

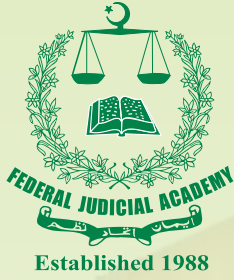


FEDERAL JUDICIAL ACADEMY BULLETIN

January-March, 2016



Hon'ble Chief Justice of Pakistan, Mr. Justice Anwar Zaheer Jamali,
Chairs the 40th Board of Governors Meeting of the Academy.



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HCJP chairs FJA BoG meeting
HCJP Directs Redrafting Of Standardized, Comprehensive FJA Employees Service Rules
OUR EGO SHOULD NOT BECOME OBSTACLE TO PERSONAL, PROFESSIONAL, NATIONAL DEVELOPMENT: HCJP



Hon'ble Chief Justice of Pakistan, Mr. Justice Anwar Zaheer Jamali, Chairs the 40th Board of Governors Meeting of the Academy. Hon'ble Judges of Supreme Court of Pakistan, Hon'ble Vice Chairman, and other Hon'ble members of the FJA, BoG, seen in the meeting held in the Federal Judicial Academy.

Chief Justice of Pakistan, Hon'ble Mr. Justice Anwar Zaheer Jamali, also Chairman of the Board of Governors (BoG), Federal Judicial Academy, chaired the 40th meeting of the BoG of the Federal Judicial Academy (FJA) here on March 3, 2016.

The meeting was attended by Mr. Pervaiz Rashid, Hon'ble Federal Minister for Law, Justice and Parliamentary Affairs, who is also Vice Chairman, BoG, FJA and by other members of BoG, FJA: Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice, Islamabad High Court, Mr. Justice Mazhar Alam Khan Miankhel, Hon'ble Chief Justice, Peshawar High Court, Mr. Justice Ijaz ul Ahsan, Hon'ble Chief Justice, Lahore High Court, Mr. Justice (R) Muhammad Raza Khan, Secretary, Ministry of Law, Justice and Human Rights, and Mr. Fakhar Hayat, Director General, Federal Judicial Academy.

Three honourable judges of Apex Court and Chairman, Higher Education Commission (HEC) namely Mr. Justice Mian Saqib Nisar, Mr. Justice Asif Saeed Khan Khosa, Mr. Justice Umar Ata Bandial, and Dr Mukhtar Ahmed also attended the meeting on special invitation.

Regarding Draft Federal Judicial Academy Service Rules, 2007, Honourable Chief Justice of Pakistan directed that standardized and comprehensive employees service rules for the Federal Judicial Academy should be redrafted at the earliest.

“Any time more than two months is a sheer wastage of time because already too much time has been wasted on one pretext or another, yet FJA employees service rules are not framed. DG, FJA, will redraft the rules and seek guidance and guidelines from the Registrar, Supreme Court of Pakistan or one senior officer who has recently framed the



Hon'ble Chief Justice of Pakistan, Mr. Justice Anwar Zaheer Jamali, Hon'ble Mr. Justice Mian Saqib Nisar and Hon'ble Mr. Justice Asif Saeed Khan Khosa deliberating and reflecting upon an item on the agenda during the 40th Board of Governors Meeting of the Academy.

rules of the Supreme Court of Pakistan.”

The establishment of Federal University of Law and Judicial Administration also came under an extensive deliberation in the meeting. The honourable CJP remarked, “Our top most priority should be to impart quality judicial training to the judicial officers. FJA should produce quality judicial officers. A four member committee headed by Mr. Justice Umar Ata Bandial, Registrar, Supreme Court of Pakistan, Chairman, Higher Education Commission and DG of the Academy was constituted to explore into various prospects and possibilities of the matter, including the utilization of newly erected building for the purpose and other allied matters and report at the earliest.”

A three member committee was also constituted comprising Registrar, Supreme Court of Pakistan, DG of the Academy and one nominee of Secretary Finance to explore

various avenues for proper and profitable investment of the funds of the Academy including the seed money meant for the erstwhile proposed varsity.

The BoG noted and appreciated the implementation of various decisions taken during the previous meeting.

During this two and a half hours meeting, all the honourable FJA members and judges of the Supreme Court actively deliberated on the issues on the agenda and floated a host of pragmatic, futuristic ideas and suggestions for the promotion of quality judicial education and training.

جنہیں آخرت سے دنیا کی زندگی پیاری ہے
اور اللہ کی راہ سے روکتے (ف ۸) اور اس میں
کجی چاہتے ہیں وہ دور کی گمراہی میں ہیں (ف ۹)
القرآن

MR. JUSTICE DOST MUHAMMAD KHAN LAMENTS LACK OF RESOURCES FOR JUDICIARY

Mr. Justice Dost Muhammad Khan, Judge, Supreme Court of Pakistan said that the gap between the judiciary's workload, changing nature of litigation, financial resources, and infrastructural needs were a few crucial problems; adversely affecting expeditious dispensation of justice.

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week course on "Management of Sessions Trial and Appreciation of Evidence" for Additional District and Sessions Judges at the Federal Judicial Academy on February 20, 2016.

He said, "Access to inexpensive and expeditious justice is a fundamental right of the citizens and governments are under an obligation to improve access to justice and provide the adequate resources to the judiciary so that courts are not undermined by a constant lack of resources to dispense speedy justice to the people."

Regarding the efficiency of the courts, the Hon'ble Judge of Apex Court said, "We all know that unreasonable delays in finalizing cases; unwarranted and unsubstantiated court orders, poorly considered judgments and



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

above all growing moral bankruptcy in our society and such like other challenges have the devastating effects on the lives of our people and put strain on the state resources too."

Presenting his welcome speech and an overview of the training course, Mr. Fakhur Hayat, DG of the Academy said, "There is always more to learn and this Academy tries its best to give you the maximum knowledge and wisdom and hone your professional skills during one week training. You should always expand your existing professional skills and develop new ones and put the acquired knowledge and information in practice to make the difference in the field."



*Ms Shagufta A. Kaka, AD&SJ, Hyderabad, speaking on behalf of course participants.
Hon'ble Judge Apex Court and DG, FJA sitting on the stage.*

Speaking on behalf of the course participants, Ms Shagufta A. Kaka, Additional District and Sessions Judge, Hyderabad, lauded the intellectualization of trainees' efforts of the

Academy and said, "We gained a lot during this one week training. It has really enhanced our professionalism."



Inspire others with your Achievements: Hon'ble Judge awards certificate to the course participants.



Always knitted in fraternal Bond: Trainees in group photo with the honourable Chief Guest and Faculty members.

