The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

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No. 2694-728 /ADMN: Dated Pesh the 20/02/2021

To:

All the District & Sessions Judges/
Zilla Qazis in the Khyber Pakhtunkhwa.

Subject: **STRATEGY FOR ERADICATION OF CORRUPTION.**

Dear Sir/Madam,

I am directed to forward herewith copy of the report/ recommendations, on the subject noted above, duly approved by the Competent Authority, for the purpose of your sensitization, coordination with other stakeholders, for implementation of the matters related to District Judiciary within your respective administrative domain and its report to the High Court, please.

Sincerely yours,

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR

o/c

20.2.2021

STRATEGY FOR ERADICATION OF CORRUPTION.

1. HUMAN RESOURCE MANAGEMENT (POSTING & TRANSFER OF MINISTERIAL STAFF, PROSECUTOR, NAIB COURT ETC.)

a. It has been observed that the transfer and posting of APPs do not take place after every three years due to which they remain usually posted at one station for long time. The matter should be taken up with Directorate of Prosecution to rotate Assistant Public Prosecutors after every three years. Similarly, DSJ may be directed to take up the matter with the District Public Prosecutor and to make sure that no APP should remain in one court for more than a year.

b. It has been observed that orders of interim injunction and warrants of possession are assigned to specified bailiffs/ process servers irrespective of the areas assigned. Therefore, it is proposed that Interim Injunction Orders and warrants of possession shall be entrusted to the process servers/ bailiffs as per the assigned areas and similarly, Production Order under Section 491 Cr.P.C and Section 100 Cr.P.C should not be entrusted to specified person(s).

c. Every staff member except essential post staff, shall serve at tehsil level once in five years.

d. Staff member shall not serve with advocates part time in their chamber, as it is a clear misconduct.

e. The DSJ and Senior Civil Judge shall devise trainings on Conduct Rules and observance of the directives.

2. Standardization of Service Delivery:

A. Related to the Ministerial Staff:

Following information shall be displayed in Court premises for information of general public:

a. No money/fee is to be paid against any service except upon receipt.

b. Stationery item shall not be demanded from general public/ parties/ clerks/ lawyers.

c. Prescribed fees of following services shall be displayed.

I. Publication Fees.

II. Process Fees.

III. Rate of certified copies.

IV. Record inspection fees, as per High Court Rules and Orders.

V. Court fees and process fee thereof.

VI. Power of attorney rates.

VII. Rates for scribing of petitions/deeds etc.

B. **No Fees shall be charged for following service**:

I. Issuance of summons.

II. Issuance of warrants.

III. Notice of record production.

IV. Attestation of bail bonds.

V. Service of injunction order.

VI. Case transfer.

VII. Decision making.

VIII. Naib court, DFCs, process servers and bailiffs are not authorized to demand money against any service.

IX. Diet money amount is to be specifically mentioned in the order sheet for each date and is to be paid by the party on whose request the case is adjourned.

C. **Service related to para-legal staff:**

Transmission of acquittal order to the jail authorities and matter of production of record should be taken up on fora of Criminal Justice Coordination Committee. Acquittal order and release warrants should be gathered on one point and from there be communicated, either through a specific person on rotation basis or through email in addition to normal mode of transmission to jail authorities under supervision of Senior Civil Judge (Admin).

Following information shall be displayed in court premises for information of general public.

I. List of licensed Oath Commissioners, Notaries Public, Petition Writers (Grad I & II), Deed Writers and Stamp vendors.

II. Rates of different services like filling of bail bonds, writing of plaints, petitions, their attestation etc.

III. Stamp papers should be sold on face value.

IV. Information relating to business of para legal staff already circulated through SOPs **(Annexure A)**, which needs to be displayed as well as implemented. It should also be displayed on website of District Judiciary.

3. MONITORY STANDARDS:

The Presiding Officer as well as Heads of Establishment shall maintain following monitory standards.

I. Punctuality, which demands leadership traits from the officers by setting example of leading from the front.

II. Maintenance of record and assets in accordance with High Court Rules and Order and Instruction issued in this regard from time to time.

III. Meaningful frequent inspection by all the Judicial Officers regarding court business with specified focus on monitory transactions and areas of temptation such as production of records of bails and urgent matters, stay orders, released warrants. Entrustment of business to blue eyed officials should be avoided.

IV. CCTV camera working, maintenance and backup shall be ensured so as to have regular surveillance. (SOPs for CCTV needs to be devised).

