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Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan, in the meeting of Board of Governors of the FJA, Hon'ble Mr. Justice Mian Shakirullah Jan, Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Tassaduq Hussain Jilani, Judge Supreme Court of Pakistan are also present.

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FEDERAL JUDICIAL ACADEMY TO BECOME FEDERAL UNIVERSITY OF LAW AND JUDICIAL ADMINISTRATION

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



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

The 36th meeting of the Board of Governors of Federal Judicial Academy was held on 07-01-2012, at Federal Judicial Academy, Islamabad. It was unanimously approved to ask the Federal Government for grant of a charter to establish a Federal University of Law and Judicial Administration at Islamabad, for imparting judicial and legal education of international standards in the country.

The meeting was presided over by Hon'ble Chief Justice of Pakistan, Mr. Justice Iftikhar Muhammad Chaudhry. The Hon'ble members discussed host of items on the agenda including administrative, financial, academic and the allied matters such as hiring of faculty and capacity building of the judicial officers and that of the courts. The framing of uniform rules for promotion of Judicial Officers, linked with training in FJA, were extensively debated among the honorable participants.

"It is imperative to groom professional, well oriented, well-rounded and competent young judicial officers. We may have to arrange their trainings, both in and abroad so as to have inventive and active judicial officers. We have to produce judges for the future and those well-trained judges in the long run, be elevated in the superior courts," the HCJP observed.

The Honorable Chief Justice said the proposed varsity would not be a conventional sort of university but a specialized one where legal and judicial education, at par with international standards, including grant of diplomas and short courses training would be imparted to the knowledge seekers.

"Once we get the charter and the university is established, then, this huge building which is being built now, would be utilized properly and fairly," he opined.

About the Service Rules for the staff of the Academy, the Hon'ble Chief Justice asked the head of the relevant committee to expeditiously finalise the rules so that those may be circulated and got approved from the government. Regarding the perks and privileges for the

Employees of the Provincial Judicial Academies, the HCJP observed that their perks and privileges should also be Brought at par with that of the Federal Judicial Academy.

On the occasion, Honorable Chief Justice Peshawar High Court Mr. Justice Dost Muhammad Khan presented a souvenir to the Honorable Chief Justice of Pakistan. In the end, the senior officers of NESPAK gave a briefing about the ongoing Phase-II of the Academy.

Showing displeasure over slow pace of work, the HCJP also directed them to rectify all the engineering and structural anomalies and faults within fifteen days otherwise they would be taken to task.

Earlier, the Honorable Chief Justice of Pakistan and other Honorable Judges of the Apex Court, Federal Law Minister and other members of the Board of Governors inspected the ongoing construction work of the Phase-II of the Academy.

The meeting was attended by Hon'ble Mr. Justice Mian Shakirullah Jan, Judge-In charge (admin) FJA, Honorable Mr. Justice Tassaduq Hussain Jillani, Judge-In charge (Academics) FJA, Honorable Mr. Justice Jawwad S. Khawaja, Judge Supreme Court of Pakistan, Honorable Mr. Justice Qazi Faez Isa, Chief Justice Balochistan High Court, Honorable Mr. Justice Dost Muhammad Khan, Chief Justice Peshawar High Court, Honorable Mr. Justice Shaikh Azmat Saeed, Chief Justice Lahore High Court, Honorable Mr. Justice Mushir Alam, Chief Justice Sindh High Court, Senator Moula Bakhsh Chandio, Federal Minister for Law, Justice and Parliamentary Affairs /Vice Chairman, (BoG), Maulvi Anwarul Haq, Attorney General for Pakistan, Dr. Waqar Masood, Federal Secretary for Finance, Dr Faqir Hussain, Registrar, Supreme Court of Pakistan, Mr. Habib-ur-Rehman Shaikh, Secretary Law and Justice Commission of Pakistan, Mr. Parvaiz Ali Chawla, Director General, FJA, and Mr. Khalid Amin Khan Tareen, Director, FJA.



Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan, presiding over the Board of Governors of FJA.

The Qur'an Says"

"There must be a group amongst you which should call the people to 'Good' [adherence to law] and refrain them from 'non-Good' [violations of law]. (3:104)

**HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA ADDRESSES
ADDITIONAL DISTRICT AND SESSIONS JUDGES**

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Jawwad S Khawaja said, "The district judiciary is the real face of the edifice of judiciary, hence, all of you would have to make great efforts to give fair and speedy justice to those in need, despite the massive problems the district judiciary is facing nowadays".

Hon'ble Judge of the Apex Court was addressing Additional District and Sessions Judges in the inaugural ceremony of one week course on 'Management of Sessions Trial', at the Federal Judicial Academy on Monday (9. 01.2012)

He emphasized that justice must be administered according to law and the office of a judge be treated like a sacred public trust and that all of us must stick to the virtues of honesty, fairness, wisdom and integrity.

He said to the course participants, "We all are judges, whether one belongs to the district or superior judiciary".

In his welcome speech, Mr. Parvaiz Ali Chawla, DG of the Academy, urged the participants to make every effort to update their skills and equip themselves with the emerging trends in the judiciary so as to provide speedy and expeditious justice to the litigant public.



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



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

JUSTICE BRINGS, BALANCE, BEAUTY, HARMONY IN SOCIETY HON'BLE MR. JUSTICE EJAZ AFZAL KHAN

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Ejaz Afzal Khan said that the Holy Quran must reflect in all features of our lives, adding "Holy Quran is cause for pride; it is the path of justice."

