



FJA Faculty Members warmly Receiving Chief Justice Supreme Court of Nepal, Rt. Honorable Mr. Ram Prasad Shrestha

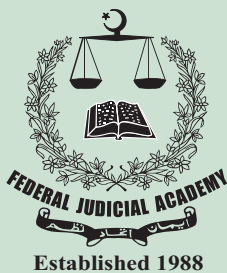


Hon'ble CJP/Chairman FJA BoG exchanges Pleasantries with Dr. Baber Awan, Federal Law Minister/ Vice Chairman FJA BoG



Hon'ble CJP/Chairman FJA BoG along with Hon'ble Mr. Justice Mian Shakirullah Jan and DG FJA entering the Academy

## Merit in Appointment of Judges Supreme Consideration Hon'ble Chief Justice of Pakistan



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Hon'ble Chief Justice of Pakistan, Mr. Justice Iftikhar Muhammad Chaudhry presides over the 34<sup>th</sup> Board of Governors meeting.

Dr. Baber Awan, Federal Law Minister & other Hon'ble Members seen in the picture.



Merit in the appointment of Judges as a supreme consideration coupled with proper training of all stakeholders including the prosecutors, lawyers, court personnel and police officers can bring visible change and we can achieve the long avowed goal of speedy and inexpensive justice in the country.

Hon'ble Chief Justice of Pakistan expressed these views in the 34th meeting of the Board of Governors of the Federal Judicial Academy (FJA) held here on Saturday (29.01.2011) under his chairmanship. In toto, eight items were on the agenda for deliberation which included, confirmation of the minutes of the last meeting of the BoG held on 25<sup>th</sup> of December, 2010, implementation of decisions of the last meeting, conversion of the Federal Judicial Academy into “Center of Excellence”, construction of phase –ii of the Academy, working papers of the Federal Minister for Law on Alternative Dispute Resolution, and conversion of Federal Judicial Academy

into “Center of Excellence”. About the salary structure and perks for the employees of the Federal Judicial Academy (FJA), Islamabad, this item of the agenda was discussed at length. The meeting was told that the requisite work regarding that had been rendered and sent to the Establishment Division for their evaluation and vet. However, after necessary legal and administrative work and exercise the perks and privileges of the employees of the Federal Judicial Academy and those of the Law and Justice Commission of Pakistan should be brought at par with the Supreme Court of Pakistan.

The issue regarding Service conditions and perks for the members of the subordinate judiciary was also discussed in detail. After thorough discussion it was resolved that existing disparity among the provincial district judiciaries would be removed. The Hon'ble Chief Justice of Pakistan said that the government should take appropriate steps in this regard so that the district judiciaries of Sindh,

Balochistan and Khyber Pakhtunkhwa should be given those perks and privileges which were being given to the Punjab district judiciary.

About the Service Rules and structure for the Staff of the Academy Chief Justice of Pakistan said that since the Academy was not having its rules, hence, we should have proper rules for the Academy.

**“THE SERVICE RULES ARE ESSENTIAL TO RETAIN THE MOST QUALIFIED AND SUITABLE PEOPLE IN THE ACADEMY” HCJP OBSERVED.**

About the increasing ratio of crime in the country Hon'ble Chief Justice of Pakistan said that crime could be controlled if necessary training was imparted to the concerned officers including the prosecutors and investigating officers. Above all, when Judges and other appointments are made on merit then those meritorious people will deliver the desired results. Hon'ble Chief Justice of Pakistan asked the Federal Minister for Law to look into the matter so that appointments are made on merit. To this Federal Law Minister responded that he would look into the matter so that appointments are done on the merit.

During the meeting Dr. Zaheerddin Babar Awan, Federal Minister for Law, Justice and Parliamentary Affairs opined: Government on its part remains fully committed to elevate, upgrade and improve the judicial system in the country. We want that the FJA may emerge as an effective and quality training institute and with futuristic vision and insight.



Hon'ble CJP/Chairman FJA BoG in the chair, Hon'ble Vice Chairman FJA BoG, Federal Law Minister and other Hon'ble members in the meeting

The meeting was also attended by Mr. Justice Shakirullah Jan, Judge- In charge (Admin) of FJA, Senator Dr. Zaheeruddin Babar Awan, Federal Minister for Law, Justice and Parliamentary Affairs/ Vice Chairman, Mr. Justice Qazi Faez

Isa, Hon'ble Chief Justice, High Court of Balochistan, Mr. Justice Ejaz Afzal Khan, Hon'ble Chief Justice Peshawar High Court, Mr. Justice Ijaz Ahmed Chaudhry, Hon'ble Chief Justice, Lahore High Court, Lahore, Mr. Justice Mushir Alam, Hon'ble Senior Puisne Judge, High Court of Sindh, Mr. Justice Iqbal Hameed –ur-Rehman, Hon'ble Chief Justice, Islamabad High Court, Muhammad Masood Chishti, Federal Law Secretary, Maulvi Anwarul Haq, Attorney General for Pakistan, Mr. Sohail Ahmed, Federal Secretary for Planning and Development, Dr. Faqir Hussain, Registrar, Supreme Court of Pakistan, senior officers of the Access to Justice Program (AJP) of the Ministry of Law, Justice and Parliamentary Affairs, Pakistan PWD and NESPAK.

### **RULE OF LAW PROMOTES DEMOCRACY HON'BLE CHIEF JUSTICE OF PAKISTAN**



Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry,  
Chief Justice of Pakistan

Hon'ble Chief Justice of Pakistan, Mr. Justice Iftikhar Muhammad Chaudhry, has said that the Rule of law was 'sine qua non' for democracy and overall development in the country.

Hon'ble Chief Justice expressed these views in the certificates-awarding ceremony on the conclusion of a one-week training course titled, "Orientation of New Laws" for Additional District and Sessions Judges/ Senior Civil Judges held here at the Federal Judicial Academy on Saturday (12.03.2011)

He said that it was the prime duty of the judges to enforce the Constitution and the Rule of Law in the country so as to take the country to new horizons of socio-economic development.