V. Check on visitors should be ensured.

VI. One window operation for information collection and dissemination of information shall be ensured so as to reduce burden on the Courts and number of visitors visiting courts. Scanning of day to day judicial business and its access to copying branch may be provided so as to curtail movement of files and to minimize the response time to general public which shall certainly enhance the public confidence on the institution.

VII. DSJs shall ensure that Deed Writers shall function only at the place which is mentioned in their license.

VIII. Business of private photo copiers, canteen, tuck shops, stationary suppliers etc. need to be regulated. In this regard, first step that should be taken, is to award the contract of cabins, canteens, tuck shop through auction and its terms and conditions be devised. This will not only increase revenue of cabin fund, but also eliminate over charging and corrupt practices to a great extent apart from ensuring hygiene factor.

4. PROBE AND DETERRANCE PARADIGM:

I. Orientation and awareness workshops regarding conduct rules and instructions issued by the PHC from time to time should be arranged across the province on priority basis.

II. Submission of assets declaration should be implemented in letter and spirit and it should be ensured that such record be maintained in soft form so as to make it accessible as and when required.

III. Profiling Character Rolls of staff members shall be maintained in order to ensure effective disposal of complaints against them.

IV. The DSJ shall issue directions to ban part time service of Court staff with an advocate. Previous directives of this Court in this regard needs to be implemented in letter and spirit. D&SJs should be vigilant regarding such violation.

V. Judicial Officers need to be sensitized and trained about procedures of fact finding inquiry, regular inquiry and discreet inquiry.

VI. Not only initiation of inquiry into misconduct, inefficiencies or violation of instruction, Rules, etc. is a must, but authorities should also be strictly directed to conduct them in accordance with prescribed procedure and ensure timely completion of the processes. It would be appropriate, if the SDJ may be directed to collect, analyze and monitor data of pending inquiries.

VII. Complaints initiated by the Courts against para-legal or other staff under administrative control of different departments need to be vigorously perused.

VIII. Elimination of corrupt practices must be included on agenda items of Criminal Justice Coordination Committee and Bench Bar Liaison Committee.

5. TRAINING:

Lack of knowledge and skill, and above all lack of will not only affect quality of service, but also paves way for corrupt practices, therefore, specialized and customized local trainings on ethical standards motivation, soft skills, leadership focusing on skill development, keeping in view job description of officials, need to be introduced as regular and permanent feature on quarterly basis. In this regard collaboration of District Judiciary, KPK Judicial Academy and SDJ will be must for accomplishing above mentioned goals.

6. PUBLIC AWARENESSS AND COOPERATION:

It needs no emphasis that without dissemination of awareness and information, objectives of good governance cannot be achieved. District Judge has a pivotal role in protection and enforcement of rights of citizens and thus, required to demonstrate exemplary character. It is therefore, recommended that awareness campaign through workshops, print, electronic media, bill boards, banners, posters, court notice boards, platform of congregational prayers, sermons focusing on following will be very effective course for promoting qualitative adjudication, fair and transparent Court process and service delivery and eradication of corrupt practices;

I. Significance and importance of justice.

II. Role and rewards for truthful testimony.

III. Sanction and curses of false evidence, grabbing of properties, depriving of inheritance right, infringement of right of orphans and destitute.

IV. Grievance reporting mechanism on basic information about important relevant laws, Rules and Regulation etc.

7. LIAISON WITH BAR:

Liaison for accomplishment of the lofty goals of expeditious and inexpensive justice, role of bar cannot be undermined. Corrupt practices are not only confined to illegal gratification but also include unwarranted cost of litigation resulting to prolong hearing on account of mechanical adjournments. Therefore, keeping in view recent five years policy of this Court aimed at back log clearance and timely dispensation of justice need for corporation and coordination with the bar shall be a regular feature for bar bench liaison committee meetings. Besides, bar needs to be sensitized to play an effective role in the following areas:

I. Pointation of touts.
II. Over charging of service delivery by para-legal staff i.e. Notary Public, Oath Commissioner, and Stamps Vendor.
III. Fabricated and back dated entries and execution of deeds/ instruments.
IV. Pointation of corrupt staff, police officials and revenue officials.
V. Promotion of free legal aid service and providing list of volunteer advocates.
VI. Streamlining affairs of appointment of local commission.

GUIDELINES FOR DEED / CONVEYANCE WRITERS

- A person carrying on business as Deed Writer must have a val license/permit for such purpose.

- A person permitted to work as Deed Writer shall not engage i government/semi-government job and in the business of petition writing an 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 alongwith a certificate on its first page by a responsible/relevant official of the office 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 office 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 names 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 Vendors 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 Vendors 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 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.

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