



Established 1988

# FEDERAL JUDICIAL ACADEMY BULLETIN

October –December, 2014



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

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## **FAMILY BREAKDOWN HAS HORRENDOUS EFFECTS FOR SOCIETY: HON'BLE MR. JUSTICE GULZAR AHMED**

### **Judiciary can play a key role in helping to save environment**

Mr. Justice Gulzar Ahmed, Hon'ble Judge, Supreme Court of Pakistan has said that cohesion of family institution is central to maintaining the stability and improving the quality of their lives. Therefore, the Family Court Judges should strive as per law so that the cohesion of family should be maintained by all means.

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on "Effective Administrative/ Financial Management, Family Law and Modern Legislation" in the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy (CELJE/FJA) on November 22, 2014.

He said, "Family cases are not just cases but social problems in our society. Families are the cells which make up the body of society, if these cells are broken then the entire society suffers. Family break-up is indeed the collapse of the family unit and it has many harmful effects. A child of such an ill-fated family bears the brunt. He/she remains deprived of the three core human values such as love, care and confidence. A mother cultivates love in him/her for family and fellow beings and the father provides him/her care and adequate provisions, both the parents inculcate confidence and determination. We know that the children of



*Hon'ble Mr. Justice Gulzar Ahmed addressing the course participants.*

broken families always carry the legacy of deprivation throughout their entire lives. Reconciliation, between the estranged families who come to Family Courts, should be done in a meaningful manner and not in a mechanical way. I personally believe that the Family Court Judges have the onerous responsibility to save this fundamental institution what we call 'Family' from break-up and our Family Court Judges must deal with these sensitive cases with humanistic sense and following the law."

Regarding the environmental laws, he said, 'These are very important laws and unfortunately we are living in a society where pollution of all kinds is alarmingly increasing due to our environment-unfriendly actions and the way of living. Judiciary can play a key role in helping to address these environmental problems. It is every body's fundamental right to live in neat and clean environment and all of us must save the environment.'

In his address, the honourable Judge also shed light on other subjects such as Administrative/Financial Management, Alternative Dispute Resolution, etc. incorporated in the one week training of the Senior Civil Judges and urged the participants to utilize the knowledge gained from here to serve the people.



*Awarding certificate to a course participant.*

Presenting his welcome speech and an overview of the course, Dr. Faqir Hussain, Director General, CELJE/FJA said, "Trainings are vital and these help on the ladder to career progression. It is also an established fact that well-trained professionals become more informed, more knowledgeable and more productive. I personally feel that a well organized training and capacity-building programme gives the trainees constant

knowledge and experience. The Academy arranged such a training programme which will cater for their needs as Senior Civil Judges.'

In the end, the honourable chief guest awarded certificates to twenty four Senior Civil Judges, two of them female judges, from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan.

## Meaningful trainings make the difference **INSPIRED BY PASSION JUDGES CAN IMPART EXPEDITIOUS JUSTICE: HON'BLE MR. JUSTICE EJAZ AFZAL KHAN**

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Ejaz Afzal Khan has said that passion was essential for achievement of excellence and we needed such judges who are inspired by the passion, zeal and zest to dispense expeditious justice to the litigant public.



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

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on "How to be an effective Senior Civil Judge" for Senior Civil Judges from all over Pakistan at the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy, Islamabad, on October 31, 2014.

fuel your intentions. Always try to evolve your own strategy and prove that you are inspired to work, only then, you can do justice and deliver goods. Always keep this thing in your mind that inspiration is the seed to passion and innovation."

He said, "Your passion must define your strategy for change in your court and case management. In fact, your passion must always



*Dr. Faqir Hussain, DG, addressing the course participants.*

Regarding the scope and importance of training he said, "Training is the acquisition of knowledge, skills, and competencies but what required is to apply that knowledge, skills and competencies effectively and efficiently to make our trainings result-oriented and goal-oriented. People can feel the difference in your attitude and overall performance once you go back to your duty stations."

Presenting his welcome speech and an overview of the course, Dr. Faqir Hussain, Director General, CELJE/FJA said,

“Training always makes a real difference in ones performance and effectiveness; it is tied closely to ones competence. This Academy which has become the Centre of Excellence for

Law and Judicial Education, always tries to design and develop with an aim to enhance and improve the competence of judges and others related to justice sector.”



*Course participants in a group photo with Hon'ble Mr. Justice Ejaz Afzal Khan and faculty members.*

## **DR. FAQIR HUSSAIN HIGHLIGHTS IMPORTANCE OF PROFESSIONAL ETHICS**

“An effective code of conduct is regarded as an important way to enhance the status of the profession. A thoughtful code also serves as an important mechanism to deal with the ethical and unethical dilemmas, prejudices and gray areas, therefore, it is obligatory for all those who are related to the justice sector to strictly observe the Code of Conduct“.

This was stated by Dr. Faqir Hussain, Director General, CELJE/FJA in an informal session (social evening) with the participants of a one-week training course on “Effective Administrative/Financial Management, Family Law and Modern Legislation” in the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy (CELJE/FJA) on November 21, 2014.

He said, “Like other professionals, members of the legal fraternity should strictly adhere to the professional ethics, the legal bodies should discourage the renegade members and they should actively cooperate with the bench to



*DG, FJA and Faculty members in an informal interactive session with the course participants.*

provide an expeditious justice to the litigant public.”

Regarding the hostile attitude of the bar members he said, “the growing lack of civility among lawyers in certain cosmopolitan and urban areas of the country is a matter of serious concern. Thus, the training and continuing legal education of the member of the bar is equally required. The Bench and the Bar must join

hands to combat and prevent the recurrence of such incidents”.

Twenty four participants, Senior Civil Judges, from all over Pakistan, AJ&K and Gilgit-Baltistan actively participated in this informal

session of “Social Evening” and issues like disciplinary action against judicial officers on the basis of an anonymous application, automation of the courts, etc. came under discussion.

## **HON'BLE MR. JUSTICE QAZI FAEZ ISA ASKS YOUNG JUDICIAL OFFICERS TO HAVE OPEN MIND, KEEP LEARNING**

Judge Supreme Court of Pakistan, Mr. Justice Qazi Faez Isa has said that having an open mind and willingness to learn were the key aspects of growth and excellence, adding that “Life presents innumerable opportunities to learn at each step; we must be ready and keep learning something new.”

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week course on “Case & Court Management and Enforcement of Intellectual Property Rights (IPR) Laws in Pakistan” for Civil Judges-cum-Magistrates from all over Pakistan at the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy, Islamabad, on October 18, 2014.

Regarding human interaction and learning, he said, “Human interaction is vital for learning and re-learning. Human learning enriches by interacting with the outside world. Young judicial officers must interact with each other during their training in the Academy and try to



*Hon'ble Mr. Justice Qazi Faez Isa addressing the course participants. DG, FJA, also in the picture.*

learn from each other.”

Advising the young judicial officers, he said, “Judicial impartiality is a significant element of justice. Never give a false hope or impression to any party in the case. Judges must take their job seriously. It is not the job of any judge to please the parties in a case but judges have the obligation, right and duty to decide the cases according to law and to their conscience and that is the sole objective of their mission. Judges must bear in mind that they hear and decide the cases of people but their decision is with the greatest Judge of all, the Lord of this universe, Allah, the Almighty, who is judging them.”

In his more than two-hour long thought-provoking and intellectualizing interaction with all participants, one by one, he asked questions from them about the course subjects and their learning from resource persons and from each other.

Dr. Faqir Hussain, Director General, CELJE/FJA in his welcome speech said



*Dr. Faqir Hussain, DG, FJA, addressing the course participants.*

that like other courses, this course was also designed and developed with a futuristic vision to enhance the efficiency and service delivery of the judicial officers.

He also shed light on the evolution of judicial

training institutes around the globe with special focus on Pakistan, emergence of new laws, new trends and efficacy and usability of the National Judicial Policy for dispensation of expeditious justice to the public.