“We have to enforce the Rule of Law at any cost because it is the Rule of law which promotes democratic dispensation and accountability” he maintained.

Quoting an example of the neighboring country, India, he said that there was no problem in the neighboring country, India, adding, "Because there has been no deviation from the constitution in that country. Both, individuals and institutions strictly follow the Rule of Law and Constitutionalism; as a result democracy has flourished there".

Referring to momentous struggle waged by the lawyer's community, civil society, media, among others, for the restoration of Judiciary, Hon'ble Chief Justice of Pakistan said, "In the wake of historic struggle for the restoration of independent judiciary in the country, no adventurer would dare to abrogate the Constitution or deviate from the constitution in future. If anyone dares then he would have to face unparalleled resentment from the legal-judicial fraternity, civil society and media."

The Hon'ble Chief of Pakistan categorically said, "Deviation from the constitution in any manner will not be tolerated, it would be resented by all stakeholders. If any Judge takes the side of adventurer or violator, he will be liable for misconduct as decided in the historic Judgment of the Supreme Court of Pakistan dated 31<sup>st</sup> July, 2009 and the same has been incorporated in the Code of Conduct for the Judges of Supreme Court."

Hon'ble Chief Justice of Pakistan said that administration of justice was the most difficult task but lucky were those who had become Judges, saying, "Deliver and administer justice in accordance with the Constitution and conscience and leave it to Allah because, it is only Allah who has to reward you as Justice is one attribute of Allah Almighty,".

He urged the judges of the district judiciary judges to decide the cases expeditiously and on merit in accordance with law.

"Delivering decisions on technical ground is not justice. Your decisions may convey the sense and there may be few chances for the superior courts to interfere" he pointed out.

Highlighting the role of district judiciary in the administration of justice he said, "the district judiciary plays pivotal role because a major portion of the litigations come to these courts".

"District Judiciary deserves appreciation for administering expeditious justice to the litigant public in the wake of announcement of National Judicial policy (NJP). Still much is desired to achieve the goal of "Justice for all"."

Lamenting the state of pervasive corruption and non-disposal of cases in the district Courts he said that there were frequent

complaints, both, about the involvement of the paralegal staff and in some cases about the Judicial Officers and also about non-disposal of cases.

"We all have to make genuine efforts to combat corruption from the court and young Judicial Officers can play significant role in this battle against this menace".

He opined that the increasing ratio of litigation in the courts at all levels reflected the growing trust and confidence of the

### HON'BLE NEPALESE CHIEF JUSTICE URGES FOR FURTHER STRENGTHENING OF TIES IN VARIOUS SECTORS



Chief Justice Supreme Court of Nepal,  
Rt. Honorable Mr. Ram Prasad Shrestha

Chief Justice Supreme Court of Nepal, Rt. Honorable Mr. Ram Prasad Shrestha, has emphasized the need to further strengthen the ties among the South Asian countries in various sectors, particularly, in the judicial, legal sectors for the collective benefit of the people of region.

He expressed these views in his address to the trainee Judges including the Additional District and Sessions Judges and Senior Civil Judges hailing from all over Pakistan including AJ&K and Gilgit-Baltistan, here at the Federal Judicial Academy (FJA), on Tuesday (10.03.2011). Regarding Nepal and Pakistan friendship he said, "both countries cherish long standing friendship and good will and we have contacts in many spheres of economic and social life both at formal and informal level".

"Many Nepali students, who received education in Pakistan, have made significant contributions in their respective fields, now a couple of law graduates from Pakistan are also entering legal profession in Nepal. The contacts among the lawyers and judges under the banner of SAARC law and the Conference of

the Chief Justices of the SAARC countries have been mutually beneficial. I, therefore, take my visit to your country as a step towards this direction" he maintained.



Chief Justice Supreme Court of Nepal, Rt. Honorable Mr. Ram Prasad Shrestha coming back after visiting FJA Hostel

Hon'ble Chief Justice said; Countries in South Asia like Nepal, Pakistan, India and Bangladesh not only benefit from the rich common law heritage, their judiciaries have been able to work at good wave length on different matters such as the protection of human rights and fundamental freedoms, gender justice, protection of environment and matters relating to socio-economic justice.

"I believe that as part of South Asia, we have similar experience with various aspects of development including legal and political development. We share in many ways the common legal culture expressed in many legal traditions and laws. We speak the same legal language though the context could be different. The diversity within us that exists due to various stages of development and the difference in terms of political system is apparent. But there is some amount of common legal culture that joins us. I wish the whole of South Asia grow as a distinct legal system that better harmonizes the relations between the peoples of the region and paves the way to serve as a basis for all round development of the region" he noted.

He opined: As members of the judicial family we should be very careful against the possible infringement on the principle of the rule of law. The politicians on occasion want a judiciary committed not to the rule of law rather to their own partisan interests and preferences. Besides, conflict, growing insecurity, lawlessness and impunity often pose serious challenge to the rule of law. As attendants of the rule of law, we judges should be courageous and able to play proactive role to safeguard the principle of rule of law and basic values of democracy.



Trainee Judges posing for a photograph with Chief Justice Supreme Court of Nepal, Rt. Honorable Mr. Ram Prasad Shrestha and other members of Nepalese Judicial delegation at FJA

Regarding judicial training he said: since 2004, we are engaged in similar exercise of imparting judicial education and skills to judges and other members of the judicial community for enhancing their knowledge and skills, and bringing about behavioral changes through programs organized at the National Judicial Academy, Nepal. In the course of establishing judicial academy the policy makers in Nepal had taken stock of the institutional framework and the working of the FJA Pakistan and tried to benefit from its experience.

