

Revamping Prosecution in Punjab: Empowering Prosecutors and Overcoming Challenges

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ABSTRACT

Prosecutors play a fundamental role in the effective functioning of the criminal justice system (CJS). The Punjab Criminal Prosecution Service (PCPS) was formed to enhance this role, yet prosecutors are facing several legal and practical challenges that impede efficiency of CJS. Identification and recognition of these challenges, in relation to the roles of prosecutors, is essential to provide a correct evaluation of the present situation of the prosecutors besides to pinpoint areas which require improvement. This study employs a qualitative analysis of existing academic literature to investigate how prosecutors can be empowered to enhance the overall effectiveness and efficiency of the CJS. The research concludes that strengthening prosecutors is vital for improving the performance of the CJS in Punjab and proposes a comprehensive roadmap to overcome these challenges and revamp the role of prosecutors.



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1. Introduction

The success of a criminal justice system (CJS) is intimately linked to the effectiveness of its prosecution service (PS) (Lal Khan v. SHO Police Station Kotwali Jhang 2010). The Public Prosecutor (PP) is an essential figure within the CJS, he pursues justice. As the state's representative, the PP upholds the rule of law while safeguarding the rights of both victims and defendants. He is now playing multifaceted role, which are considered essential, in the global CJS. He is contributing significantly to improve its overall efficacy. The PP actively oversees investigations into alleged crimes; he offers guidance on evidence collection. Through presentation of compelling cases in courts, they work to achieve justice. In due course, their main duty is to ensure that those who disobey the law are held answerable. As key stakeholders, PPs play an indispensable role in the maintenance of societal law and order (Silbert, 1977).

Further, a strong PS not only wins cases but also protects innocent people. (Bishop & Osler, 2015). PPs play a central role in averting wrongful convictions. By means of precise examination of police reports and the available record in the case files, they ensure that only those cases which are supported by any type of substantial evidence should be proceeded to trial. This safeguards innocent persons from the ordeal of the legal process. It is also essential to remember that the CJS purpose is twofold: one, to deliver justice to victims and second to protect the rights of the accused. To achieve an efficient and effective CJS in Punjab, establishment of a strong PS is paramount.

Research indicates that PSs in Pakistan, such as the Punjab Criminal Prosecution Service (PCPS), are relatively new if we compared it with the international standards. Further they have identified gray areas for its perfection. Though PPs are suggesting guidance to law enforcement during their investigations, yet it is strange that here in Pakistan their input is advisory in nature rather than directive. They cannot dictate the course of an investigation. They cannot issue mandatory instructions to investigators. Although PPs review police case files and their concluded reports, however, their powers to modify these documents are limited. Moreover, despite they have the ability in legal procedures to identify legal problems in criminal cases and also authorized to recommend corrective actions, including disciplinary measures for negligent officers, yet they lack the final authority to determine whether a case is able to be proceeded to trial or not (KHALIL et al., 2021).

PPs in Punjab are currently facing numerous challenges that stem from the discrepancies between the authority granted to them by the Punjab Criminal Prosecution Service (Constitution, Functions, and Powers) Act 2006 and the real-world difficulties they encounter at the time of using these powers. These challenges include dealing with political interference, coping with inadequate resources, and tackling various security apprehensions (Iqbal et al., 2024). PPs also lack the essential authority to independently decide which cases should be proceeded to trial and which should not be. Additionally, they also require greater autonomy in exercising their powers such as halting or discontinuing prosecutions, and engaging in plea bargaining negotiations with defendants. This study highlights the critical need to enhance the powers of PPs and their independence to uphold the rule of law in Punjab. Through making them stronger they will make it possible to establish a more efficient and effective CJS that delivers justice to the public. Consequently, there is an urgent requirement to reform the PS with a focus on empowerment of PPs. A robust PS is fundamental to a fair and efficient CJS.

Philip Stenning and Victoria Colvin have highlighted which type of the substantial authority and the influence are being wielded by modern PPs within the CJS. Traditionally, the CJS was conceptualized as a structure which covers only the police and the courts. However, the role of the PP has evolved into a distinct and independent function in the CJS. If we look into the common law systems, like ours, the PP's power is significantly rooted in their broad discretion to make decisions. Though this level of discretion was historically less prominent in continental European civil law systems, however, it has grown there as well increasingly being considered as an important requirement in recent times. There as well now they

are operating outside the courtrooms and in worldwide they have been removed from public scrutiny. They hold the main authority to determine whether and what charges will be proceeded to court. This power has considerably curtailed the judicial discretion which they used during their sentencing pronouncements and judgments. Modernly, this power is being utilized to explore alternatives in the incumbent justice mechanisms. A positive outcome is that it can be used for the prevention of weak cases from entering into the CJS. Consequently, PPs have been aptly termed the "gatekeepers" of the CJS (Colvin & Stenning, 2020, p. 1).

