



FEDERAL JUDICIAL ACADEMY BULLETIN

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Mr. Parvaiz Ali Chawla, Director General presents a souvenir
to the Hon'ble Chief Justice of Pakistan

Contents

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■ Islam should not be bracketed with terrorism <i>Hon'ble Mr. Justice Shaukat Aziz Siddiqui</i>	01
■ Terrorism menace not specific to a nation, country, region or religion but an international issue <i>Hon'ble Mr. Justice Tassaduq Hussain Jilani</i>	02
■ Judicial leadership vital to address common problem of terror, says Lord Justice Gross	04
■ Learning very important in this age of globalization <i>Hon'ble Mr. Justice Muhammad Anwar Khan Kasi</i>	05
■ Continuous training indispensable for lawyers <i>Hon'ble Mr. Justice Sh. Azmat Saeed</i>	06
■ Commit yourself to your creator <i>Hon'ble Mr. Justice Jawwad S. Khawaja</i>	07
■ Active role of lawyers, a dynamic catalyst for change in society; <i>Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry</i> <i>Chief Justice of Pakistan</i>	09
■ To change society is not judge's mission <i>Hon'ble Mr. Justice Jawwad S. Khawaja</i>	13
■ Judicial officers should benefit from modern techniques, says <i>Hon'ble Mr. Justice Anwar Zaheer Jamali</i>	14
■ Government pleaders ought to remove wrong impression of laggardness, lack of interests to watch government stakes, says Mr. Sadaqat Ali Khan	16
■ Attorneys obliged to protect interests of state, ensure fair play; courts are institutions for redressal, says Mr. Khalid Khan	17
■ Justice a 'must' for social balance <i>Hon'ble Mr. Justice Ejaz Afzal Khan</i>	18
■ Protect environment for future generations <i>Hon'ble Mr. Justice Muhammad Azam Khan</i>	20
■ Delegation of INL visits FJA	21
■ Delegation of National Judicial Academy, Nepal, visits Federal Judicial Academy	22
■ Judicial dialogue on HIV, Human Rights and the Law in ASIA and the PACIFIC	22
■ The Academy enriched by addition in faculty	23
Position holders	24

ISLAM SHOULD NOT BE BRACKETED WITH TERRORISM

Hon'ble Mr. Justice Shaukat Aziz Siddiqui

Islam is essentially a religion of tolerance, peace, equity, equality, moderation and human harmony and it should not be bracketed with extremism, militancy, intolerance and terrorism.

These views were expressed by Mr. Justice Shaukat Aziz Siddiqui, Hon'ble Judge, Islamabad High Court in the inaugural ceremony of a two-day deliberation under the aegis of “National Counter Terrorism Judicial Forum” held by Federal Judicial Academy in collaboration with British High Commission, on Thursday, 17th April, 2013.

He said, “Islam never allows the massacre of innocent citizens, explosions, and suicide bombing in business centres, streets, markets, mosques, churches, national installations, and other public places. Killing of innocent people, whether in Washington, New York or any other place in the world, is strongly condemnable.”

About the scourge of terrorism, he said, “Terrorism has many implications for the society. It puts peace, stability, development and even the very existence of the society and the state at stake; hence, we all have to make collective concrete efforts to combat the curse of terrorism. We have to share thoughts, knowledge and information with each other in such like fora, so as to fight militancy, intolerance, extremism and terrorism in the country.

Lauding the courage, commitment and professionalism of ATC judges, he said that they were in fact heroes who were discharging their duties, despite several odds such as defective or inadequate infrastructure, lack of cooperation and shortage of skilled manpower *inter-alia*.

He also invited an intellectual debate on the term *terrorism* and opined, “One man's hero, is another man's villain or terrorist. Therefore, it is essential to define the word terrorism in loud and clear terms. Once we are clear about what is terrorism, then, we can combat the menace of terrorism effectively.



Hon'ble chief guest with the Director General,
FJA

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and shed light on the rationale of the National Counter Terrorism Judicial Forum. “I am extremely positive that with coalition, consensus and cooperation at national and international level, we can eliminate the curse of terrorism from this country and the globe” he concluded.



Participants of the course in a group photo with Hon'ble Mr. Justice Shaukat Aziz Siddiqui, provincial Administrative Judges of A.T.Cs and faculty of the Academy

TERRORISM MENACE NOT SPECIFIC TO A NATION, COUNTRY, REGION OR RELIGION BUT AN INTERNATIONAL ISSUE

Hon'ble Mr. Justice Tassaduq Hussain Jillani

Hon'ble Mr. Justice Tassaduq Hussain Jillani, senior puisne Judge, Supreme Court of Pakistan said that no country can grow under the specter of terrorism, thus, strict application of statutes, rules, regulations and policies will go a long way to eliminate the menace of terrorism and pave the way towards a prosperous and peaceful Pakistan.

He expressed these views in the closing ceremony of a two-day deliberation under the aegis of "National Counter Terrorism Judicial Forum", held in collaboration with British High Commission, Islamabad, at the Federal Judicial Academy, on Friday, 18th April, 2013.



(L to R) Director General, FJA, Hon'ble Mr. Justice Tassaduq Hussain Jillani and Lord Justice Gross

About the background and nature of this dastardly act, he said, "Terrorism is not a nation, country, region or religion specific menace but it is an international issue. This human aberration has existed, in one or the other form, since time immemorial and it still continues to disturb peace and progress. However, the only difference is that the modern day terrorists use sophisticated weapons and tactics. Various terror outfits operate in different parts of the world. Some terrorists legitimize their acts by cloaking it with various popular name tags such as *liberation*, *revolution* or *human rights* and *democracy*. These terrorists joined by non-state actors with modern techniques have caused huge loss to life and property. They select as their target, the markets, public places like hotels, restaurants, bus stands, roads, airports and even shrines and as a result innocent people suffer in these acts."



