notary who is less than thirty years.

(2) A person appointed as notary shall cease to hold office on his Completing the sixty-fifth year of his age.

5. Application for appointment as a notary. (1) A person may make an application for appointment as a notary (herein after called “the applicant”) in the form of a memorial addressed to such officer or authority, as Government may, by notification, designate in this behalf.

(2) The memorial shall be drawn in accordance with Form 1

6. Preliminary action on application. The competent authority shall examine every application received by it and, if it is satisfied that the applicant does not possess the qualifications specified in rule 3, or is not within the age group specified in rule 4, shall reject it and inform the applicant accordingly.

7. Recommendations of the competent authority. (1) The competent authority, shall after holding such enquiry as it thinks fit, make report to Government recommending either that the application may be granted for the whole or any part of the area to which the application relates or that it may be rejected.

(2) In making its recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:-

- (a) whether the applicant ordinarily resides (in the area in which he proposes to practice as a notary;
- (b) whether , having regard to the commercial importance of the area in which the applicant proposes to practice and the number of existing notaries practicing in the area, it is necessary, to appoint any additional notaries for the areas;
- (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections if any, raised in respect of his appointment as a notary and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a Notary;
- (d) where the applicant belongs to a firm of legal practitioners, whether having regard to the number of existing notaries in

that firm, it is proper and necessary to appoint any additional notary from that firm ; and

- (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants.

8. Appointment of notary. (1) Government shall consider the report made to it by the competent authority under rule 7, and may thereupon:-

- (a) grant the application in respect of the whole or part of the area to which it relates ; or
- (b) reject the application.

(2) The applicant shall be informed of the order passed by Government under sub-rule (1).

(3) Where the application is granted, Government shall appoint the applicant as a notary and direct his name to be entered in the register of Notaries maintained under section 4 and issue to him a certificate on payment of prescribed fee authorizing him to practice in the area to which the application relates or any such part thereof as Government may specify in the certificate, as a notary for a period of three years from the date on which the certificate is issued to him.

(4) The register of Notaries under section 4 shall be maintained by the Home Department in Form II.

9. Extension of Area of practice:- (1) A Notary, who holds a certificate of practice in respect of a particular area, may apply to Government for extension of his area of practice, and Government may thereupon after considering the application and other factors, pass such orders thereon as it may deem fit.

(2) Any extension of the area of practice shall not have the effect of extending the period of validity of the original certificate beyond the period of three years prescribed under sub-rule (3) of rule 8.

10. Fees for the issue, extension or renewal of certificate of practice. The fees for the issue, extension, renewal or duplicate copy of a certificate shall be as follows:-

(i)	issue of a certificate of practice as notary.	Rs. 100
(ii)	extension of the area of practice.	Rs. 50
(iii)	renewal of certificate of practice.	Rs. 25
(iv)	a duplicate of certificate.	Rs. 5

11. Fees payable in West Pakistan to a notary for doing any notarial work: (1) Every Notary shall be entitled to charge fees at the rate mentioned below: -

- (a) For noting an instrument if the amount of

instrument does not exceed Rs. 1,000,	5.00
if it exceeds Rs. 1,000 but does not exceed Rs.5,000,	8.00
if it exceeds Rs. 5,000 but does not exceed Rs.20,000,	12.00
if it exceeds Rs. 20,000 but does not exceed Rs.30,000	6.00
if it exceeds Rs. 30,000 but does not exceed Rs.50,000	20.00,
if it exceeds Rs. 50,000,	25.00
- (b) For protesting an instrument –

if the amount of the instrument does not exceed Rs.1,000,	10.00
if it exceeds Rs. 1,000 but does not exceed Rs.5,000,	12.00
if it exceeds Rs. 5,000 but does not exceed Rs.20,000,	15.00
if it exceeds Rs. 20,000 but does not exceed Rs.30,000,	18.00
if it exceeds Rs. 30,000 but does not exceed Rs. 40,000,	21.00
if it exceeds Rs. 40,000 but does not exceed Rs.50,000	24.00
if it exceeds Rs. 50,000 but does not exceed Rs. 60,000	27.00
if it exceeds Rs. 60,000 but does not exceed Rs.70,000	30.00
if it exceeds Rs. 70,000 but does not exceed Rs.80,000	33.00
if it exceeds Rs. 80,000 but does not exceed Rs. 90,000	36.00
if it exceeds Rs. 90,000 but does not exceed Rs.1,00,000	40.00
if it exceeds Rs. 1,00,000	50.00
- (c) For recording a declaration of payment for honour, Rs. 5.00:
- (d) For duplicate protests, half the charge of original;
- (e) For verifying, authenticating, certifying or attesting the execution of any instrument, Rs. 5.00.
- (f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security, Rs.15.00.
- (g) For administering oath to, or taking affidavit from, any person, in relation to the matters enumerated in section 8, Rs. 2.50.
- (h) For preparing any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate, Rs. 50.00.
- (i) For attesting or authenticating any instrument intended to take effect in any country or place outside Pakistan in such form and

language as may conform to the law of the place where such deed is intended to operate Rs. 25.00.

- (j) For translating, and verifying the translation of any document from one language into another, Rs. 25.00.
- (k) For any other notarial work, such sum as Government may fix from time to time.

(2) In addition to the fees specified in sub-rule (i), a notary shall be entitled to charge, when required to attend at any place more than one mile from his office.

- (a) where the notary is a Government Officer- travelling allowance in accordance with the West Pakistan Travelling Allowances Rules; and
- (b) where the notary is not a Government Officer-
 - (i) if the place he is required to attend is in the same station as his office, Rs. 5.00:
 - (ii) if the place where he is required to attend is not in the same station as his office, travelling allowance at the rate of twenty paisa per mile for a journey by rail, and fifty paisa per mile for a journey by road.

12. Transaction of Business by a Notary. (1) A notary in performing his functions under the Ordinance, shall use Forms III to XIV.

(2) Every notary shall maintain a book, with pages consecutively numbered, known as Notarial Register in which he shall record-

- (a) all declarations of payment for honour;
- (b) verbatim copies issued by or protesting of instrument(s); and
- (c) all certificates issued by him, etc. for verification, authentication, certification and attestation of the execution of instruments and fix his signature to each entry in the said Register.

(3) Each notary shall, before bringing the Notarial register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(4) The District Judge, or such officer as Government may from time to time appoint in this behalf, may inspect the notarial register at such time, not oftener than twice a year, as the District Judge or the Officer may fix.

(5) District Judge, and Officers appointed by Government under sub-rule (4), shall have power to make a report to Government for taking action against a notary.

(6) When the original instrument is in a language other than English, any noting or protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes, a notary shall observe the provisions of Chapter V of the Negotiable Instrument Act, 1881 (XXVI of 1881).

(8) A notary may, in addition to the functions specified in clauses (a) to (h) of subsection (1) of section 8-

- (a) draw, attest or certify documents, including conveyance of properties, under his official seal;
- (b) note and certify the general transactions relating to negotiable instruments; and
- (c) prepare a will or other testamentary document.

(9) Every notary shall grant a receipt for the fees and charges realized by him, and maintain a register showing all the fees and charges realized.

13. Seal of notary Every notary shall use a plain circular seal, bearing, if he had been appointed by name, his name and the name of the area for which he has been appointed to exercise his functions, and the circumscription 'Notary'; and if he has been appointed by virtue of his Office, the name of his office and of the area within which he has been appointed to exercise his functions, and the circumscription 'Notary'.

14. Inquiry into Allegations of Professional and other misconduct on the part of a Notary. (1) Whenever there is any allegation of professional or other misconduct on the part of a notary, Government may direct an inquiry to be made by the competent authority into the allegation.

(2) The competent authority, after giving to the person making the allegation as well as to the notary against whom such allegation is made, an opportunity of being heard, and after taking into consideration any evidence, oral and documentary, that may be produced before it, shall make a report to Government.

(3) If Government, after considering the report of the competent authority, is of opinion that action should be taken against the notary, Government may make an order, according to the nature and gravity of the misconduct of the notary proved-

- (a) cancelling the certificate of practice and perpetually debarring the notary from practice ; or
- (b) suspending him from practice for a specified period ;
- (c) letting him off with a warning

15. Submission of Returns. Every notary, shall in the first week of January every year, submit to Government an annual return of the notarial work done by him during the preceding year.

16. Notary to have of office. Every notary shall have an office within the area mentioned in the certificate issued to him under sub-rule (3) of rule 8 and he shall exhibit in a conspicuous place thereon a board showing his name and his designation as a notary.

17. Adoption of Forms. If a notary has to deal with a case which does not in terms attract any of the forms, the notary should adopt the form which, so far as may be meets with the requirements of such case , with such modifications thereto as he thinks the exceptional peculiarities of the case justify.

FORM I TO XIV
(Not included)

SECTION-III (PETITION WRITERS)

C.No. 1(5-3)

LEGAL PROVISIONS REGARDING PETITION-WRITERS

Section 14 of the Punjab Courts Act (XVIII of 1884) (I) The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

- (a)
- (b) declaring what persons shall be permitted to practice as petition-writers in the Courts of the Punjab, regulating the conduct of business by persons so practicing and determining the authority by which breaches of rules under this clause shall be tried;

Section 20 of W.P Civil Courts Ordinance, 1962, -- The High Court in consultation with the Board of Revenue ¹[Khyber Pakhtunkhwa] may make rules consistent with this Ordinance and any other enactment for the time being in force—

- (a) declaring what persons shall be permitted to act as petition - writers in Courts;
- (b) regulating the issue of licenses to such persons, the conduct of business by them and the scale of fees to be charged by them ; and
- (c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

C.No. 2(5-3)

PETITION WRITERS' RULES

Rules made by the Chief Court, with the sanction of the Local Government, under the powers conferred by section 14, sub-section (I), clause (b) of the Punjab Courts Act, 1884, as amended, declaring what persons shall be permitted to practice as Petition-Writers in the Courts and Offices in the Punjab, regulating the conduct of persons so practicing, and determining the authority by which breaches of rules shall be tried.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

RULES

A. Definitions:

I. In these rules:-

‘**petition**’ means a document written for the purpose of being presented to a Court or a Judicial or Revenue Office as such, and includes a plaint and memorandum of appeal;

‘**To Practice as a Petition-Writer**’ means to write petition as defined above, for hire, and extends to the writing of a single petition for hire;

A Petition-Writer is said to practice in a Court when he writes petition for the purpose of being presented to that Court;

‘**Court Subordinate to the Chief Court**’ means all Civil Courts (including Courts of Small Causes) and all Criminal Courts, other than the Chief Court;

‘**Revenue Officer**’ means and includes all persons having authority as Revenue Officers under the Punjab Land Revenue Act, 1887 or the Punjab Tenancy Act, 1887;

‘**Revenue Office**’ means the office of a Revenue Officer;

‘**Revenue Court**’ means and includes all Revenue Officers exercising the jurisdiction described in section 77 of the Punjab Tenancy Act, 1887;

Revenue Officers invested with jurisdiction under chapter XI of the Punjab Land Revenue, 1887 shall be deemed to be subordinate Civil Courts or Revenue Courts according as they are under the control of the Chief Court or of the Financial Commissioner.

B. Licensing of Petition-Writers:

II. No person shall practice as a Petition-Writer in the Punjab unless he has been duly licensed under these rules provided;

1. That any person licensed under any rule hitherto in force shall be deemed to have been licensed under these rules;

2. That these rules shall not apply to any Advocate, Pleader or Mukhtar, in respect of a petition-written for presentation to a Court in which he is qualified to practice, whether such petition be written by himself or his clerk or on his behalf;

Provided that in the latter case it be signed by the employer;

3. That no petition shall be rejected merely on the ground that it has been written by a person who is not a licensed petition-writers.

III. No person shall be licensed as a petition-writer while he is in the service of Government, or of a Native State or of a Legal Practitioner nor shall any person be so licensed within six months of his quitting the service of legal practitioner.

IV. Petition-Writers in the Punjab shall be of two grades that is to say:-

- (a) Petition-Writers of the first grade, who may practice petition-writing in the Chief Court and all Courts subordinate thereto, and in the Court and Office of the Financial Commissioner and all Revenue Courts and Offices under the control of the Financial Commissioner.
- (b) Petition-Writers of the second grade who may practice petition-writing on the original side of the Courts of only District Magistrate, Collectors and District Judges, and in Criminal, Civil or Revenue Courts and Offices of equal or inferior jurisdiction.
- (c) The number of licenses of each grade shall be in accordance with the scale fixed by the Chief Court from time to time for each District.

V. Any person, above the age of twenty years who has passed the Matric¹ School Examination or any recognized examination equivalent thereto, and who has not during the preceding six months followed the “Calling of Clerk to a Legal Practitioner” may apply to the District Judge of the District in which he resides or desires to practice for admission to the special examination hereinafter provided.

VI. The application shall be written by the applicant with his own hand, and presented by him in person and shall state:-

- (a) the applicant’s name; father’s name; date of birth according to English Calendar; caste; residence, and present occupation (if any);
- (b) the names of two persons of respectability to whom reference may be made as to the applicant’s character, should the certificates presented with the application be deemed insufficient;
- (c) Whether he is a candidate for a first grade or a second grade license.
- (d) Whether he has, during the next six months preceding the date of the application, followed the calling of clerk to a Legal Practitioner.

¹ The word “Entrance” is substituted with the word “Matric” vide Endst: No.6260-84/Admn dated 18th September, 2001.

VII The application shall be accompanied by certificates of character and satisfactory evidence that the applicant has passed one of the examinations referred to in rule V. If the applicant has been convicted of a criminal offence, or removed from Government service, this shall be stated in the application. If the applicant is in the service of Government or of a Legal Practitioner, his application shall state that he is prepared to resign such service on being licensed as a Petition-Writer.

The District Judge to whom the application is made may in his discretion, on being satisfied (a) that the applicant is over twenty years of age, (b) that he is of good character, and (c) that he has passed the educational test required by rule V, and that he is not disqualified under these rules, pass an order admitting him, subject to payment of a fee of ¹[Rs. 200], to the examination provided for in the rule next following. The name of the applicant shall thereupon be entered by the District Judge in a register maintained for the purpose.

E. Candidates who succeed in passing the examination for a second grade license shall be required to pay another fee if they wish to appear at any examination and wish to appear again at any subsequent examination shall be required to pay a fee for such further appearance.

VIII. (I) Whenever in any District, in consequence of the number of Petition-Writers having fallen below the prescribed scale, the District Judge considers this necessary, he may with the previous sanction of the Divisional Judge, hold an examination as hereinafter provided.

(II) Candidates will be examined in the following subjects, or such other subjects as the Chief Court may, from time to time, notify in the Punjab Gazette:-

(1). Subjects will be given at the time of the examination for (1) a plaint, (2) a criminal complaint (3) one or more miscellaneous petitions, and (4) for candidates for the first grade, a petition of appeal. C.S. No. 54 of 21/05/1909

(2). The candidate will be examined in chapters II, III, IV, V, VIII and XVII of the Indian Penal Code; in sections 38, 39, 40 to 45, 48 to 50 and Order No. XXI, rules 4 to 10 and 11(2) to 16, 21, and 66; Order XXXIII, Rules 1 to 16; Order XXXII, Section 88, and Order XXXV, section 95; Order XXXVIII 2nd schedule, section 114 and Order XLVII, 1st Schedule (and for candidates for 1st grade, section 96 (1) (2), Section 98,99, 107(2), 144(1)

¹ Substituted vide PHC Notification No. 121-J Dated 26.08.2004

Order XLI and Rule 11 of Order XXII, Sections 104 to 106, 108, Rules 1 and 2 of Order XLIII, and Rules 1 and 2 of Order XLIV, inclusive, of the Code of Civil Procedure (Act V, of 1908) so far as they relate to the drawing up of plaints and other documents for presentation in Court in Chapter and [Khyber Pakhtunkhwa]¹, Tenancy Act, 1950 and Chapter West Pakistan Land Revenue Act and in the Court Fees Act, General Stamp Act, and the Indian Limitation Act, so far as a knowledge of these Acts is necessary for the efficient performance of the duties of Petition Writer.

(III). No candidate will be accepted unless he obtains 33 percent marks in each subject and 50 percent on the combined total.

(IV). The examination will be held in the month of September.

IX. The examination shall be conducted by a Board of such officer as the District Judge may appoint for the purpose, presided over by an officer of not lower standing than an Extra Assistant Commissioner, in such manner as the Chief Court may, from time to time, prescribe

X. The result of the examination shall be reported to the District Judge who shall decide what candidates have passed, and submit a statement of their names to the Divisional Judge to be forwarded to the Chief Court.

XI. The Chief Court will determine what candidate shall be accepted as Petition Writers of either grade, and the Divisional Judge or the District Judge, according as the license to be granted is of the first or second grade, will be authorized to grant to each accepted candidate a license in the Form A annexed to these rules.

A fee of ²[Rs. 500/-] shall be charged for a license of the first grade, and a fee of ³[Rs.200/-] for a license of the second grade.

Such license will be valid only up to the 31st day of August in each year and will be renewable between the 1st and 31st day of August on payment of a renewal fee of ⁴[Rs.100].

XII. The Chief Court may by order.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted vide PHC Notification No. 121 dated 26.08.2004

³ Substituted vide PHC Notification No. 121 dated 26.08.2004

⁴ Substituted vide PHC Notification No. 121 dated 26.08.2004

(1) Admit to either grade any person who has not qualified as required by these rules;

A fee of ¹[Rs.200/-] shall be charged for a license of the first grade, and a fee of ²[Rs.100] for a license of the second grade.

(2) Promote a Petition Writer of the second grade to the first grade.

XIII. A license granted to a Petition Writer under these rules authorize him to practice, subject to these rules, according to its tenor and continues in force until.—

(1) in the case of a second grade license, it is superseded by a first grade license;

(2) its operation is suspended by an order made under rule XIV, or the Petition-Writer enters the service of Government or of a legal Practitioner;

(3) the Petition-Writer is suspended or dismissed by competent authority.

XIV. (i) Every licensed Petition Writer shall, between the first and thirty first days of August of each year, produce, or, if he ordinarily practices in an inferior Court, forward through that Court, his license for the inspection of the Court under which it is held. A note of such production, with the date, will be entered on the license. If a Petition-Writer fails to comply with this rule, his name will be posted in a conspicuous place of the Courthouse of the highest Court in which he ordinarily practices, with an order that the operation of his license is suspended, and that he will be liable to penalties if found practicing whilst such order of suspension is in force.

(ii) If the Petition Writer produces his license for inspection at any time before the thirty-first day of August of the following year, the order of suspension may be withdrawn, subject to a charge of ³[rupees two hundred]; provided, that the charge shall not be made if it be shown to the satisfaction of the Court that the failure to produce the license within the time appointed was due to unavoidable causes, and that the license shall not be restored without the previous sanction of the Chief Court.

¹ Substituted vide PHC Notification No. 121 dated 26.08.2004

² Substituted vide PHC Notification No. 121 dated 26.08.2004

³ Substituted vide PHC Notification No. 121 dated 26.08.2004

XV. When a licensed Petition Writer is promoted from the second to the first grade, a first grade license will be granted to him by the Divisional Judge upon surrender of his second grade license and payment of ¹[rupees two hundred] to make up the full sum required for a first grade license.

XVI. No licensed Petition Writer shall transfer his place of business from anyone to any other district in the Punjab. But it shall be within the discretion of the District Judge to transfer any Petition Writer from anyone place to any other within his district and it shall be in the power of the Divisional Judge to transfer any Petition Writer from anyone district to any other in his Division.

XVII. If a licensed Petition-Writer loses the license granted to him under these rules he may apply to the Court under which it was held for a duplicate license. The application shall be made in writing, and shall be presented by the applicant in person. The Court to which it is made, if satisfied that the former license has been lost, shall, upon payment by the applicant of ²[rupees two hundred], cause a fresh license to be issued in the same form and bearing the same date as the lost license, and shall cause the words “duplicate license” to be enfaced thereon, with the date of issue, and shall sign such enfacement. Every matter required to be noted upon the license by rules XIV, XXXII (ii), XXXV(ii) or rule XXXIX shall be written on the back of the duplicate license under the signature of the Court granting it.*

C. Conduct of Petition-Writers.

XVIII. Every Petition Writer, licensed under the foregoing rules, shall kept up a register, in the Form B annexed to these rule, and shall enter therein every petition written by him, and shall produce the register for the inspection of any Court or Judicial or Revenue Officer demanding it.

XIX. Every licensed Petition-Writer shall, at his own expense, provide himself with an official seal, to be made under the direction of the Court which licenses him, on which shall be engraved, in the Urdu character, his name and the year in which he was licensed.

XX. Every licensed Petition-Writer in writing petitions shall confine himself to expressing in plain and simple language, such as the petitioner can understand, and in a concise and proper form, the statements and objects of the petitioner; and shall not introduce any argument or quotation from a Law

¹ Substituted vide PHC Notification No. 121 dated 26.08.2004

² Substituted vide PHC Notification No. 121 dated 26.08.2004

* If a license becomes damaged it may be replaced in the manner here provided in the case of the license being lost

Report or other Law book or refer to any decision not brought to his notice by.

XXI. Every licensed Petition-Writer shall record, at the foot of every petition written by him, other than a petition of a merely formal character, a declaration under his signature that, to the best of his knowledge and belief, the petition expresses the true meaning of the petitioner and that its contents have been fully explained to the petitioner.

XXII. Every licensed Petition-Writer shall sign and seal with his official seal, every petition written by him, and shall enter on it the number which it bears in his register, and the fee which has been charged for writing it.

XXIII. A licensed Petition-Writer shall not dictate a petition to, or cause a petition to be written by, a person who is not a licensed Petition-Writer; nor shall he employ any person who is not a licensed Petition-Writer to write petitions for him.

XXIV. Every licensed Petition-Writer shall rewrite at his own cost any petition written by himself when required to do so by order of competent authority.

XXV. A licensed petition-writer shall not instigate any person to cause to be written by himself, or by any other licensed Petition-Writer, any petition which he knows to be unnecessary.

XXV-A. A licensed Petition-Writer shall not write or cause to be written, any petition on behalf of any party, if he has already written a petition in regard to the same subject matter or proceeding for any opposing party.

XXVI.(i) Subject to the provisions of Rules XXX, every licensed Petition-Writer may make his own terms with his employer as to the remuneration to be paid for his services; Provided, that he enters correctly the actual amount agreed upon on the petition, and in the proper column of his register.

(ii) A licensed Petition-Writer shall not take payment for his services by an interest in the result of any litigation in connection with which he is employed, or shall find, or contribute towards, the funds employed, in carrying on any litigation in which he is not otherwise personally interested.

XXVII. A licensed Petition-Writer shall not act as a recognized agent in any case in a Civil Court or in a Revenue Court or Office (except a case in which he is himself a party) or in a Criminal Court or (subject to the same exception) shall accept any Mukhtarnama, whether General or special, authorizing him to act as a recognized agent in a Civil Court or in a Revenue Court or Office.

XXVIII. Every licensed Petition-Writer:-

- (1) the operation of whose license is suspended under rule XIV;
- (2) who enters the service of Government, of a Native State, or of a Legal Practitioner; or (C.S No. 18).
- (3) Who is suspended or dismissed under these rules shall forthwith surrender his license to the Court under which it was held.

XXVIII-A. Every Petition-Writer who gives up practicing for over three years shall have his name struck off the register.

Note: A Petition-Writer whose name has been removed after three years absence will be at liberty to apply for the restoration of his licenses; provided that there is a vacancy on the prescribed scale. He shall, however, be treated in this respect on the same footing as a fresh applicant.

XXIX. No licensed Petition-Writer shall practice:

- (1) contrary to the terms of his license;
- (2) in any Court or Office in which he has been forbidden to practice, while such prohibition is in force;
- (3) after his license should have been or has been surrendered under these rules; or
- (4) while under suspension.

D. Procedure in dealing with breaches of Rules and Penalties

XXX. Any Judicial or Revenue Officer Court who, upon the representation of any person employing a Petition-Writer, after hearing such Petition-Writer (if he desires to be so heard finds that the fee charged for writing a petition presented in his office or Court was excessive, may, by order in writing, reduce the same to such sum as appears to be, under the circumstances, reasonable and proper, and may require the Petition-Writer to refund the amount received in excess of such sum. An order passed under this rule shall not be revised, except by the Officer or Court who made it.

XXXI. Any Judicial or Revenue Officer or Court may order a licensed Petition-Writer to rewrite any petition written by him which contravenes rule XX, or is illegible, obscure or prolix or contains any irrelevant matter or misquotation, or is from any other cause, in the opinion of such officer or Court informal or otherwise objectionable, an order passed under this rule shall not be open to revision by any Officer or Court other than the Officer or Court which made the order.

XXXII. (i) The presiding officer of any Court (other than the Chief Court) or of any office may for any sufficient cause to be recorded in writing under his signature, prohibit any Petition-Writer from practicing in his Court or Office, pending a reference where the prohibition is issued by the Financial Commissioner, to the Chief Court and in any other case, to the Court under which such Petition-Writer holds his license.

- (ii) Every order of prohibition passed under this rule shall be communicated to the Court under which the Petition-Writer affected holds his license and such court shall forthwith endorse the substance and date of the order on the license under his own signature.

XXXIII. Any person who breaks rule II is liable to a penalty not exceeding ¹[rupees five hundred], under section 14 sub-section (3) of the Punjab Court Act, 1884, as amended.

XXXIV. Any licensed Petition-Writer who breaks any of the rules numbered XVIII, XIX, XXI, XXII, XXIII, XXV, XXV-A, XXVI, XXVIII and XXIX, is liable to a penalty not exceeding ²[rupees five hundred], under section 14, sub-section (3) of the Punjab Courts Act, 1884 as amended and shall also be liable to be suspended, dismissed or reduced under the next rule.

XXXV. (i) Any licensed Petition-Writer who:

- (1) habitually writes petitions contrary to rule XX, or containing irrelevant matter, or which are informal or otherwise objectionable; or
- (2) in the course of his business as a Petition-Writer uses disrespectful, insulting or abusing language; or

¹ Substituted vide PHC Notification No. 121 dated 26.08.2004

² Substituted vide PHC Notification No. 121 dated 26.08.2004

(3) is found to be incapable of efficiently discharging the functions of a Petition-Writer; or

(4) by reason of any fraudulent in the discharge of his duty as a Petition-Writer is found to be unfit to practice as such; or

(5) is convicted of a criminal offence; may be suspended or dismissed; or, if he is a petition-writer of the first grade, be reduced to the second grade, in addition to any punishment to which he may be liable under section 14, sub-section (3) of the Punjab Courts Act, 1884, as amended or any other enactment for the time being in force.

- (ii) Every final order passed under this rule shall be communicated to the Court under which the Petition-Writer affected holds his license, and such Court shall forthwith endorse the substance and date of the order on the license under his own signature.

XXXVI. (i) Breaches of rule XXXV or of any other rule regulating the conduct of business by licensed Petition-Writers, specified in rule XXXIV shall be cognizable by the Court under which the Petition-Writer holds his license at the time of trial.

- (ii) Breaches of rule II shall be cognizable by the District Judge of the District in which the alleged breach occurred.

XXXVII. In order imposing a penalty for any beach of rule mentioned in rule XXXVI clauses (i) and (ii) may be made by the officer taking cognizance thereof, after such inquiry as he thinks fit;

Provided, that no order shall be made under this rule unless the person charged shall have had an opportunity of defending himself.

XXXVIII. Notwithstanding anything herein before contained, the Chief Court may, for any sufficient cause, to be recorded in writing, and after such inquiry as it thinks fit.

- (1) dismiss any licensed Petition-Writer, or suspend him from practice for a specified period; and

- (2) in the case of a licensed Petition-Writer of the first grade.--

- (a) suspend him from practice in the Chief Court for a specified period.
- (b) reduce him to the second grade;

Provided that no order shall be made under this rule unless the person charged shall have had an opportunity of defending himself.

XXXIX. Any order, other than an order of dismissal, made and any caution given instead of penalty, by a court after an inquiry under rule XXXVII or rule XXXVIII, shall be noted on the back of the Petition-Writer's license by the Court passing the order, or under its direction.

XL . (i) No appeal shall lie from any order passed by any Court or officer under any of the preceding rules; but the Chief Court, as regards orders passed under rule XXXVII by any District Judge, or any Divisional Judge, and the subordinate to it, may in its discretion revise any such order, and in place thereof pass such order as it thinks fit.

- (ii) No Petition-Writer who has been suspended or dismissed for misconduct can claim to be heard through counsel.

XLI. The Chief Court may at any time, for sufficient reason, grant a new license to any licensed Petition Writer who has been dismissed, or direct that any license of which the operation has been suspended by an order under rules XIV, XXXV or XXXVIII, or by the Petition Writer entering the service of Government or of a legal Practitioner, be restored to him.

XLII. Nothing in the foregoing rules shall be deemed to limit or restrict the exercise by the Chief Court of its general powers of superintendence and control.

Schedule of rules, the breaches of which renders the offender liable to fine under section 14, sub-section (3) of the Punjab Courts Act, 1884, as amended.

A. Un-Licensed Persons:

Practicing as a Petition-Writer without a License..... Rule II.

B. Licensed Petition-Writers:

Practicing in a higher grade than that for which licensed-----IV

Omitting to maintain prescribed register on to produce it when required-----	-----XVIII
Omitting to provide seal-----	-----XIX
Omitting to record declaration on petition-----	-----XXI
Omitting to sign, seal or give other particulars required on a petition --	-----XXII
Omitting to make true entry on petition or in register-----	-----XXII
Causing petition to be written by unlicensed person-----	-----XXVII
Instigating the writing of unnecessary petitions-----	-----XXV
Omitting to enter correctly the actual amount of remuneration agreed upon, on the petition and in register. Taking payment by an interest in the result of litigation-----	-----XXVI
Acting as recognized agent for any party-----	-----XXVII
Omitting to surrender license-----	-----XXVIII
Practicing while under suspension or while license is surrendered----	-----XXIX
Disregarding prohibition from practice, pending reference-----	-----XXXII
Omitting to comply with an order made under rule-----	-----XXXI
Violation of rule, habitual writing of irrelevant or informal or otherwise objectionable petitions-----	-----XXXV
Fraudulent or improper conduct in discharging of duty-----	-----XXXV

FORM A (RULE XI)**FORM OF LICENSE**

In the court of the _____ Judge of the _____

Certified that _____ son of _____

resident of _____

has this day been licensed as a Petition-Writer of the _____ grade, and is hereby permitted to practice as such in the manner prescribed by rule IV, clause _____ of the rules relating to Petition-Writers in the Punjab and subject to the provisions of the said rule.

Given under my hand and the seal of this Court. This day of 20____ at _____.

_____ Seal Judge

Form B (Rule XVIII)

Register to be maintained by every licensed petition-writer

Serial No of petition	Date on which petition was written	Name, Parentage, caste, and residence of the person at whose instance the petition was written	Description of petition	Brief abstract of petition	Value of court fee labels affixed to the petition	Fee charged for writing the petition		Signature of petition-writer
1	2	3	4	5	6	7	8	9

FORM III (PARAGRAPH 14)

Annual Return of licensed Petition-Writer whose names are borne on the Register of the _____ on the 1st September, 20____.

Sr. No.	Number in Register	Name of Licensed Petition Writer	Father's Name	Grade of License	Date of License	Date of production of license for annual inspection	Remarks
1	2	3	4	5	6	7	8

C.No. 3(5-3)

AMENDMENTS IN PETITION WRITERS' RULES
PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar, the 26th August, 2004

No.121-J In exercise of the powers conferred by section 20 of the West Pakistan Civil Courts Ordinance 1962, the Chief Justice and Judges of the Peshawar High Court, Peshawar, in consultation with the Board of Revenue NWFP, are pleased to make the following amendments in the Petition Writers Rules made under the powers conferred by section 14 sub-section (I) clause (b) of the Punjab Courts Act, 1884.

Amendments

1. In VII(c) for the words and figure "Rs. 5" the words and figure "Rs.200" shall be substituted.
2. In rules XI for the words and figure "Rs.50" the words and figure "Rs.500" and for the words and figure "Rs.25" the words and figure "Rs.250" and for the words and figure "Rs.5" the words and figure "Rs.100" shall be substituted.
3. In rule XII(1) for the words and figure "Rs.10" the words and figure "Rs.200" and for the words and figure "Rs.5" the words and figure "Rs.100" shall be substituted.

4. In rule XIV(ii) for the words “rupees five” the words “rupees two hundred” shall be substituted.
5. In rule XV for the words “rupees five” the words “rupees two hundred” shall be substituted.
6. In rule XVII for the words “rupees five” the words “rupees two hundred” shall be substituted.
7. In rule XXXIII for the words “rupees fifty” the words “rupees five hundred” shall be substituted.
8. In rule XXXIV for the words “rupees fifty” the words “rupees five hundred” shall be substituted.

C.No. 4(5-3)

SECTION 14 OF THE PUNJAB COURTS ACT (XVIII OF 1884),-- (1)

(2).....

- (3) Whoever breaks any rule made under clause (b) shall be punished with a fine which may extend to fifty rupees.

SECTION-IV
ANCILLARY INSTRUCTIONS REGARDING
OATH COMMISSIONERS, NOTARIES AND PETITION WRITERS

C.No. 1(5-4)

UNAUTHORIZED ATTESTATION OF AFFIDAVITS BY OATH COMMISSIONERS IN CRIMINAL MATTERS

I am directed to address you on the subject and to say that Hon'ble the Chief Justice of this Court, while disposing of criminal petitions, noticed that Oath-Commissioners appointed by this court under section 139(b) of the Code of Civil Procedure, 1908 for administering oaths and affirmation to the deponent and attestation thereof, also attest affidavits in criminal matters. This practice is absolutely illegal and unauthorized and need to be stopped forthwith. These oath-commissioners, having not been authorized by this court for administering oath, affirmation and attesting affidavits u/s 539 Code of the Criminal Procedure, 1898, shall be restrained from attestation of the affidavits. The courts referred to in this section shall on the contrary, continue to do the needful in accordance with law and the established procedure. The institution of the oath-commissioners, this court is constrained to say, cannot be allowed to betray faith of the public litigants up till now reposed in the judiciary.

Pursuant to the above and order of the Hon'ble Chief Justice of this Court you are requested to direct all the oath-commissioners working under your administrative control not to attest affidavits in criminal matters in future and cases of lapse on their parts shall be referred to this court for cancellation of their appointment orders as oath-commissioners.

(PHC letter No. 9784-9854 / Dated 22 October, 1984.)

C.No. 2(5-4)

UNAUTHORIZED ATTESTATION OF AFFIDAVITS BY OATH COMMISSIONERS IN CRIMINAL MATTERS

In continuation of this courts No. 9784-9854 / Admn: Brh: Dated:- 22/10/1984, I am directed to say that Hon'ble the Chief Justice of this Court has been pleased to order, for public convenience, that all the Oath Commissioners appointed by this court under section 139 (b) C.P.C. 1908, are also hereby authorized to attest the affidavits in the matters of only bail before arrest applications.

Please bring these instructions to the notice of all the Oath Commissioners working under your administrative control.

This is issued under section 539 Code of the Criminal Procedure, 1898.

(PHC letter No:- 10329-98 Dated:- 30/10/1984)

C.No. 3(5-4)

INSTRUCTIONS REGARDING PETITION WRITERS

I am directed to say that the Petition Writers do not follow the relevant Rules issued by this court from time to time. Hon'ble the Administration Judge of this Court has, therefore, been pleased to observe that all the District and Sessions Judges in the N.W.F.P., should keep watch on the Petition Writers working in their respective Districts. They should check the Registers maintained by the Petition Writers periodically and send their reports for the perusal of this Court. The Petition Writers should also be advised to charge a normal fee from the litigant public for writing the deeds / Petitions etc., and also enter the fee charged by them in the relevant registers as well as on the top of the petitions.

I am further to enclose herewith a copy of the Petition Writer's Rules with directions that the procedure contained therein and the instructions highlighted above should be brought to the notice of all the Petition Writers for strict compliance. Any Petition Writer who fails to comply with these instructions shall expose himself to strict disciplinary action liable to cancellation of license.

(PHC letter No. 6261-6275 / Admn: Brh: Dated 31st August, 1991)

C.No. 4(5-4)

INSTRUCTIONS REGARDING OATH COMMISSIONERS

I am directed to say that the Oath Commissioners do not follow the Rules prescribed in the High Court Rules and Orders Vol-IV and instructions issued by this Court from time to time. According to the relevant Rules all Oath Commissioners shall keep a Register in the prescribed form (copy attached) in which all affidavits attested by them shall be entered. A written receipt for the amount paid shall be given by them to the deponent of the affidavit. The receipt shall be in the printed form consisting of the foil and a counterfoil, the foil being handed over to the person paying the money and the counterfoil to be kept for inspection.

Hon'ble the Administration Judge of this Court has, therefore, been pleased to observe that all the District and Sessions Judges in the NWFP, should keep watch on the Oath Commissioners working in their respective Districts. They should check the Registers maintained by the Oath Commissioners periodically and send their reports for the perusal of this Court. The Oath Commissioners should also be advised to charge the prescribed fee of Rs 5/ from the litigant public for affidavit attested by them.

I am, therefore, to request that the instructions highlighted above should be brought to the notice of all the Oath Commissioner for strict compliance both verbally in discussion and in writing. Any Oath Commissioner who fails to comply with these instructions shall expose himself to strict disciplinary action liable to cancellation of license.

(PHC letter No. 8360-8374/Admn:Brh: Dated Pesh: the 25th Nov., 1991)

C.No. 5(5-4)

INSTRUCTIONS REGARDING OATH COMMISSIONERS AND NOTARY PUBLIC

It has been noted with concern that the Oath Commissioners and Notary Public do not follow the Rules as are available in the High Court Rules and Orders Vol. IV and instructions issued by this Court from time to time. It has been reported that the Oath Commissioners / Notary Public are not maintaining the prescribed registers in which all the affidavits attested by them should be entered and that they do not issue the required receipt for the amount received by them from the deponents. Besides, it is also reported that the Oath Commissioners / Notary Public charge higher fee than the prescribed fee.

I am, therefore, directed to say that all the Oath Commissioners / Notary Public should be directed to keep the relevant registers in which all the affidavits attested by them shall be entered: that written receipt for the amount received by them shall be given to the deponents on printed form consisting of foil and counterfoil: that the foil shall be handed over to the person paying the fee and the counterfoil should be kept for record and inspection. Moreover, they should charge the prescribed fee for each affidavit and should fix a board indicating such fee to be charged by them for an affidavit.

Hon'ble the Chief Justice has further been pleased to observe that all the District and Sessions Judges in the N.W.F.P., should keep a strict watch

on all Oath Commissioners / Notary Public working in their respective Districts and check the boards so fixed by the Oath Commissioner / Notary Public , and to send the compliance report to this Court.

I am, therefore, to request that the instructions highlighted above should be brought to the notice of all Oath Commissioners / Notary Public for a strict compliance both verbally and in writing, and who so ever fail to comply with these instructions shall expose himself to the strict disciplinary action including cancellation of license.

(PHC letter No. 5329-5345 / Admn: Brh: Dated 29th August, 1992)

C.No. 6(5-4)

APPOINTMENT OF OATH COMMISIONERS

I am directed to address you on the subject noted above and to say that it has brought to the notice of this Court that while filling up the post of Oath Commissioners some of the District and Sessions Judges send the name of a single person or send application of the candidate for consideration. I am, therefore, to request to refrain from sending single name and ensure submission of panel of three qualified lawyer against one post.

(PHC letter No.9958-9977/ Admn.Brh.Dated Pesh: the 13th Nov:, 1994)

C.No. 7(5-4)

MAL-PRACTICES BY OATH COMMISSIONERS, NOTARY PUBLICS, PETITION WRITERS AND DEED WRITERS

I am directed by the Hon'ble Chief Justice to address you on the subject noted above and to say that complaints are pouring in showing instances of over-charging and touting by the Oath Commissioners/Notary Publics/Petition Writers/Deed Writers in violation of the relevant rules and in contravention of instructions on the subject issued by this Court from time to time.

It is generally observed that in spite of clear rules and instructions, the Oath Commissioners and Petition Writers are not maintaining registers on the prescribed forms wherein they are required to enter the Affidavits attested and the petitions written by them. Likewise, the Oath Commissioners are not issuing written receipt for the amount paid to them, although they are obliged under Rule 5(iii) of Chapter 12-B of the High Court Rules and Orders Vol: IV, to keep receipts in a printed form consisting of foil and counterfoil and

hand-over foil to the person paying the money and keep the counterfoil for the purpose of inspection.

I am, therefore, to issue directions that a vigilant eye be kept on the activities of the Oath Commissioners/Notary Publics/Petition Writers by regular as well as surprise inspection of the Registers and counterfoils and furnish the inspection reports to the Member Inspection Team of this Court for strict disciplinary action including cancellation of Licenses in appropriate cases of over-charging and other violations of Rules and Instructions of this Court.

(PHC letter No. 6757-78 Dated Peshawar the 26.8.2000)

C.No. 8(5-4)

GRANT OF PETITION WRITERS' LICENCES TO UNQUALIFIED PERSONS

I am directed to say that the Hon'ble Administration Judge of this Court has been pleased to order that in future applications of unqualified persons who have not passed the prescribed examination of Petition Writers may not be sent to this Court for the grant of such licenses as a special case.

(PHC letter No.1276-98/ Dated Peshawar the 18/2/2002)

C.No. 9(5-4)

STREAMLINING THE AFFAIRS OF PETITION WRITERS

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 affairs of the Petition Writers are not properly dealt with by the District Judges in accordance with the Rules applicable to them, resulting in mismanagement, the ultimate sufferers whereof being the litigant public.

It is, therefore, desired by Hon'ble the Chief Justice to get the matter streamlined by taking appropriate steps in accordance with the Rules framed by the Chief Court under section 14 subsection (I), clause (b) of the Punjab Courts Act, 1884. These steps, inter alia, include the annual inspection of the license of petition writers under Rule XIV, keeping a watch on the conduct of petition writers, especially the amount of fee charged, as set forth in Part C and then to exercise the powers conferred under Part D thereof.

(PHC letter No. 4682-4705 Dated 28.04.2004)

C.No. **10**(5-4)

RENEWAL OF PETITION WRITERS' LICENSE

I am directed to refer to the subject noted above and to say that Hon'ble Administration Judge of this Court while taking serious notice of the escalating trend of non-renewal of Petition Writer's licenses, has been pleased to order that proper notice be circulated to the Petition Writers, requiring them to apply for renewal well in time.

His Lordship has further been pleased to desire that the consequences of non-compliance of such notice be also explained to the Petitioner Writers accordingly.

(PHC letter No. 12199-12222/ Admn: Dated Peshawar the 27-10-04)

C.No. **11**(5-4)

AFFAIRS OF PETITION WRITERS / DEED WRITERS

I am directed to refer to the subject noted above and to say that it has been noticed by this Court that the registers of petition writers are not maintained in the prescribed form nor any inspection of the registers is made by the courts. Resulting in back date writing of petitions etc.

You are therefore requested to depute a judicial officer, subordinate to you, for streamlining the record of the petition writers. Such judicial officers shall give page number to all the pages and initial each page of the register on every third day of the week by ensuring that no column or space is left blank and that the register is maintained in the prescribed form.

You are also requested to coordinate with the district officer revenue / district coordination officer for getting record of the deed writers streamlined in line with the record of the petition writers detailed above so that the chances of back date writing of all types of conveyances be curbed & ruled out, please.

(PHC Letter No. 6040-63/Admn, dated Peshawar the 18th May, 2011)

C.No. **12**(5-4)

APPOINTMENT AS OATH COMMISSIONER.

I am directed to refer to the subject noted above and to say that under the rules, an advocate who intends to be appointed as oath commissioner has to apply directly to this court independently without any

recommendations of the lower Judiciary or the Bar Associations. Therefore, such applications, submitted to your good-self, shall be returned to the applicant with the directions to submit application in individual capacity directly to the undersigned.

I am further directed to request you to forward the detail of oath Commissioners of your respective Divisional/Districts Headquarters and Sub-divisions on the enclosed proforma at the earliest, please.

(PHC Letter No. H(a)19-B. 14568-91 Dated 13th December, 2013)

C.No. **13**(5-4)

APPOINTMENT AS OATH COMMISSIONER

In continuation of this Court's letter No. 9958-9977/Admn dated 13th November, 1994 and supersession of this Court letter No. H(a)19-B/14568-91/Admn dated 13-12-2013 on the subject noted above, I am directed to say that, while filling up the post of oath Commissioners, the name of a single person or application of the candidate for consideration for the post of oath Commissioner may not be sent to this Court but to ensure submission a panel of three qualified lawyers against one post with your comments, in future, please.

(PHC Letter No.16820-44/Admn Dated 29th December, 2014)

C.No. **14**(5-4)

APPOINTMENT AS OATH COMMISSIONER.

In continuation of this Court's letter No. 16820-44/Admn: & Endst No16845-71/Admn dated 29.12.2014, the Competent Authority has been pleased to direct that henceforth an Advocate desiring to become an Oath Commissioner, may forward his application through the President of the District/Tehsil Bar Association to the District & Sessions Judge concerned, who while forwarding application to this court shall report about the availability of vacancy and fitness of the application as required under the rules.

(PHC Letter. 497-570/Admn Dated 21st January, 2015)

C.No. **15**(5-4)

APPOINTMENT AS OATH COMMISSIONER.

I am directed to re-invite your attention to this Court's circular letter NO. 497-570/Admn: dated 21.01.2015 (copy enclosed) and to say that it has been noticed with great concern that the subject applications are being forwarded without your specific opinion and fitness aspect of the applicant.

You are, therefore, asked that while forwarding the subject application, you report must refer to the availability of vacancy and fitness report in conformity with the quoted rule, please.

“(II) Such Commissioners are ordinarily appointed from among legal practitioners of not less than three year's standing at the Bar. They may continue as such until the expiry of thirteen years reckoned from the date of first admission as a legal practitioner, provided that their work is satisfactory, or until the further orders of the High Court, whichever is earlier.”

(PHC Letter. H(a)19-B/5625-49/Admn, Dated 02nd March, 2015)

C.No. **16**(5-4)

LEGAL ACTION AGAINST UNAUTHORIZED OATH COMMISSIONERS.

The Hon'ble Senior Puisne Judge of this Court has directed to ensure that no unauthorized person acts as Oath Commissioner within your respective jurisdiction/Session Division.

Action shall be taken against unlicensed person using such authority and criminal cases be registered against them under intimation to this Court, please.

(PHC Letter No. 4478-4502/Admn Dated 24th March, 2018)

C.No. **17**(5-4)

EXAMINATION OF PETITION WRITERS

I am directed to refer to the subject noted above and to say that the Competent Authority has been pleased to direct that the examination for grant

of license of petition writers be conducted in the month of September, as so provided in Rule-VIII (IV) of Petition Writer Rules.

(PHC Letter No.SDJ/PHC/REG/64-V-II-(1-34)5185-5218 Dated 14th September 2019)

C.No. **18**(5-4)

EXAMINATION OF PETITION WRITERS

I am directed to refer to the subject noted above and to say that the Competent Authority has been pleased to approve and direct as under;

- The scale of Petition Writers prescribed through standing order No.8842-8865/Admn.Brh, dated 08th December, 1996 (Sixteen (16) positions of Grade-I and 30 of Grade-II) shall be the same for the newly notified and merged Districts of the province.
- The place of sitting of the licensed petition Writers i.e. headquarter or sub division shall be determined by the District and Sessions Judge concerned, as per circumstances.
- Applications for grant of licenses shall be invited through advertisement in newspaper of wide circulation in the respective District.
- Considering hardships being faced in the newly Districts, Rule-VIII (IV) of Petition Writers Rules is relaxed for the time being subject to the condition that the process of examination shall be completed in the next two (02) month.

(PHC letter No. SDJ/PHC/REG/98-V.II-(1-34)/6377-410 Dated 07th November, 2019)

C.No. **19**(5-4)

STREAMLINING BUSINESS OF STAMP VENDORS AND DEED WRITERS

I am directed to convey that for streamlining the affairs of stamp vendors and Deed Writers, a committee shall be constituted headed by a Judicial Officer and consisting of representatives of the bar Association, bar council (if available) D.C/Collector, sub-registrar, Treasurer, stamp Vendors and Deed Writers as its members. The said committee shall oversee and supervise working of stamp vendors and Deed Writers both at district

headquarter and tehsil level and shall ensure, inter alia, adherence to the annexed guidelines regarding stamp vendors and Deed Writer respectively.

(Letter No. 3285-319/PHC/Admn Dated 21st February, 2020)

GUIDELINES FOR DEED/CONVEYANCE WRITERS

- A person carrying on business as Deed Writer must have a valid license/permit for such purpose.
- A person permitted to work as Deed Writer shall not engage in government/semi-government job and in the business of petition writing and Stamp Vending.
- Every authorized Deed Writer shall, at his own expense, provide himself with an official seal, to be made under the direction of the authority permitting him, on which shall be engraved in URDU character his name and the year in which he was permitted.
- Every Deed Writer shall maintain a proper Register along with a certificate on its first page by a responsible/relevant official of the officer of D.C/Collector specifying the number of pages in the Register.
- Each page of the Register shall be properly stamped by the relevant officer of the concerned officer before any entry is made by the Deed Writer therein.
- The Register shall be properly paged and checked by the concerned office on fortnightly basis.
- The Deed Writer shall enter in his Register contents of the Deed as well as named with signatures/thumb impressions of all the concerned persons and shall produce the Register for the inspection of any Court or Judicial or Revenue officer demanding it.
- Every authorized Deed Writer shall sign and seal with his official seal, every Deed written by him and shall enter on it number which it bears in his Register and the prescribed fee which has been charged for writing it.
- The Deed Writer shall properly consign his Register to the Record Room after its closure and shall keep the record that how many Registers have been completed by him in the previous fiscal year(s)

GUIDELINES FOR STAMP VENDORS.

- Only licensed stamp vendor shall be allowed to vend stamps

- The licensed Stamp Vendors shall not be allowed to demand or accept, for any stamp any consideration exceeding the value of such stamps.
- The Stamp Vendor shall submit the return in the standard vernacular on regular basis, after the close of each quarter, to the quarters concerned.
- The stocks of stamps and Registers of Stamp Vendors shall be examined and inspected respectively on regular basis to avoid any sort of fraud and malpractice
- The closed Registers of Stamp Vendors shall be properly consigned to the record room where proper record thereof shall be maintained.
- The Stamp Vendors shall follow the relevant rules and in case of violation and infringement thereof, violators shall be stopped from carrying on business and proceeded against under the relevant provisions of Stamp Act, Court Fees Act and the rules.

CHAPTER-VI OFFICE MANAGEMENT

Section-I (Secretariat Instructions)

1(6-1)	Relevant Provisions of Manual Of Secretariat Instructions, 2008 Regarding Correspondence and Communication	889-913
--------	--	---------

Section-II (Correspondence and Communication)

1(6-2)	Mode Of Correspondence With The High Court (14.10.1980)	914
2(6-2)	Mode Of Correspondence With The High Court (08.11.2003)	914-915
3(6-2)	Prompt Response To The Communications By The High Court	915
4(6-2)	Direct Correspondence With High Court	915
5(6-2)	Multiple Copies Of The Same Correspondence	916

CHAPTER-VI OFFICE MANAGEMENT

SECTION-I SECRETARIAT INSTRUCTIONS

C.No. 1(6-1)

RELEVANT PROVISIONS OF MANUAL OF SECRETARIAT INSTRUCTIONS, 2008 REGARDING CORRESPONDENCE AND COMMUNICATION

IX. MAINTENANCE OF FILES

52. The name of the Department to which the file belongs should be printed in bold letters or should be written clearly in the space provided for it on the file cover.

53. Every Section/Branch shall maintain an approved list of main subject- headings, serially numbered, in respect of all matters dealt with by the Section/Branch. This list of main subjects- headings shall only give general subjects e.g. in a Section/Branch dealing with establishment matters some of the subject heads may be:-

- (a) recruitment of staff;
- (b) leave and transfer; and
- (c) pensions.

54. The list of main subjects- headings should be pasted on the opening pages of the File Register. The series of file numbers should run from 1st January to 31st December each year, after which, it should again start from the beginning, retaining as far as possible, the file numbers allotted to various subjects in the preceding year.

55. **Assignment of subject titles and numbers of files.** Every file shall be given:-

- (a) a suitable subject title; and
- (b) an appropriate number.

56. The subject and file number shall appear prominently on the front pages of the file covers in places provided for them.

57. The main subject headings shall be split into appropriate sub-headings and serially numbered. For example under the main headings "Recruitment of Staff" the sub- heading may be:-

- (a) stenographers;
- (b) Assistants;

- (c) Junior Clerks; and
- (d) Naib- Qasids, etc.

58. The subject title of the file dealing with the recruitment of Clerks will be:-

Recruitment of staff
Junior Clerks

59. The number on each file will indicate:-

- (a) the Section or Branch to which the file pertains;
- (b) the name of the department in an abbreviated form;
- (c) the serial number of the sub- headings;
- (d) the serial number of the file; and
- (e) the year in which the file is opened.

60. The number of the file entitled "Recruitment of Staff/Junior Clerk" will, therefore, be for example:

S.O./(Administration)/FD/1- 3/88

61. New file may not be opened unnecessarily. The opening of part file should also be avoided as far as possible. A part files may, however, be opened when the main file is not likely to be available for some time, and action on a freshly received communication cannot brook delay. Where more than one part file are opened, each of them should be given a distinct number to indicate its relation with the main file e.g.

S.O.(Administration)FD/1- 3/88(Part- File.I)

S.O.(Administration)FD/1- 3/88(Part- File.II)

62. (a) The Part file of files should be merged with the main file as soon as the latter becomes available. In this process, care should be taken to preserve the chronological order of notes and correspondence as far as possible. For this purpose, the Para number of the notes of part file after merger with the main file should be re- numbered and the page numbered given therein corrected accordingly;
- (b) If a file has assumed such proportion that it is difficult to handle it conveniently a second volume should be started bearing the same number after about 300 pages; and
- (c) It is the duty of every member of the staff to protect official paper from rough or careless handling and keep them in good conditions. Crumpled, soiled and damaged sheets should be repaired as noticed.

XI. NOTING AND DRAFTING

77. **Notes:-** Notes shall ordinarily be recoded on cases which have to be put up to Higher Officers for orders. No elaborate note need, however, be recorded by a section:-

(a) on receipt which he himself is competent to dispose of in the light of clear precedents or practice or under the Standing Orders delegating specific powers to him to dispose of certain types of cases; and

(b) on a case where the line of action has been indicated by Higher Officer and he is required to put up draft, unless something important has to be pointed out which would alter the proposed line of action.

78. When a case is put up to a higher Officer, it shall always be presumed that the paper under consideration will be read by the officer to whom it is submitted. Paraphrasing of the contents of the paper under consideration or reproduction of verbatim extracts from it in a note should, as a rule, be avoided. A précis may, however, be made if the paper under consideration is of a great length and complexity.

79. The object of a note is to supply in the most concise, correct and clear form the relevant information required for the disposal of paper under consideration. In some cases a mere perusal of the paper under consideration will be sufficient and no further elaboration will be needed beyond a brief suggestion for action. When a note is needed, it shall be a presentation of the case in the following sequence:-

(a) the question for consideration;

(b) the circumstances leading up to it, with brief background and full facts of the case. (The noting officer should point out any error or miss- statement of facts in the paper under consideration or in the notes of other Departments);

(c) any rule, regulation, precedent or policy having bearing on the case. (The noting officer should discuss their application or otherwise to the question under consideration);

(d) the points for decision; and

(e) the suggestions for action.

80. All notes should be legibly written on note sheets. No note should be written on the receipt itself. If a higher officer has already made any remarks on a receipt, they should be copied out on the note sheet below the red ink entry relating to the receipt before subsequent notes are recorded.

81. Notes exceeding half a page may be neatly type- written if hand-written they should be easily legible.

82. Notes should be broken up, as much as possible, into short connected paragraphs, each dealing with a particular point. Long sentences and discursive style should be avoided.

83. All notes shall be temperately worded and shall be free from personal remarks. If apparent errors are to be pointed out, or if an opinion has to be criticized, it shall be done in sober and restrained language. Special care should be taken in making observations on- notes of senior officers and Ministers.

84. The officer recording the note should affix his signature and date on the right side of the note sheet at the end of his note with his full name.

85. The designation of the officer to whom a case is submitted should be indicated on the left margin below the signature of the officer submitting the note.

86. When an officer agrees with the preceding note or recommendations, he should append his signature and nothing more. Marginal notes or notes to emphasize specific points may, however, be made. Where officers are required to pass orders on notes, they should do it in a way so as to be directly convertible into a draft.

97-A. Appropriate disposal of “Speak” and “Discuss” cases: There is a lack of clarity in various government instructions on the disposal of “Speak” or “Discuss” cases desired so by senior officers. Henceforth it shall be the responsibility of the senior officer desiring to “discuss” a case, or “speak” about it, to note down the outcome of the discussion, and the consequent decision(s), before the case is sent back to the subordinate officer(s) for further action or submitted to the higher authorities. In case of lengthy discussion(s), the outcome should be minuted under the signature of the senior officer.

XII. FORM OF COMMUNICATION

98. A written communication may take anyone of the following forms:-

- (a) Official letter;
- (b) Memorandum;
- (c) Demi- Official letter;
- (d) Un- official reference;
- (e) Endorsement;
- (f) Notification;
- (g) Press Communiqué/Notes;
- (h) Telegrams, Telex and Tele printer Message; and
- (i) Office Order.

99. **Official Letter:-** An official letter form should normally be used for correspondence with the Federal Government, other Provincial

Governments, Pakistan Missions Abroad, Foreign Mission in Pakistan, the Public Service Commission, the High Court and with the public bodies and individuals. It may also be used for communicating formal sanction of Government to Attached Department and subordinate offices but not for correspondence between different Departments of the Secretariat except when a reference is addressed to higher officer.

100. An official letter should be composed of the following:-

- (a) Letter head bearing the words 'Government of N.W.F.P', and name of the Department;
- (b) Number of (file number and dispatch number) place of issue and date;
- (c) Name and designation of the Head of the Department or the sender or of the officer on whose behalf the letter issued;
- (d) Designation and address of the addressee;
- (e) Subject;
- (f) Salutation;
- (g) Text;
- (h) Subscription;
- (i) Signature and name of the officers signing the letter in parenthesis; and
- (j) Telephone Number of the sender in the top left corner. (Specimen Appendix- III)

101. Communications addressed to business firms or groups of individuals and organization should be in the letter form beginning with the salutation 'Dear Sir/Sirs' and end with the subscription 'Yours truly' followed by the signature and designation of the person signing the letter (Specimen Appendix- IV).

102. **Memorandum:-** A memorandum may be issued where a reference can conveniently be made in a brief form without observing the formalities pertaining to an official letter. The memorandum is normally employed for corresponding with subordinate offices or offices of equal status within the same Government.