"Our respective legal and judicial systems share the common law tenets; our judicial education institutions have evolved under similar institutional framework. Therefore, I do believe that there is a good scope and need for us to work further to create positive synergy and collaboration. I also wish for the success of the Federal Judicial Academy and the initiatives you have taken in upholding the rule of law, constitutionalism and effective delivery of justice to your people. I look forward to more concrete collaboration at various levels of judicial institutions of Pakistan and Nepal in the years to come" " he sounded optimism.

Even though judicial academies have invested a huge amount of money in capacity building of judges, we are yet to find credible results in terms of their behavioral change or the working style of the courts. How much of the judicial education is reflected in the actual working of our judges and court officials is subject to guess and conjecture. One gets more doubtful than assured when one hears the perception of the common man on the street about us. The courts in our part of the worlds are still taken as lethargic institutions using fossilized tools to address the problems of the people. The judges and court officials hardly consider themselves as servant of the people. A sense of Babuism of Victorian vintage

still looms large in the judicial echelons. Therefore, it is imperative that we change our behavior and culture, our approach to work and to the clientele we serve. I see that a good collaboration among the National Judicial Academy of Nepal and Pakistan in research and employment of new strategies in shouldering the onerous task of transforming the image of the judiciary in public eye.

On the occasion, DG of the Academy Mr. Parvaiz Ali Chawla presented his welcome speech and said that the challenging and exciting opportunities existed between the two countries, interalia, between the judiciaries of both friendly countries; therefore, it was the need of the hour to explore those areas so that both judiciaries take immense benefit from each others' knowledge, experience and expertise.

### HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA URGES JUDICIAL OFFICERS TO UPDATE SKILLS



Hon'ble Mr. Justice Jawwad S. Khawaja,  
Judge Supreme Court of Pakistan.

Trainings and refresher courses help judicial officers to update their legal and judicial knowledge, acquire new concepts in law and improve analytical skills, said Hon'ble Mr. Justice Jawwad S. Khawaja, Judge Supreme Court of Pakistan.

Delivering the concluding address at the Federal Judicial Academy (FJA), Islamabad, for newly recruited Civil Judges –cum-Judicial Magistrates from Khyber Pakhtoonkhwa here on Friday (28.01.2011) Justice Jawwad S. Khawaja said the knowledge and information imparted to them (trainee judges) here would substantially add to their practical knowledge once they were there in the field.

He said that the need for imparting training to the judicial officers with a view to improving performance and efficiency can't be over-emphasized.

He reiterated the need for continuing and on-going programs of training for pre-service and in-service training of judicial officers.

Regarding submission of the trainee judges for enhancement in the training duration he opined: "I do agree that six-week training course was not enough for the newly appointed trainee judges but it is the Hon'ble Chief Justices of respective provincial High Courts who decided, they may not spare the young judges for long durations because of workload in the courts".

**He said that any suggestion in order to improve the standard of the training from anywhere particularly from the trainee judges would be welcomed and appreciated.**

Eulogizing the efforts of the incumbent DG of the Academy and the learned faculty and resource persons he said: DG of the Academy and his team was doing appreciable job to impart continuing judicial education to the judicial officers."

At the outset, Mr. Ghulam Hamid, Civil Judge-cum-Judicial Magistrate Peshawar, spoke on behalf of the trainee Judges and vowed that what they had learnt here in the Academy would be utilized for giving speedy justice to the litigant public.

### Family Court Judges need to be wise, well-versed ARRANGE CONCILIATION AMONG PARTIES TO SAVE FAMILIES, ADVISES HON'BLE MR. JUSTICE ASIF SAEED KHAN KHOSA FAMILY COURT JUDGES



Hon'ble Mr. Justice Asif Saeed Khan Khosa  
Addressing Family Court Judges

Family breakdown can victimize children in many ways. It can effectively deprive them of a parent. Where children's

rights are at stake, perhaps more than anywhere else, reactive legal solutions are inadequate. It takes pro-active attitudes in lawyers and judges to bring children's problems to light and to find solutions to them.

Delivering the inaugural address at the Federal Judicial Academy (FJA), Islamabad, for Judges of Family Courts from all over Pakistan here on Monday (07-02-2011) Hon'ble Mr. Justice Asif Saeed Khan Khosa said that trainings and orientations were essential for the Family Court Judges to enrich their information and knowledge about the management of Family cases so as to ensure speedy disposal and also to ensure that the cases, being dealt with by wise people in the courts specially set up for this purpose; are dealt with more effectively.

Hon'ble Justice Asif Saeed Khan Khosa said that Family Court Judges have a very important role to play in the family courts, and have the responsibility for making decisions based on child's welfare.

"Management of family matter cases was more important than decisions and for that it was essential for the Family Court Judges to be more wise and well-versed with the socio-economic conditions so as to work expeditiously in a just manner ensuring maximum welfare of the child and his custody" he said.

Regarding the main purpose behind setting up the Family Courts Hon'ble Judge of the Apex Court said, "The Family Courts' main purpose is to assist the smooth and effective disposal of cases relating to family matters such as marriage, divorce, alimony, child custody etc. An effective way of tackling the problem of pendency is to improve the efficiency of the system. A significant step is to make use of the available human resource."



Trainee Judges in group photo with Mr. Justice Asif Saeed Khan Khosa and FJA Faculty members in FJA Auditorium

Family court Judges have to ensure that while handling the family, they also take into account a human and psychological dimension to be dealt with in these matters" he maintained.

Speaking about the most unique aspect of the Family Court Judges and the Family Court he said that these Judges and Courts have to deal with the matters which pertain to the heart.

"You have to deal with the matters where someone's heart is broken, the matters you deal with are entirely different from the criminal and civil, while dealing with family matters along with wisdom and knowledge many other things are also required. Resolve the family cases matters through reconciliation and mutual settlement wherever deemed feasible, so as to save families/ generations" he elaborated.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy, presented his welcome speech and profile of the chief guest. On the occasion, he said a number of subjects have been incorporated in the syllabus of the Academy in order to groom well rounded judges in the country.