Family Court Judges asked to make a conscious effort to be worthy of judgeship FIRST FEMALE FEDERAL SHARIAT COURT JUDGE ASKS FAMILY COURT JUDGES TO SAVE FAMILIES FROM BREAK-UP

Justice Mrs. Ashraf Jahan, Hon'ble Judge, Federal Shariat Court, says that a key role of the family court judges is to save our nation's families from break-up and that is both sensitive and onerous responsibility.

She expressed these views in the unique joint certificate awarding ceremony at the conclusion of two different training courses namely a one-week course on “Management of Family Cases” for Female Judges of the Family Courts from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan and another course titled “Two-week Capacity Building Training” for Staff of the Academy on March 12, 2016.

She said, “A proper pre-trial guidance and counselling of the estranged couples can save a noble institution of family from break-up. Because of the complex, multidimensional nature of family cases, family court judges must possess additional knowledge, skills, and qualities not required by their colleagues who handle other case types. I personally believe that a Family court Judge must have a deep understating of law but also profound understanding of innate wisdom,



Hon'ble Justice Mrs. Ashraf Jahan and Mr. Fakhar Hayat DG, FJA, sitting on the stage in the certificate awarding ceremony.

understanding of psychology and sociology to save families in society.”

Advising the family court judges she said, “Your passion will always lead you to your purpose. You always get what you focus on. Discourage delaying tactics used by the parties in family related cases. Always keep in your mind that there is a great reward for those judges who give the right and judicious decisions and similarly there is a severe punishment for those who give wrong and unjust decisions.”

Appreciating the capacity building training for the staff of the Academy she said, “One small step at a time consistently creates monumental results. Every training always gives something to learn or at least puts



Family Court Judges and FJA Staff in the certificate awarding ceremony.

trainees on the way to learn more and more for self-improvement. I wish that such like trainings should be a regular feature for the officers and staff members of the Academy to enhance their efficiency.”

In the end, the honourable chief guest awarded certificates to 26 Female Judges of Family Courts and 20 officers and other members of the Federal Judicial Academy in the ceremony.



The Glorious, The Triumph: Hon'ble Chief Guest awards certificates to the Family Court Judges and Staff of the Academy.



Honouring The Honourable: A bouquet of flowers and a gift of books being presented to the Hon'ble Chief Guest in the ceremony.

Ernest Hemingway

“The best people possess a feeling for beauty, the courage to take risks, the discipline to tell the truth, the capacity for sacrifice. Ironically, their virtues make them vulnerable; they are often wounded, sometimes destroyed.”



All Judicious Minds Together: Family Court Judges in group photo with Justice Mrs. Ashraf Jahan and Faculty members.



Always seek opportunities to be even more productive: FJA Officers and staff members in group photo with Justice Mrs. Ashraf Jahan and Faculty members.

JUDGESHIP A SACRED TRUST: NO ROOM FOR ERROR FOR CUSTODIANS OF A SACRED TRUST OF ALLAH: HON'BLE MR. JUSTICE MIANGUL HASSAN AURANGZEB



Intellectualizing the Participants: Hon'ble Mr. Justice Miangul Hassan Aurangzeb addressing the participants in the certificate awarding ceremony.

Mr. Justice Miangul Hassan Aurangzeb, Hon'ble Judge, Islamabad High Court, has said that judges are custodians of the rule of law and they should always behave in such a manner as people in and around idolize them.

While presiding over the certificate awarding ceremony as chief guest at the conclusion of a one-week course on January 23, 2016 on “Criminal Trial and Appreciation of Evidence” for Civil Judges-cum-Magistrates, on Saturday, he said, “A judge both in his private and professional life should behave in a manner as to preserve the dignity of the office. The behavior and conduct of a judge

must reaffirm the people's faith in the integrity of the judiciary.”

He further said, “As Judgeship is a sacred trust of Allah, therefore, we must understand and realize that there is no room for error. Our decisions, our judgments must speak and become our recognition as symbol of justice in the society.”

Presenting his welcome speech and an overview of the training course, Mr. Fakhar Hayat, DG, said, “Trainings always improve performance and we expect better performance from the trainee judges in the field.”



Always go the extra miles: Trainees being awarded certificates in the ceremony.



Knowledge Unites: Trainee Judges in group photo with Mr. Justice Miangul Hassan Aurangzeb and Faculty members.

You might have heard the following story:

Socrates believed that the wise person would instinctively lead a frugal life.

He himself would not even wear shoes; yet he constantly fell under the spell of the marketplace and would go there often to look at all the wares on display.

When one of his friends asked why, Socrates said, "I love to go there and discover how many things I am perfectly happy without."

My friend Mei, a Japanese woman living in the US, believes that one of the keys to happiness is to live with less - not more.

TRAINING BRINGS ABOUT BEHAVIOURAL, ATTITUDINAL CHANGE: REGISTRAR, SUPREME COURT OF PAKISTAN

Training equips personnel to respond effectively to emerging challenges:

Arbab Muhammad Arif, Registrar, SCP

Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan said that training was essential for the enhancement of professional knowledge and sharpening of skills to equip the human resources to respond appropriately to the emerging challenges in the modern world.

While presiding over the certificate awarding ceremony at the conclusion of a one-week training course on “Capacity Building of Supportive Court Officers” for the officers of the Supreme Court and High Courts from all over Pakistan and Azad Jammu and Kashmir, in the Federal Judicial Academy, Islamabad, on February 12, 2016, he said, “The Federal Judicial Academy has taken a good step in the right direction to impart training to the supportive staff of the superior courts.”

He said, “It is believed that an effective training should also bring about appropriate changes in trainees attitudes and strive for that unique synthesis between improvement of the individual's competencies and promotion of organizational objectives. I hope that this one week training will also bring about attitudinal



Arbab Muhammad Arif, Registrar, SCP and Mr. Fakhar Hayat, DG, addressing the course participants.

changes and better practices, which you people have gained during the training will definitely help you all to bridge the performance gap.”

Earlier, Mr. Fakhar Hayat, DG of the Academy presented his welcome speech and an overview of the training course. He said, “The training programme was pragmatic and balanced. It was not monologue but some sort of dialogue-oriented training, to train, motivate and stimulate the trainees for reflection and better performance”.

In the end, certificates were distributed among thirty-two trainee superior courts supportive officers in the ceremony.



Learning new standards for effective performance: A Participant expressing views on behalf of the course participants.



Registrar, Supreme Court Awards certificates in the ceremony.



Supportive Court Officers in group photo with Arbab Muhammad Arif, Registrar, SCP, and Faculty members.

Arbab Muhammad Arif asks prosecutors to play more vibrant role in criminal justice system
**REGISTRAR, SUPREME COURT OF PAKISTAN, ENCOURAGES
PROSECUTORS TO BE PROACTIVE IN PROSECUTING**

Noting the importance of prosecutors' role in criminal justice system, Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan, has asked the prosecutors to play more vibrant role to make society safer and crime-free.