103. (i) The form of a memorandum may also be used:-
- (a) for correspondence between the Secretariat and head of Attached Departments; and
 - (b) in replying to petitions application for appointments, etc
- (ii) It should be written in the third person and should bear no salutation or subscriptions except the signature of the officer signing it. The name of the addressee should appear on the left hand corner of the page. The memorandum should begin with

- the word 'Reference' applications/petition letter
No.....date..... from.....
104. The memorandum should be composed of the following:-
- (a) Letter head bearing the words "Government of N.W.F.P." and the name of the Department;
 - (b) Number of file number, dispatch number, place of issue and date;
 - (c) Designation and address of the addressee;
 - (d) Subject;
 - (e) Text;
 - (f) Signature and designation of the sender; and
 - (g) Telephone number of the sender shown in the top left hand corner; (Specimen Appendix- V)
105. **Demi- Official letter:-**
- (a) This form of correspondence should be used between Government officers when it is desired that a matter should receive the personal attention of the individual addressed. It should, therefore, be answered demi- officially by the officer to whom the communication under reply is addressed or by his successor in office;
 - (b) The first and commonest use of demi- official correspondence is to supplement or explain any matter which has already been referred officially, or which is proposed to be so referred subsequently;
 - (c) Demi- official correspondence may appropriately be used in cases of extreme secrecy where it is necessary to run no risk and in certain cases relating to matters of personal nature, and occasionally in cases of great urgency to save time.
106. A demi- official communication should be addressed to an officer by name. It should be written in the first person singular with the salutation 'My dear.....' or 'Dear Mr.....' and with the subscription 'Yours sincerely'. The salutation 'My dear.....' should normally be used for an officer of equal status or for an officer one step higher in status, whereas 'Dear Mr.....' shall be used for officers two or more steps higher in status. There is much to recommend the convention followed in Civil Service of Pakistan whereby officers senior by seven years or more are addressed in the form 'Dear Mr. Khan' otherwise the form 'My dear Khan' is used. In either case only surname appears in the salutation, unless an informal relationship subsists between the two officers in which case the first name can be used.
107. The demi- official letter should conform to the following particulars:-

- (a) The name and designation of the sender should be typed under the crest on the first page. The telephone number of the officer sending the communication should invariably be indicated on the top left corner.
- (b) The name and address of the person addressed should be written at the bottom of the letter, beginning from left margin, one space or two below the writer's signature; and
- (c) The covers of demi- official correspondence should be addressed by name. (Specimen Appendix- VI)

108. Demi- official correspondence should be filed with other official correspondence on the subject.

109. Demi- official correspondence should be avoided when an official letter will serve the purpose.

110. Subordinate officers usually are not required to address Government either directly or demi- officially on matters of public importance. In no case should such officers adopt the demi- official form of correspondence to make direct representation on matters such as promotion, posting, pay and the like. In all such cases, regular representations should be made through normal channel.

111. **An Un- Official reference (U.O):-** This form of communication is normally used for making inter- departmental reference between Secretariat Departments particularly when files are sent to other Departments for information or advice. (Specimen Appendix- VII)

112. **Endorsement:-** This form should be used when:-

- (a) A copy of a communication is to be forwarded to others in addition to the original addressee e.g. "a copy is forwarded to _____for information/for information and guidance/for necessary action/for compliance";
- (b) Copies of orders, etc. received in or issued from a Department are sent to other Departments or offices for information and/or action. If any action is required, brief instructions regarding the action to be taken should be given; and
- (c) Copies of Government sanction to expenditure or approval to schemes are to be endorsed to the Audit Officer concerned by way of authentication of expenditure/financial commitment.

113. Endorsement should be addressed by designation. It should be written in the third person and should bear no salutation or subscription except the signature and designation of the officer signing it.

114. When the endorsees are more than one in number, the signature and designation of the officer signing the endorsement should appear at the end of the last endorsement and not after every individual endorsement. (Specimen Appendix- VIII)

115. **Notification:-** This form shall be used for making Gazetted appointments, postings, transfers, etc, and also for publishing rules, orders, bills, ordinance, etc. in the official Gazette. (Specimen Appendix- IX)

116. **Press Communiques or Press Note:-** This form is used when it is sought to give wide publicity to a Government decision or policy through the Press (for detailed instructions see paras 146 to 157).

121. **Drafting:-** A draft of the communication, proposed to be issued on a case submitted to a higher officer, may be prepared at any stage, if it appears that this will facilitate its disposal, in routine cases, the Section Officer should invariably put up an anticipatory draft when submitting a case for orders. A higher Officer may himself prepare a draft and authorize its issue, or submit it to the next higher officer for approval.

122. A draft communication should convey the exact intention of the orders passed both in letter and in spirit. The language used should be clear and simple. Lengthy sentences and repetitions whether of words, expressions or of ideas should be avoided. In case of lengthy and complex communication, the main points should be summarized in the concluding paragraph.

123. The following instructions should be observed when preparing a draft:-

- (a) A draft should be written or typed in double space on both sides of the paper. A sufficiently wide margin should be left for corrections and additions;
- (b) all drafts should bear the relevant file number and subject. The reference number of the addressee's letter, if any, should always be given in subsequent correspondence;
- (c) when many corrections and alterations have been made in a draft which has to be submitted to Governor, Chief Minister or a Minister, a clean copy of the amended draft should be prepared and put up with the case.
- (d) a draft should clearly indicate the enclosures which are to accompany the fair copy. Where a reference is made to some enclosures, diagonal strokes may be made against them in the margin. The number of enclosures 50 should also be indicated at the end of the draft of the left hand margin of the page;
- (e) if copies of enclosures, referred to in the draft are available and not to be typed, the fact should be clearly stated in the margin of the draft;
- (f) when it is known that the office to which a communication is to be sent will require extra copies, the number of copies to be enclosed should be indicated in the draft;

- (g) The officer under whose signature the communication is to issue should initial the draft in token of his approval. His designation/telephone number should invariably be indicated on the draft;
- (h) The appropriate priority marking should be indicated on the draft. If any paper is to be dispatched by the special messenger or issued under registered post or under postal certificate, by Express Delivery or by Air Mail, necessary instructions should be given on the draft for the guidance of the dispatcher;
- (i) All executive actions of the Government shall be expressed to be taken in the name of the Governor;
- (j) in order to avoid objections, financial sanction shall clearly indicate to have been issued by authority empowered to do so under the relevant delegation of power rules. In cases, where no powers have been delegated to the departments, audit copy of the sanction order shall be authenticated/endorsed by the Finance Department; and
- (k) a clean copy of the letter should be placed in the file. This should be referenced immediately before any other action is taken on the file.

124. **Inter Departmental Reference;** - Inter- Departmental reference shall ordinarily be made by means of an un- official reference (U.O.) either on the file itself or separately. It should be ensured that adequate number of copies of the reference are supplied by the initiating department so that action at the other end is not delayed on account of retyping and distribution of the reference to different officers. The initiating department should, therefore, anticipate the exercise which the department to whom reference is being addressed would have to undertake.

143. **Reference from the Head of attached Departments and subordinate Offices to the Secretariat Department:-** Proposals from the Heads of Attached Departments or other subordinate offices shall be in the form of self- contained communication stating the facts of the case, the points for decision and their specific recommendations.

XIV. PREPARATION AND SUBMISSION OF CASES

158. Every file shall consist of two distinct parts viz;
- (a) the correspondence part; and
 - (b) the notes part.

The thick cardboard covers bearing two punched holes shall be used for the correspondence part of the file and the thinner folded file covers shall be used for the notes part.

159. Thick correspondence part of the file shall contain a docked sheet (Appendix XIII) and all communications including demi- official reference, received or issued. The correspondence part shall be arranged strictly in the chronological order and shall be firmly laced through the punched holes of the hard.

160. All pages of the correspondence part of the file, except on which nothing has been written or typed, should be serially numbered. The number should be written clearly and legibly and if the numbering has to be changed due to error or interpolation of some material, the original serial number should not be erased or over- written but simply scored out by a line drawn across it and the new number writhen thereunder. Necessary correction should also be made in the notes.

161. Each communication in the correspondence portion of the file shall be properly cross- referenced to facilitate prompt reference to the connected documents.

162. The latest communication on which action is being taken shall also be placed on the correspondence portion of the file at the end and page numbered. It may be flagged with a “PUC”(Paper Under Consideration) label and referred to in the Note portion of the file as “PUC” at page____/C”.

163, Reference to correspondence shall always be made page- wise as “at PP 13- 14/C”.

164. (a) The note- sheet in the note- part of the file should be tagged inside the file cover at the left hand top corner so that it becomes possible to fold them backwards and bring the last portion of the note on the top; and

(b) It shall be ensured that one or two blank sheets are added to the note portion of the file.

165. The note portion of the file should not be page numbered, but shall be serially paragraph numbered continuously. References to notes shall always be made paragraph- wise as “Para____/N”.

166. Red Entry:- All incoming and outgoing communications shall be entered in red ink in the Note portion of the file at the appropriate stage and given a paragraph number. Such entries shall be separated from the running Notes by horizontal lines drawn across the page before and after each entry as under:-

-

Form

The District Co-Ordination Officer, Mardan,
No. 11447/c, dated 12th August, 2007 page 15/c.

-

169. **Flagging references and use of flags:** - All previous papers, rules, regulations, precedents and policies etc; to which reference has been made in the fresh receipt or in the note shall be indicated by giving the number of the page or paragraph and number of the relevant file in the margin in pencil and where necessary, by flagging with alphabetical slips. The slips should be pinned neatly under the pages, the sharp end of the pin being hidden between the slip and the page. When a large number of references are to be flagged, the slips should be so spaced as to be clearly noticeable. If reference is flagged with alphabetical slips, the number and pages of the relevant file or documents should also be indicated in the margin (in the notes part) so that if the slips are lost or removed at a later stage, the reference can still be located. If the document put up for reference in a report, periodical or other publication its full title, etc. should also be given in the margin in ink, unless it is clearly mentioned in the Note itself by name. In the case of a file its number must be noted.

170. Reference books normally available with the officers should not be put up with the file but the relevant pages to which attention is to be drawn be indicated in the margin. If some reference books have to be put up, they should, if of the same size as the file board of file cover be placed at bottom of the case papers if of a smaller size they should be placed at the top to prevent them from slipping out.

171. **Linking of files.**

- (a) Linking of files on which action is in progress should, as far as possible be avoided. As a general rule, this practice should be resorted to only when the files are inter- connected and orders have to be passed on them simultaneously. If a reference has to be made to papers in another current file, relevant extracts should be taken if the matter involved is not too lengthy; and
- (b) Where linking is necessary, a slip should be attached to the top binder of the file board indicating the number of cases and file number on which orders are required.

172. The references put up should be restricted to those actually required for the disposal of the case. Where references to previous letters occurs in the documents under consideration, the files containing these letters should be put up only, if required to elucidate the subject.

173. Where a paper which has been printed is required for information or reference, a printed copy, and not the original, should be submitted in the absence of orders to the contrary.

174. Files must be kept flat and not folded at the middle or doubled back to display particular pages.

175. **Use of Priority Labels:-** The use of priority labels shall be restricted to cases where they are absolutely necessary. Utmost care should be exercised in the gradation of references and priority labels must not be used indiscriminately.

176. The label shall be fixed to the top binder of the file board. Once a particular priority has been given to a file, it should not continue to have the same priority automatically. Each officer dealing with a file shall satisfy himself at every stage that the correct priority has been given to it. He should change the priority if he considers it appropriate to do so.

177. **Treatment of priority cases:-** Cases requiring instant attention, to the exclusion of all other work which an officer may be doing at the time, should be labelled "IMMEDIATE" Cases labelled "IMMEDIATE" shall be sent to the residence of the officer concerned after office hours and on holidays, if necessary. If sent to the residence the officer shall deal with the case promptly and if possible, return it with his orders to the person who brought it. "IMMEDIATE" label should be used most sparingly.

XV. RECEIPT AND DISTRIBUTION OF URGENT PAPERS AFTER OFFICE HOURS AND ON HOLIDAYS

185. (a) The Section Officer or the official on duty in the Establishment & Administration Department and the resident Superintendent-cum-Care taker shall deal with any matter requiring urgent attention after office hours or on holidays. They will, for instance, be responsible for:-

- (i) Receipt and prompt dispatch to the quarter concerned of all letters, telegrams files and messages, received after office hours or on holidays;
- (ii) Sending papers and cases labelled “IMMEDIATE” or marked “RESIDENCE” to the residence of the officer concerned by special messenger;
- (b) They shall arrange for the efficient disposal of the work and particularly ensure that a competent clerk is put on telephone duty, who should, by some arrangements, be able to contact the concerned officer in cases of emergency.

187. **Dispatch:-** The normal agency for the dispatch of all communications files, etc; to departments or offices by the post shall be the Receipt and Issue Branch. The delivery of local Dak to Department and offices shall be handled by the Receipt and Issue Branch through the Dak Delivery Book. Private Secretaries and Stenographers attached to officers and Section Clerks, may however, dispatch secret, confidential or urgent communications wherever required to do so. They may either dispatch such communications direct through means at their disposal or enclose them in covers and pass them on to the Receipt and Issue Branch for onward dispatch.

188. (a) The Superintendent of the Receipt and Issue Branch shall ensure that letters, etc; are actually dispatched on the same day; in any case not later than the next morning and the office copies are return to sections immediately after dispatch; and
- (b) The ordinary Dak shall be dispatched twice a day (9.00 a.m. and 11.30 a.m.) but urgent and immediate communications are to be sent without delay.

189. The date on a communication being issued shall be the date on which it actually issues. Ordinarily the original date, if one has already been inserted, should stand but if there is a delay of more than 24 hours, the original date should be altered. In any case a second date along with the original date should not be added. Communications should never bear a double date.

190. (a) Document to be sent by post should be placed in covers and the names and addresses of the addressee should be neatly and correctly written or typed on the Economy slip, which should be used for covers containing ordinary (i.e. unclassified) communications except when the contents are bulky or when it is proposed to send the cover by insured post. Economy slips should not be used for covers

addressed to Foreign Countries or to officials of Foreign Mission in Pakistan or for covers containing secret and confidential documents; and

(b) Daftaries in the Receipt and Issue Branches should be properly instructed regarding the correct use of Economy Slip and the manner of affixing stamps so that when opening the envelopes at the receiving end, they are not damaged.

191. The Dak to be sent out by post shall be entered in a separate register, and the entries should show the reference number, particulars of the addressee and the amount of stamps affixed on each letter, telegram, etc.

192. For the purpose of distribution of circular letters etc, by post to Head of Attached Department, other subordinate offices etc., outside Provincial Headquarter a separate list of such Departments/Offices, showing the number of copies to be sent to each, shall be maintained by all Receipt and Issue Branches.

193. After communication has been dispatched, the office copy shall be rubber stamped "ISSUED" initialled and dated by the Dispatch Clerk, and returned immediately to the Section/Branch concerned.

194. The following procedure for dispatch shall be followed in the Receipt and Issue Branch:-

DISPATCHER:-

- (a) Receives papers for dispatched;
- (b) Checks the enclosures, if any;
- (c) Inserts number and date of dispatch both in the fair copy and in the office copy;
- (d) Separates fair copy from the office copy;
- (e) Affix rubber stamps "ISSUED" on the office copy and puts his dated initial under it;
- (f) Return office copy to the Section concerned;
- (g) Places fair copies in the relevant compartments of the sorting racks, if any;
- (h) Clears compartments of sorting rack one by one and arranges letter office-wise, separating communication for local dispatch from those to be dispatched by post;

- (i) Enters communications for local dispatch in Dak Delivery Book;
- (j) Prepares covers where necessary and writes addresses on covers or Economy Slip as the case may be, for communication to be dispatched by post (cyclostyled or Photostatted address slip shall be used for addresses frequently addressed);
- (k) Passes covers on to Daftari;
- (l) On receipt of covers from daftari the dispatcher will;
- (m) Make necessary entries in the Register of Stamp Account;
- (n) Hand over covers to Naib Qasids for posting; and
- (o) At the end of each day Dispatcher shall check the Dak Delivery Books and satisfy himself that all Daks delivered by hand has been properly acknowledged by the addressees concerned.

XVII. PRESERVATION OF RECORDS RECORDING, INDEXING, CLASSIFICATION, WEEDING AND PRINTING OF RECORD

200. Definition:-

(1) Preservation of records includes recording, indexing, printing, classification and weeding of files, which should be done as a continuous process, action on a file should not be treated to have been completed unless it has been properly recorded.

(2) In these instructions:-

- (a) 'Recording' means the process of closing of a file after action on all issues has been completed;
- (b) 'Indexing' means preparation of index slips for each file and ultimately an Annual Index of the files of the Department;
- (c) 'Classification' means classification of files into "Secret" and "Confidential";
- (d) 'Categorization' means categorization of files into various categories on the bases of period for which they should be preserved; and
- (e) 'Weeding' means sorting out and destroying of those records which have outlived their utility and need no longer be preserved.

201. **Recording:-** Where a communication issued finally disposes of a case, the Section Officer shall take the following further action before passing

it on to the Section Assistant/Section Clerk- cum- Record Keeper (as the case may be):-

- (a) Read through the notes and correspondence and verify that no further action remains to be taken on the case.
- (b) Take extracts of important orders, decisions, advice, etc; for incorporation in the reference register;
- (c) Check and satisfy himself that all pages are complete and intact;
- (d) Remove and destroy all unimportant papers, routine notes and slips and other papers not material to the case;
- (e) Remove and destroy drafts or papers which have been printed or typed (except copies initialed by officers), proofs and any other duplicates of papers otherwise appearing in full on the record;
- (f) Remove all pins, clips and tags, if any;
- (g) Transfer notes to the correspondence file (Notes at the bottom following the correspondence) and lace them together securely, changing the file cover, if necessary, in case the existing one is mutilated; and
- (h) The index card already prepared may be appropriately revised where necessary.

202. On receipt of a file marked for record, the Section Assistant/Section Clerk- cum- Record Keeper, as the case may be, shall:-

- (a) Note the recording date and the classification of the file in the relevant columns of the file register (Appendix- XIV). He should also maintain an annual register of recorded file as shown in (Appendix- XV);
- (b) Enter the serial number of the file on the relevant page of the Register of Files due for destruction (Appendix- XVI). This register should contain at least one page for each calendar year and the serial number of files due for destruction in a particular year should be entered on the relevant page;
- (c) Place the file among other recorded files in its appropriate place; and
- (d) The Section Assistant/Section Clerk- cum- Record Keeper shall also perform the following duties:-
 - (i) Note the number of connected File(s) or previous reference(s) on the file cover of the file being recorded and also on the cover of the file under reference;

- (ii) Have all torn pages mended and twisted pages straightened;
- (iii) See that all marginal references both in the notes and correspondence are either available on the file or in Appendix at the end of the file or are duly referenced so as to make them readily traceable. (In this process flags shall be clearly identified with or replaced by names or relevant document, number of files, page numbers, Para numbers, etc);
- (iv) Write or type the full names of officers (who deal with the file) with correct spelling and their designation below signature where- signatures of the officers are not legible; and
- (v) Having completed the above action, place the file among other recorded files in its appropriate place or stamp the file "Recorded" in the margin of the last Para of the Notes, initial it and mark the file to the Record Room.

203. **Preparation for Index Card:-** As a general rule, index cards should be prepared simultaneously with the opening of a new file to which a subject title and number have been allotted. It will be convenient to use index cards of two different colors as under:-

WHITE - For all Files,
BLUE - for the policy files. Thus policy files will have two cards each.

(For Specimen of index cards see Appendix- XVII and XVIII)

204. The index head selected should be entered on the main subject index card (WHITE). Headings of subsidiary cards (BLUE) should be written in red ink on the main card so that if it becomes necessary to deal with all the cards relating to a file (e.g. to transfer it to another Section, after its number, etc.) the main card would at once show if any subsidiary cards also exist. The entries on the subsidiary cards should be sufficient to indicate the subject and number of the file required without further reference.

205. The index cards should be arranged strictly in alphabetical order.

206. The selection of suitable subject heading for a file and the preparation of the Index Cards should be done by the Section Assistant in consultation with the Section Officer, if necessary.

207. The card index should be in the custody of the Section Assistant/Section Clerk- cum- Record Keeper, but must be readily available to the concerned staff working in the Section/Branch at all times.

208. The annual index of the proceedings of a Section for a particular year should be prepared from the index cards and printed in the beginning of the following year.

209. **Categorization:-** For the purpose of permanent or temporary preservation of the recorded files, each file shall be categorized as under showing the period of retention on the docket sheet of that file:-

- (a) Category 'A' - Permanent files to be printed.
- (b) Category 'B' - Permanent files not to be printed.
- (c) Category 'C' - Life 5 to 15 years.
- (d) Category 'D' - Life up to 4 years.

210. Category 'A' Permanent Files to be printed :- The 'A' category shall include important files of permanent utility and have to be preserved with utmost care as they will be required frequently for reference purposes over a long period of years, more than one copy of such files will be needed for working purposes. They will, therefore, be properly recorded, indexed and printed. Only printed copies shall be used for working purposes. The original manuscript files shall be preserved with the utmost care and put up with a case only when absolutely necessary. As a general rule, the following types of files shall be included in this category:-

- (a) Files containing discussion or orders on important matters of policy legislation, rules and regulation;
- (b) Files containing orders establishing important procedures, or conveying important instruction of a general nature;
- (c) Files of historical, academic or public importance;
- (d) Files relating to individuals whose importance warrants retention of their cases permanently; and
- (e) State documents such as treaties and agreements with Tribal Areas.

211. Category 'B' Permanent Files but not to be printed:- The files included in 'B' category will also be of permanent nature but frequent references to them may not be necessary and original manuscript itself would be sufficient for working purposes. Such files shall not be printed but will be properly recorded, indexed and retained permanently. If at any time it becomes necessary to print a category 'B' file it may be transferred to category 'A' and printed. The service records of the Government Servants should be classified under this category subject to revision of classification after each five years.

212. Category 'C' life 5 to 15 years: - The 'C' category will include the files which have limited utility and will be retained for periods ranging between 5 to 15 years, depending on the nature of the files. They will not be printed but will be properly recorded and indexed. It is not possible to lay down any hard and fast rule for determining the period for which a file of this category should be retained, as it will largely depend on the nature and importance of the subject discussed in it and the frequency of the use to which it may be put. Section Officer should, therefore, exercise discretion in the matter in the light of past experience and decide as to which the files should be included in this category and for what period should be retained. The classification of each of these files should be reviewed at the end of the allotted period and, if no longer required, should be destroyed.

213. Category 'D' Life up to four years:- The 'D' category will consist of files containing correspondence of routine or temporary nature which are not likely to be required beyond a period of three years. These will therefore be retained for a period ranging between one and four years, according to their relative importance, these files need not be indexed but should be retained in the Sections, Branches for the allotted periods and thereafter destroyed.

214. Secret and Confidential Files:- The security classification of files which have ceased to be secret or confidential should be downgraded under the order of the Secretary concerned. When this is done, they should be recorded, indexed and classified as ordinary files.

215. Where files are to remain secret or confidential, they should be recorded under the instruction of the Section Officer and should remain in his personal custody. He should also maintain a register of secret and confidential recorded files in the form at Appendix- XIX.

216. At the time of handing over and taking over charge of a post, the officer taking over charge should satisfy himself that all the confidential files recorded in the register are in their proper place and sign the register at the end of the last entry in token of having received them.

217. A copy of the list of the files which remain in the custody of the Branch Officer should be supplied to the Section concerned to enable them to put up any fresh receipt direct to the Branch Officer concerned.

218. Secret or confidential files which are more than three years old and are not current, may be sent to the Section/Branch concerned to be placed in separate almirah, the keys of which should be in the personal custody of the Section Officer/Superintendent.

220. Weeding and destruction of files:- When notes are printed, the names of the Governor, Chief Minister, Ministers and Secretariat Officers should be printed in full at the end of each note written by them.

221. Starting from January each year the Section Officer will undertake an exercise for sorting out files out for destruction during at year. He shall prepare a list of all such files.

222. The Section Officer will go through each file and obtain final orders of the Deputy Secretary/Additional Secretary with regard to its destruction or preservation for a further period. The Deputy Secretary/Additional Secretary will pass his order on the list submitted with the files. The files together with the list will then be returned to the Section Officer for further action.

223. (a) Against the files which have been destroyed or those the period of retention of which has been extended, the date of destruction or period of extension, as the case may be, shall be entered in appropriate register by the Section Officer. When the life of the file is extended, the new date shall be carried forward accordingly.

(b) The secret and confidential files and papers due for destruction shall be burnt under the personal supervision of the Section Officer who will note the fact in the Register of recorded files. Other files to be destroyed shall be effectively torn and disposed off as ordered by the Government from time to time.

224. The various registers used in the Departments of Secretariat should be categorized and preserved/retained for the period indicated against each as under:-

- | | | |
|-------------------------------|------|-------------------------|
| (a) File Register | .... | Category 'A' Permanent |
| (b) Register of Files due for | .... | Category 'B' Permanent. |
| Destruction. | | |
| (c) Section Dairy Register | .... | Category 'C' 5 years |
| (d) Dak Book | .... | Category 'D' 2 years |

232. Reminders: - The following system of reminders may be adopted as a matter of routine. The first reminder to another department or subordinate office should be an unofficial reference or office memorandum issued after reasonable lapse of time. The second reminder should be a demi- official letter by the Section Officer or Deputy Secretary. If there is still no response the matter should be taken up at a higher level by Deputy Secretary/Additional Secretary or the Secretary. Such written reminder should, of course, be supplemented by telephonic reminders to the officers concerned. The Federal Government or other Provincial Governments and officers not subordinate to Governments should be reminded by official and demi- official letters.

APPENDIX- IV
[Paragraphs – 100(J)]

OFFICIAL LETTER

Telephone No.
of the sender

GOVERNMENT OF N.W.F.P.,
Name of the Department/Wing.
Number of letter.....
Date including the place of issue.

To:

Designation and address of the addressee.

Subject: _____

Dear Sir,

I am directed to _____ (when purporting to issue under directions from government).

I have the pleasure to _____ (when not purporting to issue under directions from Government).

Your Faithfully,
Signature
(_____ NAME _____)
Designation of the Sender.

Particulars of documents attached,
if any.

APPENDIX- IV
[Paragraphs – 104]

MEMORANDUM

Telephone No.
of the sender

GOVERNMENT OF N.W.F.P.,
Name of the Department/Wing.
Number of letter.....
Date including the place of issue.

To:

Designation and address of the addressee.

Subject: _____

Memorandum

Reference

Particulars of documents attached, if any.

Signature
(Name of the sender block letters)
Designation of the Sender.

APPENDIX- VI
[Paragraph - 107]

DEMI OFFICIAL LETTER

Name, Designation and
Telephone No. of the
Sender
Place of issue & Date

GOVERNMENT OF N.W.F.P.
NAME OF THE DEPARTMENT
D.O No.....

Subject:

May dear (when addressing officers of equal or
junior status)

.....
.....

Dear Mr (when addressing officer of senior status).

I am desired to (when purporting to issue under direction from
Government).....

.....

I am to(in other cases).

Yours sincerely,

Signature
(Name in block letter)

Name, Designation and
Address of the addressee.

APPENDIX- VIII
[Paragraph - 114]

ENDORSEMENT

Copy _____ of _____ memorandum/letter
No.....dated.....

fromto.....
.....
.....

Subject: _____

(Contents)

Government of NWFP
E&AD
(Regulation Wing)

Edst: No.....dated.....

A copy of is forwarded to:- -

1.

2.

for information / for necessary action / for supplying the requisite
information.

Signature
(Name in block letter)
Designation of Issuing Authority

APPENDIX- IX
[Paragraph - 115]

GOVERNMENT OF N.W.F.P.
Name of Department/Wing.
Dated (Place of issue).....

NOTIFICATION

No The Governor of the N.W.F.P.
is pleased
it is hereby notified

Text
.....
.....

Name in block letters
Designation of the
Issuing Authority.

ENDORSEMENT

No Dated
.....

A copy is forwarded to
All concerned.....

ENDORSEMENT

No..... Dated
A copy is forwarded to the Manager, Government Printing and
Stationery
Department, NWFP, Peshawar for publication in the next issue of the
Government
Gazette.

Signature
(Name in block letters)
Designation of the Officer
issuing the endorsement.

SECTION-II (CORRESPONDENCE AND COMMUNICATION)

C.No. 1(6-2)

MODE OF CORRESPONDENCE WITH THE HIGH COURT

I am directed to say that it has been come to notice that some of the subordinate Judicial Officers are in the habit of addressing letters etc. direct to the undersigned over and above the heads of their immediate officers. This practice is contrary to the office discipline and the established principles. All type of correspondence should therefore reach this office through proper channel, except cases in which direct reference has been made, even in such cases a copy of the reply be forwarded to the superior authority or authorities.

I am also to say that all routine correspondence be addressed to the Registrar by designation and not by name.

It is expected that, in future, the instructions are to be strictly followed in letter and spirit.

(PHC letter No.10546-10606/Admn:Brh: Dated Pesh: the 14th Oct, 1980)

C.No. 2(6-2)

MODE OF CORRESPONDENCE WITH THE HIGH COURT

I am directed to refer to the subject noted above and to say that it has been noticed with grave concern that the members of the District Judiciary make direct correspondence with this Court without using proper channel of communication in total violation of this Court's instructions contained in letter No.10546-10606/Admn: dated 14.10.1980 (copy enclosed). Needless to say that making direct correspondence with this Court is culpable as it is pre-judicial to the service discipline and tantamount to misconduct.

His Lordship, the Chief Justice has taken a very serious view of the situation and has directed that the Judicial Officers be made conscious of the consequences of the non-compliance of the Standing Instructions of this Court in this regard.

I am, therefore, to reiterate upon causing compliance of the aforementioned instructions by the Judicial Officers of your District as it

would adversely affect the management of the District & Sessions Judge concerned.

(PHC letter No.13277-13300/Admn: Dated 8th November, 2003)

C.No. **3**(6-2)

PROMPT RESPONSE TO THE COMMUNICATIONS BY THE HIGH COURT

I am directed to refer to the subject noted above and to convey the concern of his lordship the Chief Justice at the pace of response to the communications by the High Court. The information sought to be supplied to this Court **by return fax**, in view of its urgency, is even delayed for days.

I am, therefore, to ask to ensure immediate response to such communication of this Court through fax the same day in future, please.

(PHC letter No. 4920-4943/Admn: Dated 18th June, 2005)

C.No. **4**(6-2)

DIRECT CORRESPONDENCE WITH HIGH COURT

It has been noticed that judicial officers working in the field directly approach this office for grievances like requirements of residence, Courts or Courts facilities etc. this is violative of the principle of unity of command and discipline of service. Bypassing the District & Sessions Judges amounts to overlooking first available forum, who could resolve the issues locally.

That in view, it is reiterated that direct correspondence with this office other than by District & Sessions Judge in future will not be entertained on any issue. It is requested that these standing instructions may be circulated amongst judicial officers as well as subordinate officials for strict compliance.

(PHC Letter No. 3376-3400/Admn, Dated 21st February, 2017)

C.No. 5(6-2)

MULTIPLE COPIES OF THE SAME CORRESPONDENCE

I am directed to say that it has been observed that the field officers regularly share copies of their charge assumption, details about constitution of the DSC for recruitment, minutes of the Criminal Coordination Committee and other irrelevant documents with the office of Principal Staff officer to Hon'ble Chief Justice, amongst them many matters fall beyond the mandate and TORs of his office, resultantly precious government resource is wasted. Similarly, at times fax and emails intended to be sent to the Registrar office are also sent to his office.

Hon'ble Chief Justice has, therefore, been pleased to direct all concerned to desist from such practice in future, as it leads to duplication except in such cases where the details are explicitly sought by the office in question.

This may be circulated amongst all judicial officers within your respective district for strict compliance, please.

(PHC Letter No.20012-20046/Admn, Dated 07th October, 2019)

CHAPTER-VII JUDICIAL BUSINESS

Section-I (Investment of Judicial Powers)

1(7-1)	Investment Of Powers Under Anti-Terrorism Act, 1997	917
2(7-1)	Investment Of Powers Under Khyber Pakhtunkhwa Child Protection And Welfare Act, 2010	917-919
3(7-1)	Investment Of Powers Under Code Of Criminal Procedure, 1898	919-923
4(7-1)	Investment Of Powers Under The Khyber Pakhtunkhwa Consumer Protection Act, 1997	923-926
5(7-1)	Investment Of Powers Under The Control Of Narcotic Substance Act, 1997	927-928
5A(7-1)	Investment Of Powers Under Khyber Pakhtunkhwa Control Of Narcotic Substance Act, 2019	928
6(7-1)	Investment Of Powers Under Khyber Pakhtunkhwa Environmental Protection Act, 2014	929
7(7-1)	Investment Of Powers Under Pakistan Environmental Protection Act, 1997	929
8(7-1)	Investment Of Powers Under The Gas Theft Control Act, 2016	929-932
9(7-1)	Investment Of Powers Under The Insurance Ordinance, 2000	932-933
10(7-1)	Investment Of Powers Under The Juvenile Laws	934
11(7-1)	Investment Of Powers Under The Khyber Pakhtunkhwa (Removal Of Encroachment Ordinance, 1977	935
12(7-1)	Investment Of Powers Under The Land Acquisition Act, 1894	935-936
13(7-1)	Investment Of Powers Under The Mental Health Ordinance, 2001	936-937
14(7-1)	Investment Of Powers Under The Pakistan Criminal Law Amendment Act, 1958	937-939
15(7-1)	Investment Of Powers Under The Small Claims & Minor Offences Courts Ordinance, 2002	939-940
16(7-1)	Investment Of Powers Under The Succession Act, 1925	940-943
17(7-1)	Investment Of Powers Under The West Pakistan Urban Rent Restriction Ordinance, 1959	943-944
18(7-1)	Investment Of Powers Under The West Pakistan Civil Courts Ordinance, 1962	944-945

19(7-1)	Criteria For Conferment Of Powers Upon Civil Judges	945-946
20(7-1)	Appointment Of Courts And Nomination Of Judges For Trial Of Minerals Related Offences In Minerals Bearing Areas Of The Province.	946
21(7-1)	Magistrate For Traps	946

Section-II (Instructions Relating to Jurisdiction of Courts)

1(7-2)	Civil Courts To Try All Suits Of Civil Nature Unless Their Cognizance Is Barred Expressly Or Impliedly By A Special Enactment	947-948
2(7-2)	Indemnity And Bar Of Jurisdiction Of Civil Courts	949
3(7-2)	Indemnity And Bar Of Jurisdiction Of Civil Courts	949
4(7-2)	Jurisdiction In Cases Regarding Custody Of Children And Guardianship	949-950
5(7-2)	Shariah Nizam-E-Adl Regulation, 2009	950-951
6(7-2)	Parallel Judicial Proceedings	951
7(7-2)	Civil Courts To Try All Suits Of Civil Nature Unless Their Cognizance Is Barred Expressly Or Impliedly By A Special Enactment	951-952
8(7-2)	Entertainment Of Suits By The Civil Courts, Where Jurisdiction Is Expressly Or Impliedly Barred By A Special Enactment	952-953
9(7-2)	Uk-Pakistan Protocol On Children Matters	953-954
10(7-2)	Directive Of Hon'ble The Chief Justice (01.06.2016)	955
11(7-2)	Instructions	955-956
12(7-2)	Directives Of The Hon'ble Chief Justice (17.04.2019)	957

Section-III (Institution and Distribution of Business)

1(7-3)	Delegation Of Powers	958
2(7-3)	Multiplicity Of Suits / Appeals Curbing Of	958-959
3(7-3)	Distribution Of Cases	959
4(7-3)	Cause Diary	960
5(7-3)	Preparation Of Daily Cause List	960

6(7-3)	Compliance Of Section 23(1), 25 Of The Civil Courts Ordinance, 1962 (Alternative Arrangements)	960-961
7(7-3)	Maintenance Of Attendance / Peshi Registers	961
8(7-3)	Distribution Of Police Station At A Sessions Division (21.03.1998)	961
9(7-3)	Distribution Of Police Stations At A Sessions Division (14.04.1998)	962
10(7-3)	Disposal Of Suits Against The Government	962
11(7-3)	Institution Of Proceedings Under Sub Section (3) Of Section 190 Of The Code Of Criminal Procedure, 1898	962-963
12(7-3)	Work Load Management In Civil And Criminal Courts	963
13(7-3)	Grant Of Guardianship Certificate At Sub-Divisional Headquarters	963-964
14(7-3)	Traffic Magistrates	964
15(7-3)	Equalization Of Pendency	964
16(7-3)	Determination Of Successor Courts	965
17(7-3)	Check On Remand Of Cases By The DSJs/ADJs	965-966

Section-IV (Interim Injunction)

1(7-4)	Issuance Of Stay Order	967
2(7-4)	Speedy Disposal Of Execution & Other Cases	967
3(7-4)	Issuance Of Stay/Status Quo Orders	967-968
4(7-4)	Interim Injunction/Status Quo	968
5(7-4)	Interim Injunction/Status Quo	969
6(7-4)	Indiscriminate Grant Of Injunction And Stay Orders By The Subordinate Courts	969-970
7(7-4)	Un-Necessary Adjournments In Stay Matters	970
8(7-4)	Disposal Of Applications For Temporary Injunction	971
9(7-4)	Interim Order In Cases Of Admission To The Professional Colleges	971
10(7-4)	Interim Injunction / Status Quo	972
11(7-4)	Provision Of Attested Copies Of Stay Orders	972

12(7-4)	Notice To PM&DC Before Passing Of Ad-Interim Injunctions	972
13(7-4)	Disposal Of Applications For Temporary Injunctions And Bail Petitions	973
14(7-4)	Grant Of Illegal Stay In Recovery Proceedings Initiated Under The Provisions Of Income Tax Ordinance, 2001	974
15(7-4)	Un-Necessary Adjournments In Stay Matters	974
16(7-4)	Directives Of Hon'ble The Chief Justice	975
17(7-4)	Injunction Against Government (05.01.2018)	975-976
18(7-4)	Injunction Against Government (01.02.2018)	976
19(7-4)	Grant Of Stay Orders In Election Matters	976
20(7-4)	Injunctions	976-977

Section-V (Bail Applications)

1(7-5)	Disposal Of Bail Petitions	978
2(7-5)	Grant Of Transitory Bail	978-979
3(7-5)	Disposal Of Bail Applications By Or On Behalf Of Juvenile Offenders.	979
4(7-5)	Chief Justice Directive # 9 (Bail Bonds In Quadruplicate)	979-980
5(7-5)	Fixation Of Dates In Transitory Bail Matters	980
6(7-5)	Hearing/Disposal Of Bail Applications	980-981
7(7-5)	Non Acceptance Of Women As Surety In Bail Matters / Decision Of NJPMC	981
8(7-5)	Attestation Of Bail Bonds In Bail Before Arrest	981
9(7-5)	Grant Of Transit/Protection Bail (08.12.2011)	982
10(7-5)	Grant Of Transit/Protection Bail (15.12.2011)	982
11(7-5)	Vigilance In Attesting Bail Bonds	982
12(7-5)	Surety In The Bail Bond	982-983
13(7-5)	Directives Of Hon'ble The Chief Justice	983

Section-VI (Investigation and Judicial Remand)

1(7-6)	Amendment In Section 173(1) Cr.P.C. Compliance Thereof	984-985
2(7-6)	Instructions (Production Of Prisoners At The Time Of Judicial Remand)	985
3(7-6)	Implementation Of The Decisions Of The Chief Justices' Committee (Timely Submission Of Challan)	985-986
4(7-6)	Chief Justice Directive No. 22 (Timely Submission Of Police Challan / Interim Report ... Follow Up)	986
5(7-6)	Chief Justice Directive No. 24 (Postmortem Examination)	987-988
6(7-6)	Non-Production Of Accused In Court While Seeking Judicial Remand	988
7(7-6)	Confession U/S 164 Cr.P.C	988
8(7-6)	Non-Production Of Under-Trial Prisoners In The Courts	989
9(7-6)	Framing Of Charge And Examination Of Accused Under Section 342, Cr.P.C	989
10(7-6)	Statement Under Section 164 Cr.P.C.	990

Section-VII (Adjournments)

1(7-7)	Sine Die Adjournments	991
2(7-7)	Instructions (Parcha Peshi)	991
3(7-7)	Instructions Regarding "Parcha Peshi"	992
4(7-7)	Details About Adjournment Of Civil / Criminal Cases Fixed For Arguments	992-993
5(7-7)	Unnecessary Adjournments In Cases Of Urgent Nature.	993
6(7-7)	Unreasonable Long Adjournment In Cases Of Under-Trial Prisoners	993-994
7(7-7)	Observance Of Correct Practices	994
8(7-7)	Direction Of Hon'able Chief Justice Regarding Adjournments	994-995

Section-VIII (Evidence and Witnesses)

1(7-8)	Instructions (Officials Of The Cantonment Board As Witnesses)	996
2(7-8)	Attendance Of Medical Officer In Court For Evidence	996

3(7-8)	Deposition Of Oath	997
4(7-8)	Non-Appearance Of Investigating Officers In Sessions Trials	997
5(7-8)	Examination Of Witnesses In Courts	997-998
6(7-8)	Appointment Of Commissioners For Recording Evidence	998
7(7-8)	Pretrial Hearing / Conference	999
8(7-8)	Compliance With The Proviso To Rule 1 Order 16 C.P.C	999-1000
9(7-8)	Issuance Of Non Bailable Warrants Against Witnesses	1000
10(7-8)	Recording Age Of The Accused	1000-1001
11(7-8)	Summoning Of Judicial Officers For Court Evidence	1001
12(7-8)	Summons To Medical Experts	1002
13(7-8)	Attendance Of Patwaris In Civil Courts	1002
14(7-8)	Appointment Of Local Commission	1002-1003
15(7-8)	Directives Of The Hon'ble Chief Justice	1003
16(7-8)	Examination Of Patwaris In Revenue Record Related Cases.	1003-1004
17(7-8)	Directives Of Hon'able The Chief Justice	1004
18(7-8)	Summoning Of Revenue Officials For Evidence	1004
19(7-8)	Directives Regarding Recording Of Statements	1004-1005

Section-IX (Judgements, Orders & Decrees)

1(7-9)	Indication Of Civil Powers By Judicial Officer While Deciding A Suit, Appeal Or Other Proceeding	1006
2(7-9)	Citation Of Law And Reasons In Support Of Judicial Decisions	1006-1007
3(7-9)	Careful Exercise of Revisional Powers Under Sections 115 CPC 1908 & 439- Cr.P.C. 1898.	1007-1008
4(7-9)	Undesirability Of Hasty Dismissal Or Exparte Decree Of Suits	1008-1009
5(7-9)	Decree In Preemption Suit	1009-1010

6(7-9)	Mention Of The Name Of Presiding Officer In The Heading Of The Bail Order Passed By Him	1010
7(7-9)	Mention Of The Name Of The Presiding Officer In The Heading Of The Order / Judgement Passed By Him	1011
8(7-9)	Court Proceedings	1011
9(7-9)	Writing Name Under Signature (14.06.1997)	1012
10(7-9)	Writing Name Under Signature (19.11.1997)	1012
11(7-9)	Writing Name Under Signature (30.09.1998)	1012
12(7-9)	Decisions Of The Superior Courts	1013
13(7-9)	Writing Name Under Signatures	1013
14(7-9)	Typing Of Judgments	1013-1014
15(7-9)	Court Proceedings	1014
16(7-9)	Chief Justice Directive # 8 (Proper Registration Of Applications/Petitions)	1015
17(7-9)	Timely Signing Of The Judgements	1015
18(7-9)	Timely Signing Of The Judgments	1016
19(7-9)	Judgment – Order Assessment Form (24.05.2010)	1016-1018
20(7-9)	Judgment – Order Assessment Form (26.11.2010)	1018
21(7-9)	Irrelevant Remarks In Judgments	1019
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	1019-1020
23(7-9)	Recording Of Arguments And Precedents Law/Statute In Orders/Judgments.	1020
24(7-9)	Court Proceedings	1020-1021
25(7-9)	Directives Of The Hon'ble Chief Justice	1021

Section-X
(Costs and Compensation)

1(7-10)	Award Of Compensation Under Section 544-A Code Of The Criminal Procedure, 1898	1022
---------	--	------

2(7-10)	Payment Of Costs In Civil Cases	1022-1023
3(7-10)	Imposition Of Heavy Costs	1023
4(7-10)	Causes Of Delay In The Disposal Of Cases-Non-Imposition Of Appropriate Costs.	1023
5(7-10)	Heavy Cost On Frivolous Litigation	1024
6(7-10)	Discouragement Of False & Frivolous Litigations	1024

Section-XI (Sentencing Instructions)

1(7-11)	Short Term Sentences	1025
2(7-11)	Separate Sentences For Separate Offences	1026
3(7-11)	Period Of Custody Whilst Under Trial To Be Considered When Imposing Sentence	1026
4(7-11)	Fines And Compensation	1026-1027
5(7-11)	Awarding Of Adequate Sentence In Murder Cases	1028
6(7-11)	Benefit Of Section 382-B Cr.P.C 1898	1028
7(7-11)	Probation Of Offenders Ordinance 1960 / Overcrowding In Jails	1029
8(7-11)	Adherence To The Provisions Of Statute (22.07.2014)	1029
9(7-11)	Adherence To The Provisions Of Statute (22.12.2015)	1029-1030

Section-XII (NJPMC Related Instructions)

1(7-12)	Periodical Rotation/Transfer Of The Ministerial Staff Of District Courts	1031
2(7-12)	Slip Of Defects In Judgments/Orders Of Lower Forums As Noted By The High Court (For Information Of Judicial Officers)	1031-1033
3(7-12)	Elimination Of Perjury / Decision Of NJPMC	1033
4(7-12)	National Corruption Perception Survey 2006	1033-1034
5(7-12)	Recommendations Of The National Judicial Policy Making Committee Regarding Implementation Of Juvenile Justice System Ordinance, 2000	1035
6(7-12)	Recommendations Of NJPMC Regarding Expeditious Disposal Of Cases	1035
7(7-12)	Benefits To Good Conduct Offenders	1036

8(7-12)	Implementation Of NJP; Guidelines For Recording Of Evidence Through Commission	1036-1037
9(7-12)	Implementation Of NJP; Realization Of Goals Through Multi-Pronged Approach	1037
10(7-12)	Implementation Of Decisions Of National Judicial Policy Making Committee Dated 26-27 March 2011 (11.05.2011)	1038
11(7-12)	Implementation Of Decisions Of National Judicial Policy Masking Committee Dated: 26th, 27th March 2011 (11.05.2011)	1038
12(7-12)	Implementation Of Decisions Of National Judicial Policy Masking Committee Dated: 26th, 27th March 2011 (11.05.2011)	1038-1039
13(7-12)	Implementation Of Decisions Of National Judicial Policy Masking Committee Dated: 26th, 27th March 2011	1039
14(7-12)	Implementation Of Decisions Of National Judicial Policy Masking Committee Dated: 26th, 27th March 2011	1039-1040
15(7-12)	Implementation Of Decisions Of National Judicial Policy Making Committee Dated: 26th, 27th March 2011	1040
16(7-12)	Decisions Of National Judicial (Policy Making) Committee Cases Of Prisoners	1040
17(7-12)	Minutes Of Meeting Of The National Judicial (Policy Making) Committee Dated 21.05.2011	1041
18(7-12)	Minutes Of Meeting Of The National Judicial (Policy Making) Committee Dated 21.05.2011	1041
19(7-12)	Minutes Of Meeting Of The National Judicial (Policy Making) Committee Dated 21.05.2011	1042
20(7-12)	Minutes Of Meeting Of The National Judicial (Policy Making) Committee Dated 21.05.2011	1042
21(7-12)	Minutes Of Meeting Of The National Judicial (Policy Making) Committee Dated 21.05.2011	1043
22(7-12)	Implementation Of The National Judicial Policy	1043
23(7-12)	Minutes Of The Meeting Of National Judicial (Policy Making) Committee Dated 30th And 31st March, 2012	1043-1044
24(7-12)	Revised Proforma Reflecting Cases Of The Overseas Pakistanis In The Category Of Prioritized Cases Under The National Judicial Policy	1044-1045
25(7-12)	Periodical Rotation/Transfer Of The Ministerial Staff Of District Courts	1045
26(7-12)	List Of Newspapers/Magazines Approved By The Provincial Government For Official Publications	1045

27(7-12)	List Of Newspapers/Magazines Approved By The Provincial Government For Official Publications	1045-1049
28(7-12)	Periodical Rotation/Transfer Of The Ministerial Staff Of District Courts	1049

CHAPTER-VII
JUDICIAL BUSINESS

SECTION-I
INVESTMENT OF JUDICIAL POWERS

NOTIFICATION(S) UNDER DIFFERENT LAWS

C.No. 1(7-1)

**(A) INVESTMENT OF POWERS UNDER ANTI-TERRORISM
ACT, 1997**

DISTRICT AND SESSIONS JUDGES AS ANTI TERRORISM COURT

NOTIFICATION

Dated Peshawar, the 08th November, 2002

No. SO(Prosecution)HD/1-8/02:- In exercise of the powers conferred by section 14(5) of Anti Terrorism Act, 1997 (Act No. XXVII of 1997), Government of ¹[Khyber Pakhtunkhwa], in consultation with Chief Justice of the Peshawar High Court, Peshawar, is pleased to direct that when a Judge of an Anti-Terrorism Court is on leave, or for any other reasons, is temporarily unable to perform his duties, the Session Judge, having jurisdiction at the principal seat of the Anti-Terrorism Court, shall conduct the proceedings of urgent nature pertaining to such Anti-Terrorism Courts, so long as such Judge is unable to perform his duties.

C.No. 2(7-1)

**(B) INVESTMENT OF POWERS UNDER KHYBER
PAKHTUNKHWA CHILD PROTECTION AND WELFARE ACT,
2010**

**DISTRICT AND SESSIONS JUDGES AS CHILDREN PROTECTION
COURT UNDER KHYBER PAKHTUNKHWA CHILD
PROTECTION AND WELFARE ACT, 2010**

PESHAWAR HIGH COURT
NOTIFICATION

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Dated Peshawar the 18th December, 2012

No.269-J: In exercise of the powers conferred by Section 15(2) of the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010, Hon'ble the Chief Justice of this Court has been pleased to confer powers of Children Protection Court upon all the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.

ADDITIONAL DISTRICT AND SESSIONS JUDGES AS CHILDREN PROTECTION COURT UNDER KHYBER PAKHTUNKHWA CHILD PROTECTION AND WELFARE ACT, 2010

**PESHAWAR HIGH COURT
NOTIFICATION**

Dated Peshawar the 07th August, 2017

No. 176-J In exercise of powers conferred by Section 15, sub section (2) of the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010, Hon'ble the Chief Justice of this Court has been pleased to confer powers of Child Protection Court upon all the Additional District & Sessions Judges/Izafi Zilla Qazis in Khyber Pakhtunkhwa.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar the 07th July, 2020

NOTIFICATION:

(No. SO(Judl)/HD/L.SP-545/2020/Vol-I: In exercise of the power conferred under sub-section (1) of Section 15 of the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 (Act No. XIII of 2010, the Government of the Khyber Pakhtunkhwa is pleased to establish seven Child Protection Courts in the following District of the Province to try cases under the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 (Act No. XIII of 2010) and Juvenile Justice System Act, 2018 (Act No. XXII of 2018) with immediate effect:

1. Peshawar.
2. Mardan.
3. Swat.

4. Abbottabad.
5. Kohat.
6. Bannu.
7. Dera Ismail Khan.

2. For rest of the districts this Department's notification No. SO (Judl)HD/Gen/P-312/2020/Vol-I dated 29th January ¹2019 stands intact.

C.No. 3(7-1)

(C) INVESTMENT OF POWERS UNDER CODE OF CRIMINAL PROCEDURE, 1898

SENIOR CIVIL JUDGES' POWERS UNDER SECTION 30 CR.P.C AND AS MAGISTRATES 1ST CLASS AND 1ST CLASS CIVIL JUDGES' POWERS AS MAGISTRATES 1ST CLASS

**GOVERNMENT OF WEST PAKISTAN, HOME DEPARTMENT
(JUDICIAL)
NOTIFICATION.**

Dated Lahore the 29th May, 1957

No. 16/4-H-Judl/56/13664, In exercise of the powers conferred by sub-section (1) of Section 12 of the Code of Criminal Procedure, 1898, the Governor of West Pakistan is pleased to confer the powers of a Magistrate of the Ist Class upon every (1) Senior Civil Judge and (2) Civil Judge of the 1st Class in West Pakistan, within the limits of the districts in which they are posted from time to time.

No. 10/4-H-Judl/56. The Governor of West Pakistan is pleased to invest every Senior Civil Judge in West Pakistan, who is a Magistrate of the first Class, with powers under section 30 of the Code of Criminal Procedure, 1898, to try as a Magistrate all offences not punishable with death. These powers shall be exercised within the limits of the districts in which they are posted from time to time.

SENIOR CIVIL JUDGES' POWERS UNDER SECTION 30 CR.P.C

¹ In the notification it is mistakenly written as 2020

GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA], HOME AND TRIBAL AFFAIRS DEPARTMENT,**NOTIFICATION.**

Dated Peshawar the 22nd July, 1996

No.3/65-HSO(JUDL)/96. In exercise of the powers conferred by sub-section (1) of Section 12 of the Code of Criminal Procedure, 1898, and in supersession of West Pakistan Notification No.16/4-H-Judl/56/13664, dated 29.5.1957, the Government of the ²[Khyber Pakhtunkhwa], is pleased to confer powers of Judicial Magistrate of the Ist Class upon every Senior Civil Judge in the Province to be exercised by them within the limits of the districts in which they are posted from time to time.

2. The Government of the ³[Khyber Pakhtunkhwa], in exercise of the powers conferred by Section 30 of the said Code, is further pleased to invest every Senior Civil Judge in the Province, who is a Judicial Magistrate of the 1st Class, with the powers to try as Judicial Magistrate all offences not punishable with death. These powers shall be exercised by them within the limits of the Districts in which they are posted from time to time.

CIVIL JUDGES 1ST CLASS AS JUDICIAL MAGISTRATES 1ST CLASS**GOVERNMENT OF ⁴[KHYBER PAKHTUNKHWA], HOME AND TRIBAL AFFAIRS DEPARTMENT,****NOTIFICATION**

Dated Peshawar the 21st December, 1996

No. 3/65-HSO(JUDL)/96: In exercise of the powers conferred by sub-section (1) of Section 12 of the Code of Criminal Proceedings, 1898 and in supersession of West Pakistan Notification No. 16/4-H-Judl/56/13664 dated 29/05/1957, the Government of ⁵[Khyber Pakhtunkhwa], is pleased to confer powers of Judicial Magistrate of 1st Class upon every Civil Judge of 1st Class

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

in the Province to be exercised by them within the limits of the districts in which they are posted from time to time.

SENIOR CIVIL JUDGES POWERS UNDER SECTION 29-B OF THE CR.P.C, 1898

Dated Peshawar the 2nd February, 1999

No. SO (JUDL)/HD/3-13/98: In exercise of the powers conferred by Sub-section (2) of section 8 of the Reformatory School Act, 1897, the Government of ¹[Khyber Pakhtunkhwa], is pleased to empower all the Senior Civil Judges in ²[Khyber Pakhtunkhwa], to try youthful offenders under section 29-B of the Criminal Procedure Code, 1898 and send them to Reformatory Schools for detention within the limits of Districts in which they are posted from time to time.

DISTRICT AND SESSIONS JUDGES' POWER UNDER CLAUSE (a) & (b) OF SUB-SECTION (1) OF SECTION 491 CR.PC

PESHAWAR HIGH COURT NOTIFICATION

Dated Peshawar the 17th April, 2002

No. 45-J: In exercise of the powers conferred under Section 491 (1 A) of the Code of Criminal Procedure, 1898 (Act V of 1898), the Honorable Chief Justice of this Court has been pleased to direct that all the District and Sessions Judges in the ³[Khyber Pakhtunkhwa], shall exercise all powers specified in clause (a) & (b) of sub-section (1) of Section 491 Cr.P.C within the territorial limits of their respective Sessions Divisions.

SUMMARY POWERS OF MAGISTRATES 1ST CLASS

GOVERNMENT OF ⁴[KHYBER PAKHTUNKHWA] HOME AND
TRIBAL AFFAIRS DEPARTMENT

Peshawar Dated the 07.06.2005

No. SO(JUDL)HD/3-8/2001. In exercise of the powers conferred by section 37 of the Code of Criminal Procedure, 1898 (V of 1898), read with

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

item (7) of Schedule IV thereof, the Government of the ¹[Khyber Pakhtunkhwa], is pleased to confer upon the Judicial Officers mentioned in column 2 of the Table below, having already been conferred with the power of Magistrate First Class, with the additional power to try cases summarily for the purposes of section 260 of the said Code.

TABLE
CONTAINING NAME OF 176 MAGISTRATES

SENIOR MOST ADDITIONAL DISTRICT AND SESSIONS JUDGES' POWER UNDER CLAUSE (a) & (b) OF SUB-SECTION (1) OF SECTION 491 Cr.PC

Dated Peshawar the 5th May, 2011

No. 155-J., In exercise of the powers conferred under Section 491 (1A) of the Code of Criminal Procedure 1898 (Act V of 1898), the Hon'ble Chief Justice of this Court has been pleased to direct that the Senior most Additional Sessions Judge in a Sub-Division/Tehsil/Station in the whole of Khyber Pakhtunkhwa shall exercise all powers specified in clauses (a) and (b) of sub-section (1) of section 491 Cr.PC within the territorial limits of their respective Sessions Divisions.

JUDICIAL MAGISTRATES 1ST CLASS AS MAGISTRATE UNDER SECTION 30 Cr.PC.

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

Dated Peshawar, the 02nd December, 2016

NOTIFICATION

No. SO(Judl)/HD/3-88/2015:- In exercise of powers conferred by section-30 of the Criminal Procedure Code, 1898 (V of 1898), the Provincial Government of Khyber Pakhtunkhwa is pleased to confer powers upon all Judicial Magistrates of the 1st Class of the Province of Khyber Pakhtunkhwa, to be exercised by them within the limits of the Districts in which they are posted, from time to time, with immediate effect, in the best public interest.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

EMPOWERMENT OF ALL THE ADDITIONAL DISTRICT & SESSIONS JUDGES UNDER CLAUSE (a) & (b) OF SUB-SECTION (1) OF SECTION 491 Cr.P.C

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar the 27th June, 2020

No. 144-J: In exercise of powers conferred under Section 491(1A) of the Code of Criminal Procedure 1898 (Act V of 1898), Hon'ble the Chief Justice has been pleased to empower all the Additional Sessions Judges of the Province to exercise powers specified in clauses (a) and (b) of sub-section (1) of Section 491 Cr.PC within the territorial limits of their respective Sessions Division.

C.No. 4(7-1)

(D) INVESTMENT OF POWERS UNDER THE KHYBER PAKHTUNKHWA CONSUMER PROTECTION ACT, 1997

DISTRICT AND SESSIONS JUDGES AS CONSUMER COURT

GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA] HOME AND
TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated Peshawar the 7th June, 2005

No. SO (JUDL) HD/3-71/05: In exercise of the powers conferred by Section 11.A of the ²[Khyber Pakhtunkhwa], Consumers Protection Act, 1997 (Act No. VI of 1997), the Government of ³[Khyber Pakhtunkhwa], is pleased to establish, for the purposes of the said Act, a Consumer Court in each district to be presided by the District and Sessions Judge of the District concerned.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

ESTABLISHMENT OF CONSUMER COURT AT DIVISIONAL HEADQUARTER

GOVERNMENT OF KHYBER PAKHTUNKHWA HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated 13th February 2013

No. SO(Judl)/HD/3-71/2005 In exercise of the powers conferred by section 11-A of the Khyber Pakhtunkhwa Consumers Protection Act, 1997 (Act No. VI of 1997) the Government of the Khyber Pakhtunkhwa is pleased to establish, for the purpose of the said Act, Consumer Courts at each Divisional Headquarter, Notification of even number dated 7th June 2005 shall stand withdraw with immediate effect.