### HON'BLE MR. JUSTICE TARIQ PARVEZ ADVISES FAMILY JUDGES TO SETTLE CASES THROUGH CONCILIATION



Hon'ble Mr. Justice Tariq Parvez

Judge Supreme Court of Pakistan Mr. Justice Tariq Parvez has advised the Family Court Judges to make meaningful and determined effort so that maximum number of family matters cases are settled through conciliation and compromise between the parties.

Delivering the concluding address at the Federal Judicial Academy (FJA), Islamabad, for Judges of Family Courts from all over Pakistan here on Saturday (12.02.2011) Justice Tariq Parvez said that since the Family Court does have special

jurisdiction to attempt for conciliation, hence, Judges should make persuasive efforts, not half-hearted attempts, so as to save the families in agony.

"Sessions Judges do not enjoy special Jurisdiction for conciliation in murder and other criminal cases but it is the Family Court Judges who are granted special jurisdiction, therefore, they need to make full use of the given section (10) its sub-section (3) of the law and attempt conciliation and compromise between the parties. You need not to assert pressure or compel the parties for the purpose but use the force of your persuasion and save matrimonial relations from further deterioration" he observed.



Trainee Judges in Group Photo Hon'ble Mr. Justice Tariq Parvez

Interacting with the trainee Judges the Hon'ble Judge of the Supreme Court appreciated those Family Judges who were striving to take maximum benefit of the law of the land and facilitate compromise among the parties and settle almost fifty percent disputes arising out of family disputes through conciliation and reconciliation.

"It is incredibly hard job to decide the cases where there is involvement of human relations, sentiments and feelings but with wisdom and cautious use of special jurisdiction of the law, you can decide such cases. I expect you to increase the ratio of family matters cases to be settled through compromise, through conciliation around fifty percent" he maintained.

*Isaona i tumungo'ya ha sedi, ki ayo i mismo umisagui hao.*

*Greater is the fault of he who allows the injustice upon himself. "*

Chamorro proverb

## JUDGES OF DISTRICT JUDICIARY ASKED TO GIVE MOMENTUM TO EFFECTIVE USE OF ADR: HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI



Hon'ble Mr. Justice Anwar Zaheer Jamali

Hon'ble Judge Supreme Court of Pakistan, Mr. Justice Anwar Zaheer Jamali has stressed upon the judges of district judiciary to give momentum to the effective use of, 'Alternative Dispute Resolution' (ADR)

He expressed these views in an inaugural ceremony of one-week training of trainers (ToT) on 'Alternative Dispute Resolution' (ADR) for judiciary which commenced here at the Federal Judicial Academy (FJA) in collaboration with Gender Justice Through Musalihat Anjuman Project" (GJTMAP) on Monday (14.02.2011)

He said: Religious teachings are the basic source for the Alternative Dispute Resolution process adding that mediation as one method in family disputes resolution, a method actually suggested in the Qur'an, the primary source of Islamic legal tradition.



Ms Joanna Jacob on the rostrum. Hon'ble Mr. Justice Anwar Zaheer Jamali, DG FJA and Hashim Abro on the stage

"The more the alternative dispute resolution (ADR) process is used in dealing with some kinds of conflicts outside the formal judicial process, the more people are beginning to see mediation as one of the most effective methods" he maintained.

During his brief but thought-provoking address to the participants, Hon'ble Judge of the Supreme Court also quoted a few verses from the Holy Quran in fact be interpreted as a general injunction of the Qur'an for Muslims to create an effective dispute resolution (especially in family cases) in such a way that mediation/arbitration hybrid is possible.

Interpreting the verses of the Holy Quran he said that the meaning of those verses come closer to the modern culture of dispute resolution, will not be successful if the divine values embedded in the verses are isolated from the cultural values of the human-created ADR.

In his presentation Mr. Hamid Raza Afridi, National Project Manager - GJTMAP, opined that delivery of quick and free justice was one of the foremost responsibilities of the State. Article 37 (d) of the Constitution of Islamic Republic of Pakistan, 1973 provides, "The State shall ensure inexpensive and expeditious justice".

The Local Government Ordinance, 2001 provides for a Musalihat Anjuman in every Union Council for provision of easy, accessible and free dispensation of justice to people especially the vulnerable segments of society, i.e. women, children, elderly and poor. It is again an honour that probably Musalihat Anjuman is the only institution which has been retained by all the provinces in their respective draft Local Government Laws. During the interim period through the executive orders all the four provinces have retained Musalihat Anjuman in their respective Provinces.



Participants of the ADR orientation training in group photo with Hon'ble Mr. Justice Anwar Zaheer Jamali and Foreign resource persons

About objective of the training he said that, among others, it was to pre-test the ADR training curriculum for the judiciary; analyze the curriculum in a participatory manner; to develop a pool of master trainers on ADR within the judiciary in Pakistan to impart future ADR skills-based trainings to judges; to build up the ADR skills/ techniques of the judiciary for setting foundation of ADR system in Pakistan; to orient members of judiciary on the scope of Musalihat Anjuman; and on "Bench Book Regarding Musalihat Anjuman" developed for the judiciary for smooth referral of cases to Musalihat Anjuman.

It is apt to mention here that Gender Justice through Musalihat Anjuman Project (GJTMAP) is a joint venture of the UNDP and Government of Pakistan. The Project goal is "to promote and safeguard the rights and lawful entitlements of all, particularly the vulnerable segments of society, by institutionalizing a community supported Alternative Dispute Resolution (ADR) mechanism through the entity of Musalihat Anjuman (MAs)". Initially the project was launched in eight selected districts in October 2006 which was later on expanded to twenty selected districts. Since then the project has formed Musalihat Anjumans at each Union Council in the twenty selected project districts and trained 18,500 stakeholders including Musaleheen, Union Council Secretaries and elected members of the Union Councils in gender sensitization and legal literacy.