He expressed these views in the certificate awarding ceremony at the conclusion of a one week training course on "Role of Prosecutors in Quick Disposal of Criminal Cases" for Prosecutors from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltisatn, arranged at the Federal Judicial Academy on March 19, 2016.

He said, "Prosecutors have an extremely demanding and sensitive job. They have to respond more effectively to the chronic challenges posed by crimes and criminals in the society. As objectives of the training articulate, therefore, I am confident that the trainees would have gained a lot from this one-week training and now what they are



Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan addressing the prosecutors. DG, FJA and Director Instructions seen on the stage.

required to use the gained knowledge, improve their performance in prosecution and make a visible difference."

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, presented his welcome speech and an overview of the training course. He said that we have to encourage the robust prosecution and this training was meant to enhance the capacity of participants in better prosecution in the administration of criminal justice. He also shed light on the philosophy and rationale of punishment to the criminals in society.



Prosecutors do not hesitate to learn all the times.



Man gives the Award but God gives the Reward: Registrar, SCP, awards certificates in the ceremony.



Sharing Knowledge Strengthens Bond: Prosecutors in group photo with Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan and Faculty members.

"Happiness is not a matter of intensity but of balance and order and rhythm and harmony."

Thomas Merton

FJA FOSTERS A CULTURE OF CONINTUOUS DEVELOPMENT, LEARNING: ADDITIONAL ATTORNEY GENERAL FOR PAKISTAN

The demand for training and re-training is universally recognized but it is likely to expand in this globalized world because globalization presents ample challenges and opportunities.

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on “Management of Civil Cases” for District Attorneys/Deputy District Attorneys from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan January 9, 2016.

He said, “The creation of responsible, independent and thorough professional law officers, attorneys and deputy district attorneys require a greater emphasis on a



Mr. Muhammad Waqar Rana, Additional Attorney General for Pakistan and DG, FJA addressing the course participants.

critical learning and training environment. Efficient, equitable and accessible justice systems are the lifeblood of the rule of law. FJA is fostering a culture 'of continuous development and learning for all key players of the dispensation of justice system”.



District Attorneys/ Deputy District Attorneys in group photo with Additional Attorney General for Pakistan and Faculty members.

DG, FJA HIGHLIGHTS IMPORTANCE OF CRIMINAL JUSTICE SYSTEM

Mr. Fakhar Hayat, Director General, Federal Judicial Academy said on January 18, 2016 that the district judiciary was a crucial organ of our judicial system and the importance of criminal justice system at district judiciary level hardly needed any emphasis.

While inaugurating a one-week course on “Criminal Trial and Appreciation of Evidence” for Civil Judges –cum-Magistrates, he referred to a wide variety of subjects in which training would be imparted to the trainees and also a two -day workshop to be organized in collaboration with the Legal Aid Society, Karachi, on Issues related to

“Gender and Minorities” during this weeklong training.

“Effective learning is relevant to the learner's life and work,” he concluded.

After inauguration, the introduction of the faculty and officers of the Academy and that also of the course participants took place in the classroom.

Twenty- six Civil Judges-cum-Magistrates from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan underwent this one week training at the Federal Judicial Academy.



Trainees in group photo with DG and other faculty members.

CAPACITY BUILDING NECESSARY AND CONTINUOUS COMPONENT OF DISPENSATION OF JUSTICE: DG, FJA



Sharing Professional Wisdom: DG addressing the Supportive Court Officers in the inaugural ceremony.

Mr. Fakhar Hayat, Director General, Federal Judicial Academy on February 8, 2016 said that Federal Judicial Academy has had a strong focus on developing the capacity of the key stakeholders of the administration of justice system.

While inaugurating a one-week training course on “Capacity Building of Supportive Court Officers” for the officers of the Supreme Court and High Courts from all over Pakistan and Azad Jammu and Kashmir he referred to a wide variety of subjects” in which training would be imparted to the trainees during this weeklong course.

He said, “ In this first-ever capacity building course for the officers of the superior courts good capacity building practices will be put in use to train the trainees on the skills and knowledge needed to scale-up activities in effective support to the administration of justice system. I personally believe that this type of capacity building initiatives, not only motivate participants to effectively discharge their duties and functions in their own institutions but also they get a wonderful opportunity to interact and learn from each other and also develop a professional bond and that plays crucial role to promote professionalism among participants.”



Supportive Court Officers in group photo with DG and other Faculty members.

JUDGES LEARN BEST FROM THEIR PEERS: DG, FJA

Mr. Fakhar Hayat, Director General, Federal Judicial Academy said that imparting training in the management of sessions trial and appreciation of evidence was necessary to upgrade the efficiency of court administration and rationalize the working of the courts.

He expressed these views in the formal inaugural ceremony of a one-week course on “Management of Sessions Trial and Appreciation of Evidence” for Additional District and Sessions Judges at the Federal Judicial Academy on February 15, 2016.

He said, “The Academy has carefully devised and developed the training programme in order to make it more useful and more interesting for the participants. You are in your own Academy and with your own fraternity members, therefore, try to learn maximum from each other and the learned resource persons during this training.”



*Mr. Fakhar Hayat, DG
addressing the course participants.*

After inauguration, the introduction of the faculty and officers of the Academy and that also of the course participants took place in the classroom.

Twenty five Additional District and Sessions Judges from all over Pakistan and Azad Jammu and Kashmir underwent this one week training at the Federal Judicial Academy.



Learning with Thought is Labour of Love: Additional District and Sessions Judges in classroom.



Unity is Indispensable: Additional District and Sessions Judges in group photo with DG and other Faculty Members.

WE MUST WORK HARD AND WORK SMART: DG, FJA

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, said that capacity building trainings have had a long-lasting impact adding that 'Always seeks opportunities to be even more productive.'

He expressed these views in the inaugural ceremony of a "Two-week Capacity Building Training course for staff of the Federal Judicial Academy" on February 22, 2016.

He said, "The FJA always encourages trainees to focus more carefully on the quality and quantity of their work where needed."



Mr. Fakhar Hayat, DG, addressing the staff of Academy in a two week capacity building training.

Twenty officers and other staff members of the Academy underwent this two-week training at the Federal Judicial Academy.



Willing to Learn: Officers and Staff members of the Academy in classroom.

"We can never obtain peace in the outer world until we make peace with ourselves."
- The Dalai Lama

Maya Angelou once wrote...
"Nothing can dim the light which shines from within."

TRAINING IS DIRECTED AT THE NEED TO KNOW: DG, FJA

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, said that training and retraining would play an essential role in preparing trainees to properly fulfil the service motive.