*Course participants in a group photo with Hon'ble Mr. Justice Qazi Faez Isa, and faculty members.*

## **CAPACITY-BUILDING ESSENTIAL TO IMPROVEMENT IN DELIVERY OF JUSTICE: DR. FAQIR HUSSAIN**

“Capacity-building training in conventional and non-conventional subjects/topics is essential to the improvement in the delivery of justice and in achieving optimum levels in the standards of expertise amongst the judicial officers and staff of the courts”.

This was stated by Dr. Faqir Hussain, Director General, CELJE/FJA in the inaugural ceremony of a one-week training course on “Effective Administrative/Financial Management, Family Law and Modern Legislation” for Senior Civil Judges from all over Pakistan, AJ&K and Gilgit-Baltistan arranged in the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) on November 17, 2014.



*Dr. Faqir Hussain, Director General, CELJE/FJA addressing the course participants.*

He said, “The critical role played by the judiciary in ensuring that citizens have avenues and means of seeking redress and enforcement of their rights and duties through the courts has made them an important fraternity and also an important organ of the State. Therefore, a

significant importance is attached to their capacity-building, and also to promote thorough professionalism amongst them. This is why the role of FJA has become expansive and extensive in the wake of its emergence as the Centre of Excellence for Law and Judicial Education.”

He said, "The Academy is striving to promote the highest standards of professionalism and personal conduct amongst the judicial officers and other stakeholders of justice sector.”

“This one week course is intended to be participatory and interactive. The participants are expected to participate actively with the course presenter assuming the role principally of a facilitator. The purpose of the course is to enhance knowledge and information of Senior Civil Judges who are in fact the mid-career judicial officers, about Effective Administrative/Financial Management,

Family Law and Modern Legislation,” he concluded.

This one-week training was attended by 24 Senior Civil Judges from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan and they were imparted trainings in the subjects of Financial Management with Emphasis on Budget, Account, Revenue Deposits, Criminal Trial, Computer Orientation/ Literacy, Overview of Environmental Legislation in Pakistan, Cyber Crimes scenario and its relevant laws in Pakistan, Transparency through Public Procurement Rules, Trial in Family Cases, Public Sector Financial Management Reforms: The Case of PIFRA, Alternative Dispute Resolution, Service of Summons, Process Severing Agency, Suits of Civil Nature, Valuation for Court Fee and Jurisdiction and Limitation, besides Judgment Writing.



*Participants of the course in a group photo with Dr. Faqir Hussain, Director General, CELJE/FJA and faculty of the Academy.*

**"The unjust will certainly have no happiness."  
Holy Quran (Al Anaam, 6:21)**



## ENHANCED ACCESS TO JUSTICE STRENGTHENS RULE OF LAW: HON'BLE MR. JUSTICE MUHAMMAD ANWAR KHAN KASI, CHIEF JUSTICE, IHC

Hon'ble Mr. Justice Muhammad Anwar Khan Kasi has said that enhanced access to justice strengthens the Rule of Law, which is an essential precondition to democratic governance and development.

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on “Management of Civil Cases” for District Attorneys/ Deputy District Attorneys from all over Pakistan in the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) on December 20, 2014.

He said, “Article 37 (d) of the Constitution of Pakistan requires the State to ensure inexpensive and expeditious justice. A well-designed and well- developed capacity-building training for all stakeholders of administration of justice system would go a long way to transform the judiciary and its culture. Therefore, all stakeholders of administration of justice system require training to expedite delivery of quality justice.”

Presenting his welcome address and an overview of the course, Dr. Faqir Hussain, Director General of the Academy said, “The role of law officers is very important in justice delivery system. The commitment and thorough professionalism of these law officers and other professionals related to justice sector can change the whole scenario”.

“In spite of so many ills which plague our judicial system, the people's faith has enhanced in the institution of judiciary. We all have to strengthen this pillar of justice. Yet no system, not even the justice delivery



*Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice, IHC, addressing the course participants.*

system can be better than the men who man it. We may make the best laws and introduce new procedures to achieve the constitutional promise of providing justice. The Academy is playing its vibrant role to impart training to all professionals attached with the justice sector that they should play their role efficiently and effectively,” he concluded.

Twenty participants who underwent this weeklong training were imparted training in subjects such as Conduct of Cases by or against Government, Opinion Writing by District Attorneys, Service Laws: Efficiency and Discipline Rules, Powers and Responsibilities



*Dr. Faqir Hussain , DG, addressing the course participants*

of Drawing & Disbursing Officer- Professional Ethics, Land Revenue Act, Overview of Land Acquisition Act, Law of Injunctions, Civil Appeal and Revision, Public Sector Financial

Management Reforms: The Case of PIFRA, Government Servants Conduct Rules and Computer Orientation/Literacy.



*Course participants in a group photo with Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice, IHC and faculty members.*

## **TRAINING ESSENTIAL FOR DELIVERING OF QUALITY JUSTICE: DR. FAQIR HUSSAIN**

“For conducting a criminal trial and appreciation of evidence by the trial magistrates proper grooming of Judicial Officers is *sine qua non*”. It was stated by Dr. Faqir Hussain, Director General, Federal Judicial Academy (CELJE/FJA) here at the inaugural ceremony of a one-week training course arranged for the training of Civil Judges-cum-Magistrates from all over Pakistan and Azad Jammu & Kashmir on December 12, 2014.

The one week long course had been arranged on the topic of “Appreciation of Evidence and Management of Criminal Trial before Magistrates”.

He said, while conducting a criminal trial the presiding officer is confronted with various issues of procedural and substantive nature which have to be resolved by him before reaching a definite conclusion and principles of appraisal of evidence help him reach a just decision. The course, which is being attended



*Dr. Faqir Hussain, Director General, CELJE/FJA addressing the course participants.*

by Civil Judges-cum-Magistrates of different jurisdictions in Pakistan, is interactive and participatory whereas the role of resource persons would be that of facilitators. The purpose of course is to teach the art of trial and to write good judgments”.

Dr. Faqir Hussain also shed some light on the

Fundamental Rights as enshrined in the Constitution of Pakistan and discussed the role of courts in protecting them.

Twenty two young judicial officers got training in the subjects namely, Theories of Criminality,

Pre-trial Proceedings in Criminal Cases, Overview of Juvenile Justice Laws, Overview of Narcotics Laws, Investigation in Criminal Cases, Recording/ Appreciation of Evidence, Qisas & Diyat Laws in Pakistan, Criminal Trial, Medical Jurisprudence, Judgment Writing and Computer Orientation/literacy.

## **LAW GUIDES THE PROCESS FOR ACHIEVING JUSTICE: DG, FJA**

“The law guides the process for achieving justice and it should be kept in mind that justice is not dispensed basing on popular expectations but according to the law.”

Dr. Faqir Hussain, Director General of the Academy, expressed these views in the informal session called “Social Evening” with the participants of a one-week training course on Friday, in which all the faculty members, course participants actively participated, ventilated their grievances and floated several suggestions regarding the syllabi, training in the Academy and a proper Service Structure for them.



*DG, Faculty members and Resource Person in an informal interactive session with the course participants.*

DG of the Academy further said, “Justice is also about the enforcement and protection of legal rights and the interests of the parties to a dispute vested in them by law. The Judges apply the law impartially in the judicial process and this

underscores the expectation of court users each time they step into the courtroom; whether as counsel, litigants or as witnesses. They all expect a fair and impartial hearing”.

## **JUDICIAL EDUCATION IMPERATIVE FOR DELIVERY OF QUALITY JUSTICE: HON'BLE MR. JUSTICE DOST MUHAMMAD KHAN**

Hon'ble Mr. Justice Dost Muhammad Khan, Hon'ble Judge, Supreme Court of Pakistan has said that judicial education is now being given due consideration and after the Federal Judicial Academy in the Federal Capital area, the provinces have also followed suit in establishing their academies. However, the Federal Judicial Academy, Islamabad has distinctive role where judicial officers from all over Pakistan are invited to receive training on divergent topics of law on December 13, 2014.