Participants in a Seminar Room

GJTMAP has closely been working with the Judiciary and oriented/ trained 313 district and sub-district level judges in collaboration with Federal and Provincial Judicial Academies. In light of the guidelines from the Supreme Judiciary, GJTMAP with the help of renowned International ADR experts has developed an ADR training manual for community mediators and another one for the judiciary which is in the finalization process.



**HON'BLE MR. JUSTICE  
GHULAM RABBANI URGES JUDGES TO  
USE ADR TO SAVE FAMILIES**



Hon'ble Mr. Justice Ghulam Rabbani

Hon'ble Judge Supreme Court of Pakistan, Mr. Justice Ghulam Rabbani has said that the Alternative Dispute Resolution (ADR) was a quicker, inexpensive and more effective system alternate to litigation being time consuming and expensive.

He expressed these views in a certificate awarding ceremony which was held here at the Federal Judicial Academy (FJA) on the conclusion of one week training of trainers on Alternative Dispute Resolution (ADR) for Judiciary in collaboration with a famous Gender Justice Through Musalihat Anjuman Project" (GJTMAP) of the UNDP and GoP.

Regarding the origination of the ADR he said that the ADR was not a new concept in this country, as is being generally understood, adding that it has been in vogue in our country in one mode or the other for the settlement of conflicts.

"In the villages wherein all disputes were brought before noblemen of the villages what we call "elders of the villages", whose decision was accepted by the parties, and no party could afford to disagree with the decision" he maintained.

About the modern ADR techniques, he said that the United States had the credit for it and now their fragrance was being felt and spread around the globe.

"Dispute settlement through Arbitration/ADR is not only domestic but also increasingly growing international phenomena in the context of cross border transaction, he elaborated.

Speaking about the scope and importance of the ADR he said since our judicial system was tedious and complicated, it was difficult for a justice seeker to get speedy and inexpensive justice in the prevalent circumstances, since the family matters become sensitive, hence, ADR was the best resort.

Ms. Joanna Jacobs said that mediation and arbitration can be an effective, respectful, and cost-effective way to move through and past the family conflicts.

He said that amendments have been made in the field of Family Laws relating to marital dispute where dispute must first be attempted to be resolved through mediation and conciliation and only upon failure of



Hon'ble Mr. Justice Ghulam Rabbani gives away shield to Mr. Toshi Hero Tanaka, Country Director of the UNDP Pakistan



Hon'ble Mr. Justice Ghulam Rabbani gives away shield to Ms. Joanna Jacob of US Department of Justice. DG of the Academy is also seen in the picture

**"I swear upon the One who split the seed and created life that was it not for the presence of the oath-takers of allegiance and the final word for the necessity of my presence had not been communicated with the coming into being of the assisting force; and if it was not that God has taken a covenant from the theologians of Islam not to be a silent witness to the gluttony and plunder of the oppressors and the starvation and deprivation of the oppressed, I would have given up the reins of administration....."**

**Hazrat 'Ali ('A.S) in Nahj al-Balaghah Man is not the citizen of a profane world to be renounced in the interest of a world of spirit situated elsewhere.**

**Dr. Sir Muhammad Iqbal (1877-1938), *The Allahabad Address, 1930* =====**

**Armor of a judge is his honesty, competence  
DG HUMAN RIGHTS CELL, SUPREME  
COURT, ADVISES COURT PERSONNEL TO  
WORK WITH MISSIONARY SPIRIT**



Mr. Saif-ur-Rehman, Director General, Human Rights Cell,  
of Supreme Court of Pakistan

Mr. Saif-ur-Rehman, Director General, Human Rights Cell, of Supreme Court of Pakistan, has said that even though the judges are the main characters in the justice-delivery system, their efficiency is closely related to the behavior of court personnel, advocates, litigants, investigating agencies and witnesses among others.

He expressed these views in a certificate -awarding ceremony held here in the Federal Judicial Academy (FJA), Islamabad, on the conclusion of one-week training course titled, "How to be an effective Nazir" for court personnel (Nazirs) from all over Pakistan including AJ& K and Gilgit-Baltistan.

He said, since the judiciary was the last resort for citizens seeking justice, therefore, all court personnel including the Nazirs who become the heads of the ministerial staff in the court are under an obligation to play their proactive role within the defined parameters.

"Vulnerable segments of the society including deprived, denied and divorced women come to the courts for justice. Judiciary can protect human rights in effective manner, if the court personnel are highly trained and God-fearing" he maintained.

He opined that those who deny, abuse or violate human rights what we call "Huqooq-ul- Ibad", they were the people who were displeasing God.

Lamenting on the state of corruption in the society he said, everybody knows how pervasive corruption is in our society,

and one would be naïve to believe a government branch, like the judiciary, is exempted from it.

"One can mint money by corrupt means but money is not be-all and end all in life, with money one can gain material gains and comforts but spiritual comfort, peace and tranquility, and above all, pleasure of God all Mighty, he observed.

He emphasized the need to strengthen the institutional capacity to supply court services in an effective, accountable, and predictable manner in ways contributing indirectly or directly to the prevention of future abuses of public office for private benefit.

Advising the court participants particularly the Court Nazirs who have to play a multi-faceted role in the court, he said that all court personnel, particularly, the Nazims need to work with devotion, dedication and with missionary spirit because their role in the serving of summons to the parties was vital, so that speedy and inexpensive justice may be given to the justice seekers.

In the end of his speech he also shed light on those elements and ingredients which make any person a successful human being and also successful court personnel particularly effective Nazirs, he said that insight, information, skills and humility, simplicity, integrity and efficiency like virtues make one not only successful person but only successful court personnel.

It is apt to mention here that this course was inaugurated by Mr. Parvaiz Ali Chawla, DG of the Academy who had advised the court personnel to strive to uphold the high standards of dignity and integrity that are expected from them as support staff of the courts.



DG of the Academy Mr. Parvaiz Ali Chawla

"We can keep pace with the increasing case-load, if the court

personnel prove their mettle and work hard" he elaborated.

He had hoped that the knowledge and skills which the participants would learn here in the Academy, definitely those would sharpen their skills and he urged upon them to put those skills in use so that the litigant public may encounter problems in the courts.