Hon'ble Mr. Justice Tassaduq Hussain Jilani gives away certificate to a participant

Regarding preventive and remedial measures, he said, "Various countries, including Pakistan, are facing menace of terrorism and are taking preventive and remedial measures. For this purpose, special courts under the Anti-Terrorism Act, 1997 have been set up. I am aware of the criticism about the high rate of acquittal orders and low convictions. Our Judges are independent but they can convict only on the basis of available evidence. The judges have to go by the strength of law and evidence before them. Even if they are morally convinced about the guilt of an accused, they can't give a verdict contrary to record. Lack of adequate evidence requisite for conviction, defective

investigation and refraining of witnesses to come forward and testify against the culprits are salient reasons for failure of effective prosecution in the court. I believe that quantum of punishment under the Anti-Terrorism Act, 1997 should be such to act as deterrence. But at the same time the courts cannot ignore the fact that life and liberty of a person cannot be jeopardized without due course of law".

"To overcome the weaknesses in collection of evidence it is advisable that forensic evidence should be gathered by the investigating agency and accepted by courts, of course, subject to requisite standard of proof. Since its promulgation, the Anti-Terrorism Act, 1997 has undergone certain developments. There is also changing trend in new laws which has supplemented the time tested old procedural law of evidence", honorable Judge maintained.

He added, "In our criminal justice system mostly reliance is laid on oral evidence of eye witnesses. In cases dealt with by Anti-Terrorism Courts either the witnesses are eliminated from the scene by cahoots of the under trial or they are threatened and intimidated to an extent that they don't come forward to depose in the courts in support of prosecution. Counter terrorism measures should, therefore, not undermine democratic values or subvert the rule of law. Within the bounds prescribed by law, the judges have to go within the democratic set up and care has to be taken to ensure that state does not take recourse to bend the rule of law," he concluded.



Hon'ble Mr. Justice Tassaduq Hussain Jilani presents a souvenir to Lord Justice Gross

About the importance of two deliberations, he said, "It must have been very productive for you. It would have given you a better understanding about the law, and gaps and flaws in it, if any, and how to improve the law and manner of trial." Being a Judge In charge FJA (Academics), he thanked the British High Commission, Islamabad, and Lord Justice Gross, Senior Presiding Judge for England and Wales for organizing this exceptionally relevant forum for ATC Judges.

JUDICIAL LEADERSHIP VITAL TO ADDRESS COMMON PROBLEM OF TERROR

Lord Justice Gross



Lord Justice Gross, Senior Presiding Judge for England and Wales addressing the participants

Lord Justice Gross, Senior Presiding Judge for England and Wales, speaking at the forum said, “Judicial leadership was of the utmost importance in addressing the common problem and was vital in bringing about positive change in investigation techniques, the use of technology, case management and gaining the support of legal profession. In this way, the difficult challenge of balancing the needs of national security and the rule of law can be best addressed”.

Lord Justice thanked the FJA management for his warm welcome.

Earlier, Mr. Parvaiz Ali Chawla, DG, FJA, presented his welcome speech and said, “Today

we live in a fully interdependent world. We increasingly need global solutions and global responses to global problems. We have to work more closely with our international partners in addressing global issues which Pakistan and the region are facing”.



Participants of the course in a group photo with Hon'ble Mr. Justice Tassaduq Hussain Jillani, Lord Justice Gross, provincial Administrative Judges of ATCs and faculty of the Academy

*“We judge ourselves by what we feel capable of doing;
others judge us by what we have done.”*

-Henry Wadsworth Longfellow

LEARNING VERY IMPORTANT IN THIS AGE OF GLOBALIZATION

Hon'ble Mr. Justice Muhammad Anwar Khan Kasi

Hon'ble Mr. Justice Muhammad Anwar Khan Kasi, Chief Justice, Islamabad High Court, said that learning and gaining knowledge is very important in this period of globalization.

He expressed these views in the inaugural ceremony of one-week training course on "Legal Education" for lawyers from High Court Bar Association, Rawalpindi, at the Federal Judicial Academy, on Monday, 22nd April, 2013.

He said, "I am, pleased to note that most of the participants are young lawyers and have keen desire to be equipped with latest knowledge in the field of law".

He said, "We all believe in the rule of law, as it is the only solution to overcome the unrest and chaos in the society. The importance of legal education has increased in the present age because it has close relation with the rule of law. Only well equipped and knowledgeable lawyers feel confident in the court and that is only possible if legal education is attained."

He said, "The profession of law requires full devotion and full time study relevant to law subjects. I am confident that during this week important and useful lectures will be delivered on relevant subjects of law and you will be gaining a lot out of this course. It is a matter of satisfaction that very knowledgeable and experienced scholars are teaching here, and we owe our gratitude to them for sparing their precious time".

"Every subject of law is equally important and therefore, you would be going back with the confidence and satisfaction that this week added a lot to your personality for your future career," he concluded.

Earlier, Mr. Khalid Ameen Tareen, Director Instructions, presented the welcome speech and a brief profile of the honourable chief guest on behalf of the Director General, FJA, in the ceremony.



Hon'ble Mr. Justice Muhammad Anwar Khan Kasi addressing the course participants



Participants of the course in a group photo with Hon'ble Mr. Justice Muhammad Anwar Khan Kasi, representatives of bar and faculty of the Academy

CONTINUOUS TRAINING INDISPENSABLE FOR LAWYERS

Hon'ble Mr. Justice Sh. Azmat Saeed



Hon'ble Mr. Justice Sh. Azmat Saeed addressing the course participants

Hon'ble Mr. Justice Sh. Azmat Saeed, Hon'ble Judge, Supreme Court of Pakistan, said that continued *self-education and training* is indispensable for honing the skills of lawyers in the emerging areas of practice and to their social relevance in this rapidly changing world.

He expressed these views in the concluding ceremony of a one-week training course on “Legal Education” for lawyers from High Court Bar Association, Rawalpindi, at the Federal Judicial Academy, on Saturday, 27th April, 2013.

