

2nd Judicial Performance Year September 2019-August 2020

I am directed to say that on conclusion of 1st performance year 2018, 2019 judicial year starting from September 2019 to August 2020 has been declared as 2nd Performance year.

It is further desired to decide 20 % cases above the Institution subject to pendency in the Courts/Districts. The best three performers of each category i.e.;

- (i) District & Sessions Judge
- (ii) Additional District & Sessions Judge
- (iii) Senior Civil Judge
- (iv) Civil Judge and
- (v) Judicial Magistrate; will be awarded cash amount along with certificate.

I am further directed to say that those Judicial Officers who failed to achieve the minimum threshold of the Unit Policy, they will be proceeded against and this fact will be reflected in their PERs.

The Revised Unit Policy Scheme is given below for your information Pl.

REVISED UNIT POLICY 2018

I am directed to state that, it has been observed that the desired goals towards disposal of cases through Disposal Performance Evaluation Policy (DPEP) are not being met. Instead of reducing the pendency it increases in many folds, especially Contested Cases.

Judicial Officers, in the field also requested to replace the DPEP due to complicated nature. It was felt that there is a requirement to have quantifiable outputs of Judicial Officers. Therefore, Hon'ble the Chief Justice is pleased to consider the proposal and to revise / replace the DPEP by the unit Policy.

The subject unit policy is as under:-

A. District & Sessions Judge / ZILA QAZI / Additional District Judge / IZAFI ZILA QAZI								
A. 1 Criminal								
Code	Case Type	Contested (Trials)	Compromise	265-K Cr.PC (Evid: recorded)	Plead guilty	512 Cr.P.C (Evid: recorded)	Uncontested (other mode)	265-K/512 Cr.P.C (no units)
	Criminal							
22-001	Cases under P.P.C.	6	2	2	0.5	2	2	
22-002	Cases Under the Prohibition Order	2		1	0.5	2	0.5	
22-003	C/U the Offences Against Property Ordinance	4		1	0.5	2	2	
22-004	Cases Under the Zina Ordinance	4		1	0.5	2	2	
22-005	Cases Under the Qazf Ordinance	4		1	0.5	2	2	
22-006	Complaint Cases	3	1	2	0.5	2	1	
22-007	Cases Under the CNSA	3		2	0.5	2	1	
22-008	Cases Under the Arms Ordinance	2		1	0.5	1	1	

22-009	Foreign Exchange Cases	3		1	0.5	2	1	
22-010	Cases under other laws---Criminal	2	0.5	1	0.5	1	1	
22-011	Illegal Dispossession Act 2005	3	2	1	0.5	1	1	
22-012	Proceedings under section 514 Cr.P.C.	1					0.5	
22-013	Habeas Corpus (491 Cr.PC)	0.5						
22-014	Criminal Appeals decided through judgment	2	1					
22-015	Criminal Revisions/Review decided through judgment	1	0.5					
22-016	Bail Applications	0.33	0.33					
22-017	Other Criminal Misc Applications	0.33	0.33					
22-018	Appeals against Judgment of court of Minor offenses	2	1					
22-019	Cases under Child Protection and Welfare Act	1						

A-2 Civil

Code	Case Type	Contested Disposals					Case Management Rule		ADR	Uncontested Mode		
		Less than 1 Year	More than 1 and less than 2 Years	More than 2 and less than 3 Years	More than 3 and less than 4 Years	4 years & more old	Summary Judgment	Other than Summary Judgment	u/s 89-A, order 10 R-1 (A) C.P.C.	Other un-contested	Exparte based on evidence	Default/ exparte (No units)
21-001	Civil Appeals against Decree	3	3	4	4	5	3	3	1	0.5		
21-002	Rent Appeals against Decree	3	3	4	4	5	3	3	1	0.5		
21-003	Family Cases Appeals against Decree	3	3	4	4	5	3	3	1	0.5		
21-004	Guardianship and Succession Appeals against Decree	3	3	4	4	5	3	3	1	0.5		
21-005	Custody of Minor Appeals against Decree	3	3	4	4	5	3	3	1	0.5		
21-006	Civil Revisions	2	2	3	4	5	2	2		0.5		
21-007	Land Acquisition Cases	3	3	3	4	5	3	3	3	1.5	1.5	
21-008	Civil Suits under Order 37 Rule 2 C.P.C.	3	3	3	4	5	3	3	3	1.5	1.5	
21-009	Applications under section 12(2) C.P.C.	2	3	3	4	5	2	2	2	1	1	
21-010	Cases under other laws---Civil	3	3	3	4	5	3	3	3	1.5	1.5	
21-011	Tribunal - Special Courts Civil Cases	3	3	3	4	5	3	3	3	1.5	1.5	
21-012	Defamation	3	3	3	4	5	3	3	3	1.5	1.5	
21-013	Civil Appeals against Order	2	2	2	2	2	2	2	2			
21-014	Proceeding under KP Mental Health Act 2017	2	3	3	4	5	2	3	3	1.5	1.5	
21-015	Execution Petitions	1	3	3	4	5	1	1		0.5		
21-016	Execution in which periodic payments are made											
21-017	Objection Petitions	1	3	3	4	5	1	1		0.5		
21-018	Review Application	0.5	0.5	0.5	0.5	0.5	0.5	0.5		0.33		
21-019	Other Civil Misc Applications	0.5	0.5	0.5	0.5	0.5	0.5	0.5				
21-020	Small Claims Appeals against Judgment	3	3	4	4	5	3	3	1	0.5	0.5	