### **"Wisdom, Justice, And Love"**

"I come to this magnificent house of worship tonight because my conscience leaves me no other choice... A true revolution of values will lay hand on the world order and say of war, 'This way of settling differences is not just.' This business of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into the veins of peoples normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice, and love..."

**-Martin Luther King Jr.**

### **Core of Islamic belief requires religious tolerance MR. JUSTICE TASSADUQ HUSSAIN JILLANI ASKS JUDGES TO PROMOTE RELIGIOUS TOLERANCE THROUGH WORDS, JUDGMENTS**



Mr. Justice Tassaduq Hussain Jillani Hon'ble Judge Supreme Court of Pakistan/ Judge Incharge (Academics) FJA

Judge Supreme Court of Pakistan, Mr. Justice Tassaduq Hussain Jillani has urged the Judges of district judiciary to play their due role in the promotion of religious tolerance in the country.

Hon'ble Mr. Justice Jillani expressed these views in the inaugural ceremony of a one- week training course titled, "Orientation of New Laws" for Additional District and Sessions Judges/ Senor Civil Judges held here at the Federal Judicial Academy on Monday (7.03.2011)

Lamenting on the rising religious intolerance in the society, he said that religious illiteracy was rampant. Illiteracy what we called education deficit coupled with religious illiteracy had generated religious intolerance in the society. It was because of religious illiteracy, Islamic tenets were misinterpreted and dark sides were pursued in the society.

He said, "Illiteracy generates various prejudices and biases including social, economic, psychological and many other biases in the society. Since Judges have a privileged position in the society, therefore, judges should play a lead role to promote tolerance through their words and judgments in the society".

Hon'ble Judge of the Apex Court maintained that the life of Holy Prophet Muhammad (PBUH) was a classic example of tolerance, of pluralism, of love of humanity and of upholding human equality.

"So tolerant was the Holy Prophet ( SAW) of other faiths that once as the prayer time came and the Christians of Nijran who were on a visit to Madina had no place of their own to worship he invited them to offer their prayers at Masjid-e-Nabwi" he elucidated.

Mr. Justice Jillani opined, "Unfortunately, both Islamic thought and tradition have been misinterpreted and distorted



Trainee Judges in Group photo with Hon'ble Mr. Justice Tassaduq Hussain Jillani

over the ages for a variety of reasons including political, economic and psychological.

About judgeship he opined that judging was more a way of life rather a profession; that judges were required to become "role models" in all respects. "Your conduct should be worthy of emulation. Your words, your acts should correspond with each other. Judges should be symbol of integrity, honesty and morality. People expect high moral grounds from you". he advised the participants.

Highlighting the crucial role of the district judiciary in administration of justice he said that this observation was based upon a number of rationales. First, the 80 percent of the litigations are pending with the district judiciary, second, the evidence and facts are recorded with the district judiciary, third, it is where the litigants get the first feel of the administration of justice.

On the occasion, Mr. Justice Jilani also congratulated the participants for their participation in the course in question saying, I congratulate, you all, myself and on behalf of the Hon'ble Chief Justice of Pakistan adding that we all are judges whether one is a Civil Judge or Judge of the Superior Court because we all pursue a common goal of dispensation of justice."

In the end, Hon'ble Mr. Justice Jilani announced a topic captioned, "Judging more a way of life rather a profession"- wherein the participants are required to pen down two pages in a creative and lucid manner.

The Hon'ble Judge further announced that the intellectual input of the learned participants would be evaluated by one of the Hon'ble Judges of the Apex court and first and second position holders in the Essay competition would be honored with the Chief Justice of Pakistan Award.

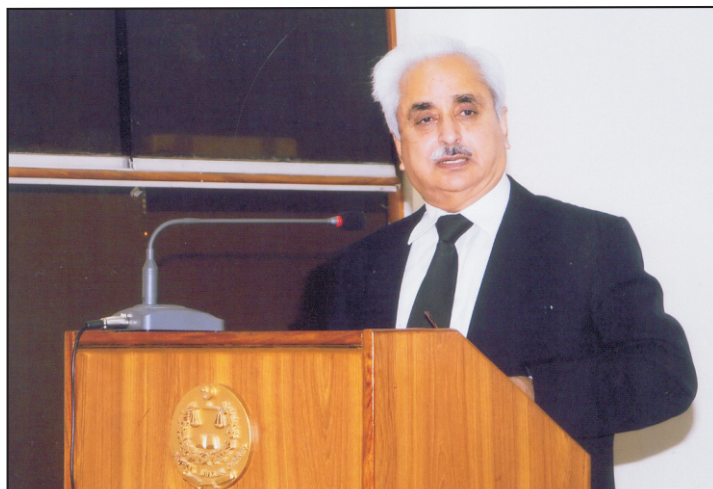
"The judiciary should achieve a position where every oppressed person would feel confident he can reclaim his rights by referring to the judiciary"-----

*Ayatollah Ruhollah Khomeini*

"Oh My Lord! grant me the serenity to accept the things I can not change, the courage to change the things that I can, and wisdom to know the difference..... Dr.

*Ali Shariati*

## TRAININGS IN ECONOMIC AND FINANCIAL LAWS ESSENTIAL FOR JUDICIAL OFFICERS HON'BLE MR. JUSTICE MAHMOOD AKHTAR SHAHID SIDDIQUI



Hon'ble Mr. Justice Mahmood Akhtar Shahid Siddiqui

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Mahmood Akhtar Shahid Siddiqui has said that the trainings in economic and financial laws were essential for the judges of district judiciary so as to enhance their information and sharpen their skills in these very important subjects.