He was addressing the Additional District and Sessions Judges in the certificate awarding ceremony on the conclusion of one week training course on "Mangement of Sessions Trials" for Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on Friday (13.01.2012)

Highlighting the importance and scope of administration of justice he quoted several verses from the Holy Quran and observed that the administration of justice brought peace, balance, beauty, harmony and prosperity in the society.

"A just and balanced society can achieve new heights of peace, progress and prosperity but an unjust and unbalanced society can never progress", he maintained.

He said that the judges were the most important people of any society, it was because of them that one could witness a balance and harmony in any society.

"Since deprived, denied, destitute and forsaken people come to you for justice and if you could impart them speedy justice in accordance with the law, then, God Almighty



Hon'ble Mr. Justice Ejaz Afzal Khan, addressing the participants.

will elevate you, both, here in this world and also in the world hereafter, you will be rewarded“ he added.

About the biological creation of human being as "homosapiens" he said, "You are born with great capabilities but you will never achieve your potential until you call upon yourself to fulfill it".

He said that all the stakeholders of the legal and judicial system would have to make collective efforts for the promotion of Rule of Law Culture in the country because it was a panacea for all of society's ills and evils.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented an overview of the course and detailed profile of the chief guest.



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

***"If you tell the truth, you don't have to remember anything."
Mark Twain***

PERFORM YOUR DUTIES EFFICIENTLY, FAIRLY, WITH PROMPTNESS, ASKS MR. NAZIR AHMED GAJANA, DISTRICT & SESSIONS JUDGE RAWALPINDI, TO SUPERINTENDENTS FROM

Mr. Nazir Ahmad Gajana, District and Sessions Judge, Rawalpindi, urged the Superintendents of District Courts to refrain from such activities that could portray them as corrupt adding "you should not engage in conduct incompatible with the diligent discharge of your duties. Perform your duties efficiently, fairly and with promptness and that is the only way to earn blessings of Allah and prayers of poor litigants."

He was addressing the Superintendents of District Courts from all over Pakistan, including Azad Jammu and Kashmir and Gilgit-Baltistan in the inaugural ceremony of one week course on " How to be an effective Superintendent" at the Federal Judicial Academy, Islamabad, which commenced on Monday (23.01.2012)

He said, "The menace of corruption has endemic in our society and our paralegal staff members who are engaged



Mr. Nazir Ahmed Gajana, addressing the course participants.

In corrupt practices not only bring a bad name to the institution but also earn wrath of God”.

“Our religion ordains us to avoid corruption, adherence to honesty is good for our lives in this world and also in the world hereafter, where there will be the judgment of Allah on the last day. We all have to make joint efforts to combat the menace of corruption and do away with indiscipline and other such evils among the court personnel”, he maintained.

He stressed that professionalism and integrity were always honored; hence, we should learn from our history and follow the footprints of those people who had earned their name and fame as the people of professionalism and integrity.

“Since the Superintendents are the principal officers of the District and Session Judge's office and are highly respected, therefore, whatever new information and skills which you learn here at the Academy, must be passed on to other junior staff members for effective and expeditious administration of justice at the district level” he emphasised.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and said that the Academy had taken all humanly possible steps to maintain and enhance the participant's knowledge, skills and personal qualities necessary for the proper performance of their duties.



Participants of the course in a group photo with Mr. Nazir Ahmed Gajana and faculty of the Academy.

“An incompetent lawyer can delay a trial for months or years. A competent lawyer can delay one even longer.”

Evelle Younger

PUBLIC OFFICE IS A PUBLIC TRUST MR. SAIF UR-REHMAN, DG, HUMAN RIGHTS CELL

Mr. Saif-ur-Rehman, Director General, Human Rights Cell, Supreme Court of Pakistan, said that the dispensation of justice was the basic duty and responsibility of the judiciary, as enshrined in the Constitution; it was a sacred task of divine origin.

He was addressing the Superintendents of District Courts, from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan in the certificate awarding ceremony on the conclusion of one week course on “How to be an effective Superintendent” at the Federal Judicial Academy, Islamabad, on Saturday. (28.01.2012)

He opined that a public office was a public trust and all public officers and employees must at all time be accountable to the people. “Serve them with utmost responsibility, loyalty and efficiency, act with justice and lead modest lives”, he emphasized.

He said that court personnel, from the lowest employee to the clerk of court or any position holder lower than that of a judge, were involved in the process of dispensation of justice and parties seeking redress from the courts for grievances, look upon court personnel as part of the Judiciary.



Mr. Saif-ur-Rehman, addressing the course participants.

Advising the superintendents he said, "The court personnel should perform official duties properly and with diligence. They must commit themselves exclusively to the business and responsibilities of their office during working hours".

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented an overview of the course and detailed profile of the chief guest.



Participants of the course in a group photo with Mr. Saif-ur-Rehman and faculty of the Academy.

"In litigation, nothing is certain but the expense. Compromise is the best and cheapest lawyer."

Samuel Butler & Robert Louis Stevenson

JUDGES ASKED TO ADMINISTER JUSTICE ACCORDING TO LAW HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Jawwad S. Khawaja, urged the judges to uphold the rule of law and dispense justice in a fair and impartial way to all who appear before them.