ESTABLISHMENT OF CONSUMER COURT IN TEN DISTRICTS OF KHYBER PAKHTUNKHWA

GOVERNMENT OF KHYBER PAKHTUNKHWA HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated 01st September, 2015

No. SO(Judl)/HD/3-71/2015: In exercise of the powers conferred by section 11-A of the Khyber Pakhtunkhwa Consumers Protection Act, 1997 (Act No. VI of 1997) read with section 12 thereof, the Provincial Government is pleased to establish Consumer Courts at the Districts mentioned below to be presided over by the District & Session Judges (BS-21) to entertain cases relating to the Act *ibid*:-

S. No	Name of the Districts
1	Charsadda
2.	Nowshera
3.	Mansehra
4.	Haripur
5.	Swabi
6.	Lakki Marwat
7.	Karak

8.	Malakand at Batkhela
9.	Chitral
10	Tank

**DDO POWERS OF THE CONSUMER COURT JUDGES
GOVERNMENT OF KHYBER PAKHTUNKHWA INDUSTRIES,
COMMERCE & TECHNICAL EDUCATION DEPARTMENT
NOTIFICATION**

Dated 9th November, 2016

In supersession of this Department notification Nos. SO-II(IND)3-94/2013/Vol-IV/16997-34 dated 18.12.2014 and No. SO-II(IND)3-94/2013/Vol-V/13576-616 dated 20.10.2015, and in exercise of the powers conferred under Rule 3 of the General Financial Rules Vol-I, the Competent Authority has been pleased to declare District & Sessions Judges/Presiding Officers (BPS-21) of the following Consumer Protection Courts in Khyber Pakhtunkhwa, as Drawing and Disbursing Officers under functional classification 04-Economic Affairs-044-Mining & Manufacturing-0443-Administration-044301-Administration for all object classification, with immediate effect:-

1.	District & Sessions Judge, Consumer Protection Court	Peshawar
2.	District & Sessions Judge, Consumer Protection Court	Nowshera
3.	District & Sessions Judge, Consumer Protection Court	Charsadda
4.	District & Sessions Judge, Consumer Protection Court	Mardan
5.	District & Sessions Judge, Consumer Protection Court	Swabi
6.	District & Sessions Judge, Consumer Protection Court	Malakand
7.	District & Sessions Judge, Consumer Protection Court	Swat
8.	District & Sessions Judge, Consumer Protection Court	Chitral
9.	District & Sessions Judge, Consumer Protection Court	Haripur

10	District & Sessions Judge, Consumer Protection Court	Abbottabad
11.	District & Sessions Judge, Consumer Protection Court	Mansehra
12.	District & Sessions Judge, Consumer Protection Court	Kohat
13.	District & Sessions Judge, Consumer Protection Court	Karak
14.	District & Sessions Judge, Consumer Protection Court	Bannu
15	District & Sessions Judge, Consumer Protection Court	Lakki Marwat
16.	District & Sessions Judge, Consumer Protection Court	D.I.Khan
17.	District & Sessions Judge, Consumer Protection Court	Tank

**EMPOWERMENT OF CONSUMER COURT JUDGES OF HAZARA,
MALAKAND & KOHAT TO LOOK AFTER THE CONSUMER
AFFAIRS OF ADJACENT DISTRICTS**

**GOVERNMENT OF KHYBER PAKHTUNKHWA INDUSTRIES,
COMMERCE & TECHNICAL EDUCATION DEPARTMENT**

NOTIFICATION

Dated 1st January, 2016

No. SO-II(IND)3-94/2015 Vol-VI: In pursuance of the Home Department Notification No. SO(Judl)/HD/3-17/2015 Vol-I dated: 1st September 2015 the Competent Authority is pleased to authorize the judges of Consumer Protection Courts to look-after the Consumer matters in the adjacent districts as per table below:

S.No	Division	Vacant Districts	District Consumer Court (existing)
1	Hazara	Tor Ghar, Battagram, Kohistan	Mansehra
2	Malakand	Dir Upper, Dir Lower Shangla, Buner	Malakand at Batkhela Swat
3	Kohat	Hangu	Kohat

C.No. 5(7-1)

**(E) INVESTMENT OF POWERS UNDER THE CONTROL OF
NARCOTIC SUBSTANCE ACT, 1997**

**SESSIONS JUDGES AND ADDITIONAL SESSIONS JUDGES AS
SPECIAL COURTS UNDER CNSA, 1997**

GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA] HOME AND
TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated Peshawar the 20th March, 1998

No. SO (JUDL)/HD/3-10/98: In exercise of the powers conferred by sub-section (5) of Section 46 of the Control of Narcotic Substances Act, 1997 (XXV of 1997), the Provincial Government, as directed by the Federal Government, in consultation with the Chief Justice of the Peshawar High Court, is pleased to confer the powers of a Special Court having the power to try all offences under the Act on all the Sessions Judges and Additional Sessions Judges in the Province in respect of the cases relating to the territorial limits within which each Sessions Judge or Additional Sessions Judge has jurisdiction to try cases under the Code of Criminal Procedure, 1898 (Act No. V of 1898).

**JUDICIAL MAGISTRATES 1ST CLASS AS SPECIAL COURTS
UNDER CNSA, 1997**

GOVERNMENT OF ²[KHYBER PAKHTUNKHWA], HOME AND
TRIBAL AFFAIRS DEPARTMENT,

NOTIFICATION

Dated Peshawar the 20th March, 1998

No. SO (JUDL)/HD/3-10/98: In exercise of the powers conferred by sub-section (5) of Section 46 of the Control of Narcotic Substances Act, 1997 (XXV of 1997), the Provincial Government, as directed by the Federal Government, in consultation with the Chief Justice of the Peshawar High

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Court is pleased to confer the powers of a Special Court having the power to try offences punishable with imprisonment for two years or less under the Act on all the Judicial Magistrates of the 1st class in the Province in respect of the cases relating to the territorial limits within which each such Magistrate has jurisdiction to try cases under the Code of Criminal Procedure, 1898 (Act No. V of 1898).

C.No. 5A(7-1)

**E-(A) INVESTMENT OF POWERS UNDER KHYBER
PAKHTUNKHWA CONTROL OF NARCOTIC SUBSTANCE ACT,
2019**

**SESSIONS JUDGES, ADDITIONAL SESSIONS JUDGES AND
JUDICIAL MAGISTRATE 1ST CLASS AS SPECIAL COURTS
UNDER KP CONTROL OF NARCOTIC SUBSTANCE ACT, 2019.**

**GOVERNMENT OF KHYBER PAKHTUNKHWA, HOME AND
TRIBAL AFFAIRS DEPARTMENT JUDICIAL WING**

NOTIFICATION

No. SO(Judl)/HD/Gen/P-483/2019/Vol-I: In exercise of the powers conferred by sub-section (1) of section 22 of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (Khyber Pakhtunkhwa Act No. XXI of 2019), as assumed vide Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Ordinance, 2020 (Khyber Pakhtunkhwa Ord: No. II of 2020), the Government of Khyber Pakhtunkhwa, in consultation with the Chief Justice, Peshawar High Court, is pleased to designate the Courts of the District and Sessions Judges, Additional District and Sessions Judges and Judicial Magistrates, First Class, in the province of Khyber Pakhtunkhwa, as Special Courts and to confer the Judges of these Courts with powers to try offences under the Act *ibid*, with immediate effect.

C.No. 6(7-1)

**(F) INVESTMENT OF POWERS UNDER KHYBER
PAKHTUNKHWA ENVIRONMENTAL PROTECTION ACT, 2014**

**SENIOR CIVIL JUDGES AS ENVIRONMENTAL MAGISTRATES
UNDER KHYBER PAKHTUNKHWA ENVIRONMENTAL
PROTECTION ACT, 2014**

PESHAWAR HIGH COURT

NOTIFICATION

Dated Peshawar, the 04th November, 2016

Notification No. M(a)21-A/208: In exercise of the powers conferred by Sub-Section (1) of Section 25 of the Khyber Pakhtunkhwa Environmental Protection Act, 2014, Hon'ble the Chief Justice has been pleased to empower all the Senior Civil Judges in the Khyber Pakhtunkhwa as Environmental Magistrates to try offences punishable under sub-section (2) and (4) of Section 18 of the Act in respect of the cases falling under their respective Jurisdiction.

C.No. 7(7-1)

**(F)(i) INVESTMENT OF POWERS UNDER PAKISTAN
ENVIRONMENTAL PROTECTION ACT, 1997**

No.M (a) 21-A/341-j: In exercise of the powers conferred by subsection (1) of section 24 of the Pakistan Environmental Protection Act, 1997, (Act No. XXXIV of 1997), the Peshawar High Court is pleased to empower all the Senior Civil Judges/Magistrates First Class in the [Khyber Pakhtunkhwa] to try offences punishable under subsection (2) of section 17 of the Act, as Environmental Magistrates in respect of the cases falling under their respective Jurisdiction.

C.No. 8(7-1)

**(G) INVESTMENT OF POWERS UNDER THE GAS THEFT
CONTROL ACT, 2016**

**ADDITIONAL DISTRICT AND SESSIONS JUDGES' POWERS
UNDER SECTION 3 OF THE GAS (THEFT CONTROL AND
RECOVERY) ACT, 2016.**

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Dated Islamabad, the 1st August, 2016

NOTIFICATION

SRO. NO. (I)/2016- In exercise of the powers conferred by section 3 of the Gas (Theft, Control and Recovery) Act, 2016 (IX of 2016) the Federal Government, in consultation with the Chief Justice of the Peshawar High Court, Peshawar is pleased to confer the powers of the Judge of Gas Utility Court under the said Act on the following, namely: -

1	2
S.No.	Courts
i.	Additional District & Sessions Judge-I, Mansehra.
ii.	Additional District & Sessions Judge-I, Torgar.
iii.	Additional District & Sessions Judge-I, Abbottabad
iv.	Additional District & Sessions Judge-I, Haripur
v.	Additional District & Sessions Judge-I, Mardan
vi.	Additional District & Sessions Judge-I, Charsadda
vii.	Additional District & Sessions Judge-I, Swabi
viii.	Additional District & Sessions Judge-I, Peshawar
ix.	Additional District & Sessions Judge-I, Nowshera
x.	Additional District & Sessions Judge-I, Swat
xi.	Additional District & Sessions Judge-I, Lakki Marwat
xii.	Additional District & Sessions Judge-I, Bannu
xiii.	Additional District & Sessions Judge-I, Dera Ismail Khan
xiv.	Additional District & Sessions Judge-I, Tank
xv.	Additional District & Sessions Judge-I, Kohat
xvi.	Additional District & Sessions Judge-I, Hangu
xvii.	Additional District & Sessions Judge-I, Buner
xviii.	Additional District & Sessions Judge-I, Lower Dir
xix.	Additional District & Sessions Judge-I, Upper Dir
xx.	Additional District & Sessions Judge-I, Shangla Par
xxi.	Additional District & Sessions Judge-I, Chitral
xxii.	Additional District & Sessions Judge-I, Batagram
xxiii.	Additional District & Sessions Judge-I, Kohistan
xxiv.	Additional District & Sessions Judge-I, Karak

xxv.	Additional District & Sessions Judge-I, Balakot
------	---

**CONFERMENT OF JURISDICTION OF GAS UTILITY COURT ON
ADDITIONAL DISTRICT & SESSIONS JUDGE OF SUB-DIVISIONS
AND TEHSILS OF KHYBER PAKHTUNKHWA**

**GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE
NOTIFICATION**

Dated, the 8th February, 2019

S.R.O No. 185(I)/2019- In pursuance of Section (3) of the Gas (theft, Control and Recovery) Act, 2016, the Federal Government, in consultation with the Chief Justice of the Peshawar High Court, Peshawar is pleased to confer the powers of the Judge of Gas Utility Courts under the said Act upon following Additional District and Sessions Judges of sub-divisions/Tehsils of Khyber Pakhtunkhwa province to exercise the powers for trial of offences under the said Act in their respective territorial jurisdictions namely:-

S. No	District	Tehsil
1.	D.I Khan	Daraban
		Kulachi
		Paharpur
2.	Lakki Marwat	Serai Naurang
3.	Karak	Takht Nusrati
		Banda Daud Shah
4.	Kohat	Lachi
5.	Hangu	Thall
6.	Charsadda	Shabqadar
		Tangi
7.	Mardan	Takht Bhai
		Katlang
8.	Swabi	Lahor
9.	Malakand at Batkhela	Dargai
10	Swat	Matta
		Bahrain
		Babozai
		Khawazakhela
		Kabal

11	Shangla	Puran
		Bisham
		Chakaizer
12	Buner at Daggar	Toota Lai
13	Upper Dir	Wari
		Sheringal
14	Lower Dir	Chakdara
		Samarbagh
15	Chitral	Booni
		Drosh
16	Haripur	Ghazi
17	Abbottabad	Havelian
18	Mansehra	Balakot
		Oghi
19	Battagram	Allai
20	Kohistan at Dassu	Pattan

C.No. 9(7-1)

(H) INVESTMENT OF POWERS UNDER THE INSURANCE ORDINANCE, 2000

DISTRICT AND SESSIONS JUDGE AS INSURANCE TRIBUNAL. SECURITIES AND EXCHANGE COMMISSION OF PAKISTAN.

SECP is pleased to inform that in accordance with section 121(1) of the Insurance Ordinance 2000, the Federal Government, in consultation with the Chief Justices of Lahore High Court, Sindh High Court, Peshawar High Court and Baluchistan High Court has conferred powers of Insurance Tribunals in each Province on the District & Sessions Judges specified in column (2) of the table below to exercise territorial jurisdiction specified in column (3) thereof:

S.No (1)	Name of sessions Court (2)		Territorial Limits (3)
1	District & Sessions Judge Lahore		Whole Province of Punjab.
2	District & Sessions Karachi		Whole Province of Sindh.

3	District & Sessions Judge Peshawar		Whole Province of NWFP.
4	District & Sessions Judge Quetta.		Whole Province of Baluchistan.

Letter
No

SECP/ID/04/06 Circular No 15 of 2006 Dated 30th October, 2006

C.No. 10(7-1)

(I) INVESTMENT OF POWERS UNDER THE JUVENILE LAWS

**ANTI-TERRORIST COURTS TO ACT AS JUVENILE COURTS IN
THEIR RESPECTIVE JURISDICTION**

GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR

Islamabad, the 30th May, 2012

NOTIFICATION

S.R.O(I)/2012:- In exercise of powers conferred by sub-section (i) of section 4 of the Juvenile Justice System Ordinance, 2002 (XXII of 2000), as amended by the Juvenile Justice System (Amendment) Ordinance, 2012 (No.V of 2012), Federal government is pleased to designate the existing Anti-Terrorist, Courts, established throughout the country under the Anti-Terrorism Act, 1997 (XXVII of 1997), to exercise the powers of Juvenile Court in the area of their respective jurisdiction under the Juvenile Court in the area of their respective jurisdiction, under the Juvenile Justice System Ordinance, 2000 (No.XXII of 2000)

**EMPOWERMENT OF DISTRICT AND SESSIONS JUDGES,
ADDITIONAL DISTRICT AND SESSIONS JUDGES AND
JUDICIAL MAGISTRATE AS JUVENILE COURTS UNDER
THE JUVENILE JUSTICE SYSTEM ACT, 2018**

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 29th January, 2019

NOTIFICATION

No. SO(Judl)/HD/Gen/P-312/2020/Vol-I: In exercise of the powers conferred by Section 4 of the Juvenile Justice system Act, 2018 (Act No. XXII of 2018), the Government of Khyber Pakhtunkhwa, in consultation with Peshawar High Court, is pleased to designate all the District and Sessions Judges, Additional District and Sessions Judges and Judicial Magistrates First Class of the Province of Khyber Pakhtunkhwa to act as Juvenile Courts, with immediate effect.

C.No. 11(7-1)

**(J) INVESTMENT OF POWERS UNDER THE KHYBER
PAKHTUNKHWA REMOVAL OF ENCROACHMENT
ORDINANCE, 1977**

**EMPOWERMENT OF DISTRICT & SESSIONS JUDGES &
ADDITIONAL DISTRICT & SESSIONS JUDGES UNDER KHYBER
PAKHTUNKHWA REMOVAL OF ENCROACHMENT
ORDINANCE, 1977**

**GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA] LOCAL
GOVERNMENT, COOPERATION AND SOCIAL WELFARE
DEPARTMENT.**

NOTIFICATION

Dated 14th May, 1977

No S.O.(LG-II)30-52/76: In exercise of the powers conferred by section 12 of the ²[Khyber Pakhtunkhwa], Public (Removal of Encroachment) Ordinance, 1977(³Khyber Pakhtunkhwa, Ord VII of 1977), the Government of the ⁴[Khyber Pakhtunkhwa], is pleased to:--

- (a) Constitute the Tribunals consisting of District Judges and Additional Distt Judges in their respective jurisdiction; and
- (b) Direct that each such Tribunal shall exercise its jurisdiction within the area to which the jurisdiction of the District Judge or, as the case may be the Additional District Judge concerned extends.

C.No. 12(7-1)

**(K) INVESTMENT OF POWERS UNDER THE LAND ACQUISITION
ACT, 1894**

**SENIOR CIVIL JUDGES AS COURTS UNDER LAND
ACQUISITION ACT 1894**

**GOVERNMENT OF WEST PAKISTAN, REVENUE
DEPARTMENT**

NOTIFICATION

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Dated Lahore the 3rd September 1969

No. 4840-69/4342-E (F) VI: In pursuance of the provisions contained in clause (d) of section 3 of the Land Acquisition Act, 1894, the Government of West Pakistan is pleased to appoint all the Senior Civil Judges in the divisions of Peshawar and Dera Ismail Khan to perform within their respective jurisdictions all functions of the court under the said Act.

**ADDITIONAL DISTRICT AND SESSIONS JUDGES AS COURTS
UNDER THE LAND ACQUISITION ACT, 1894**

Dated Peshawar the 28th January, 1985

No. 3/60-HSO (JUDL)/85: In exercise of the powers conferred by clause (d) of section 3 of the Land Acquisition Act, 1894, the Government of ¹[Khyber Pakhtunkhwa], is pleased to appoint, with immediate effect, all Additional District and Sessions Judges to perform, concurrently with the principal Civil Court, all the functions of the Court under the said Act within their respective jurisdiction.

C.No. 13(7-1)

**(L) INVESTMENT OF POWERS UNDER THE MENTAL HEALTH
ORDINANCE, 2001**

**DISTRICT JUDGES AS COURTS OF PROTECTION UNDER THE
MENTAL HEALTH ORDINANCE, 2001**

**GOVERNMENT OF ²[KHYBER PAKHTUNKHWA] HOME AND
TRIBAL AFFAIRS DEPARTMENT**

NOTIFICATION

Dated Peshawar the 16th May, 2005

No. SO(JUDL)HD/3/8/2001: In exercise of the powers conferred by clauses (d) & (j) of Section 2 of the Mental Health Ordinance, 2001 (Order No. VIII of 2001), and in supersession of this Department Notification No.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

SO (JUDL)/HD/3/ 8/2001 dated 11/04/2005, the Government of ¹[Khyber Pakhtunkhwa], is pleased to designate all the District Judges of the Province as Courts of Protection and empower all the Judicial Magistrates of 1st class to perform functions and exercise powers under the said Ordinance.

C.No. 14(7-1)

**(M) INVESTMENT OF POWERS UNDER THE PAKISTAN
CRIMINAL LAW AMENDMENT ACT, 1958**

**SESSIONS JUDGES AS SENIOR SPECIAL JUDGES ANTI
CORRUPTION (CENTRAL)**

GOVERNMENT OF PAKISTAN, MINISTRY OF LAW

NOTIFICATION

Dated Lahore the 25th November, 1958

No. F.Adm.15-8/58 (II): In exercise of powers conferred by sub-section (2) of Section 4 of the Pakistan Criminal Law Amendment Act, 1958 (Act of 1958), the Central Government is pleased to declare all the Sessions Judges in East Pakistan and West Pakistan to be the Senior Special Judges for their respective Sessions Division.

**SESSIONS JUDGES, ADDITIONAL SESSIONS JUDGES AND
ASSISTANT SESSIONS JUDGES AS SPECIAL JUDGES ANTI
CORRUPTION (CENTRAL)**

GOVERNMENT OF PAKISTAN, MINISTRY OF LAW AND
PARLIAMENTARY AFFAIRS

NOTIFICATION

Dated Lahore the 20th July, 1966

No. SRO (R)/66: In exercise of the powers conferred by sub-section (1) of Section 3 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958), and sub-section (1) of Section 4 thereof, and in super-session of the late Ministry of Law Notification No. F.Amn.15-8/58 (I) dated the 25th November 1958, the Central Government is pleased to appoint all Sessions Judges and Additional Sessions Judges and all such Assistant Sessions Judges as have been such Judges for not less three years to be Special Judges and to

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

direct that each such Special Judge shall have jurisdiction within the territorial limits within which he exercises jurisdiction as a Sessions Judge, Additional Sessions Judge or an Assistant Sessions Judge.

(File No.12(4)/66-A)

APPOINTMENT OF SENIOR SPECIAL JUDGE ANTI CORRUPTION AND SPECIAL JUDGE ANTI CORRUPTION (PROVINCIAL)

GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA],
ESTABLISHMENT DEPARTMENT,

NOTIFICATION

Dated Peshawar the 1st November, 2003

No. SOE-III/E&AD/1-7/2000: In exercise of powers conferred by sub-section (1) of Section 3 and sub-section (1) & (2) of Section 4 of the Pakistan Criminal Law Amendment Act, 1958 and in partial modification of previous notifications on the subject, the Government of ²[Khyber Pakhtunkhwa], is pleased:

- (a) To appoint the officers mentioned in column 2 of the table below as Special Judges at places mentioned and having jurisdiction within the local limits of the area shown against each in column 3 & 4 thereof respectively; and
- (b) To declare Mr. Ghulam Muhy-ud-Din Malik as Senior Special Judge Anti-Corruption for the areas falling within the jurisdiction of the officers at serial No. (ii) & (iii) of the table.

TABLE

Sr#	Name & Designation of Officer	Headquarter	Jurisdiction
1	2	3	4
(i)	----- --- Special Judge Anti-Corruption	Peshawar	The whole of ³ [Khyber Pakhtunkhwa],
(ii)	----- --	Abbotabad	District of Haripur,

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

	Additional Special Judge, Anti-Corruption		Abbotabad, Mansehra, Batagram & Kohistan
(iii)	Additional Special Judge, Anti-Corruption Southern Districts	Bannu	Districts of Bannu, Laki Marwat, Tank and D.I. Khan

2. The Special Judges may hold their courts at the headquarters of the districts within which the offences have been committed or deemed to have been committed of their respective headquarters.

C.No. 15(7-1)

(N) INVESTMENT OF POWERS UNDER THE SMALL CLAIMS & MINOR OFFENCES COURTS ORDINANCE, 2002

SENIOR CIVIL JUDGES, CIVIL JUDGES AND JUDICIAL MAGISTRATES AS COURTS OF SMALL CLAIMS AND MINOR OFFENCES

GOVERNMENT OF ¹[KHYBER PAKHTUNKHWA], HOME AND TRIBAL AFFAIRS DEPARTMENT,

NOTIFICATION

Dated Peshawar the 5th April, 2005

No. SO(JUDL)/HD/12-20/2004: In exercise of the powers conferred by Section 4 of the Small Claims and Minor Offences Courts Ordinance, 2002 (Ord: No. XXVI of 2002), read with Ministry of Law, Justice & Human Rights Division, Government of Pakistan Notification No.SRO-601 (1)/2004 dated 5th July,2004, and in supersession of Notification No. SO (JUDL)/HD/1-21/2004 dated 18/11/2004, the Government of the ²[Khyber Pakhtunkhwa] in consultation with Peshawar High Court Peshawar, is pleased to establish and declare all Courts of Senior Civil Judges, Civil Judges and Judicial Magistrates in the Districts Headquarters and Sub-Division Headquarters as Courts of Small Claims and Minor Offences.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

2. Local limits of jurisdiction of the Courts established under this Notification shall be such as the Peshawar High Court may, from time to time, determine.

LOCAL LIMITS OF JURISDICTION OF SMALL CLAIMS AND MINOR OFFENCES COURTS

PESHAWAR HIGH COURT NOTIFICATION

Dated Peshawar the 23rd September, 2005

No. 119-5: In exercise of the powers conferred by sub section 3 of section 4 of the Small Claims and Minor Offences Courts Ordinance, 2002 (Ordinance No. XXIV of 2002), Honorable the Chief Justice and Judges of this Court are pleased to notify that the local limits of jurisdiction of Small Claims and Minor Offences Courts, established vide Government of ¹[Khyber Pakhtunkhwa] Notification No. SO (JUDL)/HD/12-20/2004 dated 05/04/2005, shall be throughout the District in which the court is established.

C.No. 16(7-1)

(O) INVESTMENT OF POWERS UNDER THE SUCCESSION ACT, 1925

SENIOR SUB JUDGES POWERS AS DISTRICT JUDGES UNDER THE SUCCESSIONS ACT, 1925

CIVIL SECRETARIAT, NORTH-WEST FRONTIER PROVINCE,

NOTIFICATION

Dated Peshawar the 5th June, 1939

No. 21635-HJ: Under powers conferred by Section 388 of the India Succession Act, XXXIX of 1925, the Governor, ²[Khyber Pakhtunkhwa] is pleased to invest all Senior Sub Judges in the ³[Khyber Pakhtunkhwa] with power to exercise the functions of a District Judge under Part X of the said Act.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

**CIVIL JUDGE / JUDICIAL MAGISTRATE GHAZI TO GRANT
SUCCESSION CERTIFICATE****PESHAWAR HIGH COURT
NOTIFICATION**

Dated Peshawar the 1st February, 2002

No. 15/J: In exercise of the powers conferred by Section 12 of the West Pakistan Civil Courts Ordinance-II of 1962, the Honorable Chief Justice of this Court has been pleased to invest the Civil Judge/Judicial Magistrate, Ghazi with necessary powers to grant/issue Succession Certificate under the provisions of the Succession Act, 1925.

**CIVIL JUDGE / JUDICIAL MAGISTRATE MATTA TO GRANT
SUCCESSION CERTIFICATE****PESHAWAR HIGH COURT
NOTIFICATION**

Dated Peshawar the 26th March, 2002

No. 38/J: In exercise of the powers conferred by Section 12 of the West Pakistan Civil Courts Ordinance-II of 1962, the Honorable Chief Justice of this Court has been pleased to invest the Civil Judge/Judicial Magistrate-I Matta with necessary powers to grant/issue Succession Certificate under the provisions of the Succession Act, 1925.

**CIVIL JUDGE / JUDICIAL MAGISTRATE LAHORE (SWABI) TO
GRANT SUCCESSION CERTIFICATE****PESHAWAR HIGH COURT
NOTIFICATION**

Dated Peshawar the 24th May, 2002

No. M (a) 40/2002/59-J: In exercise of the powers conferred by Section 12 of the West Pakistan Civil Courts Ordinance-II of 1962, the Honorable Chief Justice of this Court has been pleased to invest the Civil Judge/Judicial Magistrate-I, Lahore (Swabi) with necessary powers to grant/issue Succession Certificate under the provisions of the Succession Act, 1925.

**CIVIL JUDGES AT SUB-DIVISIONAL HEADQUARTERS TO
GRANT SUCCESSION CERTIFICATE****PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar, the 19th October, 2007

No. 439-J:- In continuation of this Court's Notification Number 15/J dated Peshawar the 01.02.2002, No. M(a)40/2002/59-J dated 24.05.2002 and No1(a)67-VII/2002/42-J dated 05.06.2002, the Chief Justice and Judges of the Peshawar High Court, in exercise of the powers conferred by section 12 of the West Pakistan Civil Courts Ordinance, 1962 (Ordinance No II of 1962), are pleased to invest the following Civil Judges with necessary powers to grant/issue Succession Certificates under the provisions of the Succession Act, 1925.

1. Civil Judge, Shabqadar.
2. Civil Judge-I, Tangi.
3. Civil Judge-I, Takht Bahi.
4. Civil Judge, Dargai.
5. Civil Judge, Puran.
6. Civil Judge, Samarbagh.
7. Civil Judge, Wari.
8. Civil Judge, Totalai.
9. Civil Judge, Booni.
10. Civil Judge, Kulachi.
11. Civil Judge, Paharpur.
12. Civil Judge-I, Takht Nasrati.
13. Civil Judge, B.D. Shah.
14. Civil Judge-I, Balakot.
15. Civil Judge, Oghi.
16. Civil Judge, Kabal¹

**SENIOR CIVIL JUDGES AUTHORISED UNDER SUCCESSION ACT
FOR PROBATE & LETTER OF ADMINISTRATION****PESHAWAR HIGH COURT
NOTIFICATION**

¹ Added vide Notification No.300-J Dated 16th December, 2011

Dated Peshawar the 20th September, 2011.

No. 306-J In exercise of the powers conferred by Section 12 of the West Pakistan Civil Courts Ordinance, 1962 (Ordinance No II of 1962) the Chief Justice and Judges of this Court are pleased to authorize all Senior Civil Judges in the Province of Khyber Pakhtunkhwa with necessary power to take cognizance of proceedings for granting and revoking probate and letter of administration under the Succession Act 1925 (Act No XXXIX of 1925) in a case falling within the district of the respective jurisdictions.

C.No. 17(7-1)

**(Q) INVESTMENT OF POWERS UNDER THE WEST PAKISTAN
URBAN RENT RESTRICTION ORDINANCE, 1959**

GOVERNMENT OF WEST PAKISTAN

**FIRST- AND SECOND-CLASS CIVIL JUDGES AND
SUBORDINATE JUDGES AS RENT CONTROLLER.**

NOTIFICATION

Dated: 12th March, 1959

No. HG-10-2/59: All First- & Second-Class Civil Judges and subordinate Judges in West Pakistan except Quetta & Kalat Division are appointed as Rent Controller

GOVERNMENT OF WEST PAKISTAN

**THIRD CLASS CIVIL JUDGES- AND SUBORDINATE JUDGES AS
RENT CONTROLLER.**

NOTIFICATION

Dated: 15th July, 1964

No. Judl 1-17-(4)/59: All third Class Civil Judges and subordinate Judges in West Pakistan except Quetta & Kalat Division are appointed as Rent Controller

GOVERNMENT OF WEST PAKISTAN

**FIRST- & SECOND-CLASS CIVIL JUDGES- AND
SUBORDINATE JUDGES AS RENT CONTROLLER.**

NOTIFICATIONDated: 24th July, 1964

No. Judl 1-17-(4)/59: All First- & Second-Class Civil Judges and subordinate Judges in West Pakistan except Kalat Division are appointed as Rent Controller

C.No. 18(7-1)

(R) INVESTMENT OF POWERS UNDER THE WEST PAKISTAN CIVIL COURTS ORDINANCE, 1962**DISTRICT JUDGES' APPELLATE PECUNIARY POWERS**

Section 18. Appeals from Civil Judges: (1) Save as aforesaid, and appeal from a decree or order of a Civil Judge shall lie:-

- (a) to the High Court if the value of the Original suit in which the decree or order was made exceeds ¹[ten million rupees] and
- (b) to the District Judge in any other case.

(2) where the function of receiving any appeal, which lies to the District Judge under the last preceding sub-section has been assigned to an Additional District Judge, the appeal may be preferred to the Additional District Judge.

(3) The High Court may, by notification, direct that appeals lying to the District Judge from all or any of the decrees or orders passed in any original suit by any Civil Judge shall be referred to such other Civil Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the Court of such Civil Judge shall be deemed to be a District Court for the purpose of all appeals so preferred.

PECUNIARY POWERS OF CIVIL JUDGES**PESHAWAR HIGH COURT
NOTIFICATION**

¹ Amended Vide the Khyber Pakhtunkhwa Civil Courts (Amendment) Act, 2017. (Khyber Pakhtunkhwa. Act No XVIII of 2017)

Dated Peshawar, the 5th June, 2002.

No. 1(a) 67-VII/2002/42-J: In exercise of the powers conferred by section 9 of the West Pakistan Civil Courts Ordinance, 1962, the Chief Justice and Judges of the Peshawar High Court, Peshawar, are pleased to order, in supersession of all previous orders issued in this behalf, that for the purpose of determining the pecuniary limits of the jurisdiction exercisable by the Civil Judges in original civil suits and proceedings, Civil Judges be placed in the under mentioned three classes, namely:

Civil Judge 1 st Class	To exercise jurisdiction in original Civil suits or proceedings without limit as regards value.
Civil Judge 2 nd Class	To exercise jurisdiction in original Civil Suits or proceedings wherein the subject matter in amount or value does not exceed Rs.500,000/- (Five Hundred Thousand).
Civil Judge 3 rd Class	To exercise jurisdiction in original Civil Suits or proceedings wherein the subject matter in amount or value does not exceed Rs.100,000/- (One Hundred Thousand).

C.No. 19(7-1)

CRITERIA FOR CONFERMENT OF POWERS UPON CIVIL JUDGES

I am directed to say that the policy as to what civil powers the Civil Judges who have exercised such powers for a certain period prior to 3.7.1963, when the new classifications were introduced, are to be invested with under the classifications, was reconsidered in the Full Court Judges meeting and it was decided that the normal period of inclusion in class III be two years, with effect from the date of the first posting subject to the receipt of good reports of District Judges with regard to the work and conduct of Civil Judges and that the normal period in Class II be three years with effect from the date on which the said powers are first conferred subject to the receipt of good reports from District Judges in respect of the work and conduct of civil Judges.

2. This court's circular letter No.21290-Gaz/XXI.C.35, dated the 13th November, 1963, is hereby withdrawn.

3. I am, therefore, to request that before making a reference to this court for the conferment of second Class and First Class civil powers upon Civil Judges the above decision should be kept in view.

(No. 4013 GAZ/XXI.Q.35 Dated 15.03.1964)

(File No. 12 (4) / 66-A)

C.No. 20(7-1)

**APPOINTMENT OF COURTS AND NOMINATION OF JUDGES
FOR TRIAL OF MINERALS RELATED OFFENCES IN MINERALS
BEARING AREAS OF THE PROVINCE.**

I am directed to forward the Minerals Development Department letter No. SOE (MDD)/6-1(D&R)/2016/5619 dated: 05.01.2017 and to say that Hon'ble the Chief Justice has been pleased to direct you to nominate a Senior Judicial Magistrate in the mineral bearing districts of the province for enforcement of the provisions under Mineral Sector Governance Act, 2016. However, the Mineral bearing districts can be specified with the help of Mineral Department

(PHC Letter No. 1814-38/Admn, Dated 26th January, 2017)

C.No. 21(7-1)

MAGISTRATE FOR TRAPS.

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that in all cases of raids under prevention of corruption laws, the Sessions Judges do not promptly honor the request for deputing a magistrate, resulting in defeat of the whole proceedings of traps.

You are, therefore, required to depute a magistrate for supervising the raid immediately whenever a request is made by the anti-Corruption Establishment so that timely action is ensured and the proceedings of traps are not thwarted.

(PHC Letter No. 5784-5808/Admn, Dated 18th April, 2012)

SECTION-II**INSTRUCTIONS RELATING TO JURISDICTION OF COURTS**

C.No. 1(7-2)

CIVIL COURTS TO TRY ALL SUITS OF CIVIL NATURE UNLESS THEIR COGNIZANCE IS BARRED EXPRESSLY OR IMPLIEDLY BY A SPECIAL ENACTMENT.

I am desired to address you on the subject and to say that there exists some doubt in mind of some of the Presiding Officers of Civil Courts with regard to the return or rejection of plaint without averments made in pleadings of the parties which is wrong under the law and for removing this wrong impression., it is hereby clarified for information and guidance of all concerned.

No doubt Civil Courts are competent to try all suits of Civil nature under section 9 of the Code of Civil Procedure, 1908, unless their cognizance is either expressly or impliedly barred by any other Special Enactment and for this reason plaint is either returned to the party concerned for presentation in the Court of competent jurisdiction under Rule 10 or rejected under Rule 11 (d), inter alia, of order VII Code of the Civil Procedure, 1908. Section 9 of the Code is a general provision of law controlled by provision of any other Special Enactment and as such cannot be construed to operate independently without the provision of the special law. Certain matters have been excluded by the Legislature from the purview of the Civil Courts and in order to carry out intention of the legislature the authority concerned would restrain from taking cognizance as laid down by an Act of the legislature. In this respect, reference can be made with advantage for your guidance and convenience to the following provisions of the Special Enactment as noted against each. These instances, not exhaustive, can further be multiplied.

Sr.No.	Name of the Act with section of law.	Remarks
1	Section 17 of the West Pakistan Waqf Properties Ordinance, 1961.	Bars jurisdiction of the Civil and revenue Courts or any other authority in respect of certain matters mentioned in this section.

2	Section 172 of the West Pakistan Land Revenue, Act, 1967.	It bars jurisdiction of the civil courts in matters coming within the jurisdiction of Revenue Officers.
3	Section 14(2) of the Provincially Administered Tribal Areas, Civil Procedure (Special Provisions) Regulation, 1975.	It bars jurisdiction of the civil courts in respect of all matters/ disputes of civil nature and triable under this Regulation.
4	Section II(i) of the NWFP Public Property (Removal of Encroachment) Act, 1977.	It bars jurisdiction of the civil courts in respect of the matters mentioned in this sub-section(i).
5	Section 162 of the Income Tax Ordinance, 1979.	It bars jurisdiction of the civil courts against any order made under the ordinance.

The Hon'ble Chief Justice and Judges of this Court expect a lot from Presiding Officers of Civil Courts in respect of dispensation of justice strictly in accordance with law. Scrutiny of plaint, an important job, shall not be left to the Court staff for avoiding subsequent legal complications and inconvenience to the parties. Courts are not to wait till attendance of the defendant or his counsel and filing of a written statement but rather these are competent to admit or reject the pleadings on presentation ipso facto in light of the provisions of the Special Enactment.

Pursuant to the above, I am desired to request that the law on the subject as contained in section 9 of the Code of the Civil Procedure read with any other Special Enactment may be implemented in letter and spirit in the ends of justice and for avoiding un-necessary inconvenience-both financial and physical-to the parties concerned. A wrong step, in this respect, not only result in miscarriage of justice but also makes the parties to a suit / proceedings to lose confidence in fair play of the Civil Courts thereby lowering the prestige and dignity of the Courts.

(PHC letter No. 4159-4198/ Admn: Brh: Dated Pesh: the 8th April, 1984)

C.No. 2(7-2)

INDEMNITY AND BAR OF JURISDICTION OF CIVIL COURTS.

I am directed to address you on the subject and to say that the provisions of Section 28 of Zakat & Ushr Ordinance, 1980(Copy enclosed) should be kept in view while entertaining suits pertaining to the assessment and collection of Zakat & Ushr.

(PHC letter No. 6855-6904 Dated: 12th November, 1988)

C.No. 3(7-2)

INDEMNITY AND BAR OF JURISDICTION OF CIVIL COURTS.

I am directed to address you on the subject noted above and to say that instructions with regards to the provisions of Section 28 of Zakat & Ushr Ordinance, 1980, as contained in this Courts letter No. 6855-6904 / Admn: Brh: Dated. 12.11.1988 (copy enclosed) issued by this court from time to time are not followed by some of the Judicial Officers.

I am, therefore, directed to say that the Rules and instructions issued on the subject should be followed strictly.

(PHC letter No. 8022-8072/Admn: Brh: Dated Pesh: the 4th Nov: 1991)

C.No. 4(7-2)

JURISDICTION IN CASES REGARDING CUSTODY OF CHILDREN AND GUARDIANSHIP

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that while dealing with the subject cases, majority of the Courts do not follow the provisions of section 5 of the N.W.F.P. Family Courts Act, 1964, read with schedule thereto in the true spirit thereof. The correct legal position is that the Family Court has exclusive jurisdiction to entertain, hear and adjudicate upon the subject cases, as specified in the schedule ibid. Under section 25 of the aforesaid Act, a Family Court is a District Court for the purpose of Guardians and Wards Act, 1890. The insertion of non-obstante clause in section 25 gives overriding effect to Guardians and Wards Act 1890, merely vis-à-vis the procedure in

dealing with matters specified in that Act. The jurisdiction nevertheless, lies with the Family Court.

I am, therefore, to ask for strict adherence to the aforesaid provisions of law, to entertain the subject cases as Family Court cases and to enter the same in the register of FC cases. The procedure shall, however, be followed as provided by the Guardians and Wards Act, 1890.

I am further to request that the aforesaid instructions be circulated among all the concerned Courts of your District for compliance and acknowledgement of receipt by them be sent to the Court.

(PHC letter No.3043-66/Admn Dated Peshawar the 11th March, 2003)

C.No. 5(7-2)

SHARIAH NIZAM-E-ADL REGULATION, 2009

I am directed to refer to the subject noted above and to say that two matters have been referred to this Court on administrative side, one by Zilla Qazi, Swat and other by Zilla Qazi, dir Lower, involving a common question as to Jurisdiction of Judicial magistrates in Malakand in those cases which were pending before promulgation of the subject Regulation including forest cases.

Through the jurisdiction of a court is a pure judicial matter which is to be decided by the concerned court in a list before it keeping in view all the legal contours.

Nevertheless this office has taken the matter on the request of the two Zilla Qazis mentioned above and has come to the following conclusion, of course, subject to Judicial Pronouncement.

Whenever a new law repeals the earlier law and is re-promulgated then the settled rule of interpretation is that the saving clause of new law is to be followed for all matters including pending cases (1985 PSC 975). In the subject Regulation para 19(3) (e) very much saves, inter alia, all the pending legal proceedings which may be continued or enforced and such penalty, forfeiture or punishment may be imposed as if the law, instrument, custom or usage had not been repealed or ceased to have effect, as the case may be. It may be added here that in the year 1994 when PATA (Nifaz-e-Nizame-e-Shariah) Regulation was promulgated and similar question including fate of pending cases came up before this court in a Reference entitled “Abdul Samad and other Versus Painsa Muhammad and others” reported in PLD 1997 Peshawar 35 and in that it was decided that through paragraph 11 2(e) of PATA (Nifaz-e-Nizame-e-Shariah) regulation 1994 saves pending actions but as the NWFP PATA Regulation I of 1975 and NWFP PATA Regulation

II of 1975 were repealed with effect from 12th day of February 1994 on the basis of judgment of August Supreme Court reported in PLD 1995 SC 281, therefore, the fate of the pending cases was decided in the Reference in the light of the judgment of the august Supreme Court and not in the light of paragraph 11 (2)(e) of Regulation of 1994. The said judgment of the Supreme Court saved only those cases which had attained finality and not otherwise.

But in the present case the consequence of repeal qua the pending cases shall be ensuring from para 19 itself which is *pari materia* with section 6 of West Pakistan General Clauses Act 1956 and Article 264 of the Constitution of the Islamic Republic of Pakistan. The new cases shall, however, be dealt with in accordance with new law conferring jurisdiction of all those cases falling in schedule-III of the new Regulation including local and special laws like forest laws, traffic laws and the like in which punishment is not more than three years, cases under PPC of similar punishment, and other as mentioned in the said schedule.

(PHC letter No.1341-64/Admn Dated Peshawar, 27th January, 2010)

C.No. 6(7-2)

PARALLEL JUDICIAL PROCEEDINGS

I am directed to refer to the subject noted above, and to say that it has come to the notice of Hon'ble the Chief Justice that parallel judicial proceedings involving matters falling within the jurisdiction of ordinary Courts are being conducted by non-judicial entities.

You are, therefore, requested to submit details of any such proceedings, if any, conducted or being conducted within your domain, for further necessary action, please.

(PHC letter No. 2723-39/Admn Dated Peshawar the 28th February, 2012)

C.No. 7(7-2)

CIVIL COURTS TO TRY ALL SUITS OF CIVIL NATURE UNLESS THEIR COGNIZANCE IS BARRED EXPRESSLY OR IMPLIEDLY BY A SPECIAL ENACTMENT

I am directed to refer to this Court's letter No. 4159-4198/Admn dated 8th April 1984, on the subject noted above and to say that Civil Courts have jurisdiction to try all suits of civil nature unless their cognizance is either expressly or impliedly barred by any other Special Enactment.

Instances have come to the notice of Competent Authority that some of the Civil Courts have assumed jurisdiction in flagrant violation of Income Tax/Sales Tax laws.

Hon'ble the Chief Justice has taken serious notice of the aforementioned violation of law and has been pleased to direct that the District Judges/Senior Civil Judges, being marking Courts, will be held responsible for entrustment of suits/appeals to the Civil Judges/Additional District Judges where the jurisdiction of Civil Courts is specifically barred under the above law. Similarly, the Superintendent/Clerk of Court of the above Courts will be held responsible for not pointing out the bar of jurisdiction at the time of scrutiny.

You are, therefore, directed to circulate the above-mentioned directive amongst all the Judicial Officers in your respective districts and insist upon them for strict compliance of the above provisions of law.

(PHC letter No.12184-12207/Admn Dated 11th October 2013)

C.No. 8(7-2)

ENTERTAINMENT OF SUITS BY THE CIVIL COURTS, WHERE JURISDICTION IS EXPRESSLY OR IMPLIEDLY BARRED BY A SPECIAL ENACTMENT

I am directed to refer to this Court's letter No. 4159-4198/Admn: Brh: Dated Pesh: the 8th April, 1984 (available at page No. 351 of Judicial Esta Code Revised Edition 2011) and to say that attention of all the Judicial Officers may be drawn towards the following important contents of the said letter, reproduced for ready reference.

“Scrutiny of plaint, an important job, shall not be left to the Court staff for avoiding subsequent legal complications and inconvenience to the parties. Courts are not to wait till attendance of the defendant or his counsel and filing of a written statement but rather these are competent to admit or reject the pleadings on presentation ipso facto in light of the provisions of the Special Enactment.

Pursuant to the above, I am desired to request that the law on the subject as contained in section 9 of the Code of the Civil Procedure read with any other Special Enactment may be implemented in letter and spirit in the ends of justice and for avoiding un-necessary inconvenience-both financial and physical-to the parties concerned. A wrong step, in this respect, not only result in miscarriage of justice but also makes the parties to a suit / proceeding to lose confidence in fair play of the Civil Courts thereby lowering the prestige and dignity of the Courts.”

The Competent Authority is, therefore, pleased to direct that the above-mentioned guidelines, be followed in letter and spirit, failing which strict disciplinary action shall be taken against the delinquent judicial officer, as per rules, including the adverse entry in his PER.

(PHC letter No. 10882-906 Dated Peshawar the 11th July, 2014)

C.No. 9(7-2)

UK-PAKISTAN PROTOCOL ON CHILDREN MATTERS

I am directed to forward herewith copy of letter NO. F. AR(A)/2012. SCA dated 22.12.2012, on the subject noted above, alongwith enclosure, received from the Assistant Registrar (Admn), Supreme Court of Pakistan, Islamabad, with the request to circulate the same amongst all the Judicial Officers within the district for information and guidance in dealing with the subject matter.

(PHC letter No. 451-74/Admn: Dated Pesh the 12.01.2013)

The President of the Family Division and the Hon. Chief Justice of Pakistan in consultation with senior members of the family judiciary of the United Kingdom (“the UK”) and the Islamic Republic of Pakistan (“Pakistan”), having met on 15th to 17th January 2003 in the Royal Courts of Justice in London reach the following consensus.

WHEREAS:

- (a) Desiring to protect the children of the UK and Pakistan from the harmful effects of wrongful removal or retention from one country to the other;
- (b) Mindful that the UK and Pakistan share a common heritage of law and a commitment to the welfare of children;
- (c) Desirous of promoting judicial cooperation, enhanced relations and the free flow of information between the judiciaries of the UK and Pakistan; and
- (d) Recognizing the importance of negotiation, mediation and conciliation in the resolution or family disputes;

IT IS AGREED THAT:

1. In normal circumstances the welfare of a child is best determined by the courts or the country of the child’s habitual/ordinary residence.

2. If a child is removed from the UK to Pakistan, or from Pakistan to the UK without the consent of the parent with a custody/residence order or a restraint/interdict order from the court of the child's habitual/ordinary residence, the judge of the court of the country to which the child has been removed shall not ordinarily exercise jurisdiction over the child, save in so far as it is necessary for the court to order the return of the child to the country of the child's habitual/ordinary residence.
3. If a child is taken from the UK to Pakistan, or from Pakistan to the UK, by a parent with visitation/access/contact rights with the consent of the parent with a custody/residence order or a restraint/interdict order from the court of the child's habitual ordinary residence or in consequence of an order from that court permitting the visit and the child is retained in that country after the end of the visit without consent or in breach of the court order, the judge of the court of the country in which the child has been retained shall not ordinarily exercise jurisdiction over the child, save in so far as it is necessary for the court to order the return of the child to the country of the child's habitual/ordinary residence.
4. The above principles shall apply without regard to the nationality, culture or religion of the parents or either parent and shall apply to children of mixed marriages
5. In case where the habitual/ordinary residence of the child is in dispute the court to which an application is made should decide the issue of habitual/ordinary residence before making any decision on the return or on the general welfare of the child, and upon determination of the preliminary issue as to habitual/ordinary residence should then apply the general principles set out above.
6. These applications should be lodged by the applicant, listed by the court and decided expeditiously.
7. It is recommended that respective governments of the UK and Pakistan give urgent consideration to identifying or establishing an administrative service to facilitate or oversee the resolution of child abduction cases (not covered by the 1990 Hague Convention on the civil aspects of international Abduction)
8. It is further recommended that the judiciaries, the legal practitioners and the non-governmental organizations in the UK and Pakistan use their best endeavors to advance the objects of this protocol.
9. It is agreed that the UK and Pakistan shall each nominate a judge of the superior court to work in liaison with each other to advance the objects of this protocol

C.No. **10**(7-2)

DIRECTIVE OF HON'BLE THE CHIEF JUSTICE.

I am directed to say that Hon'ble the Chief Justice has directed that no suit for correction/alteration of entries in the revenue record should be entertained by Civil Courts, unless the private land owners, who are likely to be affected by the decree of the court, are impleaded therein besides the officials of the Revenue Department.

(PHC Letter No. 6279-6303/Admn Dated 01st June, 2016)

C.No. **11**(7-2)

INSTRUCTIONS

The Competent Authority, with a view to ensure the obligatory obedience to the Constitution, and streamlining the jurisdiction of courts in certain matters of public interest, has been pleased to direct for issuance of the following guidelines for compliance at all levels of the courts in addition to the instructions already issued from time to time and available in the judicial Estacode: -

- Article 5 of the Constitution of Islamic Republic of Pakistan commands for obedience to the Constitution as the inviolable obligation of every citizen wherever he may be deviation from the constitution on part of the judges amounts to misconduct.
- Encroachment of public property amounts to infringement of public interest. Removal of such encroachment is an administrative matter. The administrative pursuit in accordance with law, in absence of valid reasons, should not be frustrated by grant of stay orders. Invariable approach of granting stay orders in encroachment cases of public property is tantamount to stopping the operation of laws of encroachment, and in turn, it is the violation of law.
- When the jurisdiction of ordinary courts in the service matters is excluded under law, the entertainment of cases in such matters and particularly granting of stay orders is unlawful and it should be avoided at all levels of the ordinary courts.

- Bail matters in the criminal cases usually becomes a cause of delay for the process of investigation and ultimately for commencement of trials. The timeframe given from time to time for disposal of all types of bail matters should be adhered to positively. The delay in disposal of pre arrest bail applications and bail cancellation application is particularly deplorable. It is essential for courts at all levels to discourage the delay in disposal of bail matters by meticulous observance of the timeframe for their disposal given in various instructions issued from time to time.
- Careless exercise of jurisdiction regarding ad-interim stay matters, particularly omission in their timely disposal, is highly undesirable. All interlocutory stay matters for the time being pending in any courts should be heard and disposed of in accordance with law immediately by fixation of short date of hearing. In future, the courts at all level should ensure the disposal of interim stay matters within the legal timeframe, failing which, the concerned judicial officer(s) will be held accountable.
- Gas Tariff cases, whether pending before the High Court or Gas Utility Courts at district levels should be disposed of in accordance with law, as early as possible. Regards should be had to the facts while granting stay orders in such cases, whether it is permissible under the law or not. In case any matters of interim stay order subject to its permissibility under the law is entertained, it should be disposed of within fifteen days positively. If not, the accountability shall follow.
- The Hon'ble Supreme Court of Pakistan and this Court from time to time direct for circulation of judgments containing directives relating to administration of justice and due process of law. All the courts are required to comply with such directives in letter and spirit of the judgments so far circulated or may be circulated from time to time.

(PHC Letter No. 966-1020/Admn, Dated 14th January, 2019)

C.No. 12(7-2)

DIRECTIVES OF THE HON'BLE CHIEF JUSTICE

I am directed to draw your attention to Article 212 of the Constitution, and to convey that the terms and conditions of service of a civil servant includes transfer and posting, which is a matter beyond the jurisdiction of all courts including the Civil Courts.

Thus, in future due attention may be given to the ibid article and its compliance be ensured in letter and spirit.

Likewise, in matters pertaining to medical teaching institutions, the court ought to determine at the very outset the status of the employees so as to say, civil servant or institutional employees, as the case may be.

This may be circulated amongst all the courts within your respective district for compliance, please.

(PHC Letter No.8501-34/Admn, Dated 17th April, 2019)

SECTION-III

INSTITUTION AND DISTRIBUTION OF BUSINESS

C.No. 1(7-3)

DELEGATION OF POWERS

I am directed to address you on the subject cited above and to say that the District and Sessions Judges leaving the Districts on leave, while delegating their powers under section 17(4) of the Code of Criminal Procedure 1898, do not simultaneously delegate their powers for disposal of Civil business as required under Sections 21 and 22 of the West Pakistan Civil Courts Ordinance, 1962. This omission in violation of the Law on the subject adversely effects the Civil business and smooth running of Administrative matters on the one hand and creates additional work for the High Court on the other.

2. Pursuant to the above, Hon'ble Chief Justice has been pleased to order that Provisions of Sections 21 and 22 of the West Pakistan Civil Courts Ordinance, 1962 shall be complied with in letter and spirit and copy be always sent to this High Court for information.

(PHC letter No. 6458-69 Dated August 30th, 1986)

C.No. 2(7-3)

MULTIPLICITY OF SUITS / APPEALS CURBING OF

I am directed to address you on the subject and to say that due to low institution of suits and pendency thereof in the past justice was used to administer by the Courts quickly and promptly and there was no chance of multiplicity of suits but the population explosion and the technological advancement necessitated the establishment of new divisions / districts and the ultimate creation of courts of law. Now at present many courts both Civil & Criminal are functioning in each district and experience has shown that due to multitude of courts the chronic litigants have taken and do take undue advantage of it by adopting the usual delaying tactics. They also never hesitate in institution of false, vexatious and frivolous suits and raising baseless objections regarding the same subject matter already adjudicated upon once by a court of competent jurisdiction. This is all done by suppressing the material facts and not disclosing the factum of previous litigation on the same subject matter with the sole object to deprive the opposite party from the fruit of a valid decree. The importance of prompt litigation needs no emphasis. Litigation at the present judicial set-up has

assumed a somewhat lengthy course to which a chronic litigant also contributes a major share and, therefore, no further delay on a subject already delayed is desirable in the ends of justice. Justice delayed is justice denied. This state of affairs not only spoils the notions of quick justice on the one hand but also brings discredit to the fair name of judiciary on the other besides ultimate loss of public confidence in the judiciary and the Government and as such Hon'ble the Chief Justice and Judges of this Court have seriously viewed it.

2. It view of the above, Hon'ble Chief Justice and Judges have been pleased to decide that distribution of Civil suits / appeals by the Senior Civil Judge / District Judge, as the case may be, shall be made police station-wise amongst rest of the judicial officers in each district and a better statement / certificate regarding pendency or otherwise of a suit / appeal in another court shall always be recorded in the pleadings on affidavit as required under the law. Hon'ble the Chief Justice and Judges further hope and trust that all courts would comply with these instructions in letter and spirit and cases of default, in this respect if any, shall be reported to this Court for necessary action.

(PHC letter No. 10708-777 Dated: 29th December, 1986)

C.No. 3(7-3)

DISTRIBUTION OF CASES

It has come to the notice of the Hon'ble Chief Justice of this Court, that the distribution of judicial work in the Subordinate Courts is not equitable with the result that pendency of cases in some courts in the District is very high. This causes delay in the disposal of cases and also affects the quality of work done by the Subordinate Judges.

In view of the above, the Hon'ble Chief Justice has been pleased to order, that all the District and Sessions Judges/Senior Civil Judges in the Province shall make equal distribution of cases amongst the subordinate Courts in their respective Jurisdiction. These Instructions shall be strictly followed in letter and spirit.

(PHC letter No. 13971-14050./Admn. dated 22nd December, 1987)

C.No. 4(7-3)

CAUSE DIARY

I am directed to say that it has been observed that some Senior Civil Judges/Civil Judges fix a large number of cases for a particular day and then postpone some of them for want of time. This practice not only offends against the High Court Rules and Orders but also entails delay in disposal of the cases and inconvenience to the litigant public.

It is, therefore, requested that you should pay personal attention to the cause diary and fix an adequate cause list, which could be conveniently got through during the court hours.

(PHC letter No. 7-56, Dated 31st July, 1988)

C.No. 5(7-3)

PREPARATION OF DAILY CAUSE LIST

I am directed to address you on the subject noted above and to say that Hon'ble the Chief Justice of this Court has been pleased to order that all the Judicial Officers in the Province should pay personal attention to the cause diary and should not leave the fixing of dates to the ministerial staff and that the daily cause list should be adequate by all standards and should be prepared with application of mind and fore-thought so that it could be got through without difficulty and adjournments, during the court hours.

(PHC letter No. 1014 – 93 / Admn: Brh: Dated. Pesh: the 7th March, 1990)

C.No. 6(7-3)

COMPLIANCE OF SECTION 23(1), 25 OF THE CIVIL COURTS ORDINANCE, 1962 (ALTERNATIVE ARRANGEMENTS)

I am directed to invite your attention to the above provisions of Law. Hon'ble the Chief Justice and Judges of this Court have desired for the strict compliance thereof.

Alternative arrangements for the receipt of judicial matters on the eve of the absence of the Presiding Officers all over as contemplated by the Law are a legal requirement. A minor omission at times results in protracted and expensive litigations. Two such cases have recently been noticed by the

Supreme Court and relevant Law has been laid down on the subject. Other relevant provisions such as are contained in General Clauses Acts, High Court Rules and Orders were also discussed. The reported judgments are :-

1)- PLD 1991SC 47 = PLJ 1992 SC 101

2)- PLD 1991 SC 884.

I am, therefore, directed to convey the anxiety of the Hon'ble Chief Justice that the entire Law on the subject read with the above judgments of the Supreme Court be gone through and the desired arrangements made at all level in accordance with such provisions.

(PHC letter No. 3585-3664/Admn.Brh. Dated Peshawar the 23rd May, 1993)

C.No. 7(7-3)

MAINTENANCE OF ATTENDANCE / PESHI REGISTERS.

I am directed to ask you that Honorable the Chief Justice has been pleased to introduce a system of maintaining attendance/Peshi Register in such a manner that the same may be kept blank for first seven days of the month by the Presiding Officer so that he may be in a position to fix old cases of his court coming before him for disposal during the said days of the month.