He expressed these views in the inaugural ceremony of a one-week training course on “Management of Civil Cases” for District Attorneys/Deputy District Attorneys from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan January 4, 2016.

He said, “Training is directed at the need to know. The content is largely directed at the acquisition of information rather than desirable behaviours. Training at Academy is



Mr. Fakhar Hayat, DG, addressing the District Attorneys/ Deputy District Attorneys in the inaugural ceremony.

not like school or college lessons and teaching but it always involves a more "reflective" approach to learning, therefore, you have to be involved to strengthen your skills and enhance your professional knowledge and information.”



Knowing is Not Enough; We must Apply: District Attorneys/Deputy District Attorneys in classroom.



Knowledge Integrates: District Attorneys/Deputy District Attorneys in group photo with DG and other Faculty members.

FJA ENCOURAGES FAMILY COURT JUDGES TO BECOME GENDER-SENSITIVE

Mr. Fakhar Hayat, Director General, Federal Judicial Academy said on March 7, 2016 that building gender balance at all levels is critical and the Federal Judicial Academy is committed to gender balance and also building capacity of all stakeholders in the administration of justice system.

While inaugurating a one-week course on “Management of Family Cases” for Female Judges of the Family Courts from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan, he related various subjects/topics regarding which knowledge, ideas, information and experience would be shared with the female judges during this weeklong training

He said, “Women often find it more difficult than men to access the justice system. We must strain the law to do gender justice. We need gender-sensitized judges to promote women access to the justice system. All



Mr. Fakhar Hayat, DG, addressing Family Court Judges in the inaugural ceremony.

judges should be trained in Management of Family Cases generally. Management of Cases should be practiced at all levels of the court structure.”

Twenty six Female Judges of Family Courts underwent this one week training at the Academy.



Training Promotes Change: Family Court Judges in the classroom.



Family Court Judges in group photo with DG and other Faculty members.

QUALITY OF JUSTICE CAN BE ENHANCED THROUGH BETTER TRAINING OF ALL STAKEHOLDERS: DG, FJA

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, said that an effective and efficient justice system was critical to the maintenance of the rule of law. Mention must also be made of the important role that prosecutors are assigned to play in quick disposal of criminal cases.

He expressed these views in the inaugural ceremony of a one week training course on “Role of Prosecutors in Quick Disposal of Criminal Cases” for Prosecutors from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltisatn, held at the Federal Judicial Academy on March 14, 2016.

He said, “An efficient system of

administration of justice ensures respect for the rule of law and human rights, among other things, is crucial to country's overall development. If our prosecutors are diligent, inquisitive to improve and caring the litigant public, then, we will have a quick disposal of criminal cases and this training is meant to build and enhance the professional efficiency of the prosecutors. The quality of justice can be enhanced through better training of all stakeholders of justice system and this Academy is playing its mandated role of capacity building of all key players of the justice vigorously and robustly.”

Twenty four Prosecutors underwent this one-week training at the Federal Judicial Academy.



Knowledge Empowers: DG addressing the Prosecutors in the inaugural ceremony.



Knowledge Builds Bonds: Prosecutors in group photo with DG and other Faculty members.

News in Brief

FEDERAL JUDICIAL ACT, 1997 AMENDED

By virtue of an amendment in the Federal Judicial Academy Act, 1997, the name of Hon'ble Chief Justice of Islamabad High

Court was added as a member of Board of Governors, Federal Judicial Academy.

FJA GETS TWO NEW DIRECTORS

Mr. Justice Anwar Zaheer Jamali, Hon'ble Chief Justice of Pakistan/ Chairman, BoG, has appointed two new Directors namely

Mr. Salah-ud-Din, who is retired District and Sessions Judge, and Mr. Salman Farooq, in the Academy.

Lord Denning put it in typical Denning fashion in the Siskina case: To the timorous souls I would say in the words of William Cowper: Ye fearful saints, fresh courage take, The clouds ye so much dread Are big with mercy and shall break In blessings on your head. Instead of "saints" read "judges". Instead of "mercy" read "justice". And you will find a good way to law reform.

IMPORTANCE OF PRE-TRIAL PROCEEDINGS IN FAMILY CASES

Miss Nusrat Yasmeen
D&S Judge/Director
FJA



Allah Almighty Says,

“And among His signs is this, that He created mates for you from among yourselves that you may find rest, peace of mind in them and He ordained between you love and mercy, Lo! Herein indeed are signs for People who reflect¹.”

Marriage in Islam is a civil contract and establishes a firm bond of love confidence, affection and mutual trust. Similarly, it bestows upon the parties mutual rights and obligations enforceable under the law. Law suits for the enforcement of rights emanating from marital tie are tried by family Courts established under the West Pakistan Family Courts Act, 1964, preamble whereof speaks of expeditious “settlement” and “disposal” of disputes relating to marriage and family affairs. It is generally said that “it is better to have no house than to have broken one”. Therefore, specific provisions are incorporated in the law which emphasize that efforts should be made by the Judge Family Court to bring about compromise/settlement between the spouses for their reunion and for their living together.

LAW ON THE SUBJECT!

(See S.10 West Pakistan Family Courts Act, 1964)

Section 10, at the first instance requires the Court to ascertain from the pleadings, precise of evidence, documents and through hearing

of the parties as to what are the points at issue, and thereafter to undertake an exercise of addressing the said issues in consultation with the parties and to negotiate between them for the settlement of the dispute. Judge family Court, acts as an arbiter & mediator between the parties, whose statutory duty is to make an honest attempt to effect compromise and/or reconciliation between the parties by adopting such measures & methodology to make the parties bury their hatchets, and return to a united life.

OBJECT OF LAW

Reconciliation Proceedings at the very primary and early stage of the trial aim at achieving a harmonious union between the parties. This provision, embodied in the Act, has been adopted from (Surah-al-Nisa) wherein it has been ordained:

“And if you fear a breach (SHIQAK) between them twain (i.e. Husband & Wife), appoint an arbiter from his folk and an arbiter from her folk. If they desire amendment, Allah will make them of one mind. Lo! Allah is all knowing, all aware.”

This is an occasion with the court, with all legal powers and covers to redress the grievances of the parties by organizing a compromise between them with the sole object of saving matrimonial tie and to prevent deterioration by providing safe way to

¹ Al-Quran 30:21

the parties to get out of litigations.

Procedure to be adopted by the Court.