He was addressing the Senior Civil Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan in the inaugural ceremony of one week course on "New Laws", at the Federal Judicial Academy, Islamabad, on Monday. (6.02.2012).

Advising the young judicial officers he said: "Administer justice according to the law and treat your office as a public trust. It is, indeed, a very sacred public trust. Honesty, fairness, wisdom and integrity, of course, are such virtues that are always honored, hence, one must stick to them".

He said that no doubt he himself was a judge of the Apex Court of the country and the course participants, who were undergoing the training at the Academy, were the judges of the district judiciary but they had one common bond and it was that they all belonged to one family and it was called the "Family of the Judiciary".



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

“Since we all are judges and to dispense justice to the people is our constitutional mandate. We must respond to all who come before us. The District Judiciary depicts the real face of the judiciary, hence, all of you have to make all humanly possible efforts to give inexpensive and expeditious justice to the litigant public, despite a plethora of problems which the district judiciary is facing nowadays, so as to enhance people’s trust in the judiciary and its image as well” he maintained.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and a detailed profile of the chief guest.



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

“Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens.”

Plato

DEDICATION, COMMITMENT AND SERVICE CONTINUE TO BE RESPECTED, SAYS HON'BLE MR. JUSTICE MIAN SHAKIRULLAH JAN

The Senior Puisne Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Mian Shakirullah Jan urged the judges of district judiciary to equip themselves with the computer literacy because it was increasingly seen as the basic necessity for an effective court working in this era of Information Technology.

He was addressing the Senior Civil Judges in the certificate awarding ceremony on the conclusion of one week training course on “New Laws” for Senior Civil Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on Saturday. (11.02.2012)

Advising the participants he said that those young judicial officers who had still not learnt the computer literacy, they must have to learn it and enhance their proficiency in it.



Hon'ble Mr. Justice Mian Shakirullah Jan, addressing the course participants

“We have a proposal under consideration that those judges who are computer literate may be provided laptops so as to enhance their professional performance,” he disclosed.

He expressed that superior judiciary was cognizant of the fact that district judiciary was grappling with ample problems of variety of nature including non-availability of fundamental infrastructure such as proper court rooms, accommodation and many other facilities.

“Several proposals, including uniform perks and privileges, transport, accommodation, healthcare and advancement of professional education and such like others facilities are under active consideration and concrete efforts are being made so that the problems which are being faced by the judicial officers should be addressed. We want to develop the district judiciary as one of the developed and well organized institution of the country. We intend that all possible facilities may be provided to the judicial officers”, he vowed.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented an overview of the course and detailed profile of the chief guest



Hon'ble Mr. Justice Mian Shakirullah gives away certificate to a course participant.



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan and faculty of the Academy.

“However many holy words you read, however many you speak, what good will they do you if you do not act on upon them?”

Buddha

CHARACTER OF JUDGES, JUST JUDGMENTS COMPEL SUBJECTS TO GIVE RESPECT TO JUDGES

HON'BLE MR. JUSTICE IQBAL HAMEED-UR-REHMAN

Chief Justice of Islamabad High Court, Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman, said that judiciary had no army of its own to get enforced its verdicts adding that, "It is the character of the judges and mosaic of just judgments which compel the subjects to give respect to the judges and to their mandates".

He expressed these views in the inaugural ceremony of one-week training course on "Management of Rent Cases" for Civil Judges/Rent-Controllers from all over Pakistan including Azad Jammu and Kashmir Gilgit-Baltistan, at the Federal Judicial Academy, Islamabad on Monday (13.02.2012).

About delay in disposal of cases, he observed, "The delay in disposal of cases is a great menace in our system. You are young judicial officers possessing the potential to eradicate this evil provided you equip yourselves with the requisite skills to address all the problems existing in the adversarial justice system".

He advised the trainee judges to make a habit of keeping themselves abreast of the developments made in the relevant laws, "Speak through your orders & judgment, exhibit judicial ethics and prove yourselves to be a judge in all respects".

Regarding the importance of learning he said, "Learning is a continuous process and no one can claim mastery in it because sky is the limit in the field of knowledge. It is a universal truth that 'knowledge is power'. You the participants of this programme are lucky enough for having been provided with an opportunity to get your knowledge updated and share your experiences."



Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman, addressing the course participants.

Hon'ble Chief Justice of Islamabad High Court emphasized, "I am not disappointed because the judicial leadership under the supervision of the Chief Justice of Pakistan, while taking notice of the grey areas of the system is putting every effort to cope with the challenges. Now, we have got the Judicial Academies at federal as well as provincial levels that are busy in imparting training to the Judicial Officers and I hope that the endeavors being made in this regard would prove to be fruitful."

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



Participants of the course in a group photo with Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman and faculty of the Academy

JUDICIAL OFFICERS ASKED TO MAINTAIN 'PURE JUDICIAL TEMPERAMENT'

HON'BLE MR. JUSTICE DOST MUHAMMAD KHAN



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

Hon'ble Chief Justice, Peshawar High Court, Peshawar, Mr. Justice Dost Muhammad Khan, urged the young judges to maintain judicial temperament while dealing with different cases in the court because they were the most powerful men in the field by virtue of their authority and power.