Stephanos Bibas also are the authors who advocates for an enhanced role of PPs. Many scholars view this as a necessary response to the persistent issue of backlog of cases which has overcrowded criminal court dockets. Furthermore, beyond their discretionary powers, PPs also often rely on plea bargaining schemes in worldwide best practices in order to manage caseloads. Moreover, to mitigate the risk of offenders who are in habit to evade prosecutions, legislatures are frequently enacting broad and overlapping criminal statutes. They are granting substantial discretions to both police and prosecutors in determination of charges and in case referrals to courts of law. In states which are grappling with limited resources and which have extensive case backlogs, there gatekeeping function of PPs becomes more important so that those resources can be used in more optimized manners in CJS (Bibas, 2009). Our state also need this role of PPs as it has been used in the worldwide developed states (Melilli, 1992).

This research endeavours to comprehensively analyze the constraints which are imposed on PPs by the 2006 Act, as well as their practical difficulties which they encounter in their roles. This study aims to identify potential solutions and recommendations to mitigate these challenges. Furthermore, it will investigate the correlation between prosecutorial discretion and the overall efficiency of the CJS. In due course, this research seeks to evaluate the potential impact of enhanced authority of PPs on the effectiveness and public confidence upon the CJS.

2. Research Methodology

This research has adopted largely a qualitative approach in order to comprehensively examine the role and challenges which are being faced by PPs in Pakistan. For this purpose, literature review has been made which formed the foundation of this study. This review includes a thorough examination of relevant statutory provisions, legal precedents, and scholarly analysis relating to PS. Further in-depth case laws studies have also been conducted in order to have a deeper insight into the practical application of powers of PP within the PS. Moreover, comparative analysis of successful prosecution models from other jurisdictions has been made to suggest potential reforms for improvement of PPs in Pakistan. Through combination of theoretical frameworks, opinions from case studies, and comparative analysis, this research aims to develop a comprehensive picture of all factors which are influencing the effectiveness of PPs in the Pakistani CJS.

3. Legal Framework Governing Prosecutors

In Pakistan, history shows that the government of each province was responsible to manage PPs. They decided how much resources allocated to the PPs and how they would be organized. The law which deals with jobs of what PPs could do, and how they should work, was available in the Criminal Procedure Code (CrPC). This law provide that the provincial governments had the choice to select who would be a PP. PPs at that time had the power to go to courts and argue cases without any special permission. The way PPs were working in Pakistan started from the same way as things were done when the British ruled here. After independence, the government controlled PPs under two parts: the Home Department and the Law Department. The Home Department handled PPs in lower courts, and the Law Department handled them in higher courts. There were rules about their work: called the Punjab Law Department Manual. Then in

2006, a new law was formed to create a separate organization for PPs, which is now known as the PCPS (Siddique Chaudhry, 2020).

This was a significant change which occurred in the PS. The PCPS was formed through a new law. This was marked as a major shift from the old system, which was remained largely unchanged for more than a century. This reform was aimed to achieve two primary goals. Firstly, it was intended to separate the roles of the police from the prosecution, so that the police could focus only on investigation, while the prosecution would handle cases in courts. This separation was necessary because the police had a history of problems in our country related to misconduct and corruption. Secondly, this reform was sought to create an independent, fair, and efficient PS. This new PS would protect the rights of both crime victims and accused people, and it would improve cooperation between different parts of the CJS. The head of the PCPS is the Prosecutor General, who is responsible for day-to-day operations, although the government oversees the service (Sultan, 2016). Following the creation of the PCPS, the government established the Public Prosecution Department (PPD). This change placed PPs directly under the control of the PPD. Researchers have noted in the regards that while PPs in Pakistan have the legal authority to examine police investigation reports and present their own findings in court, as outlined in Section 173 of the CrPC, yet they lack certain powers when we compared to their counterparts in England (Ali, 2015).

4. Prosecutorial Roles and Responsibilities

PS is nowadays contemplated a vital constituent of CJS (John L. Worrall, 2008). Governments today are responsible for tackling crime both within their own countries and internationally. PPs play a decisive role in this struggle. The way CJSs operate differs meaningfully from country to country. For example, in common law countries there is a usage of a system where two sides argue their case, each is opposite, whereas in civil law countries they have a system where the judge is more active in exploring the case. In countries with common law, the PS is usually part of the government, while in civil law countries, it can be part of the government or sometimes the courts. Regardless of the system, the success of any CJS depends on the effective work of PPs (Azeem, Umar, et al., 2023).