In the statute no express procedure has been laid down rather it is a matter within the exclusive jurisdiction of Judge Family Court, as to how and in what manner the reconciliation proceedings are to be conducted. It is the sole discretion of Judge Family Court to adopt any procedure for achieving the desired results of restoring a harmonious union between the parties. Such attempt on the part of the Court to effect a compromise/reconciliation between contestant spouses is not a mere technicality rather it is more than important function of the Court and essential duty of the Judge. It has been made clear by the Hon'ble Higher Courts through their ceremonial verdicts that the Judge failing to attempt reconciliation between the litigating spouses, actually fails to exercise jurisdiction; and particularly in the cases where marriages are dissolved, such failure amounts to "An act without lawful authority."

Personal Appearance

More often than not the Judges are confronted with the question that whether personal appearance of the litigating spouses is or is not necessary for effecting reconciliation between them. Plain reading of S. 10 (3) *ibid* does not suggest personal appearance of both or either of the spouse at the pre-trial stage. It has also been held in number of judgments of the Hon'ble Higher Courts that though the personal appearance of the spouses is necessary but not mandatory, and they may be represented through counsel or through attorneys as the case may be². However, where the dissolution of marriage has been asked for, rule of caution would require that personal appearance of the parties may be insisted upon unless the same causes delay to the proceedings or exposes parties to hardship.

Proviso to S. 10 (4)!

A drastic amendment has been introduced in S. 10 whereby it has been mandated that in a suit for dissolution of marriage, if reconciliation fails the Court shall grant a decree for dissolution of marriage forthwith and shall restore to the husband the Haq Mehr received by wife in consideration of marriage. The intention behind this amendment is to cut short the process of protracted trial and to save women from agonies of odyssey of litigation. The introduction of new provision into the statute has softened the process for the litigant women but has hardened the duty of the Judge Family Court. In the new scenario, the Judge is now required to put intensive efforts for reconciliation, deal the situation intelligently and with reasonable degree of care and caution, with the object to achieve favourable result of saving matrimonial tie between the spouses. It would be in the interest of justice as well as that of the parties that reconciliation proceeding is wisely taken note of and dealt with intelligently by giving effect to. It would be advisable to record the minutes of the efforts made by the Judge, with reasonable details so as to ascertain the respective stances of the parties and also to demonstrate the quantum of the efforts put in by the Judge. Recording of harsh words, cross dialogue and other minute details of the conversation between the spouses is not essential³. All that is required from the Judge in the changed situation of the law, is that he/she should exert all efforts for saving the matrimonial tie thereby minimizing the chances of resort to proviso to S. 10 (4). In the present day situation reconciliation proceedings should not be conducted in summary, casual and hasty manner, otherwise there is every apprehension that there may be a floodgate opened for dissolution of marriage on flimsy and artificial premises.

² 1997 CLC 142

³ 2002 CLC 113

Restoration of Haq Mehr

Legislature, while promulgating S. 10(4) of West Pakistan Family Courts Act, 1964 and in order to facilitate a wife to obtain divorce on the basis of Khula, had kept in view the injunction of Islam and had provided an expeditious and summary remedy to seek dissolution straightaway from her husband without going into the hassles of lengthy trial of the case, but on the return of dower already received by her. However the payment or nonpayment of dower is always a disputed point in the cases for dissolution of marriage. There might be cases with different facts. There can be a case where wife may come up with a plea of non-receipt of dower, with counter allegation of husband about payment of dower. In some cases wife may be desirous of getting her marriage dissolved on the basis of grounds other than Khula and may be pressing hard for the recovery of dower, or non-return of dower. In all these eventualities, the question that stands before the Judge Family Court, at the failure of pre-trial reconciliation and intending to dissolve marriage, is as to what line of action is to be adopted on the point of "Restoration of Haq Mehr" as per the requirement of statute?

It is to be borne in mind that provision of Section 10 (4) of West Pakistan Family Courts Act, 1964 is not in the nature of confiscatory, rather is in accordance with the Islamic principles which require wife to return consideration or benefits which she had received from husband on account of marriage, while, asking dissolution on the basis of Khula. However, wife is under no obligation to return each and everything whether in cash or in kind she had received from her husband at the time of her release from the wedlock on the basis of Khula. Wife has to return some consideration to the husband on seeking dissolution of marriage on the basis of "Khula". It does not command in express words and clear terms that the entire consideration, benefits/Haq Mehr

received by the wife has to be repaid, therefore, in peculiar and exceptional circumstances, the Judge has the authority to determine that the Haq Mehr/consideration as a whole is not to be repaid by the wife but a part of it. Similarly, it can also determine as to what extent the husband can be relieved from the payment of dower, to the wife, if not already paid.

The terms/words "Haq Mehr received by the wife in consideration of marriage at the time of marriage" are of considerable importance. The word "received" means that the payment of dower has either been established or its payment has been admitted by the wife at the time of granting such a decree. Only in that case, the Family Court has to simultaneously direct the restoration of dower to the husband. This condition, no doubt, is mandatory but is subject to proof. However, in case the payment of dower to wife becomes a contested issue the Family Court should not defer the grant of decree till the time such issue is resolved/determined after holding full dress trial, rather it may grant a conditional decree, leaving the question of dower subject to proof, the burden of which is undeniably on the husband to discharge by adducing evidence to that effect. If the Family Court defers the grant of decree because the payment of dower is a point of contest, it has to revert back to the old fashion of trial where both the parties would lead evidence; and such process, in all probabilities, would consume sufficient time. Thus the purpose intended to be achieved through the proviso would be defeated. Therefore the judge should immediately grant a decree for dissolution of marriage and proceed to hold trial for the determination of question of dower, its receipt/non- receipt, and point of return or non-return including the quantum to be paid or waived or ordered to be returned as the case may be.

کیونکہ یہ پریشانیاں لوگوں کے مسائل عدلیہ کے سامنے ہیں اس کو وہی بہتر سمجھتے ہیں لیکن میں آپ کو اس چیز کے بارے میں مکمل ایشورنس دینا چاہتا ہوں کہ ہمارے ملک میں ایک مکمل آزاد عدلیہ کام کر رہی ہے جس کا ہر فرد اپنی ذمہ داریوں کو محسوس کرتے ہوئے تمام devotion کے ساتھ کام کر رہا ہے۔ جہاں تک اس قسم کے اداروں کے قیام کا تعلق ہے یہ کوئی نئی بات نہیں ہے اور ماضی میں بھی اس قسم کے تجربات کئے جاتے رہے ہیں لیکن ان کی ناکامی کی بنیادی وجہ یہ رہی ہے کہ جب تک اس نظام کو رائج کرتے ہوئے ہم لوگوں کو ذہنی طور پر تیار نہیں کر لیتے اس قسم کے اداروں کی کارکردگی متاثر ہوتی رہے گی تو بہر حال میری نیک تمنائیں اس ادارے کے ساتھ ہیں۔

۱۵۔ آخر میں، میں دُعا گو ہوں کہ اس ادارے کو ہر طرح کی کامیابیاں نصیب ہوں اور اُمید کرتا ہوں کہ اسے پاکستان میں ایک اہم ادارے کے طور پر شہرت حاصل ہوگی اور معیاری انصاف تک رسائی اور قانون کی حکمرانی کی نئی تشریح کا باعث ہوگا اور اس سلسلے میں اس ملک کی عوام کے لئے مددگار ثابت ہوگا۔

بہت بہت شکریہ
پاکستان پائندہ باد

یمكنك ان تغلق عينك فلا ترى

You can close your eyes to the things you don't want to see.

