

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 fold, specially Contested Cases.

Judicial Officers, in the fields 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. 1 District & Sessions Judge / ZILA QAZI /Additional District Judge/IZAFI ZILA QAZI											
A. 1 Criminal											
S#	NATURE OF CASE	UNITS ASSIGNED									
		Contested	Compro mise	265-K CrPC	Plead guilty	512 Cr.P.C (Evid: recorded)	Uncontested (other mode)	265-K/512 Cr.P.C- No Units			
1	Cases under P.P.C.	6	2	2	0.5	2	2				
2	Cases Under the Prohibition Order	2		1	0.5	2	0.5				
3	C/U the Offences Against Property Ordinance	4		1	0.5	2	2				
4	Cases Under the Zina Ordinance	4		1	0.5	2	2				
5	Cases Under the Qazf Ordinance	4		1	0.5	2	2				
6	Complaint Cases	3	1	2	0.5	2	1				
7	Cases Under the CNSA	3		2	0.5	2	1				
8	Cases Under the Arms Ordinance	2		1	0.5	1	1				
9	Foreign Exchange Cases	3		1	0.5	2	1				
10	Criminal Cases Under other laws	2	0.5	1	0.5	1	1				
11	Proceedings under section 514 Cr.P.C.	1					0.5				
12	Illegal Dispossession , ACT 2005	3	2	1	0.5	1	1				
13	Habeas Corps (491 CrPC)	0.5									
14	Criminal Appeals decided through judgment	2	1								
15	Criminal Revisions/Review decided through judgment	1	0.5								
16	Bail Applications	0.33	0.33								
17	Other Criminal Misc: Applications	0.33	0.33								
18	Appeals against Judgement of court of Minor offenses	1	0.5								
19	Cases under Child Protection and Welfare Act	1									
UNITS ASSIGNED											
S#.	NATURE OF CASE	CONTESTED DISPOSAL					ADR				
		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	u/s 89-A, order 10 R- 1 (A) C.P.C.	Cases decided under Civil Managem ent Rules	Defaul t/ exparte (No units)	Exparte based on evidence	Other un- contested
1	Civil Appeals against Decree	3	3	4	4	5	1	3		0.5	0.5
2	Civil Appeals against Decree (Rent, Family, Guardianship & Succession, Custody of Minors)	3	3	4	4	5	1	3		0.5	0.5

3	Civil Appeals against Order	2	2	2	2	2	2	2			0
4	Civil Revision	2	2	3	4	5		2			0.5
5	Land Acquisition Cases	3	3	3	4	5	3	3		1.5	1.5
6	Civil Suits under Order 37 Rule 2 C.P.C.	3	3	3	4	5	3	3		1.5	1.5
7	Applications under section 12(2) C.P.C.	2	3	3	4	5	2			1	1
8	Cases under other laws---Civil	3	3	3	4	5	3	3		1.5	1.5
9	Tribunal / Special Courts Civil Case	3	3	3	4	5	3	3		1.5	1.5
10	Proceeding under KP Mental Health Act 2017	2	3	3	4	5	3	2		1.5	1.5
11	Defamation	3	3	3	4	5	3	3		1.5	1.5
12	Execution Petitions	1	3	3	4	5					0.5
13	Objection Petitions	1	3	3	4	5					0.5
14	Review Application	0.5	0.5	0.5	0.5	0.5					0.33
15	Other Civil Misc. Applications	0.5	0.5	0.5	0.5	0.5					
16	Appeals against Judgement of court of Small Claims	1	1	1	1	1	0.5				

B. Senior Civil Judge / AALA ILAQA QAZI / Civil Judge / ILAQA QAZI

		UNITS ASSIGNED									
S#.	NATURE OF CASE	CONTESTED DISPOSAL						ADR	UNCONTESTED DISPOSAL		
		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	u/s 89-A,order 10 R-1 (A) C.P.C.	Exparte (based on evidence)	Default/Exparte (no evidence-no units)	Other uncontested mode
1	Civil suits	3	3	3	4	5	3	3	1.5		1.5
2	Rent Cases	2	2	3	4	5	2	2	1		1
3	Family Court Cases	2	2	3	4	5	2	2	1		1
	Cases about Custody of Minors	2	2	3	4	5	2	2	1		1
4	Guardianship Cases	1	2	3	4	5	1	1	0.5		0.5
5	Land Acquisition Cases	3	3	3	4	5	3	3	1.5		1.5
6	Insolvency Cases	1	2	3	4	5	1	1	0.5		0.5
7	Succession Cases	1	2	3	4	5	1	1	0.5		0.5
8	Application under section 12(2) C.P.C.	2	2	3	4	5	2	2	1		1
9	Review Petition	0.5	0.5	0.5	0.5	0.5					
10	Other Civil miscellaneous applications	0.5	0.5	0.5	0.5	0.5					
11	Civil Appeals (Civil Judge with enhanced power)	1	2	3	4	5		1			0.5
12	Revisions under Conciliation Courts Ordinance	1	2	3	4	5		1			
13	Cases under other laws	2	2	3	4	5	2	2	1		1
14	Execution Petitions	1	2	3	4	5		1			0.5
15	Objection Petitions	1	2	3	4	5		1			0.5
16	Small Claims	1	1	1	1	1	1	1	1		1