A PP has a primary duty that is to represent the state in court during trials. Their main goal is to ensure that justice is accomplished. To achieve this, they work carefully with the court to uncover the truth by exhibiting all relevant evidences (Vinegrad, 1999). However, PPs must uphold impartiality throughout the trial procedure. They should treat not only the court and the police with fairness but also the accused with impartiality. The United Nations guidelines assign a broad scope of responsibilities to PPs, surrounding the chase of legal actions and, where legally authorized, the oversight of investigations. Nevertheless, the paramount obligation of PP is to safeguard the public interest in all circumstances (Melander & Alfredsson, 1997).

PPs play a fundamental role in law enforcement agency investigations. The law mandates that PPs will provide a written assessment to the court with summarizing their evaluation of the evidence and applicable charges on the basis of the case's details. Additionally, PPs have the permission to modify the charges which the police brought against the accused. Their involvement begins at the initial stage of a case when a First Information Report (FIR) is registered. The police are required to promptly share a copy of the FIR with the PS. Furthermore, investigating officers must keep the PP informed throughout the investigation and they must seek their legal counsel on evidentiary matters (Jamshed et al., 2020).

The Act of 2006 provide comprehensive frameworks about roles and responsibilities for PPs. The Prosecutor General (PG) is responsible for allocation of work to PPs in higher courts, while District Public Prosecutors (DPPs) control cases in lower courts. Now PPs are playing a serious role in supervision police investigations as well. They are inspecting police reports, including those which are seeking to cancel FIRs or discharge accused persons, before tendering them into the courts. If a report comprises legal deficiencies, then PPs have three days to return it to the police for its correction, or they can directly

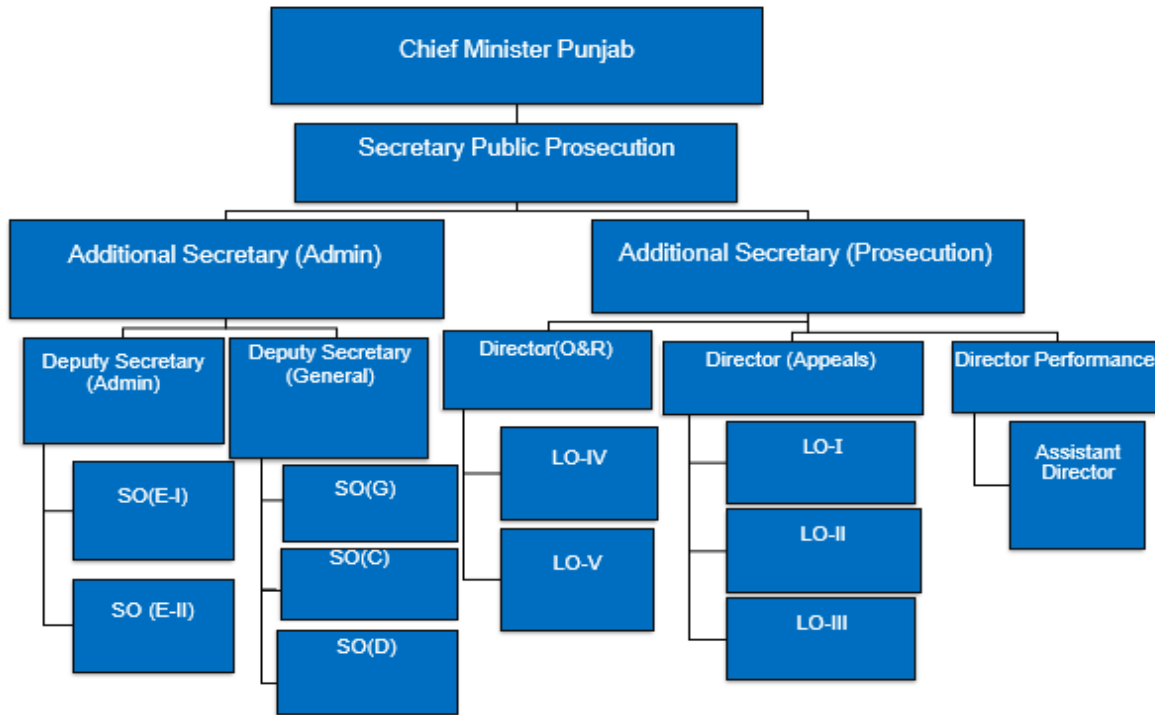
submit it to the court if they deemed it appropriate. Moreover, at the time of dealing with interim police reports, they can also evaluate the reasons for investigation-delays. Then they can either request a postponement of trial or they may request to the court to proceed on the basis of available evidence. PPs are providing essential legal inputs through their written evaluations of testimonies and applicable charges to the courts of law. As per law, the court is obligated to consider their opinions. Furthermore, PPs are also playing their role in decision of appropriate punishments during the final stages of a trial. This multifaceted role of PPs is very important for the maintenance of integrity and efficiency of the legal procedure. It starts right from the initial stages of inquiry and it ends with the final judgment.