He was addressing the Civil Judges/ Rent Controllers from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan, in the certificate awarding ceremony on the conclusion of one week training course on "Management of Rent Cases" at the Federal Judicial Academy, Islamabad, on Saturday. (18.02.2012)

Advising the judges he said, "You have to exercise your jurisdiction with much more care and caution. You have to think hundred times before giving any decision. You have to sit cool, quiet, balanced and have to give attention of high degree to the parties. Your single smile, even to one party in good faith, can give a wrong impression to the other party. You have to express through your orders and judgments".

"Greedy property dealers who are the real "mischief mongers" are creating lot of litigation for the courts. In their



Hon'ble Mr. Justice Dost Muhammad Khan, gives away certificate to a participants

lust for money they create problems for the courts and the society including the tenants and owners" he lamented.

He said, "We live in the world which has become mobile. People migrate from rural areas to urban areas in search of better life such as shelter, food, clothing, education and employment, hence, the nature of cases have become complicated and our laws are many decades old. They are defective in many ways. They need to be changed so as to provide expeditious justice to the litigant public."

He advised that a judge must be above board in his character and a man of integrity and honesty, in all circumstances, he must remain stick to these cardinal virtues.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented an overview of the course and detailed profile of the chief guest.

"It is good rule in life never to apologize. The right sort of people do not want apologies and the wrong sort take a mean advantage of them"

P.G Wodehouse



Participants of the course in a group photo with Hon'ble Mr. Justice Dost Muhammad Khan and faculty of the Academy.

WOMEN GIVEN PROTECTION, EQUAL RIGHTS IN OUR SOCIETY. HON'BLE MR. JUSTICE TARIQ PARVEZ

Supreme Court of Pakistan, Hon'ble Mr. Justice Tariq Parvez, said that our society was amongst those societies where women had been given equal protection and rights.

He was addressing the Senior Civil Judges/ Civil Judges/ Judges of the Family Courts from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan, in the inaugural ceremony of one week training course on "Gender Sensitization with special focus on Family Laws" at the Federal Judicial Academy, Islamabad, on Monday. (12.03.2012)

He said, "In today's Pakistan women are everywhere. They are in every walk of life. They are being commissioned in the armed forces including the army, air force and navy. You see right here in the judiciary, they are here with you. In such a scenario, sometimes this subject of gender sensitization appears irrelevant."

Shedding light on the background of gender sensitization he said that it was dated back to Adam and Eve and that rationale behind it was to provide equal opportunities and rights to women as also to acknowledge their rights.

Regarding gender sensitization in Islam he said, "Islam is a unique religion, which has given equal rights and protection to the womenfolk in the society. Look at 'Khula',.



Hon'ble Mr. Justice Tariq Parvez, addressing the course participants.

the right which Islam has given to women to seek divorce" he observed earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented an overview of the course and detailed profile of the chief guest.



Participants of the course in a group photo with Hon'ble Mr. Justice Tariq Parvez and faculty of the Academy.

"Laws are spider webs through which the big flies pass and the little ones get caught."

Honore de Balzac

GENDER DIFFERENCES NOT BE MADE FOR ANY DISADVANTAGE

HON'BLE MR. JUSTICE MIAN SHAKIRULLAH JAN



Hon'ble Mr. Justice Mian Shakirullah Jan, addressing the course participants



Hon'ble Mr. Justice Mian Shakirullah Jan, gives away certificate to a participants.

Senior Puisne Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Mian Shakirullah Jan said that this universe was not only the property of man but it was made for both male and female and both had rights prescribed in the law of the land.

He was addressing the Senior Civil Judges/ Civil Judges/ Judges of the Family Courts from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan, in the concluding ceremony of one week training course on "Gender Sensitization with special focus on Family Laws" at the Federal Judicial Academy, Islamabad, on Friday (16.03.2012)

He said that gender differences should not be made basis for any discrimination and the issue of gender could be minimized if the society was made aware of its proper meaning.

About the provision of family laws he emphasized, "These can not be used as engine of oppression to be operated by the husband for his benefit against the wife. Wife and husband although inherently unequal but are equal before the law. This is the message of our religion Islam. Being muslims we have more responsibility on our shoulders to give the women better status and respect. The world takes the impressions of our Islamic teachings from our conduct. We have to prove that our complete code of life had provided answers to every modern question centuries ago. Of course this increased responsibility is an onus which is to be discharged in the form of judgments by judges when they deal with family cases".

He said, "The Constitution and the law fully protect the family, women and the children. The family laws of our country are made to protect the rights of family, as it is the spirit of the Constitution. Article 35 clearly states that the State shall protect the marriage, the family, the mother and the child. Similarly, while administering justice in accordance with Article 4 of the Constitution of Islamic Republic of Pakistan, 1973, enjoying the protection of law and to be treated in accordance with law is the inalienable right of every citizen. Likewise, Article 25 amply makes clear that all citizens are equal before law and are entitled to equal protection of law. Further more, there shall be no discrimination on the basis of sex, rather State is allowed to make any special provisions for the protection of women and children" he illustrated.



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan and faculty of the Academy.

He observed that Islam had made it obligatory for the Muslims to get education and knowledge from cradle to grave. There was no discrimination in this order for male and female. The worldly impartation of education was the religious duty of every Muslim and the judicial officers had more responsibility to improve their knowledge because they were bound to administer justice between the parties, while using their knowledge and education.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented an overview of the course and detailed profile of the chief guest.