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

The Hon'ble Judge advised the trainee judges to work with devotion and learn how

to control the proceedings before them and not allow unnecessary and lengthy cross-examination on witnesses.

The Hon'ble Judge while distributing certificates to judges, who attended one week training course on “Appreciation of Evidence and Management of Criminal Trial before Magistrates” stressed upon the judges to have command over relevant laws for dispensation of justice.

The Hon'ble Judge also advised the Civil Judges-cum-Judicial Magistrates to grasp knowledge as to how evidence collected by using modern devices was to be received and should be able to distinguish between admissible and inadmissible evidence.

Earlier, Mr. Parvaiz Ali Chawla, Senior Director of the Academy presented his



*Awarding certificate to a course participant.*

welcome remarks and gave an overview of the course. The one weeklong course was attended by twenty two Civil Judges-cum-Judicial Magistrates from all over Pakistan and Azad Jammu & Kashmir.



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

“...and your Lord treats no one with injustice.”  
Holy Quran: (Al Kahf, 18:49)

## LAW OFFICERS FORM AN IMPORTANT ASPECT IN ADMINISTRATION OF JUSTICE: DR. FAQIR HUSSAIN

“Law officers form an important aspect of the administration of justice; therefore, their proper training, like other players of the administration of justice system is essential to ensure the efficient dispensation of justice”.

Dr. Faqir Hussain, DG, CELJE/FJA expressed these views in the informal session with the participants of a one-week training course on “ Management of Civil Cases” for District Attorneys/ Deputy District Attorneys from all over Pakistan in the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) on December 19, 2014.

He said, “I personally believe that all those who are related to administration of justice whether they are the judicial officers, law officers, prosecutors or others, play a primordial role in the dispensation of Justice because by virtue of their training they will be well-versed and knowledgeable in law and in the emerging trends and skills in their profession”.

The participants who were twenty in number actively participated in the informal session and spoke about their professional problems and a



*Faculty members in an informal interactive session with the course participants.*

number of impediments which conspire against access to justice namely, inadequate funding, manpower, infrastructure, poor remuneration, lack of service structure, poor conditions of service, postings out of home districts, non-cooperative attitude of the government officials, abuse of court processes, etc.

They also proposed that subjects like labour laws may be introduced in the training course and the duration of the training course should be extended from one –week to at least two weeks for better results.

**Justice puts things in their proper place and generosity diverts them from their (natural) direction. Hazrat Ali (R.A)**

Professional development essential for more effective performance:  
Registrar, Supreme Court of Pakistan

## COMPETENCY ENHANCEMENT TRAININGS VITAL FOR COURT PERSONNEL: MR. TAHIR SHAHBAZ

Mr. Tahir Shahbaz, Registrar, Supreme Court of Pakistan has said that the personnel employed within the judicial system must maintain a high level of competence to assist judges in carrying out their responsibilities and to provide accurate and timely services to the public.

He expressed these views in a one-week training course on “How to be an effective Nazir/ Budget and Account Examiner” for Nazirs/ Budget and Account Examiners from all over Pakistan, AJ&K and Gilgit-Baltistan, arranged in the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) on October 15, 2014 in which he was the chief guest.

He said, “Proper administration of justice can be accomplished through education. It increases efficiency, innovation and effectiveness to the benefit of the people. Judicial education is a primary means of advancing judicial competency and building public trust and confidence in the judiciary.”



*Mr. Tahir Shahbaz, Registrar, Supreme Court of Pakistan, addressing the course participants.*

He said, “Training is needed for judges and paralegal staff, but training should also be provided for staff at all levels within the courts, attorneys, law officers and other justice partners for an expeditious dispensation of justice in the society. We are aware of the fact that an effective administration of justice is a must for the very existence of a society, the State and the country.”

Regarding the training course, he said, “This course would have equipped you with the essential knowledge and skills to perform your prescribed role in the fiscal and other related matters effectively. I am confident that this one week training would also have provided you a good knowledge of best practices in the world regarding the court Finance Managers, Nazir/ Budget and Account Examiner.”

Presenting his welcome speech and an overview of the course, Dr. Faqir Hussain, Director General, CELJE/FJA said, “The mission and mandate of the Academy is to



*Dr. Faqir Hussain, DG, addressing the course participants.*

promote the competency and professionalism of the judges and all other related to justice sector through continuing education and training. For this purpose, we have a professional faculty and we rigorously design different courses for various subjects as per our

mandate. As training grows ever more important for an effective administration of justice, I can say honestly this training would go a long way to develop professionalism among you.”



*Course participants in a group photo with Mr. Tahir Shahbaz, Registrar, Supreme Court of Pakistan, and faculty members.*

## **A ONE-WEEK TRAINING FOR NAZIRS/ BUDGET AND ACCOUNT EXAMINERS ARRANGED**

A one-week training course on “How to be an effective Nazir/ Budget and Account Examiner” for Nazirs/ Budget and Account Examiners from all over Pakistan, AJ&K and Gilgit-Baltistan arranged in the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) commenced on October 10, 2014.

In order to enhance their work efficiency and effectiveness, they were imparted training in a host of conventional and non-conventional subjects such as Etiquettes and Mannerism, Overview of General Financial Rules ( GFR)

and Fundamental Rules and Supplementary Rules ( FR& SR), Mechanism of Accounts in District Judiciary, Transparency through Public Procurement Rules, Revenue Deposit and Sheriff's Petty Account, Public Sector Financial Management Reforms: The case of PIFRA, Preparation of Budget and Revised Budget, Estimates, Schedule of Expenditure, External and Internal Audit, Pension Rules and Maintenance of Accounts Books, Pension, Loans and Advances to Government Servants, Handling and Resolution of Audit Objections, Noting, Drafting and Official Correspondence and Computer Orientation.

**The right to hope is the most powerful human motivation I know.  
Agha Khan IV**

## FJA-NCSC vow to increase mutual cooperation NCSC TO SHARE BEST PRACTICES WITH CELJE/FJA: JEFFREY APPERSON

“For effective capacity-building of judges and administration of justice, it is vital to enhance the relationships with different national and international organizations such as National Center for States Courts”.

Dr. Faqir Husain, Director General, Centre of Excellence for Law and Judicial Education/Federal Judicial Academy (CELJE/FJA) expressed these views in the "Social Evening" arranged for the participants of a one-week course for Senior Civil Judges from all over Pakistan in the Islamabad Club, Islamabad on October 31, 2014 in which Mr. Jeffrey Apperson, Vice President, National Center for States Courts was the guest of honour.



*Dr. Faqir Hussain, DG, FJA addressing the course participants in the "Social Evening" at Islamabad Club, Islamabad.*

Welcoming the guest of honour, DG of the Academy said, “The increased communication always results in an open and frank discussion of issues of mutual concern and it allows to work with great hope for continued growth and cooperation based on mutual respect and understanding. We have had constructive and fruitful discussion with Mr. Jeffrey who has unique experience of court administration in the US, with Criminal Tribunal of UN on Yugoslavia and also as an attorney and will continue such interaction with him for the best capacity building of judges and other subjects as per our mandate in the aftermath of the emergence of the Academy into a Centre of



*Mr. Jeffrey Apperson, Vice President, NCSC, addressing the course participants.*

Excellence for Law and Judicial Education.”

Speaking on the occasion Mr. Apperson lauded the role of the FJA in the capacity-building of all the key players in the justice sector and its conversion into a Centre of Excellence for Law and Judicial Education.

Sounding his optimism, he said, “The NCSC would enhance collaboration with the Academy



*Dr. Faqir Hussain, DG, FJA presents souvenir to Mr. Jeffrey Apperson, Vice President, National Center for States Courts (NCSC), Washington, in a ceremony during a One-Week Training Course for Senior Civil Judges from all over Pakistan, AJ&K and Gilgit-Baltistan.*



and share best practices with it in various areas for an effective capacity-building of the key players of administration of justice system.”