Ramzan Kasuri has highlighted that PPs in Pakistan are receiving completed investigation reports for its review and not before or during its inquiry. Despite the fact PPs can raise objections, return cases for corrections, and even recommend disciplinary action against investigating officers for poor work, yet they are eventually obligated to forward the case to the court. This implies that PPs lack the authority to halt or dismiss cases founded on fact-finding inadequacies. As a result, the decision to prosecute or not lies outside the purview of the PS in Pakistan. Furthermore, PPs are also restricted from re-investigating the matters, even if they expose inconsistencies, hence, these obstacles are significantly limiting their own involvement in the investigative procedure (Ramzan Kasuri et al., 2021).

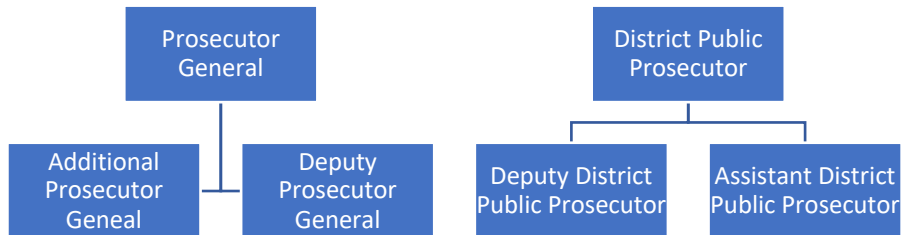
Furthermore, the Act of 2006 has also outlined additional responsibilities for PPs. The PG is mandated to submit an annual performance report of the PS to the government. PPs are required to provide regular updates on case progress to their superiors. Those who are working at the district levels must likewise inform higher authorities about cases within their jurisdiction. When a PP believes that a sentence should be increased or a case should be reviewed, they have to refer the matter to the appropriate authority. In cases where an accused is acquitted, PPs must report the matter to their superiors and contemplate whether there is a requirement to file an appeal. Furthermore, PPs are responsible for contributing in the Criminal Justice Coordination Committee. Above all, they are obliged to perform their duties with neutrality, uprightness, conscientiousness, and with a vow to save the public interest (The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006., S. 13).

5. Practical and Legal Challenges of Prosecutors

Subsequent its establishment, the PS was placed under the administrative control of the PPD. An administrative secretary oversees it, however, there are observations that it is significantly limiting the authority of the PG. The PG lacks the power to appoint, transfer, or discipline staff, which is impeding his ability to effectively lead the PS. Scholars contend that this structural change has compromised the PS independence. Consequently, the PS has exhibited unsatisfactory performance, particularly in terms of securing convictions. (Sultan, 2016). The organogram of PPD is as follows:



Although, the PPs functioning in PS are on following positions:



The PG works as the chief executive of the PS, he is obliged to overseeing its overall operations. Scholars highlight that convictions in CJS depend on thorough investigations and effective prosecution. The low conviction rate can be attributed to several factors, including outdated laws, traditional investigative methods, limited access to data, insufficient use of scientific investigation techniques, and inadequate capacity to collect and preserve forensic evidence. Additionally, the performance of the PS itself is another contributing factor. Poorly trained PPs, coupled with limited resources and external pressures, hinder their ability to contribute to a better CJS (Sultan, 2016).

5.1. Legal Challenges

Studies have shown that a well-functioning CJS is essential for preserving social order. While the CJS comprises the police, prosecution, and judiciary, each component faces significant challenges. Approximately 65% of cases result in acquittals, with many guilty offenders being released on appeals due to flawed investigations and insufficient evidences. The PS is weak in this process. Available research indicates that PPs often feel themselves caught between the police and the judiciary. They are with limited collaboration among the other key components of CJS. This lack of coordination also contributes to low conviction rates in our country. PPs are unable to participate during the investigation phase. Researchers argue that inclusion of PPs in the fact-finding process is vital for improvement of our CJS (Rehman et al., 2022).