(PHC letter No.7123-7222/ Admn. Brh. Dated Pesh: the 19th Sep: 1993)

C.No. 8(7-3)

DISTRIBUTION OF POLICE STATION AT A SESSIONS DIVISION.

During recent visit to some Districts, the Hon'ble Chief Justice has observed that Sessions Judges have distributed police stations among the Additional Sessions Judges working at a station, despite the fact that this practice militates against the spirit of law which invests the Sessions Judges with the power of supervision and control and at the same time responsibility with respect to criminal cases in a session division.

I am, therefore, to ask for discontinuance of this practice forthwith with the direction that henceforth all the criminal cases including bail and other applications pertaining to sessions Court in a district shall initially be received by the Sessions judge who shall further make over the same to the Additional Sessions Judges performing their duties in the Sessions Division.

(PHC letter No. 2339-60 Dated Peshawar the 21st March, 1998)

C.No. 9(7-3)

DISTRIBUTION OF POLICE STATIONS AT A SESSIONS DIVISION.

In continuation of this Court's circular letter No.2339-60 dated: 21.3.1998, I am directed to say that Hon'ble the Chief Justice of this Court has been pleased to order that distribution of the Police Stations amongst the Addl: Sessions Judges may be continued for the purpose of grant of Remand and legal custody only.

(PHC letter No.2954-3002/ Dated Peshawar the 14/4/98)

C.No. 10(7-3)

DISPOSAL OF SUITS AGAINST THE GOVERNMENT

I am directed to say that it has been observed that suits against the Government are entrusted to those Civil Judge who have not yet acquired sufficient experience to efficiently dispose of the said suits or other interlocutory matters in such suits. Needless to mention that suits against Government involve important issues concerning general public and delay in the disposal of such cases not only results in inconvenience to the public at large but also exposes the judiciary to unnecessary criticism besides causing heavy loss to the national exchequer.

2)- I am, therefore, to request for issuance of necessary directions to the Senior Civil Judges to follow the provisions in this regard contained in Section 24 of the Civil Courts Ordinance, 1962, and either entertain suits against Government themselves or entrust the same to senior most 1st Class Civil judges at the station in order to ensure efficient and proper handling of these cases.

(PHC letter No. 1790-1811 Dated Peshawar the 09th March, 1999)

C.No. 11(7-3)

INSTITUTION OF PROCEEDINGS UNDER SUB SECTION (3) OF SECTION 190 OF THE CODE OF CRIMINAL PROCEDURE, 1898

I am directed to say that under section 190(3) of the Code of Criminal Procedure, 1898, a Magistrate taking cognizance under sub-section (1) of an offence triable exclusively by a Court of Sessions shall, without recording any evidence, send the case to the Court of Sessions for trial.

2) - Before separation, the Magistrates used to send cases, which were triable exclusively by a Court of Session, on a proforma resembling the one enclosed herewith.

3) - The enclosed proforma has been modified in order to conform to the requirement in the post separation period.

4)- I am to direct all the Judicial Magistrates in the Province that henceforth the cases triable exclusively by a Court of Sessions shall be sent for trial to the Court of Sessions on the proforma, specimen of which has been enclosed.

(PHC letter No. 5129-5278 Dated Peshawar the 6.7.2000)

C.No. 12(7-3)

WORK LOAD MANAGEMENT IN CIVIL AND CRIMINAL COURTS

I am directed to refer to the subject noted above and to say that while reviewing pendency in the Courts of Civil Judges-cum-Judicial Magistrates in different District, his lordship the Chief Justice was pleased to observe that the work load needs to be equally distributed among the Courts, so far as practicable, in order to get optimum results.

I am, therefore, to request for distributing the work load accordingly. Statements showing pendency in all Courts before and after such distribution may please be intimated to this Court within three days.

(PHC letter No. 4714-4737/Admn: Dated Peshawar the 08.06.2005)

C.No. 13(7-3)

GRANT OF GUARDIANSHIP CERTIFICATE AT SUB-DIVISIONAL HEADQUARTERS

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that the Courts at sub-divisional Headquarters do not issue guardianship certificates which result in hardships to the litigant public who had to come to courts at district headquarters for the purpose.

Attention is invited to this Court letter No. 3046-66/Admn dated 11.03.2003 (C. No. 4(4-1), pg No. 296 Judicial Estacode) which

clarifies the legal position vis-à-vis the jurisdiction of Family Courts in the subject issue.

You are, therefore, once again asked to follow the aforesaid instructions and necessary measures be taken to ensure that one family court at tehsil headquarters be entrusted with the business of issuing guardianship certificate.

(PHC letter No.10293-10317/Admn Dated Peshawar, 19th October, 2007)

C.No. **14**(7-3)

TRAFFIC MAGISTRATES

I am directed to refer to the subject noted above and to say that it has come to the notice of this court that in some districts no magistrate has been designated to deal with traffic offences.

You are, therefore, requested to check the position in your district and get it ensured that a magistrate is designated for the purpose under intimation to this court. The court house of such magistrate should also bear the plate with such designation in order to make it known to the public.

(PHC letter No.1640-63/Admn Dated Peshawar, 03rd February, 2010)

C.No. **15**(7-3)

EQUALIZATION OF PENDENCY

I am directed to refer to the subject noted above and to say that equalization of pendency and equal distribution of cases amongst different courts at a station is the prime responsibility of District & Sessions Judge and Senior Civil Judge. Disparity of number of cases amongst different courts causes multiple hardships for concerned presiding officers as well as the litigant public. Such distribution is also a requirement of recently launched DPEP.

You are, therefore, required to evolve a mechanism to ensure that cases are distributed amongst different courts and timely steps are taken whenever balance is disturbed.

(PHC letter No.2646-95/Admn Dated Peshawar, 20th February, 2010)

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

Sr#	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 in 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 Peshi)

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 spirit 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 PROVISO 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 exparte 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 exparte 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 *ex parte* and applications to set aside the *ex parte* 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.O and 250 Cr.PC so that the 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

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

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).

CHAPTER-VIII MONITORING AND EVALUATION

Section-I (Performance & Evaluation Policy)

1(8-1)	District Judiciary Performance Monitoring And Evaluation Policy 2020 – 2025 - Overview Of Judicial Performance Years	1050-1081
--------	--	-----------

Section-II (Performance Quantification Scheme)

1(8-2)	Performance Quantification Scheme (PQS)	1082-1088
2(8-2)	Toolkit For Five Years' District Judiciary Performance, Monitoring And Evaluation Policy, 2020-25	1088

Section-III (Supervision, Inspections and Progress)

1(8-3)	Surprise Visit To The Local Subordinate Courts	1089
2(8-3)	Submission Of Monthly Sessions / Civil Statements	1089-1090
3(8-3)	Monthly Disposal	1090
4(8-3)	Surprise Visit	1090-1091
5(8-3)	Physical Inspection Of Decided Cases / Assessment Of Units	1091-1092
6(8-3)	Exercise Of Effective Superintendence And Control of The Judicial Officers	1092
7(8-3)	Matters Affecting The Judicial Administration	1092-1093
8(8-3)	Control Of Courts And Presiding Officers	1093
9(8-3)	Submission Of Reports Regarding Jail Visits, Meetings Of The Criminal Justice Coordination Committees And Bench-Bar Liaison Committees	1093-1094
10(8-3)	Submission Of Quarterly Report	1094-1097
11(8-3)	Non-Compliance Of High Court Rules & Orders	1097-1098
12(8-3)	Plan Of Action For Effective Judicial And Administrative Control	1098-110
13(8-3)	Opening Of Miscellaneous "File Of Court Management"	1100
14(8-3)	Supervision, Inspections, Progress And Disposal	1101

15(8-3)	Management File; Anomalies in Data; Transition from Unit Policy; Physical Verification	1102-1105
16(8-3)	Inspections/Writing Of PERS	1106
17(8-3)	Quarterly Inspection Report	1106-1107
18(8-3)	Dispensation Of Justice Without Influence	1107
19(8-3)	Physical Verification Of Record During Quarterly Inspections	1107
20(8-3)	In-Time Consignment Of Decided Cases	1108
21(8-3)	Procedure To Be Adopted By The Judicial Officers In Case Of Any Approach Or Undue Influence Towards Discharge of Duties	1108
22(8-3)	Disposal Of Cases Through CPC Management Rules	1109
23(8-3)	Procedure To Be Adopted By The Judicial Officers In Case Of Any Approach Or Undue Influence Towards Discharge Of Duties	1109
24(8-3)	Revenue Record Cell - District Judiciary Performance Monitoring And Evaluation Policy (2020-2025)	1109
25(8-3)	220 Judicial Working Days Per Year For Each Judicial Officers In The Khyber Pakhtunkhwa	1110

Section-IV (Expeditious Disposal)

1(8-4)	Speedy Disposal And Execution Of Rent Cases / Appeals	1111
2(8-4)	Expeditious Disposal Of Family Court Cases	1111
3(8-4)	Disposal Of Cases Involving Government Dues	1112
4(8-4)	Disposal Of Cases	1112
5(8-4)	Research For Administrative-Institutional Reforms Towards Expeditious Disposal Of Judicial Matters	1113-1116
6(8-4)	Criminal Trial	1116
7(8-4)	Disposal Of Cases Of Juvenile Offenders	1117
8(8-4)	Disposal Of Old Cases And Cases Under Suppression Of Terrorist Activities On Priority Basis	1117
9(8-4)	Disposal Of The Suit At The First Hearing	1118

10(8-4)	Efficient Administration Of Justice/Shortening The Duration Of Trial/Narrowing Down The Ambit Of Issues	1118-1119
11(8-4)	Disposal Of Rent And Family Court Cases On Priority Basis	1119
12(8-4)	Case Fixation-Expeditious Disposal On Priority Basis	1120-1121
13(8-4)	Disposal Of Rent And Family Case/ Appeals Within The Statutory Period	1121-1122
14(8-4)	Disposal Of Cases In Revenue Courts In Khyber Pakhtunkhwa	1122
15(8-4)	Cases Of Oil And Mineral Resources	1122
16(8-4)	Succession Certificate	1122-1123
17(8-4)	Reservation Of Special Days For Juvenile Cases Under Juvenile Justice System Act, 2018	1123

Section-V (Inspection of Jails)

1(8-5)	Inspection Of Jails (30.12.1987)	1124
2(8-5)	Inspection Of Jails (13.11.1997)	1124
3(8-5)	Illegal Release Of Prisoners From Jail	1124-1125
4(8-5)	Cases Of Escape From Jails	1125
5(8-5)	Inspection Of Jails-Disposal Of Petty Cases	1126
6(8-5)	Under-Trial Prisoners Involved In Petty Offences	1126
7(8-5)	Jail Visit	1126-1130
8(8-5)	Improvement Of Lock-Ups In The Police Stations In The Khyber Pakhtunkhwa	1130
9(8-5)	Visit To Prison On The Eve Of Eid-UI Azha	1131

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

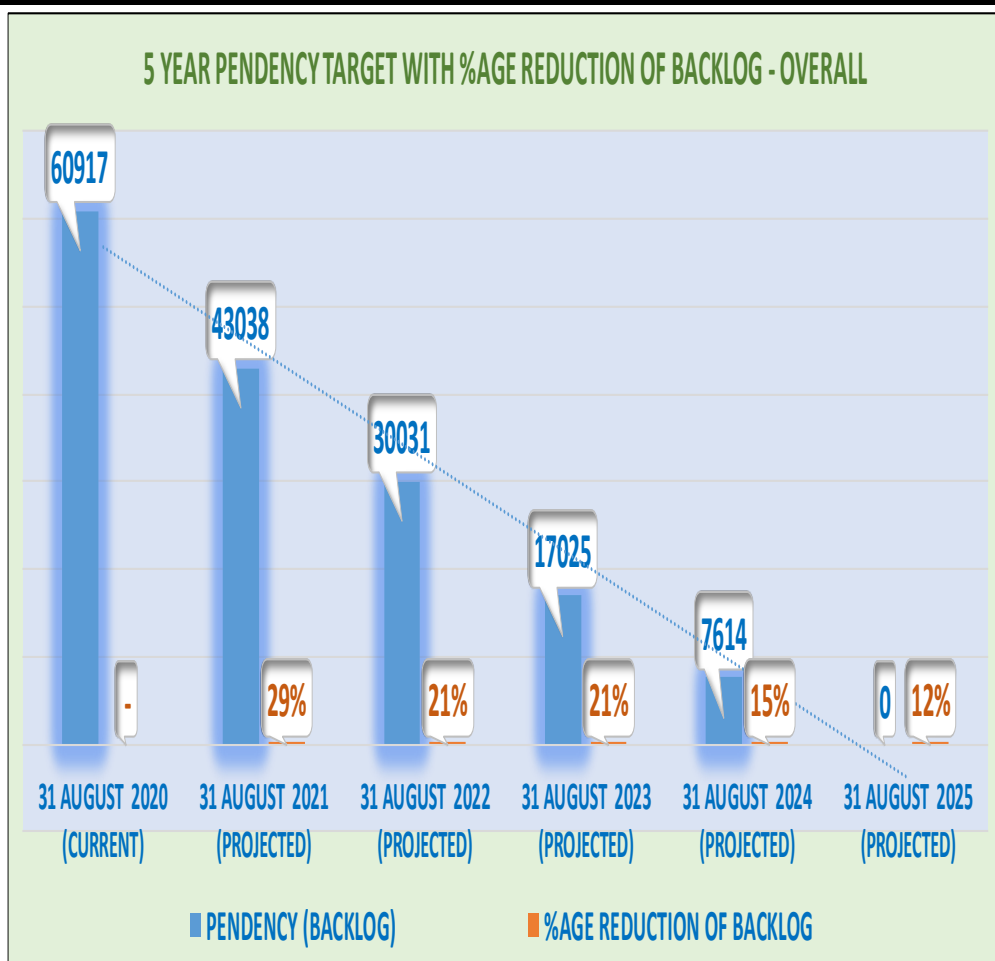
Zone ‘A’ (High work load Districts: above 3000 pendency; 62% of the total pendency of the province) 20% annual reduction of backlog in addition to 100% disposal against institution	Zone ‘B’ (Moderate Pendency districts: above 1000 pendency 30% of the total pendency of the province) 30% annual reduction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

7. Abbottabad	7. Lakki Marwat, 8. Upper Dir, 9. Lower Dir,	7. Shangla, 8. Kurram, 9. Battagram, 10. Bajur, 11. Mohmand, 12. Chitral Upper, 13. North Waziristan, 14. South Waziristan, 15. Kohistan Upper, 16. Orakzai, 17. Kolai Pallas, 18. Torgar, 19. Kohistan Lower
---------------	---	--

- 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

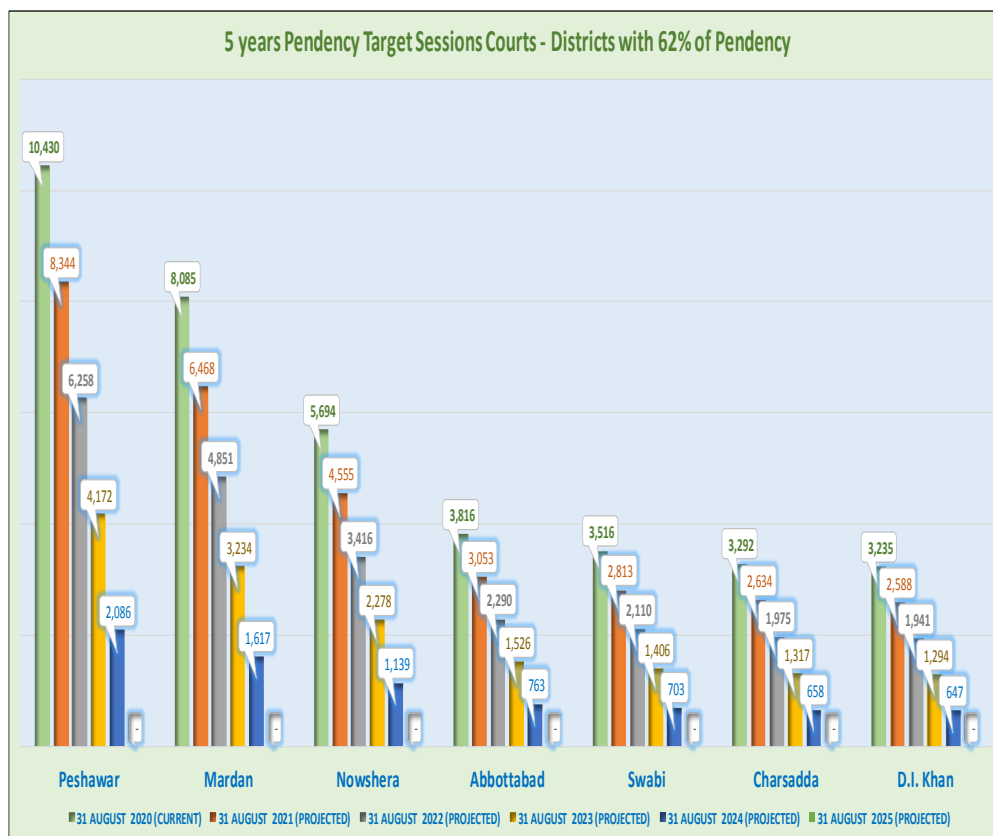
DISTRICT AND SESSIONS COURTS - KPK		
5 YEAR PENDENCY TARGET WITH %AGE REDUCTION OF BACKLOG - OVERALL		
YEAR	PENDENCY (BACKLOG)	%AGE REDUCTION OF BACKLOG
31 AUGUST 2020 (CURRENT)	60917	-
31 AUGUST 2021 (PROJECTED)	43038	29%
31 AUGUST 2022 (PROJECTED)	30031	21%
31 AUGUST 2023 (PROJECTED)	17025	21%
31 AUGUST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

<u>5 years Pendency (Backlog) Target District & Sessions Courts</u> <u>(Districts with 62% of Pendency of Province)</u>							
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
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= 12	16	17= 14/16	18= 15/16	
	District (Sessions Courts)	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
	Abottabad	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
Zone C - Comprised of 8% of Total Pendency	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 standardize 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																
	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 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
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
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
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																
	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 District (Sessions Courts)	TOTAL INSTITUTION 2022-23	10 % INCREASE	PENDENCY AUGUST 2022	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 Anum	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
30% OF PENDENCY																
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
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
100% OF PENDENCY																
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
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
Ghargla	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	District (Sessions Courts)	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%/100%	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 Anum	Caseload per Court per Working Day ADSJ	Caseload per Court per Working Day DSJ
20% 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
	Nowshera	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		1	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	District (Sessions Courts)	TOTAL INSTITUTION 2024-25	10 % INCREASE	PENDENCY AUGUST 2024	EXISTING ADSJ	New ADSJ	TOTAL ADSJ	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	
20% OF PENDENCY	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	1	10	763	0	11,116	1,170	585	220	5	3	
	Swabi	8,856	9,742	703	7	7	1	8	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	
30% OF PENDENCY	Mansehra	9,174	10,091	-	7	7	1	8	-	-	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
100% OF PENDENCY	Khyber	1,871	2,058	-	2	1	1	2	-	-	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	
	Kurram	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

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	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	Zone ‘C’ (Low Pendency districts below 2000 i.e 7%) 100% annual reduction of backlog in addition to 100% disposal against institution
1. Peshawar, 2. Mardan, 3. Abbottabad, 4. D.I.Khan,	1. Karak, 2. Lower Dir, 3. LakkiMarwat,	1. Khyber, 2. Lower Chitral, 3. Bajur, 4. Shangla,

5. Mansehra,	4. Tank,	5. Battagram,
6. Haripur,	5. Malakand,	6. Hangu,
7. Swat,	6. Buner,	7. Kurram,
8. Swabi,	7. Upper Dir	8. Mohamand,
9. Bannu,		9. Chitral Upper,
10. Kohat,		10. NorthWaziristan,
11. Nowshera,		11. SouthWaziristan,
12. Charsadda		12. Orakzai,
		13. Torgar,
		14. KohistanUpper,
		15. KollaiPallas,
		16. Kohistan Lower

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

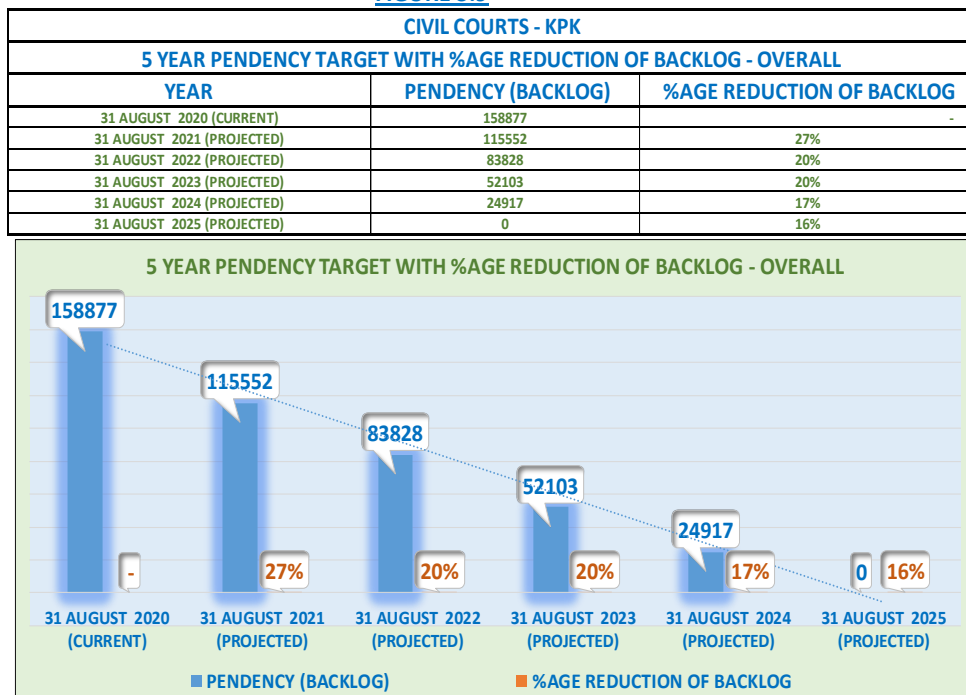
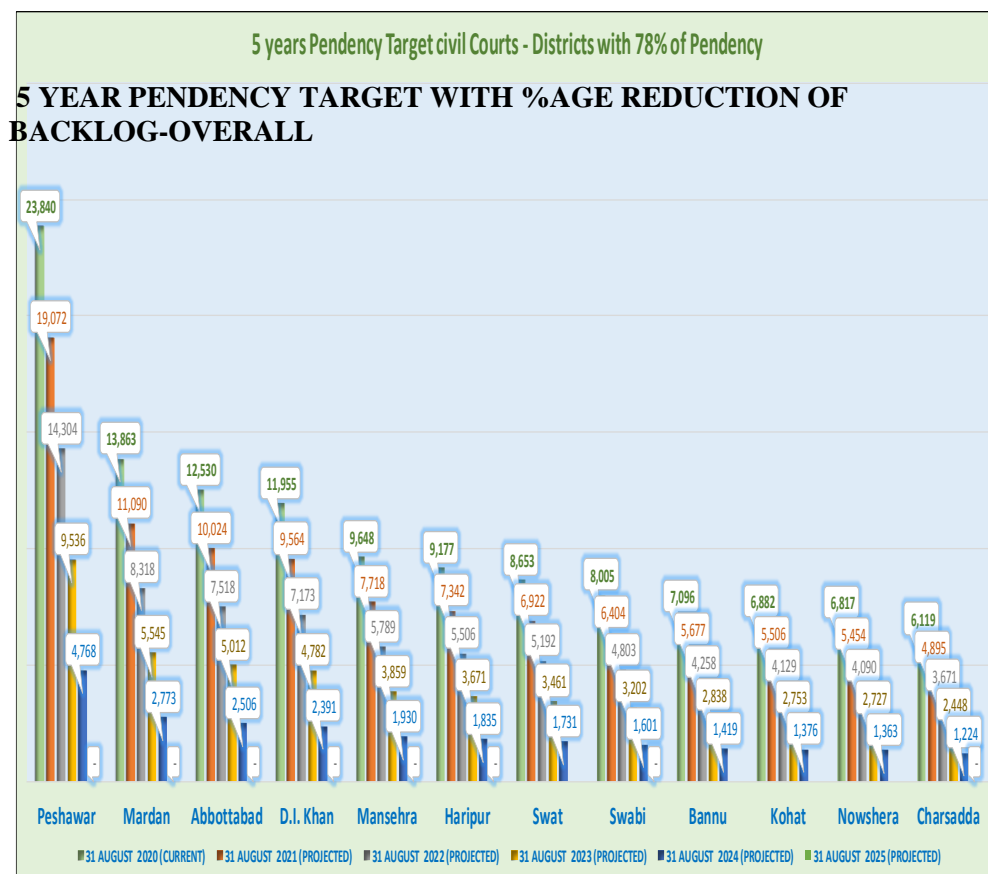


FIGURE 3.10

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
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																						
Reduction in Pendency Sr No	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
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	EXISTING	New	TOTAL	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 JUDGE (i.e Annual Required Disposal/ Number of Judges)	Annual Caseload per Court SCJ Admn (Half Caseload of CJ/JM/SCJ JUDGE)	No of Working Days per Anum	Caseload per Court per Working Day CJ/JM/SCJ Jud	Caseload per Court per Working Day SCJ Admn		
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	9,807	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
6	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	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	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	959	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	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	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	5,399	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	1	9	1,059	2,471	5,884	692	346	220	3	2
3	Lakki Marwat	5,802	2,358	8,160	2,092	3,710	6,068	6,675	3,458	7	7	1	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	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	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	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	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	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	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	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	997	4	4	1	1	5	997	-	3,382	752	376	220	3	2
6	Hangu	4,488	908	5,396	3,681	807	1,715	1,887	920	3	3	1	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	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	1	3	622	-	1,960	784	392	220	4	2
9	Chitral Upper	66	131	197	12	54	185	204	550	1	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	1	3	543	-	1,601	640	320	220	3	1
11	South Waziristan	148	530	678	11	137	667	734	285	1	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	1	2	260	-	929	619	310	220	3	1
13	Torghar	977	97	1,074	452	525	622	684	203	2	2	1	1	3	203	-	887	355	177	220	2	1
14	Kohistan Upper	782	224	1,006	589	193	417	459	145	1	1	1	1	2	145	-	604	402	201	220	2	1
15	Kolai Pallas	285	66	351	122	163	229	252	91	-	-	1	1	1	91	-	343	-	343	220	-	2
16	Kohistan Lower	469	101	570	309	160	261	287	65	-	-	1	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	2=	3	4	5	6=	7	8=	9	10=	11=	12=	13=	14	15=	16=
		Actual Total Projected Institution 2021-22	1+10%	2021	CJ / 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	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	-	14	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 Lakki 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	996	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 - JM) -
(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= 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
		Actual Total Projected Institution 2022-23	10 % INCREASE	PENDENCY AUGUST 2022	CJ / 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	(i.e Annual Required Disposal/ 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										
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 Kurram	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 Actual Total Projected Institution 2023-24	2= 1+10%	3 PENDENCY AUGUST 2023	4 EXISTING	5 New	6= 4+5	7 TOTAL	8= 6+7	9 Annual Target Reduction in Pendency (backlog) 20%/30%/100%	10= 3-9	11= 2+9	12= 2-1	13= 1-2	14 No of Working Days per Annum	15= 12/14	16= 13/14
			10 % INCREASE		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 Kurram	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																	
Reduction in Pendency Sr No	District (Civil Courts)	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
		Actual Total Projected Institution 2024-25	10 % INCREASE	PENDENCY AUGUST 2024	CJ / 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 JudJ (i.e Annual Required Disposal/ 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	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	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 Kurram	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 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.																	

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/ Ilqa 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 device 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 a t e	Ti me (N o t e 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 relevan t page of M.F.	If any Default is made in respon se or follow up indicat e the person and discipli nary action initiate d with stage of procee ding and result
			Initiat ive or 'other s' as explai ned in "Note 1"	In case of Supre me Court, High Court, Other Depat ment Letter Synopsis is Signed by Concer ned 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	Spec ial Mess enge r			

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/Al-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 complaints 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 exparte 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)

<i>1(9-1)</i>	Law And Justice Commission Ordinance, 1979	1132-1137
<i>2(9-1)</i>	Access To Justice Development Fund Rules, 2002	1138-1144
<i>3(9-1)</i>	Accounting Procedures Of The Access To Justice Development Fund 2005	1144-1153

Section-II (National Judicial Policy Making Committee)

<i>1(9-2)</i>	The National Judicial (Policy Making) Committee Ordinance, 2002	1154-1156
---------------	---	-----------

**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 2002

THE 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 sub-section (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.	• Recommending improvements in the quality/standard of legal education	<i>Fund for Innovation in Legal Education</i>	4.5%
5.	• Taking measures for developing human resources for efficient court administration and management of case flow;	<i>Federal Judicial Academy window</i>	4.5%
6.	• 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.

CHAPTER-X FINANCIAL MANAGEMENT

Section-I (Relevant Provisions of High Court Rules & Orders & Other Related Laws)

1(10-1)	Civil Courts Account	1157-1163
2(10-1)	Audit	1163-1166

Section-II (Sheriffs' Petty Accounts)

1(10-2)	Sheriffs' Petty Accounts - System of Accounts	1167-1186
--ditto--	Agencies	1170
--ditto--	Receipts of processes and Deposits by the Agencies	1171
--ditto--	Transmission Of Processes And Money To Process-Servers	1174
--ditto--	Transmission Of Processes, And Money Between Agencies	1175
--ditto--	Refund Of Deposits	1177
--ditto--	Daily Supervision Of Accounts	1178
--ditto--	Dealing With The Treasury	1178
--ditto--	Treasury Accounts	1180
--ditto--	Lapsed Items	1183
--ditto--	Miscellaneous	1184
--ditto--	Sheriffs' Petty Accounts Rules Schedule A	1185
--ditto--	Sheriffs' Petty Accounts Schedule B	1185-1186

Section-III (Civil Courts Deposit Accounts)

1(10-3)	Civil Courts Deposit Accounts	1187-1200
--ditto--	Voucher System	1194-1199
--ditto--	Civil Courts Deposit Accounts Schedule A	1199-1200

Section-IV (Instructions)

1(10-4)	Collection Of Rent From The Cabins In The Premises Of Sessions Courts	1201
2(10-4)	Ceiling Of The Official Telephone	1201
3(10-4)	Allocation Of Funds For Stationery Items	1202
4(10-4)	Directives Of Hon'ble The Chief Justice	1202
5(10-4)	Minutes Of The Meeting Of Administration Committee Held On 06th February, 2015 At 02:00 Pm	1203
6(10-4)	Placement Of Public Fund In Commercial Banks	1203-1204
7(10-4)	Directives Of The Hon'ble Chief Justice	1204
8(10-4)	Circular Letters/Notifications Regarding: a. Settlement of leftover death compensation claims of group insurance scheme of state life insurance corporation of Pakistan (CLICP). b. Settlement of Retirement Benefit against group insurance claims.	1204-1206
9(10-4)	Request For Approval To Use Photostate Money For Purchase Of Photocopier Tonner Paper Maintenance Of Photocopier etc	1206

Section-V (Disposal of Unserviceable Items)

1(10-5)	Permission For Auction	1207-1208
---------	------------------------	-----------

Section-VI (Official Vehicles)

1(10-6)	Policy Of Official Vehicles Of District & Sessions Judges	1209
2(10-6)	Standard Operating Procedures (SOP) For Use Of Official Motorcycles By The Process Serving Agencies	1209-1210
3(10-6)	The Khyber Pakhtunkhwa Government Staff Vehicles (Use And Maintenance) Rules 1997.	1210-1220
4(10-6)	Petrol Ceiling Of The Officers Of Peshawar High Court	1220-1221
5(10-6)	Petrol Ceiling For Judicial Officers	1221-1222

Section-VII (Residential Buildings)

1(10-7)	Judicial Residential Buildings Retention Policy	1223-1224
---------	---	-----------

2(10-7)	House Rent Deduction	1224
3(10-7)	Occupation Of Official Residence Beyond Permissible Limit	1224-1225
4(10-7)	Allotment Of Residential Accommodation Constructed Under Access To Justice Program / Government Accommodation	1225-1227

Section-VIII (Medical Claims)

1(10-8)	The Khyber Pakhtunkhwa Medical Attendance Rules, 2016	1228-1236
2(10-8)	Check List For Disposal Of Cases Of Medical Re-Imbursement Charges (MRC)	1236-1237
3(10-8)	Verification Of Medical Claims	1237
4(10-8)	Re-Imbursement Of Medical Claim	1237
5(10-8)	Re-Imbursement Of Medical Charges	1237-1238

Section-IX (Procurement Laws)

1(10-9)	The Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012	1239-1256
2(10-9)	Khyber Pakhtunkhwa Public Procurement Regulatory Authority Rules, 2014	1257-1297
3(10-9)	The Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017	1298-1305
4(10-9)	Grievance Redressal Committee For Disposal Of Complaints Pertaining To Procurements Made By District & Sessions Judge	1306

Section-X (Delegation of Financial Power Rules)

1(10-10)	The Khyber Pakhtunkhwa Delegation Of Financial Powers Rules, 2018	1307-1346
----------	---	-----------

Section-XI (Budget)

1(10-11)	Constitutional Provisions Relating To Provincial Government Budget	1347-1349
--ditto--	Relevant Provisions of General Financial Rules as Guidelines for Making Estimates of Revenue and Ordinary Expenditure - (Non-Development and Development).	1349
2(10-11)	Part I - Non-Development	1349
--ditto--	Estimates of Fresh Charges	1354

3(10-11)	PART II.—Development	1356
--ditto--	Surrender Of Anticipated Savings	1360
--ditto--	Expenditure Not Provided For Re-Appropriations And Supplementary Grants	1361
--ditto--	Re-Appropriation Of Funds	1362
--ditto--	Supplementary Grants - Relevant Provision Of The Constitution Of 1973	1363
--ditto--	Supplementary Grants (General Financial Rules)	1365

Section-XII (Fines & Fees)

1(10-12)	Rules Under Section 386(2) Of The Code Of Criminal Procedure, 1898	1366-1368
2(10-12)	Mal-Practice In The Sale And Purchase Transactions Of Immovable Properties	1368
3(10-12)	Process Fee	1368-1369
4(10-12)	Court Fee Stamps On Attested Copies	1369-1370
5(10-12)	Sheriffs' Petty Account – Newspapers Charges And Commission Fee	1370
6(10-12)	Proper Valuation Of Suit And Affixation Of Court Fee	1370-1371
7(10-12)	Instructions Relating To Fines - Judicial Fines	1371-1372
8(10-12)	Limit Of Sentence In Default Of Payment Of Fine Or Compensation	1372
9(10-12)	Violation Of Provision Under Section 544-A Cr.P.C	1373

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, inquiries 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."

³ 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

²Now 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 206 ¹, 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 I

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).

d. Settlement of Retirement Benefit against group insurance claims.

Reference to subject noted above, attached herewith are copies of following circular letters/notifications alongwith prescribed application forms received from the Section Officer (SR-II), Government of Khyber Pakhtunkhwa, Finance Department, Peshawar for information and necessary action:-

- a. Copy of Notification Vide No.SO(SR-II)FD/4-36/2018-53, dated 25.09.2019.
- b. Copy of Notification Vide No.SO(SR-II)FD/4-36/2019-80, dated 26.09.2019.

It is further to state that cases of all judicial officers/officials retired from your District/Court may please be forwarded directly to the Deputy Director (RB&DC), 1st Floor Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar instead of sending to this Court, please.

(PHC Letter Endst No. PHC/B&A/PEN 97-99 dated 27th January, 2020)

SETTLEMENT OF LEFTOVER DEATH COMPENSATION CLAIMS OF GROUP INSURANCE SCHEME OF STATE LIFE INSURANCE CORPORATION OF PAKISTAN (SLICP)

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa is pleased to announce settlement of leftover death compensation claims of defunct Group Insurance Scheme. Application form is enclosed herewith for processing the claims.

It is therefore requested that all claims fall under the scheme may kindly be sent on prescribed form completed in all respect, enabling this department to settle the same and make payment against the available sums in the scheme.

(No.SO(SR-II)FD/4-36/2018-53, dated 25.09.2019)

SETTLEMENT OF RETIREMENT BENEFIT AGAINST GROUP INSURANCE CLAIMS.

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa is pleased to announce settlement of retirement benefit claims against defunct Group Insurance Scheme.

Application form is enclosed herewith for processing the claims. The payment is being made to claimants who retired before promulgation of RB&DC Act on 6th November, 2014 in light of Peshawar High Court, Peshawar Judgement dated 13th November, 2019.

It is therefore requested that all claims fall under the scheme may kindly be sent on prescribed form completed in all respect, enabling this department to settle the same and make payment against the available sums in the scheme.

(No.SO(SR-II)FD/4-36/2019-80, dated 26.09.2019)

C.No. 9(10-4)

**REQUEST FOR APPROVAL TO USE PHOTOSTAT MONEY FOR
PURCHASE OF PHOTOCOPIER TONNER PAPER
MAINTENANCE OF PHOTOCOPIER ETC.**

I am directed to refer to your letter No. 4712 dated 01.09.2020 on the above subject and to say that the Competent Authority has been pleased to direct that such amount is required to be credited into the treasury/public account in accordance with para 5 and 9, Chapter-2, Volume-I of the General Financial Rules. As far as expenditure indicated in the subject, it needs no emphasis that a regular budget in this regard is allocated every year under respective heads.

(PHC letter Endst No. SDJ/PHC/REG/64-(A)-V.III-2020/3339-3409 dated 06th October, 2020).

SECTION-V
(DISPOSAL OF UNSERVICEABLE ITEMS)

C.No. 1(10-5)

PERMISSION FOR AUCTION

I am directed to refer to your letter on the above subject and to state that as per Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018 the power rest with the District & Sessions Judges and Senior Civil Judges to declare and dispose of unserviceable/surplus stores. In addition, the following stepwise guidelines are provided for declaration and disposal of such items.

- Preparation:
 - Report of the caretaker/official concerned about existence of unserviceable/surplus stocks.
 - Full justification for declaring stores as surplus or unserviceable;
 - Entry in Deadstock Register;
- Committee:
 - Formation of Disposal Committee (preferably to include a Judicial Officer, a staff member and a representative of C&W Deptt:)
 - Reserved price to be determined; [Preferably through PBMC or in alternative person dealing in the subject items]
 - Meeting of the Committee and minutes to be recorded;
 - Request for nomination of representative of the High Court as Administrative Department;
- Advertisement:
 - Advertisement for open public auction
 - Conditions to be mentioned in the advertisement
 - i. Date, time and venue for inspection of items by interested bidders.
 - ii. Date, time, venue of auction.
 - iii. Payment of taxes etc by the successful bidder
 - iv. Deposit of 1/3rd amount of successful bid at once
 - v. Deposit of remaining 2/3rd amount of successful bid within a specified period and in case of failure, forfeiture of the deposited amount.
 - vi. Removal of auctioned stores within a specified period.
 - vii. Power of the committee to approve or reject a bid.

➤ Auction:

- Attendance sheet of bidders [Name, F/N, CNIC #, Cell #, Signature]
- Open Public Auction
- Starting of bids from the baseline/reserved price.
- Details of bids recorded
- Minutes of the Committee conducting auction proceedings
- Depositing of the sale amount in the relevant head of account.
- Handing over of the auctioned stores.

(PHC Letter No.SDJ/PHC/REG/64-(a-7)-V.III/262 Dated 18th January, 2021)

**SECTION-VI
(OFFICIAL VEHICLES)**

C.No. 1(10-6)

**POLICY OF OFFICIAL VEHICLES OF DISTRICT & SESSIONS
JUDGES**

NOTIFICATION

No.24/81-B(Admn)/- In order to ensure more serviceability and utility of official vehicles, Hon'ble the Chief Justice of this Court has been pleased to lay down the following policy with regard to the official vehicles allocated to District and Sessions Judges in N-W.F.P. and officers of this Court with immediate effect, till further orders.

1. The vehicle allocated to a District and Sessions Judge by name would be taken along by him on transfer to another District.
2. In case of transfer of a District and Sessions Judge to an Ex-cadre post in or outside the Province, retirement, long leave etc, the vehicle would be surrendered to this Court for re-allocation as may be deemed appropriate.
3. The provisions of para-1 above shall also apply to a District and Sessions Judge transferred from the field to this Court and vice versa.
4. The expenditure to be incurred on utilization of POL shall be met out of the sanctioned grant allocated to the District, where the Officer concerned is posted or this Court, as the case may be.

(PHC letter No.24/81-B(Admn) Dated 12.05.2003)

C.No. 2(10-6)

**STANDARD OPERATING PROCEDURES (SOPs) FOR USE OF
OFFICIAL MOTORCYCLES BY THE PROCESS SERVING
AGENCIES**

1. One Motorcycle per head will be provided to the Bailiffs and Process Servers of the Process Serving Agencies of Khyber Pakhtunkhwa on seniority basis.
2. The Motor cycles so provided shall be used only for official purpose, i.e. service of summons/notices/warrants issued by the Courts, and not for any other use.

3. No official except on-field-duty Bailiff and Process Server shall be entitled to receive motorcycle.
4. Every Bailiff/Process Server, who is provided with official bike, shall be entitled to POL Charges [20] liters per month, as well as Rs 500/- per month as Maintenance Charges.
5. Every Bailiff/Process Server shall keep Log-Book of his motorcycle, wherein complete details of the journeys made on official bike shall be recorded chronologically, along with details of mileage and maintenance as well as brief of Warrant/Process serving etc.
6. The Accountant/Civil Nazir of each district shall be responsible to check/verify the Log- book before making payment of POL and Maintenance charges to the Bailiff/Process Server, as well as keep record of the same for Audit purposes.
7. Every Bailiff/Process Server provided with official bike shall fulfill all the requirements of traffic laws including possession of valid Driving License, use of Helmet etc.

(With reference to the Meeting dated 09th May, 2018 on the subject of revamping of the Proess Serving System in District Judiciary)

C.No. 3(10-6)

THE KHYBER PAKHTUNKHWA GOVERNMENT STAFF VEHICLES (USE AND MAINTENANCE) RULES 1997.

Dated Peshawar the 13/3/1997

NO.SO(T)NP/S&GAD)/97: The Government of Khyber Pakhtunkhwa is pleased to make the following rules-regulating the use and maintenance of Government Staff vehicles, namely;

"The Government Staff Vehicles (Use & Maintenance)" Rules 1997.

1. Short title: - These rules may be called the Khyber Pakhtunkhwa Government Staff Vehicles (Use and Maintenance) Rules 1997.

2 Definitions;- In these rules, unless the contents otherwise require, the following expressions shall have the meanings here by respectively assigned to them, that is to say:-

- a) "Department" means an Administrative Department of the Civil secretariat Khyber Pakhtunkhwa or an attached" department or a Regional or any other office of the Government which has been provided with the Government vehicle.
- b) "Vigilance Committee means a Committee constituted to monitor and control the miss-use of Government vehicle under rule 8 of these rules.
- c) "Officer" means a form appended to these rules.
- d) "Government Vehicle" or Vehicles" means any type of motor vehicle provided by the Government for official use by a department and includes staff cars, jeeps, jeepsters, pickups, vans wagons etc.
- e) "Officer incharge" means an officer nominated by the head of a department to be incharge of a Government vehicle or vehicles under Rules 3.

3. The head of the Department shall nominate an officer of the Department to be incharge of the Government vehicle or vehicles.

4. Notwithstanding anything contained in rule 3, the general control of a Government vehicle shall vest in the head of the Department.

5. Every Government vehicle shall, immediately on its purchase, be registered in favour of the Officer Incharge by designation.

6. a. There shall be a total restriction on displaying plates on Govt. Vehicles indicating the status/ ranks of the occupants. All the Official vehicles will have simple Green number plates only indicating the registration number.

b. According to Govt. of Pakistan, Ministry of Interior Notification No. 8/4/97- Public, dated the 27th February 1997, only the following persons shall be entitled to fly the Pakistan flages on their vehicles when the dignitaries themselves are seated:-

- i. President of Pakistan.
 - ii. Prime Minister of Pakistan.
 - iii. Chairman, Senate of Pakistan.
 - iv. Speaker of the National Assembly of Pakistan.
 - v. Chief Justice of Supreme Court of Pakistan.
 - vi. Chief Justice of High Courts.
 - vii. Governors of the Provinces.
 - viii. Chief Ministers of the Provinces.
7.
 - (i) Government Vehicles shall ordinarily be used for Government duty only.
 - (ii) Use of Government Vehicles for the following purposes may be considered as use for Government duty.
 - a. Journey from residence to office or any other place of duty, and back, outside the normal office hours, if undertaken in the interest of office work.
 - b. Journey from office to residence performed after working in the office for not less than two hours beyond the normal office hours.
 - c. Journey between office and place of temporary residence by an officer on tour.
 - d. Journey to attend any diplomatic or official function whether from office or residence, and
 - e. Journey performed by the Chief Secretary and Administrative Secretaries to the Government of Khyber Pakhtunkhwa from residence to office and vice versa.
 - (iii) Government vehicles may, under special circumstances and with the prior approval of the Head of the Department be used for private purposes on payment of charges at the rate of Rs. 1.25/- per Kilo Meter or portion thereof.
 - (iv) The money realized on account of hire charges under sub rule (iii) shall be credited to Government account under the respective heads.
8.
 - (i) There shall be VIGILANCE COMMITTEES at provincial, Divisional and Divisional and district level to monitor the official transport system and to control the misuse of the Government vehicles.

(ii) the Composition of the VIGILANCE COMMITTEES at various levels is as under:-

a: PROVINCIAL VIGILANCE COMMITTEE: I.

1. Chairman. Secretary S&GAD.
2. Member Additional Secretary Finance Deptt.
3. Member Deputy Secretary (Admin) S&GA Deptt.
4. Member A.I.G Traffic.
5. Member Section Officer (Transport), S&GAD.
6. Member Secretary Provincial Transport Authority.

b: DISTRICT VIGILANCE COMMITTEE: II

1. Chairman. Deputy Commissioner.
2. Member SDM.
3. Member SDPO H.Q Traffic).
4. Member Secretary Reginald Transport Authority.
5. Member District Accounts Officer.

(iii) The Jurisdiction of Provincial Vigilance Committee shall be through out the province, including Civil Secretariat and all attached departments at Peshawar.

(iv) All the vehicles at the disposal or divisional level officers will be monitored by the committee of district head quarters of the concerned divisions.

(v) The Jurisdiction of the District Vigilance Committees will be in the respective Divisions/ District of the Committee as well as the vehicles of Divisional Headquarters will fall under the Jurisdiction of the Vigilance Committee of the respective district of the Divisional Head Quarters.

(vi) a. The Vigilance Committee constituted under rule 8 (ii) of these rules shall make surprise visits to all the offices under their Jurisdictions and check the parking of vehicles after office hours in their respective venues.

b. The Vigilance Committees shall be responsible to ensure use of Government vehicles as per entitlement of the

user officers and policy of the Government.

c. All the Vigilance Committees shall be required to submit a report of their performance during the 1st week of each month to be addressed to Secretary S&GAD for perusal of the competent authority.

d. The Provincial Vigilance Committee will supervise the performance of Divisional/ Districts Vigilance Committees.

e. Meeting of Provincial and District Vigilance Committee will be convened at regular intervals.

f. There shall be a pool of vehicles at provincial level in the S&GAD and no other department will maintain a pool of vehicles in their respective departments without the authorization of provincial vigilance Committee.

g. There shall be a pool of vehicles of all the Govt. departments at district level in each district under the direct supervision of Chairman District Vigilance Committee.

9. (i) All the Government Officers irrespective of their ranks/status shall be entitled to use only one vehicle for official duty.

(ii) Sub-rule (i) of rule 9 shall apply to all those officers who were entitled to use more than one vehicle under Provincial Transport Committee Report 1987, of the S&GAD.

(iii) The Officers of Provincial Government, who are holding charge of more than one department/ organization and are in possession of more than one vehicle, by virtue of their offices/ posts etc. will not be entitled to use the additional Vehicles.

10. The Head of the Department shall specify the Officers or categories of officers who shall normally be entitled for the use of Government vehicles.

11. (i) A Government Vehicle shall not be driven except by a driver specially appointed by the Department for the purpose.

- (ii) Nonetheless, in case of non-availability of driver or in cases of emergencies, the concerned officer shall be allowed to drive the vehicle provided he is in possession of valid driving license.
12. (i) There shall be maintained, in respect of every Government Vehicle, a log book in Form "A" wherein shall be entered the Journeys performed by a Government Vehicle, copy as Annex: A.
- (ii) The Log Book maintained under sub rule (i) shall remain in the custody of the driver incharge of the vehicle and shall be examined and signed by the Officer Incharge every day at the time the driver is relieved from duty.
13. (i) The Civil Secretariat vehicles shall remain parked, after officer hours, within the premises of Secretariat in the parking places of their respective departments or at any other suitable place, as determined, for the vehicles which are otherwise not permitted to enter the Secretariat premises and the gates staff shall not allow them exit without a written slip from the competent authority.
- (ii) a. The Vehicles of attached Department, their subordinate officers, other Government Offices including autonomous bodies and semi-autonomous bodies shall remain parked after office hours, within the premises of their respective offices.
- b. Before proceedings on tour an officer shall inform, in writing, alongwith registration number of vehicle, the head of their vigilance Committee about their tour programme.
14. No person other than an officer specified under rule 10, shall, save with the prior permission in writing of the Head of the Department, be entitled for the use of Government vehicle.
15. Officers of the Federal Government and above the status of Deputy Secretary to the Provincial Government, state guests, or members of forging missions and delegations and other dignitaries, when on official visits, may be allowed to use government vehicles.
16. The Cashier of the Department may be allowed to use Government vehicle from office to the Bank and vice versa for carrying Government money exceeding Rs.4000/-.

17. No officer who is in receipt of a fixed conveyance allowance shall, subject to the provision of sub rule (3) of rule 7 be entitled to the use of a Government vehicle.

18. All requisitions for the use of a Government vehicle shall be addressed to the Officer Incharge.

19. A requisition under rule 18 shall specify the designation of the officer by whom, the purpose for which, the time at which, and the place where, the vehicle is required.

20. (i) Every person using a Government vehicle shall sign entries in the Log Book in respect of the Journey performed by him in the vehicle.

(ii) the entries in the Log Book in respect of the Journey performed in a Government vehicle by an officer of, and above the status of a Joint Secretary to the Central Government, or a state guest, or a Member of Foreign Mission, or Delegation, or other dignitary may be signed by his Private Secretary or representative.

21. (i) A Government vehicle may be lent to any other department.

(ii) Where a Government vehicle of one Department is borrowed by another deptt, the officer incharge in the borrowing Department shall be responsible for the borrowed vehicle as if the vehicle belonged to the borrowing deptt.

22. The following books shall be maintained for each motor vehicle.

(i) Log Book-I shall be maintained in Form "A" and shall remain in the custody of the driver of the vehicle. The name of the Deptt, the designation of the officer Incharge, his telephone number and the registration number of the Motor vehicle shall be indicated on the title cover of the Log Book.

(ii) History Sheet of the Motor vehicle. A bound registration containing about 50 pages shall be maintained which shall remain in the custody of Office Incharge of the Vehicle. It shall form a permanent the incidents during the life of a

particular vehicle shall be entered therein. It shall consist of the parts, in Form "B" copy at Annex: "B".

- (iii) Petrol Account Register shall be maintained separately in Form "C" Copy at Annex: "C".
23. A bill shall be prepared on the last working day of each month in respect of private trips and presented to the officers concerned who shall make payment to the cashier of the Department concerned. When the amount has been recovered, an entry shall be made in the Log Book.
24. Audit of accounts relating to motor vehicle shall be conducted periodically by the staff deputed by the accountant General Khyber Pakhtunkhwa/ Audit Officer concerned.
25. The driver of each motor vehicle shall be notified to observe strictly the following instructions:-
- (a) He shall be responsible for the proper up-keeping and cleanliness of the motor vehicle, petrol consumption, careful driving, caution against accidents and timely service and repair.
 - (b) He shall be responsible for any damage which may be caused to the vehicle due to his negligence.
 - (c) He shall get entries recorded in the Log Book before an officer leaves the vehicles, except where the officer is not required to make entries personally.
 - (d) The driving and traffic regulations and speed limits laid down in the different areas, shall be strictly observed and in all built up areas the speed of vehicles shall not exceed 30/40 kilo meters per hour.
 - (e) Vehicle shall not be left un-attended or kept in a dangerous position.
 - (f) Should any officer/ refuse to cooperate in regard to the observation of these rules the driver shall not argue with him but carry out the orders of the officer and report the incident to the officer incharge.
 - (g) Any contravention of the above rules shall be considered as misconduct and disciplinary action shall be taken against the driver.

26. All the officers, who are entitled to use vehicles, shall restrict themselves to use of P.O.L as per ceiling shown in Annex: "D"¹.
27. The Government Staff Vehicles (Use & Maintenance) Rules 1975 will stand repealed.

¹ For Judicial Officers/Officers posted at Peshawar High Court see PHC Order Endst No. 905-11/B&A dated 05.05.2020 and for Judicial Officers posted in field see PHC Order Endst No.749-759/B&A dated 11.04.2020.

ANNEXURE – A**LOG BOOK**¹[Khyber Pakhtunkhwa] **Government Motor Vehicle Working Account****Car No.....**

Date	Time		Particulars of Journey	Purpose of Journey	Official or Private	Officer with whom attached
	From	To				
1	2	3	4	5	6	7

Driver's Name: _____

SPEEDOMETER READING			Petrol or Oil Issued	Signature of the Officer	Remarks.
Before Trip	After Trip	Total Mileage			
8	9	10	11	12	13

TOOLS OF THE VEHICLE

S.No	Tool	Date of Purchase	Remarks

¹ Substituted by The Khyber Pakhtunkhwa Act No. IV of 2011

(ANNEXURE - B)**FORM-B**

Car No.....

GOVERNMENT OF ¹[Khyber Pakhtunkhwa]**HISTORY SHEET**SERVICES AND GENERAL ADMINISTRATION DEPARTMENT,
CIVIL SECRETARIAT.**(ANNEXURE - C)****FORM-C**

Date	Opening Balance on the First day of Month	Number of Gallons of Petrol Obtained	Voucher No. & Date	Balance on the Last day of Month	Total Petrol Consumed during the month, Columns (2 + 3 - 5)	Total Mileage
1	2	3	4	5	6	7

C.No. 4(10-6)

PETROL CEILING OF THE OFFICERS OF PESHAWAR HIGH COURT**PESHAWAR HIGH COURT, PESHAWAR
ORDER**Dated 04th May, 2020

In exercise of the powers conferred by the Govt. of Khyber Pakhtunkhwa, Finance Department vide Notification No.S(A/Cs)FD/2-1/96 dated 07-12-1996 and all other powers enabling thereto, Hon'ble the Chief Justice, Peshawar High Court, Peshawar is pleased to revise/fix ceiling of petrol per month for officers working in Peshawar High Court & its Benches, for official vehicles, subject to deduction of conveyance allowance, w.e.f 11-

¹ Substituted by The Khyber Pakhtunkhwa Act No. IV of 2011

04-2020, in the following manner:

S.No.	Judicial Officers	BPS	Existing limit of POL	Revised POL Ceiling
1.	Registrar	22	350	400
2.	MIT	21	200	300
3.	Addl: Registrar	21	200	300
4.	PSO to HCJ	21	200	300
5.	Legal Draftsman	21	200	300
6.	Director Welfare	21	200	300
7.	Director Inspection	21	200	300
8.	AMIT	21	150	300
9.	Director NJPMC	21	150	300
10.	Director HR&W	20	150	200
11.	Director P&D	20	150	200
12.	Addl: Director P&D	20	150	200

The expenditure involved will be met out of the sanctioned budget grant under head "03-Public Order & Safety Affairs-031-Law Courts-0311-Law Courts-03110-Courts-Justice-High Court-A03807-POL Charges-Charged".

(PHC Endst No.905-11/B&A dated Peshawar 05th May, 2020)

C.No. 5(10-6)

PETROL CEILING FOR JUDICIAL OFFICERS

PESHAWAR HIGH COURT, PESHAWAR ORDER

Dated 11th April, 2020.

In exercise of the powers conferred by the Govt. of Khyber Pakhtunkhwa, Finance Department vide Notification No.S(A/Cs)FD/2-1/96 dated 07-12-1996 and all other powers enabling thereto, Hon'ble the Chief Justice, Peshawar High Court, Peshawar is pleased to revise/fix ceiling of petrol per month in favor of Judicial Officers in Khyber Pakhtunkhwa, for official vehicles, subject to deduction of conveyance allowance, with immediate effect, in the following manner:

S.No.	Judicial Officer(s)	BPS	Ceiling of POL
1.	District & Sessions Judge	21	270 liters
2.	Addl: District & Sessions Judge	20	200 liters

3.	Senior Civil Judge	19	175 liters
----	--------------------	----	------------

The expenditure involved will be met out of the sanctioned budget grant under head “03-Public Order & Safety Affairs-031-Law Courts-0311-Law Courts-03110-Courts-Justice-Sessions Court-A03807-POL Charges-Voted”.

(PHC Endst No. 749-759/B&A, dated 11th April, 2020)

SECTION-VII
(RESIDENTIAL BUILDINGS)

C.No. 1(10-7)

JUDICIAL RESIDENTIAL BUILDINGS RETENTION POLICY

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to approve Judicial Residential Buildings Retention Policy (copy Enclosed) which shall hold the field till formulation of Judicial Residential Buildings Rules for the district Judiciary.

I am further directed to say that the Policy shall be circulated amongst all judicial officers of the respective districts.

(PHC Letter No. 10007/SDJ/HRW/Admn, Dated 27th June, 2020)

JUDICIAL RESIDENTIAL BUILDINGS RETENTION POLICY

Upon promulgation of the Khyber Pakhtunkhwa Provincial Buildings (Management, Control and Allotment), Act, 2018, the Provincial Government framed the Khyber Pakhtunkhwa Residential Accommodation at Peshawar (Procedure for Allotment) Rules, 2018. In view of Section 7(3) of the Act, 2018, there is a need to formulate rules for judicial residential buildings by making amendments in Chapter 22 of volume-IV of The Peshawar High Court, Peshawar Rules and Orders. The process has already been initiated. The Competent Authority has been pleased to approve the following policy for retention of judicial residential buildings, which shall be applicable to the District Judiciary until completion of the process of rules making.

1. An official residence shall be vacated within one month from the date of relinquishment of the charge. However, a request for retention shall in the first place be made to the District & Sessions Judge concerned, who may allow retention for a maximum period of (3) months, to be reckoned from date of relinquishment of the charge, on any of the following grounds.
 - a. Posting to a station where official residence is not available.
 - b. During examination of children of the applicant subject to furnishing documentary proof.
 - c. During extreme illness of the applicant or any of his/her family members residing with him/her, provided that the patient has been advised to avoid travelling/ bed rest.
 - d. During catastrophic situation i.e earthquake, floods or epidemic diseases etc. in the region.

- e. In case of death of the occupant or his/her spouse.
- f. During training of the applicant (domestic or abroad) or study leave.
- g. Any other extraordinary circumstances.

2. In case of refusal of the request, the Judicial Officer concerned may approach this Court for redressal of his grievance. Upon recommendations of the Secretariat for District Judiciary and in the light of reports of the District & Sessions Judges concerned, the Competent Authority may, allow retention of the residential buildings for the maximum period of (3) months as mentioned in Para No.1.