“Forgiveness is the fragrance that the violet sheds on the heel that has crushed it. Anger is an acid that can do more harm to the vessel in which it is stored than to anything on which it is poured.”

Mark Twain

DG FJA LAMENTS ABOUT DETERIORATION IN STANDARD OF INVESTIGATION

Mr. Parvaiz Ali Chawla, Director General, Federal Judicial Academy, exhorted the District Prosecutors to perform their professional duties diligently so that swift and speedy disposal of criminal cases became a reality.

He expressed these views in the inaugural ceremony of one week refresher course on “ Role of Law Officers vis-a-vis Quick Disposal of Criminal Cases” for law officers (Prosecutors) from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Monday. (26.3.2012)

He said that the foundation for the Criminal Justice System was the investigation by the police. The success or failure of a criminal case depends entirely on the work of the investigating agency. Unfortunately, the investigating officers were not given adequate training in interrogation techniques and sophisticated investigation skills. All these factors seriously affected the prosecution. This was a major cause for the failure of the criminal justice system.

With respect to capacity building of the law officers including prosecutors, district attorneys and other court personnel, he said that this Academy, which was operating at the federal level, had the privilege to arrange such like courses for all stakeholders and also, Insha Allah, it would endeavor to arrange in the future.



Mr. Parvaiz Ali Chawla, addressing the course participants.

“You have come here from all over Pakistan and everyone is with his unique background, experience and expertise, however, I would suggest that you all must actively participate in this refresher course and share your views, experience and expertise with each other so as to enrich each other’s knowledge and experience” he advised.



Participants of the course in a group photo with Mr. Parvaiz Ali Chawla, Director General of the Academy and Mr. Khalid Amin Khan Tareen, Director.

“Avoid lawsuits beyond all things; they pervert your conscience, impair your health and dissipate your property”

Jean de la Bruyere

PROSECUTORS ASKED TO WORK WITH DEDICATION

RAJA JAWAD ABBAS HASSAN

District and Sessions Judge, Islamabad, Raja Jawad Abbas Hassan, said that Integrity, honesty and professionalism like virtues were always valued in the society.

He was speaking at the certificate awarding ceremony of one week-orientation course on “Role of Law Officers vis-a-vis Quick Disposal of Criminal Cases” for Law Officers (Prosecutors) from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan in the Federal Judicial Academy Islamabad, on Saturday (31.03.2012)

He said that since we were living in a changing world; hence, it was essential to all the stakeholders of judicial and legal fraternity to update their knowledge, information and skills about the emerging new trends and mechanisms for efficient and effective dispensation of justice. All of us had to make committed efforts to overcome the slow pace and customary delays in the legal and judicial system

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented an overview of the course and a profile of the Chief Guest. He said that the training was absolutely necessary for judicial officers, law officers, lawyers, law enforcement officers, prosecutors, court personnel and others related to legal and judicial profession and this Academy under its mandate was playing its part under the guidance of Hon'ble Chief Justice of Pakistan to impart much needed training to its subjects so as to achieve the long avowed goals of National Judicial Policy .



Raja Jawad Abbas Hassan, addressing the course participants.



Participants of the course in a group photo with Raja Jawad Abbas Hassan and faculty of the Academy.

*“To render relief to the distressed and to help the oppressed make amends for great sins.
Only he who has the power to punish can pardon”*

Hazrat Ali (R.A)

ONLINE DISTANCE COURSE FOR JUDGES

The Federal Judicial Academy, Islamabad, held, the second in series, a five-week long Online Distance Learning Course for the Judges of District Judiciary of Pakistan in collaboration with the National Judicial Institute (NJI), Canada. This course was held from February 21, to March, 25, 2012. The learned judges from both the countries got a brilliant opportunity to discuss the titled topic, "The Domestic Application of International Covenants and Treaties" at length.

Hon'ble Mr. Justice Mian Shakirullah Jan, Senior Puisne Judge, Supreme Court of Pakistan/ Judge Incharge (Administration) was the "Judge Leader", Raja Jawad Abbas Hassan, District and Sessions Judge, Islamabad (East) was the "Moderator" whereas, Barrister, Miangul Hassan Aurangzeb, Advocate Supreme Court, was the "Academic Expert" from Pakistani side.

Similarly, Mr. Justice Marc Rosenberg and Mr. Justice Joseph Bovard, Director of the International Human Rights Program at the University of Toronto Faculty of Law, were the Canadian academic experts. However, the course assistance was provided by several individuals at the NJI. Prominently among those were Magdalena Serwin and Benjamin Gianni.

"Nothing is impossible; the word itself says I'm possible!"

Audrey Hepburn

POSITION HOLDERS

Mr. Haq Nawaz, Additional District and Sessions Judge, Peshawar, secured first position and Mr. Shahzad Raza, Additional District and Sessions Judge, Jhang, clinched second position in the essay competition on the topic "Based on your experience as Judicial Officers what, in your opinion would be the two most important amendments you would propose in the Civil Procedure Code and in the Criminal Procedure Code. Give reasons for your proposals. Draft two amendments for each code. The amendments should be such as would bring about efficiency in the legal system without compromising the quality and fairness of the adjudication" during one week training course on "Management of Sessions Trials" for Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan (9th January to 14th January 2012)

TWO MOST IMPORTANT AMENDMENTS IN THE CIVIL PROCEDURE CODE AND IN THE CRIMINAL PROCEDURE CODE.