He said, “The system needs to be upgraded to address the problems of the twenty first century. The problems of this century can't be solved with the tools of the sixteenth or eighteenth century. Since law and knowledge change with the

march of time, therefore, those lawyers who lag behind to acquire the latest and updated knowledge, their clients suffer and in the long run of life they themselves suffer badly. The participation of young lawyers in this one-week training course, here, at the Academy demonstrates their renewal of commitment to update and enhance their knowledge.”



Hon'ble Mr. Justice Sh. Azmat Saeed gives away certificate to a participant, Mr. Taufiq Asif, President, High Court Bar Association, Rawalpindi looks on

Regarding the continuous training for lawyers, he said, “Bench and Bar are integral to each other. Our legal and judicial system is incomplete if we *minus* advocates. This coordinated effort of the Academy to arrange one-week course on very important topic, “Legal Education and Art of Advocacy” would have ignited the imagination of a large number of young lawyers on the relevance and usefulness of continuing education to

hone their skills in emerging areas of legal practice and maintain their role as social engineers in the process of development. Over the years, this awareness has spread among the younger members of the profession though, unfortunately, there was no one to offer the trainings and orientations relevant to the changing demands of the legal market. Since “Right to Education” is recognized as one of the Fundamental Human Rights, therefore, education in the judicial academies can't be restricted only to impart education to the judicial officers. I appreciate this effort of the Academy. We must treat our young lawyers like our own children. They are, in fact, our children and we must pass on knowledge, information, and professional skills to them. We should not be miser in imparting knowledge of law, and the art of advocacy to them. We should not behave like the Shakespearean Shylocks.

He further elaborated “A lawyer's true and genuine mission is to obtain the best possible result in a specific legal situation. This mission cannot be achieved without persuasive art of advocacy, competence, commitment and loyalty to profession. Competence or quality is the product of knowledge, attitudes, values, skills and ability to apply them for professional tasks. Legal education in our colleges hardly teaches anything more than knowledge and that too inadequately. Some skills are acquired in early days of practice through observation and participation”.

Describing the young lawyers as “Our Future”, the honorable Judge gave them a piece of advice like this, “Your respect is our respect. Respect of lawyers in the society is, in fact, respect of the court and the judges. Don't undersell, and underestimate yourself. First try to transform yourselves, then, others. Always exercise restraint over emotional issues. Maintain your gained respect and prestige, with your courteous, caring and polite behavior and humane attitude,” he concluded.

Earlier, Mr. Khalid Ameen Tareen, Director Instructions, presented the welcome speech and a brief profile of the honourable chief guest on behalf of the Director General, FJA, in the ceremony.



Participants of the course in a group photo with Hon'ble Mr. Justice Sh. Azmat Saeed, guests and faculty of the Academy

COMMIT YOURSELF TO YOUR CREATOR

Hon'ble Mr. Justice Jawwad S. Khawaja

Hon'ble Mr. Justice Jawwad S. Khawaja, Judge Supreme Court of Pakistan said that Allah Almighty is the Creator and Sustainer of this world, and all that happens in this world is according to His will and knowledge. Our Creator is our Provider, Sustainer and our Redeemer. Commit yourself to your Creator and He will meet all your needs according to the riches of His glory.

He expressed these views in the inaugural ceremony of a one-week training course on “Legal Education” for second batch of lawyers from High Court Bar Association, Rawalpindi, at the Federal Judicial Academy, on Monday, 29th April, 2013.



Hon'ble Mr. Justice Jawwad S. Khawaja addressing the course participants

He said, “Outwardly attractions may appeal, temptations may occur but you have to fight temptations and lead a life of dignity, honor and reputation. Reputation and integrity are everything. Follow through on what you say you're going to do. Your credibility can only be built over time, and it is built from your words and actions. Remember credibility is very important and it counts in all walks of life.”

Regarding the legal system, he said, “The fact is that our legal system is exploitative. Those who come for redressal of their grievances, their miseries are multiplied. Being young lawyers, you have to dilute this impression that our lawyers do not safeguard the interests of the litigant public; they do not strive to get relief for their clients but make every effort to exploit them.”

Appreciating the training course for lawyers, the honorable Judge said, “We work in a fast changing domain of law, legal and judicial profession where new laws are emerging, where information technology (IT) has widened the nature and scope of legal and judicial functioning. It is absolutely necessary for all key stakeholders of the administration of justice system to update their knowledge regularly through such like trainings and orientations so as to manage their tasks efficiently. I appreciate the content of the training course for the lawyers and hope that the knowledge they will gain from various resource persons will provide them vital guidance for an effective administration of justice”.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and brief introduction of the honorable chief guest in the ceremony.



Participants of the course in a group photo with Hon'ble Mr. Justice Jawwad S. Khawaja, guests and faculty of the Academy

"I know there is a God, and that He hates injustice and slavery. I see the storm coming, and I know that His hand is in it. If he has a place and work for me—and I think He has—I believe I am ready."

-Attributed to Abraham Lincoln

ACTIVE ROLE OF LAWYERS, A DYNAMIC CATALYST FOR CHANGE IN SOCIETY

PERSUADE JUDGE THROUGH ARGUMENTS; BUILD AND MAINTAIN YOUR CREDIBILITY

HON'BLE CHIEF JUSTICE OF PAKISTAN EXHORTS YOUNG LAWYERS

The Federal Judicial Academy in collaboration with the Law and Justice Commission of Pakistan, arranged two one-week training courses on "Continuing Legal Education" for young lawyers of High Court Bar Association, Rawalpindi. The Hon'ble Chief Justice of Pakistan/Chairman Board of Governors of the FJA distributed certificates among participants of second batch, whereas besides participants of both courses, office bearers of different bar associations and other guests attended the ceremony.

In view of important message and professional advices for young lawyers, the text of address by Hon'ble Chief Justice of Pakistan delivered on the occasion at the Academy on 4th May, 2013 is being reproduced for the interest of readers.—Editor

At the very outset, I would like to congratulate the participants of two one-week training courses on 'Continuing Legal Education' arranged by the Federal Judicial Academy in collaboration with Law and Justice Commission of Pakistan. It is a matter of immense pleasure for me to be here amongst you at the certificate awarding ceremony. The participants of these two courses are young lawyers hailing from Rawalpindi Division and initiative for this noble task was taken by the President of High Court Bar Association, Rawalpindi Bench.



Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan addressing the course participants and audience

2. I have gone through the programmes designed for aforesaid courses in which the participants were inter-alia addressed on the topics of Professional Ethics, Intricacies in Recording of Evidence, Constitutional Jurisdiction, Civil & Criminal Appeals & Revisions, Cyber Crime Laws, Murder Reference, Medical Jurisprudence & other Forensics, Bar Bench Relationship and Legal Writing. I am glad to note that within a short span of six days diversified topics relating to good advocacy were taught.



Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan gives away certificate to a participant

3. There cannot be an exception to the view that gaining of education does not end with the formal schooling, and more so for the members of legal fraternity. In order to keep pace with developing world one has to acquire knowledge and information of new laws and changing trends of society. In many jurisdictions, continuing legal education for lawyers is arranged by State Bar Associations. In certain jurisdictions the continuing legal education, also termed as continuing professional development programme is mandatory. The matter of quality legal education also came up for examination before the Apex Court

and after serious deliberations it was observed in *Pakistan Bar Council vs. Federal Government and others*, PLD 2007 Supreme Court 394 that there was by now a broad consensus among those concerned with legal education around the world that the issue needed to be tackled not only at the academic and professional stage comprising both institutional training and practical training but also continuing legal education. The Federal Judicial Academy, with the collaboration of Law and Justice Commission, has arranged a few courses on continuing legal education but the Bar being a larger body should also seriously ponder to formalize such trainings at Bar level by establishing institutes. The cooperation and co-ordination of judiciary in such trainings will be ensured. There can be no two opinions on the proposition that Bar and Bench are complementary to each other. A strong Bar means a strong judiciary.



Representatives of young lawyers presenting a shield to Hon'ble Chief Justice of Pakistan

4. At global stage concept of inter-professional education is evolving rapidly, the underlying idea of which involves educators and learners from two or more professions and their foundational disciplines, who jointly create and foster a collaborative learning environment. We have applied the same concept in these two training courses of lawyers at the Academy.

Keeping all these objectives in mind, establishment of a Federal University of Law and Judicial Administration (FULJA) is in the offing, as it was felt essential to create internationally compatible environment in Pakistan for promotion of justice and rule of law at regional and

international sphere and to strengthen the quality of legal profession, the Bar and the Bench, to establish a habitat for the promotion of constitutional knowledge and practices, to impart training for resolution of contemporary issues and to improve the quality of education in the field of law and judicial administration.



Representative of Rawalpindi High Court Bar Association presenting a bouquet to Hon'ble Chief Justice of Pakistan

5. When we trace evolution of modern legal profession in the subcontinent, it dates back to the year 1672 with the establishment of first British Court in Mumbai. For some time gender discrimination prevailed in legal practice and the women were not allowed to practice law. To remove the doubt about the eligibility of women to be enrolled and to practice as legal petitioners a law had to be enacted. Today I can see in this very gathering a good number of lady lawyers in their proper robes which shows that this segment of the society, having accepted the challenges of time, has fully availed the constitutional guaranties.

6. Active role of lawyers in society and administration of justice is most important and laudable. It is dynamic catalyst for change in the society. It is this community which is upholder of rule of law. Normally the lawyers strive to earn success of their clients by interpreting existing laws in addition to suggesting changes. So they are seeking the private good for their client without having any regard for public interest. The history shows, however, that eminent lawyers struggled for public good. Even in subcontinent, before the emergence of Pakistan, the members of this community conceived the idea of independence, formation of a separate homeland and materializing the same. So they brought mammoth social change, as a result of which we are now recognized as independent state and a nation also. The common role of a lawyer is to advance lawful interests of his client and in this way his intellectual capabilities are client-centered. This is not so when the lawyers are bent upon effecting social change. Now they act *pro bono publico*. They inspire and organize others for participation in social movement. This activity is expected of only highly educated intelligentsia. Lawyering for social change focuses to “fight on the *status-quo* and provide redressal and representation to the voiceless”. Louis D. Brandeis has even termed them as “people's lawyers”. They are the moral activists who create a cultural shift for making a social change. The scholars have endorsed the viewpoint that using the law to effect social change is well within the lawyers authority, because the law reflects society's morals and standards. To illustrate, we need not go much back in the past. In our country the judicial hierarchy at key level was disrupted by unconstitutional and arbitrary acts of an individual. It was blatant and sheer disregard of all norms of fairness and values. It was for the first time in the legal and judicial history of Pakistan that the lawyers reacted sharply and came on the roads. This movement, as everybody knows, was not client-centered. The only objective was to restore the independence of judiciary. The novelty of this movement was that it was not politically led; rather the politicians followed and joined. The media also fully supported the movement at their end. Here, I would like to cherish comments, on record, of some notables without naming them.

“The movement... has woken up a whole generation of Pakistanis who were put to sleep”.

“The broader aspect of the movement is the dream that has been placed in the eyes of people in the form of transformed states”.

“The movement is to be judged on the qualitative changes in the mind setup of Pakistanis that we have made. I venture to think that nobody can now bring a PCO. The common man now understands what the rule of law means”.

These comments are a tribute to you, the members of legal profession. This awareness was only due to lawyering by legal fraternity of Pakistan to bring about an unprecedented social change for upholding the rule of law.



Participants of the course in a group photo with Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan, guests and faculty of the Academy

7. In order, that a lawyer is respected as a professional and advisor or a catalyst of social change, he is expected to have mastery in his profession. His conduct, not only in the court or in his office is observed and noted but also as law abiding citizen in the society leaves behind deep imprints. Whenever the superior courts enunciate a principle of law, everybody is interested to know as to who assisted the court.