Senior Civil Judge / AALA ILAQA QAZI / Civil Judge / ILAQA QAZI

B-CIVIL												
S.No.	Case Type	Contested Disposals					Case Management Rules		ADR	UNCONTESTED DISPOSAL		
	Civil Cases	Less than 1 Year	More than 1 and less than 2 Years	More than 2 and less than 3 Years	More than 3 and less than 4 Years	4 years & more old	Summary Judgment	Other than Summary Judgment	u/s 89-A, order 10 R-1 (A) C.P.C.	Default/ exparte (No units)	Exparte based on evidence	Other Un-Contested
11-001	Civil Suit	3	3	3	4	5	3	3	3		1.5	1.5
11-002	Rent Cases	2	2	3	4	5	2	2	2		1	1
11-003	Family Court Cases	2	2	3	4	5	2	2	2		1	1
11-004	Cases about Custody of Minors	2	2	3	4	5	2	2	2		1	1
11-005	Guardianship Cases	1	2	3	4	5	1	1	1		0.5	0.5
11-006	Land Acquisition Cases	3	3	3	4	5	3	3	3		1.5	1.5
11-007	Insolvency Cases	1	2	3	4	5	1	1	1		0.5	0.5
11-008	Succession Cases	1	2	3	4	5	1	1	1		0.5	0.5
11-009	Application under section 12(2) CPC	2	2	3	4	5	2	2	2		1	1
11-010	Cases under other laws---Civil	2	2	3	4	5	2	2	2		1	1
11-011	Review Petition	0.5	0.5	0.5	0.5	0.5	0.5	0.5				
11-012	Other Civil Misc. Application	0.5	0.5	0.5	0.5	0.5	0.5	0.5				
11-013	Civil Appeals (Civil Judge enhanced power)	1	2	3	4	5		1	1			0.5
11-014	Revisions under Conciliation Court Ordinance	1	2	3	4	5		1	1			
11-015	Execution Petitions	1	2	3	4	5	1	1	1			0.5
11-016	Execution Petitions with periodic Payments											
11-017	Objection Petitions	1	2	3	4	5	1	1	1			0.5
11-018	Small Claims	3	3	3	4	5	3	3	3		1.5	1.5

C- Magistrate							
S.No.	Case Type	Disposals					
	Criminal	Contested (Trials)	Compromise	249-A Cr.PC (Evid: recorded)	Plead guilty / uncontested	512 Cr.P.C (Evid: recorded)	Uncontested (other mode)
12-001	Cases triable u/s 30 Cr.PC	4	1	2	0.5	2	
12-002	Cases u/s PPC Punishable up to 7 Years	3	0.5	1	0.5	2	
12-003	Case under Forest Laws, Motor Vehicle Laws, Food Law	2		1	0.5	2	
12-004	Foreigner Act	2		1	0.5	2	
12-005	Complaint Cases	3	0.5	1	0.5	2	
12-006	Cases under Offence against Property Ordinance	2		1	0.5	2	
12-007	C/U Prohibition Order	2		1	0.5	2	
12-008	C/U the CNSA	2		1	0.5	2	

12-009	C/U Arms Ordinance	2		1	0.5	2	
12-010	C/U Sections 133 and 145 Cr. P.C	2	0.5				
12-011	C/U the Local and Special Laws	2	0.5	1	0.5	2	
12-012	Other Cr. Misc Applications	0.33					
12-013	Proceedings u/s 514 Cr. P.C / through Judgments	1					
12-014	Security Proceedings u/s 107/51	1	0.5				
12-015	Bail Applications	0.33	0.33				
12-016	Minor Offences	2	1	1	0.5	2	

Note: Inspection/Meetings /Examination etc. involving inspection note/minutes will be as per Units as required per day vide Para D(3)

D. FOR ALL COURTS.

1.
 - a. One-year-old contested appeal. 3 units
 - b. Two year's old contested appeal. 4 units
 - c. Three years old contested case/appeal. 4 units
 - d. Four years and onward old contested case/appeal. 5 units
 - e. Above mentioned units (a-d) will not be applied on Review Application and Other Civil Misc. Categories.
2. There shall be no units for the following: -
 - a. Case/Appeal dismissed in default.
 - b. Appeal, remanding or remitting the Case, otherwise than through judgment.
 - c. Case/Appeal decided ex-parte simpliciter.
 - d. Transfer Application.