He expressed these views in an inaugural ceremony of one-week training course on "Role of District and Sessions Judges/ Senior Civil Judges being non-financial managers in financial management and other new laws" for District and Sessions Judges from all over Pakistan including AJ& K and Gilgit-Baltistan, held here in the Federal Judicial Academy ( FJA) on Monday (28.03.2011)

"You are lucky enough to have such training courses on key subjects such as Financial Management and also about the



Trainee Judges in Group photo with Hon'ble Mr. Justice Mahmood Akhtar Shahid Siddiqui

new laws here in the Federal Judicial Academy, Islamabad," he maintained.

Sounding his optimism about the training course he said that here in this week-long course the trainee judges would be imparted training about the tools, techniques and best practices in key aspects of the financial management.

*"Knowledge is to use, whatever you learn here, must apply for the effective financial management in the courts and whatever knowledge you gain about the new laws and emerging trends in the world judiciary must pass on that acquired knowledge to others who aspire for it"* he urged the trainee judges.

## JUDGES HONORED

Hon'ble Mr. Justice Asif Saeed Khan Khosa, Judge Supreme Court of Pakistan, gave a topic titled, "Viable suggestion regarding Management of Family Courts" to the participants of one-week training course on "Management of Family Cases" for Judges of Family Courts from all over Pakistan including Azad- Jammu and Kashmir and Gilgit -Baltistan (07-12 February, 2011). In the intellectual exercise Ms. Shazai Hassan, Judge Family Court, Gujranwala clinched first and Ms. Nusrat Naz, Civil Judge-cum-Judicial Magistrate, Nowshera, second position respectively. Hon'ble Mr. Justice Khilji Arif Hussain, Judge Supreme Court of Pakistan was the evaluator of their intellectual input. Both position holders were honored with the Chief Justice of Pakistan Award.

Similarly, Hon'ble Mr. Justice Tassaduq Hussain Jilani, Judge In charge FJA (Academics) assigned a topic captioned "Judging is more a way of life rather than a profession" to the participants of one -week orientation course on 'Role of District & Sessions Judges/ Senior Civil Judges being Non-Financial Managers in Financial Management and News Laws" for District and Sessions Judges/ Senior Civil Judges from all over Pakistan including AJ&K and Gilgit-Baltistan (28th March to April 2, 2011) in which Mr. Riaz Ahmed, Additional District & Sessions Judge, Peshawar secured first position and two contestants namely Mr. Tariq Mahmood Khoso, Additional District & Sessions Judge, Karachi (East) and Mr. Wajid Ali, Additional District & Sessions Judge, Haripur, second position. Hon'ble Mr. Justice Jawwad S. Khawaja, Judge Supreme Court of Pakistan was the evaluator of their intellectual input. The position holder Judges were honored with Chief Justice of Pakistan Award.



*Miss Shazia Hassan,  
Judge Family Court Gujranwala*



*Mr. Riaz Ahmed,  
Additional District & Sessions Judge,  
Peshawar*



*Mr. Wajid Ali  
Additional District & Sessions Judge,  
Haripur*



*Mr. Tariq Mahmood Khoso  
Additional District & Sessions Judge,  
Karachi (East)*

### **Topic: "VIABLE SUGGESTIONS REGARDING MANAGEMENT OF FAMILY COURTS"**

Family cases are of most sensitive nature. While dealing with family cases, not only mind but emotions of judge are involved. Family courts all over Pakistan are doing very good job and disposal rate of cases is satisfactory. But there are certain external and internal problems which affect the performance of family court. To cope with these problems and better management of family court, I have the following viable suggestions:-

1. The court rooms must be spacious with an attached smaller room fixed for meeting of minors and parties, and also for meeting of parties for reconciliation purposes.
2. To save precious time of presiding officer and disposal of the case written required time period, there should be a separate agency who will complete the procedure till submission of within statement and after that cases shall be referred for trial.
3. It is observed that due to load of work and unfavorable condition of court room, the judges could not do whole

hearted efforts for reconciliation between the parties. Therefore, there should be a reconciliator in every family court. But creation of new job of reconciliator would be extra burden on the Govt. treasury. To avoid this expected problem, I suggest that retired judges and most senior members of bar having good reputation may be invited for honorary post of reconciliator. In every family court there must be list of honorary reconciliators like list of commission for recording evidence in cases.

4. One of the most difficult stage in family cases is execution of decree. Therefore, the procedure of execution should be made simple. In this regard, I suggest that specific reasonable time should be mentioned in the decree within which decree is to be satisfied. After the given time, in case decree remains unsatisfied, the suit shall be converted into execution proceeding and no separate application for execution shall be required.
5. It should be made mandatory for the parties that before approaching family court, the parties should lodge their complaints in concerned union council, wherein arbitration council would be constituted as provided in Muslim Family Laws Ordinance, 1961. In this way, at least 40% family disputes would be resolved before approaching the family court. In case, arbitration council fails to resolve the dispute, the council shall issue certificate in this regard. This certificate would be annexed with plaint.

(SHAZIA HASSAN)  
Judge Family Court,  
Gujranwala

### **Topic: JUDGING IS MORE A WAY OF LIFE RATHER THAN PROFESSION**

Human beings are blessed with faculties of judgment and decision making, unlike animals, living by their instincts. Judging is a basic characteristic of human beings, which nurtures the power of decision making, thus qualifying each one of us to be a judge in his own life with exception to those unfortunates faced with mental impairment.

Life is not a bed of roses as a golden quotation says. Many a times, we face situations where we have to decide, opt, reject or accept with its impending repercussions. It is in these outstanding circumstances where people with accurate judgmental qualities move ahead of those with misty minds. For misty minds, life indeed is not a bed of roses. For them it

more like a riddle with no solution.

Judging is a basic characteristic of human beings. We observe the goings of life in different manners and from different angles. On the contrary other living things like animals and plants, live by their basic instincts. They are not guided by the facility of judgment in their lives. That is the reason why man has evolved to the best of his from 'a thinking rational' and logical living being. And it is this facility of judgment which helps us in the process of decision making.