3. During the extended period an applicant shall be bound to pay the normal house rent, utility dues and abide by all other terms and conditions specified in the allotment order, in addition to the instructions contained in PHC letter No.608-632/Admn dated Peshawar, 14th October, 2009 (Page No.539 to 541 of Judicial Estacode, revised edition 2011)

C.No. 2(10-7)

HOUSE RENT DEDUCTION

I am directed to refer to the subject noted above and to say that there are certain complaints regarding unauthorized occupation of government accommodations by judicial officers and non-payment of house rent and other utility bills in some cases. The officers who are posted out of a station need not retain the house beyond prescribed period. It has also been observed that some judicial officers are occupying two government owned accommodations and paying rent of only one. Such practices are clearly in violation of rules and violation of rules militates against the code of conduct of judicial officers. All the judicial officers are, therefore, impressed upon to desist from such violations in future.

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

(PHC letter No.6521-80/Admn Dated Peshawar, 07th April, 2010)

C.No. 3(10-7)

OCCUPATION OF OFFICIAL RESIDENCE BEYOND PERMISSIBLE LIMIT

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that the judicial officers

retained the official accommodation allotted to them for considerable long time after their transfer from a station. This practice on the part of judicial officers' results in tarnishing the image of judiciary (the ultimate custodian of law and rules) on one hand and in violation of the rules on the other. Not only this but the officer waiting in list for the allotment of official accommodation have to undergo tremendous difficulties in getting residential accommodation which adversely affects the working of the institutions.

All the judicial officer in the Khyber Pakhtunkhwa province are directed to adhere to the rules and desist from occupying the official residential accommodation beyond specified limit. Any such delinquency shall be taken serious note of, in future.

These instructions may be circulated amongst all the judicial offices under your controls.

(PHC Letter No. 2509-55/Admn, Dated 21st February, 2012)

C.No. 4(10-7)

ALLOTMENT OF RESIDENTIAL ACCOMMODATION CONSTRUCTED UNDER ACCESS TO JUSTICE PROGRAM / GOVERNMENT ACCOMMODATION

With reference to the subject matter and in modification of this Court instructions on the subject given vide letter # 349-J/dated 06.06.2007, enclosed are the revised instructions for the management and allotment of residential units constructed out of Access to Justice fund including other Government accommodation in your control for guidance and compliance, please.

With the construction of new buildings for the use of district judiciary in the province, it has become necessary to issue amended guidelines for the better management and maintenance.

For this purpose the buildings include the residences & bachelor hostels built exclusively for the judiciary or otherwise in the control of District Judiciary or for that matter Peshawar High Court.

For the purpose of management the District & Sessions Judge shall be the In charge / authority of the buildings within the District. However, for allotment purposes in district Peshawar, this Court shall be the authority.

The following instructions are, therefore, issued in addition to the Rules and Instructions of the Provincial Government so far applicable on the subject:

1. The maintenance of all the buildings shall be carried out by the Works & Service Department, under the supervision of the officer In charge.

2. The occupants of the residence and bachelor hostels shall be liable to deduction of rent and allied charges payable under the rules/instructions.
3. The concerned In charge shall ensure that the deduction as mentioned above are regularly made in accordance with the rules/instructions.
4. The residence and rooms in bachelor hostels shall be allotted to Judicial Officers posted in the District.
5. The utility bills/charges/dues other than rent mentioned in clause 2, is to be paid by occupant directly to the concerned authorities.
6. At the time of handing and taking over the possession of residences an inventory of all the fixtures, fittings, equipment and official furniture shall be got prepared by the concerned in charge or his nominee in a properly maintained register kept for the purpose.
7. Except for normal wear and tear the allottee shall be liable to pay the cost of fixtures, fittings & equipment found missing damaged or destroyed.
8. The concerned authority shall be responsible for the overall maintenance and upkeep of accounts concerning the premises.
9. The allotment shall be cancelled if an allottee:-
 - (i) Fails to pay utility bills.
 - (ii) Sublets, wholly or partly, the residential accommodation, or
 - (iii) Becomes a source of nuisance for the neighbors, or
 - (iv) Does not reside in the allotted accommodation for a period of two months following allotment.
 - (v) Has a house at the place of posting either in his own name or in the name of his spouse or a dependent child.
10. Priority, Seniority, need and gender will be considered for the purpose of allotment.
11. Till such time a proper care-taker / attendant is recruited, the concerned in charge shall arrange for an attendant at Bachelor Hostel out of the available strength of ministerial staff of the District.
12. The rent of the bachelor hostel shall be fixed by this court.

The revised schedule of rent is as under:-

S. NO.	NATURE OF ACCOMMODATION	ENTITLEMENT	RENT
1.	Residence	Judicial Officers posted at a station	As prescribed by the Government
2.	Bachelor Hostel	Judicial Officers posted at a station, for more than 15 days stay	Rs. 1500/- for a room (exclusive of utility charge)

3.	Bachelor Hostel	Judicial Officers posted at a station, for less than 15 days stay	Rs. 300/- per night for a room
4.	Bachelor Hostel	Out station Judicial Officers, retired Judicial Officer, for a less than 15 days stay	Rs. 400/- per night*

* The allotment is subject to availability.

No.241-J & 242-J/Dated Peshawar the 13th October, 2009

(PHC letter No.608-632/Admn Dated Peshawar, 14th October, 2009)

**SECTION-VIII
MEDICAL CLAIMS**

C.No. 1(10-8)

NOTIFICATION

Peshawar, dated the 12th August, 2016,

No. E&A/Health/3-60/2016: - In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA
MEDICAL ATTENDANCE RULES, 2016.**

(1) Short title, application and commencement. ---(1) These rules may be called the Khyber Pakhtunkhwa Medical Attendance Rules, 2016.

(2) They shall apply to all civil servants in service or retired of the Province of the Khyber Pakhtunkhwa and their family members.

(3) They shall come into force at once.

(2) Definitions. ---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) “Authorized Medical Attendant” means a doctor in a Government hospital and includes Professor, Associate Professor, Assistant Professor, Senior Registrar, District Specialist, Specialists posted in Government hospitals or any other Specialist in Government hospital, Chief Medical Officer (CMO), Principal Medical Officer (PMO), Senior Medical Officer (SMO), Medical Officer (MO), Dental Surgeon and Casualty Medical Officer;
- (b) “civil servant” means a civil servant as defined in the Khyber Pakhtunkhwa Civil Servant Act, 1973;
- (c) “Directorate General” means the Directorate General, Health Services, Khyber Pakhtunkhwa;

- (d) “Director General” means the Director General of the Directorate General;
- (e) “emergency case” means and includes road traffic accidents, myocardial infarction, burns/scalds, blast, poisoning, head injury or any other medical or surgical emergency of equivalent nature as determined by the Authorized Medical Attendant;
- (f) “family members” mean parents, wife or wives, husband, sisters and minor brothers, sons and daughters and step-children of a civil servant, residing with him and wholly dependent upon him;
- (g) “Government” means the Government of the Khyber Pakhtunkhwa;
- (h) “Government hospital” means a public sector hospital and includes Civil Dispensary (CD), Basic Health Unit (BHU), Rural Health Center (RHC), Dental Hospital, Civil Hospital (CH), Tehsil. Headquarters Hospital (THQH), District Headquarters Hospital (DHQH), Teaching Hospital, Autonomous Teaching Hospital of the Government, and hospitals duly categorized by the Government from time to time;
- (i) “medical attendance” means services provided to a patient in Government hospital or private hospital, as the case may be, and include consultation on such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis and treatment;
- (j) “patient” means a civil servant and his family member, who has fallen ill or need promotive, preventive, curative or rehabilitative care;

- (k) “private hospital” means hospital other than a Government hospital with which the Government has entered into an agreement for the treatment of patients and includes, in case of emergency, Combined Military Hospital, Private Hospitals, Social Security Hospitals, any Military or Forces Hospital and Specialized Institutes in Pakistan; and
- (l) “Treatment” means the use of all medical, surgical, diagnostic and rehabilitative facilities available at the Government hospital or in private hospital in which the patient is treated, and includes-
- (I) the employment of such medical, surgical, pathological, bacteriological, radiological, rehabilitative or other methods, as is considered necessary by the Authorized Medical Attendant;
 - (II) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the Government hospital or private hospital, as case may be;
 - (III) the supply of such medicines, vaccines sera or other therapeutic substances not ordinarily so available, as the Authorized Medical Attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient; and
 - (IV) such accommodation as is ordinarily provided in the Government hospital or private hospital, as the case may be and is suited to his status. Such nursing care as is ordinarily provided to inpatients by the hospital. Such diagnostics/laboratory investigations/imaging etc., as are ordinarily available in such hospitals.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

2. Entitlement. ---(1) A patient is entitled to free of charge medical attendance or treatment, as the case may be, subject to such ceiling as may be fixed by Government.

(2) Where a patient is entitled to receive free of charge medical attendance or treatment, as the case may be, any amount paid by him on account of such medical attendance or treatment, as the case may be, shall be reimbursed by Government on production of a certificate in writing by the Authorized Medical Attendant in this behalf with all necessary documents as determined, and after proper verification or authentication by the Deputy Director (Admn) of Directorate General.

(3) The necessary documents shall include-

- (a) a written certificate by the Authorized Medical Attendant;
- (b) medical record of the patient;
- (c) the printed tariff of the Government hospital or private hospital;
- (d) detailed bill of the Government hospital or private hospital; and
- (e) duly signed receipt in token of having paid

4. Referral. ---(1) If the Authorized Medical Attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance or treatment, as the case may be, by another medical attendant, he may-

- (a) send the patient to the nearest Government hospital, where in his opinion, medical attendance or treatment, as the case may be, is required for the patient, or in case of serious or life-threatening conditions, to the place in the Province or Country, as the case may be, where such medical attendance or treatment is available. The referral has to be to Government hospital in the first instance, and if not available, then he may refer the patient to private hospital with full justification and with prior approval of Director General:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request; or

- (b) Request such specialist or other medical officer, to attend upon the patient, if the patient is unable to travel due to illness.

(2) The Casualty Medical Officer shall be authorized medical attendant in serious cases, needing immediate referral, if there is no such hospital as mentioned in sub-rule (1), to such hospital in the Province as may, in the opinion of such Authorized Medical Attendant, provide the necessary medical attendance or treatment, as the case may be.

(3) In any exceptional case where the Authorized Medical Attendant is of the opinion that the necessary medical attendance or treatment, as the case may be, is available only in a hospital outside the Province, he may with the prior approval of Director General, refer the patient for such medical attendance or treatment, as the case may be, in such hospitals:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request.

5. Travelling Allowance. ---(1) When a patient is referred by the Authorized Medical Attendant under rule 4, the patient shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point.

(2) If the patient is unable to travel due to illness, the Authorized Medical Attendant shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point:

Provided that a patient shall not be entitled to travelling allowance for a journey for attendance by a dentist.

6. Treatment. ---(1) Subject to rule 4, the patient shall be entitled to free of charge treatment in Government hospital or private hospital, as the case may be, at or near the place where he falls ill as in the opinion of the Authorized Medical Attendant to provide the necessary and suitable medical attendance or treatment, as the case may be.

(2) In case of emergency or for diseases mentioned in the Medical Attendance Card to be issued by the Finance Department of the Government, any medical consultant or Specialist anywhere in the

Country, duly registered with Pakistan Medical and Dental Council, shall be the Authorized Medical Attendant, of private hospital.

(3) The family members shall also be entitled, free of charge, to medical attendance or treatment, as the case may be, on the scale and under the conditions allowed to the Civil Servant himself, at a Government hospital or private hospital at which the Civil Servant is entitled to receive such medical attendance or treatment, as the case may be.

(4) Civil Servants, who are sent abroad on duty, shall be allowed the following facilities for purposes of treatment during the period they are on duty abroad-

- (a) reasonable cost of treatment shall be met by Government if a Civil Servant actually falls ill while he is on duty abroad. The medical attendance or treatment, as the case may be, shall be subject to such ceiling as may be fixed by Government;
- (b) no routine checkup shall be permitted at Government expense nor would Government accept liability for treatment of any diseases from which a Civil Servant may have been suffering while in the Country and for which he may take the opportunity of his visit to a foreign country to receive medical attendance and treatment, as the case may be. Cases in which a disease from which a Civil Servant may have been suffering while in the Country, takes a turn for the worse and requires urgent medical attendance and treatment, as the case may be, may be considered on merits; and
- (c) the treatment shall be limited to the Country and the place to which the Civil Servant has been sent on duty.

7. Payment in advance.---(1) In case a disease or condition of the patient is of such a nature that requires medical attendance or treatment, as the case may be, at a private or specialized hospital or center in the Country and the cost is such that cannot be afforded by the patient within his available means, the patient shall be entitled to obtain the cost of treatment from such hospital or institute in the Country in advance, duly certified by head of that hospital or institute in the following manner,-

- (a) the Civil Servant shall submit the case to his respective authority, who after ascertaining facts, shall forward the case to Medical Section of Directorate General;
 - (b) the Deputy Director (Admn) of Directorate General after due verification or authentication and obtaining approval of the Director General, shall place the proposal, for approval or otherwise, before the Standing Medical Board to be notified by the Health Department of Government. The Standing Medical Board after due verification and authentication may approve the case or otherwise; and
 - (c) in case of approval, the Medical Section of Directorate General shall then forward the case through proper channel to the Finance Department of the Government for consideration of advance payment.
- (2) The diseases and other conditions for the purposes of sub-rule (1) shall be notified by the Health Department of Government from time to time.

8. Claims by the Family Members of the Deceased. ---In case of death of the patient, while under treatment, the medical reimbursement claims shall be paid to the family members upon production of record and after necessary verification or authentication by the Medical Section of Directorate General in accordance with the procedure mentioned in rules 3 and 4 of these rules. In case of approval, the Medical Section of Directorate General shall forward the case through proper channel to Finance Department of the Government for reimbursement. All such claims shall be submitted within two (2) years after death of the patient.

9. Empanelment of Government hospitals and private hospitals outside the Province.---(1) Government shall make arrangements for the patients with certain hospitals, outside the Province for certain diseases to be notified by the Health Department of Government, where the treatment is specialized and where the facilities are not available in Government hospitals or private hospital in the Province, through an agreement. For this purpose, Government shall constitute a committee comprising of representatives of the Finance Department and Establishment Department of Government, representatives of Khyber Pakhtunkhwa Public Procurement Regulatory Authority, concerned specialists from Government hospitals and Special

Secretary Health Department of Government which shall be headed by the Director General for empanelment.

(2) The committee while considering any hospital for empanelment shall ascertain that such hospitals must have the capacity and capabilities to address the disease satisfactorily and provide the quality of medical attendance or treatment, as the case may be to the patient.

(3) If a hospital empanelled by the committee, later on proves to provide sub-standard medical attendance or treatment, as the case may be, the empanelment of such hospital shall be delisted.

10. Medical Attendance Card.---As soon as may be, after the notification of these rules, the Finance Department of Government shall issue to all Civil Servants including retired Civil Servants a computerized bar coded card, to be known as the Medical Attendance Card specifying the entitlement of the Civil Servant:

Provided that for the intervening period the diseases so to be mentioned in the Medical Attendance Card will be notified by Health Department of the Government:

Provided further that on conversion of entitlement to Health Insurance, to be so decided by Government, the Medical Attendance Card shall also stand converted.

11. Penalty. ---If any Civil Servant makes any fake or false claims, or those issuing false certificates or signing false medical documents and processing false medical claims, shall be punishable with imprisonment which may extend to six (6) months or fine which may extend to one lac rupees or with both.

12. Cognizance of offence. ---(1) No court inferior to that of Magistrate of first class shall take cognizance of an offence under these Rules:

Provided that the court shall take cognizance of an offence on the complaint made in writing by Director General or the controlling officer, as the case may be.

13. Repeal and savings. ---(1) The West Pakistan Government Servants (Medical Attendance) Rules, 1959, notified vide notification No. 4/III-S.O(V)-57, dated: 24th July, 1959 are hereby repealed in its application to the extent of civil servants of the Province of Khyber Pakhtunkhwa.

(2) Notwithstanding the repeal of the said rules, everything done, order passed, action taken or obligation, liability, penalty or punishment incurred under any of the provisions of the said rules, shall, if not inconsistent with the provisions of these Rules, continue in force and be deemed to have been done, passed, taken or incurred under the provisions of these Rules.

C.No. 2(10-8)

CHECK LIST FOR DISPOSAL OF CASES OF MEDICAL RE-IMBURSEMENT CHARGES (MRC).

With reference to the subject noted above, I am to forward herewith letter No.BO.II/FD/3-13/PHC/2013-14 dated 04/02/2015 (along with its enclosure), received from Budget Officer-II Govt of Khyber Pakhtunkhwa Finance Department, Peshawar for information and further necessary action, please.

(PHC Letter. 920-80/B&A, Dated 16th February, 2015)

CHECK LIST FOR DISPOSAL OF CASES OF MEDICAL RE-IMBURSEMENT CHARGES (MRC).

I am directed to refer to the subject noted above and to state that Health Department has proposed some changes / amendments in the Medical Attendance Rules, 1959 which are under process in the law Department.

2. The competent authority has decided that, in the meanwhile, the following check list will be applied for processing of MRC claims of employees of your respective department. The same may kindly be complied with while submitting such cases to Finance Department for approval / release of budget.

- I. OPD chit / Discharge slip from the concerned Medical Institute / Hospital.
- II. Verification / Authentication by D.G Health services, of the bills exceeding Rs. 15000/-
- III. Non-Availability Certificate.

- IV. Referral by concerned medical attendant as per Medical Attendance Rules.
- V. In case of referral to a private hospital, a certificate from the Medical Superintendent of the concerned Health institution / Director General Health, that the treatment facilities required are not available in any Government Hospital.

3. The above instructions may please be circulated among all the subordinate entities.

(Letter. SOSR-III/FD/1-5/2004, Dated 30th January, 2015)

C.No. 3(10-8)

VERIFICATION OF MEDICAL CLAIMS

I am directed to refer to the subject noted above, and to say that prior to referral of medical claim to this court it may be got verified from the Medical Superintendent of the concerned Hospital, to avoid unnecessary delay in the Health Directorate, please.

(PHC Letter No.7205-66/B&A Dated 19th November, 2015)

C.No. 4(10-8)

RE-IMBURSEMENT OF MEDICAL CLAIM

I am directed to refer to the subject noted above and to say that under Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018, District & Sessions Judges are category-I officers. According to Serial No.2(xi) of second schedule of the ibid Rule, they are empowered to grant sanction for the subject purpose. However, claims exceeding Rs.30,000/- are to be verified from Director General Health Services.

(PHC Letter No.1930-63 SDJ/PHC/REG Dated, 13th April, 2019)

C.No. 5(10-8)

RE-IMBURSEMENT OF MEDICAL CHARGES

I am directed to refer to the subject noted above and to state that henceforth the medical claims for re-imbursment shall be processed in the following manner

1. The District & Sessions Judge as Category-I Officers are empowered to sanction the medical claims of their establishments including the claims of Additional District & Sessions Judges;
2. The personal medical claims of District & Sessions Judges and their family members, shall be forwarded to the High Court for sanction;
3. The Senior Civil Judges being Category-II Officers can sanction the medical claims of their establishments up to Rs.10000/-. The claims exceeding Rs. 10000/- are to be sent to the High Court for approval/sanction as Administrative Department;
4. All the medical claims exceeding Rs.30000/- are to be first verified/authenticated from the Director General Health Services Peshawar and then to be sanctioned or submitted to the High Court, as the case may be.
5. For allocation of funds, claims duly authenticated by the DG Health, shall be sent to Peshawar High Court, for additional grant.
The above procedure shall be followed by the District & Sessions Judges and Senior Civil Judges according to their sanctioning powers and all the medical claims may not be sent to this court unnecessarily except the procedure provided above.

(PHC Letter No.622-24/B&A dated Peshawar, 20th February 2021)

**SECTION-IX
PROCUREMENT LAWS**

C.No. 1(10-9)

**THE KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT
REGULATORY AUTHORITY ACT, 2012.**

**(KHYBER PAKHTUNKHWA ACT
NO. XI OF 2012)**

WHEREAS it is expedient to provide for the legal and regulatory framework for public procurement, and other matters connected therewith or incidental thereto, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012.

- (2) It extends to the whole of the Khyber Pakhtunkhwa.
- (3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) “Authority” means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority established under section 4;
- (b) “bidder” means a contractor, supplier, vendor or consultant who offers his services for procurement of goods works, or services in response to bid solicitation by a procuring entity;
- (c) “best evaluated bid” means,-
 - (i) in case for procurement of goods and services, the highest ranking fair bid in accordance with the evaluation criteria set forth in the bid solicitation documents;
 - (ii) in case of procurement of works, the lowest responsive evaluated bid will be the „best evaluated bid“;
- (d) “bidding” means the formal procurement procedure under which sealed bids are invited,

- received, examined and evaluated for the purpose of awarding a contract;
- (e) “bidding documents” means the data, information and representations submitted by the bidder on the bid solicitation documents advertised and made available by the procuring entity;
 - (f) “bid solicitation documents” means the documents prepared by the procuring entity on the format of standard bidding documents for solicitation of bids;
 - (g) “Board” means the Board of Directors of the Authority;
 - (h) “Chairperson” means the Chairperson of the Board;
 - (i) “consultant” means a person, a firm, a company or an organization undertaking supply of services;
 - (j) “contract” means a contract as defined in the Contract Act, 1872;
 - (k) “goods” means articles and objects of every kind and description including raw materials, intermediate inputs, finished goods, products, equipment, computers, machinery, spare-parts and commodities in solid, liquid or gaseous form, electrical, mechanical as well as incidental services such as installation, transport or vehicles, maintenance and similar obligations related to the supply of goods, if the value of these services does not exceed the value of such goods;
 - (l) “Government” means the Government of the Khyber Pakhtunkhwa;
 - (m) “Managing Director” means the Managing Director of the Authority;
 - (n) “mis-procurement” means public procurement in contravention of any of the provision of this Act or any other law in respect of or relating to public procurement, including any rules, regulations, orders or instructions made in this behalf and for the time being in force;
 - (o) “prescribed” means prescribed by rules made

- under this Act;
- (p) “procurement object” means goods, works or services to be procured by a procuring entity through public procurement process;
 - (q) “procuring entity” means-
 - (i) a Department or any Office of Government including a project unit; or
 - (ii) any Board, Commission, Council or other bodies established by or under a provincial law; or
 - (iii) semi-autonomous or autonomous bodies which are owned or controlled by Government;
 - (r) “province” means the Khyber Pakhtunkhwa;
 - (s) “public procurement” means acquisition, temporary or permanent or on lease, of goods or services, or undertaking of works by contractual means, financed wholly or partly out of Fund by any procuring entity;
 - ¹[(S-i) “regulations” means regulations made under this Act;]
 - (t) “responsive” means conformity of a bid/technical proposal submitted by the prospective bidders to the statement of requirements in terms of section 24 of this Act;
 - (u) “rules” means the rules made under this Act;
 - (v) “services” means any object of procurement which does not constitute procurement of works or goods and includes consulting services;
 - (w) “standard bidding documents” means the format/forms approved and notified by the Authority for submission of proposals and bids by the bidders in a public procurement process; and
 - (x) “works” means any constructional work consisting of erection, assembly, repair, renovation or demolition of a building or

¹ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

structure or part thereof, such as site preparation, excavation, installation of equipment or materials and decoration, finishing and includes allied services such as mapping, satellite photography, seismic investigations and similar activities, if the value of the services does not exceed that of the works themselves.

(2) Words, expressions and terms not specifically defined in this Act and the rules shall have the same meanings as attributed to them in the relevant trade and industry practices.

3. General principles of public procurement. ---All public procurement shall be conducted in such a manner as provided in this Act, rules and regulations made under this Act and shall promote the principles of transparency, economy, value for money, accountability and swift grievance handling.

4. Establishment of the Authority. ---(1) Soon after the commencement of this Act, Government shall by notification in the official Gazette establish an Authority to be known as Khyber Pakhtunkhwa Public Procurement Regulatory Authority with its headquarters at Peshawar.

(2) The Authority shall as soon as possible establish its own secretariat and may set up its regional offices in such place or places in the Khyber Pakhtunkhwa, as it may deem appropriate.

(3) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property and to enter into contracts, and may by the said name sue and be sued, and shall exercise all powers necessary for the purposes under this Act.

5. Powers and Functions of the Authority. ---The Authority shall perform functions and exercise powers as follows:

- (a) hear and dispose of appeals against the orders of procuring entity;
- (b) formulate standard bidding documents, separately for procurement of Goods, Works

- and services, for all procuring entities to emulate as the format for bid solicitation documents for submission of proposals and bids by the bidders in a public procurement process;
- (c) shall assist the major procuring entities to engineer/re-engineer their business procedures and design their Procurement Manuals in compliance with this Act;
 - (d) ensure that all the procuring entities organize and maintain a system for the publication of or posting on departmental official website of data on Public Procurement opportunities, awards and any other relevant information;
 - (e) ensure that all procuring entities organize and manage database and web site which shall warehouse information and publications on public procurement;
 - (f) conduct performance review based on pre-determined indicators and benchmarks through third party validation by State Bank of Pakistan certified category-A chartered accountant firm;
 - (g) organize and manage capacity-building of procurement personnel in all the procuring entities in the Province;
 - (h) conduct research and take measures to further principles of public procurement enunciated in this Act;
 - (i) recommend to the Government, measures necessary to improve the quality of public procurement in the Province;
 - (j) recommend to the Government, measures necessary to enhance transparency and ensure accountability in the public procurement process in the Province;
 - (k) advise Government on all matters pertaining to public procurement; ¹[Deleted]

¹ Deleted vide Khyber Pakhtunkhwa Act No. XXX of 2016

¹[(l) lay down codes of ethics and procedures for procurement, inspection and quality of goods, services and works; and]

²[(m)] perform such other functions and exercise such powers as may be necessary to further objectives of this Act and perform such other functions as assigned by the Government from time to time.

6. Management. ---The general directions and administration of the Authority and its affairs shall vest in the Board, which shall exercise all powers and do all acts, which may be exercised or done by the Authority, in accordance with the provisions of this Act.

7. Board of Directors. ---**(1)** Government shall constitute a Board of Directors for the management and administration of the Authority consisting of,-

- | | | |
|-----|---|-------------|
| (a) | Secretary to the Government, Finance Department; | Chairperson |
| (b) | Secretary to the Government, Planning & Development Department or his nominee not below the rank of an Additional Secretary; | Member |
| (c) | Secretary to the Government, Works and Services Department or his nominee not below the rank of an Additional Secretary; | Member |
| (d) | Secretary to the Government, Irrigation Department or his nominee not below the rank of an Additional Secretary; | Member |
| (e) | Secretary to Government of Public Health Engineering Department or his nominee not below the rank of an Additional Secretary; | Member |

¹ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

² Re-numbered vide Khyber Pakhtunkhwa Act No. XXX of 2016

- (f) Secretary to the Government, Health Department or his nominee not below the rank of an Additional Secretary; Member
 - (g) three persons from the private sector i.e. from trade and industry, academia, civil society and professional associates; Members
 - (h) Managing Director of the Authority; Member/Secret
- (2) Government shall notify the terms and conditions for appointment of non-official members of the Board.
 - (3) The non-official members shall be appointed by Government for a period of three years.
 - (4) Six members shall constitute the quorum for convening meeting of the Board.
 - (5) The meeting of the Board shall be presided over by the Chairperson and in his absence by one of the ex-officio Members to be nominated by the Chairperson in this behalf.
 - (6) All decisions in the meeting shall be taken by majority of votes. Each member, including the Chairman, shall have one vote, but in the event of tie of votes, the Chairman shall have a second or casting vote.

8. Managing Director. ---(1) Government shall appoint the Managing Director of the Authority for a period of three years on such terms and conditions as it may determine and may extend his appointment for a second term:

Provided that the entire period of appointment shall not exceed six years.

(2) The Managing Director shall be a senior civil servant of BS-20 or a reputed professional with fifteen years post-qualification experience, preferably in public procurement. However, no such person shall be appointed as Managing Director who has been:

- a) convicted by a court of law;
- b) removed from any service on a charge of misconduct.

(3) The Managing Director shall be the Chief Executive and the Principal Accounting Officer of the Authority.

(4) In the performance of his functions, the Managing Director shall work within the framework of the general policy and guidelines laid down by the Board.

¹**[8-A. Delegation of powers. ---** The Authority may, subject to such conditions and limitations as it may deem appropriate, delegate any of its functions or powers, as the case may be, to the Managing Director.]

9. Establishment of the Authority Fund. ---(1) There shall be a Fund to be known as Khyber Pakhtunkhwa Public Procurement Regulatory Authority Fund, hereinafter referred to as Authority Fund, which shall vest in the Authority and shall be utilized by the Authority to meet charges and expenses in connection with the affairs of the Authority under this Act including salaries and other remunerations of the non-official members and employees of the Board.

(2) The Authority Fund shall consist of all the money received by the Authority.

10. Custody and investment of the Authority Fund. ---(1) The Board may keep the Authority Fund in any Scheduled Bank, as may be approved by it.

(2) Nothing in sub-section (1) shall be deemed to preclude the Board from investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the Trust Act, 1882 (Act No. II of 1882), or placing them in fixed deposit with a Bank approved by the Board or in such other manner as may be approved by it.

11. Maintenance of accounts. ---The Board shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as the Government, in consultation with the Local Audit Department determined.

12. Audit. ---The Authority shall cause to carry out the audit of its accounts by Auditor General of Pakistan provided that provision shall be made for an internal audit of the finances of the Authority.

¹ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

13. Appointment of officers, advisors etc.---The Authority may, from time to time and subject to resources, appoint such officers, servants, advisers, consultants, referees and experts as it may consider necessary for performance of its functions. The Authority shall notify the procedure for appointments and fixation of terms and conditions after approval of the Board of Directors.

14. Responsibility of procuring entity. ---**(1)** Each Procuring Entity shall be responsible for carrying out public procurement subject to the provisions of this Act, and the rules, the administrative instructions and the standard bidding documents made there-under:

Provided that-

- (i) Government on a specific request of the procuring entity or in public interest may exempt a procuring entity from some or all of the provisions of this Act for which reasons shall be recorded in writing. Government may seek comments of the Authority, if so required;
- (ii) for District Governments, the procuring entity may route a justifiable case for exemption to the Government by the District Coordination Officer, through Secretary Local Government Department;
- (iii) Government may exempt the procurement of an object or a class of objects, in national/public interest, from some or all provisions of this Act, for which reasons shall be recorded in writing; and

(2) Government shall notify the exemption and publish the same for public consumption in the ¹[print] media.

14A. Transparency, accountability and fairness. ---All procurement shall be conducted in a manner which promotes transparency, accountability and fairness.

14B. Competition. ---Except as otherwise provided for in this Act and the rules, all procurement shall be conducted so as to maximize competition and to achieve value for money:

¹ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2016

Provided that the exception shall be made only for acquisition of services for reasons to be recorded in writing by the procuring entity.

15. Confidentiality. ---**(1)** A procuring entity shall not, except when required to do so by an order of a Court, disclose any information if the disclosure would:

- (a) cause a breach of this law or any other law; or
- (b) impede law enforcement; or
- (c) prejudice legitimate commercial interests of the parties; or
- (d) inhibit fair competition; or
- (e) not be in public interest.

(2) A procuring entity shall not disclose any information relating to the contents of offers, pre-qualification submissions and actual content of bids, proposals or quotations other than in a summary form setting out the evaluation and comparison of tenders, proposals or quotations received before award of the contract. The format/forms for announcement of bids evaluation and determination of the best evaluated bid shall be prescribed.

16. Ethics. ---**(1)** All procurements shall be carried out in accordance with such Code of Ethics as may be prescribed.

(2) Public officials as well as experts, engaged to deliver specific services in public procurement proceedings including evaluation of bids, shall be required to sign a Code of Ethical Conduct as may be prescribed.

(3) All vendor of goods, works or services shall be required to sign a declaration of compliance with such Code of Conduct as may be prescribed.

17. International Obligations. ---Notwithstanding anything contained in this Act, the international obligations of Government arising out of bilateral or multilateral Agreements including Treaties, financing agreements, or agreements by Government shall continue to remain and be valid, binding and operative.

18. Preference and reservation. ---**(1)** If an agreement in terms

of section 17 provides for preference to national vendors, the procuring entity shall ensure that such preference is unambiguously stated in the standard bidding documents and announcements for the procurement including advertisement and terms of reference and tender documents.

(2) Each procuring entity shall permit prospective bidders to participate in procurement proceedings without regard to nationality, except where a procuring entity decides to limit such participation to national providers or participation of any nationality is forbidden by any law or by any instruction/policy of the Federal Government or other Provincial Government.

(3) If participation is restricted on the basis of nationality, the procuring entity shall record in the procurement proceedings a statement of grounds and circumstances relied upon.

19. Public Accessibility.---This Act, the rules made thereunder, guidelines, forms, bidding documents and/or decisions of Government or procuring entity relating to procurement shall be placed on a web-site of the Authority in addition to the website of the procuring entity or the Government, as the case may be, and which will also provide copies of these documents to the public at a fee not exceeding the cost of printing/reproduction of the documents.

20. Records.---(1) The procuring entity shall:

- (a) maintain detailed records of all procurement proceedings in the manner as prescribed; and
- (b) Preserve, maintain and safeguard all relevant documents issued and received as shall be set out in the rules.

(2) The records of the procurement process of the procuring entity shall be open to internal and external audit or to procurement post-review in the prescribed manner or for scrutiny or inspection by Government or in accordance with any law.

21. Communication. ---(1) All communications between a procuring entity and the bidder or vendor of procurement object shall be in writing.

(2) Forms of communication as well as the name of the focal person shall be specified in solicitation documents.

22. Procurement planning. ---(1) Each procuring entity shall plan its procurements with due consideration to transparency,

economy, efficiency and timelines, and shall ensure equal opportunities to all prospective bidders.

(2) All procurement requirements must be documented and approved by the procuring entity prior to commencement of procurement proceedings.

(3) In specified circumstances, a procuring entity may proceed with the procurement proceedings except for award of contract when the availability of funding in the full amount over the required period remains to be confirmed/approved by the competent authority:

Provided that the project has been approved or has received anticipatory approval from the competent authority/forum or is otherwise within the competence of the procuring entity and budget provision exists.

23. Bid Solicitation documents.---(1) A procuring entity shall adopt standard bidding documents designed under this Act and insert/add specifications into the standard bidding documents for each procurement.

(2) Bid solicitation documents shall specify in detail the terms and conditions, including a statement of general conditions of contract, which shall apply to the resultant contract.

(3) The general conditions of contract shall not be modified.

(4) Each procuring entity shall solicit bids based on performance or functional specifications and not on restrictive or proprietary specifications of a particular brand.

(5) A procuring entity may introduce special conditions of contract to elaborate and qualify the general conditions of contract, where applicable, furnishing detailed justification and reasons thereof, in the bid solicitation documents.

(6) Bid solicitation documents shall invariably include an unambiguous statement giving an accurate and complete description of the procurement objects to pursue the principles of public procurement enunciated in section 3 of this Act.

(7) Statement of requirements shall be in the form of technical specifications, terms of reference, scope of work, briefs or its equivalent as appropriate.

(8) Bid solicitation documents shall be made available to the bidders from the date of their issuance to the closing date on submission of required fee by the prospective bidder whether in person or, if so requested, through mail.

(9) At any time prior to the deadline for submission of bids, the procuring entity may, on its own initiative or in response to a request for clarification by a bidder, modify the bid solicitation documents by issuing an addendum or corrigendum.

(10) If the procuring entity considers necessary, it may extend the closing date, after recording reasons in writing, to enable bidders to take the addendum or corrigendum, as the case may be, fully into account in preparing their bids.

(11) No change in the substance of bids, including changes in price, shall be sought, offered or permitted after the date and time of bid closing, except as otherwise provided for in the rules.

24. Submission of bids. ---(1) A procuring entity shall require the bidders to submit sealed written bids or in such other manner, as may be prescribed.

(2) The method for submission of bids shall be determined by the type, complexity and evaluation method of the procurement in accordance with the rules.

(3) All announcements pertaining to public procurement shall specify the last date for submission of bids as well as the public bid opening which shall be the same.

(4) The bidding period shall be reasonable to allow bidders to prepare and submit their bids and shall not be reduced.

(5) A bidder may withdraw his bid at any time before the deadline for submission of bids, unless otherwise specified.

(6) To avoid delays, the procuring entity may hold a pre-bid conference with the prospective bidders if the procurement is of complex nature and high value.

25. Minimum qualification of bidders. ---A procuring entity shall require all bidders to meet minimum qualification criteria to participate in public procurement to affirm/ensure that the bidder,-

- (a) has the legal capacity to enter into the contract;
- (b) has the prescribed technical proficiency, equipments/plant and/ or relevant certified experience;
- (c) is neither insolvent nor bankrupt;
- (d) is not in the process of winding up nor his/her properties are under the control of receiver nor his/her business activities have been suspended nor legal proceedings for any of the foregoing are imminent or have been initiated against him/her; and
- (e) has fulfilled all obligations under law for the time being in force.

26. Enlistment and Pre-Registration. ---For the enlistment and pre-registration, the following conditions should be adopted, namely:

- (a) enlistment and pre-registration shall be carried in a manner as may be prescribed;
- (b) provincial enlistment and pre-registration shall be undertaken by a committee which shall be chaired, steered, represented and coordinated by Works and Services Department, with representation from Irrigation Department and Local Government, Elections and Rural Development Department.

27. Best practices and industry standards. ---Procuring entities shall at all times use industry standards defined and codified by internationally recognized trade 10 associations and professional bodies in the appropriate fields in international bidding where available and local bidding where laid down.

28. Procurement process and evaluation.---For the procurement process and evaluation,-

- (a) the procurement system would allow a single stage single envelope, a single stage, two envelopes, a two stage single envelope and two stage two envelopes procedures depending on the nature of the procurement or as laid

- down in procurement rules made under this Act;
- (b) the rules shall prescribe the threshold and method for single source single quotation, request for quotations and open competitive procurement;
 - (c) the methodology of evaluation shall be determined by the type, value and complexity of the procurement as may be prescribed by the Authority;
 - (d) all bid solicitation documents shall fully and comprehensively detail the evaluation methodology and criteria relevant to the particular procurement;
 - (e) contract shall be awarded to the bidder whose bid is responsive and is determined as the best evaluated bid ascertained on the basis of methodology and criteria mentioned in clause (d) above and in the definition; and
 - (f) no evaluation criteria other than those stipulated in the solicitation documents shall be taken into account.

29. Disqualification and debarment of bidders. ---(1) The procuring entity shall disqualify a bidder if it finds at any time that the information submitted concerning qualifications of the bidder was false, or materially inaccurate or incomplete.

(2) A procuring entity may debar a bidder from taking any further part in a procurement proceeding or in future procurement proceedings if the bidder-

- (a) forms part of a cartel/ring with a view to discourage fair competition in the bidding process; or
- (b) has failed to complete his earlier contract, within a period of three years of the initiation of procurement proceeding, on ground that his approved bid was or has become unprofitable or would result in his suffering of loss; or
- (c) offers or attempts to offer inducement of any sort; such barring actions will be duly publicized and communicated to the Authority.

30. Rejection of bids. ---A Procuring Entity may reject any or all bids communicating the reasons for rejection in writing to the Authority at any time prior to the award of a contract.

31. Award of Contract. ---The procuring entity shall award contract on the following conditions, namely:

- (a) the contract shall be awarded on the basis of the best evaluated bid;
- (b) the best evaluated bid shall be determined on the basis of total conformity to the evaluation criteria which may include quality or cost or both;
- (c) the procedure to determine the best evaluated bid under different methods of procurement and consequent award of contract shall be prescribed by the rules made under this Act;
- (d) the award of contract shall be made as per timeframe prescribed in the rules made under this Act;
- (e) a procuring entity shall complete evaluation of bids and award of contract within the initial period of bid validity to avoid the necessity of extensions;
- (f) an extension of bid validity, where inevitable, shall be requested only in exceptional circumstances as may be prescribed and shall always be sought in writing from all bidders before the expiration date; and
- (g) all contracts shall be confirmed through a written agreement signed by the successful bidder and the procuring entity, except as otherwise provided for in the rules.

32 Changes in bidders circumstances. ---Any changes in the circumstances of the bidder during the procurement proceedings that could materially affect the capacity to execute the contract shall be immediately brought to the attention of the procuring entity by the bidder, other bidders or any other stakeholder.

33. Methods of procurement. ---(1) The procuring entities shall resort to open competitive bidding as the preferred method of procurement.

(2) The selection of the procurement procedure shall be made in accordance with the rules, and shall be approved by the concerned procuring entity prior to commencement of any procurement proceedings:

Provided that the procuring entities may exceptionally use other methods, including negotiations, in the following eventualities in accordance with the rules to cater for:

- (a) procurements of small value through petty purchase or through request for quotations; and
- (b) procurements through direct contracting in an emergency caused by nature or governments, for urgent requirements caused by unforeseeable events, single repeat order not exceeding fifteen percent of the original procurement, for considerations of intellectual property, if price is fixed by a Government in the country or procurement from another procuring entity/public sector organization within Pakistan.

34. Procurement Committees. ---Procuring entities may constitute procuring Committees for procurement of goods, works and services.

35. Grievance Redressal Mechanism. ---(1) Any bidder aggrieved by any act of the procuring entity may follow the two tier grievance redressal mechanism in the following manner:

- (a) file a complaint in writing to the head of procuring entity in accordance with prescribed procedure; and
- (b) file an appeal to the Authority against the decision of the procuring entity within fifteen days in accordance with the prescribed procedure.

(2) The decision of the Authority on appeal shall be final.

¹[**35-A. Power to make regulations.**--- The Authority may make regulations, not inconsistent to this Act or rules, for carrying out the purposes of this Act.

35-B. Indemnity. ---No suit, prosecution, or other legal proceedings shall lie against the Authority, the Board, the Chairperson Managing Director, officer, servants, advisers or consultants of the Authority in respect of anything done or intended to be done in good faith under this Act or rules and regulations.]

36. Power to make rules. ---Government may make rules for carrying out the purposes of this Act.

37. Repeal. --- (1) The Khyber Pakhtunkhwa Public Procurement of Goods, Works, Services and Consulting Services Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XVIII of 2002) is hereby repealed.

(2) Notwithstanding the repeal of Khyber Pakhtunkhwa Procurement of Goods, Works, Services and Consulting services Ordinance, 2002 (Ord. No. XVIII of 2002), any public procurement initiated under the repealed law, shall, if not inconsistent with the provisions of this Act shall be executed and dealt with in accordance with the provisions of repealed law.

38. Removal of Difficulties. ---If any difficulty arises in giving effect to any of the provisions of this Act, Government may, by notification in the official Gazette, make such provision as may appear to it necessary for the purpose of removing the difficulty.

¹ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

NOTIFICATION

Peshawar, Dated the 3rd February 2014

C.No. 2(10-9)

**KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT
REGULATORY AUTHORITY RULES, 2014**

No. SO (FR)/FD/9-7/2010/Vol-II.--In exercise of the powers conferred by section 36 of the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No.XI of 2012), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

The Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.

CHAPTER 1

GENERAL PROVISIONS

1. **Short title and commencement.** -- (1) These rules may be called the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.
 - (2) These shall come into force at once.
2. **Definitions.** -- (1) In these rules, unless there is anything repugnant in the subject or context,-
 - (a) “Act” means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012;
 - (b) “bid” means a technical proposal or a financial proposal or a technical and financial proposal submitted as a result of request for quotations, tender notice, request for proposal as the case may be;
 - (c) “bid security/ [deleted]¹ guarantee” means a written guarantee from a third party guarantor usually a bank [deleted]² submitted to a client by a contractor or bidder with a bid;

¹ The word and slash “surety/” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/ 17449-Vol-I dated 08.02.2018.

² Words “or an insurance company” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2011/Vol-II dated 11.08.2016.

- (d) [Deleted]¹
- (e) “contractor” means a person, a firm, a company or an organization undertaking supply of goods, works or non-consulting services;
- (f) “emergency” shall refer to situation that poses an immediate risk of loss, or has caused loss, or has high probability of escalating to cause immediate danger to health, life, property or environment as covered under the National Disaster Management Act, 2010 (Act No. XXIV of 2010) and shall include natural calamities, disasters, accidents, war and breakdown of operational equipment, plant, machinery or engineering infrastructures, which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to health, life, property or the environment;
- (g) “grievance redressal mechanism” means the regulations/guidelines providing for grievance redressal process;
- (h) “non -consulting services” means the provision of independent expert advice of a quality at least equal to the applicable professional standards in relation to acquisition of goods, services other than consulting services and works;
- (i) “PEC” means Pakistan Engineering Council;
- (j) “professional engineering work” means providing professional advice and opinions, the making of measurements and layouts, the preparation of reports, computations, designs, drawings, plans, specifications and construction, inspection, and supervision of engineering works, in respect of:
 - (i) railways, aerodromes, bridges, tunnels and roads;
 - (ii) dams, canals, rivers, drains, harbors, lighthouses;
 - (iii) works of an electrical, mechanical, hydraulic, communication, aeronautical, power engineering, geological or mining character;
 - (iv) water works, sewers, filtration, purification and incinerator works;

¹ Clause (d) “borrower” means procuring entity;” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (v) residential and non-residential buildings including foundations framework and electrical and mechanical systems thereof; and
- (vi) structures accessory to engineering works and intended to house them;
- (k) “Province” means the Province of the Khyber Pakhtunkhwa;
- (l) “Public Fund” means--
 - (i) Provincial Consolidated Fund;
 - (ii) foreign assistance;
 - (iii) all moneys standing in the Public Account; and
 - (iv) funds of enterprises wholly or partly owned or managed or controlled by Government;
- (m) “repeat order” means a fresh contract or order given directly to the same contractor or consultant without going into the normal procurement process, in accordance with the specified conditions and limits contained in these rules;
- (n) “request for proposal” means bidding document for soliciting technical and financial proposals for procurement of services;
- (o) “supplier” means a person, a firm, a company or an organization undertaking supply of goods, services or works;
- (p) “terms of reference” means defining and elaborating on the objectives and intended scope of services; [deleted]¹
- [“(p-i) “unsolicited proposal” means an unsolicited proposal as defined in the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014); and”.]²
- (q) “value for money” means best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the

¹ After semi-colon, the word “and” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/ 2017/17449-Vol-I dated 08.02.2018.

² New clause “(p-i)” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/ 2017/17449-Vol-I dated 08.02.2018.

combination of whole-life cost and quality to meet the procuring entity's requirements.

(2) Words, expressions and terms not specifically defined in these rules shall have the same meanings as attributed to them in relevant trade and industry practices.

3. **Applicability of these rules.** — (1) these rules shall be applicable to all public procurements.

(2) Under following circumstances deviation from the requirements of advertisement and response time under these rules is permissible:

(a) in cases of emergency as provided in the National Disaster Management Act, 2010 (Act No. XXIV of 2010), subject to the condition, --

(i) that all such procurements along with its emergent nature has to be recorded by the Procuring Officer and approved by the technical head of the procuring entity under intimation to the Principal Accounting Officer, Secretary at Provincial or Deputy Commissioner at District level;

(ii) that these have to be immediately intimated to the Accountant General Office or District Accounts Office, as the case may be;

(iii) that quantities in all such procurements shall be limited to the assessed requirement of emergency only; and

(iv) that these shall be used only for procurements up to maximum for three months, which may be extended for such a period that Government may deem fit, depending on the nature of emergency;

(b) the procurement of sensitive nature and related to National Security:

Provided that the direct sourcing of all such procurements shall be duly recorded; and

(c) the direct sourcing to a government organization for provision of works, goods or services under a cost plus

or fixed contract provided that the Public Sector Organization shall not involve a private sector enterprise as a partner or in the form of a joint venture or a sub-contractor. The government organizations shall be totally government owned and controlled or semi-autonomous and autonomous agencies under the administrative control of Federal Government or Provincial Government.

4. **Language.** —All documentation related to public procurements of entities shall be in English or Urdu.
5. **Code of ethics and integrity pact.** --- Procurement exceeding the prescribed limit shall be subject to an integrity pact, as specified by regulations/guidelines determined by Authority in consultation with procuring entities, between the procuring entity and the suppliers or contractors.

CHAPTER II

METHODS OF PROCUREMENT OF GOODS

6. **[“Open competitive bidding as principal method of procurement”];**¹ -- (1) Save as otherwise provided hereinafter and subject to the provisions of rule 10, the procuring entity shall use open competitive bidding as the principal method of procurement for the procurement of goods over the value of Rs. 100,000 (rupees one hundred thousand).

(2) The following procedures shall be permissible for open [competitive bidding]², namely:

- a) *single stage, one envelope procedure.* -- this method should be used where cost is the only determining factor. Each bid shall comprise one single envelope containing financial proposal or offer and required information in accordance with the bid solicitation documents. This shall be the standard method of procurement of goods for simple and routine nature and where no technical innovation is involved;

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- b) *single stage, two envelopes procedure.* -- this method shall be used where bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation. Bid shall comprise a single package containing separate envelopes. Each envelope shall contain separately the financial proposal and technical proposal; [and]¹

- [(c) two stage two envelope bidding procedure.-The method shall be used for procurement where alternative technical proposals are possible, such as certain type of machinery or equipment or manufacturing plant.”.]²

(3) In case of procurement of complex or specialized goods either of the two methods may be adopted, --

- (a) pre-qualification of prospective bidders and invitation of bids from the pre-qualified bidders; and

- (b) through single envelope two stage method post-qualification-

- (i) in the first stage, each bid shall comprise of a single package containing envelope marked as technical proposal;
- (ii) the technical proposals will be evaluated in accordance with the evaluation criteria set forth in the bid solicitation document. A list of qualified and unqualified bidders will be formulated at the end of first stage;
- (iii) following approval of the results of first stage, financial proposals will be solicited from qualified bidders in the second stage. The bidders will be required to submit financial proposal in

¹ Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² New clause “(c)” added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

a single envelope or package clearly marked as financial proposal in bold and legible letters to avoid confusion; and

- (iv) the lowest offer from the qualified bidder shall be accepted for award of the contract and will be the best evaluated bid.

[“6A. Single bid in goods. --- The single bid in goods may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of Government, for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in light of section 3 of the Act.”.]¹

7. [Deleted]²

8. Pre-qualification of suppliers. --(1) A procuring entity, in the first stage may pre-qualify bidders only in the following cases:

- (a) where total worth of contract exceeds Rs. 10 million; and
- (b) in cases of contracts for large and complex goods and related services, in which there are high costs of preparing detailed bids.

(2) The procuring entity may pre-qualify bidders by soliciting various details in accordance with sub-rule (1) of rule 8, and rule 36 of these rules.

(3) Pre-qualification of bidders shall be based entirely upon the capability, competence and resources of the bidders relevant to performance in the particular assignment, taking into account the following--

- (a) legal status along with proof of registration with one of the Federal or Provincial Registration Acts;
- (b) proof of being a taxpayer;

¹ New Rule “6A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Rule 7 deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (c) organizational profile, relevant experience, past performance, list of clients and references;
 - (d) relevant experience and past performance;
 - (e) existing capabilities with respect to human resource, personnel, computing and engineering equipment, machinery and plant, as may be the case;
 - (f) financial position for the last three years including bank statements and audited reports by an external auditor;
 - (g) proof of possessing appropriate managerial capability; and
 - (h) any other factor that a procuring entity may deem relevant, depending on the nature and complexity of the contract but not inconsistent with these rules.
- (4) [“The bid solicitation documents shall be issued to the qualified bidders.”.]¹

(5) For further process sub-rule (2) of rule 6 shall be followed.

9. Open [“competitive bidding”] 2 post-qualification. --(1) If bidding is not limited to pre-qualified firms, the procuring entity shall engage itself in post qualifying the bidders , in case of contracts of complex nature and valuing Rs. 15 million or above.

(2) Procuring entity shall specify the requirement of post-qualification in the solicitation documents. Post-qualification may be undertaken in accordance with the provision of these rules, regardless of the bidders being pre-qualified.

(3) This shall be done prior to recommending contract award; the procurement committee shall determine whether the bidder whose bid has been determined to offer the best evaluated bid has the capability and resources to effectively carry out the contract offered in the bid.

(4) In case the procurement committee is not satisfied with qualification based on the evaluation criteria resulting is not post-qualifying the best evaluated bid, it shall proceed to make a similar determination for the bidder offering the next best evaluated bid and shall go on with all the qualified and responsive bidders in accordance

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

with their ranking in being best evaluated, till the criteria is satisfied or till all such bids are rejected.

10. Alternate methods for procurement of goods. --- A

procurement entity may use the following alternative methods for procurement of goods, namely:

- (a) procurement of goods up to Rs. 50,000/- may be undertaken by obtaining a single quotation through direct sourcing.
- (b) petty purchases between Rs. 50,000/- up to Rs. 100,000/- shall be procured through alternate method only if the following conditions are met, namely:
 - (i) minimum of three quotations have been obtained:
Provided that if despite soliciting, less than three quotations are received it would be acceptable;
 - (ii) request for quotation is sent to prospective bidders, simultaneously, with full contents and same information, which is duly acknowledged to be received;
 - (iii) the closing time, date and address for submitting quotations has been clearly defined and adhered to;
 - (iv) the object of the procurement has standard specifications;
 - (v) in case, amount pertaining to applicable tax is not added in the quotation, comparison of price is made after adding amount of applicable tax; and
 - (vi) during comparison, each item should be compared to the corresponding respective specification and bid evaluated to the corresponding total cost of the bid;
- (c) a procurement entity shall only engage in alternate method if the following conditions exist, namely:
 - (i) repeat orders within a period of six months:
Provided that it does not exceed fifteen percent of the original contract value;
 - (ii) in case of procurement through government organizations, in accordance with provisions of rule-3(2)(c) of these rules;

- (iii) where the procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier or sole distributor:
Provided that the same are not available from alternative sources;
 - (iv) where the same goods are not available from alternative sources or only one contractor, manufacturer or supplier exists for the required procurement;
 - (v) where a change of contractor or supplier would ensue the procuring entity to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance, this shall be done with proper justification and recording of such reasons, provided that the contract or contracts do not exceed three years in duration;
 - (vi) where the price of goods is fixed by Government;
 - (vii) where the motor vehicles or machinery is purchased from local original manufacturers or their authorized agents at manufacturer's price including transportation charges and other applicable taxes; and
 - (viii) in case of emergency as defined in these rules and procurement specified under sub-rule 3(2)(a) and 3(2)(b):

Provided that the procurement entity shall specify appropriate forums vested with necessary authority to declare an emergency;
- (d) a procuring entity may engage in negotiated tendering with one or more suppliers or contractors without prior publication of a procurement advertisement. This procedure shall be followed when--
- (i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

- (ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular supplier; and
- [“(iii)”]¹ for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the time limits laid down for open and limited bidding methods cannot be met. The circumstances invoked to justify extreme urgency must not be attributable to the procuring entity:

Provided that any procuring entity desirous of using negotiated tendering as a method of procurement shall record its reasons and justifications in writing for resorting to negotiated tendering and shall place the same on record.

11. **Method of advertisement.** ---[“(1) The procuring entity shall engage in open competitive bidding, if the cost of the object to be procured is more than the financial limit, which is applicable under rule 10. Purchases up to Rs. 2.5 million shall be posted on the procuring entity’s website and Authority’s website, respectively. These procurement opportunities may also be advertised in print media, if deemed necessary by the procuring entity.

(2) For all purchases, other than those being covered in rules 3, 10 and sub-rule (1) of rule 11 of these rules, shall be advertised in print media, appearing in at least one national English and one Urdu daily newspaper with nationwide circulation along with advertising the same on the procuring entity’s website and Authority’s website, respectively.”.]²

(3) A procuring entity utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

12. **Bid security.** ---(1) The procuring entity may require the bidders to furnish bid security of up to two per cent in case of procurement of goods, if required.

(2) In cases, where procurement is of complex nature, bid security up to 5 percent can be applied.

(3) Bid security shall be kept sealed in the financial proposal. In case of two stage two envelopes the bidder shall, in addition, keep an affidavit in the technical proposal stating that a bid security amounting to 2,3,4 or 5 percent, as may be the case without indicating the figure in the letter, has been placed in the financial proposal or bid. Otherwise the technical proposal will be considered non-responsive and will be returned to the bidder after being examined by the procurement committee.

13. [**“Goods warranty.** --Where possible, the procuring entity shall ask for a warranty from the supplier or contractor, as the case may be, for replacement or repair of the goods procured falling in the warranty period and in line with independently verifiable industry practices for that particular object of procurement.”.]¹

CHAPTER III

PROCUREMENT OF WORKS AND NON-CONSULTING SERVICES.

14. [**“Open competitive bidding as principal method of procurement.”;]** ²

(1) Save as otherwise provided hereinafter and subject to the provisions of rule [“18”]³, the procuring entity shall use open competitive bidding as the principal method of procurement for the procurement of [“works”]⁴ over the value of Rs. 100,000/ rupees one hundred thousand.

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

⁴ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (2) the following procedures shall be adopted for open competitive bidding:
- (a) *single stage* – one envelope bidding,--the bid shall comprise of one envelope containing financial bid. All bids received shall be opened and evaluated in the manner prescribed in the bidding document. This shall be the default method of open competitive bidding;
 - (b) *single stage* – two envelope bidding,--
 - (i) this method shall apply to large and complex contracts;
 - (ii) bidders for this method shall be pre-qualified;
 - (iii) each bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the technical proposal and the financial proposal;
 - (iv) the envelopes shall be marked as technical proposal and financial proposal in bold and legible letters to avoid confusion;
 - (v) the envelope marked as technical proposal shall contain:
 - (a) the experience and past performance in the execution of similar contracts;
 - (b) the capabilities with respect to personnel and construction equipments;
 - (c) the financial status and capacity; and
 - (d) any other information asked for by the procuring entity in the notice inviting tenders;
 - (vi) the second envelope marked as financial proposal shall contain the price quoted by the bidders and be

retained in the custody of the procuring entity without being opened;

- (vii) the procuring entity shall evaluate the technical proposal on the basis of criteria specified in the [“bid solicitation”]¹ documents without reference to the price and reject any proposal which does not conform to the specified requirements. During the technical evaluation, no amendment in the technical proposal shall be permitted. A list of technically qualified bidders shall be finalized in this manner;
 - (viii) after the evaluation and approval of the technical proposals the procuring entity, shall at a time within the bid validity period, publicly open the financial proposals of the technically accepted bids only. The financial proposals found technically non-responsive shall be returned un-opened to the respective bidders; and
 - (ix) the bid found to be the lowest evaluated bid shall be accepted;
- (c) *two stage - two envelope bidding*,---this method shall be used for turnkey or large or complex contracts and ensures that all technical proposals conform to the same acceptable technical standards required by the procuring entity.

First stage:

- (i) the bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (ii) the envelopes shall be marked as financial proposal and technical proposal in bold and legible letters to avoid confusion;
- (iii) initially, only the envelope marked technical proposal shall be opened;
- (iv) the envelope marked as financial proposal shall be retained in the custody of the procuring entity without being opened;
- (v) the technical proposal shall be discussed with the bidders with reference to the procuring entity's technical requirements;
- (vi) those bidders willing to meet the requirements of the procuring entity shall be allowed to revise their technical proposals following these discussions; and
- (vii) bidders not willing to conform their technical proposals to the revised requirements of the procuring entity shall be allowed to withdraw their respective bids without forfeiture of their bid security.

second stage:

- (i) after agreement between the procuring entity and the bidders on the technical requirements, bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirement;
- (ii) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the procuring entity:

Provided that in setting the date for the submission of the revised technical proposal and supplementary price proposal, a procuring entity shall allow sufficient time to the bidders to incorporate the agreed upon changes in the technical proposal and to prepare the required supplementary financial proposal; and

- (iii) the procuring entity shall evaluate the whole proposal in accordance with the evaluation criteria and the bid found to be the lowest evaluated bid shall be accepted.