ولكن لا يمكنك ان تغلق قلبك فلا تشعر

But you can't close your heart to the things you don't want to feel.

۱۳۔ ہوں کہ اس سلسلے میں بھی NCDR کے ارباب اختیار غور کریں گے تاکہ اس ادارے کو صحیح معنوں میں وسعت دی جاسکے۔ اس تقریب میں شرکت کرنا میرے لئے قابل فخر بات ہے جس میں ہم اس قومی مرکز برائے مصالحت کی کامیابیوں کے معترف ہیں۔ یہ مرکز پاکستان میں اے۔ ڈی۔ آر کے نظام کو مستحکم بنانے میں اہم کردار ادا کر رہا ہے جس سے معاشرے کے تمام طبقات کے لیے انصاف تک رسائی میں مزید بہتری آرہی ہے۔ مجھے خوشی ہے کہ اس کی کامیابیوں کو بین الاقوامی سطح پر ایشیاء بحر اوقیانوس علاقائی ثالثی گروپ (The Asia Pacific Regional Arbitration Group) کے رکن کی حیثیت سے تسلیم کیا گیا ہے۔

۱۴۔ ایک اہم بات جس کا یہاں ذکر کرنا میں بہت ضروری سمجھتا ہوں وہ اس معاملے میں ہمارے پرنٹ اور الیکٹرانک میڈیا کا کردار ہے۔ دراصل جب تک ملک میں اس قسم کے اداروں کی مناسب تشہیر نہیں ہوگی اور اس بارے میں عام لوگوں کو ضروری آگاہی فراہم نہیں کی جائے گی ان اداروں کی صلاحیتوں سے مکمل استفادہ کرنا ایک امر محال ہوگا۔ میں اس بات کو آگے بڑھاتے ہوئے پرنٹ اور الیکٹرانک میڈیا کے لوگوں کو مشورہ دوں گا کہ اس سلسلے میں وہ اپنا مثبت کردار ادا کریں۔ یہ بات ایک عام جائزے میں آئی ہے کہ جب بھی ہم ADR کی بات کرتے ہیں تو اکثر عدلیہ کے موجودہ نظام کو Specifically یا in between the lines تنقید کا نشانہ بنایا جاتا ہے جو ایک غیر حقیقت پسندانہ سوچ ہے۔ مجھ سے پہلے آنے والے کچھ مقررین نے بھی کچھ اسی قسم کے تبصرے کئے تھے تو اس سلسلے میں، میں صرف دو باتیں کہنا چاہوں گا پہلے تو میں یہ بات واضح کرنا چاہتا ہوں کہ ہمارے ملک میں مروج نظام عدل کے سسٹم میں کسی قسم کی کوئی خرابی نہیں ہے۔ یہ ایک ٹائم ٹیسٹڈ آزمودہ نظام ہے جو دوسرے بہت سے ممالک میں کامیابی کے ساتھ فالو کیا جاتا ہے جو اصل خرابی ہے در حقیقت جس کو عملی جامہ پہنانے والے مختلف کرداروں نے جس کے لئے بجا طور پر کہا جاسکتا ہے،

It is the man behind the gun who matters a lot. دوسری بات میں اس حوالے سے کہنا چاہوں گا وہ یہ ہے کہ آج ہم ایک ایسے معاشرے کا حصہ ہیں بد قسمتی سے جہاں سچ اور جھوٹ حلال و حرام کی تفریق ختم ہوتی نظر آرہی ہے جہاں خوف خدا کا فقدان ہے، جہاں انا کے ایشوز ہماری سوسائٹی میں dominate کر رہے ہیں جہاں لوگ مقدمے بازی کو Hobby کے طور پہ لیتے ہیں۔ جہاں پیشہ وارانہ مقدمے باز عدالتوں کے کوریڈور میں گھومتے نظر آتے ہیں جو ٹھیکے پر مقدمے بازیاں کرتے ہیں دوسروں کی طرف سے۔ جس معاشرے میں مقتول کی والدہ اور بیٹیاں عدالتِ عظمیٰ میں آ کے بیان دیتی ہیں کہ تمام چشم دیدہ گواہ منحرف ہو گئے ہیں اور سرکار کی مشینری ان کے ساتھ کار فرما ہے۔ جہاں لوگ اپنی قومی زبان میں گفتگو کرتے ہوئے شرم محسوس کرتے ہیں جہاں عدالتی احکامات پر عمل درآمد اس کی روح کے مطابق نہیں کیا جاتا بلکہ اس سے بچنے کے لئے قانون سازی کا ذریعہ avail کیا جاتا ہے۔ تو یہ وہ مشکلات ہیں جس دور میں آپ آج رہ رہے ہیں، میری ان باتوں کا ذکر کرنے کا بنیادی مقصد یہ تھا کہ موجودہ عدالتی نظام پہ بے جا تنقید نامناسب ہے

حضرات، پولیس حکام، دکلاء، محتسب کے عملے، کارپوریٹ سیکٹر کے پیشہ ور افراد، مقامی آبادی کے نمائندوں اور دیگر افراد کو ثالثی میں مہارت حاصل کرنے کے لیے تربیت بھی فراہم کر رہا ہے۔ تاہم متبادل تنازعات کے حل یعنی لہ (ADR) کے مستند اور قابل اعتبار کام کرنے والے افراد کی تعداد میں اضافہ وقت کی اشد ضرورت ہے تاکہ ایسے افراد تنازعات کے متبادل حل کے دوسرے ذرائع یعنی مذاکرات، مفاہمت اور ثالثی کو استعمال کر کے تنازعات کے حل کے لیے اپنی خدمات فراہم کریں۔ کیونکہ ریاست کو موثر انصاف تک رسائی کو یقینی بنانے کے لئے ان مسائل سے نمٹنے کی فوری ضرورت ہے۔