By

HAQ NAWAZ
Additional District &
Sessions Judge,
Peshawar.



The existing procedural laws were generally sound and needed no major surgery. The Commission on Reforms of Civil Law 1993 blamed the successive governments for the apathy; neglect of the judiciary and lack of adequate resources for improving the system of judicial administration in the country.

Based on my experience being a Judicial Officer, I have to propose two most important amendments in the Civil Procedure Code and in the Criminal Procedure Code to bring about efficiency in the legal system without compromising the quality and fairness of the adjudication. I have been in the Judicial Service for the last twelve years. I remained posted in different stations of Pukhtoonkhwa from Mansehra and Upper Dir in the North to D.I. Khan in the South. I found the same problems in the administration of justice throughout the

Province as pointed out by different Law Reforms Commissions from time to time.

One of the main reasons for delay in disposal of both the Civil and Criminal cases is the frequent and unnecessary adjournment of the cases. The Lawyers community has played a key role in the restoration of Judges and independence of judiciary and they have sacrificed their lives for this sacred cause besides bearing economic constraints for quite a long period. But it is regrettable that some of the bar members have vested interests to prolong the cases and protract it on decades being a regular source of their income. They are, therefore, unwilling to cooperate with the Judicial Officers, particularly in major cities, to implement the National Judicial Policy in letter and spirit and clear up the backlog of cases.

In order to overcome the problem, the courts discretion in matters of frequent adjournments should be curtailed. Following are the draft amendments in Section 148 and Section 344 of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1898 respectively:

Amendment of Section 148 of the Code of Civil Procedure, 1908.

In the said code, in Section 148 the words, “even though the period originally fixed or granted may have expired” be substituted with the words, “not exceeding the period originally fixed or granted”.

Amendment of Section 344 of the Code of Criminal Procedure, 1898.

In the said code, in Section 344 in sub section (1) the words, “as it consider reasonable” be substituted with the words, “not exceeding the previous time of postponement or adjournment”.

Similarly appeals from interlocutory orders and remand of cases with consent are other tools, which are being frequently used by the parties interested to delay the disposal of cases. In order to ensure speedy disposal of cases it is suggested that amendments be made in the relevant laws at the pattern of Nizam-I-Adl Regulation, 2009 to curtail the powers of appellate courts with regard to remand of cases.

For the reasons discussed, **clause (i) in sub section (1) of Section 104 of the Code of Civil Procedure, 1908 be omitted** and the relevant rules from which an appeal is expressly allowed be amended accordingly.

A major reason of delay in the disposal of criminal cases is the non-appearance of prosecution witnesses before the court and similarly non-production of case property at a time when the attendance of a witness is ultimately procured. Resultantly the case is adjourned and the witness again disappears from the court. In these circumstances an under-trial prisoner remain behind the bar for years in some cases. But there is no provision in the Code of Criminal Procedure to empower the court to proceed and decide the trial forthwith as provided under Order XVII Rule 3 of the Code of Civil Procedure.

Following is the draft of sub-section (3a) of Section 265-F of the Code of Criminal Procedure, 1898 for insertion:

(3a) If the Public Prosecutor or, as the case may be, the complainant to whom time has been granted fails to produce evidence, or to cause the attendance of witnesses, or to perform any other act necessary to the further progress of the trial, for which time has been allowed, the court may, notwithstanding such default, proceed to decide the trial forthwith.

Mr. Shahnshah Raza Kamal, Civil Judge/ Rent Controller, Gujranwala, secured first position and Mr. Nadeem Hassan, Civil Judge/ Rent Controller, Lahore, got second position in the essay competition on the topic “How to overcome adversaries of an adversarial system of administration of justice” during one week training on “Management of Rent Cases” for Civil Judges/ Rent Controllers from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan (13th February to 18th February 2012).

HOW TO OVERCOME ADVERSARIES OF AN ADVERSARIAL SYSTEM OF ADMINISTRATION OF JUSTICE?

By
Shahnshah Raza Kamal
Civil Judge/ Rent Controller
Gujranwala



1. **Administration of Justice:**

Man is a social being and dependent on other persons for accomplishment of his desires and needs. It is the society which fulfills all requirements. Man alone cannot achieve his goals. In this regard, sometimes a man causes damage to others meaning thereby, that in order to fulfill his needs, a man may snatch the rights of others. This irregularity may lead towards illegality. Therefore, the system of justice comes into operation. The exploitation of “Haves” can be minimized through justice.

Salmond Says,

“Justice means to give a man his own” and determines individual liberty in pursuit of individual welfare so as to confine the liberty within the limits.

2. **Kinds of Justice**

i. **Natural Justice:**

It is perfect justice in deed and in truth in an ideal state.

ii. **Legal Justice:**

As administrated by courts of law, what is declared to be just according to law?

The term “Administration of Justice” can be interpreted in both a narrow and wide sense. The narrow sense meaning flows from dictionary meaning of expression. Justice is administered in case after institution till pronouncement of judgment and execution of decree, order. In wide sense, the expression shall include all the aspects connected with administration of justice.

3. **Adversarial System:**

It is a legal system where two advocates represent their parties position before an impartial person, a group of people usually a judge or jury, who attempt to determine the truth of the case. This system is adopted in common law countries. This system is the two sided structure under which criminal trial courts operate that pits the prosecution against the defense. Justice is done when the most effective adversary is able to convince the judge or jury that his or her perspective on the case is correct.