[“**14A. Single bid in works and non-consulting services.** ---The single bid in works and non-consulting services may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of Government, for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in the light of section 3 of the Act.”.]¹

15. [Deleted]2

16. Pre-qualification of contractors. --(1) A procuring entity, in the first stage shall pre-qualify bidders for specific contracts in cases where [deleted]3 a work irrespective of its worth is considered as complex.

(2)The procuring entity shall pre-qualify bidders by soliciting various details including but not limited to the following providing pass/fail thresholds, in accordance with the provisions of the Act and rules 17(1) and 34 of these rules.

- iv. legal status along with proof of registration with PEC and enlistment with the concerned provincial Government PE;

¹ New Rule “14A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- v. proof of valid or renewed relevant registration;
- vi. proof of being a taxpayer;
- vii. organizational profile, relevant experience, past performance, list of clients and references;
- viii. existing capabilities with respect to technical personnel, computing and engineering equipment, machinery and plant as may be the case;
- ix. financial position for the last three years including bank statements and audited reports by an external auditor;
- x. proof of possessing appropriate managerial capability; and
- xi. any other factor that a procuring entity may deem relevant, and is duly included in the bid solicitation documents, depending on the nature and complexity of the contract but not inconsistent with the Act and these rules.

- (3) Bidding shall be limited to pre-qualified firms.
- (4) Qualified bidders shall be issued the ["bid solicitation documents"]¹.
- (5) For further process sub-rule (2) of rule ["14"]² shall be followed.

17. Open tendering post-qualification of contractors. --- (1) [deleted]³ the procuring entity may choose to call for bids with the condition of post-qualification provided in the bidding documents.

(2) The post-qualification criteria provided in the bidding documents shall be based on the evaluation of technical and financial worth i.e. works executed, indicating value of works, list of technical and other staff, plant or equipment along with the make and financial capacity.

(3) Bidding documents shall be made available to all interested bidders.

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(4) The qualification of the lowest evaluated responsive bidders shall be checked to ensure whether or not the bidder is qualified to perform the works.

(5) If the lowest evaluated responsive bidder is not found to be qualified on all the post-qualification criteria provided in the bidding documents, its bid shall be rejected.

(6) Credentials of the next lowest evaluated responsive bidders shall then be checked against all of the post-qualification criteria provided in the bidding documents, and the contract shall be awarded to the lowest evaluated responsive qualified bidder.

18. Alternate methods for procurement of works, and non-consulting services.--A procurement entity may use the following alternative methods for procurement, namely:

- (a) petty purchases, -- procurement of upto Rs. 50,000/- may be undertaken by obtaining a single quotation through direct sourcing;
- (b) request for quotations, -- procurement from Rs. 50,000/- up to Rs. 100,000/- shall be procured through alternate method only if the following conditions are met, namely:
 - (i) minimum of three quotations have been obtained, provided that if despite soliciting, less than three quotations are received it would be acceptable;
 - (ii) request for quotation is sent to prospective bidders, simultaneously, with full contents and same information, which is duly acknowledged to be received;
 - (iii) the closing time, date and address for submitting quotations has been clearly defined and adhered to;
 - (iv) the object of the procurement has standard specifications;
 - (v) in case, amount pertaining to applicable tax is not added in the quotation, comparison of price is made after adding amount of applicable tax; and
 - (vi) during comparison, each item should be compared to the corresponding respective

specification and bid evaluated to the corresponding total cost of the bid;

- (c) Direct contracting, -- a procurement agency shall only engage in alternate method if the following conditions exist, namely:
- (i) where civil works are to be contracted and are a natural extension of an earlier or ongoing job and it can be ascertained that the engagement of the same contractor will be more economical and will ensure compatibility of results in terms of quality of works subject to limitation of repeat or variation order;
 - (ii) in case of procurement through government organizations, in accordance with provisions of rule-3(2)(c) of these rules;
 - (iii) where a change of contractor or supplier would oblige the procuring entity to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance, this shall be done with proper justification and recording of such reasons, provided that the contract or contracts do not exceed three years in duration;
 - (iv) in case of emergency as defined in these rules and procurement specified under sub-rule 3(2)(a) and 3(2)(b), provided that the procurement entity shall specify appropriate forum vested with necessary authority to declare an emergency;
 - (v) subject to the conditions of contract, a procuring entity may, [“issue”]¹ a variation order to a contractor to include works which were outside the original scope of works to ensure interests of Government and for reasons of economy, compatibility and efficiency provided that:
 - (a) the original contract is still in force;

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (b) the procuring entity has satisfied itself for technical reasons that the placing of the variation order is cost effective;
- (c) the value of variation order is not more than fifteen percent of the original contract; and
- (d) there may be more than one variation orders as long as the total value of all the variation orders remains within 15 percent of the original contract.

19. Method of advertisement. -- ["(1) The procuring entity shall engage in open competitive bidding if the cost of the object to be procured is more than the financial limit which is applicable under rule 18 of these rules. Procurement from Rs. 100,000/- to Rs. 2.5 million shall be posted on the procuring entity's website and Authority's website. These procurement opportunities may also be advertised in print media, if deemed necessary by the procuring entity.

(2) For all procurement, other than those being covered by rules 3, 18 and sub-rule (1) of rule 19 of these rules, shall be advertised in print media, appearing in at least one national English and one Urdu daily newspaper with nationwide circulation along with advertising the same on the procuring entity's website and Authority's website, respectively.".]¹

(3) A procuring entity utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

20. Bid security. --(1) The procuring entity ["shall"]² require the bidders to furnish bid security of two per cent in case of procurement of works, [deleted]³.

(2) The bid security shall be kept sealed in the financial proposal. In case of single stage two envelopes, the bidder shall in addition, place an affidavit in the technical proposal stating that

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

a bid security amounting to 2 percent without indicating the figure in the letter, has been placed in the financial proposal or bid. Otherwise the technical proposal will be considered non-responsive and will be returned to the bidder after being examined by the procurement committee.

(3) The bid security will be returned to unsuccessful bidders after signing of the contract with the successful bidder.

(4) The bid security of the successful bidder will be retained in case no performance guarantee is required, however such a condition shall be mentioned in the bidding document. [In case performance guarantee is required, the bid security of two percent (2%), as specified in sub-rule (1), of the successful bidder, shall not be returned. The successful bidder shall be required to deposit eight (8%), of the cost of the contract in the shape of an irrevocable bank guarantee.]¹

21. **Performance guarantee.** -- The procuring entity may ask for a performance guarantee from the contractor, which shall not exceed 10 percent of the bid value, as would be specified in the standard bid solicitation documents or standard bidding document.

CHAPTER IV PROCUREMENT OF CONSULTANCY SERVICES

22. **Application of consultancy services rules.** --These rules shall apply only to consulting services which are of an intellectual and advisory nature and differ from the other types of services directly connected with the procurement of goods and works in which the physical component of the activity is the main function and often involves equipment-intensive assignments.
23. **Systems for selection of consultants.** --The selection system shall be determined by the procuring entity prior to the commencement of the process of selection of prospective consultants. Procuring entity may utilize one of the following systems for selection of consultants, namely:
- (a) **quality based selection (QBS),** -- this system will be used for highly specialized and complex assignments,

¹ Substituted by the Finance Department Notification No. SO (FR)/FD/9-7/2011/Vol-II dated 11.08.2016.

where quality is the only factor taken into consideration;

- (b) **quality and cost based selection (QCBS)**, ---this system will be used where high quality is the prime consideration while cost is a secondary consideration;
- (c) **least cost**, --- this system will only be used for assignments of standard or routine nature, where well established practices and standards exist;
- (d) **single source or direct selection**, ---subject to approval by head of the procuring entity, a procuring entity may engage in single-source procurement-
 - (i) the goods, construction or services are available only from a particular contractor or supplier, or a particular contractor or supplier has exclusive rights in respect of the goods, construction or services, and no reasonable alternative or substitutes exists; or
 - (ii) the procuring entity having procured goods, equipment, technology or services from a contractor or supplier, determines that additional supplies must be procured from that supplier or contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of original procurement in meeting the needs of the procuring entity, the limited size of the proposed procurement in relation to the original procurement, the reasonableness of the price and the unsuitability of alternative to the goods or services in question; or
 - (iii) in cases of emergency;
 - (iv) for very small assignments valuing up to Rs. 500,000/-; and
 - (v) where only one consultant is qualified or has experience of exceptional worth; and
- (e) **fixed budget**-- this system shall be used only when the assignment is simple, can be precisely defined and when the budget is fixed. The request for proposals

shall indicate the available budget. Proposals that exceed the indicated budget shall be rejected. The ranking shall be based only on evaluation of technical proposals of the qualified bidders.

- 24. [“23A. Single bid in consultancy services. ---**The single bid in consultancy services may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of the Government for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in the light of section 3 of the Act.”.]¹
- 25. Criteria for eligibility of consultants. --**The procuring entity shall not hire a consultant for an assignment in which there is possibility of conflict of interest. If a consultant has been engaged by the procuring entity to provide goods or works for a project, it shall be disqualified from providing consulting services for the same project. Similarly, consultant should not be hired for any assignment which by its nature, may be in conflict with another assignment of the consultant.
- 26. Expression of interest (EOI). --** [“(1) A procuring entity may call for expression of interest which shall be advertised, giving to the bidders at least fifteen (15) days for national competition and thirty (30) days for international competition to submit their interest to provide consultancy services.”.]²

(2) The expression of interest shall contain at least the following information:

- (a) the name and address of procuring entity;
- (b) an appropriate description of the assignment providing scope of the intellectual and professional services required;
- (c) deadline and place of the submission of expression of interest; and
- (d) criteria for short-listing where required.

- 27. Criteria for short-listing of consultants. --**[“(1) Whenever short-listing is deemed necessary, the procuring entity shall pre-determine

¹ New Rule “23A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

criteria for short-listing. Except for single source, there shall be minimum three (03) and maximum six (06) consultants, with highest ranking fair bids as defined under clause (c) of sub-section (1) of section 2 of the Act, in the short-list. However, if less than three candidates apply, their proposals may be considered on merit.”; and]

(2) The procuring entity while short-listing consultants may take the following factors into consideration, namely:

- (a) qualification;
- (b) general experience; or
- (c) specific experience, particularly of the last five years; or
- (d) any other factor that a procuring entity may deem relevant, not inconsistent with these rules.

(3) All applicants shall be informed whether or not they have been short-listed.

[“(4) The procuring entity may decide to include enlistment as a short-listing criteria in contracts less than rupees one hundred (100) million.”.]¹

28. Request for proposals (RFP). --- (1) [“when a procuring entity calls for expression of interest it”]² shall make available to all the short-listed consultants, together with the request for proposals, all information on the equal opportunity basis.

[“(1A) A procuring entity may call for request for proposal which shall be advertised, giving to the bidders at least fifteen (15) days for national competition and thirty (30) days for international competition to submit their proposals to provide consultancy services.”; and]³

[“(2) A procuring entity may call for request for proposal without calling expression of interest for seeking proposals from consultants whether shortlisted or enlisted or prequalified or not, which shall include the following, namely:

¹ New sub-rule “(4)” added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ New sub-rule “(1A)” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (a) **letter of invitation (LOI)**,---the letter of invitation shall mention the name and address of the procuring entity and shall state the intention of the procuring entity to enter into a contract for provision of consulting services;
- (b) **instruction to consultants**,---the instructions to consultants shall contain all necessary information that would help them prepare responsive proposals and shall bring as much transparency as possible to the selection system;
- (c) **terms of reference (TOR)**,---the terms of reference shall unambiguously define the objectives, goals and scope of the assignment besides conditions of contract. Terms of reference shall list the services and surveys necessary to carry out the assignment and expected outputs. It shall also include the evaluation criteria;
- (d) **evaluation criteria**, ---except as otherwise provided, the evaluation of proposals shall be carried out giving due consideration to quality and cost;
- (e) **type of contract**, ---the procuring entity, depending on the circumstances, may use one of the following types of contract, namely:
 - (i) lump sum contract will be used mainly for assignments in which the content, duration of the services and the required output are unambiguously defined;
 - (ii) time based contract will be used when it is difficult to define the scope and the length of services;
 - (iii) hourly or daily rates will be used for small projects, especially when the assignment is for less than a month; and
 - (iv) any other, based on combination of the above and including out of pocket expenses, where required; and

- (f) **special provisions**, ---the procuring entity may specify any other requirement related to the assignment or contract etc, where required.”.]¹

(3) The procuring entity will invite the prospective consultants to submit their technical and financial proposals in separately sealed envelopes. The procuring entity shall give deadline for submission of proposals. Consultants shall be given adequate time for preparing their proposals which shall not be less than [two weeks]².

29. Selection process of individual consultants. ---(1) Individual consultants may not be required to submit proposals, and shall be selected based on their qualifications for the assignment.

(2) Individual consultants shall be selected by comparing the qualifications of at least three consultants among those who have expressed interest in the assignment or have been approached directly by the procuring agency. Individual consultants considered for the comparison of qualifications shall meet the minimum relevant qualifications, and the one selected to be employed by the procuring agency shall be the best qualified and shall be fully capable of carrying out the assignment.

(3) An individual consultant may be selected on a single-source basis (with due justification) in exceptional cases; such as the following--

- (a) for a task that is a continuation of previous work that the consultant has carried out and for which the consultant was selected competitively;
- (b) in an emergency situation resulting from a natural disaster; and
- (c) when the individual is the only consultant qualified for the assignment.

(4) For key assignments, interviews may be set up, and invited candidates should be paid travel and subsistence, as needed. Capability of the candidates should be evaluated.

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted by KPPRA Notification No. KPPRA/M&E/Estt:/1-3/2015-16 dated Dec 15, 2015.

- 30. Professional liability of consultants.** --(1) The consultant selected and awarded a contract shall be liable for consequence of errors or omissions on its part. The extent of liability of the consultant should be incorporated in the contract and in no case should it be less than remunerations excluding the out of pocket expenses, nor should the liability exceed twice the remunerations.

(2) The procuring entity may demand insurance on part of the consultant to cover its liability as stated above, and necessary costs shall be borne by the consultant which shall be re-imbursed by the procuring entity as out of pocket expenses by the consultant.

(3) The consultant shall be held liable for all losses or damages and short comings in deliverance etc, suffered by the procuring entity as a result of mis-conduct or inadequate services in performing the consulting services.

CHAPTER V MISCELLANEOUS PROVISIONS

- 31. Procurement planning.** ---Each procuring entity shall plan its procurements with due consideration to transparency, economy, efficiency and timeliness, and shall ensure equal opportunities to all prospective bidders in accordance with section 22 of the Act.
- 32.** ["Limitation on splitting or regrouping of proposed procurement.-
--A procuring entity shall announce all proposed annual procurements on the Authority's website and on their own website before the end of 31st July each year and shall proceed accordingly without any splitting or regrouping of the procurements so planned, unless the procuring entity is satisfied that-
- (a) block acquisition of goods, services or works shall unnecessarily hold up available resources;
 - (b) technical reasons indicate that packaging shall improve manageability and quality; and
 - (c) the impact of weather, geographical spread on certain procurement, particularly in case of works contract,

shall affect its execution with regard to quality and delivery schedule.”.]¹

[“**31A. Framework contract.** ---(1) A procuring entity may procure goods, services or works through framework contract in order to ensure uniformity in the procurement.

(2) The procuring entity shall adopt any of the methods of procurement mentioned in these rules for purposes of entering into a framework contract.”.]²

33. Procurement committees. -- (1) Each procuring entity shall constitute committees, in accordance with delegation of financial powers, separately for procurement of goods, works and services.

(2) The committees shall have a representative each from the accounts or finance or planning sections of the procuring entity apart from others.

(3) A technical member shall be inducted from the relevant line department of Government or hired in all procurements of works or in exceptional cases, provided that procurement is technical and complex in nature.

[“**32A. Enlistment.** ---(1) Each Department of Government shall constitute a sub-committee, consisting of five members with the chairperson, not below the rank of BPS-19, for scrutinizing credentials, submitted to it by the prospective bidders, before referring to the Provincial Enlistment and Pre-registration Committee for enlistment or renewal, as the case may be.

(2) After scrutinizing, the sub-committee shall recommend to the Provincial Enlistment and Pre-registration Committee that the prospective bidder may be registered, renewed or rejected, as the case may be, and the Provincial Enlistment and Pre-registration Committee shall give its final decision of enlistment, registration and rejection, within five working days:

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² New Rule “31A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

Provided that the sub-committee, while recommending the rejection of a prospective bidder to the Provincial Enlistment and Pre-registration Committee shall also record reasons for such rejection.

(3) Subject to the approval of Government, the sub-committee shall determine the applicable fee for registration or renewal, from time to time. However, the period of such enlistment and pre-registrations shall be decided by the Provincial Enlistment and Pre-registration Committee.

(4) The criteria for enlistment of prospective bidders shall be based on evaluation of technical and financial capabilities of the bidders, as may be determined by the sub-committee, so constituted.

(5) The criteria and list of prospective bidders, so enlisted, shall be posted on the web sites of the Authority, Department of Government and Provincial Enlistment and Pre-registration Committee, as well as on a notice board placed in the respective procuring entity at an accessible site for public viewing.

(6) The process of enlistment shall be open throughout the year and any prospective bidder shall be allowed to apply for enlistment, with sub-committee without any hindrance.

(7) Bidding shall be limited to enlisted bidders only.

(8) Enlistment shall not be deemed as pre-qualification or post-qualification.”.]¹

33. Bid solicitation documents. — [“(1) A procuring entity shall apply the standard bidding documents while preparing bid solicitation documents as are applicable and in accordance with the provision of the Act, these rules and regulations, for the time being in force.”; and]²

(2) In case of procurement of works, solicitation documents shall contain technical specifications, drawings and designs, bill of quantities and estimated costs whatever applicable, evaluation criteria, expected commencement of contract and time period for completion, bid validity,

¹ New Rule “32A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

securities demanded, payment schedule, general and special conditions of contract [deleted].¹

(3) In case of procurement of goods and services, including consulting services, the standard bidding document shall include scope of work and terms of reference, the evaluation criteria, the extent of bid validity, quantity, quality and specifications; qualification and experience of consultants, securities, approach and methodology, work plan and delivery schedule, pre-shipment inspection where applicable, schedule of payments and general and special conditions of the contract.

(4) Apart from the above, any other document or information or detail that the procuring entity may deem necessary, shall be included in the solicitation documents, unambiguously.

(5) Solicitation documents shall be made available to the bidders from the date of their issuance to the closing date on submission of required fee by the prospective bidder whether in person or, if so requested through an authorized request in writing. In case the request is made through courier, it shall accompany a bank draft in favor of the procuring entity including the cost of return delivery.

(6) In case where the procuring entity deem necessary may, keep a time period ending earlier than the closing date of tender or bid, for obtaining bid solicitation documents, provided that it is not less than the minimum response time provided in rule 34.

(7) In case of modification of solicitation documents by the procuring entity in accordance with section 23(9) of the Act, it shall do so by issuing an addendum or corrigendum and intimate the bidders publicly or individually, in case it has issued the solicitation documents, 5 days before the closing date. In case, the changes are substantial, the time for submission may be extended proportionately, by issuing timely intimation to all bidders.

34. **Response time.** ---(1) The procuring entity may decide the response time for receipt of bids or proposals including proposals for pre-qualification from the date of publication of an advertisement or notice, keeping in view the contract's complexity, and urgency. However, under no circumstances the response time shall be less than fifteen days for national

¹ Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement [“on Authority’s website or notice in the national newspaper whichever is later, as the case may be.”]¹

(2) The response time shall be calculated from the date of first publication of the advertisement in a newspaper or posting on the [“Authority’s web site, whichever is later, as the case may be.”]²

(3) In situations where publication of such advertisements or notices has occurred in both electronic and print media, the response time shall be calculated from the day of its first publication in the newspapers [“whichever is later”]³.

35. Bid validity. --(1) Bidders shall be required to submit bids valid for a period specified in the bid documents which shall be sufficient to enable a procuring entity to complete the evaluation and comparison of bids and obtain all necessary approval so that a contract can be awarded within that period.

(2) A procuring entity shall complete evaluation of bids and award of contract within the initial period of bid validity. An extension of bid validity, if justified by exceptional circumstances, shall be required in writing from all bidders before the expiry date. Bidders consenting to extend their bid validity period shall also correspondingly extend the validity of their bid security.

(3) A bidder not agreeing to extend its bid validity period may do so without having his bid security, forfeited and in this case its bid will no longer be considered in the evaluation proceedings.

(4) The bid security shall be forfeited if a bidder withdraws his bid, within the validity period thereof or, in the case of a successful bidder, who repudiates the contract or fails to furnish performance security.

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

² Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

³ Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

36. **Pre-qualification process.**--(1) The procuring entity engaging in pre-qualification shall announce, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required of contractors or consultants to demonstrate their respective qualifications and any other information that the procuring entity deems necessary for pre-qualification.

(2) The procuring entity shall provide a set of pre-qualification documents to any contractor or consultant, on request and subject to payment of document fee if applicable, which shall not exceed cost of printing and providing the documents.

(3) The procuring entity shall promptly notify each contractor or consultant submitting an application to pre-qualify whether or not it has been pre-qualified and shall make available to any person directly involved in the pre-qualification process, upon request, the names of all contractors or consultants who have been pre-qualified. Only contractors or consultants who have been pre-qualified shall be entitled to participate.

(4) The procuring entity shall communicate on request, to those contractors or consultants who have not been pre-qualified the reasons for not pre-qualifying them.

37. **Submission of bids and bid opening.** --(1) Bids shall be invited through a procuring officer of the procurement entity.

(2) A procuring entity shall require bidders to submit sealed written bids or in such other manner as may be prescribed in the solicitation documents. [“The procuring entity shall also specify the place for submission of such bids.”.]¹

(3) The procuring entity shall issue the bidder with a receipt showing the date and time when the bid was received.

(4) No bids or tenders received after the prescribed time and date in the solicitation documents or in accordance with subsequent corrigendum, shall be entertained.

¹ Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(5) The method for submission of bids shall be determined by the type, complexity and evaluation method of the procurement in accordance with these rules.

(6) All announcements pertaining to public procurement shall specify the last date for submission of bids as well as the public bid opening which shall be the same.

(7) The bids, technical or financial as the case may be, shall be opened at the prescribed time provided in the solicitation documents in the presence of the procurement committee and the bidders who choose to be present.

(8) The name of the bidder, bid modifications, discounts or withdrawals, presence of bid security or affidavit as the case may be and the total amount of each bid and any alternatives, if so permitted, shall be read out aloud and recorded, and a copy of the record shall be made available to any bidder on request.

(9) No bidder shall be allowed to withdraw his bid till award of the contract or till bid is valid, whichever is earlier.

(10) A procuring entity may ask bidder for clarification of the bid to assist in the evaluation. To avoid delays, the procuring entity may hold a pre-bid conference with the prospective bidders at least five working days before the last day for submission of bids if the procurement is of complex nature and high value.

[“37A. Registration with Khyber Pakhtunkhwa Revenue Authority. -

--All bidders are required to be registered with the Khyber Pakhtunkhwa Revenue Authority, established under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013), for works, consulting and non-consulting services as listed in Schedule-II of the Act *ibid*.

37B. Unsolicited proposal. ---(1) In case of unsolicited proposal received for any engineering, procurement and construction project, the procuring entity shall technically and financially evaluate the proposal to ascertain its viability and after such process if the proposal is found viable, the procuring entity, with the approval of Government,-

- (a) shall advertise the proposal for open competition without disclosing the name of the initiator of unsolicited proposal;
- (b) shall conduct prequalification process;
- (c) shall exempt the initiator of the unsolicited proposal from the prequalification;
- (d) may award the contract to the initiator of the proposal, if no other bidder in response to the advertisement submits bid;
- (e) shall give first right of refusal to the initiator, if he does not emerge as the lowest bidder, in case of bidding competition; and
- (f) shall award five percent additional weightage to the initiator of the proposal from the combined score of technical and financial evaluation.

(2) Approval for the unsolicited proposal granted by Government, shall be published in the print media prior to the award of contract.”.]¹

38. Confidentiality. --The procuring entity shall keep all information regarding the bid evaluation confidential until the time of the announcement of the evaluation report in accordance with the requirements of rule 45 of these rules.

39. Bid evaluation. — (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents.

(2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the bidding documents. The rate of exchange shall be the selling rate prevailing seven working days before the date of opening of the bids specified in the bidding documents, as notified by the state bank of Pakistan.

(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issuance of notice for invitation of bids.

¹ New Rules “37A & 37B” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- 40. Discriminatory and difficult conditions.** ---Save as otherwise provided, no procuring entity shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.
- 41. ["International competitive bidding"]¹---** When, in the absence of domestic capacity, effective competition cannot be obtained unless special efforts are made to attract international competition, international competition may be solicited in accordance with the provisions of the Act complemented with the following provisions:
- i. the tender documents shall be in English language;
 - ii. the invitation to tender shall be in English language and shall be placed in a newspaper of sufficient circulation to attract foreign competition and may also be placed on international web pages famous for international bidding advertisement. In addition, a procuring entity may transmit such invitations to their embassies and trade representatives of potential supplier countries;
 - iii. the time allowed for submission of tenders shall be sufficient for the invitation to reach bids, depending on the complexity and nature of procurement and for enabling them to prepare and submit bids but in no case less than thirty days;
 - iv. technical specifications shall, to the extent compatible with national requirements, be based on international standards or standards widely used in international trade;
 - v. bidders shall be permitted to express their bids, as well as any bid and performance security documents to be presented by them in their respective home currencies or in a currency widely used in international trade and stated in the solicitation documents;
 - vi. general and special conditions of contract shall be of a kind generally used in international trade; and

¹ Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- vii. standard bidding documents (SBDs) for goods, works and services shall be used for international competitive bidding (ICB) as well.

42. Post bid negotiation. ---Procuring entity may negotiate with the highest ranked bidder regarding methodology, work plan, staffing and special conditions of the contract. In case of consulting services, the procuring agency shall not permit substitution of key staff, unless both parties agree that undue delay in selection process makes such substitution unavoidable. Similarly, negotiations shall not seek changes in the rates quoted by the bidder. In case of failure of negotiations, the procuring agency may invite the second ranked bidder as per the evaluation report.

43. Disqualification of suppliers, contractors and consultants.--- The procuring entity shall disqualify a supplier or contractor or consultant if it finds, at any time, that the information submitted by him concerning his qualification as supplier or contractor was false and materially inaccurate or incomplete. However, the bidder may have right to appeal against the decision in accordance with section 35 of the Act and grievances redressal mechanism framed under the Act.

44. Blacklisting of suppliers, contractors and consultants. ---(1) The procuring entity shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, suppliers contractors and consultants who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices or abandon the work prematurely resulting in loss to Government . Such barring action shall be duly publicized and communicated to the Authority, provided that any contractor or consultant who is to be blacklisted shall be accorded adequate opportunity of being heard in person.

(2) The bidder will have a right to complain to the administrative Secretary of the procuring entity or to file an appeal to the Authority in accordance with section 35 of the Act and regulations or guidelines to be framed under it.

[“Explanation. ---“Corrupt and fraudulent practices” means

either one or any combination of the practices given below:

- (i) “coercive practice” means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- (ii) “collusive practice” means any arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring entity to establish prices at artificial, non-competitive levels for any wrongful gain; impair or harm, directly or indirectly, any party or the property of the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;
- (iii) “corrupt practice” means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain; and
- (iv) “fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
- (v) “obstructive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the

exercise of inspection and audit rights provided for under these rules.”.]¹

45. Announcement of evaluation reports. ---Procuring entities shall announce the results of technical bid evaluation in the form of a report before opening of the financial bids, to all bidders. The procuring entity shall also announce the final results of a bid evaluation giving justification for acceptance or rejection of bids at least ten days prior to the award of a contract and place the same on its and Authority website.

46. Approval of contract award.---(1) The procurement committee shall submit the bid evaluation report with its recommendations for award of contract, to the approving authority in accordance with the delegation of powers under the financial rules and the power of re-appropriation rules 2001, in an expeditious manner, so that the award can be notified before expiry of the bid validity period, without having to seek extension, in conformity with the provisions of section 31 of the Act and these rules.

(2) All contract awards shall be made public through publication on Authority website.

47. Rejection of bids. ---(1) The procuring entity may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring entity shall upon request communicate to any contractor or consultant who submitted a bid or proposal, the grounds for rejection of all bids or proposals.

(2) The procuring entity shall incur no liability, solely by virtue of its invoking sub-rule (1) towards contractors or consultants who have submitted bids or proposals.

(3) Notice of the rejection of all bids or proposals shall be given promptly to all contractors or consultants that submitted bids or proposals.

48. Re-bidding. ---(1) If the procuring entity has rejected all bids under rule 47 it may call for a re-bidding.

¹ Explanation inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(2) The procuring entity before invitation for re-bidding shall assess the reasons for rejection and may revise specifications, evaluation criteria or any other condition for bidders as it may deem necessary.

49. Payments.---All procuring agencies shall make prompt payments to contractors and consultants against their invoices or running bills within the time given in the conditions of the contract.

[“49A. Community participation in procurement. ---Government may, in order to achieve certain specific social objects, call for the participation of the local community or philanthropic organizations to-

- (a) perform civil works and the delivery of non-consulting services;
- (b) increase the utilization of local know-how, goods, and materials; and
- (c) employ labor-intensive and other appropriate technologies, the procurement procedures, specifications, and contract packaging shall be suitably adapted to reflect these considerations; provided that these are acceptable to the Authority.”.]¹

50. Entry into force of the procurement contract. --- A procurement contract shall come into force-

- (a) where no formal signing of a contract is required, from the date the notice of the acceptance of the bid or purchase order has been given to the bidder whose bid has been accepted. Such notice of acceptance or purchase order shall be issued within 15 days thereof; or
- (b) where the procuring entity requires signing of a written contract, from the date on which the signatures of both the procuring entity and the successful bidder are affixed to the written contract. Such affixing of signatures shall take place within 15 days after the letter of acceptance or award has been issued:

Provided that where the coming into force of a contract is contingent upon fulfillment of a certain

¹ New Rule “49A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

condition or conditions, the contract shall take effect from the date whereon such fulfillment takes place.

51. **Closing of contract.** --(1) Except for defect liability or maintenance by the contractor or consultant, as specified in the conditions of contract, performance of the contract shall be deemed close on the issue of over all delivery certificate or taking over certificate which shall be issued within thirty days of final taking over of goods, or receiving the deliverables or completion of works enabling the contractor or consultant to submit final bill.

(2) In case of defect liability or maintenance period, defect liability certificate shall be issued within thirty days of the expiry of the said period enabling the contractor or consultant to submit the final bill. Except for unsettled claims, the bill shall be paid within the time given in the conditions of contract, which shall not exceed sixty days to close the contract.

(3) Relevant provision for closing of contract shall be a part of the bid solicitation document.

52. **Record of procurement proceedings.** --(1) All procuring entities shall maintain a record of their respective procurement proceedings along with all associated documentation.

(2) Such maintenance of record shall be subject to the regulations framed in this regard from time to time.

53. **Public access and transparency.** --As soon as a contract has been awarded, the procuring entity shall make all documents related to the evaluation of the bid and award of public contract:

Provided that where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring entity is convinced that such disclosure shall be against the public interest, it can withhold only such information from public disclosure subject to the prior approval of the administrative department.

- 54. Mis-procurement.** --Any breach of these rules shall account to mis-procurement and the person responsible for such breach shall be liable to be proceeded under the relevant law.
- 55. Repeal.** -- The Khyber Pakhtunkhwa Procurement of Goods, Works and Services Rules, 2003 is hereby repealed.

C.No. 3(10-9)

NOTIFICATION

Dated Peshawar, the 15th May, 2017

NO. SO(FR)/FD/9-7/2011/Vol-II. In exercise of the powers conferred by section 36 of the Khyber Pakhtunkhwa Public Procurement Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012), read with section 35 thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

THE KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT GRIEVANCE REDRESSAL RULES, 2017.

2. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017.
 - (2) These rules shall come into force at once.
3. Definitions. ---(1) In these rules, unless there is anything repugnant in the subject or context, -
 - (a) “Act” means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012);
 - (b) “aggrieved bidder” means a bidder aggrieved by any act or omission of the procuring entity including a prospective bidder, who is otherwise eligible for contesting in the bid process, but due to certain reasons, he has precluded to participate, in the bidding process;
 - (c) “appeal” means an appeal made by the aggrieved bidder to the Authority against the decision of the procuring entity;
 - (d) “complaint” means a written application, made by the aggrieved bidder to the procuring entity for seeking relief or rectification regarding procuring process;
 - (e) “Grievance Redressal Committee” means a Committee, constituted under sub-rule (1) of rule 5 of these rules;

- (f) “Grievance Redressal Officer” means Head of procuring entity or Administrative Secretary, as the case may be, with whom the complaint is made; and
 - (g) “procurement rules” means the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.
- (3) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act and the procurement rules.

4. **Filing of Complaint.** ---(1) For the purpose of clause (a) of sub-section of section 35 of the Act, an aggrieved bidder, on the grounds mentioned in rule 4 below, may file a complaint in writing with the procuring entity, clearly stating the specific grounds on which he feels aggrieved, and the relief or the rectification sought by him. The complaint shall be accompanied with certified copies of documents, including affidavits, if any, relied upon.

Provided that-

- (i) after declaration of a bidder, as successful on announcement of bids evaluation report, a complaint may be filed only by a person or firm who has participated in the procurement proceedings;
 - (ii) in cases, the technical bids are evaluated by the procuring entity before opening of the financial bids, a complaint related to financial bids may be filed only by a person or firm whose technical bid is found responsive; and
 - (iii) a complaint against execution of the contract may be filed only by a person or firm, who is a party to the contract.
- (2) Where an aggrieved bidder, for reasons beyond his control, is not in a position to furnish a duly certified copy of the order complained against or where the complaint is based on a statement of a decision, action or omission of the procuring entity, the complaint shall be accompanied by an affidavit of the aggrieved bidder to that effect.
- (3) A complaint, against any decision, action or omission in the procurement process till the announcement of final results of the bids evaluation under rule 45 of the procurement

rules, may be made, at any time prior to award of the contract, within ten (10) days of making it public in terms of rule 46 of the procurement rules and pertaining to execution of the contract until closure of the contract in terms of rule 51 of the procurement rules:

Provided that no complaint shall lie against selection of a procurement method and decision to reject all tenders, quotations or proposals, as specified under the Act and procurement rules, respectively.

- (4) All complaints presented to or received by the procuring entity, shall be duly acknowledged for receipt.

5. Anonymous or pseudonymous complaints or those received after the limitation period, mentioned in sub-rule (3) above, shall not be entertained and filed without any processing.

6. **Grounds of complaint.**---Subject to the provisions of the Act and the procurement rules, a complaint may be instituted on the following grounds:

- (a) mis-procurement by the procuring entity;
- (b) violation of merit in any order of the procuring entity, pertaining to enlistment and pre-registration, short-listing, pre-qualification, qualification, post-qualification, disqualification and debarment or blacklisting;
- (c) challenging that the evaluation of bids or award of the contract is based on incorrect presentation in the bid, expression of interest, proposals or any other documents furnished to the procuring entity;
- (d) irregularity in the award of contract or its content;
- (e) violation of confidentiality by the procuring entity; and
- (f) any specific non-adherence or violation of the contractual provisions by the procuring entity, including non-payment within the stipulated period, delay caused by the procuring entity that is hindering the bidder in execution of the contract and delay in discharge of securities.

7. **Grievance handling at the level of procuring entity.** ---

- (1) The disposal of the complaints, at the level of the procuring entity, shall be carried out by the Grievance Redressal Officer himself or by the Grievance Redressal Committee, to be constituted by the

Grievance Redressal Officer.

(2) The Grievance Redressal Committee shall be headed by the Grievance Redressal Officer, who shall be assisted by such number of members, within the procuring entity, as Grievance Redressal Officer may deem fit:

Provided that, in case, constitution of Grievance Redressal Committee within the procuring entity is not practicable due to non-availability of suitable members or otherwise, the Grievance Redressal Officer may designate any other suitable officer, from outside the procuring entity, as a member, after due consultation with his parent department.

(3) The decision of the Grievance Redressal Committee shall be deemed as the decision of the procuring entity.

8. **Procedure for disposal of complaint.**---(1) The Grievance Redressal Officer or the Grievance Redressal Committee, as the case may be, shall, on receipt of a complaint, examine the same and if it is found to be received after the limitation period or if it appears of frivolous or trivial nature or pertains to procurement amounting to rupees one hundred thousand (100,000) or below, may, after providing an opportunity of hearing to the aggrieved bidder, dispose of it on its merit through a written order, within three (3) days. A complaint shall be of frivolous or trivial nature, if it is based on invalid grounds or arithmetical or clerical mistakes.

(2) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall summon the aggrieved bidder to appear before it at a specified venue, date and time for hearing. The aggrieved bidder shall be entitled to attend the proceedings in person or through authorized representative and heard at least once during the proceedings.

(3) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, may call for the relevant records and other documents for examination and that must be produced by the concerned person within stipulated time period. In case of failure to produce the same, the Grievance Redressal Committee may draw appropriate inference and proceed with the case.

(4) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall, after examining the

complaint, relevant records and documents and hearing the aggrieved bidder, decide the case on its merit, through consensus or majority votes, within five (5) days.

(5) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall, if upholds the complaint as a whole or in part, provide specific relief to the aggrieved bidder or order rectification or annulment of the procurement process, as the case may be.

(6) The decision, on the complaint, shall be recorded in writing along with reasons and conveyed to the aggrieved bidder within three (3) days of its finalization.

(7) The Grievance Redressal Officer shall ensure implementation of the decision without any delay.

9. **Appeal handling at the level of Authority.**---(1) For the purpose of clause (b) of sub-section (1) of section 35 of the Act, an aggrieved bidder may file an appeal, against the decision of the procuring entity, with the Authority on the following circumstances:

- (a) where the procuring entity fails to decide the matter without merit;
- (b) where the procuring entity fails to communicate its decision to aggrieved bidder; or
- (c) where the procuring entity fails to decide the complaint within stipulated time period.

(2) A non-refundable fee for filing of the appeal, at the rates and in the form to be notified by the Authority from time to time, shall be deposited in favor of the Authority, on submission of the appeal.

(3) A memorandum of appeal shall be presented on the format and in the manner as specified in the guidelines issued by the Authority from time to time.

10. **Technical assistants.** ---(1) For the purpose of disposing of appeals by the Authority or the Managing Director, as the case may be, the Authority or the Managing Director shall be assisted by such number of technical assistants as may be required.

(2) The Managing Director, after due evaluation, short lists the names of the technical assistants and such list shall be referred

to the Authority for approval.

(3) The list so approved by the Authority shall be valid for a period of three (3) years which may be extended for another three (3) years by the Authority.

(4) The technical assistants shall be entitled for such remuneration as may be specified by the Authority for time to time.

11. **Appointment of Registrar of Appeals.** ---The Authority or the Managing Director, as so authorized by the Authority, may designate an officer of Authority, as Registrar of Appeals for carrying out the functions under these rules.

12. **Procedure for disposal of appeal.** ---(1) The Managing Director shall refer the memorandum of appeal to the Registrar of Appeals for acknowledgement and preliminary scrutiny. The Registrar of Appeals shall conduct preliminary scrutiny of the appeal and take other actions as per provisions of these rules and the guidelines issued by the Authority from time to time, within a period of three to five (3-5) working days after receiving the same.

(2) On receipt of the appeal from the Registrar of Appeals, if the same is admitted or admitted subsequently by the Managing Director, the Managing Director shall, keeping in view the value of procurement, nominate a technical assistant or a panel of technical assistants, from the list approved by the Authority, within [ten (10)]¹ days, for hearing of the appeal and giving recommendations to the Authority for its disposal; provided that the nomination may be made in a manner to include the technical assistants with most relevant expertise for the purpose and exclude those having any conflict of interests in the case.

(3) On nomination for hearing a particular appeal, the technical assistant may declare immediately if he has any conflict of interest in the case or is otherwise unable to attend the proceeding in hearing of the appeal, and the Managing Director shall accordingly substitute the nomination order to remove the conflict or inability.

(4) The technical assistants shall, at the outset of the proceeding with the appeal, examine the request for interim relief,

¹ The word, brackets and figure "three (3)" be substituted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

if sought by the aggrieved bidder in the memorandum of appeal, or may consider such request at any time during hearing of the appeal, and may issue an order for suspension of the procurement process, including award of the contract, if not already awarded, or execution of the contract till decision of the Authority on the appeal, if it is satisfied that failure to do so is likely to lead to miscarriage of justice. The interlocutory order shall be binding on the procuring entity and complied with in letter and spirit.

(5) The technical assistants shall follow the procedure for issuance of summons and production order, hearing of parties and witnesses, examination of evidence and record, adjournments, arguments and compilation and submission of the report as specified in the guidelines issued by the Authority from time to time.

(6) The aggrieved bidder and the representative from time to time on behalf of the procuring entity shall have the right to be represented and heard in person during hearing of the appeal. It shall be mandatory for both the aggrieved bidder and the representative of the procuring entity, to appear before the technical assistants as and when called, produce documents when so required and submit their responses. In case of failure to do so, unless the technical assistants deem it fit to allow adjournment, the case may be proceeded with ex-parte and finalize the same on the basis of available evidence and records.

(7) Where two or more appeals, arising from the same bidding or procurement process, are instituted, the technical assistants may, on the recommendation of the Registrar of Appeals, consolidate the appeals and hear them as if they were one appeal.

(8) The appeal shall be heard and recommendation thereon shall be submitted to the Managing Director by the technical assistants within [twenty (20)]¹ days of their nomination in each case.

13. Withdrawal of appeal. --- (1) An appeal may be withdrawn by a notice, in writing signed by the aggrieved bidder, submitted to the Registrar of Appeals, at any time, before commencement of the hearing or to the technical assistants during the hearing, and upon such notice being received, the appeal shall be deemed to have been

¹ The word, brackets and figure "seven (7)" be substituted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

withdrawn.

(2) When an appeal is withdrawn, under sub-rule (1), the Registrar of Appeals shall, forthwith, inform all the parties to the appeal of the withdrawal, and also the technical assistants, nominated for the case, if the withdrawal is prior to commencement of the hearing.

(3) The record pertaining to submission, processing and disposal of appeals shall be maintained by the Registrar of Appeals.

14. [Deleted]¹

15. Announcement of order. ---(1) The Authority or the Managing Director, as so authorized by it, may, after examining the report so submitted under rule 12 and taking into consideration the whole recourses, shall announce its decision on the appeal, which shall be of binding nature and shall not be called in question in any Court of law.

(2) The decision of the Authority, on the appeal, shall be communicated to the parties by the Registrar of Appeals. After the decision has been issued, the complaint and decision thereon shall be posted by the Authority on its website within three (3) days; provided that no information shall be disclosed, if its disclosure would contravene the provisions of the Khyber Pakhtunkhwa Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXVII of 2013).

(3) The Managing Director may add comments to the report and recommendations for initiation of disciplinary or criminal proceedings against the defaulting employees of the procuring entity, if so warranted, and shall transmit it to the Authority within three (3) days for taking final decision on the same within seven (7) days. If needed, the Authority may seek clarification from the technical assistants on the report before taking final decision on the appeal.

(4) Any action, taken by the procuring entity, against the defaulting employee, in pursuance to sub-rule (2), be informed to the Authority.

¹ Rule 12 "The technical assistants shall compile a report after hearing of the appeal and submit it to the Managing Director, within seven (7) days of his or their nomination for the case" be deleted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

C.No. 4(10-9)

GRIEVANCE REDRESSAL COMMITTEE FOR DISPOSAL OF COMPLAINTS PERTAINING TO PROCUREMENTS MADE BY DISTRICT & SESSIONS JUDGE.

I am directed to refer to the subject noted above and to state that following guidelines shall be observed in future with regard to complaint against procurement process.

- If any complaint regarding procurement is made, the same is either to be disposed off by Grievance Redressal Officer himself or by Grievance Redressal Committee;
- The D&SJ as head of procuring entity if detaches himself from procuring agency then;
 - a) He can entertain and dispose off the complaints regarding procurement of goods in the capacity of Grievance Redressal Officers;
 - b) If the Grievance Redressal Committee is constituted in the district by Grievance Redressal officer in the light of “Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017” then the complaint can be referred to such Committee for disposal. Such committee is to be headed by Grievance Redressal Officer.
- If the D&SJ has become part of the procurement process then in such a situation the complaint is to be referred to the High Court as Administrative Department.

(PHC letter No.SDJ/PHC/REG/64(a-17)-V.III-/2490-2523 dated Peshawar 22nd June, 2021).

SECTION-X
DELEGATION OF FINANCIAL POWER RULES

C.No. 1(10-10)

**THE KHYBER PAKHTUNKHWA DELEGATION OF
FINANCIAL POWERS RULES, 2018**

No.SO(FR)/FD/9-1/2018/DOP/17441. In exercise of the powers conferred under Article 119 of the Constitution of the Islamic Republic of Pakistan, Governor of the Khyber Pakhtunkhwa is pleased to make the following rules.

Short Title and Commencement

These rules may be cited as the Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018.

These shall come into force at once and shall apply throughout the Government of Khyber Pakhtunkhwa.

Definitions

- (m) In these rules, unless the context otherwise requires:
- a) **“Administrative Department”** means a self-contained administrative unit in the Khyber Pakhtunkhwa Secretariat responsible for the conduct of business of Government in a distinct and specified sphere and such other department or administrative unit declared as such by the Government;
 - b) **“Attached Department”** means a department notified as such by the Establishment and Administration Department;
 - c) **“Autonomous/Semi-Autonomous Bodies”** Those entities/organizations/bodies corporate / authorities or any other special institution declared as such by the Government of Khyber Pakhtunkhwa having administrative and financial autonomy and operate through independent boards;
 - d) **“Chief Secretary”** means Chief Secretary to the Government of Khyber Pakhtunkhwa;
 - e) **“Deputy Commissioner”** means the Deputy Commissioner of the district concerned posted and notified as such by the Government;
 - f) **“Finance Department”** means the Finance Department of the Government of Khyber Pakhtunkhwa;

- g) **“Government”** means the Government of Khyber Pakhtunkhwa;
 - h) **“Head of District Office”** means an officer entrusted with the administrative and financial charge of a district office in the district government;
 - i) **“Head of Project or Programmes”** means an officer entrusted with the administrative, financial and operational charge of a public sector project or programme funded under ADP to plan, govern and oversee the successful delivery of the project or programme’s outputs
 - j) **“Officer in Category-I”** means an officer mentioned in Part-I of the First Schedule;
 - k) **“Officer in Category-II”** means an officer mentioned in Part-II of the First Schedule;
 - l) **“Officer in Category-III”** means an officer mentioned in Part-III of the First Schedule;
 - m) **“Officer in Category-IV”** means an officer mentioned in Part-IV of the First Schedule; and
 - n) **“Schedule”** means a schedule attached to these rules.
- (n) Expressions used but not defined in these rules shall have the same meaning as assigned to them in the General Financial Rules.

(3) Delegation of Powers

(3) Administrative Department for the purpose of exercising powers under these rules, unless otherwise specified, shall mean the officers mentioned at serial #.1 of Part-I of the First Schedule to these rules.

(4) The nature and extent of powers delegated to officers of different categories in the First Schedule shall be as specified in the Second and Third Schedules to these rules.

(5) Notwithstanding anything contained in Rule 3(1&2) *ibid*, the following may exercise the financial powers of an Administrative Department;

- a. Chief Justice, Peshawar High Court
- b. Khyber Pakhtunkhwa Provincial Ombudsman
- c. Chairman Khyber Pakhtunkhwa Public Service Commission

- d. Chairman Khyber Pakhtunkhwa Service Tribunal
- e. Secretary, Provincial Assembly of Khyber Pakhtunkhwa
- f. Principal Secretary to the Governor Khyber Pakhtunkhwa
- g. Principal Secretary to the Chief Minister Khyber Pakhtunkhwa
- h. Khyber Pakhtunkhwa Divisional Commissioners
- i. Inspector General of Police Khyber Pakhtunkhwa
- j. Chief Ehtesab Commissioner Khyber Pakhtunkhwa
- k. Secretary Administration Khyber Pakhtunkhwa

(6) Each Administrative Department may exercise full powers in respect of special powers delegated to it under the Third Schedule to these rules, unless specified otherwise.

(7) The Deputy Commissioners, in their capacity as the Principal Accounting Officer, shall exercise financial powers under these rules in respect of District Governments devolved offices.

(8) The Principal Accounting Officer and Controlling Officer shall be responsible not only for the efficient and economical conduct of his/her own office, but also for offices subordinate to him/her. It shall be their prime responsibility to enforce financial order and strict economy at every step.

(9) Every officer entrusted with financial powers shall observe the principles of economy i.e. getting full value for money and regularity i.e. spending money for the specified purpose and in the manner prescribed by relevant law and rules.

(10) The standards of financial propriety stipulated by General Financial Rule-10 shall be strictly adhered to:

- i. Every public officer is expected to exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of expenditure of his own money;
- ii. The expenditure should not be prima facie more than the occasion demands;
- iii. No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage;

- iv. Public moneys should not be utilized for the benefit of a particular person or section of the community; and
- v. The amount of allowances granted to meet expenditure of a particular type should be so regulated that the allowances are not on the whole a source of profit to the recipients.

9 The powers delegated under these rules shall be exercised by the authorities subject to actual release of funds by the Finance Department and not on the basis of budget allocations nor in anticipation of funds.

10 Codal requirements and conditions prescribed by the Government from time to time and general or specific conditions laid down in the Schedules to these rules or in any other rules of the Government shall be strictly observed while exercising powers delegated under these rules.

11 The powers not delegated under these rules shall continue to stand vested in the Finance Department.

12 The Khyber Pakhtunkhwa Delegation of Powers under the Financial Rules and the Powers of Re-appropriation Rules, 2001 are hereby repealed.

First Schedule – Categorization of Officers

2

Part-I (Officers in Category-I)

1	Secretaries to Government (including Chief Secretary, Additional Chief Secretary and Senior Member Board of Revenue. Chief Secretary shall be the Secretary to Government so far as Establishment is concerned, if no other Secretary to Government in the Establishment & Administration Department has been so declared as Secretary)
2	Special Secretaries / Additional Secretaries in-charge of Administration in respect of departments having no post of Special Secretary.
3	Registrar Peshawar High Court.
4	Members Board of Revenue.
5	Chairmen Labour Appellate Tribunal.
6	Presiding Officer, Revenue Appellate Courts.
7	Presiding Officers Labour Courts.
8	All Heads of Attached Departments.
9	Additional Inspector General of Police.
10	Deputy Inspector General of Police.
11	Military Secretary to Governor Khyber Pakhtunkhwa.
12	Deputy Commissioners.
13	All Heads of Projects or Programmes either indigenous or foreign funded.
14	All Heads of the Autonomous/Semi-autonomous Bodies.
15	District and Session Judges.
16	All Medical Superintendents of the Provincial Secondary Healthcare Hospitals, Women & Children Hospitals and Specialized Hospitals.
17	Presiding Officers of the District Consumer Courts.
18	Special Judges Anti-Corruption Courts.
19	Presiding Officers/Judges Anti-Terrorism Courts.
20	Secretary Khyber Pakhtunkhwa Public Service Commission

(v) Part-II (Officers in Category-II)

1	Additional Secretaries in-charge of Administration not included in Part-I / Deputy Secretaries in-charge of Administration in respect of departments having no post of Special Secretary.
2	All Officers in-charge of Independent Offices/Institutions in BS-19 and above not included in Part-I.
3	All Heads of District Offices.
4	Settlement Officers.
5	All District Police Officers.
6	Director of Land Records or Inspector General of Registration.
7	KP Deputy Director Food at Karachi.
8	Deputy Director Labour Welfare.
9	Divisional Forest Officers.