۹۔ جہاں تک NCDR کا تعلق ہے۔ یہ مرکز تنازعات کے متبادل حل کے لیے نظام کار اور اداروں کے استعداد میں بہتری لانے کے ساتھ ساتھ ان کے استحکام کے لیے تحقیق اور وکالت میں بھی اپنا کردار ادا کر رہا ہے۔ اس مرکز نے مصالحتی بل مجریہ ۲۰۱۴ء (The Mediation Bill, 2014) تیار کر کے حکومت کے پاس بھیجا ہے۔ اس نے اے۔ ڈی آر سے متعلق سندھ ہائی کورٹ کے قواعد میں بھی ترمیم تجویز کی ہیں۔ تاہم یہ ایک حقیقت ہے کہ اے۔ ڈی۔ آر کا نظام کار تیار کرنے کے لیے مزید تحقیق کی ضرورت ہے تاکہ ریاست اور دیگر ادارے تنازعات کے حل کے قابل اعتماد اور حقیقی متبادل کے طور پر اس نظام کے دائرہ کار کو مزید وسعت دے سکیں۔

۱۰۔ میں صدق دل سے اس ادارے کے سربراہ جناب جسٹس سعید الزمان صدیقی صاحب کی اس رائے کی تائید کرتا ہوں کہ شہریوں کے پاس اپنے تنازعات کے ایسے حل کے لیے جو ان کے مفادات اور مقاصد کے لیے زیادہ مفید ہو، مختلف متبادل صورتوں میں انتخاب کی سہولت ہونی چاہیے۔ اسی لیے عدالتی نظام اور اے۔ ڈی۔ آر انصاف کی مختلف النوع ضروریات کو پورا کرنے کے لیے بنیادی طور پر متبادل اور تکمیلی صورتیں ہیں اور دونوں کی مانگ اور گنجائش موجود ہے۔ اسی لیے میں پاکستان میں قانون کی حکمرانی کو مزید مستحکم بنانے کے لیے روایتی طریقہ انصاف اور اے۔ ڈی۔ آر دونوں کے لیے زیادہ سے زیادہ حمایت اور سرمایہ کاری پر زور دیتا ہوں۔

۱۱۔ میں یہاں یہ ذکر کرنا بھی مناسب سمجھتا ہوں کہ بروقت تنازعات حل نہ ہونے کی وجہ سے اکثر ایسے حالات پیدا ہوتے ہیں جس سے معمولی تنازعات سنگین جھگڑوں اور جرائم میں تبدیل ہو جاتے ہیں۔ مجھے یقین ہے کہ تنازعات کے حل کے لیے ایک قابل اعتماد متبادل نظام فراہم کرنے سے تنازعات کا جلد تصفیہ ممکن ہو سکے گا۔ اس لیے ہمیں عوام کے لیے انصاف تک رسائی کے معیار کو مزید بہتر بنانے کے لیے سرمایہ کاری کی ضرورت ہے تاکہ معاشرتی اور فرقہ وارانہ ہم آہنگی کو فروغ دیا جاسکے۔

۱۲۔ یہ بات حوصلہ افزاء ہے کہ یہ مرکز اپنے عملے کو بین الاقوامی سطح پر تسلیم شدہ مراکز کے ذریعے معیاری تربیت فراہم کر رہا ہے جو اس ادارے کو ایسی خدمات فراہم کرنے کے قابل بنانے کے لیے انتہائی ضروری ہے۔ اس سلسلے میں بظاہر مجھے ایک کمی محسوس ہو رہی ہے اور وہ یہ ہے کہ فی الحال ہمارے ملک میں NCDR کا دائرہ کار صرف شہری آبادی یعنی اربن ایریا تک محدود ہے اور مذکورہ ہے حالانکہ دیہی علاقوں یعنی رورل ایریا میں بھی اس قسم کے دائروں کی ورکنگ کی اشد ضرورت ہے۔ میں امید کرتا

اور عوام کو اطمینان ہو کہ ان کے حقوق ممکنہ حد تک محفوظ ہیں تاکہ وہ پاکستان میں سرمایہ کاری کو فروغ دیں اور تجارتی سرگرمیوں میں حصہ لے سکیں۔

۴۔ تنازعات کے تصفیے کا قومی مرکز فروری ۲۰۰۲ء میں اس نظریے کے ساتھ قائم کیا گیا تھا کہ:

”پاکستان میں سازگار تجارتی ماحول کو فروغ دیا جائے گا اور عدلیہ پر دباؤ کو کم کیا جائے گا تاکہ موثر طریقے سے انصاف بہم پہنچایا جاسکے اور عوام کو تنازعات کے تصفیے کا ایک متبادل، موثر اور انتہائی بااعتماد طریقہ کار فراہم کیا جاسکے۔“

۵۔ یہ مرکز بڑے پیمانے پر اعلیٰ درجے کے تجارتی مقدمات سے لے کر ذاتی نوعیت کے ان مقدمات میں بھی احسن طریقے سے

انصاف کی ضروریات پوری کرتا ہے۔ جن میں فریقین اخراجات برداشت کرنے کی صلاحیت عموماً کم رکھتے ہیں۔ یہ ایک بڑی کامیابی ہے کہ ان مقدمات میں لاگت کا ڈھانچہ ایسا رکھا گیا ہے کہ خدمت کے اخراجات کی ایک معقول حد متعین کی گئی ہے۔

تاکہ سہل اور سستے انصاف تک رسائی کو آسان بنایا جاسکے جو کہ آئینی ذمہ داری ہے۔ حکومت پر بھی اور بالخصوص عدلیہ پر بھی۔ جیسا کہ مجھے بتایا گیا جن مقدمات میں خواتین ملوث ہوں ان میں یہ مرکز فلاحی بنیادوں پر بھی خدمات سرانجام دیتا ہے۔ اور

مستحق لوگوں کے مقدمات میں یہ مکمل یا جزوی رعایت بھی فراہم کرتا ہے۔ یہ طریقہ کار یا عمل انتہائی قابل تحسین ہے۔

۶۔ مجھے یہ جان کر بے حد خوشی ہوئی کہ یہ مرکز خانگی معاملات، بچوں کی تحویل، نان و نفقہ اور دیگر ایسے معاملات میں بھی تصفیہ

کرتا ہے۔ جس کا فیصلہ یا تو عدالتیں کرتی ہیں یا ان تنازعات کے حل کے لئے غیر روایتی طریقے جیسے پنچائیت اور جرگوں سے رجوع کیا جاتا ہے۔ یہاں یہ بات خصوصی اہمیت کی حامل ہے۔ کہ عدالتیں اور ان غیر روایتی اداروں کو غیر قانونی قرار

دینے پر مجبور ہوئیں۔ کیونکہ وہ قانون و انصاف کے مسلمہ معیار پر پورا اترنے میں ناکام رہے۔ لہذا یہ بات اہم ہے کہ ریاست اور دیگر پیشہ ورانہ ادارے اور مقامی تنازعات کے موثر تصفیے کے لئے قانون کے دائرہ کار میں رہتے ہوئے متبادل

