



April 28, 2023

TIP2023/0428/1A

Registrar
Peshawar High Court
Peshawar

Subject: TI Pakistan Recommendations for The Peshawar High Court (PHC), KP

Dear Sir,

Transparency International Pakistan refers to our meeting dated 18th April 2023 held online at 10:30 am to discuss National Corruption Perception Survey 2022 released by TI Pakistan on 9th December 2022 (Annex-A). It was further discussed during the meeting that TI Pakistan will share recommendations on anti-corruption for your consideration and implementation.

TI Pakistan recommendations are enclosed for your reference.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

Regards,


Advocate Daniyal Muzaffar
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information and necessary action under their mandate

1. Mr. Muhammad Zeb Khan, PCS (Judicial), District & Sessions Judge, Peshawar High Court, Peshawar
2. Registrar, Supreme Court of Pakistan, Islamabad



RECOMMENDATIONS FOR THE PESHAWAR HIGH COURT

1. Ensure transparency in court proceedings and publish verdicts online in **Urdu** to increase public trust.
2. Improve efficiency and effectiveness through a coherent system of case management which eliminates backlogs, shortens waiting time and ensure timely resolution of the cases. The case management system must be linked with the Daily Progress Report (DPR) with its output (graphs and tables) displayed on the website.
3. The DPR on the Peshawar High Court (PHC) website has not been updated since 24-6-2019. It is recommended that the daily progress reports of all district/session courts must be updated on their websites.
4. Establish public complaint mechanism to enable citizens to report any instances of corruption, misconduct, or unethical behavior within the judiciary and ensure that complaints are addressed promptly and impartially. It is encouraging to note the Peshawar High Court (PHC) has online complaint system in place, however, no statistics on number of complaints received, resolved and action taken are publicly available.
5. Simple tools, such as posters displayed in courts stating the costs of court fees, can minimise the risk of demand for unauthorised fees.
6. Conduct regular ethical, integrity and technical training for judges, lawyers, and court staff to improve their understanding of code of conduct, transparency and accountability.
7. Develop and implement a robust whistleblower protection policy to encourage and protect those who report corruption or other unethical behavior within judiciary.
8. Designate Public Information Officers (PIO) as per Section 6, and proactively disclose information on the website as per Section 5 of Khyber Pakhtunkhwa (KP) Right to Information Act 2013.



9. Conduct regular training of judges, lawyers and court staff on Right to Information to facilitate public access to judicial information.
10. A case fixed in court must be heard and decided and no adjournment be allowed and if allowed substantial costs be imposed on the Applicant.
11. Institutionalize Alternative Dispute Resolution (ADR) mechanisms, such as mediation and arbitration, to facilitate expedited resolution of disputes, especially in civil cases.
12. Amendments should be made in the Procedural law whereby if an Award does not become rule of court within a month it should be automatically considered to have become rule of court.
13. Publish Audit and Annual Reports on the performance and activities of the High Court, District and Session Courts, including data on case disposition, clearance rates, and case processing time, to promote transparency and accountability. The annual reports of district judiciary are not updated on their website. Only 2022 annual report of District Judiciary Mansehra is available on the website. Annual reports should also be available in Urdu to help improve public perception.
14. Publish annually on the websites assets of High Court, District and Session Court judges.
15. Conflict of Interest policy must be implemented to ensure transparency in judicial conduct.
16. Relatives of sitting judges should not appear in that particular High Court. All such lawyers may be advised to practice in the High Courts of other provinces.
17. Relatives of sitting Judges of the Supreme Court may be advised to practice in the Supreme Court of Azad Jammu and Kashmir and Supreme Court of Gilgit-Baltistan, as well as with companies as legal advisers.
18. All the websites of District and Session Courts must be standardized and updated.
19. Monthly Bar and Bench meetings can be instrumental in evolving effective strategy to curb corruption.
20. Strict action must be taken against the staff found involved in corrupt practices.



**The
PESHAWAR HIGH COURT
Peshawar**

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

Exch: 9210140-58
Off: 9210136
Fax: 9210170
www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcpsh@gmail.com

No. _____ / Admn:
To

Dated Pesh the ____/____/2023

Mr. Kashif Ali,
Acting Executive Director,
Transparency International Pakistan,
Karachi.
E-mail: ti.pakistan@gmail.com

**Subject:- NATIONAL CORRUPTION PERCEPTION SURVEY TI PAKISTAN
2022 DATED 09-12-2022**

Memo:

With reference to the subject report certain queries exists at this end, as to the mode and manner of holding the survey and allied matters.