The Senior Civil Judges from different parts of the country discussed various issues such as court and case management, etc. with the distinguished guests, representative of the US

Embassy, Mr. Charles L. Jenkins and with each other in this two-hour long “Social Evening” in the Islamabad Club.

In the end, DG of the Academy presented a bouquet of flowers and souvenir to the guest of honour.

## **TRAINING COURSE FOR SENIOR CIVIL JUDGES ARRANGED**

A one-week training course on “How to be an effective Senior Civil Judge” for Senior Civil Judges from all over Pakistan was arranged at the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy, Islamabad, on October 27, 2014.

Besides faculty members, a number of noted visiting faculty capacity-building experts imparted training to the course participants and enriched their knowledge and information on very important conventional and non-conventional subjects such as Job Description of Senior Civil Judge, Effective Control of

Nazarat Branch, Judgment Writing, Noting, Drafting and Correspondence, Court/Case Management, Service Laws: Efficiency and Discipline Rules, Alternative Dispute Resolution, Why Separate Law and Trial Procedure for Juvenile?, Budget, T.A/Pension/Leave Rules, Transparency through Public Procurement Rules, Computer Orientation/Literacy, etc.

Twenty Four Senior Civil Judges from all over Pakistan underwent this one-week training at the Academy.

**Coordinated efforts of Bench, Bar essential for an effective, expeditious dispensation of justice: DG, CELJE/FJA**

## **STAKEHOLDERS OF JUSTICE SYSTEM NEED TO RE-ORIENT THEMSELVES TOWARDS ENSURING SPEEDY DISPENSATION OF JUSTICE**

It is imperative for the key players of the judicial and legal system to re-orient themselves towards the common goal of ensuring the speedy dispensation of justice to the litigant public.

Dr. Faqir Hussain, Director General, CELJE/FJA expressed these views in an informal interaction with the participants of a one-week training course during the “Social Evening” at the Centre of Excellence for Law and Judicial Education/Federal Judicial Academy, Islamabad, on October 17, 2014.

Regarding the prosecution system, he said, “it is evident that concerted efforts have to be made by all the stakeholders of administration of justice system for an easy and expeditious

dispensation of justice to the litigant public. There must be clear commitment from the key players, in particular, the Bench and the Bar for speedy administration of justice. The district judiciary plays a pivotal role in the dispensation of justice and these courts maintained that role even in the implementation of the National Judicial Policy.”

About the anomalies and lapses in the criminal justice system pointed out by the young judges, he said, “in view of the identified lapses and anomalies in the legal and judicial system in the country, those must be addressed by a proper legislative intervention.”

He said, “Where the rationale of any justice system is understood as being to ensure the

enthronement of justice and stakeholders view each other as joint imparters in the temple of justice striving to achieve the common goal of

justice for all, then it is believed that it would be the beginning of effective prosecution”.

## **EFFECTIVE CASE-FLOW MANAGEMENT IS A CORE JUDICIAL RESPONSIBILITY: DG, CELJE/FJA**

### **Case Management essential to dispense expeditious justice**

“Continuing judicial education and training for key stakeholders of administration of justice system is crucial for improving the efficiency and productivity of the judiciary and speedy delivery of justice”.

Dr. Faqir Hussain, Director General, CELJE/FJA expressed these views in the inaugural ceremony of a one-week course on “Case & Court Management and Enforcement of Intellectual Property Rights (IPR) Laws in Pakistan” for Civil Judges-cum-Magistrates from all over Pakistan at the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy, Islamabad, on October 13, 2014.

Regarding the case management, he said, “Effective Case-Flow Management is a core judicial responsibility. It is essential to impart economical and expeditious justice to the justice-seekers. You must try to learn and practice the best practices in case management and court management. Try to make the best use of this unique training. Share ideas with the learned resource persons and also try to learn



*Dr. Faqir Hussain, DG, FJA, addressing the course participants.*

from each other.”

He also informed them that they would be imparted training in subjects such as Etiquettes and Mannerism, Case and Court Management, Computer Orientation / Literacy, Effective Disposal of Cases Through Alternative Dispute Resolution, Judicial Ethics, Service of Summonses, Judgment Writing, Problem Solving and Decision Making Process, Guardianship Cases, Enforcement of IPR Laws in Pakistan.



*Course participants in a group photo with Dr. Faqir Hussain, DG, FJA and faculty members.*

## NEWS IN BRIEF

**Pakistan Governance Forum 2014:** The Forum brought together on December 22, 2014 in the Convention Centre, Islamabad, all stakeholders including officials, academics, experts, public representatives, civil society and media to review state of reforms, develop innovative solutions and recommend plans for accelerated implementation of reforms in the areas such as Civil Service Reforms, Police and Criminal Justice Reforms, Education and Health Sector Reforms, Ease of Doing Business, Accountability and Transparency, e-Governance, State Owned Enterprises (SOEs), Legal Reforms, Post 18th Amendment challenges and opportunities, Effective Local Government, Performance Management System in Public Sector, Service Delivery and Citizens Charters and Regulatory Bodies, by the Federal Government and Provincial Governments. Dr. Faqir Hussain, DG, FJA, headed the group on the topic “Legal/Judicial Reforms”. The recommendations formulated by the group were given to Planning Ministry, Government of Pakistan for processing/implementation.

**Combating Violence: Ending Impunity:** The National Commission on the status of Women (NCSW) arranged a seminar on “Combating Violence: Ending Impunity” on December 16, 2014 in a local Hotel in Islamabad. Dr. Faqir Hussain, DG, FJA, presented his paper on “The Role of the Supreme Court of Pakistan in curbing violence against women”.

**Skype Training Session on POPA:** Dr. Faqir Hussain delivered one hour Skype training session on “Protection of Pakistan Act, 2014 and Preventive Detention” to the KPK Prosecutor Induction on November 14, 2014 at Mingora, Swat. The training programme was conceived by Mr. Mark Carroll and facilitated by Dr. Manzar Zaidi of British High Commission, Islamabad.

**Gender Responsive Policing Conference:** A three-day International Conference on “Gender

Responsive Policing: Promising Peaceful Societies” under the aegis of National Police Bureau, Ministry of Interior and Gender Responsive Project (GRP) of German Agency for International Cooperation (GIZ) was held in Islamabad (October 13-15, 2014) wherein Dr. Faqir Hussain read out his paper titled, “Role of District Judiciary in Protection of Human Rights”.

**National Continuing Legal Education Conference:** A one-day National Continuing Legal Education Conference was organized by Continuing Legal Education (CLE) Institute of Pakistan, Islamabad in Serena Hotel, Islamabad, on 21st October, 2014. The keynote address was delivered by former Honourable Chief Justice of Pakistan, Mr. Justice Tassaduq Hussain Jilani. Dr. Faqir Hussain presented his research-paper on “Continuing Legal Education in Pakistan”.

**National Conference of Judicial Academies:** A one-day National Conference of Judicial Academies on “Key issues and Challenges in Judicial Education” was organized by Punjab Judicial Academy, Lahore, on 25th October in Punjab Judicial Academy, Lahore. Dr. Faqir Hussain spoke at the inaugural session and also presented a paper on “Training Needs Assessment: A Tool To Develop and Improve Curriculum”.

**Round Table Consultation Conference on International Human Rights Conventions, Ratified by Pakistan:** A one-day Conference on “Round Table Consultation on International Human Rights Conventions, Ratified by Pakistan” was organized by Organization of Women in Parliamentary Politics, Islamabad, at Pakistan Institute of Parliamentary Services (PIPS), Islamabad, on 28th October, 2014, in which Dr. Faqir Hussain presented his point of view on the enforcement of international norms under the municipal law of Pakistan.