ادارے قائم کرنے میں اپنا کردار ادا کریں تاکہ عوام کو انصاف کے حصول کے لئے جرگے اور پنچائیت جیسے نظام پر انحصار نہ کرنا پڑے۔

۷۔ اس حوالے سے دیوانی اور فوجداری قوانین میں بہت سی ترامیم کی گئی ہیں۔ مثال کے طور پر ضابطہ دیوانی مجریہ ۱۹۰۸ء کی دفعہ

(۱۸۹ اے) (89-A) اور چھوٹے دعووں اور معمولی جرائم کی عدالتوں کا قانون مجریہ ۲۰۰۲ (The Small Claims and Minor Offences Courts Ordinance, ۲۰۰۲) ایسے قوانین ہیں جو تنازعات کے تصفیے کے مراکز

کے قیام کی تجویز پیش کی تھی۔ یہ اراکین پارلیمنٹ اور ارباب اختیار کی ذمہ داری ہے کہ وہ اس امر کا جائزہ لیں کہ ان قانونی ترامیم کا نفاذ کیوں نہیں ہو رہا اور وہ ان کے نفاذ کو ممکن بنانے کے لیے ادارے اور تنظیمیں تشکیل دینے کے لیے اپنا کردار ادا

کریں۔

۸۔ یہ امر باعث مسرت ہے کہ یہ مراکز محدود وسائل کے باوجود کسی حد تک ان مسائل سے کامیابی سے نمٹ رہا ہے۔ یہ نچ

انتہائی قابل احترام جسٹس سعید الزمان صدیقی صاحب، صدر National Centre for Dispute Resolution اور

سابق چیف جسٹس آف پاکستان

جناب جسٹس ناصر اسلم زاہد صاحب، سابق چیف جسٹس آف پاکستان

جناب جسٹس خلیجی عارف حسین، جج سپریم کورٹ آف پاکستان

جناب احمد علی اے شیخ، Acting چیف جسٹس ہائی کورٹ آف سندھ

جناب انور منصور صاحب، وائس پریزیڈنٹ

اور دیگر عہدے داران این آئی سی ڈی آر

دیگر ممالک سے آئے ہوئے معزز مقررین اور مہمانان گرامی

معزز مہمانان گرامی

خواتین و حضرات!

السلام علیکم

۱۔ سب سے پہلے میں اس پُر وقار اور بامقصد تقریب بعنوان "Improving Business Climate and

Promoting Communal Harmony" کے انعقاد پر اس کے Organizers کو دلی مبارکباد پیش کرتا

ہوں۔ میرے لئے اس سے پہلے بین الاقوامی سیمینار اور بین الاقوامی ثالثی مرکز برائے سرمایہ کاری و تجارت کے باضابطہ

افتتاح کے موقع پر آپ سے مخاطب ہونا ایک اعزاز کی بات ہے۔

۲۔ بلاشبہ عدالتوں کے ذریعے مقدمات کے تصفیہ کا اپنا پیچیدہ طریقہ کار یعنی procedure ہے۔ جس کی وجہ سے عدالتوں میں

زیر التواء مقدمات کی ایک کثیر تعداد ہے جو تاخیر کا باعث بنتی ہے یہ رجحان مقدمات لڑنے والوں کے لیے غیر معمولی وقت کا

ضیاع اور مالی نقصانات کے ساتھ ذہنی کوفت اور جسمانی تکالیف کا باعث بنتا ہے۔ ان حالات میں فریقین کے لیے زیادہ

اور باکفایت یہ ہے کہ ان کے تنازعات کے حل کے لئے متبادل طریقہ کار مہیا کیا جائے اور اس کو فاولو کریں۔

۳۔ تنازعات کے حل کے متبادل طریقہ کار کو اب عدالت سے باہر حل کے لئے عالمی سطح پر ایک موثر طریقہ تسلیم کیا جانے لگا ہے۔

جس کا ثبوت مجھ سے پہلے آنے والے مقررین نے اپنے خطاب میں کافی تفصیل سے کیا ہے۔ ہمارے ملک میں کیونکہ یہ

مقامی لوگوں میں ہم آہنگی کے فروغ اور تجارتی ماحول کی بہتری کے لیے مختلف حالات میں کامیاب ثابت ہوا ہے۔ پاکستان

میں تنازعات کے حل کے متبادل طریقہ کار کے مراکز کا فقدان ہے جس سے ملک کو سرمایہ کاری کے حوالے سے نقصان

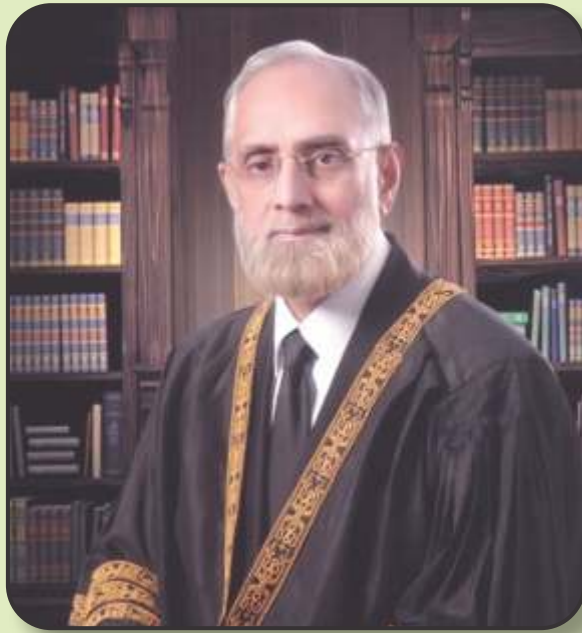
پہنچانے کا باعث بنا ہے، جس کے نتیجے میں ثالثی کے معاہدات بیرون ملک طے کیے جا رہے ہیں۔ لہذا یہ ناگزیر ہے کہ اس

میدان میں مہارت کو فروغ دیا جائے اور بین الاقوامی سطح پر ایک ایسی ساکھ قائم کی جائے کہ غیر ملکی سرمایہ کار، مقامی برادری

خطاب

از

جناب جسٹس انور ظہیر جمالی
عزت مآب چیف جسٹس آف پاکستان



بموقع تقریب برائے

*National Centre for
Dispute Resolution*

کراچی

۵ مارچ ۲۰۱۶ء

گاہ از غم دست ز جان می شوی
گه قصه آن بدرد دل می گوی
سرگشته چرا گرد جهان می پوی
کوازتو برون نیست کرامی جوی

*Longing for her, at times you tell sad tales
To your sore heart, or was your hands of life.
Why do you search the world, confused and weak,
For one who's inside you? Who do you seek?*

Rumi

Kolliyaat-e-Shamsi Tabrizi # 1912



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