(c) Part-III (Officers in Category-III)

1	Deputy Director Labour Welfare.
2	Divisional Forest Officers.

2 Part-IV (Officers in Category-IV)

1	The Drawing and Disbursing Officers other than those mentioned in Part-I, II and III.
---	---

Second Schedule - Powers Common to All

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
1	Abolition of Posts.	Full Powers.	Full Powers in respect of posts under his/her control.	Full Powers in respect of posts in BS-1 to BS-16 under his/her control.	--	--
	Specific Condition(s):					
	1. All orders regarding abolition of posts shall be communicated to the Accountant General, KP or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned, with full justification.					
	2. The delegated power of abolition of posts shall be without prejudice to the powers of Finance Department.					
2	To Sanction Expenditure against Budget Provision.					
(i)	Project Pre-Investment Analysis	Full Powers	Full Powers	--	--	--
	Specific Condition(s):					
	1. Include Feasibility Studies; Research, Surveys and Exploratory Operations.					
(ii)	Operating Expenses					
(a)	Fuel and Power	Full Powers	--	--	--	--
	Specific Condition(s):					
	Include High Speed Diesel Oil - Operational & Non-Operational; Furnace Oil - Operational & Non-Operational; Electric Traction.					
	2. Subject to specified departmental admissibility and prescribed conditions.					
(b)	Fees	Full Powers	Full Powers	Upto Rs. 100,000 Each case	Upto Rs. 50,000 Each case	Upto Rs. 20,000 Each case
	Specific Condition(s):					
	Include Bank Fees; Legal Fees; License Fees; Membership Fees.					
(c)	Communication	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s):					
	Include Postage and Telegraph; Telephone and Trunk Calls; Telex, Tele-printer and Fax; Electronic Communication; Courier and Pilot Service; Photography Charges.					
	2. Subject to observance of prescribed ceilings, where applicable.					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
(d)	Utilities	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Gas; Water; Electricity; Hot and Cold Weather Charges; POL for Generator. 2. Subject to observance of prescribed ceilings, where applicable.					
(e)	Occupancy Costs	Full Powers	Full Powers	Upto Rs. 100,000 At a time	Upto Rs. 50,000 At a time	--
	Specific Condition(s): 1. Include Charges; Rent for Office Building; Rent other than on Building; Royalties; Rates and Taxes; Rent of Machinery and Equipment; Insurance; Security; Rent of Hall for Council Meetings; Sewerage/Waste Charges. 2. Rent of Office Building is subject to the explicit conditions that: a. The accommodation is according to the scale prescribed by the Government. b. Either the rent does not exceed the rent assessed by the Excise & Taxation Department for the purpose of Urban Immovable Property Tax or the rent to be paid is made the basis of property tax. c. Assessment made by the Communication & Works Department. d. No objection certificate from Communication & Works Department for non-availability of office accommodation. 3. Rent of Land is subject to the rent reasonability certificate given by an officer of the Revenue Department exercising the powers of the Collector under the KP Land Revenue (Amendment) Act, 2014.					
(f)	Operating Leases	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Machinery and Equipment; Buildings; Motor Vehicles; Computers; Medical Machinery and Technical Equipment. 2. Subject to specified departmental admissibility and prescribed conditions.					
(g)	Motor Vehicles	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Insurance; Registration.					
(h)	Consultancy & Contractual Work	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Computer; Management; Government Departments. 2. Subject to specified departmental admissibility and prescribed conditions.					
(i)	Travel & Transportation	Full Powers	Full Powers	Full Powers	Upto Rs. 40,000 At a time	Upto Rs. 20,000 At a time

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Specific Condition(s): 1. Include Training – Domestic/International; Travelling Allowance; Transportation of Goods; POL Charges, Aeroplanes, Helicopters, Staff Cars, Motorcycles; Conveyance Charges; CNG Charges; Tour Expenditure State Conveyance and Motor Cars; Railway Concession Voucher. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(j)	General – Printing & Publication	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Stationery; Printing and Publication; Conferences/ Seminars/ Workshops/ Symposia; Newspapers, Periodicals and Books; Advertising and Publicity; Contribution and Subscription; Essay Writing and Copyrights; Exhibitions, Fairs and other National Celebrations. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(k)	General – Cost of Other Stores	Full Powers	Full Powers	Full Powers	Upto Rs. 50,000	--
	Specific Condition(s): 1. Include Hire of Vehicles; Uniforms and Protective Clothing; Purchase of Drugs and Medicines; Expenditure on Confiscated Goods; Cost of Other Stores; Ordnance Store; Free Text Books. 2. Subject to admissibility under the rules and observance of prescribed conditions.					
(l)	General – Secret Service	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Secret Service Expenditure. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(m)	General – Other Services	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Payments to Government Department for Services rendered; Law Charges; Payments to Other for Services rendered; Service Charges; Special Cost incurred in performance of Government Functionaries. 2. Subject to admissibility under the rules and observance of prescribed conditions.					
(iii)	Write-offs of Public Money / Loss of Assets	Upto Rs. 100,000	--	--	--	--
	Specific Condition(s): 1. Include Loss of Public Money; Inventories Obsolescence / Slow Moving Charge; Impairment of Property, Plant and Equipment; Write Off of Inventories; Loss on Disposal of Property, Plant and Equipment; Loss on Sale of Scrap. 2. Provided that the loss does not disclose a defect of system the amendment of which requires the orders of higher authority. 3. That there has not been any serious negligence on the part of some individual Government Officer or Officers which may possibly call for disciplinary action requiring the orders of any					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	higher authority. 4. All Sanctions to write off shall be communicated to the Accountant General and Finance Department.					
(iv)	Scholarships & Other Awards	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Merit Scholarships; Other Scholarships; Cash Awards to Informers. 2. Subject to number of Scholarships and rates sanctioned by Finance Department in consultation with Administrative Department. 3. Cash Awards subject to admissibility under the rules and observance of prescribed rates and conditions.					
(v)	Entertainment & Gifts					
(a)	Entertainment	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. For light refreshment upto Rs. 100 per head at meetings convened for official business. 2. For serving lunch boxes upto Rs. 500 per head in meetings which are prolonged beyond office hours without break in the interest of Government work.					
(b)	Purchase of Gifts for State Guests	Principal Secretary to CM Rs. 100,000	--	--	--	--
	Specific Condition(s): 1. For presentation to the foreign dignitaries only.					
(vi)	Expenditure on Acquiring Physical Assets	Full Powers	Full Powers	Upto Rs. 1,000,000 At a time	Upto Rs. 500,000 At a time	Upto Rs. 300,000 At a time
	Specific Condition(s): 1. Include Purchase of Building; Computer Equipment; Commodity Purchase (Cost of State Trading); Other Stores & Stock; Purchase of Transport; Purchase of Plant & Machinery; Purchase of Furniture & Fixture; Purchase of Other Assets. 2. Subject to fulfilment of all codal requirements enunciated by relevant legislative and regulatory frameworks.					
(vii)	Civil Works	i. Approved Development Schemes: Full Powers ii. Non-Development Schemes: Rs. 1,000,000	i. Approved Development Schemes: Full Powers ii. Non-Development Schemes: Rs. 500,000	--	--	--

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Specific Condition(s): 1. Include Roads, Highways and Bridges; Irrigation Works; Embankments and Drainage Works; Building and Structures; Other Works; Telecommunication Works; Drought Emergency Relief Assistance Works. 2. Subject to fulfilment of all codal requirements enunciated by relevant legislative and regulatory frameworks.					
(viii)	Repairs & Maintenance	Rs. 300,000 or 50% of the book value of machinery whichever is less	Rs. 150,000 or 50% of the book value of machinery whichever is less	Rs. 70,000 or 25% of the book value of machinery whichever is less	Rs. 50,000 or 10% of the book value of machinery whichever is less	Rs. 25,000
	Specific Condition(s): 1. Include Transport. 2. Subject to carrying out of Repairs in the Government Workshops, in absence of which due process of public procurement and specific conditions shall be strictly adhered to.					
(ix)	Repairs & Maintenance	Full Powers	Full Powers	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Machinery & Equipment; Furniture & Fixture; Buildings & Structure; Irrigation; Embankment & Drainage; Roads, Highways and Bridges; Computer Equipment; General; Telecommunication Works. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(x)	Honoraria	Full Powers	--	--	--	--
	Specific Condition(s): 1. The total amount of the honoraria shall not exceed the amount provided in budget for the payment of honoraria and no re-appropriation shall be made from other budget heads for this purpose; 2. The sanction for the honoraria must show specific detail of the work done; 3. The amount of honoraria for each individual shall not exceed one Month's Basic Pay; 4. Each Administrative Department shall send consolidated statement to the Chief Secretary and Finance Department showing names and amount; and 5. The honoraria fees in connection with the Departmental examinations shall be paid in accordance with the rules of the various Departments.					
(xi)	Reimbursement of Medical Charges	Full Powers	Full Powers	Upto Rs. 10,000 Each case	Upto Rs. 5,000 Each case	Upto Rs. 3,000 Each case
	Specific Condition(s): 1. Advance payments for serious nature cases/operations shall be subject to the condition of					

S #	Nature of Power	Department	In Category-I	In Category-II	In Category-III	In Category-IV
	certification by a broad-based medical board duly notified and prior approval of Finance Department on cases to case basis.					
3	To Sanction Budget Bonus in Finance and P&D Departments	Chief Secretary Full Powers upto 3 Months Basic Pay	--	--	--	--
4	Power of Sanctioning Development Projects / Programmes	Forum 1. Departmental Development Working Party (DDWP) 2. District Development Committee (DDC) 3. Tehsil Development Committee (TDC) 4. Projects Approval Committee for Village / Neighbourhood Councils				Limit to Sanction Rs. 200 Million Rs. 60 Million Rs. 20 Million Rs. 5 Million
	Specific Condition(s): 1. The project/programme so sanctioned shall be sent to the Planning & Development Department and Finance Department. 2. In case of difference of opinion, the project/programme shall be referred to the Provincial Development Working Party (PDWP). 3. Prior clearance of revenue component (creation of new posts, pay & allowances, purchase of vehicles, purchase of machinery & equipments, operating expenses etc.) of the project/programme from Finance Department / District Officer Finance & Planning concerned shall stand as a prerequisite. 4. Project/programme having a subsidy / foreign aid element shall be referred to the Provincial Development Working Party (PDWP) for approval, irrespective of its cost.					
5	Issuance of Administrative Approval to Works / Development Schemes	Full Powers	i. Deputy Commissioner ii. Registrar Peshawar High Court ii. Heads of Autonomous /Semi-Autonomous Bodies Full Powers	--	--	--
	Specific Condition(s): 1. Subject to prior approval of the relevant forum competent to sanction projects i.e. DDC, DDWP, PDWP, CDWP, ECNEC and clearance of revenue component (creation of new posts, pay & allowances, purchase of vehicles, purchase of machinery & equipments, operating expenses etc.) of the project/programme from Finance Department / District Officer Finance & Planning concerned.					
6	Re-appropriation of Funds					
(i)	Re-appropriation of Funds in Current Budget	Full Powers	Full Powers	--	--	--

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
<p>Specific Condition(s):</p> <p>7. The authority sanctioning re-appropriation shall certify that;</p> <p>(a) The expenditure proposed to be met through re-appropriation could not be reasonably foreseen.</p> <p>(b) The expenditure can't be reduced nor can it be postponed to the next year.</p> <p>(c) The expenditure in question was not specifically disallowed or reduced by Finance Department at the time of approving the budget estimates.</p> <p>8. No re-appropriation shall be made;</p> <p>(a) From one grant to another grant.</p> <p>(b) After the expiry of the financial year.</p> <p>(c) Between funds authorized for expenditure charged on the Provincial Consolidated Fund/Local Fund and other expenditure.</p> <p>(d) From development to current expenditure and vice versa.</p> <p>9. No re-appropriation shall be made beyond 15th of April each year.</p> <p>10. No authority subordinate to the one which reduced an allocation shall increase such reduced allocation by means of re-appropriation.</p> <p>11. No re-appropriation from/to Employees Related Expenditure; Secret Service Expenditure; Utilities; POL; TA/DA and Medicines and Dietary Charges.</p> <p>12. No funds shall be provided by Finance Department against such items of expenditure wherefrom the Administrative Department re-appropriated funds.</p> <p>13. No re-appropriation shall be made so as to divert the provision for specified new items to other purposes.</p> <p>14. In case of expenditure on works;</p> <p>(a) No re-appropriation to meet any expenditure which is likely to involve further outlay in a future financial year.</p> <p>(b) No re-appropriation shall be made from/to the Major Work / Minor Work and Repairs & Maintenance.</p> <p>Re-appropriation permissible from an original Major Work in Progress only to a Work(s) of the same category.</p>						
(ii)	Re-appropriation Of Funds in Development Budget	Full Powers	--	--	--	--
<p>Specific Condition(s):</p> <p>1. Conditions governing the Re-appropriation of Funds in Current Budget via 6(i) ibid shall apply to Re-appropriation of Funds in Development Budget.</p> <p>2. In addition to 1 ibid, the following specific conditions shall apply;</p> <p>a. Re-appropriation shall not be made except for approved schemes.</p> <p>b. The approved cost of the schemes shall not be exceeded, through re-appropriation, beyond 10% of the amount for which the scheme has been administratively approved.</p>						
7	Unserviceable Stores					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
(i)	Declaration of Stores as Surplus or Unserviceable	Full Powers	Upto Value of Rs. 1,000,000 per item	Upto Value of Rs. 500,000 per item	Upto Value of Rs. 100,000 per item	--
	Specific Condition(s): 1. Full justification for declaring Stores as Surplus or Unserviceable, as the case may be, shall be prepared and furnished to Administrative Department, Accountant General or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned. 2. Value refers to Un-depreciated Book Value. 3. The Dead Stock Register shall accordingly be updated as per prescribed rules.					
(ii)	Disposal of Unserviceable or Surplus Stores	Full Powers	Full Powers	Full Powers	Rs. 100,000 At a time	Rs. 20,000 At a time
	Specific Condition(s): 1. Disposal of Unserviceable or Surplus Stores, as the case may be, shall be via public auction through a duly notified disposal committee having representation of Establishment & Administration Department and Finance Department.					
8	Miscellaneous					
(i)	To Sanction Investigation of Claim(s) of Government Servants	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Administrative Department and Officers in Category-I shall have full Powers in respect of T.A. Claims not more than three years old and other claims not more than seven years old. 2. Officers in Category-II, III, & IV shall have full powers in respect of claim not more than three years old of Government Servants whom they are competent to appoint. 3. T.A. Claim more than 3 years old and claim of arrear of pay and allowances, other than T.A. more than six years old, shall require sanction of the Finance Department after investigation by Audit.					
(ii)	Relaxation of the Prescribed Time Limit:	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Arrears of Pay & Allowances within the limit of 3 years. 2. Include Submission of T.A Bill(s) where TA Advance not drawn. TA adjustment bill should be submitted within one year of the date of performance of journey by the Government servant, failing which the advances shall be recovered					
(iii)	Relaxation of the Prescribed Time	Chief Secretary Upto 1 year	--	--	--	--

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Limit.	Administrative Department Upto 6 months				
	Specific Condition(s): 1. Include Joining Time where the family of transferred Government Servant could not join him/her within one year due to shortage of accommodation, education of children or on medical or compassionate grounds.					
(iv)	Grant of Travelling & Daily Allowance or Lodging charges	Full Powers	--	--	--	--
	Specific Condition(s): 1. To non-official members of Commissions/Committees setup by the Government and to foreign experts. 2. Not to exceed the maximum limit prescribed by the Government for highest category.					
(v)	To refund in accordance with rules or in pursuance of decisions of court	Full Powers	Full Powers	Rs. 500,000	Rs. 300,000	Rs. 100,000

Third Schedule - Special Powers

1. Administration of Justice

S #	Nature of Power	Registrar Peshawar High Court	District & Session Judges
1	Leases of land pertaining to Government Buildings under Administrative control of Administration of Justice	Full Powers	Full Powers
	Specific Condition (S): 1. Subject to the condition that lease being openly auctioned for a period not exceeding one year and proceeds are deposited in Government Account.		
2	Leases of Fruit trees and sale of grass growing in the compounds of Government buildings/lands under Administrative control of Administration of Justice.	Full Powers	Full Powers
	Specific Condition (S): 1. Subject to the condition that lease being openly auctioned for a period of not more than one year and proceeds are deposited in Government Account.		

2. Agriculture Department

1.1	Agriculture Wing					
S #	Nature of Power	DG Agriculture Extension	DG On Farm Water Management	DG Soil & Water Conservation	Director Agriculture Engineering	District Director Agriculture
1	To Sanction Prizes	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Prizes for Fruit and Agricultural Product Competitions.					
2	To Sanction Expenditure					
(i)	Purchase of Improved Seeds	Full Powers	--	--	--	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase (at fixed rates) of improved seeds and other seed depot commodities including bags (under seed depot Rules) for distribution to the growers.					
(ii)	Purchase of Seeds and Manures	--	Full Powers	--	--	Upto Rs. 100,000 At a time

1.1	Agriculture Wing					
S #	Nature of Power	DG Agriculture Extension	DG On Farm Water Management	DG Soil & Water Conservation	Director Agriculture Engineering	District Director Agriculture
	Specific Condition(s): 1. Include the Purchase of seeds, manures, implements insecticides bags for general use in the Department.					
(iii)	Purchase of Livestock	Full Powers	--	--	--	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of Livestock for use in Departmental Institutions.					
(iv)	Purchase of Aviation Spirit	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Purchase of Aviation Spirit for Aerial Sprays.					
(v)	Purchase of Photographic Material	Full Powers	Full Powers	Full Powers	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of photographic materials for publicity works.					
(vi)	Purchase of Tarpaulins	Full Powers	Full Powers	Full Powers	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of tarpaulins required for Departments experimental research & seed farms & covers for vehicles.					
(vii)	Building of Bodies of Trucks/Buses	Full Powers	--	--	--	Upto Rs. 100,000 At a time
3	Sale of Depot Commodities.	Full Powers	Full Powers	Full Powers	--	Full Powers
4	Technical	--	Upto	Upto	--	--

	Sanction		Rs. 3,000,000 At a time	Rs. 3,000,000 At a time		
	Specific Condition(s):					
	1. Include Improvement of Water Courses & Precision land levelling.					
	2. Include Soil & Water Conservation interventions.					

S #	Nature of Power	Director General	Director /Add: Director	Deputy Director	Assistant Director/DDO
1	To Sanction Leases				
(i)	Fishing Leases in Open Auction	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time	
	Specific Condition(s):				
	1. Include Approving highest bid of fishing leases in open auction.				
(ii)	Auction of Fishing Rights	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time	
(iii)	Lease of Land	Full Powers	Upto Rs. 200,000 At a time	--	
	Specific Condition(s):				
	1. Include Lease of land for grazing of cattle or cultivation of fruit trees in fisheries project areas.				
(iv)	Lease of Land	Upto Rs. 500,000 At a time	Upto Rs. 300,000 At a time	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
	Specific Condition(s):				
	1. Include Lease of Land for fish pond/nurseries/fodder etc.				
2	To Fix Rate(s).	Full Powers	--	--	
	Specific Condition(s):				
	1. Include Power to fix rates for disposal of fish/fish seed (to determine rates at which fish caught on Government Account may be sold).				
3	To Sanction Sale of Trees/Grass	Full Powers	Upto Rs. 50,000 At a time	--	
	Specific Condition(s):				
	1. Include Sanctioning sale of trees/grass whether standing or fallen, green or dead growing in fisheries project areas.				

1.3	Livestock & Dairy Development; Extension & Research Wing					
S #	Nature of Power	DG Livestock & Dairy Development	Director Breed Improvement	District Director Livestock	Heads of Institutions	Drawing & Disbursing Officers
1	To Sanction Prizes	Full Powers	--	Upto Rs. 20,000	--	--
1.3	Livestock & Dairy Development; Extension & Research Wing					
		DG Livestock &	Director Breed	District	Heads of	Drawing &

S #	Nature of Power	Dairy Development	Improvement	Director Livestock	Institutions	Disbursing Officers
				At a time		
	Specific Condition(s): 1. Include Sanctioning Prizes for Livestock & Poultry Competitions.					
2	Invitation / Acceptance of Tenders	Full Powers	--	Upto Rs. 300,000 At a time	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Invitation/acceptance of tenders for vegetable stores.					
3	Price Fixation	Full Powers	--	Upto Rs. 30,000 At a time	--	--
	Specific Condition(s): 1. Include Fixation of prices for the sale of animal, animals produce and by-products.					
4	Purchase of Livestock & Poultry	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
5	Sale of Livestock including Poultry and its By-Products	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
6	Declaration of Livestock as Surplus / Unserviceable and its Disposal by Public Auction	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
7	To write off losses of animals died and vaccines expired	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include losses on account of death of livestock/animals/poultry birds/vaccine expiration other than negligence or fraud.					

3. Communication & Works Department

S #	Nature of Power	Chief Engineers	MD PKHA/ Superintending Engineer PBMC	Superintending Engineers	Executive Engineers
1	Technical Sanction				
(i)	Original Works	Full Powers	--	Upto Rs. 20,000,000 (Highways & Bridges)	Upto Rs. 6,000,000 (Highways & Bridges)
	Specific Condition(s): 1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
(ii)	Ordinary & Special Repairs	Full Powers	Full Powers	Upto Rs. 2,000,000 Each case	Upto Rs. 400,000 Each case
	Specific Condition(s): 1. Include. Non-residential buildings & machinery and equipment.				
(iii)	Ordinary & Special Repairs	Upto Rs. 200,000 (Building Each Case)	Full Powers	Upto Rs. 100,000 (Building Each Case)	Upto Rs. 50,000 (Building Each Case)
	Specific Condition(s):				

	1. Include. Residential buildings. 2. Full Powers only to Superintending Engineer PBMC				
(iv)	Ordinary & Special Repairs	Full Powers	Full Powers	Upto Rs. 4,000,000 Each case	Upto Rs. 1,000,000 Each case
	Specific Condition(s): 1. Include Roads. 2. Full Powers only to MD PKHA				
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.			
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Chief Engineers upto the value of Rs. 1,000,000. b. Administrative Department, if the value tendered does not exceed Rs. 3,000,000. c. The P&D Department, if the value tendered exceeds Rs. 3,000,000.				
3	To Sanction Fixation of Stock Limits	Full Powers	--	--	--
4	To Dismantle & Sell Unserviceable	Upto Rs. 10,000,000	--	Upto Rs. 5,000,000	Upto Rs. 2,000,000

S #	Nature of Power	Chief Engineers	MD PKHA/ Superintending Engineer PBMC	Superintending Engineers	Executive Engineers
	Buildings				
5	Leases of Land	Full Powers	--	--	--
	Specific Condition(s): 1. Include Land along Provincial Highways / National Highways and District Roads for Petrol Pumps / CNG Stations / LPG Stations and Storage Tanks at the prescribed rates. 2. The site shall be approved by relevant forum. 3. Land shall be under the control of Communication & Works Department. 4. No Objection Certificate of competent forum shall be obtained. 5. The Lease shall be awarded under open public auction. 6. The land shall not be used for any permanent structure(s).				
6	To Sanction Sale of Trees	Full Powers	--	Full Powers	--
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Communication & Works Department 2. The sale shall be through open public auction.				
7	Payment of Compensation	Full Powers	--	Full Powers	--
	Specific Condition(s): 1. Include Payment under Workmen Compensation Act. 2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.				
8	To Sanction Employment of Work Charged Establishment	Full Powers	--	Upto Rs. 10,000 Per-mensum	--
	Specific Condition(s): 1. Provision shall exist in the sanctioned estimates. 2. Permissible only when the order to commence work has been received and shall be hired only for such particular work. 3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category. 4. Permissible only for developmental schemes. 5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.				

(d) Elementary & Secondary Education Department

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s): 1. Include Buildings belonging to E&SE Education Department and not born on the books of Communication & Works Department. 2. The Competent Authority shall certify the buildings as unserviceable and not required by any other Government Department.				
2	Leases of Land	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Land belonging to E&SE Education Department in Forest Areas and not borne on the books of Forest Department. 2. The Lease shall be awarded under open public auction.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of E&SE Education Department. 2. The sale shall be through open public auction.				

5. Environment Department

4.1	Environment				
S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	Technical Sanction Original Works	--	--	--	--
	Specific Condition(s): 1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
2	Acceptance of Tenders	--	--	--	--
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Special Secretary upto the value of Rs. 1,000,000.				

4.1	Environment				
S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
	b.	Administrative Department, if the value tendered does not exceed Rs. 3,000,000.			
	c.	The P&D Department, if the value tendered exceeds Rs. 3,000,000.			

4.2	Forests/Wildlife				
S #	Nature of Power	Chief Conservator Forest/Wildlife	Conservator Forest/Wildlife	Divisional Forest/Wildlife Officer	
1	Technical Sanction				
(i)	Original Works	Upto Rs. 10,000,000	Upto Rs. 5,000,000	Upto Rs. 2,000,000	--
	Specific Condition(s): 1. Works in respect of Forestry and Wildlife 2. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
(ii)	Ordinary & Special Repairs	Upto Rs. 500,000	Upto Rs. 300,000	Upto Rs. 200,000	--
	Specific Condition(s): 1. Include. Special & Ordinary repairs including replacement and renewal of existing works.				
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.			
	Specific Condition(s): 1. Include Forest/Wildlife Works or Civil Works, such as construction of buildings and conservancy works. 2. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is technically sanctioned by more than 2%. 3. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Chief Conservator Forest/Wildlife upto the value of Rs. 1,000,000. b. Administrative Department, if the value tendered does not exceed Rs. 2,000,000. c. Retendering if the value tendered exceeds Rs. 2,000,000.				
3	Execution of Forest/Wildlife Contracts	Upto Rs. 4,000,000	Upto Rs. 2,000,000	Upto Rs. 500,000	--
	Specific Condition(s): 1. Include Contracts for disposal of forest/wildlife produce and to fix the terms of contracts. 2. The contract(s) shall be vetted by Law Department.				

4.2	Forests/Wildlife				
S #	Nature of Power	Chief Conservator Forest/Wildlife	Conservator Forest/Wildlife	Divisional Forest/Wildlife Officer	
4	To Dismantle & Sell Unserviceable Buildings	Full Powers	Upto Rs. 500,000	Upto Rs. 300,000	--
5	Purchase of Livestock/Wildlife Stock/Feeds and its products	Upto Rs. 2,000,000	Upto Rs. 1,000,000	--	Upto Rs. 500,000
6	Leases of Land	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s):				
	1. Include Forest/Wildlife Land.				
	2. The Lease shall be awarded under open public auction/tender.				
	3. Administrative Department and Chief Conservator may grant lease upto 5 years for irrigated land and 10 years for barani land.				
	4. Conservator or Divisional Forest/Wildlife Officer may grant lease upto 50 acres for one year in each case.				
7	To Sanction Sale of Livestock/Wildlife & its By-Products	Upto Rs. 1,000,000 Per annum	Upto Rs. 500,000 Per annum	--	Upto Rs. 200,000 Per annum
8	To Sanction Payments	Upto Rs. 8,000,000	Upto Rs. 4,000,000	Upto Rs. 2,000,000	--
	Specific Condition(s):				
	1. Include Usual payments on sowing and planting etc. under Forestry development and non-development budget.				
9	Lease of Land Buildings	Upto Rs. 30,000 Per-mensum	--	--	--
	Specific Condition(s):				
	1. Include Lease of land buildings for specific purposes such as mills, timber depots etc.				
10	Reward in Forest Cases	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s):				
	1. Include i) Out of the sum accepted as compensation not exceeding ¼ of the amount realized, ii) Out of the sum accepted as compensation plus value of property not exceeding ¼ of the amount realized.				
11	To Write Off Irrecoverable Forest Revenue	Upto Rs. 40,000	Upto Rs. 20,000	--	--

4.2	Forests/Wildlife				
S #	Nature of Power	Chief Conservator Forest/Wildlife	Conservator Forest/Wildlife	Divisional Forest/Wildlife Officer	
	Specific Condition(s): 1. The Administrative Department shall have a restricted delegated power upto Rs. 100,000.				

6. Establishment & Administration Department

S #	Nature of Power	Chief Secretary	Secretary Administration
1	To Sanction Expenditure		
(i)	Rent of Residential Buildings & Housing Subsidy	Full Powers	Full Powers
	Specific Condition(s): 1. 75% of the Basic Pay of the Occupant, or intending Occupant subject to standing instructions and certificate from Communication & Works that rent is reasonable.		
(ii)	Ceremonial Functions & State Entertainments	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include. Ceremonial functions and State entertainments administered/organized by Establishment & Administration Department.		
2	Acceptance of Tenders	Full Powers	Full Powers
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Special Secretary upto the value of Rs. 1,000,000. b. Administrative Department, if the value tendered does not exceed Rs. 3,000,000. c. The P&D Department, if the value tendered exceeds Rs. 3,000,000.		
3	To Sanction Fixation of Stock Limits	Full Powers	Full Powers
4	To Dismantle & Sell Unserviceable Buildings	Full Powers	Full Powers
5	Leases of Surplus Buildings	Full Powers	Full Powers
6	Leases of Land	Full Powers	Full Powers

S #	Nature of Power	Chief Secretary	Secretary Administration
	Pertaining to Government Buildings		
7	To Sanction Sale of Trees	Full Powers	Full Powers
	Specific Condition(s):		
	1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Establishment & Administration Department		
	2. The sale shall be through open public auction.		
8	Payment of Compensation	Full Powers	Full Powers
	Specific Condition(s):		
	1. Include Payment under Workmen Compensation Act.		
	2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.		
9	To Sanction Employment of Work Charged Establishment	Full Powers	Full Powers
	Specific Condition(s):		
	1. Provision shall exist in the sanctioned estimates.		
	2. Permissible only when the order to commence work has been received and shall be hired only for such particular work.		
	3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category.		
	4. Permissible only for developmental schemes.		
	5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.		

7. Food Department

S #	Nature of Power	Director Food	Deputy Director Food	District Food Controller
1	To Accept Tenders	Full Powers	Full Powers	--
	Specific Condition(s):			
	1. Include Transportation, handling and labour charges (including charges for loading unloading stacking, un-stacking weighing, up-gradation / sieving if required on account of infestation etc.) of Government stocks.			
2	To Sanction Transfer of Stocks	Full Powers	--	--
3	To Accept Quotations	Full Powers	Upto Rs. 100,000	--

S #	Nature of Power	Director Food	Deputy Director Food	District Food Controller
	Specific Condition(s): 1. Include Transportation of Government stocks and labour activity (including charges for loading, unloading, stacking, un-stacking, weighing up-gradation / sieving if required on account of infestation etc.) in cases where tenders have been invited but no response is received under prevailing KP Public Procurement Rules.			
4	To Forfeit & Release Securities of Food Grains Agents	Full Powers	--	--
5	Schemes to be Financed from Sugarcane Development Cess Fund	The Deputy Commissioner of respective District shall have Full Powers		
	Specific Condition(s): 1. Schemes not to exceed the funds released by the Finance Department. 2. The Power shall be exercised by the Deputy Commissioner concerned in relevant forum.			

8. Higher Education, Archives & Libraries Department

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s): 1. Include Buildings belonging to Higher Education Department and not born on the books of Communication & Works Department. 2. The Competent Authority shall certify the buildings as unserviceable and not required by any other Government Department.				
2	Leases of Land	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Land belonging to Higher Education Department in Forest Areas and not borne on the books of Forest Department. 2. The Lease shall be awarded under open public auction.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Higher Education Department. 2. The sale shall be through open public auction.				

9. Industries Department

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s): 1. Provided that certificate is obtained from Communication & Works Department about these being unserviceable.				
2	Leases of Land Pertaining to Government Buildings	Full Powers	--	--	--
	Specific Condition(s): 1. Subject to public auction as per prescribed rules.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	--	--
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Industries Department 2. The sale shall be through open public auction.				

(f) Inspectorate General of Prisons

S #	Nature of Power	IG Prisons	Superintendent Central Jail	Superintendent District Jail
1	Technical Sanction			
(i)	Estimates of Expenditure on Works	Power Equivalent to Grant of Administrative Approval in relevant Category.		
	Specific Condition(s): 1. Include. Jail Buildings to be carried out of Departmental Fund / Grant and invitation and acceptance of tenders.			
2	Leases of Land	Full Powers	--	--
	Specific Condition(s): 1. Include Land pertaining to the Inspectorate General of Prisons and not born on the books of Communication & Works Department.			
3	To Sanction Sale of Trees	Full Powers	Full Powers	--
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of			

11. Irrigation Department

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
1	Technical Sanction			
(i)	Original Works	Full Powers	Upto Rs. 20,000,000	Upto Rs. 6,000,000
	Specific Condition(s):			
	1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.			
(ii)	Ordinary & Special Repairs	Full Powers	Upto Rs. 2,000,000 Each case	Upto Rs. 400,000 Each case
	Specific Condition(s):			
	1. Include. Irrigation Works, Non-residential buildings and other structures belonging to the Government.			
(iii)	Ordinary & Special Repairs	Upto Rs. 200,000 Each case	Upto Rs. 100,000 Each case	Upto Rs. 50,000 Each case
	Specific Condition(s):			
	1. Include. Residential buildings.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
	Specific Condition(s):			
	1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 10%.			
	2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under;			
	a. Chief Engineers upto the value of Rs. 500,000.			
	b. Administrative Department, if the value tendered does not exceed Rs. 1,000,000.			
	c. The Ministerial Committee, if the value tendered exceeds Rs. 1,000,000.			
3	To Sanction Fixation of Stock Limits	Full Powers	--	--
4	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
	Specific Condition(s): 1. Include Buildings belonging to Irrigation Department. 2. Provided that a certificate is obtained from Communication & Works Department about these being unserviceable.			
5	To Sanction Estimates	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Purchase or Manufacture of materials to be used on works. 2. Subject to explicit conditions prescribed by the public works codes.			
6	Leases	Full Powers	Upto Rs. 1,000,000	--
	Specific Condition(s): 1. Include Leases of buildings, land or other immovable property belonging to Irrigation Department by Auction or Competitive Tenders. 2. No Objection Certificate of competent forum shall be obtained.			
7	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Communication & Works Department 2. The sale shall be through open public auction.			
8	Payment of Compensation	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Payment under Workmen Compensation Act. 2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.			
9	To Sanction Employment of Work Charged Establishment	Full Powers	Upto Rs. 10,000 Per-mensum	--
	Specific Condition(s): 1. Provision shall exist in the sanctioned estimates. 2. Permissible only when the order to commence work has been received and shall be hired only for such particular work. 3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category. 4. Permissible only for developmental schemes. 5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.			
10	Lease of Water Power for Mills	Full Powers	Full Powers	--

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
11	To Sanction Supply of Canal Water (Non-Irrigation Purposes)	Full Powers	Full Powers	--
12	To Sanction Carriage & Handling Charges of Stock	Full Powers	Full Powers	Full Powers
13	To Sanction Purely Temporary Increase	Full Powers	Upto 20% Increase	--
	Specific Condition(s):			
	1. Include Stock limit of a Division to be absorbed within six months from the date of temporary increase.			
	2. Subject to fulfillment of prescribed codal requirements.			

9. Police Department

S #	Nature of Power	Additional IG Police	Deputy IG Police	District Officer Police
1	Technical Sanction			
(i)	Ordinary & Special Repairs	Full Powers	Upto Rs. 1,000,000 Each case	Upto Rs. 500,000 Each case
	Specific Condition(s): 1. Include. Residential and Non-residential Buildings.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
	Specific Condition(s): 1. Subject to prescribed rules and regulations.			
3	Payment of Death Compensation	--	--	--
	Specific Condition(s): 1. Include Death compensation to the dependents of the Police Personnel killed on duty (Gazetted or Non-Gazetted) / Compensation for injuries sustained by Police Personnel on duty.			
	2. Subject to laid down criteria as approved by Government from time to time.			
4	To Sanction Animal Ration	Full Powers	--	--
5	Purchase of Ammunition / Anti-Riot	--	--	--
6	Installation of Telephone	--	--	--

S #	Nature of Power	Additional IG Police	Deputy IG Police	District Officer Police
	Specific Condition(s):			
	1. Include Installation of Telephone in Police Station, Police Line, and District Police Offices.			
	2. Subject to admissibility and within the prescribed ceilings, where applicable.			

2 Public Health Engineering Department

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
1	Technical Sanction			
(i)	Original Works	Full Powers	Upto Rs. 12,000,000	Upto Rs. 4,000,000
	Specific Condition(s):			
	1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.			
(ii)	Ordinary Repairs & Maintenance work of W.S.S	Full Powers	Upto Rs. 500,000 (Each Case at a time)	Upto Rs. 200,000 (Each Case at a time)
	Specific Condition(s):			
	1. Include: Leakage removal in pipes, tanks etc, Cleaning and disinfection of distribution system and tanks etc, repair of machinery, equipment and civil works of residential and non-residential buildings.			
(iii)	Special Repairs and Maintenance of Water supply schemes	Full Powers	Upto Rs.1,000,000 (Each Case at a time)	
	Specific Condition(s):			
	1. Include Replacement of tube well, pipeline, Pumping machinery along with accessories, Transformers and allied components, parts of solar systems, civil works etc.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
3	To Sanction Fixation of stock Limits	Full Powers	--	--
4	To Dismantle & sell Unserviceable Buildings, Materials, pumping machinery & accessories and T&P	Upto Rs. 10,000,000	Upto Rs. 5,000,000	Upto Rs. 2,000,000

5	Leases of Land/ tube wells/ tanks etc.	Full Powers	--	--
	Specific Condition(s): 1. Include Land of tube wells, Over Head Tanks, surface tanks, treatment plants etc. Land of abandoned schemes also included. 2. Land shall be under the control of Public Health Engineering Department. 3. No Objection Certificate of competent forum shall be obtained. 4. The Lease shall be awarded under open public auction. 5. The land shall not be used for any permanent structure(s). 6. For auction prior approval of the department shall be obtained.			
6	To Sanction Sale of trees	--	--	--
	Specific Condition(s): 1. Land on which trees, whether standing or fallan, green or dead shall be under the control of Public Health Engineering Department 2. The sale shall be through open public auctions.			
7	Payment of Compensation	Full Powers	--	--
	Specific Condition(s): 1. Include payment under Workmen Compensation Act. 2. In Case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.			
8	To Sanction Employment of Work Charged Establishment	Full Powers	Upto Rs. 10,000 Pre-mensum	--
	Specific Condition(s): 1. Provision shall exits in the sanctioned estimates & the total expenditure should not exceed the approved limit of PC-I. 2. Permissible only when the order to commence work has been received and shall be hired only for such particular work. 3. The monthly wages not be exceed the emolument including allowances admissible to regular establishment of the same category. 4. Permissible only for developmental schemes. 5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.			
9	To sanction consumables for laboratories	Upto Rs. 1,000,000	Upto Rs. 500,000 at a time	200,000

11. Revenue Department

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
1	To sanction loans under Agriculture Loans Act	Full Powers	Rs. 10,000 in each case		
	Specific Condition(s): 1. As per instructions issued by Board of Revenue.				
2	To sanctions loans under the Land Improvement Loans Act	Rs. 10,000 in each case	Rs. 10,000 in each case		
	Specific Condition(s): 1. As per instructions issued by Board of Revenue when Finance Department has allowed such loaning.				
3	Suspension of recoveries of loans under the Land Improvement Loans Act and Agriculture Loans Act	Full Powers	--		
	Specific Condition(s): 1. Includes the provision of Taqavi Acts and the Rules made there under. BOR has to pass a detail order justifying this action.				
4	Refund in cases in which money is credited to Government for purchase of stamps but stamps are not actually purchased	Full Powers			
	Specific Condition(s): 1. Subject to Law				
5	To write off value of: i) Non-Postal stamps obsolete, unserviceable or spoiled ii) Water marked plain paper which is damaged and unfit for use a) Stamps lost in transit b) Loss of stamps forming part of the stock in a local Branch Department	Full Powers	Rs. 300		
	Specific Condition(s): 1. Subject to detail order justifying the auction.				
6	To write off irrecoverable loss of stamps revenue	Rs. 10,000			
	Specific Condition(s): 1. Subject to detail order.				
7	Refund of Court fee stamps affixed un-necessarily, in consequence of an	Full Powers			

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	order of a Court				
	Specific Condition(s):				
	1. Subject to production of Court orders.				
8	Refund or renewal of impressed or adhesive court-fee stamps which have been spoiled or rendered useless or unfit for purpose intended or for which the purchaser has not immediate use	--	Full Powers		
	Specific Condition(s):				
	1. Subject to the deduction of ten paise per rupee of face value in the case of refunds except in case of court fee stamps not spoiled or rendered unfit for use returned to Collector's store on.				
	a) Expiration of License;				
	b) Revocation of License for any reason other than fault of the Licensee.				
9	Refund of revenue otherwise than in accordance with the rules but not in relaxation of any rules	Rs. 5,000 in each case	--		
10	Remission of Revenue in accordance with rules	Full Powers			
	Specific Condition(s):				
	1. Subject to approval of Government.				
11	Remission of Revenue otherwise than in accordance with rules but not in relaxation of rules	Rs. 5,000			
12	Remission of Land revenue due to calamities	Full Powers			
	Specific Condition(s):				
	1. Subject to detail order and approval of Government.				
13	To Sanction Remission of by Audit Officer	--	Upto Rs. 100 In individual cases		
14	Remission of acreage rates	Full Powers	Rs. 500 per harvest in a single case		
15	To levy or remit acreage rates	Full Powers	--		
16	Remission of rent on temporary cultivation	--	Rs. 100		
	Specific Condition(s):				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	1. Full power subject to standing orders issued by Board of Revenue from time to time (returns of remission granted should be furnished to the Board of Revenue)				
17	Shifting of installment connected with disposal of land	2 years	--		
18	Increase in number of installments connected with disposal of land	Upto 10 half year installment	Upto 4 half year installment		
19	To dismantle and sell unserviceable buildings	Full Powers	--		
	Specific Condition(s):				
	1. Provided that a certificate from Communication and works Department about their being unserviceable should be obtained.				
20	Leases of land pertaining to Government Buildings	Full Powers	--		
	Specific Condition(s):				
	1. Subject to leases being openly auction for one year at a time				
21	Leases of surplus buildings	Full Powers	--		
	Specific Condition(s):				
	1. For a period not exceeding one year after obtaining competitive offers/open auction				
22	Leases of fruit trees and sale of grass growing in compounds of Government Buildings belonging to Revenue Department	Full Powers for period not more than 1 year	Full Powers for period not more than 1 year	--	Full Powers for period not more than 1 year
23	Leases of:- i) Land under the rules in accordance contained in appendix-III with the rules for the lease to land Administration rules for the lease of waste Manual other than that lands contained in appendix-II include in a colonization to land Administration Manual or which is likely to come under perennial irrigation in the foreseeable future	Full Powers		--	--
	Specific Condition(s):				
	1. In accordance with the rules for the lease of waste lands contained in Appendix-II and III to Land Administration for a Maximum Period of twenty years provided that the total area held on lease by a single lessee does not exceed one hundred and fifty acres.				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	ii) Land for grazing of cattle	--	Full Powers (for 1 year upto 10 acres for a period not exceeding 2 years)		
	iii) Fruit trees not in the compound of Government Buildings	--	Full Powers (for 1 year)		
	Specific Condition(s):				
	1. Provided that the reserve rent does not exceed Rs. 1,000/-				
24	Lease of state Agricultural	--	Upto 50 acres for a period not exceeding 10 harvests		
	Specific Condition(s):				
	1. To any order issued by the Govt. or the Board of Revenue and provided that the Area to be held at one time by Lease shall not exceed the limit Fix under the Revenue ordered.				
25	Lease of state land for Agri. purposes by private treaty	Full Powers Upto five years	Upto fifty acres for period of two years only in respect of land for which offers by tenders or auction fail to attract a bidder		
	Specific Condition(s):				
	1. Subject to the condition that the District Revenue Officer/Collector can make lease for a period of two years only in respect of land for which offers by tenders or auction failed to attract a bidder provided that no lease of land by District Revenue Officer/Collector beyond two years is allowed in continuation of the allowed same lease without the sanction of BOR				
26	Lease of state land for Non-Agricultural purposes	Full Powers	--		
	Specific Condition(s):				
	1. Subject to condition that the lease does not involve the erection of a building.				
27	Lease of land to Local Bodies	Full Powers	--		
	Specific Condition(s):				
	1. Subject to the approval of the Government.				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
28	Lease of state land for brick kilns	--	Full Powers		
	Specific Condition(s): 1. Subject to condition that the standing orders of the BOR and in consultation with City District Govt. in respect of Urban areas and District Govt. in other areas.				
29	Long lease with special conditions under a scheme approved by Government	Full Powers	--		
30	Lease of Nazul Land	Full Powers	--		
	Specific Condition(s): 1. Subject to condition that if the lease is for non-agricultural purposes it does not involve an erection of a building.				
31	Grant of state Agricultural land in Colonies	Full Powers	--		
	Specific Condition(s): 1. Subject to the conditions that the grant is made in accordance with the standing orders of the scheme approved by the Revenue Department and in consultation with Finance Department.				
32	Allotment of land for graveyards & cremations ground	--	Full Powers		
	Specific Condition(s): 1. Includes consultation with City District or District Govt. as the case may be				
33	Allotment of land for Kanals (Tanning Yards)	--	Upto 2 Kanals		
	Specific Condition(s): 1. Includes standing orders of the BOR				
34	Sale of state land for agricultural purposes	Upto 50 Acres	--		
	Specific Condition(s): 1. The land is sold by auction held in accordance with the conditions approved by government or Board of Revenue; and 2. the reserve price is approved by Board of Revenue before auction is held 3. The result of such auction should be reported to the Board of Revenue in such a form as may be prescribed by it.				
35	Sale of state land for non -agricultural purposes by:- a) Public auction	Full Powers	--		
	b) Private treaty at Market Value	Full Powers			
	Specific Condition(s): 1. half an acre in urban area				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	2. five acres in rural area Both in case of (a) and (b) where applicable City District clearance to be obtained.				
36	Sale of escheated Land	--	Rs. 50,000		
	Specific Condition(s): 1. That the land is sold by auction after wide publicity.				
37	Sale of awkward plots of state land for Agri purposes by private treaty	Full Powers	--		
38	Sale of Nazul Land by:- a) Public auction	Full Powers	--		
	b) Private treaty at market value	Full Powers			
	Specific Condition(s): 1. Half an acre in urban area 2. Five acres in rural area				
39	To sanction or cancel sale of old wells	--	Full Powers		
40	Grant of Nazul land free of cost to local bodies	Full Powers within the approved grant	--		
41	Sale of sites required exclusively for the purpose of a temple mosque or other religious building in state owned towns i.e. town built mainly on state owned Land in colonies	Full Powers	--		
	Specific Condition(s): 1. That the first four kanals are paid for half the market value and any area in excess is paid for at full market rates				
42	Sale of Land required exclusively for the purpose of mosque, temple, or church in areas of other than those specified in item 20.44	Full Powers	--		
	Specific Condition(s): 1. Subject to the condition that clearance of City District is obtained where applicable.				
43	To sanction reserve price of land to be sold by auction	Full Powers	--		
44	To cancel sale of state land and refund the price already paid	Full Powers	--		

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	Specific Condition(s):				
	1. Provided that the cancellation is of the whole area and not of part of it and the price paid is refunded without an interest there on or compensation: -				
	2. The land is sold and after sale it transpires that:-				
	a) It or a part of it, is owned by another person; or				
	b) It or part of it, is already allotted or leased out to another person or it has already been sold on installment basis to another person; or				
	c) a part, or whole of it is graveyard.				
	3. The land is sold as commanded by a canal but is found later as a result of the Irrigation Department's report that a major part of it is situated outside the Irrigation boundary of the canal.				
	4. The land is sold erroneously under some mistake of fact.				
	A copy of the order canceling the sale should in each case be supplied to the Board of Revenue.				
45	Exchange of Nazul land of equal value	i. Upto Half of an acre in urban areas ii. Upto Half of an acre in rural areas	--		
46	Exchange of land under the present grant of occupancy with state land in colony areas	Full Powers	--		
	Specific Condition(s):				
	1. where land has been acquired for public purposes;				
	2. where the Irrigation Department find difficulty in maintaining irrigation; and				
	3. where the land has been adversely affected by water logging and the sub-soil water is reported by the Irrigation Department or any other agency of Government dealing with water logging and salinity control, to be within five feet of the surface and the area affected has become banjar to the extent of one third of the total holding and is in-capable of bearing 25 paisa crop owing to the presence of thur.				
47	To sanction renewal for the term of the new settlement of land revenue, assignments enjoyed by religious and charitable institutions or rest houses the terms of which have expired with the expiring settlement	Grant of Annual value of Rs. 5000 or under	--		
48	To convert an assignment of land revenue released for the life or lives of altered the Manager or Managers of religious and charitable institution or rest house into an assignment for	Grant of annual value of Rs. 1,000			

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	the terms of the new settlement on the conditions of its proper maintenance even though one or more of the grantees is still alive				
	Specific Condition(s): 1. That a grant of which the conditions have been so shall in no case be resumed until it is liable to resumption under the conditions on which it was originally made.				
49	To sanction continuance of village grants at general re-assessment of a district	All grants of the annual value of Rs. 400 or under the period not exceeding the term of the new settlement			
50	To sanction continuance of religious & charitable grant for the remainder of terms of a settlement if the original term of release expires during the period of settlement	All grants of annual value of Rs. 1,000 or under			
51	Sale of village residential shop site by private treaty	--	Full Powers		
	Specific Condition(s): 1. Subject to the orders of the Board of Revenue regarding the price.				
52	Fixation of compensation in case involving breach of the conditions of sale	Full Powers	--		

SECTION-XI BUDGET

C.No. 1(10-11)

CONSTITUTIONAL PROVISIONS RELATING TO PROVINCIAL GOVERNMENT BUDGET

Article 118 - Provincial Consolidated Fund and Public Account. – (1) All revenues received by the Provincial Government, all loans raised by that government, and all moneys received by it in repayment of any loan, shall form part of a consolidated fund, to be known as the Provincial Consolidated Fund.

(2) All other moneys –

- (a) Received by or on behalf of the Provincial Government; or
- (b) Received by or deposited with the High Court or any other Court established under the authority of the province;

Shall be credited to the Public Account of the Province.

Article 120 - Annual Budget Statement. – (1) The Provincial Government shall in respect of every financial year, cause to be laid before the provincial assembly, a statement of the estimated receipts and expenditure of the Provincial Government for that year, in this Chapter referred to as the annual Budget Statement.

(2) The Annual Budget Statement shall show separately –

- (a) The sums required to meet expenditure described by the Constitution as expenditure charged upon the Provincial Consolidated Fund; and
- (b) The sums required to meet other expenditure proposed to be made from the Provincial Consolidated Fund;

And shall distinguish expenditure on revenue account from other expenditure.

Article 121 - Expenditure charged upon Provincial Consolidated Fund. The following expenditure shall be expenditure charged upon the Provincial Consolidated Fund: -

- (a) The remuneration payable to be Governor and other expenditure relating to his office, and the remuneration payable to –
 - i. The Judges of the High Court; and
 - ii. The Speaker and Deputy Speaker of the Provincial Assembly;
- (b) The administration expenses, including the remuneration payable to officers and servants, of the High Court and the Secretariat of the Provincial Assembly;
- (c) All debt charges for which the Provincial Government is liable, including interest, sinking fund charges, the repayment or amortization of capital and other expenditure in connection with the raising of loans and the service and redemption of debit on the security of the Provincial Consolidated Fund;
- (d) Any sums required to satisfy any Judgment, decree or award against the province by any Court or Tribunal; and
- (e) Any other sums declared by the Constitution or by Act of the Provincial Assembly to be so charged.

Article 122 - Procedure relating to Annual Budget Statement. (1) So much of the Annual Budget Statement as relates to expenditure charged upon the Provincial Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the Provincial Assembly.

- (2) So much of the Annual Budget Statement as relates to other expenditure shall be submitted to the Provincial Assembly in the form of demands for grants, and that Assembly shall have power to assent to, or to refuse to assent to, any demand or to assent to any demand subject to a reduction of the amount specified therein.
- (3) No demand for grant shall be made except on the recommendation of the Provincial Government.

Budget Call Circular: - Annual budget preparation in the public sector begins with the issuance of budget call letter or circular by the respective Finance Departments of Provincial Government. It is issued to Administrative Secretaries with copies to Heads of attached Departments and Deputy Commissioners in districts. The concerned Line Departments further circulate the Budget Call Circular among their respective district tiers of offices. The call letter provides a calendar for key activities, timelines to be met, and policy parameters for preparation of budget proposals, and format

in which districts may submit their budget proposals. Budget Call Letter is required to be issued in October every year.

**RELEVANT PROVISIONS OF GENERAL FINANCIAL RULES AS
GUIDELINES FOR MAKING ESTIMATES OF REVENUE AND
ORDINARY EXPENDITURE
(NON-DEVELOPMENT AND DEVELOPMENT).**

Para 67. Except in cases in which Government has expressly directed otherwise, departmental estimates of Revenue and Expenditure should be prepared in two parts namely,

Part-I. Relating to standing charges which though they may vary from year to year or never the less not dependent upon the volition of the head of department. Examples of such charges are permanent establishments (both officers and staff), travelling and other fixed allowances, and ordinary contingent expenditure.

Part-II. Relating to fresh charges which may include new objects of expenditures, such as temporary additions to existing establishments or to services, facilities and organizations which are either continued from year to year on temporary basis or have been newly sanctioned and have not been provided for in the current year's budget. This applied also to estimates of development expenditure special feature of whose estimates have been dealt with separately in these rules¹.

C.No. 2(10-11)

(PART I - NON-DEVELOPMENT)

69. The detailed estimates should be prepared on forms supplied by the Account Offices² which contain separate columns to show: -

- (i) The sub heads and detailed heads of the estimates;
- (ii) The actuals of the past three years under each detailed head or sub head;
- (iii) The Budget estimates for the current year;
- (iv) Actuals of the last eight months of the previous year and first four months of the current year;
- (v) The revised estimates for the current year, and
- (vi) The Budget estimates for the ensuing year.

¹ Para 82 of GFR.

² In case of Provincial Government, it is Finance Department which provides the forms with Budget Call Circular.

The revised estimates, like past actuals are one of the important factors to be taken into account in preparing the Budget estimates. The column “Revised” should, therefore, be invariably filled in and great care should be taken in including or omitting commitments that are likely to materialize or not during the year.

Para 70. The making of the revised estimates should always precede an estimate of a future year. A revised estimate should be framed in the light of

—

- i. Actuals for the first four months of the current year;
- ii. The actuals for the last eight months of the previous year;
- iii. The twelve month’s actuals of the past three years;
- iv. Orders issued or proposed to be issued regarding —
 - a. Appropriation or re-appropriation within the sanctioned grant,
 - b. New items of expenditure sanctioned through supplementary grants, and
 - c. Surrenders already made or likely to be made during the year.
- v. Any other relevant factors.

Any information required from the Accountant-General in connection with these estimates should be obtained from him separately.

Para 70A. Where Revised Estimates of expenditure for the current financial year exceed the sanctioned grant, it should be clearly stated that whether the increase has been authorized by Competent Authority and, if so, attested copies of relevant orders should be appended to the estimates. It is also necessary to indicate how the increase is proposed to be met (i.e., by re-appropriation of savings within the grant or through supplementary grant). When the Revised Estimates are less than authorized grant, reasons for the savings should also be given. These requirements are applicable to both Part – 1 and Part – II estimates.

Para 71. In framing the budget estimates, the estimating authorities should exercise the utmost foresight. All items of receipt and expenditure that can be foreseen should be provided for and care should be taken in consultation with the Accountant General, where necessary, to see that the provision is included under proper heads. Needless to say, although the estimating authorities are asked to provide for all foreseeable items, Finance Division¹ will exercise its

¹ For Provincial Government Finance Department.

right to excise or reduce the provision for any item which it thinks unjustifiable. An exhortation to show foresight is not an invitation to provide for additional items of expenditure without adequate justification. While provision should be made for all items of expenditure that can be foreseen, it is essential that the amount of the provision should be restricted to the absolute minimum requirement. The budget Estimates of non-development expenditure for ensuing year should be accompanied by such details as nominal rolls in the prescribed form, calculation of Allowances, Honoraria, etc. and Other Charges so as to permit proper scrutiny. They should further be supported by a comparative statement in Form S-203 showing the position of past three years actual, the sanctioned grant and the Revised Estimates for current year and the proposed Budget Estimates for next year.

Para 72. In making estimates in respect of fixed charges, it must be borne in mind that what are called fixed establishments are not irrevocably fixed for all items and should be brought under the formal critical review of heads of departments from time to time. Even when there is no thought or intention of making any change in establishments, heads of departments should review the entire estimates of the requirements of their departments. Similarly, sanction to recurring contingent expenditure should also be brought under the review of heads of department from time to time.

Para 73. The following are the main rules for the preparation of the detailed estimates: —

(i) The Federal Budget¹ is on disbursement basis and not on commitment basis. The estimates should, therefore, be prepared on the basis of what is expected to be actually received or paid (under proper sanction) during the ensuing year, including arrears of previous years and not merely the demand or the liability of expenditure falling due within the year. The transactions are to be shown gross and in full even where the receipts are treated as deduction from expenditure. In no case the net receipts or the net charge only are to be entered.

(ii) The budget estimates should only include items which have already been cleared with Finance Division². Any item which is appearing in Part I estimates for the first time should be supported by a copy of the sanction authorizing the continuance of that particular item of expenditure on a permanent basis. Fresh items of expenditure which have been previously agreed to by Finance Division should be included only through Part II estimates. Provision for posts sanctioned for a specific period should, if their

¹ In case of Provincial Government "Provincial Budget"

² In case of Provincial Government "Finance Department"

continuance be considered necessary, be made through Part II estimates. In such cases, justification should be established to the satisfaction of Financial Advisor concerned before submission of budget estimates.

(iii) The estimates proposed under the primary units, 'Pay of Officers' and 'Pay of Establishments' should be accompanied by detailed nominal rolls in Form GFR-I.

(iv) The estimates should further show the charged and other than charged portions of the provision under the relevant primary units separately: —

(1) In framing estimates for sanctioned establishment whether permanent or temporary, the full amount of pay and increments likely to be drawn by officers and staff on duty during the year should be included. Suitable provision for leave salary should be made both for officers and establishment on the basis of past actuals with due regard to any known factors which may affect the past actuals. No provision of leave salary should be made for officers and staff of those cadres for which leave reserve has been provided. Provision for those who are on deputation or otherwise absent and unlikely to return to the strength within the period of budget should be excluded, but the names of the personnel on deputation should be shown in the nominal rolls. A lump deduction should be made where experience shows that a saving may occur by reason of posts remaining vacant or for other reasons.

(2) When consolidating the detailed estimates in respect of "Pay of Officers" and "Pay of Establishments" the number of posts must be carefully checked and in case of variation in numbers or the amounts of the provisions compared to those in the current year's budget, an explanation should be included in the estimates. If the increase is based on specific Government sanction, a copy of the sanction should be enclosed with the estimates.

(3) Provision should not be made in the estimates for posts which it has been decided to leave unfilled. If it is desired to revive any of these posts which has remained vacant for more than a year, prior concurrence of Finance Division should be obtained before including any provision in the estimates on this account. In all such cases, the relevant estimates should be accompanied by a copy of the sanction.

(v) For all fixed recoveries and fixed payments (other than establishment charges) an authenticated copy of the sanction fixing the amount should be enclosed.

(vi) Opposite every item of fluctuating charges (such as traveling allowance, contingent charges, official postage, telephone charges, etc.) the actual expenditure in the last three years should be shown in red ink. If estimates of these charges for the ensuing year differ to any appreciable degree from the actuals of the preceding year, full explanation for the variation should be given.

NOTE. —the estimates of contingent charges should be carefully checked by the Controlling Officers by comparison with past actuals. In the case of contract contingent charges, only the sanctioned amount of the contract grant should be included.

(vii) The provision for traveling allowance and honoraria under the primary unit Allowances, Honoraria, etc, should be shown distinctly and separate from other allowances.

(viii) The estimate of receipts and varying charges should not be merely an arithmetical average of three year's figures. The average is a guide but it should not be taken absolutely.

(ix) Under revenue, the calculation of fixed revenue is to be based on actual demands, including arrears, if any and likelihood of realization during the year. The arrears and current demand are, however, to be shown separately. The estimates of fluctuating revenue may be based on the average of last 3 years' actuals, unless there are any known circumstances to affect these actuals one way or the other.

(x) Every department will provide for the whole receipt and charge with which it deals finally; thus, when the Pakistan Public Works Department collects revenue on account of civil works, it will estimate for it.

(xi) Lump sum provision in the budget should not be made or proposed except in most exceptional circumstances, which should be invariably recorded. As far as possible, provision for contingent charges under the primary unit "Other Charges" should be proposed according to the prescribed detailed heads of expenditure so that the number of references to the Financial Advisers / Finance Division is reduced to the minimum.

(xii) Provision for losses should not be made in the expenditure estimates. If, however, the nature of the work of a department is such that some losses must be regarded as inevitable each year, provision in this behalf may be made with the specific sanction of Finance Division.

(xiii) Estimates of anticipated revenue both for current and subsequent years will be prepared by each Ministry / Division / Department and rendered to the Accountant General on dates to be prescribed by him;

(xiv) Part I of the budget which relates to standing charges and Part II estimates relating to fresh charges should be scrutinized finally by the Financial Adviser concerned. He would issue to AGPR / Budget Wing of the Finance Division copies of the Budget orders in respect of Part I estimates and New Item Statements in respect of Part II estimates. The admitted Part I and Part II estimates would be compiled together into relevant “Demands for Grants” by the Finance and Accounts Officer of the Administrative Ministry / Division and sent through the Financial Adviser to the Budget Wing of Finance Division.

ESTIMATES OF FRESH CHARGES (Part-II—Non-development)

Para 74. Subject, as provided in Annexure A to this Chapter, proposals if any, involving fresh charges should be submitted by heads of departments and other estimating authorities to the Administrative Divisions concerned not later than the 15th October, each year to permit the latter to undertake an examination of the proposals in their various aspects. It is open to the Administrative Divisions to require heads of departments, etc, to submit proposals for fresh charges in the course of the year without reserving them for a consolidated report at the time of the submission of the budget estimates of the ensuing year and also to require them to submit direct to other Ministries/ Divisions of the Federal Government such of the proposals for fresh charges as require to be considered by the later, in order to ensure that the proper consideration of the proposals from the administrative and financial points of view is completed before the 1st of November.

Para 75. No scheme of fresh charges will be included in the Budget unless it is complete and finally approved. In submitting proposals for fresh charges, administrative difficulties and delays in sanctioning processes should always be borne in mind and not more should be recommended for provision in the budget than is likely to be spent during the course of the financial year.

Para 81. For purpose of economic classification of the Federal Government’s budget, the provision of contingent charges and other expenditure included under the primary unit, ‘Other Charges’ will be broken down into the under-noted detailed heads, wherever applicable:—

- (a) Land and buildings, purchase of.
- (b) Plant, machinery, equipment, livestock etc.

- (c) Purchases of Transport (specify whether Motor Cars, Motor Cycles or Cycles).
- (d) Stores, furniture, tents, stationery, etc.
- (e) Repair and maintenance of: — (i) Building and structures, plant machinery and equipment. (ii) Transport (Car, Motor Cycle, etc.) (f) Books, Periodicals, newspapers, etc.
- (g) Liveries, uniforms, etc.
- (h) Electricity, gas and water charges.
- (i) Hot and cold weather charges.
- (j) Payments to contingent staff (part time employees such as Sweepers, Farashes, Malis, etc., and charges for supply of drinking water).
- (k) Conveyance allowances paid from contingencies.
- (l) Rewards, bonuses, etc.
- (m) Section-writing and copying charges.
- (n) Royalties paid (details to be given.)
- (o) Stipends, scholarships, prizes, etc.
- (p) Postage and telegram charges.
- (q) Rent: (i) Office Buildings. (ii) Residential Accommodations.
- (r) Telephone and trunk call charges.
- (s) Transportation charges.
- (t) Local rates and taxes.
- (u) Other taxes and duties.
- (v) Grant in aid, contributions, donations (details to be given).
- (w) Payments to other Government Departments, etc, for services rendered (details to be given).
- (x) Expenditure on delegations (details of traveling and other allowances to be given).
- (y) Law charges.
- (z) Printing and publication charges.
- (aa) Entertainments and gifts.
- (ab) Expenditure on fares and exhibitions (details of expenditure on establishment, equipment, etc., to be given).
- (ac) Expenditure on subsidies (details to be given).
- (ad) Surveys and experimental operations (details of expenditure on staff, tools, and plants, etc, to be given).
- (ae) Publicity charges (details to be given)

C.No. 3(10-11)

PART II.—DEVELOPMENT

Para 82. (1) The concept of a workable definition of development expenditure should take into account of following basic considerations: —

- (i) That it creates material assets;
- (ii) That it is designed to keep intact, to enlarge and to improve the physical resources of the country;
- (iii) That it will improve the knowledge, skill and productivity of the people; and
- (iv) That it will encourage efficiency with which available resources are used.

(2) The estimates of development expenditure will include only the schemes approved in according with the prescribed procedure. Simultaneously with the formulation and submission of their Annual Development Program to Planning Division, the administrative Ministries / Divisions will supply a copy of the program to their respective Financial Adviser. This will be accompanied by detailed expenditure estimates for budget provision in respect of individual projects. Other relevant information or material shall be supplied according to the time-table prescribed by Planning Division.

(3) In the case of on-going projects, the estimates should also be accompanied by relevant files in which budget provision was admitted. All new projects for which budget provision is proposed for the first time should be supported by relevant PC I or PC II Form. A statement in PPWD Form 4 showing the provision that may have been separately proposed to Works Division for works expenditure if any, pertaining to a project should also be submitted alongwith the budget estimates. Works Division will compile them according to individual development projects included in the Annual Development Program and furnish a copy to the Budget Wing of Finance Division within three days after the finalization of the Budget estimates in respect of development projects.

(4) While proposing budget estimates for projects/schemes included in the Annual Development Program, the Ministries / Divisions will ensure that there is no overlapping as to be nature and scope of project / scheme included in the ADP between (a) items proposed for the development budget, and (b) those provided for in the non-development budget. In cases where budget provision for carrying out certain activities and operations is made partly through the non-development budget and partly through the development budget (e.g., Plant Protection, Survey of Pakistan, Meteorological services,

etc.) the administrative Ministry / Division concerned should present a consolidated picture while referring its budget estimates of development expenditure to the Financial Adviser.