**Specialised Training Programme for OMG (Probationers):** Dr. Faqir Hussain delivered

his lecture on the topic “The Judicature Organization, Jurisdiction and Functions” during Specialised Training Programme for OMG( Probationers) in the Secretariat Training Institute, Islamabad, on 13th November, 2014.

**National Consultation on Juvenile System in Pakistan:** A conference on “National Consultation on Juvenile Justice System in Pakistan with focus on Diversion Placement & Social Reintegration” was held on 12th November, 2014 at Islamabad Hotel, Melody, Islamabad. Mr. Khalid Amin Khan, Director (Admin.) attended the conference. He actively participated in discussion, proposal and question/answer session. The main themes and objectives of the conference were to discuss and build consensus on the possible legal cover for establishment of a system of diversion for child delinquents, who come in conflict with law, to discuss persisting practices regarding Juvenile confinement and develop a roadmap for improvement of the placement system for juvenile offenders, to invite deliberations and suggestions on developing a system of social reintegration for juvenile offenders and to build consensus on the possible amendments/revisions in JJSO 2000 (or for developing Juvenile Justice System Bill 2014).

He pointed out, *interalia*, that all the emphasis of consultation was towards the rights of Juvenile Offender but nobody had uttered a

single word regarding rights of a Juvenile Victim, besides explaining the impediments during a trial, the court faces, in practical application of Juvenile Justice System Ordinance, 2000. After formation of the groups he joined the group for policy formulation and proposed legislation for the system of diversion and restoration, under legal cover, besides proposing amendments in the existing Juvenile Justice System Ordinance, 2000. His animated participation in discussion and legal advice was lauded by the nominees of the UNICEF, who were also attending this group and in the end Ms. Sara Coleman, Chief Child Protection, UNICEF, presenting UN/International perspective on Child Protection, requested him to cooperate in future in formulation of proposed amendments in the Ordinance.

**Conference of National Association of Women Judges:** With the approval of the Hon. Chairman Board of Governors, Ms. Jazeela Aslam Additional Director, FJA/CELJE attended the National Association of Women Judges Conference held in San Diego California (October 15-19, 2014) with the Robert M. Kaufman scholarship provided to members of International Association of Women Judges. Justice Ms. Ashraf Jahan Hon'ble Judge High Court of Sindh, Justice Ms. Ayesha Malik Hon'ble Judge, Lahore High Court, and Ms. Sofia Waqar Khatak Director, Khyber Pakhtunkhwa Judicial Academy also attended the conference.



*Once we were together: Participants of conference of National Association of Women Judges, USA.*

The theme of the Conference was “Protecting and Advancing Meaningful Access to Justice”. Over 400 judges from across the United States and from around the world attended the Conference in order to collaborate, learn from each other's experiences, and work together in order to truly advance meaningful access to justice for all. The Conference also gave a unique opportunity to women judges from different jurisdictions to share knowledge and information on a variety of topics such as judicial ethics, challenges facing the undocumented immigrants, minority and other communities.

**Meeting of the FJA Committee:** For operationlising the CELJE, a meeting was held in the Supreme Court Building on October 2, 2014. The members of the Committee are Hon'ble Mr. Justice Jawwad S. Khawaja, Hon'ble Mr. Justice Asif Saeed Khan Khosa and Dr. Faqir Hussain, DG of the Academy.

**The Second Meeting of the FJA Committee** for Operationlising the CELJE was held in the Supreme Court Building on October 15, 2014. The members of the Committee are Hon'ble Mr. Justice Jawwad S. Khawaja, Hon'ble Mr. Justice Asif Saeed Khan Khosa and Dr. Faqir Hussain, DG of the Academy.

**Meeting with US Embassy officials:** A meeting was held with Mr. Charles L. Jenkins, Resident Advisor, US Department of Justice, US Embassy, Islamabad, here in the Academy on October 16, 2014 wherein issues of mutual interests were discussed at length.

**Meeting with Aurat Foundation:** A member of Aurat Foundation (AF), Islamabad, came for a scheduled meeting with Dr. Faqir Hussain, Director General here in the Academy on October 22, 2014. Mr. Fakhar Hayat, Director (Academics) was also present in the meeting.

**Meeting with CTED:** A meeting was held with Counter-Terrorism Committee Executive Directorate (CTED) in the Academy on October 22, 2014. Mr. John R. Tunheim, US District Court Judge, Mr. Joe Y. Yang, Attorney

Advisor International, Mr. Charles L. Jenkins, Resident Legal Advisor, US Department of Justice US Embassy, Dr. Faqir Hussain, DG, FJA and Mr. Fakhar Hayat, Director (Academics) exchanged views on “Engagement with the Pakistani Judiciary and the FJA.”

**Vice President, NCSC in the Academy:** Mr. Jeffrey Apperson, Vice President, National Center for State Courts (NCSC) along with Mr. Charles L. Jenkins, Resident Legal Advisor, held meeting with Dr. Faqir Hussain, Director General, and faculty members in the Academy on October 29, 2014. During the meeting Mr. Apperson offered the service of the NCSC for executing strategic plan for improving performance of courts in Pakistan.

**Meeting on Capacity-Building Activities under Collective Action and Property Rights (CAPRI) Programme:** Mr. Mark Carroll, Liaison Prosecutor, British High Commission, Islamabad, came for the meeting with Dr. Faqir Hussain, DG, Mr. Fakhar Hayat, Director (Academics) and Mr. Salahuddin, Accounts Officer, FJA, on November 11, 2014.

Capacity-Building Activities under CAPRI Programme, inclusion of recent legislation such as Anti-Terrorism (Amendment) Act, 2014 and Protection of Pakistan Act, 2014 and cooperation of FJA came under discussion during the meeting.

**Ms Maura Keniston of INL Visits FJA:** Ms Maura Keniston, Program Officer, International Narcotics and Law Enforcement (INL), Washington, visited the Academy on November 18, 2014. Other members of the delegation were Ms Karen Norris, Resident Legal Advisor US Embassy, Mr. Tahir Bilal, Legal Advisor, US Embassy. They discussed various issues of mutual interest with Dr. Faqir Hussain, Director General and Ms Jazeela Asalm, Additional Director, FJA.

**Meeting with Joe Yang:** Mr. Joe Yong, Attorney Advisor-International, US Department of Commerce accompanied by Mr.

Charles L. Jenkins, Resident Legal Advisor, US Department of Justice US Embassy, Mr. Mark Miller from US Megan McMillan and Mr. Tahir

Bilal, Legal Advisor, US Embassy, called on Director General in his office. Director Academics was also present.

## SENIOR CIVIL JUDGE: A LIAISON BETWEEN DISTRICT JUDICIARY AND EXECUTIVE

**Rasool Bakhsh Mirjat<sup>1</sup>**  
**Civil Judge- cum- Judicial Magistrate**  
**Islamabad (WEST)**



### Introduction

It is important to note here in the beginning of the essay that the profession, which I consider personally more than a job, a mission indeed, requires that a judge should be impartial, non-social, beyond approach and free from all prejudices based on ethnicity, caste, creed or culture but there comes one such stage in his professional growth when he/she holds an administrative position and where he/she has to be proverbially “Jack of all trades but at least master of one” and that is, the will to dispense expeditious justice to the litigant public.

Unquestionably, there exist two separate natures of job descriptions for Senior Civil Judges in Pakistan. One is in vogue in Sindh judiciary and another in other federating units of Pakistan including AJK. Therefore, I deem it necessary to explain both the job descriptions in detail.

Basically, the post of Senior Civil Judge is a promotion-based post, on the basis of seniority cum fitness in BPS-19. Excluding Sindh there is only one post of Senior Civil Judge in each judicial district with some delegated administrative powers, therefore, he/she has to play a role of a “Liaison Officer” between the district judiciary and the executive.