Towards this end a meeting is scheduled for 18th April, 2023, 10:30 a.m. at Peshawar High Court, Peshawar.

Your presence/ representation in person or via video link is solicited, please.

(Amid Sarwar)

ADDITIONAL REGISTRAR (ADMN)

Dated Pesh the 13/04/2023

Encl: No. 4159-61 / Admn:

Copy forwarded to:-

- i. The Member Inspection Team (MIT), Peshawar High Court, Peshawar.
- ii. The Protocol Officer, Protocol Wing, Peshawar High Court, Peshawar for making necessary arrangements.
- iii. The Director (L.T), Peshawar High Court, Peshawar for arrangement of video link facility, if needed.

Jawaid

Shaw
13/4/23

(Amid Sarwar)

ADDITIONAL REGISTRAR (ADMN)



**TRANSPARENCY
INTERNATIONAL-PAKISTAN**

5-C, 2nd Floor, Khayaban-e-Iltifa, Phase I,
Defence Housing Authority, Karachi
Tel: (92-21)-35390408, 35390411 Fax: 35390412
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

30th November, 2016

Chairman,
Pakistan Bar Council,
Islamabad.

Sub: Transparent application of Article IV of the Supreme Court of Conduct

Dear Sir,

Transparency International Pakistan has been working for the good governance, and application of Rule of Law in Pakistan.

In near past, the Honorable Supreme Court of Pakistan has announced judgments in many Mega Corruption cases, which can rightly be named as land mark Judgments. Transparency International Pakistan noted that the parties affected by such orders, have started an organized campaign to defame Judiciary of frivolous allegations, especially in social media.

Transparency International Pakistan strongly condemns these allegations, and expresses its full support to Judiciary.

In order to strengthen Judiciary, Transparency International Pakistan Board of Trustees have agreed that transparent application of Article IV of the Supreme Court of Pakistan, Code of Conduct by all Judges may be applied so to ensure the maxim that Justice must not only be done it should also appear to have been done and therefore a Judge must try to avoid all possibility of his opinion or action in any case being swayed by any consideration of personal advantage, either direct or indirect.

The Resolution of Board of Trustee with above and few other suggestions are enclosed for the kind consideration of the Honorable Chief Justice of Pakistan.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

For and on behalf of Board of Trustees.
Syed Adil Gilani
(Advisor to the Board of Trustees)

Enclosed Board Resolution



TRANSPARENCY
INTERNATIONAL-PAKISTAN

Continuation Sheet No.....

Copy to
Secretary to the Prime Minister
Registrar, Supreme Court of Pakistan, Islamabad
Registrar, Sindh High Court
Registrar, Peshawar High Court
Registrar, Baluchistan High Court
Registrar, Islamabad High Court
President, Supreme Court Bar Association



TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Itehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21)-35390408, 35390409, Fax: 35390411
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

Board Resolution No 26

November 25, 2016

The 50th Board of Trustees Meeting was held on November 25, 2016". The following trustees attended the meeting:

1. Mr Sohail Muzaffar, Chairman
2. Chief Justice (R) Haziqul Khairi
3. Justice (R) Dr Ghous Muhammad
4. Justice (R) Zia Parwez
5. Justice (R) Nasira Iqbal
6. Ms Yasmeen Lari
7. Ms Shahana Kaukub

The Board resolved as under:

1. There should be strict application of the Article 4 of SC code of conduct. If a judge has even a minute interest in any case he must recuse himself. Article 4 states.

"A Judge must decline resolutely to act in a case involving his own interest, including those of persons whom he regards and treats as near relatives or close friends."

2. That relatives of sitting judges should not appear in that particular High Court. All such lawyers may be advised to practice in the High Courts of other provinces.

3. Relatives of sitting Judges of the Supreme Court may be advised to practice in the Supreme Court of Azad Jammu and Kashmir and Supreme Court of Gilgit-Baltistan, as well as with companies as legal advisers.

4. That the Supreme Judicial Council may on priority basis take up and dispose of cases pending against the Judges so as to ensure greater confidence and respect of the Apex Court.

4. Section 54 of the Legal Practitioners and Bar Councils Act must be strictly complied with to suspend an advocate from practice for misconduct (after hearing him/her) and then to send the order to the relevant Bar Council in accordance with section 41 of the Act.

5. The Bar Council should examine the order of the Supreme Court or High Court and "shall strictly follow the complaint made by the Supreme Court or High Court