(5) Fair copies of New Item Statements in respect of accepted estimates of development expenditure will be distinctly marked to indicate that the provision relates to development expenditure. Another important point to be kept in view is that the classification of expenditure (i.e., major, minor and sub-heads of accounts) are correctly shown on the NISs and submitted to the Budget Wing of Finance Division within 24 hours of approval by Priorities Committee.

(6) The revised estimates will not in any case exceed the original budget plus supplementary grants already sanctioned minus surrenders and shortfall in utilization of foreign project assistance.

(7) The foreign exchange component of estimates of development expenditure is required to be shown distinctly together with the source from which it will be met (i.e., whether from “own resources” or from “foreign aid”). This information should be furnished in separate statements to be submitted to the Financial Adviser along with the estimates of development expenditure. When the foreign exchange component is intended to be financed (wholly or partly) from foreign aid, the source and type of aid will be invariably indicated in the New Item Statement. The foreign exchange component from “own resources” will be distinguished between each, barter, and / or commodity assistance. Similarly foreign aid will be distinguished between loans and grants / suppliers credit, etc., and the source of foreign aid clearly identified.

(8) Irrespective of its source / type, all foreign aid (loan or grant) is required to be reflected in the expenditure estimates of the relevant projects. The estimates of foreign aid will be cleared with Economic Affairs Division before incorporation in the budget estimates. All foreign aid directly or indirectly received by the Federal Government / Provincial Governments bodies and other agencies should be duly accounted for in the relevant Federal or Provincial sections of accounts as the case may be. In case of foreign aid received by any private body / individual with the approval / guarantee of the Government, all transactions in this behalf shall be made with the knowledge and approval of the respective Government.

(9) Foreign commodity assistance, though classified as foreign aid, is budgeted on the resource side in bulk and is not apportioned to projects even though some of the commodities may be utilized for development projects. Since such commodities have to be paid for in rupees, the portion of

expenditure related thereto will be included by the Ministries / Divisions in their requirements of local currency for the relevant projects. This provision will also be clearly distinguished in the relevant New Item Statements.

(10) The provision made for foreign exchange expenditure is not available for rupee expenditure or vice versa and no re-appropriation is permissible between the provision for rupees and foreign exchange expenditure. This should be kept in view while framing the estimates for rupee as well as foreign exchange requirements.

(11) When furnishing the above information the estimating authorities should, as far as feasible, specify the physical targets in quantitative terms e.g., road mileage to be constructed, hospital beds to be provided, number of new school seats to be made available, acreage to be covered by Plant Protection measures, etc., etc.). In cases where quantitative assessment of physical targets is not feasible, the likely achievements should be specified in broad details.

(12) As in the case of non-development budget, details of posts under “Pay of Officers” and “Pay of Establishment” should be given in respect of development budget as well.

(13) The sponsoring agencies will accord priority to foreign aided projects as are in conformity with national objectives.

(14) All schemes may be classified into on-going/new and approved or unapproved, as the case may be, according to the status of the scheme. If the original scheme is revised, approval of the competent authority for revised cost will be obtained before any request for budgetary allocation is made.

(15) No expenditure should be incurred, nor any commitment of funds made for any project not included in the Annual Development Program, nor any work started, contract awarded, any down payment made, letters of credit opened for which there is no budgetary provision.

(16) Ongoing projects which are in fairly advanced stage of completion or such projects as are likely to yield quick return to the Government should be given priority.

(17) All schemes shall automatically qualify for inclusion in the Annual Development Program if these are also included in the short or mid-term plan viz, Five Year Plan, Mid Term Perspective etc. as the case may be and would

be given priority over other schemes while making allocation of resources within the sectoral ceilings.

(18) The Annual Development Program will be prepared within the following parameters: —

- (i) Annual Phasing of sectoral allocations in the Medium Term (5 year) plan.
- (ii) Phasing of expenditure on approved projects included in the Medium-Term Plan and their present status.
- (iii) Actual resource availability compared with projected resource for the year in the Medium-Term Plan

(19) The agencies concerned will prepare their Annual Development Programmes on the basis of the annual sectoral allocation in the Plan and requirements of individual projects according to their actual status. They will also be required to take into account the expected utilization of committed foreign aid. Simultaneously, Finance Division will prepare the resource position in order to work out the fiscal surplus and other internal and external resources available for financing the next year's Annual Development Programme. For this purpose, estimates of all revenue and capital receipts will be prepared on the basis of existing taxation. The estimates of revenue surplus and net capital receipts and surpluses of Provinces and Corporations will constitute the net internal resources available, for financing development expenditure. The Economic Affairs Division will furnish the estimates of external assistance.

(20) In order to determine the size of the Annual Development Programme, the following data will be computed: —

- (i) Revenue surplus and net capital receipts on the basis of status quo;
- (ii) Estimates of external assistance;
- (iii) Likely size of additional taxation effort, and
- (iv) Share of budgetary support in the overall monetary expansion planned for the next year.

(21) Once the size of Annual Development Program is tentatively determined on the above basis, readjustment in priorities and sectoral allocations in the Annual Development Program will be made by Planning Division. Thus, a frame-work for the next year's Annual Development Programme will be prepared.

(22) The Priorities Committee, headed by Additional Finance Secretary (Budget) will examine the demands for allocation for individual projects in the light of the total available resources, the revised sectoral priorities,

phasing of the projects, availability of foreign assistance and the present status of the projects. The projects-wise allocations made to Ministries / Divisions under each sector will constitute the draft of the public sector annual development programme which will be submitted to the Annual Plan Coordination Committee. The draft will be reviewed by the committee in the light of predetermined priorities, resource position and representation from various agencies. The Annual Plan Coordination Committee will also review the development requirements of the Provincial Government and make allocation for their Annual Development Programmes. The Provinces will then be required to make adjustments in sectoral and project-wise allocations in the light of overall size and priorities approved by the Annual Plan Coordination Committee. The National Public Sector Annual Development Programme comprising the Federal Programme and the outlines of the Provincial Program will be submitted to the National Economic Council for approval.

(23) The approved project-wise allocations to the Federal agencies will constitute the authority for framing the development demands for grants of these agencies in the Federal Budget. Similarly, the overall size of the Provincial ADPs, and the break-down between expenditure financed from foreign loans and grants will constitute the basis for budgeting of the Federal development assistance to the Provinces. Thus, the allocations in the ADP and their break-down into internal and external expenditure, expenditure not from foreign aid, expenditure from loan and grants will constitute the basis for compilation of the development portion of the Federal Budget.

SURRENDER OF ANTICIPATED SAVINGS

Para 94. A department or disbursing officer may find in the course of the year that the expenditure under some sub-head is likely to be less than the provision in the Budget. The saving may be due to one or more of the following causes: —

- (i) Actual postponement of expenditure;
- (ii) Real saving due to economy; and
- (iii) Normal savings due either—

- (1) To original over-estimating; or
- (2) To the usual administrative causes, e.g., casualties, etc.

Saving due to cause (i) should in no circumstances be used for re-appropriation to meet new items of expenditure without the sanction of Government. Unless savings due to cause (ii) have been made deliberately to provide for an unforeseen emergency, they should not ordinarily be utilized

in the course of the year for new items of expenditure, as it is desirable that all such new items should be considered together at the time of the preparation of the Budget.

95. “All anticipated savings should be surrendered to Government immediately these are foreseen but not later than 15th May of each year in any case, unless they are required to meet excesses under some other unit or units which are definitely foreseen at the time (see paragraph 98). However, savings accruing from funds provided through Supplementary Grant after 15th May shall be surrendered to Government immediately these are foreseen but not later than 30th June of each year. No savings should be held in reserve for possible future excesses.”]

96. It is contrary to the interest of the State that money should be spent hastily or in an ill-considered manner merely because it is available or that the lapse of a grant could be avoided. In the public interest, grants that cannot be profitably utilized should be surrendered. The existence of likely savings should not be seized as an opportunity for introducing fresh items expenditure, which might wait till next year. A rush of expenditure particularly in the closing months of the financial year will ordinarily be regarded as a breach of financial regularity.

EXPENDITURE NOT PROVIDED FOR RE-APPROPRIATIONS AND SUPPLEMENTARY GRANTS

GENERAL RULES

Para 97. Expenditure for which no provision has been made in the original budget estimate of the current financial year should rarely, if ever, be incurred.

Para 98. It may, however, be found that an excess is likely owing to either (1) an unforeseen emergency, or , (2) under-estimating or insufficient allowance for factors leading to the growth of expenditure. In the case of an excess of either type, the head of the department or Controlling officer concerned should proceed as follows:—

- (i) He should in the first place examine the allotments given to other disbursing officers under the same detailed head inside the unit of appropriations, and transfer to the disbursing officer who requires an additional allotment such sums as can be permanently or temporarily spared. Since appropriation audit will ordinarily be conducted against total allotments for a unit. There is here no question of re-appropriation in the technical sense of the word. The process amounts to nothings

more than redistribution, which the Controlling officer can ordinary affect without reference to any other authority.

(ii) Should he find such redistribution impossible, he should examine the allotments against other detailed heads inside the primary units of appropriation, with the object of discovering provable savings and effecting a transfer. Where such redistribution is feasible, he should, if he has been invested with the necessary powers, carry it out. Otherwise, he should obtain the sanction of the competent authority.

(iii) If provision of funds from within the primary unit proves to be impossible, an examination of the whole grant should be undertaken to see whether there are likely to be savings under any of the other units of appropriation due to cause (iii) described in paragraph 94, which can be utilized to meet it. If so, he should proceed as indicated in clause (ii) above.

(iv) If such savings are not available, it should be seen whether special economies can be effected under other sub-heads. If funds cannot be provided by either of these methods, it will have to be considered whether the excess should be met by postponement of expenditure or whether an application for a supplementary grant should be made. In either case, application will have to be made to the Ministry of Finance through the Administrative Department concerned and the course recommended by the latter stated. Normally, an application for a supplementary grant will not be entertainer by Government unless the anticipated excess is due to a cause beyond the control of the authority concerned and funds cannot be found by any legitimate postponement of expenditure for which provision already exists. All application for supplementary grants should be accompanied by a full explanation of the reason for the excess and of the impossibility of providing funds to meet it.

RE-APPROPRIATION OF FUNDS

Para 99. Re-appropriation, which implies the transfer of funds from one primary unit of appropriation to another such unit within a grant, can be sanctioned under formal orders of a competent authority, only when it is known or anticipated that the appropriation for the unit from which funds are to be diverted will not be utilized in full, or that savings can be effected in the appropriation for that unit in the manner indicated in paragraph 94. In no case it is permissible to re-appropriate from a unit with the intention of restoring

the diverted appropriations to that unit when savings become available under other units later in the year. Any allotment or re-appropriation within a grant or appropriation may be authorized at any time before but not after the expiry of the financial year to which such grant or appropriation relates.

NOTE. —The powers of re-appropriation conferred upon subordinate authorities (vide schedule III to the Book of Financial Power) are also subject to the condition specified in paragraph 8 and 9 of that Book and such other general or specific restrictions as may be imposed by Government in this behalf.

Para 100. An application for additional appropriation of funds should ordinarily be supported by a statement in form G.F.R. 8 (or other special form as may be authorized by departmental regulations) showing how the excess is proposed to be met. In all orders sanctioning re-appropriation, the reasons for savings and excess of Rs.1,000 or over and the primary units (and secondary units, where necessary), affected should be invariably stated. The authority sanctioning the appropriation should endorse a copy of the order to the Accountant General, concerned.

SUPPLEMENTARY GRANTS

RELEVANT PROVISION OF THE CONSTITUTION OF 1973: -

123. **Supplementary and excess grant: -** if in respect of any financial year it is found -

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Budget Statement for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the Provincial Government shall have power to authorize expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by the Constitution upon that fund or not, and shall cause to be laid before the Provincial Assembly a Supplementary Budget Statement or, as the case may be, an excess Budget Statement, setting out the amount of that expenditure, and the provisions of Article 120 to 123 shall apply to those statements as they apply to the Annual Budget Statement.

SUPPLEMENTARY GRANTS (General Financial Rules)

Para102. All applications for Supplementary Grants under paragraph 98 of GFR be submitted so as to reach Ministry of Finance by 31st May at the latest. Administrative Ministries/Departments should not, however, hold up applications till that day but should forward each application to Ministry of Finance as soon as a Supplementary Grant becomes necessary. Finance Division would not entertain any request for a Supplementary Grant beyond 31st May of the respective financial year.

Para103. On receipt of an application for a supplementary grant, the Ministry of Finance will review the position of the grant as a whole with reference to the known actuals of the year to date and actuals and estimates for previous years. If after this examination, the Ministry of Finance comes to the conclusion that it should be possible for the Administrative Department to meet the expenditure within the sanctioned grant, either from normal savings or by special economies or in the last resort by judicious postponements of other expenditure, the Administrative Department will be so informed and no supplementary demand will be presented to the Assembly. If, on the other hand, the Ministry of Finance considers that a supplementary grant will be necessary, a demand will be placed before the Assembly as soon as possible.

Para 104. The supplementary grants and appropriation referred to in the preceding paragraphs are such as are required by extra expenditure on the normal activities or the department. Expenditure on a new service, in the technical sense, and on new items, such as, new buildings new roads, etc., for which no provision exists in the budget, may be incurred in the middle of the year only in exceptional cases. Government is averse, on general principle, to admitting such demands in the course of the year. In case, however, the necessity to incur such expenditure is urgent, the Administrative Department should explain clearly why it was not provided for in the original Budget, and it cannot be postponed for consideration in connection with the next Budget. The Ministry of Finance, if satisfied on these points, will consider whether it would not be reasonable to ask the department concerned to curtail its other expenditure so as to keep the total within the grant. Ordinary, no new service or item will be accepted by the Ministry of Finance unless the department concerned can guarantee that the extra expenditure will be met from normal savings or by special economies within the grant. Cases which involve a supplementary grant will normally be accepted by the Ministry of Finance only if they relate to matters of real imperative necessity, or to the earning or safe-guarding of revenue. In such cases the demand for a supplementary grant, or for a token grant in respect of a 'new service' if the expenditure can

be met by re-appropriation, will be presented to the Legislature as soon as practicable after the need arises.

SECTION-XII FINES & FEES

C.No. 1(10-12)

RULES UNDER SECTION 386(2) OF THE CODE OF CRIMINAL PROCEDURE, 1898

Section 386(2):- The Provincial Government may make rules regulating the manner in which warrants under sub-section 1 clause (a) or to be executed, and for the summary determination of any claim made by any person other than the offender in respect of any property attached in execution of such warrant.

THE WEST PAKISTAN RECOVERY OF FINE RULES, 1959

No. 15/195-H-Judl/56. – In exercise of the powers conferred by sub section (2) of Section 386 of the Code of Criminal Procedure, 1898, he Governor of the West Pakistan is pleased to make the following rules:-

1. (1) These rules may be called the West Pakistan Recovery of Fine Rules, 1959.
(2) They shall apply to all areas within West Pakistan (except the Federal Capital and the Special Areas) to which the Code of Criminal Procedure, 1898 is applicable.
(3) They shall come into force at once.
2. Words and expression used in these rules shall have the same meaning as are assigned to them in the Code of Criminal Procedure, 1898.
3. (1) Where the Court passing the sentence to pay a fine resort to action under clause (a) of sub-section (1) of Section 386 of the Code of Criminal Procedure 1898, it may, if such movable property is within the local limits of such court issue a warrant for attachment thereof and, subject to other provisions of these rules, proceed to sale.
(2) If such property is without the local limits of such Court, it may by warrant authorize attachment and sale thereof and forward the warrant for endorsement to the District Magistrate of the place within the local limits of whose jurisdiction such property may be found.
(3) The District Magistrate may himself execute the warrant or make it over to any Magistrate of the first of second-class subordinate to him. The District Magistrate or the Magistrate, as aforesaid, shall exercise the same power and perform the same duties in respect of such

warrant as if it has been issued in pursuance of sentence of fine passed by himself.

4. If the property ordered to be attached is a debit other movable property, the attachment shall be made as nearly as may be in accordance with the provisions of Order XXI, rules 43, 46, 47, 48, 51 and 53 of the First schedule to the Code of Civil Procedure, 1908, as if the sentence of fine were a decree passed by a Civil Court and the Court, the District Magistrate or the Magistrate as aforesaid, were a Civil Court executing the decree.

5. If the property ordered to be attached consists of live-stock or is of perishable nature the Court may, if it thinks it expedient, order immediate sale thereof and in such case the proceeds of the sale shall abide the order of the Court.

6. The powers, duties and liabilities of a receiver appointed in pursuance of these proceedings shall be the same as those of a receiver appointed under Order XL of the First Schedule of the Code of Civil Procedure, 1908.

7. If any claim is preferred to or objection made to the attachment of any property attached under these rules within thirty days of the date of such attachment by any person other than the offender on the ground that the claimant or objector has an interest in such property and that such interest is not liable to attachment under Section 386 of the Code of Criminal Procedure, 1898, the claim or objection shall be inquired into and may be allowed or disallowed in whole or in part.

Provided that any claim preferred or objection made within the period allowed by these rules may, in the event of the death of the claimant or objector be continued by his legal representative

8. Claims or objections under the preceding rule may be preferred or made as the case may be; -

- (i) In the court by which the order of attachment is issued;
- (ii) If the claim or objection is in respect of property attached under an order endorsed by the District Magistrate, in the court of such District Magistrate;
- (iii) If such warrant has been made over to a Magistrate subordinate to the District Magistrate in pursuance of sub-rule (3) of rule 3, in the Court of such Magistrate

9. If during the proceedings the offender pays the fine, the property shall be released from attachment and further action shall terminate.

10. The sale of the attached property shall be governed as nearly as may be, by the provisions of Order XXI, rules 64, 65 to 69, 74, 75 and 80 of the First Schedule to the Code of Civil Procedure, 1908.

11. Any person whose claim or objection has been disallowed on whole or in part by an order under rule 7, may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

INSTRUCTIONS RELATING TO FEES

C.No. 2(10-12)

MAL-PRACTICE IN THE SALE AND PURCHASE TRANSACTIONS OF IMMOVABLE PROPERTIES

I am directed to say that it has been complained that generally the people got into agreement with each other, and obtain consent decrees from the Civil Court, which causes great loss to Government in the shape of saving of court fee stamp, by them. The Law on the point is clear, and in order to curb the evil, I am to request that all the Civil Courts should take into consideration the provision of Rule 3 of order XXIII of the Civil Procedure Code, and take themselves sure, and satisfied that the agreement, and compromise is legal, and is not effected to avoid provision of Law.

(PHC letter No.4606-18/ Dated Pesh: the 7th Oct; 1974)

C.No. 3(10-12)

PROCESS FEE

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that the courts do not charge process fee in all the civil cases irrespective of the value of the subject matter or relief claimed therein.

The actual legal position is that the process fee is very much part of court fee as charged under the Court Fees Act, 1870 and a fortiori does fall within the ambit of NWFP Court Fees (Abolition) Ordinance, 1978, as interpreted by this Court in a case entitled “Shahzullah v/s Syed Shahabuddin” reported in PLD 1979 Pesh: 33. The ratio of this case was further approved by august Supreme Court of Pakistan in a case entitled “Ajab Khan v/s Messers Karim Industries Ltd” reported in 1988 SCMR 1660.

After the promulgation of NWFP Court Fees (Abolition) Ordinance, 1978, only those civil cases have been exempted from the court fee (including process fee), the value of subject matter whereof, or relief claimed wherein does not exceed twenty five thousand rupees and no blanket exemption is accorded by the said law.

You are, therefore, asked to ensure the compliance of the said law in letter and spirit by getting the process fee charged on civil cases, the value of subject matter whereof or relief claimed wherein exceed twenty five thousand rupees. This directive may be circulated amongst all the judicial officers of your district for compliance.

(PHC letter No.508-528/Admn Dated Peshawar, 11th January, 2010)

C.No. 4(10-12)

COURT FEE STAMPS ON ATTESTED COPIES

I am directed to refer to the subject noted above and to say that after the promulgation of NWFP Court Fees (Abolition) Ordinance, 1978, no court fee, in any form, can be charged in all criminal cases and in cases of civil nature, the value of the subject matter whereof, or relief claimed wherein, does not exceed twenty five thousand rupees.

The affixation of court fee stamps for the purpose of obtaining attested copies verily fall within the ambit of Court Fees Act, 1870, and pari ratione, the said Ordinance as further interpreted by a Single Bench of this Court in a case entitled “Shahzullah v/s Syed Shahabuddin” reported in PLD 1979 Pesh: 33. The ratio of this case was further approved by august Supreme Court of Pakistan in a case entitled “Ajab Khan v/s Messers Karim Industries Ltd” reported in 1988 SCMR 1660.

During the recent inspections of some copying agencies of the Province by this Court, it has been observed that the court fee in the form of court fee stamps is still being charged for providing attested copies in all criminal as well as civil cases and the applications for permission to get attested copies are also being stamped with court fee. It has also been observed that applicants are also being burdened with charges of photo copying in addition to court fee stamps. This practice is not in accordance with legal position as explained above.

After the promulgation of the Ordinance *ibid*, such fee cannot be charged in all criminal cases and those civil cases, the value of the subject matter whereof, or relief claimed wherein, does not exceed twenty five thousand rupees.

The inspections so conducted also reveal that the procedure as laid down by rules for copying agency is also not strictly adhered to which results in multiple irregularities such as delayed supply of copies, delayed receipt of

court files, and so on & so forth. Needless to mention that such irregularities have far reaching legal repercussions such as filing of cases, appeals etc within time or otherwise at the mercy of copying agency.

You are, therefore, asked to ensure the compliance of the legal position as discussed above, so that the benefit of the laws, probono publico, may be extended to the public in general and litigants in particular.

(PHC letter No.482-505/Admn Dated Peshawar, 11th January, 2010)

C.No. 5(10-12)

SHERIFFS' PETTY ACCOUNT – NEWSPAPERS CHARGES AND COMMISSION FEE

I am directed to refer to the subject noted above and to say that during inspection of various courts by this Court, it has been observed that certain sums required to be deposited in Sheriffs' Petty Account are not deposited in the account rather kept with the staff of the court which is unauthorized by rules on the subject. The attention of all concerned is drawn to Schedule 'A' of Sheriffs' Petty Accounts Rules as contained in chapter 8-D of volume-II of High Rules and Orders. The Schedule includes, inter alia, the advertisement charges of newspapers and commission fee. This practice also shows the lack of supervision by officer in charge of the agency.

You are, therefore, requested to ensure that the subject rules are complied with so that any possible financial defalcation is checked and curbed which is the true spirit of the rules on the subject. The officer in charge of the agency and District & Sessions Judge as inspecting authority are expected to make periodical checking & inspection as provided by the rules. The directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No.2098-2121/Admn Dated Peshawar, 11th February, 2010)

C.No. 6(10-12)

PROPER VALUATION OF SUIT AND AFFIXATION OF COURT FEE.

I am directed to refer to the subject noted above and to invite your attention, for your guidance, to a recent judgment of the august Supreme Court of Pakistan, reported as PLD 2016 Supreme Court 409. The Hon'ble Court has considered some significant propositions on the subject, which have been described in para-4 of its Judgement. The propositions are reproduced below:

- i. Where the value of the suit for purposes of jurisdiction fixed in the plaint has been altered (increased) by the civil court (trial court), what shall be the forum of appeal in view of the provisions of section 18(1)(a)(A) of the Civil Courts Ordinance, 1962;
- ii. Whether in the suits which are consolidated the trial court is obliged to pass separate decrees in each of the suits or a single decree shall be sufficient pursuant to a common judgment disposing of such suits; and
- iii. If two (or more) consolidated suits have different jurisdictional valuation and are decided through a common Judgement but separate decrees have been drawn, what shall be the forum of appeal in relation to such suits/decrees; whether in such a situation the aggrieved party is obliged to file separate (RFA) appeal before District Court and the High Court as per valuation of the suits, but the High Court where the appeal is competently filed against the common judgment and a decree which is pending can, in order to avoid conflict of judgments, withdraw the appeal filed/pending in the District Court and decide the same.

(PHC Letter No. 4610-34/Admn, Dated 10th March, 2017)

INSTRUCTIONS RELATING TO FINES

C.No. 7(10-12)

JUDICIAL FINES

I am directed to invite the attention of all the Courts to Vol. IV, Chapter II, Rule 5 and 19 of the High Court Rules & Orders (Criminal) for strict compliance in future.

Under Rule 5 all the Presiding Officers are obliged to check at the close of each day the amount of aggregate realization of fines entered in the register of Judicial Fine against the aggregate of the various receipts of payment of fine issued on that day with the following endorsement in the fine register in his own hand.

“Checked with the aggregate of receipt issued during the day and found correct”

Under Rule 19 the fine realized in a day is to be deposited in the Government Treasury on the same day except the Courts situated at a distance from a Government Treasury. The Courts situated at a distance from Government Treasury will deposit the fines on the 25th day of each month

and oftener if the amount received since the last payment exceed Rs. 100. In all the fine so realized will be taken charge by the Nazir, Assistant Nazir or other officer performing the duties of Nazir depositing in the Government Treasury.

If certain amounts of fines realized on the previous day were not deposited on that day the closing balance of the previous day shall be brought forward in the summary.

I am, further directed to ask you to circulate these instructions among all the judicial officers of your district.

(PHC letter No. 7391-7414/ Admn: Dated Peshawar the 28/6/2003)

C.No. 8(10-12)

LIMIT OF SENTENCE IN DEFAULT OF PAYMENT OF FINE OR COMPENSATION

I am directed to refer to the subject noted above and to say that during his lordship's, the Chief Justice, visits to various jails in NWFP, it has been noticed that the law on the subject is not properly applied by some Courts, while awarding punishment in default of payment of fine or compensation. The relevant provisions of law on the subject are section 66 & 67 of Pakistan Penal Code, 1860 and section 544-A Criminal Procedure Code, 1898. Under section 65 of PPC, the maximum term of imprisonment in default of payment of fine is one fourth of the term of imprisonment which is maximum fixed for the offence. Under section 67 of PPC the scale of two, four and maximum six months is fixed in offences punishable for fine only, having regard to the quantum of fine. Under section 544-A Cr.P.C, the maximum term of imprisonment to be awarded is six months in case of default of payment of compensation.

All the courts awarding sentence in default of payment of fine or compensation are directed to strictly follow the relevant provisions of law as they are. This directive be circulated amongst all the Judicial Officers under your control.

(PHC letter No.5528-87/Admn Dated Peshawar, 25th March, 2010)

C.No. 9(10-12)

VIOLATION OF PROVISION UNDER SECTION 544-A Cr.P.C

I am directed to refer to the subject noted above, and to say that Hon'ble the Chief Justice during hearing of criminal appeals has noticed that some of the Presiding Officers of trial courts, at the time of conviction, pass sentence of imprisonment on the accused person beyond the limit as fixed by the subject law i.e six months in default of payment of compensation.

I am, therefore, to request you to circulate this directive amongst all the Judicial Officers under your control for compliance in future.

(PHC Letter No. 5072-5095 /Admn Dated 24th April, 2013).

SUBJECT INDEX

Access to Justice Development Fund

accounting procedures of 1144
rules of 1138

Accommodation

house rent deduction 1224
Instructions on allotment of, 1225

Accounting Procedures

access to justice development fund 1144

Accused

examination of, 989
pre-arrest bail of, 983
production at the time of remand 985, 988
recording age of, 1000

Additional District & Sessions Judge

Age of appointment of, 322
appellate pecuniary powers (additional district judge) 944
appointing authority 321
as child protection court, 917
as judge gas utility court, 929, 930
as juvenile court, 934
ceiling of telephone, 1201
constitution of service, 320
court under the CNSA (Additional Sessions Judge), 927
court under the juvenile justice system Act, 2018 (additional sessions judge) 934
court under the land acquisition act (additional district judge) 935
eligibility for appointment 323
exercise of revisional powers by 1007
job descriptions 531
liability to transfer and serve 325
member district bench bar liaison committee 806, 807, 808
mentioning of powers 1006
method of recruitment 321
period of probation, 323
petrol ceiling, 1221
powers under clause (a) and (b) of section 491 (1) CrPC 922, 923
qualification of appointment of, 322
representation against adverse remarks 713
selection grade 325
seniority 324
service rules 318
special court under the Khyber Pakhtunkhwa CNSA-2019, 928
special judge anti-corruption (central) (additional sessions judge) 938
surprise visit by, 1090
training of probationers 651
tribunal under the KPK removal of encroachment ordinance, 935

Adjournment

grant of, in cases of under trial prisoners 993

grant of, without cost 1024, 1025
grant of, without plausible cause 781, 1120
in cases fixed for arguments, 992
sine die, 991
unnecessary, grant of in temporary injunctions / status quo 970, 974
unnecessary, in cases of urgent nature 993

Adverse remarks

Communication of, 699, 702
Expunction of, 706
Representation against, 705, 713
Underline with red ink, 699
Unlikely to progress further/unfit for promotion, 700

Advocate

appointment as oath commissioners 842
engagement of juniors 824
filing of fee certificate 824
members of district bench bar liaison committee 805
pauper fee bill of, 826
professional identity card of, 826
revised criteria for fitness certificate of, 827
section of law to be given 824
streamlining the affairs of clerks 825
use of seal by 825

Affidavit

attestation of, by process serving and other officials, 843
attesting signing and verification of, 847
by person serving processes 832
contents of 845
exemption of, from court fee, 841
high court rules and orders part-B 841
joint, 841
mode of attestation of, 846
oath on, by whom 841
register of, 843
taking by notaries 852
title of, 844
unauthorized attestation 878, 879

Allowance

advance travelling and daily, 394
conveyance, 347, 348
daily, 359
hill station, 387
mileage, 352
nature of travelling, 345
permanent travelling, 349

Amendments

in petition writers rules 876
in Section 173 (1) Cr.P.C, 984

Annual Work Plan

preparation of 723

Anti-corruption

committee for curbing corruption, 518, 1041
national corruption perception survey 1035
publication of notices 624, 625
senior special judge and special judge anti-corruption (provincial) appointment of 938
sessions judge as senior special judge anti-corruption (central) 937
sessions judge as special judge anti-corruption (central) 937

Appeal

arrangement of record in civil, 797
arrangement of record in criminal, 799
disposal of family, 1121
multiplicity of, 958
right of, 316
rules of, 604
speedy disposal of rent, 1111

Appointing Authority

chief justice, 477
discretion of, 474
district & sessions judge 477, 478, 484
high court, 321
judge anti-terrorism court, 480
senior civil judge, 479

Appointment

by bowl policy, 508
by promotion or transfer, 443
model appointment order, 512
of civil servants (judicial officers), 321
of posts below BPS-16, 511
of widow, son, or daughter of a deceased/retired class iv, 500

Bail

adjournments in, 1120
application by juvenile offenders, 979
attestation of, bonds, 982
bonds in pre-arrest 981
bonds in quadruplicate 979
copy of order 784
disposal of 978
mentioning name of presiding officers in order, 1010
pre-arrest, adjournment in, 993
surety in bail bonds, 982
transitory, grant of, 978, 982, 983
women as sureties, 981

Behavior

unpleasant, by judicial officers, 618

Cabins

in the sessions courts premises, collection rent from, 1201, 1203

Casual Leave

availing of, in anticipation, 757

availing of, on short notice, 758
 clubbing of, with holidays, 757, 767, 768
 instructions regarding, 761
 not a right, 753
 rules for judicial officers, 753
 submission of application on prescribed form, 757
 west Pakistan casual leave rules 752

Children Protection Court

District & Sessions Judge as, 917
 Additional District & Sessions Judge, 918

Character Rolls

Contents of, 696
 Entry in, 708
 Maintenance of, 707
 Of retired officer, 712
 Photographs on, 712, 714
 Preservation of 709

Civil Courts Deposit Account

Application for deposit, 1188
 Cash and voucher system, 1187
 Deposit by cheque or remittance transfer receipt, 1189
 Deposit by money order, 1189
 Deposits by bailiffs and court auctioneers, 1189, 1196
 Duplicate voucher, 1198
 Items included, 1187
 Lapse amount, 1194
 Repayment by cheque, 1190
 Voucher system, 1194

Civil Judges

age for appointment, 322
 appointing authority, 321
 appointment of, 321
 as rent controller, 943
 as vacation department, 776, 761
 casual leave of, 754, 755
 ceiling of telephone, 1201
 constitution of service, 320
 contract, 319, 321
 court of small claim and minor offences 939
 criteria for conferment of powers, 945
 eligibility for appointment, 323
 first class civil judge as magistrate first class, 920
 job descriptions, 538
 liability to transfer and serve, 325
 member district bench bar liaison committee, 805
 mentioning of powers, 1006
 method of recruitment, 321
 pecuniary powers of, 944
 period of probation, 323
 powers to grant succession certificate, 941, 942
 provincial judicial selection board 320

qualification for appointment, 322
 representation against adverse remarks 713
 selection grade, 325
 seniority, 324
 service rules, 318
 subordinate judicial service tribunal Act, 331
 subordinate judicial service tribunal rules, 334
 training of probationers, 651

Control of Narcotics Substances Act

sessions judges and additional sessions judges as special courts, 927
 judicial magistrates 1st class as special courts, 927

Constitution of Islamic republic of Pakistan

Article-118, 1347
 Article-120, 1347
 Article-121, 1347
 Article-123, 1363
 Article-241, 305

Committees

bench bar liaison committee, constitution of, 805, 806, 807
 citizen court liaison committee, constitution of, 808
 criminal justice coordination committee, 809, 810
 district legal empowerment committee, 811
 legal aid committee, 817
 monthly meeting of bench bar liaison committee, 807
 monthly meeting of judicial officers 822
 role of committees in NJP, 1037
 submission of reports of, 1093

Compensation

award of, section 544-A of Cr.P.C. 1022
 fines and 1026
 imposition of, 1024
 Left over death compensation claim, 1204, 1205
 Limit of sentence in default of payment of fine and compensation, 1372, 1373
 Rules for sum deposited in Courts as, 1161

Conduct

code of conduct of judicial officers 602, 621, 622, 626,
 code of conduct, 678
 instruction on code of conduct, 609
 of member of service 323
 of ministerial establishment of district court 437
 of notaries 852
 of petition writers 868
 rules of 570
 statutory provision 313, 570

Confession

maintenance of record 988

Consumer Court

DDO powers of, 925
 district and sessions judge 923

Empowerment of Consumer Court Judges, 926
establishment of, 924

Copies

certified copies of judgment and decrees, 789
complaint regarding non-provision of attested, 790
illegible attested copies 786
in pending cases, 786
in sub-divisional headquarters 786
instructions for copying agency 787
of bail order 784
of record 783
status of the downloaded copy of the judgment, 791
supplying of, free of charge 785

Correspondence

mode of, with the high court 914, 915
multiple copies of the same, 916
prompt response 915

Communication

Demi official letter, 894
Drafting, 896
Endorsement, 895
Fake and bogus, 627
Forms of , 892
Memorandum, 893,
Notification, 895
Official Letter, 892
Press Communique or Press note, 896
Un-official reference, 895

Costs

imposition of 1023, 1024
on frivolous litigation 1024
payment of 1022

Court Dress

for judicial officers 716
for the employees of Peshawar High Court, Benches and District Judiciary, 717
Non-observance of, 718
option dress code for female judicial officer, 717
Revised dress code for female staff of PHC and District Judiciary, 718

Court of protection

district judge under Mental Health Ordinance 936,

Decree

in pre-emption suit 1009
malpractice in consent, 1368

Delegation

by district and sessions judges 958
of financial power rules, 1307

Departmental Promotion Committee

constitution of, ministerial establishment of district courts 479
judicial officers 320
meeting of, 503
preparation of working paper, 502
prior approval, 502

Departmental Selection Committee

constitution of, ministerial establishment of district courts, 479
judicial officers, 320
meeting of, 503
preparation of working paper, 502
prerequisites for making request for nominee of, 504, 505
prior approval, 502

Disciplinary Proceedings

against ministerial establishment 518
against process server, 838
entertainment of guests in retiring room 614
extraneous influence 616, 618, 623
meeting with chief justice & judges 614, 616
model charge sheet, 629
model show cause notice, 628
model statement of allegations, 630
non-punctuality 610
Timely signing of judgment, 1016
Unfinalized, 701
use of high court monogram 610, 612

Distribution of Business

distribution of police stations 961, 962
equitable distribution of cases 959, 963
function of subordinate judiciary during summer vacation 759
maintenance of attendance / peshi registers 961
maintenance of cause diary 960

District Court Establishment

appointing authorities 479, 484
attendance register 517
close watch upon 517
complaint against 516, 521
complaint box in Court premises, 521
conveyance charges for late sitting, 524
corrupt practices, 523
departmental promotion committees 479
departmental selection committees 479
instruction to stenographers and personal assistants, 519
judicial commissioner services rules 429
local training of ministerial staff, 651, 653
part time job 517
photograph of ministerial staff, 714
recruitment policy 488
subordinate courts staff recruitment rules 453
transfer of clerk of court 516
transfer of ministerial staff, 1031, 1045, 1049
transfer proforma, 522

District & Sessions Judge

anti-terrorism court 917
 appellate pecuniary powers (district judge) 944
 appointing authority 321, 479, 484
 appointment of 321
 as children protection court 917
 as senior special judge and special judge anti-corruption (provincial) appointment 938 as senior special judge anti-corruption (central) 269 as special judge anti-corruption (central) 937
 Category-I officer, 1311
 chairperson of citizen courts liaison committee 808
 chairperson of criminal justice coordination committee 809
 chairperson of district bench bar liaison committee 806, 807
 chairperson of District Legal Empowerment Committee, 812
 chairperson of legal aid Committee, 817
 constitution of service 320
 consumer court 923
 court of protection under Mental Health Ordinance (district judge) 936
 DDO of Consumer Protection Court, 925
 departmental promotion committee 320
 district and sessions judge as juvenile court 934
 eligibility for appointment 323
 Head of committee for curbing corruption, 518
 inspection by 1106
 Insurance appellate Tribunal, 932
 interaction with subordinate judicial officers 621
 job descriptions 525
 liability to transfer and serve 325
 mentioning of powers 1006
 method of recruitment 321
 period of probation 323,
 petrol ceiling, 1221
 policy of official vehicles of 1209
 powers under clauses (a) and (b) of section 491(1) Cr.P.C. 921
 representation against adverse remarks 713
 selection authority 320
 selection grade 325
 seniority 324
 service rules 319
 subordinate judicial service tribunal act 331
 subordinate judicial service tribunal rules 334
 training of probationers 651

Dress

code for judicial officers 716, 717
 For employees of PHC and District Judiciary, 717, 718
 Non-observance of, 718

Efficiency and Discipline

rules of 585
 section of law, 314

Evidence

appointment of commissioners for recording evidence 998, 1002, 1036
 aspects of the Islamic Law of , 1115
 in absence of presiding officer, 1020

of Patwari Halqa, 1003
recording age of the accused 1000
rule 1, order XVI C.P.C, compliance of 999
summoning of judicial officers for court, 1001
summoning of revenue officials for, 1004
Women evidence, 1115

Examination of witnesses

in courts 998

Execution

against the Government, 1077
execution bailiff 430, 1171
of rent cases 967
of service on the Government authorities, 838
speedy disposal of 1111

Exparte Decree

undesirability of 1008

Expeditious Disposal

cases involving government dues 1112
cases of juvenile offenders 1117
cases of oil and mineral resources, 1122
cases under suppression of terrorist activities 1117
criminal trial 1116
disposal of cases after transfer 1112
disposal of suit at the first hearing 1118
non-observance of high court rules and orders 781
of cases 610
of execution and other cases 1111
of family court cases 1111
of rent cases 1111
old cases 1117
prioritization of cases 1120
recommendations of NJP 1035
reforms towards 1113
rent and family cases 1119, 1121
revenue courts 1122
shortening the duration trial / narrowing down the ambit of issue 1118
special days for juvenile cases, 1123
succession certificate, 1122

Family Cases

expeditious disposal 1111, 1119

Favours to Relations

by judicial officers 627
illegal favour to friends, 632

Fee

commission fee 1370
of court fee stamp 1368, 1369, 1370

Fine

Fine and compensation, 1026

limit of 1372, 1373
maintaining record of 1371
West Pakistan recovery of Fine rules 1366

Fund

access to Justice Development Fund Rules, 1138
benevolent 316
for stationary 1202
provident 316

First Information Report

submission of copies to magistrates 985

Government

suit against 962

Honorarium

payable to lawyer, 813, 817, 818
receipt by magistrates 619

Initial appointments to civil posts (relaxation of upper age limit) rules, 473**Inspection**

by district and sessions judge 1106
physical verification of record 1107
quarterly inspection 1106

Institution

alternative arrangements for receipts of institutions, section 23(1), 25 of civil court ordinance 960
multiplicity of suits / appeals, curbing of 958
under 190(3) of Cr.P.C. 962

Interim Injunctions

against Government, 975, 976
directives of Honorable Chief Justice, 975, 977
disposal of application for 971, 973
illegal stay order, 974
in case of admissions to colleges 971, 972
indiscriminate grant of 969
issuance of stay / status quo order 967, 968, 969, 972
stay order in election matters, 976
unnecessary adjournments in 970

Interview

with honorable chief justice and judges 611, 614, 616

Investigation

confession, 988
framing of charge and examination of accused, 989
postmortem examination 987
statement under section 164, 990
submission of challan 984, 985, 986

Investment of powers

1st class civil judges powers as magistrates 1st class 920

additional district & sessions judges as Gas Utility Court, 929, 931
 additional district and sessions judge as court under land acquisition act 936
 additional district and sessions judge as juvenile court 934
 additional sessions judges power under S. 491 (1) (a) & (b) Cr. P. C, 923
 anti-terrorism courts as Juvenile courts, 934
 civil judge ghazi power to grant succession certificate 941
 civil judge matta power to grant succession certificate 941
 civil judge swabi power to grant succession certificate 941
 Civil Judges power as Rent Controller, 943
 criteria for conferment of powers upon civil judges 945
 district & sessions judge Peshawar as Insurance tribunal, 932
 District & sessions judges as court of protection under Mental Health Ordinance, 936
 district and sessions judge as consumer court 923
 district and sessions judge as juvenile court 934
 district and sessions judges as anti-terrorism court, 917
 district and sessions judges power under clause (a) & (b) of section 491 of Cr.P.C 921
 district judge as court of protection 917
 district judges' appellate pecuniary powers 944
 DSJs & AD&SJs as tribunal under the removal of encroachment, 935
 judicial magistrates 1st class as Magistrate under section 30 Cr.P.C, 922
 judicial magistrates 1st class as special courts under CNSA 927
 judicial magistrates of the 1st class as juvenile court 934
 local limits of jurisdiction of small claims and minor offences courts 940
 pecuniary powers of civil judges 944
 senior civil judge as court under land acquisition act 935
 senior civil judge power as magistrate 1st class 919
 senior civil judge power under section 30 Cr.P.C. 919
 senior civil judge powers under section 29-B of Cr.P.C. 921
 senior civil judge, civil judge and judicial magistrate as courts of small claims and minor offences 939
 senior civil judges as environmental magistrates, 929
 Senior civil Judges power for granting probate and letter of administration, 942
 senior most additional sessions judges power under S. 491 (1) (a) & (b) Cr. P. C, 922
 senior special judge anti-corruption and special anti-corruption (provincial), appointment of 938
 senior sub judges powers as district judge under succession act 940
 sessions judge and addition sessions judge as special courts under CNSA 927
 sessions judge as senior special judge anti-corruption (central) 937
 sessions judge, additional sessions judge and assistant sessions judge as special anti-corruption (central) 937
 sessions judges as special court under KPK CNSA Act, 2019, 928
 summary powers of magistrates 1st class 921

Jails

escape of prisoners from 1125
 illegal release 1124
 inspections 1124
 magistrate visit of jail, 1043
 overcrowding of 1029
 probation of offenders ordinance 1029
 under trial prisoners 1126
 visits of 1126, 1131

Job Descriptions

of Additional District & Sessions Judge, 531
 of Civil Judge, 538
 of district & Sessions judge, 525
 of ministerial establishment of district 540

of Senior Civil Judge (Administration), 536
of Senior Civil Judge, 533

Judgment

assessment form 1016, 1018
citation of law 1006
font of, 1021
incorporation of arguments in, 1019, 1020
indication of civil powers 1006
irrelevant remarks in, 1019
mention of name of presiding officer 1011
slip of defects in 1031
timely signing of 1016
typing of 1013
writing name under signatures 1012, 1013

Judicial officers

absence of, 758
appointing authority 321
casual leave 753, 761, 768, 769 776
code of conduct for, 602, 633
complaints against the, 417
constitution of service 320
contract 319, 321
Delay in relinquishment of charge by, 618
departmental promotion committee 320
Dress code for, 716, 717
effective superintendence and control of, 1092
eligibility for appointment 323
Grant of interviews to, 616
Involvement in litigation, 620
judicial service rules 319
liability to transfer and serve 325
Local training for, 653
MOD of female, 735
Monthly meeting of, 822
Moral and judicial standards of, 623
period of probation 323,
petrol ceiling for, 1221
provincial judicial selection board 320, 321
representation against adverse remarks 713
responsibility of, 1157
selection authority 307, 320
selection grade 325
seniority 324
subordinate judicial service tribunal act 331
subordinate judicial service tribunal rules 334
summoning of judicial officers as witnesses 1001
Training for probationer, 651
training of probationers 216
Unpleasant behavior of, 618
Visit of judicial officer to their colleague at home station, 626
visit to High Court by, 615, 617, 620, 635, 639
Wimpled photo of female, 637
working days for each, 1110

Jurisdiction

custody of children and guardianship 949
 expressly or impliedly bar on, 951, 952
 general civil 947
 indemnity and bar 949
 instructions on, 955
 parallel judicial proceedings, 951
 service matter, 957
 shariah niazm-e-adl regulation 950

Juvenile

additional district and sessions judge as juvenile court 934
 disposal of cases of 1112
 district and sessions judge as juvenile court 934
 implementation of JJSO 1035
 Judicial magistrate as juvenile Court, 934

KPK Control of Narcotic Substance Act 2019

sessions judges, addl: sessions judges and judicial magistrate 1st class as special courts, 928

Khyber Pakhtunkhwa

civil servants (appeal) rules 604
 civil servants (appointment, promotion and transfer) rules 440
 civil servants (revised leave) rules 738
 civil servants act 305
 Delegation of financial power rules, 1307
 government servants (conduct) rules 570
 government servants (efficiency and discipline) rules 585
 Government staff vehicles (Use and Maintenance) Rules, 1210
 Initial appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 473
 Judicial Academy Act, 641
 judicial service rules (substituted) 318
 Public Procurement Grievance Redressal Rules, 1298
 Public Procurement Regulatory Authority Act, 1239
 Public Procurement Regulatory Authority rules, 1257
 subordinate judiciary service tribunal act 331
 subordinate judiciary service tribunal rules 334
 travelling allowance rules, 342

Land Acquisition Court

additional district judge 936
 senior civil judge 935

Law and Justice Commission

ordinance 1132

Leave

Absence after expiry of, 745
 accumulation of earned leave staff 758
 admissibility of, 739
 application for casual leave before grant of earned leave 769
 Application for, 750
 Assigning reasons for, 745
 Assumption of charge on return from, 747
 Combination of different types of, 746
 Commencement and end, 745

conversion of leave account, 740
 Disability leave, 743
 Earned, 769, 770, 771, 773, 774
 Encashment of leave, 745
 entitlement of 314
 Ex-Pakistan, 744
 Extraordinary leave, 743
 Handing over of charge, 747
 late submission of application 769
 Maternity leave, 742
 not due, 741
 on full pay, 740
 on half pay, 740
 On medical certificate, 743
 Policy for performance of Umrah, Hajj & Tableegh, 775, 776
 Preparatory to retirement, 744
 Recall from leave, 745
 Recreation, 744
 revised rules 738
 salary, 741
 Short leave, 773
 special leave to female civil servants, 742
 station leave / stay at the place of posting 760, 767

Local Commission

appointment of 998, 1002, 1037

Lock-ups

Improvement of lock-ups at police stations, 1130

Magistrates

age of appointment, 322
 as court of small claims and minor offences 939
 as juvenile court 934
 as special court under control of narcotics substances act 927
 constitution of service, 320
 female judicial magistrate as MOD, 728, 735
 for traps, 946
 job descriptions of 538
 method of recruitment, 321
 powers under Section 30 Cr.P.C, 922
 receipt of honorarium by, 619
 special court under KP CNSA, 2019, 928
 summary powers 921
 traffic, 964

Management

court management file 1100

Medical

attendance of officers 996
 attendance rules 1228
 reimbursement of medical charges, 1236, 1237
 summons to experts 1002

Medical examination

Annual medical examination of officer, 711

Maintenance of medical rolls, 711

Ministerial Establishment (of District Court)

appointing authorities 479, 484
attendance register 516
close watch upon 517
committee for curbing corruption, 518
complaint against 516, 521
conveyance charges for late sittings, 524
departmental promotion committee 479
departmental selection committee 479, 484
disciplinary proceedings, 518
indulgence in corrupt practice, 523
instructions to stenographer/personal assistant, 519
job descriptions of 540
part time job 517
periodical rotation/transfer of staff, 1031, 1049
recruitment policy 485
subordinate court staff recruitment rules, by high court 453
subordinate services attached to civil courts, rules frame by judicial commissioner 429
transfer of clerk of court 516
transfer proforma, 522

Mobile Phones

Use of, 617, 637

National Judicial Policy Making Committee

good conduct offenders 1036
implementation of JJSO 1035
national corruption perception survey 1033
national judicial policy guidelines 1036, 1037
ordinance of 1154
overseas Pakistanis expeditious disposal 1035
periodical rotation/transfer of staff, 1031, 1049
perjury, elimination of 1033
prioritization of cases, 1044
slip of defects, 1031

Notaries

malpractice by, instructions for 881
non-following of rules 879
ordinance of 850
rules of 855

Oath

deposition of 997

Oath Commissioners

appointment of 881, 883, 884, 885
instructions regarding, 879, 880
maintenance of proper record by, instructions for 880
mal practice by 881
non following of rules 879
rules of 841
unauthorized attestation of affidavits, instructions for 878

Orders

mentioning the name of presiding officer in the heading of the order 1011
order to be written by presiding judge, bearing name and seal 1014
prohibition to record orders on applications / petitions 1015

Parties

acceptance of by judicial officers 609

Parcha Peshi

instructions regarding 991, 992, 994

Pay

of civil servants 314

Pecuniary

appellate powers of district judge 944
criteria for conferment of powers upon civil judges 945
powers of civil judges 945

Pension

of civil servants 314

Petition Writers

affairs of petition writer, 883
amendment in rules of 876
examination of 885, 886
non-following the rules by 879
renewal of license 883
rules of 862
section 14(3) of punjab courts act 877
streamlining the affairs of 882

Phone Calls

during court hours 624

Police Act, 2017

criminal justice coordination committee 809

Pre-emption

decree in 1009

Pre-trial Hearing / Conference

use of 999

Processes

contact information 728
incorporation of national identity card number on 834
inefficient process serving agency, 836
issue of summonses to government department 830
monitoring the performance of process serving agency 833, 835
monthly performance report of, 838
on time return of summonses, notices and warrants, 839
procedure when processes are served, 1174
procedure when processes are unserved, 1174
process fee 1368

process serving agency, effective control of 832
proper services of, 835
service of the parties, 829, 836
service of, issued by the high court 832, 839
service on Government authorities, 838
service report of notices, 837
substituted service 829
training of 835
transmission of processes and money between agencies, 1175
transmission of processes and money to process-server, 1174

Production

of prisoners at the time of judicial remand 985, 988

Promotion

guidelines for 503
of civil servants, 433 443
of class IV to Junior Clerk 503
template of seniority list for, 506

Punishment

Adherence to the provision of statute, 1029
awarding of adequate sentence in murder cases 1028
benefit of section 382-B Cr.P.C. 1028
Probation of Offender Ordinance, 1029
separate sentences for separate offences, 1026
short term, 1025

Quota

Appointment of driver's son, 496, 497
Deceased employee family, 500, 501
Of different classes, 491, 493
Of persons with disability, 498, 499
Retired employees' son, 490, 493, 494, 495

Receipt register

Daily attestation of entries, 1178
Daily checking of, 1178

Recitation from the Holy Quran

commencement of judicial work with 723

Record

Arrangement of civil, 796
Arrangement of criminal, 798
consignment of cases to record room, 789
Destruction of useless judicial, 795
digitization of, 790, 793
filing of documents, non-observance of high court rules and orders 783
maintenance of 783
of decided sessions cases 783
Perpetual preservation of, 799
Preservation of, for fifty years, 800
Preservation of, for one year, 803
Preservation of, for six years, 802
Preservation of, for three years, 802

Preservation of, for twelve years, 801
Preservation of, for twenty years, 801
proper arrangement of trial cases 785
scanning of court, 792
submission of 780
unauthorized access to, 788

Recruitment

anti-terrorism Courts' staff recruitment rules, 480
policy of subordinate court staff 485
waiting list of the eligible candidates, 488

Recruitment of Driver

Appointment of driver, 514
Two-member committee for, 513

Refund of deoposit

Payment order, 1177

Regulation

shariah niazm-e-adl 950

Remand

check on remand cases, 965
production of prisoners at the time of 985, 988

Rent

house rent deductions 1224
speedy disposal of cases 1111, 1119, 1120, 1121

Reports

special, submission of 1093
submission of inspection notes 1094
submission of monthly sessions / civil statements 1090
submission of, quarterly 1094, 1106
submission of, regarding committees decision 1093

Representation

against adverse remarks in performance evaluation report of judicial officers, decided by the high court 713
against adverse remarks, 699
against transfer, 558
for expunction of adverse remarks, 705
right of 316

Retirement

compulsory, 591
employment after 313
encashment of leave preparatory to, 745
leave preparatory to, 744
of civil servants 312
parties to Government servants on, 559
settlement of retirement benefit against group insurance claims, 1205

Retiring Room

attending visitors and guests 613, 614
unnecessary use of, 1097

Revision

careful exercise of revisional powers 1007
civil revision for protection of the rights of minors 831
civil revision number 781
of travelling allowance, 351

Senior Civil Judge

age of appointment, 322
appointing authority 321, 479
appointment of 321
as vacation department 776, 761
authorization of Senior Civil Judges under Succession Act to issue probate and letter of administration, 943
casual leave of, 754
ceiling of telephone 1201
constitution of service 320
departmental promotion committee 320
eligibility for appointment, 323
job descriptions 533, 536
liability to transfer and serve 325
member district bench bar liaison committee 806, 807
member of standing committee, 501
mentioning of powers 1006
method of recruitment, 321
period of probation 323
petrol ceiling of, 1222
representation against adverse remarks 713
selection authority 320
selection grade 325
senior civil judge as court under land acquisition act 935
senior civil judge as environmental magistrate 929
senior civil judge power as magistrate 1st class 919
senior civil judge power under section 30 Cr.P.C. 919
senior civil judge powers under section 29-B of Cr.P.C. 921
senior civil judge, civil judge and judicial magistrate as courts of small claims and minor offences 939
senior sub judges powers as district judge under succession act 940
seniority 324
service rules 319
subordinate judicial service tribunal act 331
subordinate judicial service tribunal rules 334
training of probationers 651

Seniority

of district court establishment 309, 451
of judicial officer 324
templates for 506

Sheriffs' Petty Account

agencies of, 1170
application for deposit in, 1171, 1172
cash book, 1168

duties of Civil Nazir, 1171
 duties of officer-in-charge, 1168
 items included, 1167
 misc. deposit of 1370
 register of disbursements, 1167
 register of receipts, 1167
 rules schedule A, 1185
 schedule A, 1185
 schedule B, 1185
 schedule, B 1186

Small Claim and Minor Offences

establishment of courts 939
 local limits of jurisdiction of court 940

Special Judge

senior special judge and special anti-corruption (provincial) appointment of 938
 sessions judge as senior special judge anti-corruption (central) 937
 sessions judges, additional sessions judges and assistant sessions judges as special judge anti-corruption (central) 937

Special Tribunals

subordinate judiciary service tribunal 331

Standard Seal

use of 778, 779

standard operating procedure

for use of motorcycle, 1209

Succession Certificate

power to issue probate and letter of administration, 942
 powers of civil judges ghazi, matta and swabi to grant 941
 powers of senior sub judges to grant 940

Suit

against government 962

Summary Powers

of magistrates 1st class 921

Superior Courts

following decision of 1013

Summons/Notices

issued by the High Court, 832, 839
 List of newspapers, 1045
 proper service and its timely return, 835, 839
 to government departments, 830
 to medical experts, 996, 1002

Supervision

effective superintendence and control of the judicial officers 1092, 1098, 1101 monthly
 disposal, submission of reports 1090, 1091
 physical inspection of decided cases / assessment of units 380
 submission of periodical reports 1091, 1094
 surprise visits to the local subordinate courts 1090, 1091

Telephone

ceiling of judicial officers other than district and sessions judge 1201
use of mobile phone, during court hours 617
use of, during court hours 613

Termination

of civil servants 310

Tours

curtailment of transit day 625

Travelling Allowance

for attending Darbars and ceremonial functions, 379
for giving evidence in a court, 373
for obtaining medical advice, 376
on a course of training, 372
on first appointment, 369

Training

for probationers 651
for process servers 835
foreign tour/training, 652
Khyber Pakhtunkhwa judicial academy 640
local for staff and judicial officers 651, 653
mandatory participation, 652
manual for local, 653
provincial judicial training center 640

Transfer

acceptance of parties on transfer 609
approach to higher authorities for 559, 561
charge of office, 562
delay in relinquishment of charge 618
inter-provincial 444
liability to transfer and serve, 625
of the ministerial staff of district court, periodical rotation 1031
policy, 557, 559
section of law 310

Treasury accounts

Deduction of lapsed deposit, 1181
Deposit of lapse after three years
Entries of gross receipts and gross payment, 1180
Lapsed items, 1183
Personal ledger and pass book, 1180
Statement of lapsed items, 1183

Vacation

department 758, 761, 776
non availing of 761

Vehicle

policy of official vehicles of district and sessions judges 1209
staff car rules, 1210
use of words "high court" or designation on 612

Visit to High Court

by judicial officers 615, 617, 620, 635, 636, 639

West Pakistan

casual leave rules 752

civil service (application for Posts) Rules, 470

recovery of fine rules, 1366

Witness

attendance of witness, 1003

deposition of oath, 997

diet money for government servants appearing as, 1184

evidence of, 339

examination of 997

investigation officer, non-appearance in trials 997

issuance of non bailable warrants against 1000

judicial officers 1001

medical officer 996, 1002

official of the cantonment board 996

payment of diet money to, 1174

scanning of list of, 734

statement under 164, 990

summoning of, 338

Working Hours

business hours, 720, 721

observance of 609, 613, 615

punctuality in 610, 623

Writing of PER

Advisory remarks, 699

Avoidance of personal remarks, 690

Compulsory retired officer, 694

Counselling, 698

Declassification of PER, 713

Deputationist, 702

how to write PER, 687

Instruction for countersigning officer, 688

Instruction for reporting officer, 688

Manner of, 687

Minimum period for, 692

More than one countersigning officer, 693

Officer with average report, 698

Officer worked less than three months, 693

Officers under suspension, 693

Prompt writing, 691

Punishment order, 702

Report on integrity, 697

Reporting by relation, 697

Transfer of reporting officer, 692

Transfer of subordinate, 692

Warning, 698