Whereas in Sindh there are more than one posts of Senior Civil Judge in BPS-19 and these exist in each judicial district even at Taluka/Tehsil level exclusively with judicial work of First Class Civil Judge and as Assistant Sessions Judge (Magistrate Sec: 30) for adjudication of criminal cases, without any notified delegated administrative, DDO or work distribution

powers, therefore he doesn't act as liaison between district judiciary and executive except otherwise expressly notified

by the concerned High Court like in any fact finding commission as the case may be, otherwise Senior Civil Judge has only empowered with judicial powers except any special task/inquiry or additional job assigned by District and Sessions Judge.

Since only one post of Senior Civil Judge exists in the judicial district of provinces of Punjab, KP, Balochistan and AJ&K, entrusted with delegated administrative duties by concerned High Court or District & Sessions Judge as the case may be. It includes monitoring of Civil Nazarat and Process Serving branches as well as exercising of DDO powers for purchasing the furniture fixtures, stationery, computers, etc. and budgetary work to the extent of Civil Courts and paralegal staff. Besides this, he/she also entertains their leave applications, hiring, rehiring issues, and correspondence with other governmental and non-governmental organizations. He also ensures minor repair & maintenance of Civil Courts other items, maintenance of complete record, stock registers with control of store room. Further, he is also delegated with powers by the High Court or District and Sessions Judge regarding the institution of civil suits, rent petitions guardian and wards, succession petitions, family suits and execution petitions, Arbitration petitions and entrustment of the same to the Civil Courts, therefore, the Senior Civil Judge has to act with

the delegated administrative authority of aforementioned acts regarding smooth functions of Civil Court. He is also required to circulate important or ordinary directions, information related with civil courts along with collection of daily, weekly, monthly reports for onward transmission to honourable District Judge or High Court. The position of senior civil judge is responsible for providing a high level of administrative support to a District & Sessions Judges and Judicial Officers like a bridge between Civil Court and District Court. Since above described functions usually are to be performed by Senior Civil Judge, therefore he ought to remain active, well-informed and deemed as liaison between district judiciary and other departments, whereas no prescribed rules and regulations especially exist for the said purposes.

It may be mentioned here that some government/semi-government departments usually designate any official as its 'Liaison Officer' for effective completions of official assignments, project between two departments to communicate and coordinate their activities by acting as an official-go between senior officials of departments or organizations. Hence, I would like to describe the responsibilities, duties and functions of a Liaison Officer:

- to establish and maintain an effective liaison network in the office as well as with civic agencies including Pak. PWD, etc.
- disseminate information and circulars, notification regarding directions time to time.
- provide service to mutual aid committees, owners' corporations, give advice to owners' committees and other building management bodies in promoting proper building management;
- perform emergency liaison duties such as typhoon, cold-spell, flooding, fire, industrial accidents, etc; and
- to communicate and coordinate their activities. Generally, they are used to achieve the best utilization of resources or employment of services of

- one organization by another.
- in the military, liaison officers may coordinate activities to protect units from collateral damage.
- they also work to achieve mutual understanding or unity of effort among disparate groups. For incident or disaster management, liaison officers serve as the primary contact for agencies responding to the situation.
- Liaison officers often provide technical or subject matter expertise of their parent organization. Usually an organization embeds liaison officers in other organizations to provide face-to-face coordination.

If the Judicial Officer/ Senior Civil Judge is designated as a liaison officer, then, he/she must be able to conduct the business of the court in a professional and efficient manner. He/she must plan, coordinate, organize and direct non-judicial activities of the courts, formulate, establish and implement court policies and procedures in accord with judicial standards and requirements; supervise, train and evaluate support staff, oversee the administration and court personnel policies and practice; develop, prepare, monitor and administer court budgets; review, interpret and implement applicable legislation as needed, ensure the judicial staff are properly advised regarding any necessary changes in court procedures or operations; identify, implement and manage court automation functions; manage court information systems; set-up and manage staff training programs; review, evaluate, manage and assign work related to pending caseloads, court calendar, assignment of judges and other administrative tasks; handle purchasing responsibilities, including that related to the department; set up and manage effective system in compliance with efficiency and cost standards; direct court reporters as required; develop and manage a uniform and coordinated record management system, ensure compliance with set judicial standards; act as liaison with other governmental agencies; represent the courts before interested groups, the public and governmental representatives; develop

procedures for the release of information concerning court matters to interested parties, including media; develop printed brochures,

handouts and other materials concerning court procedures and general court matters and represent the judges as directed.

## NEED FOR TRAINING

Since trainings enhance horizon and sharpen skills therefore, it is proposed that more and more trainings and short courses in court administration, public administration, business administration, coordination, liaison and

relations management may be arranged by the CELJE/FJA for our Senior Civil Judges with special focus on newly-promoted Senior Civil Judges.

## CONCLUSION

The judiciary plays a critical role in the administration of justice. It is therefore vital that we select candidates for judicial office on merit, through fair and open competition, from the widest range of eligible candidates and also such Judicial Officers be promoted who are well-trained in all requisite skills including liaison, coordination-inter-coordination, intra-coordination, etc. However, despite progress the composition of our judiciary still does not adequately reflect the society it serves. This issue matters for obvious reasons of fairness, efficiency and enhancing public confidence in the justice system.

Obviously, the topic above is tricky and enormous; therefore, I will recommend that the 21st century demands that we the judges, especially, senior Civil Judges should be equipped with these virtues as suggested by Baum, Lawrence in his world famous book, “Judges and Their Audiences: A Perspective on Judicial Behavior,”: the judge in relationship to himself: judicial awareness, the judge in relationship with the other: judicial empathy, The judge in relationship with the world: judicial respect for plurality, Finally, the judge must be flexible and to new realities and learn to use them as allies in his activity; there is a plurality of cultures, religions, personalities and perspectives, and the judge must learn now more than ever to take this plurality into account and remain objective while minimizing any discriminatory gesture.

As we know that each new century brings with it revolutionary technologies and intellectual discoveries which pervade all domains of life. For instance, the way we liaise and communicate has changed drastically within the past few years and, with the advent of the Internet and new technologies, continues to do so at an amazing pace. Moreover, the society is now more globalized, thus it is easier for us to compare perspectives and acknowledge a plurality of conceptions.

In any case, if the current essay managed to suggest some starting points for debate on the qualities needed by Senior Civil Judges in the 21st century to liaise between the district judiciary and the executive, then it has managed to reach its purpose.

**All virtue is summed up in dealing justly.  
Aristotle**



# “CURTAILING COURT DELAYS THROUGH CASE MANAGEMENT”

By

Zeeshan Manzoor<sup>2</sup>  
Civil Judge & Judicial Magistrate  
Karachi South



## **The State shall ensure inexpensive and expeditious justice. Article 37(d) Constitution of Pakistan**

The civil and criminal justice system in Pakistan is confronted today with serious crises of abnormal delays. Delay in litigation of civil and criminal cases has become chronic and proverbial. The phenomenon is not restricted to Pakistan; it is rather historical and universal. It is inherent in every judicial system which meticulously guards against any injustice being done to an individual, in a civil dispute or a criminal prosecution. A paramount principle of the criminal justice system is that an accused is punished only after his guilt is proved beyond

reasonable doubt. Similarly, justice demands that in the trial of a civil case, the dispute must be decided strictly in accordance with law and on the principles of equity, justice and fair play. Such universally recognized and time-tested principles are in accordance with the injunctions of Islam as the Holy Quran ordains that Muslims must eschew injustice, coercion, and suppression.

## **The Pakistan Law Commission**

"The subordinate Courts are the backbone of the entire judicial hierarchy. It is here that the concept of rule of law confronts the first trial; it is here that more than 95 % of cases are filed and are pending, it is here that the impressions and perceptions about the judiciary take sharp; it is here that people in litigation suffer for months, years and decades and spend the best part of their lives waiting for the elusive justice which at times is delayed, at times denied, & at times is bitter with the expense it entails."