8. Now, a few words of advice for the young lawyers. You should attain the standards of professional ethics and etiquettes and practice them. Proper dress and punctuality will add to your personal grace and decorum of the court. You must have skills in the art of Pleadings, Drafting, Cross-Examination and Presentation of Arguments. Advocacy is an art. And like all other arts, some



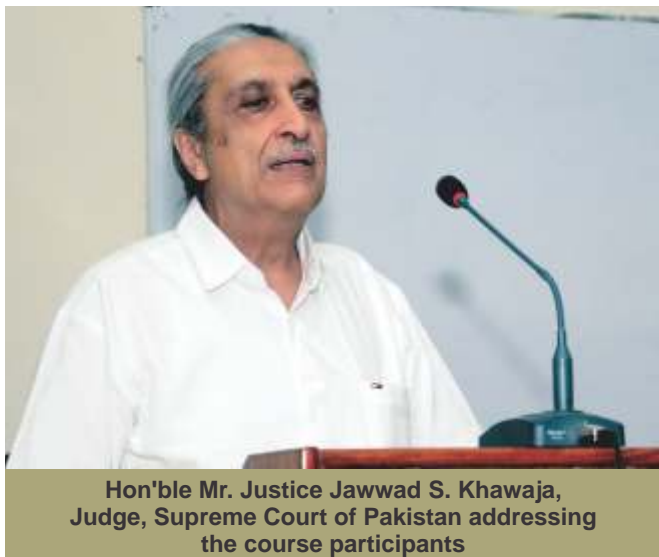
Participants of the course in a group photo with Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan, guests and faculty of the Academy

have natural aptitude while others have great difficulty in mastering it. Delete the word *impossible* from your vocabulary. You should learn the skills and techniques of interviewing and counseling. The advocates have certain duties towards their clients, the courts, fellow lawyers and to self also. He who has no orientation of information technology is now a days treated as illiterate. You should persuade judge through arguments, without concealing material facts on record. Build and maintain your credibility as much as possible. An advocate is not a mere mouth piece of his client. However he has to make his best efforts to win points favourable to his client.

9. Judge Abbot Parry in his famous book titled "*The Seven Lamps of Advocacy*" referred to the qualities that make success at the Bar. And these are *honesty, courage, industry, wit, eloquence, judgment and fellowship*. The academia have added eighth lamp, viz *tacts*. To say in simple words, key to success lies in hard work. As Lord Eldon said, "that in order to become a great lawyer one should live like a hermit and work like a horse". By adhering to the norms of professional conduct, you can enhance the esteem of the profession in the eyes of society and render valuable services towards administration of justice in which the nation is pinning much hopes. The Bar being important stakeholders of administration of justice can help the judiciary in alleviating the miseries of the persecuted and downtrodden in the society. May Almighty Allah, one of whose name is also "*Vakil*" be pleased with you.

TO CHANGE SOCIETY IS NOT JUDGE'S MISSION

Hon'ble Mr. Justice Jawwad S. Khawaja



Hon'ble Mr. Justice Jawwad S. Khawaja,
Judge, Supreme Court of Pakistan addressing
the course participants

Hon'ble Mr. Justice Jawwad S. Khawaja, Judge Supreme Court of Pakistan said that it is not the job description or mission of the judges to change the society.

He expressed these views in the inaugural ceremony of one-week training course on "Criminal Trial and Appreciation of Evidence" for Civil Judges-cum-Magistrates from all over Pakistan and Azad Jammu & Kashmir at the Federal Judicial Academy on Monday, 27th May, 2013.

He said, "We are judges and our job is to decide the cases on the basis of evidence. However, to change the entire society or any part

or any province of Pakistan, is not our mission and not even our job description.

About the training courses, the hon'ble judge said, "This sort of courses contain very healthy potential. With diversity of experience you come here in the Academy and this diversity of experience has its own benefits. Our problems and our issues are all over the same. We share experiences with each other here and this sharing of experiences becomes an exchange of ideas".

Regarding the law, he said, "Law is a dynamic thing and routine is the killer. If you deal with the cases in a routine manner, then, you are not a Judge. You should not be personally or emotionally involved in any cases. You are trial judges. You need to be aware, open and committed. Your opinion has to be an opinion of a Judge."

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and brief introduction of the honorable chief guest in the ceremony.



Participants of the course in a group photo with Hon'ble Mr. Justice Jawwad S. Khawaja, Judge, Supreme Court of Pakistan and faculty of the Academy

JUDICIAL OFFICERS SHOULD BENEFIT FROM MODERN TECHNIQUES

Hon'ble Mr. Justice Anwar Zaheer Jamali

Hon'ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan urged the young judicial officers to take maximum benefit from modern technology and use it for the betterment of public.

Hon'ble judge expressed these views during the certificate awarding ceremony of one-week orientation course on “Criminal Trial and Appreciation of Evidence” for Civil Judges-cum-Magistrates from all over Pakistan and Azad Jammu & Kashmir in the Federal Judicial Academy on Saturday, 1st June, 2013.



Hon'ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan addressing the course participants

About the advantages of modern technology in the administration of justice, he said, “Modern technology and techniques have made your working easy. Gone are the days when judicial officers used to sit in the libraries and refer various books for judgment-writing.” He said that nowadays modern technology and devices such as computer and internet had made everything easy for the judicial officers. “They have just to visit and explore the requisite legal and law websites and gather the required knowledge and information for the purpose. In order to have a successful future, you

have to try to take maximum benefit from it. Increase your knowledge and apply it impartially for service to humanity”, he advised.

Regarding the establishment of Academies at the federal and provincial level, he said, “You are lucky enough because you people have joined the judicial career at such a juncture when we have academies at the federal and provincial level to groom young judicial officers.” He asked the judicial officers to apply their knowledge and skills for inexpensive and expeditious justice to the litigant public.

Advising the young judicial officers, he said, “For a successful and competent judge it is necessary to be self- contented and lead a simple life. Judiciary, which is an important organ of the state, has gained the confidence of public and now all of us have to strive to maintain it. I am confident that in your career growth many of you will become the judges of superior courts in the future and will hold the reins of judiciary and try to overcome the deficiencies.”

Earlier, DG of the Academy presented his welcome speech and an overview of the training course.