3. The minimum required units shall be: -

1.	District & Sessions Judge/ Zilla Qazi.	a- 2 units per working day in those districts where the number of Judicial Officers exceeds 20 Otherwise b- 3 units per working day in other districts
2.	Additional District & Sessions Judge/ Izafi Zilla Qazi.	3 ^{1/2} units per working day.
3.	Senior Civil Judge/ AalaAlaqa Qazi	a- 2 units per working day in those districts where the number of CJ and JM exceeds 12 Otherwise b- 3 units per working day
4.	Civil Judge.	3 units per working day
5.	Senior Civil Judge/Aalallaqa Quiz/ Judicial Magistrate	c- 2 units per working day in those districts where the number of Judicial Officers exceeds 12 Otherwise 3 units per working day in other districts
6.	Civil Judge cum Judicial Magistrate	3 1/2 units per working day
7.	Magistrate	3 1/2 units per working day

4. In order to rationalize disposal with the pendency in a particular Court, the standards prescribed in D(3) above shall be subject to the formula of minimum disposal as shown below:-

S.No.	Pendency in terms of units.	Minimum units required
i.	(To be calculated at the start of each month) Above 1000 units.	Full units per D(3)
ii.	500 to 1000 units.	3/4 th of units required as per D(3)
iii.	Below 500 units.	1/2 of the units required as per D(3)

Note:

Pendency in terms of units shall be calculated according to the unit value of cases as per A, B, C and D(1) above.

5. Disposal below the aforesaid standard shall be considered as low turn out
6. The minimum requirement of contested disposal in each month shall be as below:-
 - i- A District and Session Judge / Zilla Qazi and Additional District & Session Judge / Izafi Zilla Qazi (who works as criminal and civil court) shall decide at least "08" contested criminal cases including 05 murder/attempted murder cases (**subject to pendency of Murder / Attempted Murder cases**) and "08" contested civil cases/appeals.
 - ii- A District & Sessions Judge/ Zilla Qazi and Additional Districts and Sessions Judge/ Izafi Zilla Qazi, who is exclusively designated as for criminal Court shall decide at least "10" contested criminal cases (including at least "05" murder / attempted murder cases (**subject to pendency of Murder / Attempted Murder cases**)).
 - iii- A District & Sessions Judge/ Zilla Qazi and Additional District & Sessions Judge/ Izafi Zilla Qazi, who is exclusively designated as District Judge/ Additional District Judge shall decide at least "20" civil appeals/cases in a month under Contested mode which also includes Summary Judgment.
 - iv- A Senior Civil Judge/ Aala Alaqa Qazi and a Civil Judge/ Ilaqa Qazi designated exclusively civil court Shall decide at least "10" cases/ suits in a month under Contested mode which also includes Summary Judgment(Including Small Claim Cases, if such cases exist and Judicial Officer is also designated for Small Claim Cases).
 - v- A Senior Civil Judge/ Civil Judge /Judicial Magistrate designated exclusively criminal court shall decide at least "10" contested criminal cases (Including Minor Offenses, if such cases exist and Judicial Officer is also designated for Minor Offenses Cases) in a month and 05 Criminal cases as magistrate under section 30 Cr.PC , **subject to pendency of such cases.**
 - vi- A SCJ/JM or CJ/JM designated as SCJ/CJ/Magistrate shall decide at least 05 civil suits under contested mode which also includes Summary Judgment and 05 criminal contested cases in a month including at least 2 cases under section 30 Cr.PC , **subject to pendency of such cases.**
 - vii- A JM also designated for Small Claims shall decide at least 05 contested Criminal Cases and 05 contested Small Claim Cases (if Small Claim cases exist) in a Month. **In total the sum of contested Judgments should be 10.**
 - viii- A CJ also designated as a court for Minor Offenses shall decide at least 05 civil suits under Contested judgements which also includes summary Judgment and 05 contested Minor Offense Cases (if Minor Offense cases exist) in a Month. **In total the sum of contested Judgments should be 10.**
 - ix- District & Sessions Judge/Zila Qazi and Additional District & Sessions Judge/Izafi Zilla Qazi shall decide "04" out of "12" oldest civil/criminal cases (Including Appeals Pending on his Diary).
 - x- Each Senior Civil Judge / Allallaqa Qazi and Civil Judge Ilaqa Qazi/Judicial Magistrate shall decide "04" out of "12" oldest civil/criminal cases pending on his diary.