4. **Basic Nature of system:**

The nation which have systems described as adversarial are those that have there legal origins in U.K. A very important feature of adversial system was reliance on a judge made system of substantive law. A system of judge made law necessarily involves some rationalization of views. Two different judges confronted by same facts might perfectly reasonably arrive at opposing conclusions as to principle of law, which should be applicable to resolve the issue.

5. **Basic features:**

An accused is not compelled to give evidence in a criminal adversarial proceeding; he may not be questioned by prosecutor or judge unless he chooses to do so. On the contrary, defendants in most civil cases can be compelled to give a statement; this statement is subject to cross-examination. The concept of cross examination is entirely due to adversarial structure of common law. Judges in an adversarial system are impartial in ensuring the fair play of due process or fundamental justice. Such judges also decide the relevancy and admissibility of evidence.

6. **Inquisitorial system:**

This system denotes criminal procedure in which one party is both prosecutor and judge, or in which trial is held in secret.

7. **Difference between both the systems:**

i. One of the differences is in rules of evidence. Adversarial system assumes that the evidence is to be presented to layman rather than to jurist and rules of evidence are strict.

ii. Another difference occurs, when an accused confesses his guilt in adversarial system and he is awarded with sentence. Where in inquisitorial system, the confession by defendant does not remove the requirement that prosecution presents a full case. This allows a plea bargaining in adversarial system in a way that is difficult or impossible in inquisitorial system

8. **Adversaries of an adversarial system:**

Following are the adversaries of an adversarial system:

i. **Enmity:**

The adversarial system cause enmity between the conflicting parties and this enmity is inherited by their legal heirs. The inherited enmity wipes out the values of family life.

ii. **Endless litigation:**

The conflicting parties engage themselves in endless litigation. The lawyers often advise them to initiate legal action against their opponents. In family cases, which are a bit of petty nature, often open the door of endless litigation. The Nikah-e-Shighar (Marriage in

exchange) is an example. One family disturbance can also damage the family life of other couple. .

9. **Multiple proceedings:**

In order to gain an undue advantage and humiliate the opponent, generally many cases both civil and criminal are filed. This practice not only opens the Pandora Box, but also burdens the court.

10. **Economic inequality**

The endless litigation would definitely affects the economic position of persons engaged. The basic necessities of life of family are sacrificed, but litigation expenses are secured.

11. **Ethical and moral devaluation:**

Due to adversarial system, the ethical and moral values are vanished. The parties don't take care of the respect of others.

12. **Influx in Urban Areas:**

This is an admitted fact that litigant people often shift to urban areas because of the reason of avoiding the enmity or to face and pursue the litigation. This shifting of people at urban area also causes inconvenience and hardship for the citizens of urban areas and this results in form of traffic, education, law and order and hygienic problems. **HOW TO COPE WITH THEM**

1. **Promotion of ADR's**

The government should promote the significance of Alternate Dispute Resolution. This system not only lessen the burden of courts in form of backlog, but also would provide a forum to people for redressal of their grievances.

2. **Council of Elders:**

In many modern countries, the council of elders are established which solve the problems of people. These councils work like "PANCHAYAT". This kind of councils be established at Union Council level with its role and functions.

3. **Police and law enforcing agencies:**

The loose grip of police and non-production of evidence and non-availability of relevant evidence often aid the criminal. Police should be re-modified on modern and well-equipped techniques. People should be law-abiding citizens, as they must have knowledge about the powers and functions of law enforcing agencies. The wrong and baseless application should be discouraged. The proceeding u/s 182 Cr.P.C. be initiated against the complainant.

4. **Patwari and Revenue System:**

Patwari plays a pivotal role in revenue system as he is custodian of revenue record, but this prerogative is always misused by him. The revenue record becomes easily available to person spending money. The revenue record should be computerized and transparent.

5. **Illegal dispossession cases:**

Although the Govt. has established a forum against the persons in illegal possession, but this forum is not doing job well and courts are also burdened. Secondly, the procedure for recovering the possession from illegal occupation should be made easy and executable.

6. **Speedy Trial:**

The parties should be given with an opportunity of speedy trail so their rights be executed and enforced "justice delayed justice denied."

7.

Rule of Law:

Nobody should be superior to law. Everyone should follow and be submissive to law. The court should take steps for inexpensive justice.

8. Natural Justice:

It is duty of a court to follow the principles of Natural Justice. The judge should give his verdict without prejudice, bias and fear. The party should be provided with the right of being heard. No party should feel the agony of law.

9. Role of Lawyers:

Lawyers are important part of our judicial system. The importance of lawyers cannot be ignored. It has been

Observed that sometimes, lawyers misuse the process of law and cause of justice. The demand of adjournment, lack of interest in disposal of case, submission of miscellaneous, even frivolous applications, with an object to cause delay in trial of cases also give air to the impression that judicial system is being captured by them. The client brings his witnesses after spending a lot of money, but lawyers due to any reason refuse to get record the statements of the witnesses, the trial of case can't be concluded. The court even after warning, cannot take coercive measure. The lawyers should be advised, directed and compelled to take active and positive part in system of justice and avoid from frequent adjournments. The National Judicial Policy has also stated the role of lawyers. The lawyers should convince people for mediation and conciliation.