Hon'ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan gives away certificate to a participant



Participants of the course in a group photo with Hon'ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan and faculty of the Academy

GOVERNMENT PLEADERS OUGHT TO REMOVE WRONG IMPRESSION OF LAGGARDNESS, LACK OF INTEREST TO WATCH GOVERNMENT STAKES

Mr. Sadaqat Ali Khan, Prosecutor General, Punjab

Prosecutor General, Punjab, Mr. Sadaqat Ali Khan, urged the government pleaders to strive with dedication and devotion to protect the interests of the government adding that, “You have to remove this general perception that government pleaders usually do not take interest to watch and safeguard the stakes of government.”

He expressed these views in the inaugural ceremony of a one-week training course on “District Attorney and Management of Civil Cases” for District Attorneys/ Deputy District Attorneys from all over Pakistan, Azad Jammu & Kashmir and Gilgit–Baltistan at the Federal Judicial Academy, on Monday, 10th June, 2013.



Mr. Sadaqat Ali Khan, Prosecutor General, Punjab addressing the course participants

Lamenting the lukewarm attitude of the government departments he said, “It is noticed that the government departments in litigation usually depute the lowest grade officials such as peons and chowkidars to coordinate with the District Attorneys and Deputy District Attorneys, whenever there is any case.

Inviting attention of the government pleaders, he said, “You, the District Attorneys and Deputy District Attorneys, are the custodians of the record. You have to give a wake- up call to the government departments to maintain and manage the official record properly and present it in a befitting manner whenever needed in any case in a court of law.”



Participants of the course in a group photo with Mr. Sadaqat Ali Khan, Prosecutor General, Punjab and faculty of the Academy

He appealed to the Honorable Chief Justice of Pakistan to take notice of the low salary, lack of facilities, poor infrastructure, among others, which upset the effective delivery of service by government pleaders.

About the training course, he said, "This refresher course is a great learning opportunity, I hope, you will learn a lot during this one week refresher course and apply the gained knowledge, information and skills to deliver efficient service."

Earlier, DG of the Academy presented his welcome speech and urged the participants to make this course productive with their active participation and interaction.

ATTORNEYS OBLIGED TO PROTECT INTERESTS OF STATE, ENSURE FAIR PLAY; COURTS ARE INSTITUTIONS FOR REDRESSAL

Mr. Khalid Khan, Advocate General, Khyber Pakhtunkhwa

Advocate General, Khyber Pakhtunkhwa, Mr. Khalid Khan said that there has been a sudden spurt of cases in courts as the citizens have realized that the courts are institutions for redressal.

He expressed these views in the certificate-awarding ceremony of one-week training course on "District Attorney and Management of Civil Cases" for District Attorneys/ Deputy District Attorneys from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, on Saturday, 15th June, 2013.



Mr. Khalid Khan, Advocate General, Khyber Pakhtunkhwa addressing the course participants

He said, "Each state government maintains a department of justice responsible for the prosecution of crimes. Countries, cities and towns also employ attorneys to prosecute crimes against the state. These departments are staffed by attorneys who present the government stance to a judge for final determination of the issues. The number of cases filed in courts is increasing day by day and it reflects an increasing realization of the public at large to resort to the court as ultimate mean of dispute resolution. In this process there has been a steady rise in number of legal cases against the government and its departments. These departments are experiencing difficulty in dealing with the situation and consequences of it. To safeguard the interest of these departments is the noble duty of the attorneys".

He added, "Truth is that in democratic societies, the administration has acquired an immense accession of power and has come to discharge functions which are varied and multifarious in scope, nature and ambit. In the words of Robson, the hegemony of executive is now an accomplished fact. Administrative adjudication has arisen largely because of the multitude of cases under the modern legislation needs and it needs to be decided expeditiously with the large formalities, technicalities at less cost and by persons having specialized skills to handle such cases. As the courts are not in a position to fulfill these conditions, thus, a heavy responsibility lies on your shoulders to undertake this sacred task".

He further commented, “The cases are filed before courts, whenever the administration fails to discharge its duties according to the provisions of Statute, Rules and Regulations made thereunder. Apart from the citizens, the government employees also take recourse to the courts regarding service matters. This has led to frequent resorting to courts of law, thereby, resulting in the proliferation of litigation. In such circumstances, your role has become manifold. You are to protect the interests of the state and ensure fair play”.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and an overview of the course.



Mr. Khalid Khan, Advocate General, Khyber Pakhtunkhwa gives away certificate to a participant



Participants of the course in a group photo with Mr. Khalid Khan, Advocate General, Khyber Pakhtunkhwa, Raja Akhlaq Hussain, Secretary, Law and Justice Commission of Pakistan and faculty of the Academy

JUSTICE A 'MUST' FOR SOCIAL BALANCE

Hon'ble Mr. Justice Ejaz Afzal Khan

Lamenting the prevalent sordid state of affairs, Hon'ble Mr. Justice Ejaz Afzal Khan, Judge Supreme Court of Pakistan said that justice is essential to bring balance and eliminate evils from the society.

He expressed these views in the inaugural ceremony of one-week training course on “Gender Sensitization with special focus on Family Laws and Environment Law with special reference to Jurisdiction and Powers of Green Courts etc.” for Senior Civil Judges/ Civil Judges/ Judges of the Family Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit–Baltistan at the Federal Judicial Academy, on Monday 17th June, 2013.

He said: "One has deep regrets over what is happening around us and, if we all learn to give due attention to everything around us, be it the mankind, animals, trees and other creations and creatures of Allah, then, it will not only bring harmony and balance, equilibrium and beauty but it will also strengthen our society."

Honorable Judge quoted a few verses from the Holy Quran, a few traditions of Holy Prophet Hazrat Muhammad (SAW) and also a few inspiring events and anecdotes from the rich Islamic history to illuminate and sensitize the young judicial officers regarding their pivotal position and crucial role in the society.



Hon'ble Mr. Justice Ejaz Afzal Khan, Judge, Supreme Court of Pakistan addressing the course participants

Enlightening the judicial officers with the interpretation of a verse from the glorious Quran, he said, "When the parents become old and because of their age lose their balance then the children are under an obligation to look them after".