Research also indicates that PPs in Punjab have not been fully empowered with prosecutorial sway as the PPs have in the rest of the world. Moreover, there are several factors which are the reasons for their reluctance to exercise their powers: these factors include undue interference, insufficient financial resources, security apprehensions, administrative burdens, pressure from local legal communities, and a perceived lack of support from their own department. PPs feel themselves totally controlled and unable to function independently (Iqbal et al., 2024). Followings are their main legal issues:

5.1.1. Superintendence and Administration

There has been a longstanding contention between the PG and the administrative secretary about the PPs administration. The PPs often bear the negative consequences of this contention. This issue came to the forefront in the case of Muzaffar Ali Anjum, when PPs challenged transfer orders issued by the Secretary in the court. Their grounds were that the Secretary lacked the authority to make such transfers. However, the court ruled that the Secretary had the power to issue transfer orders and this power is grounded on the rule-making authority which has been granted by Section 15 of the Act and subsequent rules. These rules specified that transfers must be made from a pool of eligible officers, and the Secretary was designated as the appointing authority for PPs (Muzaffar Ali Anjum v. Government of Punjab 2015). However, in a fresh decision, the Lahore High Court underscored the PG role as the head of the PS. The court further clarified the distinction between 'supervision' and 'administration' within the PS. Though supervision covers policy-making, but administration pertains to the day-to-day operations of the service, which falls under the PG's purview. The court underscored that the primary intent of the 2006 Act was to establish an independent PS (Fawad Ahmed & 1 other v. Government of Punjab etc 2023).

5.1.2. Determination to Prosecute

Researchers have pointed out that Section 9(5) of the 2006 Act mandates that PPs meticulously examine police reports to determine their suitability for court proceedings. If the reports contain errors such as incorrect charges or missing evidence, then PPs can send them back for corrections. However, the law does not provide clear guidelines on the course of action to be taken when a case is deemed unfit for trial. (Azeem, Tariq, et al., 2023). Though some are in contradiction of the discretionary authorities of PPs (Davis, 2007). Despite that PPs in international CJSs play their substantial roles through their choice whether to continue with charges or not. In the United States (Davis, 2005) and in the Europe (Jehle, 2000), PPs have this power.

5.1.3. Evaluation of Evidence

Although the law mandates that PPs submit written evaluations of evidence and appropriate charges to the judge or trial court, which are legally bound to consider these opinions, the reality is often different. Courts frequently disregard these evaluations during trial proceedings and final judgment. Consequently, the valuable expertise and analysis provided by PPs often has little impact on the judicial decision-making process (Siddique Chaudhry, 2020).

5.1.4. Penal Proceedings against IOs

Even though the law empowers PPs to initiate penal proceedings against IOs for substandard investigations, the practical implementation is often ineffective. District-level PPs frequently send written requests to police authorities with recommendations of disciplinary measures against IOs for poor investigative work or courtroom performance. However, the lack of a vigorous oversight mechanism to enforce their accountability and to improve investigative practices has led to a stagnation in the investigative process. Sulyman Akbar has underscored that these ineffective investigations pose a significant challenge to successful prosecutions (Akbar et al., 2024).

5.1.5. Withdrawal of Prosecution

Whereas the law grants PPs the authority to withdraw charges against an accused person, either completely or for specific offences, however, this decision still requires the court's approval. Moreover, the Act of 2006 mandates changing levels of administrative approvals grounded on the severity of the crime: the DPP for offences punishable by up to three years imprisonment, the PG for offences punishable by up to seven years, and the government for more serious offences or those tried by special courts. The law lacks clear guidelines for defining when a withdrawal is appropriate or what factors courts should be considered when granting permission. Consequently, judicial decisions have established precedent regarding withdrawals and the necessary consent (*Mir Hassan v. Tariq Saeed* 1977).

5.1.6. Police responsibilities

Law enforcement officers, including IOs, are required to promptly notify the PP about the registration of every criminal case through conveyance a copy of the FIR to their office. Additionally, they must submit investigation reports to the assigned PP within the stipulated timeframe and must adhere to the PP's directions. However, there is widespread non-compliance with these legal obligations. This a fact and it has been repeatedly highlighted by the courts. (*Amjid Khan v. The State* 2021) and they have passed strict observations on this specific matter (*Gul Rehman v. The State* 2021).

5.1.7. Nolle Prosequi

The law grants PPs the sway to discontinue a prosecution, a legal procedure known as "nolle prosequi." However, this power remains mostly unused in practice, with no established legal precedent in Pakistan. This tool offers substantial potential for improving the CJS. In many other jurisdictions, prosecutors frequently employ "nolle prosequi" when confronted with weak or unreliable evidence in cases. Through ceasing unwinnable cases, PPs can allocate their resources to those cases wherein they have a higher probability of conviction (Ramsey, 2002).

5.2. Practical Challenges

Limited research exists on the practical challenges encountered by PPs, with only a few studies available on the subject (Iqbal et al., 2024; KHALIL et al., 2021). At the international sphere PPs also confront a range of such like issues while performing their roles (Lawrence et al., 2019; Pallaras, 2011; Peyvast et al., 2020). Following are their main issues in our CJS:

5.2.1. Interference

External interruptions are meaningfully hindering their ability to perform their duties impartially and effectively. These interruptions can originate from various sources: such as politicians, law enforcement agencies, administrative superiors, and other external pressures. These interferences are being made to manipulate prosecutorial decision for inappropriate purposes. (Iqbal et al., 2024).