C. MAGISTRATE							
S N O	NATURE OF CASE	UNITS ASSIGNED					
		Contested	Plead guilty/un-contested	Compromise	249-A Cr.P.C.	512 Cr.P.C (Evidence recorded)	Un-contested (no units)
1	Cases triable under section 30 Cr.P.C.	4	05	1	2	2	
2	Cases under PPC Punishable upto 7 Years	3	0.5	0.5	1	2	
3	Case Under Forest LAWs, Motor Vehicle LAWs, Food LAW and Other Local and Special LAWs	2	0.5		1	2	
4	Foreigner act	2	0.5		1	2	
5	Complaint cases	3	0.5	0.5	1	2	
6	C/U Offence Against Property Ord:	2	0.5		1	2	
7	C/U Prohibition Order	2	0.5		1	2	
8	C/U the CNSA	2	0.5		1	2	
9	C/U Arms Ordinance	2	0.5		1	2	
10	C/U sections 133 and 145 Cr.P.C.	2		0.5			
11	C/U the Local and Special Laws	2	0.5	0.5	1	2	
12	Other Cr. Misc Applications	0.33					
13	Proceedings under section 514 Cr.P.C.	1					
14	Security Proceedings U/S 107/51	1		0.5			
15	Bail Application	0.33		0.33			
16	Minor Offences	0.75	0.33	0.33	0.33	0.33	
For Pre-Trial Proceedings other than confessions 1/5 Unit are fixed for each Working Day.							
Confession Recorded (___1/3_Unit per confession record)							
Exhumation (___2_Unit per Exhumation)							

**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.

- One-year-old contested appeal. 3 units
  - Two years old contested appeal. 4 units
  - Three years old contested case/appeal. 4 units
  - Four years and onward old contested case/appeal. 5 units
  - Above mentioned units (a-d) will not be applied on Review Application and Other Civil Misc. Categories.
- There shall be no units for the following: -
  - Case/Appeal dismissed in default.
  - Appeal, remanding or remitting the Case, otherwise than through judgment.
  - Case/Appeal decided ex-parte simpliciter.
  - Transfer Application.
- 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 exceed 20 <b>Otherwise</b> b- 3 units per working day in other districts
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2.	Additional District & Sessions Judge/ Izafi Zilla Qazi.	3 <sup>1</sup> / <sub>2</sub> units per working day.
3.	Senior Civil Judge/ Aala Alaqa Qazi	a- 2 units per working day in those districts where the number of CJ and JM exceed 12 <u>Otherwise</u> b- 3 units per working day
4.	Civil Judge.	3 units per working day
5.	Senior Civil Judge/Aala Ilaqa Qazi/ Judicial Magistrate	c- 2 units per working day in those districts where the number of Judicial Officers exceed 20 <u>Otherwise</u> 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 <sup>th</sup> of units required as per D(3)
iii.	Below 500 units.	½ 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 out turn.
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 appeals.
  - ii- A District & Sessions Judge/ Zilla Qazi and Additional Districts and Sessions Judge/ Izafi Zilla Qazi, who exclusively designated as 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 exclusively designated as District Judge/ Additional District Judge shall decide at least **“20”** contested civil appeals/cases in a month.
  - iv- A Senior Civil Judge/ Aala Alaqa Qazi and a Civil Judge/ Ilaqa Qazi designated exclusively civil court Shall decide at least **“10”** contested suits in a month.
  - v- A Senior Civil Judge/ Civil Judge /Judicial Magistrate designated exclusively criminal court shall decide at least **“10”** contested criminal cases in a month and 05 Criminal cases as magistrate under section 30 Cr.PC , **subject to pendency of such cases**.
  - vi- A Civil Judge/Judicial Magistrate designated as CJ/Magistrate shall decide at least 05 civil contested suits 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- 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).
  - viii- Each Senior Civil Judge / Alla Ilaqa 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 judgment. 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. 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 out turn 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 & Baharain.**

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

**B. For other Districts/Stations.**

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

Provided that the units earned in each month shall not be less than 2/3<sup>rd</sup> of the units required per month, as per D(3).

**Note.**

- 1. The cases decide through ADR shall not include in 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 without consigning them separately. These Applications shall be counted, for the purpose of units, in the category of Other Civil Miscellaneous Applications, as mentioned in A(33) and B(10), above.
- 3. This revised Policy shall be effective from 1<sup>st</sup> 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 court.**

- 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).