For a flawless decision making activity, accurate judgment is a basic rudiment. Wrong decisions are often based on wrong judgments. Therefore in order to master the feat of decision making, one needs to be clear in his judgmental qualities. Consequently, to be a professional judge it is mandatory to polish the two facets of one's personality.

Keeping in view the above discussion, it is more than obvious that judiciary as a profession is more nearer to human nature. For a judge, in order to make a decision, it is mandatory to completely magnify a case in point, thereby, judging it in a more objective manner, as we do in our normal routine lives. However, nearer the profession is to our routine affairs, a judge still needs to meet certain other important conditions to make his judgment more refined and just.

Possibility thinking is a cap which a professional judge is always in need to wear. For a judge it is important to look into a case from more than one angle. In our normal affairs we do apply possibility thinking to difficult situations in order to find different solutions to it. As far as a judge is concerned, he needs to excel upon this mental trait of 'possibility thinking' in a more intensive manner so that objective decision making is not hindered. Similarly, it is 'possibility thinking' which opens the door to the process of in-depth analysis, which is also a tool for accurate judgments.

In-depth analysis is yet another important rung in the ladder of accurate judgment. After possibility thinking is done, a judge needs to make an in-depth analysis of all the possibilities so that he may reach a final conclusion and the very point of making a decision. We all do analysis in our daily lives about our problems and issues and it's the only way where by we find effective solutions to our problems. Making analysis is an everyday life affair but a professional judge takes it to a relatively higher plane of mastery.

Efficient and immaculate judgment, added with 'possibility

thinking' and in-depth analysis culminates into a perfect decision. For a professional judge, these should be parts of his mantle. For a common man, they will earn him a garland of wisdom.

Contrary to all this, there are minds fogged with illusions and distractions. Such minds find it really hard to lead a normal life in this current fast changing world. Not judging things in the right manner, at the right time and place often land the confused minds into unwanted situation.

Similarly a person can never be a good professional judge unless and until he is clear in his mind. Confused minds fraught with doubts can never make a good judge.

The bottom-line is that a judge needs to refine certain traits of his personality, in order to perform his duties in a fullest manner. These are normal, daily life traits, which a judge takes to a higher plane and use them more intensively. Accurate judgment, added with 'possibility thinking' and in-depth analysis results in a decision that is more objective and just. Therefore, it is very much appropriate to say that judging is more a way of life than a mere profession.

(RIAZ AHMAD)

Additional District & Sessions Judge  
Peshawar

## THE HUMAN SPIRIT

“When you see two of them meet together as friends, they are one, and at the same time six hundred thousand,” Mawlana Jalaluddin Rumi (1207-73) wrote about true mentors, some eighty years after Nezami. “Their numbers are in the likeness of waves: the wind will have brought them into number. The Sun, which is the spirits, became separated in the windows, which are bodies. When you gaze on the Sun’s disk, it is itself one, but the one who is screened by the bodies is in some doubt. Separation is in the animal spirit, the human spirit is one essence.” Can we say this about Nezami and Shakespeare, and perhaps also about Rumi, Goethe and Iqbal? The following note appeared in a Sufi magazine published in Urdu from Meeruth, a city in India, on August 1, 1913: Dr. Sheikh Muhammad Iqbal dreamed that Rumi was commanding him to write a *masnavi*. Iqbal replied, “That genre reached its perfection with you.” Rumi said, “No, you should also write.” Iqbal stated respectfully, “You command that the self must be extinguished but I reckon the self to be something that should be sustained.” Rumi replied, “My

intended meaning is also the same as what you have understood.”

He [Iqbal] found himself reciting the following verses as he woke up, and then he began to write them down... Those verses were in Persian, which was the language of Rumi, but the title of Iqbal’s book alluded to Nezami, who had called his first work *The Treasury of Secrets*. Iqbal named the first part of his masnavi ‘The Secrets of the Self’ and the masnavi itself *Secrets and Mysteries*.

In the preface, Iqbal repeated claims that were the trade mark of Nezami, such as that his work contained means for spiritual excellence as well as worldly power and that many poets were born after they died, coming back like roses growing from the dust of their tombs (Nezami had compared such poets with fish under water, raising their heads when their names were called). In the works of Iqbal, several characters from Nezami were going to reappear in modern settings – Khizr, Layla, Qais, Pervez and Farhad, among others. Just as Nezami had employed the name of his son, Muhammad bin Ilyas, to represent posterity, so Iqbal was going to address the coming generations through his son (and may have had this end in mind even as he named the child in real life: Javid literally meant “the eternal” or even “eternity,” the subject of Nezami’s last epic).

The poem about Shakespeare, which Iqbal sent for inclusion in *A Book of Homage to Shakespeare*, is found as an unfinished draft in a notebook used by the poet around this time. The finished version does not exist in facsimile. The poem may have been completed just shortly before being sent to Sir Israel Golanetz in 1915 or 1916, and written on a paper that did not come back either from the scribe who scribed it for being sent to England or from the friend who translated it. In any case, Iqbal had been “visited” by Rumi in his dream by the time he sent the poem to Sir Israel.

The original in Urdu, since it has fourteen lines, obviously divides itself into seven couplets (four in the first stanza and three in the second). If translated faithfully, they trace the development of Prospero’s art (and Shakespeare’s) through the same major conflicts that appear in the chronological storyline of *The Tempest*, the relationship becoming increasingly visible as the poem progresses.

# TWO DAY UK PAKISTAN WORKSHOP AT LAHORE IN THE EYE OF CAMERA



Hon'ble Mr. Justice Shakirullah Jaan, Mr. Justice Tassaduq Hussain Jillani, Mr. Parvez Ali Chawla, Ms. Sheena Lavery and Khalida Salimi of SACH in the Picture



Hon'ble Mr. Justice Tassaduq Hussain Jillani gives away shield to Ms. Sheena Lavery British High Commission in Islamabad. DG of the Academy is also in the picture



Workshop participants in group photo at Lahore

**Respect the Child. Be not too much his parent. Trespass not on his solitude.**

*Ralph Waldo Emerson*