5.2.2. Independence

PPs within the PS have a perception about lack of professional independence. The hierarchical structure of the PCPS is frequently being used to impede their independent decision-making during their work. These issues require immediate attentions and reforms. (Sultan, 2016). Therefore, it is high time to look into this this matter. It is also requirement of the need to empower PPs and provide them with adequate resources and respect. Therefore, we must adopt global best practices for independent PS to ensure the effective working of the CJS (Voigt & Wulf, 2019).

5.2.3. Excess of work and Stress matters

PPs within the PS are facing excessive caseload. This heavy workload also contributes in their exhaustion. It is compromising their ability to utilize available time and attention to individual cases. The number of

PPs in PS reveals how serious is this issue.

Designation	Sanctioned	Working	Prosecutors Attached with
APGs (BS-19)	26	21	Supreme Court & High Courts
DPGs (BS-18)	88	77	
DPPs (BS-19)	52	30	Sessions Courts
DDPPs (BS-18)	406	386	District Courts
ADPPs (BS-17)	829	686	Magisterial Courts

The above data shows that due to dearth of PPs they are facing excess of work load. Ahmed Bilal and Syeda Shahida Batool undertook a study to examine the role of PP. Their research identified numerous workplace challenges for them. Their study found a direct relationship between their inability to effectively manage these challenges and the increased levels of stress in them. This also affects their overall quality of life. Their research was aimed to understand the relationship between occupational stress, job satisfaction, emotional intelligence, and quality of life. Their findings revealed that PPs are encountering a variety of stressors due to their roles. Moreover, occupational stress are not only directly harming their well-being but also indirectly affecting the overall efficiency of the CJS (Bilal & Batool, 2022).

5.2.4. Inadequate Resources

PPs within the PS are facing significant resource constraints as well. There is a shortage of support staff which also exacerbates their workload. It is hindering them in case preparation and record management. Additionally, there is a lack of modern technology which also compels them to rely on outdated methods. Moreover, inadequate infrastructure, which includes insufficient office space, document storages, and basic amenities, etc. all are creating a challenging work environment for them. These limitations are not only impeding their productivity but also negatively impacting their morale and job satisfaction. Iqra has conducted a research which also underscores the severity of these issues (KHALIL et al., 2021).

5.2.5. Service Structure

The absence of a well-defined service structure within the PS also presents another challenge for PPs. Other professions such as the judiciary offer clear a career progression, opportunities for professional growth, and structured salary increases. Whereas, the PS lacks these essential facilities. This lack of a defined career path is negatively impacting their morale and job satisfaction. Without transparent and predictable systems for promotions, salary advancements, and professional development, they are facing uncertainty about their future within the service. Consequently, many talented and capable PPs are seeking for better opportunities elsewhere, and it is leading to a brain drain that further exacerbates the challenges faced by the PS.

6. A Roadmap to Revamp the role of Prosecutors

While the PS is a relatively recent development within our CJS, however, its origins can be traced back to the French Revolution. If we look into international sphere, today, it has become an indispensable component of European CJS. Many countries have granted it legal or even constitutional status. Although the structure and functions of PS vary across different systems and nations, they generally commence their involvement when a crime is reported to the police. A core responsibility of the PP is to determine whether a case is able to proceed to trial or not (Jehle, 2000). Therefore, on the basis of the above-mentioned legal and practical issues and challenges encountered by PPs working in the PCPS, here are some recommendations to revamp the role of PPs. First of all, lawmakers must clearly delineate the roles and responsibilities of both the PG and the Secretary to prevent future conflicts and to ensure the efficient operation of the PS (Province of Sindh v. PG Sindh Criminal Prosecution Department 2012). Secondly, there is an urgent need to review and amend the law to in order to confer upon PPs the authority to issue binding guidelines during the investigation phase, as these powers are being enjoyed by PPs in many other jurisdictions. (Bibas, 2009). Thirdly, lawmakers must overhaul the 2006 Act to with an aim to bolster its legal framework about the PS. The revised law should mandate that courts must give due weightage to the evaluation reports submitted by PPs about the admissibility and relevance of evidence (Muhammad Usman Ghani v. The State 2023). Moreover, defective investigations are not a secreted problem to any further extent (Jatoi et al., 2023; Khoso, 2024). Lawmakers should implement a new system to track and monitor disciplinary activities which have been taken against investigating officers grounded on recommendations from PPs. International practices demonstrate a trend towards yielding PPs substantial authority over investigations. (Khan et al., 2022), we should follow it. Thereafter, A fundamental overhaul of the PS is necessary to empower PPs and to enhance their professional self-sufficiency, particularly in their decision-making time. Therefore, restructuring of the hierarchical structure of the PS is vital for achieving this goal. Moreover, it is imperative to accord PPs the appropriate level of respect in their professional roles (Shagufta Sarwar ADPP v. The Special Judge Anti Terrorism Court 2022). To achieve efficacy in CJS, officials should enhance the number of PPs in the Punjab so that it may reduce the overload of work. Finally, policymakers must establish a clear and structured career path for PPs which is outlining more opportunities for their career advancement, salary increases, and their professional development. This will help retain talented PPs and mitigate the ongoing brain drain. Through diligent implementation of these recommendations, the PS can meaningfully enhance its effectiveness and efficiency for CJS.