## **THE MALADIES OF DELAYED JUSTICE AND ROLE OF A.D.R.**

*By Mr. Justice Tassaduq Hussain Jilani, the then Judge, Supreme Court of Pakistan*

"One of the many problems that the people of Pakistan face in our judicial system is delayed justice. Sometimes, the cases linger on for years, even decades. This is a strenuous problem for the complainants who often see no light while fighting for their rights in the

corridors of justice. Previously, a firm belief developed that if legal redress was too late in arriving, then that was the equivalent of having no redress at all; justice needed to be as swift as possible, otherwise it was worthless. Delays invariably occur in the disposal of civil and criminal cases. It is normal for an ordinary civil suit to linger on for as long as two decades, and on the completion of the trial, perhaps another half a decade passes by in the execution of the decree. In criminal cases also, the situation is quite dismal. Unusual delays occur in the disposal of cases by the courts. An example of unusual delays is manifested by the fact that, according to a rough figure, currently more than two-thirds of the jail inmates comprise of under-trial prisoners. Such phenomenon erodes the trust of the people and their confidence in the administration of justice. Delays in the settlement of civil disputes, besides causing frustration to the litigant public, also hamper the socio-economic development of the society".

## Causes of Delay in disposal of cases

There are several causes of delay in disposal of cases. The most common are:

- (i) lack of proper supervision;
- (ii) unsatisfactory service of processes;
- (iii) lack of proper working conditions in the courts;
- (iv) lack of transport facility for process serving staff;
- (v) lack of court/ residential accommodation;
- (vi) lack of libraries;
- (vii) lack of record rooms in the courts;
- (viii) lack of training facilities for judicial officers;
- (ix) shortage of ministerial staff and necessary equipments in the courts;
- (x) non-observance of the provisions of procedural laws;
- (xi) shortage of judicial officers;
- (xii) shortage of stationery and furniture;
- (xiii) delay on the part of investigating agencies;
- (xiv) non-attendance of witnesses;
- (xv) delay in writing and delivering judgments;
- (xvi) frequent adjournments;
- (xvii) dilatory tactics by the lawyers and the parties;
- (xviii) frequent transfer of judicial officers and transfer of cases from one court to another;
- (xix) interlocutory orders and stay of proceedings; and
- (xx) un-attractive service conditions of subordinate judicial officers.

By experience and observation during the trial of cases before the Courts of Session, it came to the knowledge of courts that the root causes of the delay of the cases were quite different from those apparent causes as referred above. It has been observed that the problem in fact lies more with the main stake holders of the justice system as compared to external factors; which may be summarized as following:

**(1) Courts:** such as large number of pending

cases, less number of judicial officers, inadequate infrastructures and staff, unfavorable working conditions, non-examination of witnesses, liberal grant of adjournments, inadequate knowledge of procedural and other laws, time and case management, etc.

**(2) Accused:** such as their abscondence, non-engagement of advocates, pressure to the complainant party for compromise etc., arrangement with jail personnel for not producing them in court, so that statutory period expires and case should be delayed, giving direction to their advocates not to appear before the court when witnesses appear, etc.

**(3) Advocates:** such as taking large number of cases, not preparing the cases for various reasons, engagement in other cases or superior courts, seeking frequent adjournments, etc, and most often calling for suspension of work on petty issues.

**(4) Prosecution:** such as inadequate number of prosecutors, their staff, no liaison between them and police, non-co-operation of police with them, inadequate knowledge of procedural and other laws particularly Qanun-e-Shahadat Order, etc.

**(5) Police:** such as non-execution of process of the courts, non production of property, chemical analyzer and ballistic reports in courts, non-cooperation with courts, taking no interest after submission of challans in courts, no follow-up of cases, non attendance in courts, etc.

**(6) Jail authorities:** such as, less number of vans for transporting the prisoners, non availability of police personnel for transporting the prisoners, transfer of prisoners from one jail to another, non-production of prisoners in courts for various reasons, genuine and artificial, etc.

**(7) Government:** such as non- sanctioning of

sufficient number of posts of judicial officers, insufficient budget to the courts and other departments involved in the administration of justice, etc.

In continuation, it will be pertinent to find that the Honourable High Court of Sindh has also taken up this problem in a case Hussain Ahmed v. State, 2004 PCr.LJ 669 wherein it was observed,

"Backlog and delays in quick dispensation of justice is a serious threat to the existing judicial

system in the country. Concerted efforts are required by learned Judges at all levels, lawyers, litigant public, witnesses, prosecuting agencies, public leaders, media and the Executive to combat the menace by strengthening the system of administration of justice. In his judicial work, a Judge shall take all steps to decide cases within the shortest time, controlling effectively efforts made to prevent early disposal of cases and make every endeavour to minimize suffering of litigants by deciding cases expeditiously through proper written judgments".

### Remedies to curtail the Case delays through Court Management

Case management reflects and demands that the 'progress of cases' before the court must be managed. The role of the court is simply to respond to process initiated by legal practitioners. In Canada, according to the (UK) **Interim Lord Woolf's Report**, it is stated that

"Case management is a comprehensive system of management of time and events in law suit as it proceeds through the justice system, from initiation to resolution. It has two essential components of case-management system are the setting of a time table for determined events and suspension of the progress of the law suit through its timetable".

The case management is a judicial process which provides effective, efficient and purposeful judicial management of a case so as to achieve a timely and qualitative resolution of a dispute. It assists in early identification of disputed issues of facts and law, establishment of procedural calendar for the life of the case and exploration of a possibility of a resolution

of disputes through methods other than trial court. It is a process involving the control of movement of cases through a court or the control of the total workload of a court. The case management requires the assignment of a case to a judge who then exercises judicial control over the case immediately after it is filed and keeps its track at every stage. Worldwide, courts are faced with the ever-increasing problems of case backlog, delayed justice and escalating costs of litigation.

It is rightly observed that "Case Management is now indispensable in justice delivery." And the concept of court case management is a tool for expediting justice and reducing cost of litigation. The purpose of the court case management is to improve the quality of the administration of justice,

In order to cure the delays taking in disposal of cases before courts and to minimize the huge pendency of cases, following steps are required and recommended:

### Constitution of Case Management Committees

At the level of District Judiciary, which is the backbone of entire judicial machinery, Case Management Committees may be constituted by the District & Sessions Judges for each court functioning under their jurisdictions, with the presiding officer of the court concerned as Chairman, reader of court, representatives of the stake holders and their counsel as members.

The committees may be entrusted with the category-wise prioritization of cases, on the basis of their importance, which will be determined with reference to and on the basis of (i) the nature of cases, (ii) dates of institution, (iii) location and value of the property in dispute, (iv) civil rights involved, (v) the parties, (vi) impact of the ultimate decision,

(vii) the number of persons affected by the decision of the court, (viii) involvement of public interest, (ix) the nature of questions involved for determination, (x) whether any temporary injunction has been granted in favour of either of the parties, and (xi) other relevant considerations, in civil matters.

Where the case of criminal cases is concerned, priority can be determined on the basis of (i) dates of institution of proceedings, (ii) nature and gravity of the offence, (iii) the number of persons affected, (iv) public interest in the outcome (v) the impact of judgment to be

passed in the case, and (vi) maximum punishment provided for a particular offence.

These committees may be required to function under the direct control and supervision of the District & Sessions Judges

As an important ingredient of the plan, the presiding officer must fix a target in terms of number of cases to be disposed of in a month, in a manner as would ensure that the disposal exceeds the institution by at least 5 to 10 cases in every month, so that the pending files are gradually reduced.

### **Identification of Issues at Early Stage**

Case Management assignments of a case to a judge who exercises judicial control over the case immediately after it is filed and keeps the track at every stage. The judge should apply judicial process to the rival contentions at the earliest stage after filing of written statement and secure active participation and joint communication amongst the parties and lawyers for the smooth progress of the case. It will help to identify the real controversy, questions of facts and law raised by the opponents minimizing or narrowing down the

controversies. In C.P.C. there is adequate provision in Order X to Order XIII for incorporating pre-trial case management and in Cr.P.C. u/s 203 if magistrates found no ground for proceeding he shall dismiss the complaint at initial stage, by strongly using these provisions judge should exercise control over the case at the first hearing. It became necessary that judge should apply his mind to the facts of the case and reduce the scope of the trial by referring the case to ADR methods.