He said that indeed, justice was balance and it was justice which inspired the balance in the family, in the society and also in the country. "Although the administration of court justice will be the tip of the iceberg yet if we focus on court justice, we can do a lot for it", he elaborated.

About the gender sensitization, he said, "If the woman is given her due right, then, there would be no problem. She is mother, she is sister, she is wife and she is also a daughter. As a mother, her role has no match. If the basic unit of human society, what we call family, gives her due right, then, I am sure there will be no problems at all. The role of woman must be recognized in every walk of life because it is must for sustainable development and progress."

Regarding the role of green courts, he opined that their role was indispensable for protection and preservation of environment and also to maintain balance in the environment. The Judge also shed light on some Quranic terms such as *Adl*, *Qist*, *Ihsan* and *Zulm* and enriched the knowledge and widened the wisdom of the course participants.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and brief introduction of the honorable chief guest in the ceremony.



Participants of the course in a group photo with Hon'ble Mr. Justice Ejaz Afzal Khan, Judge, Supreme Court of Pakistan and faculty of the Academy

PROTECT ENVIRONMENT FOR FUTURE GENERATIONS

Hon'ble Mr. Justice Muhammad Azam Khan



Hon'ble Mr. Justice Muhammad Azam Khan, Chief Justice of Azad Jammu and Kashmir addressing the course participants

Highlighting the importance and scope of environment, Mr. Justice Muhammad Azam Khan, Hon'ble Chief Justice of Azad Jammu and Kashmir said that in Pakistan we need to be more concerned about the protection of environment and achieving sustainable development.

He expressed these views at the certificate-awarding ceremony of one-week training course on “Gender Sensitization with special focus on Family Laws and Environment Law with special reference to Jurisdiction and Powers of Green Courts etc.” for Senior Civil Judges/ Civil Judges/ Judges of the Family Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit–Baltistan at the Federal Judicial Academy, on Saturday, 22nd June, 2013.

He said, “This situation requires all of us to save, approach and concern about nature and make sustainable development in Pakistan. To achieve this, we need to get it sensitized, interpret and enforce the existing environmental laws in their true perspective and spirit, without fear, favor or discrimination. Inverse to this may cause us and even our coming generations, vulnerable to the adverse consequences.”

He said, “Recognizing the importance of environment, Pakistan has signed many international conventions, treaties and environmental laws.”

He said, “recognizing the challenges of sustainable development and sustainability of natural resources, the Supreme Court of Pakistan with the support of related international bodies such as Asian Development Bank, UN Environment Program, and IUCN, organized a conference on “Environmental Justice” at Bhurban, Muree , on 24th-25th March, 2012, which highlighted the environmental issues. It was in the light of Bhurban Declaration that Green Benches were constituted in Pakistan and Azad Jammu and Kashmir.”

“Judiciary in Pakistan has developed the jurisprudence of public interest environment litigation under which a number of tools and mechanisms have been devised to adjudicate upon the environment litigation in true sense. Environmental matters are usually of technical and complicated nature which has led to appointing 'Commissions' to investigate the issues and make recommendations. Environmental Tribunals and Green Courts may also appoint Commission for proper and just adjudication of environment cases before them”.

About the gender sensitization, the honorable Chief Justice of AJ&K said, the term *gender sensitization* is being widely referred to in the present era. The issue of 'gender sensitization' is particularly raised in the context of Family Laws. The question is not only raised in respect of Family Laws but also in respect of general laws on the ground that women are being discriminated in respect of their rights.



Hon'ble Mr. Justice Muhammad Azam Khan, Chief Justice of Azad Jammu and Kashmir addressing the course participants



Participants of the course in a group photo with Hon'ble Mr. Justice Muhammad Azam Khan, Chief Justice of Azad Jammu and Kashmir and faculty of the Academy

“Islam recognizes the principle of equality. Most of the laws of Pakistan and Azad Jammu and Kashmir relating to family matters have come under consideration of Council of Islamic Ideology, Pakistan and Council of Islamic Ideology of Azad Jammu and Kashmir, which have been declared to be in line with the teachings of Islam”, the honourable chief guest concluded.

Earlier, DG of the Academy presented his welcome speech, an overview of the training course and a profile of the honorable chief guest.

DELEGATION OF U.S. DEPARTMENT OF STATE'S BUREAU OF INTERNATIONAL NARCOTICS LAW AND ENFORCEMENT VISITS FEDERAL JUDICIAL ACADEMY

A delegation of U.S. Department to State's Bureau of International Narcotics Law and Enforcement, headed by its Director Mr. Steve Kraft visited the Academy on 13th April, 2013. The delegation was briefed about establishment of the Federal Judicial Academy as also the Provincial Judicial Academies in the country. Mr. Parvaiz Ali Chawla, Director General of the Federal Judicial Academy explained the delegation about the objects and purposes of the establishment of the Academy besides methodology of selection and appointment of judges at all levels. The delegation expressed its interest in extending physical and technical assistance to the Academy including judicial exchange programmes and award of scholarships to judges of Pakistan for higher legal education study in USA. The delegation had a round of different sections of the Academy and was full of praise to see the infrastructure of the Academy.

DELEGATION OF NATIONAL JUDICIAL ACADEMY, NEPAL, VISITS FEDERAL JUDICIAL ACADEMY

A seven member delegation of National Judicial Academy, Nepal, headed by Hon'ble Mr. Keshari Raj Pandit, Chief Judge, visited the Federal Judicial Academy on 19th June, 2013. The delegation expressed its keen interest to know the designing of courses, methodology of training, needs assessment and impact analysis of the training programmes. The other members of the delegation included the faculty and executive functionaries of the Nation Judicial Academy. Mr. Parvaiz Ali Chawla, Director General of the Federal Judicial Academy briefed the delegation about the working of the Academy. The delegation paid visit to different sections of the FJA besides it's under-construction phase-II.