7. Conclusion

In conclusion, the PS has emerged as a fundamental pillar of the CJS. Its role as a gatekeeper is instrumental for ensuring the fair and efficient administration of justice (Jacoby & Ratledge, 2016). But despite the establishment of the PS through the 2006 Act, PPs are continuously grappling with a complex array of legal and practical encounters. These obstacles are significantly hindering their effective performance. This study has identified a multifaceted set of impediments which are initiating from legal ambiguities to their operational difficulties. Insufficient statutory powers, bureaucratic constraints, inadequate resources, and external interferences are the main issues. Through a comprehensive analysis of these issues, this research has attempted to provide a clear overview of the challenges.

Further, the proposed recommendations offer a strategic roadmap through the usage of those we can revitalize and enhance the capacity of PPs. The main theme is that empowering PPs with complete independence and more discretionary powers will improve the overall effectiveness of the our CJS. Thereafter, PPs will able to contribute their role in the creation of a more just, equitable, and transparent CJS.

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References

- Akbar, M. S., Abbas, S., Batool, T., & Maqsood, B. (2024). Defective Investigation: A Hidden Barrier to Effective Prosecution of Criminal Cases. *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM*, 3(4), Article 4.
- Ali, S. H. (2015). An analytical study of Criminal Justice System of Pakistan (with special reference to the Province of Punjab). *J. Pol. Stud.*, 22(1), 17.
- Amjid Khan v. the State 2021 SCMR 1458.
- Azeem, H. M., Tariq, M., & Umar, M. (2023). Prosecutorial Discretion: An Imperative for Effective Prosecution in the Punjab Criminal Prosecution Service. *Review of Education, Administration & Law*, 6(2), Article 2. <https://doi.org/10.47067/real.v6i2.351>
- Azeem, H. M., Umar, M., & Sultan, M. S. (2023). Private Prosecution in Pakistan: Analysis of the Nur Elahi case and its implications for Public Prosecution. *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM*, 2(02), Article 02. <https://doi.org/10.1234/pjlaw.v2i02.84>
- Bibas, S. (2009). The need for prosecutorial discretion. *Temp. Pol. & Civ. Rts. L. Rev.*, 19(01), 369.
- Bilal, A., & Batool, S. S. (2022). Determinants of Quality of Life of Public Prosecutors in Pakistan. *Multicultural Education*, 8(10), 25–32.
- Bishop, J., & Osler, M. (2015). Prosecutors and Victims: Why Wrongful Convictions Matter. *Journal of Criminal Law and Criminology*, 105(04), 1031.
- Colvin, V., & Stenning, P. (2020). *The Evolving Role of the Public Prosecutor: Challenges and Innovations*. Taylor & Francis.
- Davis, A. J. (2005). The power and discretion of the American prosecutor. *Droit et Cultures. Revue Internationale Interdisciplinaire*, 1(49), 55–66.
- Davis, A. J. (2007). *Arbitrary Justice: The Power of the American Prosecutor*. Oxford University Press.
- Fawad Ahmed & 1 Other v. Government of Punjab Etc 2023 LHC 3967.

Gul Rehman v. the State PLD 2021 SC 795.

Iqbal, M. A., Azeem, H. M., & Chaudhary, S. I. (2024). The Reality of Prosecutorial Powers in the Punjab Criminal Prosecution Service. *INTERNATIONAL JOURNAL OF HUMAN AND SOCIETY*, 4(1), Article 1.

Jacoby, J. E., & Ratledge, E. C. (2016). *The Power of the Prosecutor: Gatekeepers of the Criminal Justice System*. Bloomsbury Publishing.

Jamshed, J., Javed, M. W., Bukhari, S. W. R., & Safdar, A. (2020). Role of Police Investigation in the criminal justice system of Pakistan. *International Journal of Management Research and Emerging Science*, 10(2). <https://search.proquest.com/openview/d7da85387129402e55dae53c3940d2c0/1?pq-origsite=gscholar&cbl=6467885>

Jatoi, S. K., Leghari, A. R., & Tahir, M. (2023). Analysis of Defected Investigation and it Effect on Trial in Pakistan: Causes and Solutions. *Human Nature Journal of Social Sciences*, 4(1), 401–413.