- Mr. Muhammad Ibrahim Civil Judge-cum-Judicial Magistrate, Kandh Kot, district Kashmore at Kandh Kot, Sindh, got first position whereas Mr. Izhar-ul- Haq Senior Civil Judge, Sargodha, clinched second position in the essay competition on the topic "Divorces are increasing in our society, who is responsible? Husband, courts or any other factor" during one week refresher training course on " Gender Sensitization with special focus on Family Laws etc." for Senior Civil Judges of the Family Courts from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan (12th March to 17th March 2012)

DIVORCES ARE INCREASING IN OUR SOCIETY. WHO IS RESPONSIBLE? HUSBAND/WIFE/COURTS OR ANY OTHER FACTORS.

By

Muhammad Ibrahim

Civil Judge-cum-Judicial Magistrate
Kandh Kot, District Kashmore at Kandh Kot
Sindh



Family is basic unit of our society which begins from marriage. The marriage is deemed as compulsory fabric in our society. The marriage which comes into existence through personal relationship of male and female is termed as love marriage. Similarly the marriage which takes place with the assistance of parents and other family members is denoted as arranged marriage. The early days of marriage are glorious days in the memories of spouse. It is so, in both cases, either it may be love marriage or arranged marriage.

Our society is mostly based on Islamic System. The people belonging to minorities also confront mostly same social issues as faced by the Muslims. In Islam the marriage is a personal contract of the spouse which binds certain duties and obligations. The successful marriage demands love, care, trust, mutual understanding, patience and tolerance from both sides as their duties and obligations. The lack of any single element creates and gives birth to the disturbance in marital life. The disturbance in marital life starts from petty/ domestic matters or grievances. When such minor grievances are not redressed or ignored, these lead to divorce of the spouse.

The divorce is undeniable reality of our society. The divorce is an outcome of multiple disorders confronted in marital life. The divorce is final termination of marital union of spouse which relinquishes them from certain

obligations which were binding upon them in marriage. Due to socio economic factors involved herein, our society may be divided into three classes. The style of living of the three classes is distinguished from each other. The women belonging to lower middle class and uneducated family, bears the atrocities, brutalities, ordeals, agonies and sufferings because she finds no option except to compromise. On the other hand the educated women having lucrative stability don't bear such suffering as suffered by the un-educated women of our society and opt the option of divorce except in exceptional circumstances. The literate women of our society are playing a vital role in all segments of life. The women who are financially strong are step ahead in opting the divorce and don't look towards the compromise.

Though the divorce is a hateful act before Almighty Allah yet it is permissible. The wisdom behind is that, if the minor grievance reach at peak, therefore, due to their non redressal, the option of divorce is available as last recourse. Otherwise it may lead to an unwanted incident in any form. The divorce is not only breakage of spouse but also the breakage of the family in most of cases. Due to divorce the children suffer a lot. Therefore, the elders or third persons from both sides may play pivotal role to resolve the knot and constrained relations

between the spouses. In this regard the relevant verse of the Holy Quran is being reproduced as under

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا
مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ
عَلِيمًا خَبِيرًا

[4:35] “And if you fear a breach between them, then appoint an arbiter from his folk and an arbiter from her folk. If they (the arbiters) desire reconciliation, Allah will effect it between them. Surely, Allah is All-Knowing, All-Aware”. When the controversy between the husband and wife fails to be settled despite of arbitration, the last option of divorce may be applied. The agreement of divorce may be signed by the spouse with their consent which is termed as “Mubariat” but it is rare in our society.

The increasing number of divorce in our society involves many factors which include marriage without consent/forced marriages, poverty, illiteracy, domestic violence, polygamy, lust, infidelity, unbalanced joint family system, financial pressures as well as socio economic differences prevalent in the society. In the past divorce was deemed as an abuse or blame but today the circumstances are vice versa. The research on subject shows that the divorce increased not only in elite class but also in all classes of society. The increase of divorce in our society has reached to the alarming position for last 10/15 years. The scale of patience and tolerance is also decreasing in our society which is main factor in causing t

he disorders in our life in general and the marital life in particular. When both the husband and wife refuse to show the patience and tolerance due to their egoistic attitude and behavior, the relationship ends in the divorce. The husband and wife are termed as cover to each other, meaning thereby they have to show tolerance to each other. The patience and tolerance are gate way to save the marriage. The amendments in family laws have also made the process of divorce very easy. Therefore, on petty matters people approach the courts for obtaining divorce but the judge may play his pro-active role in the settlement of disputes to save their marriage by applying the techniques of ADR. The NGOs and electronic media are also blamed for the increase in divorce rate in society.

The electronic media is accessible to everyone and everywhere. The women living in remote areas are almost un-educated or less educated, hence, they consider the programs /dramas and movies as the real life but in fact the realities are vice versa. The NGOs are raising slogans of freedom without demonstrating our social fabric and values. The movement launched by the NGOs should be harmony oriented instead of presenting the men as enemy of women. The positive role of electronic media and NGOs must be encouraged. Therefore, as whole, neither the husband nor the wife or courts may be held responsible for the subject under discussion as it varies from case to case and family to family. Apart from other factors, the increasing number of divorces in our society is also an outcome of socio economic changes and other discussed factors.

“A Divine rule can be established only by a man, who, where justice and equity are required, neither feels deficient nor weak and who is not greedy and avaricious.”

Hazrat Ali (R.A)



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