The Director General, FJA is briefing the delegation, faculty members of FJA were also present at the occasion

JUDICIAL DIALOGUE ON HIV, HUMAN RIGHTS AND THE LAW IN ASIA AND THE PACIFIC

On the invitation of UNAIDS Pakistan, the Hon'ble Chief Justice of Pakistan nominated Hon'ble Mr. Justice Mian Saqib Nisar, Judge Supreme Court of Pakistan and Mr. Khalid Amin Khan Tareen, Director Instructions, Federal Judicial Academy, Islamabad to participate in the judicial dialogue in Bangkok, Thailand held on 2-4 June, 2013. The delegates from Pakistan actively partook in the dialogue and rendered valuable contribution during deliberations.



Participants of the judicial dialogue

THE ACADEMY ENRICHED BY ADDITION IN FACULTY

Mrs. Ashraf Jahan, District & Sessions Judge, has assumed the charge of the office of Director Instructions, Federal Judicial Academy, on 17th April, 2013. Prior to new assignment she served as Chairperson Environmental Protection Tribunal, Karachi and District & Sessions Judge, Karachi (East). She joined judicial service in the year 1987.



Ms. Jazeela Aslam, Additional District & Sessions Judge, has assumed the charge of the office of Additional Director Instructions, Federal Judicial Academy, on 02nd May, 2013.

POSITION HODERS

At the inaugural session of one week refresher course on “*Gender Sensitization with special focus on Family Laws and Environment Law with Special Reference to Jurisdiction and Powers of Green Courts etc.*” for Senior Civil Judges/Civil Judges/Judges of the Family Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan held on 17.06.2013 the chief guest Hon'ble Mr. Justice Ejaz Afzal Khan, Judge, Supreme Court of Pakistan gave an assignment to the participants to write down a note on the topic “**Role of judges as society builders**”. Hon'ble Chief Justice of Pakistan/Chairman Board of Governors of the Federal Judicial Academy nominated Hon'ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan to check and evaluate these papers.

Ms. Shabana Risalat Abbasi, Senior Civil Judge, Attock, clinched first position in the essay competition, while Ms. Rabia Batool Malik, Civil Judge-cum-Magistrate, Islamabad (West) and Mr. Muhammad Jawad Alam Qureshi, Civil Judge-cum-Magistrate, Shorkot, jointly held the second position.

ROLE OF JUDGES AS SOCIETY BUILDERS

SHABANA RISALAT ABBASI

Senior Civil Judge


Attock

Law and social fabric are interdependent from times immemorial. Even before the inception of Greek city of states, tribal settlements had their own familial customs and traditions which were, in fact, a nascent shape of law enforced and administered by local elders. History is evident that these settlements had effective intra settlement mechanism of administration of justice although various tribes/settlements were not at peace with one another mainly due to food insecurity.

With the inception of Greek city of states, law and administration of justice were formalized. Kinship and nascent democracies separately existed in various parts and had earlier experiences of international mutual co-existence which later developed into public international law after passing through numerous stages.

The relationship between state and its citizens was further formalized, after the Greek era, under religious dogmas. Different apostles of “ALLAH” brought, introduced and tried to enforce dogmatic concepts of social justice which predominantly contained the system of enforcement at law and its administration which ultimately culminated into judge-citizen relationship. The then judges were mostly dependent upon un-codified traditional “laws” and administered justice broadly on the principles at the equity rather than law. So it merits to be clarified here that the concept of equity is deep rooted into the sands of history than the formulation of “laws”.





Anglo-Saxon laws were the initial shape of well worded codes containing do's and don'ts for the people and had a system of administration of justice in which the pivotal role was assigned to judges. This was the turning point in the history where the judges, in some areas of the world, rose to the position where they were the custodians of the sanctity of codified law for the sake of securing and subsequently developing social texture into a modern dispensation between judges and litigants.

Anglo-Saxon laws provided a strong and durable infrastructure for development and enforcement of codified laws which gained momentum faster in Europe and comparatively slower in the other continents.

Administration of justice provided the apex judicial seat to the judge, highest administrative authority to the executive and prime financial authority was shared by parliament/law makers and executive. It is the judge who has to administer justice in multifarious disciplines like civil, criminal, financial, banking, labour, anti-terrorism etc, under a neatly described constitutional authority.

Generally it is stated, particularly in Pakistan, that the process of administration of justice in trial courts is time taking and has certain other weak areas. I will not say that it is a totally baseless public image because I understand and admit that our judicial system at the grassroots level has many challenges like huge work load, capacity issues of public prosecutors and some of the lawyers. It will not be out of place to mention here that financial matters, corporate and land laws related issues have not been duly attended while formulating the training curriculum of judges in various judicial academies. That is why the judges who should be tailors of social fabric, have not been able to get themselves recognized as a swift and effective platform of all specialties of law in our judicial system.

Hence, for the betterment of judiciary, I would suggest that our integrated training curriculum adequately covering the aforesaid specialties of law should be introduced with due diligence in consequence of which a judge should know why the patwari is maintaining the record of rights in urban areas when the Land Revenue Act, 1967 does not apply to these areas. A judge should further know what is the ultimate veracity of registered sale deed in the wake of Rule 135 of Registration Rules 1929 which prohibits Sub-Registrar to look into the title of a property when it is being sold by any one, and why is it incumbent upon him by virtue of said rule to register a document even if it is fraudulent or opposed to public policy.

Let me say that the judges have to play a vital role in not only improving the whole of judicial system, rather they have to prove that they are the builders of society in the 21st century and have to give the way to history to travel towards social justice, equality, democracy, fundamental rights and swift administration of justice.

I conclude my topic with the beautiful words of Chief Justice of Pakistan addressed at the occasion of certificate distribution ceremony held at Punjab Judicial Academy on 15th June, 2013 that:-

“Judges enjoy a monopoly to administer justice in accordance with law. In return, they are duty bound to deliver justice, to serve the nation competently, and to continuously strive for good governance and effective administration to create an environment of mutual understanding and respect, so as to foster culture of credibility and ensure substantial justice to the entire satisfaction of the general litigant public.”



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