Jehle, Jö.-M. (2000). Prosecution in Europe: Varying Structures, Convergent Trends. *European Journal on Criminal Policy and Research*, 8(1), 27–42. <https://doi.org/10.1023/A:1008793010205>

John L. Worrall. (2008). Prosecution in America: A Historical and Comparative Account. In *The Changing Role of the American Prosecutor*. State University of New York Press, Albany.

KHALIL, I., USMAN, A., & AMJAD, A. (2021). Challenges faced by prosecutors in the administration of justice in Pakistan. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 18(10), 2641–2651.

Khan, M. A., Khan, U. N., Jamali, A. K., & Jamshed, J. (2022). The Factors Contributing to a Corporation's Demise: An Analysis of Enron. *Journal of Management Practices, Humanities and Social Sciences*, 6(2), 15-21.

Khoso, L. A. (2024). Impact of Defective Investigation and Prosecution on Trial in Pakistan. *Available at SSRN 4685159*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4685159

Lal Khan v. SHO Police Station Kotwali Jhang 2010 PCrLJ 182.

Lawrence, D. S., Gourdet, C., Banks, D., Planty, M. G., Woods, D., & Jackson, B. A. (2019). *Prosecutor priorities, challenges, and solutions*. Rand.

https://www.nationalpublicsafetypartnership.org/View/Clearinghouse-Documents/RAND_Prosecutor%20Priorities.pdf

Melander, G., & Alfredsson, G. (1997). Guidelines on the Role of Prosecutors: Welcomed by the General Assembly of the United Nations, resolution 45/166 of 18 December 1990 upon adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Prisoners at Havana, 1990. In *The Raoul Wallenberg Institute Compilation of Human Rights Instruments* (pp. 451–455). Brill Nijhoff. https://brill.com/edcollchap/book/9789004636484/B9789004636484_s060.xml

Melilli, K. J. (1992). Prosecutorial discretion in an adversary system. *BYU L. Rev.*, 1992(03), 669–704.

Mir Hassan v. Tariq Saeed PLD 1977 SC 451.

Muhammad Usman Ghani v. the State PLD 2023 Lahore 291.

Muzaffar Ali Anjum v. Government of Punjab 2015 PLC (CS) 986.

Pallaras, S. (2011). New technology: Opportunities and challenges for prosecutors. *Crime, Law and Social Change*, 56(1), 71–89. <https://doi.org/10.1007/s10611-011-9300-y>

Peyvast, R., Sheidaieian, M., & Salehy, M. (2020). Challenges of the Prosecutor in the Implementation of a Fair Trial and its Solutions. *Criminal Law Research*, 11(40), 71–104. <https://doi.org/10.22054/jclr.2022.52761.2126>

Province of Sindh v. PG Sindh Criminal Prosecution Department 2012 SCMR 307.

Ramsey, C. B. (2002). The discretionary power of public prosecutors in historical perspective. *Am. Crim. L. Rev.*, 39(01), 1309.

Ramzan Kasuri, D. M., Mahmood, A. U. K., & Ahmed, G. (2021). Proactive Role of Public Prosecutors in the Administration of Criminal Justice: A Way Forward for Pakistan. *Global Legal Studies Review*, VI(II), 27–36.

Rehman, D. T. ur, Usmani, M. A., & Parveen, D. S. (2022). POLICE AND PROSECUTION'S PERSPECTIVE ON LOW CONVICTION RATES IN PAKISTAN. *Pakistan Journal of International Affairs*, 5(1), Article 1. <https://doi.org/10.52337/pjia.v5i1.404>

Shagufta Sarwar ADPP v. the Special Judge Anti Terrorism Court 2022 PCrLJ 1594.

Siddique Chaudhry, M. S. C. (2020). *Code of conduct for public prosecutors: A comparative study of Pakistan and UK* [Mphil]. University Law College, University of the Punjab.

Silbert, E. J. (1977). The role of the prosecutor in the process of criminal justice. *ABAJ*, 63, 1717.

Sultan, S. (2016). An appraisal of public prosecution system in Punjab. *Stan. L. Rev.*, 34(1), 1039.

The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

Vinegrad, A. (1999). The role of the prosecutor: Serving the interests of all the people. *Hofstra L. Rev.*, 28(4), 895.

Voigt, S., & Wulf, A. J. (2019). What makes prosecutors independent? Analysing the institutional determinants of prosecutorial independence. *Journal of Institutional Economics*, 15(1), 99–120.