Note:

- i- In the event of any of such cases not disposed of for unavoidable reasons, same may be taken up for disposal in the next month. Provided that no such old cases shall be carried forward for disposal beyond 04 months in any case.)
- ii- Provided that the above standard of contested disposal shall not apply to a Judicial Officer whose working days in a month are less than 15.

7. The term "Contested" would mean Cases decided through judgments either under trial centric or Non Trial centric. The term "Uncontested" would denote Cases other than "Contested" and includes decision on oath, withdrawal, rejection or return of plaint/Appeal, decision under Order 8, Rule 10, Order 9, Rules 2,3,5, Order 10, Rules 1-A & 4, Order 15 Rules 1 & 4, Order 41 Rules 11 & 18 CPC.
8. Summary Judgement means meritorious contested but non Trial Disposal, i.e discovery management or documentary evidence.
9. The quantitative performance of Judicial Officers is evaluated month-wise. However, in order to facilitate the Judicial Officers against any unavoidable circumstances leading to failure in earning the required units in a particular month, the low turnout shall be considered/assessed on quarterly basis by calculating average of each quarter as per the following formula:-

A. For Chitral, Dir Upper, Battagram, Shangla & Behrain.

- i. $\frac{\text{Total units earned in February \& March}}{2} = 2$ Monthly Average (For 1st quarter of the year).
- ii. $\frac{\text{Total units earned in three months}}{3} = 3$ Monthly Average (For 2nd, 3rd & 4th quarters of the year).

B. For other Districts/Stations.

- I- $\frac{\text{Total units earned in three months}}{3} = 3$ Monthly Average (For 1st, 2nd and 4th quarters of the year).
- II- $\frac{\text{Total units earned in July \& September}}{2} = 2$ Monthly Average (For 3rd quarter of the year).

Provided that the units earned in each month shall not be less than $2/3^{\text{rd}}$ of the units required per month, as per D(3).

Note.

1. The cases decided through ADR shall not include Cases decided through compromise without the efforts of the Court.
2. Applications for temporary injunction, appointment of receiver and Applications under section 34 of the Arbitration Act, 1940 shall be counted, for the purpose of units, in the category of Other Civil Miscellaneous Applications, as mentioned in A-2(15) and B(11) in tables above, provided these applications are separately registered, disposed of and consigned.
3. This revised Policy shall be effective from 1st September 2018.

I am further directed to send herewith the revised joint proforma of monthly statement as well as target old Cases and to ask that in future the statements regarding disposal, pendency and units shall be sent on the said statement on separate proforma, already provided.

Note: for Tour / Camp court to another Court

- 1- One judicial officer may serve in different courts in one month, he/she should share the number of Unit Policy Templates as per their attended number of courts in that month.

Note: for Permanent transfer of Judicial Officer in different courts.

- 2- The Judicial Officer when transfer to other courts / districts in mid of month relinquish charge or taking charge, in this case he/she will share 02 Unit Policy Templates one of that Old Court and one of new court. However, in the Template of Old Court ending pendency will not be considered, while opening pendency of the new court will not be considered. Additionally for the template of New Court, Policy Para D(4) will not be applied. He/she will write the Required Unit Per Day as per Policy Para D(3).



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. 18784-18884 /Admn

Dated. 11/09/2019

To,

1. All the Judicial Officers,
Khyber Pakhtunkhwa.
2. All the Ex-cadre Judicial Officers,
Khyber Pakhtunkhwa.

Subject: **UNIT POLICY, 2019-2020**

I am directed to say that on conclusion of 1st performance year 2018, 2019 judicial year starting from September 2019 to August 2020 has been declared as 2nd performance year.

I am further directed to ask you to decide 20 % cases above of the institution in your Courts/Districts. The best three performer of each category i.e (i) District & Sessions Judge (ii) Additional District & Sessions Judge (iii) Senior Civil Judge (iv) Civil Judge and (v) Judicial Magistrate will be awarded cash amount alongwith certificate. However, those Judicial Officers who failed to achieve the minimum threshold of the unit policy, they will be proceeded against and this fact will be reflected in their PERs.

(Khawaja Wajih-ud-Din)

Registrar,

Peshawar High Court, Peshawar.