### **Enhancement of The Court's Ability to Manage The Litigation and Adjudication Process**

When the judges would involve in court case management or monitor the case from the pre-trial, backlog of the cases and from admission

to the final disposal of the case, then they would be in a better position manage the litigation and conduct adjudication process smoothly.

### **Reduction of Trial Time Through Setting of Timetable**

Where the litigants and the lawyers use delaying tactics as a combat strategy, the court should intimate the parties to cooperate with each other and the judges can make the prompt decision by knowing the mutual disclosure of all relevant facts. The court has also to observe the time limit by granting adjournments

sparingly or fixing the time table for pre-determined events and supervision of the progress of the law suit through the 'time table questionnaire' should be established for every contested case and monitored through a computerized signaling system.

### **Adjournments should not be Granted in a Perfunctory Manner**

Repeated adjournments need to be identified and counseled and course correction should be made. Gradually, no adjournment system is the

aim and it should be eradicated in due course of time. Counsel should be discouraged for repeated adjournments.

## **More Effective use of Judicial Resources to be Made**

By the use of case management, the judges role is important as well as valuable to reduce the backlog of the cases with the help of court managers and ministerial staff by innovating the work through delegation to a senior ministerial officer or court manager or judicial

officer who can take up the work on a Saturday. Judges need to be better informed and properly trained to ensure that their courtrooms are being driven in accordance with the laws of their jurisdiction and the effective or efficient utilization of resources is must.

## **Technological and Logistic Support**

Information and computer technology is to be more effectively used in order to achieve the objectives. Trained IT experts should be hired

and so also, the judicial officers and their ministerial staff should be trained for such fashion.

## **Progressive Procedural Rules**

To expedite the disposal of cases the procedural rules are handmaidens of justice, meant to expedite rather than impede the delivery of justice. For good case management system should be accompanied by procedural rules or

the procedural work should be delegated to the senior ministerial officer or court manager that facilitates the expeditious resolution of disputes. Such rules must not be so rigid as to curtail healthy judicial discretion.

## **Heavy or Exemplary Costs should be Imposed on Erring Party**

In our country generally the courts do not award costs to the successful party in most cases. This tendency of the courts not to award costs has encouraged several litigants to abuse the legal process and delay the disposal of cases which result is accumulation of cases as well as

wastage of entire judicial process. The judges should impose heavy costs against the erring party and such a procedure has been a serious deterrent against the institution of unreasonable and frivolous cases or discourage the persons to file the case or false matters.

## **Facilitate the Concept of Amicable Settlement, ADRs**

It is generally seen that after long trial of the case, the parties generally try to settle the case, it is purely wastage of precious time of the judicial officers as well as the courts, so for handling the case in efficient manner and to prevent the court's time for reducing the accumulation of the cases through judicial

activism or judicial management insisting the parties to explore the judges enhance the chance of the case being amicable settled rather than tried and try to settle through ADRs for civil case and plea bargaining for criminal cases. Through this scheme the judges can be involved in case management system.

## **The Reduction of Criticism of the Justice System by Reason of Perceived Inefficiency**

The criticism of the justice system also hampers the timely justice delivery, because it discourages the judicial officers or court managers to concentrate on their work. By implementation of good case management, the

criticism of the justice system can be meager and a judge can not be able to concentrate on the work efficiently. With case management system the accountability towards public will be enhanced.

## Ensure Fairness Between the Parties

There should be a fundamental transfer in the responsibility for the management of civil litigation from litigants and their legal advisor

to the courts. There is need for training both, of judges and staff.

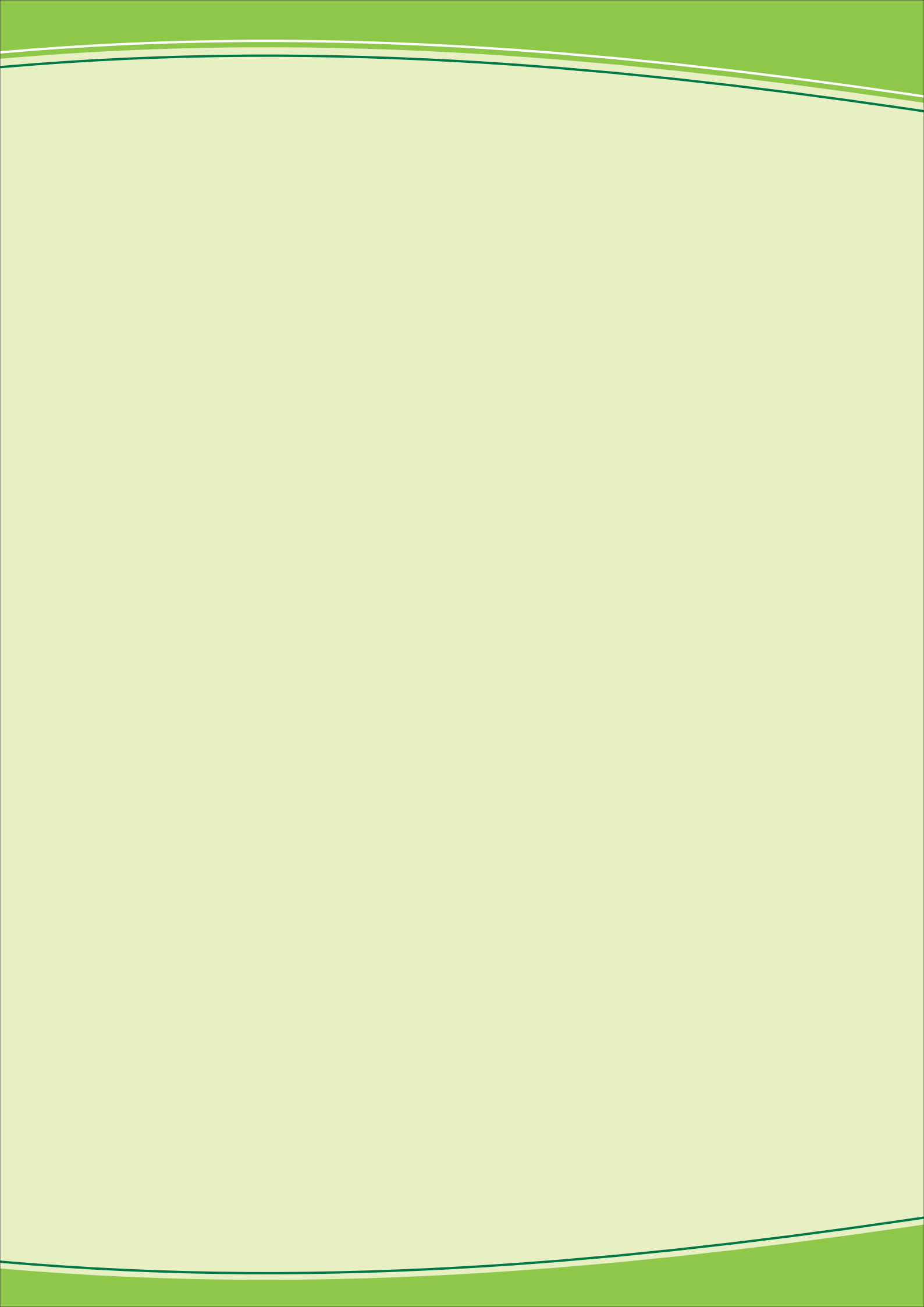
### CONCLUSION

Article 37(d) of the Constitution of Pakistan, 1973 speaks of inexpensive and expeditious delay of cases. Such is also an attribute of the principle of fair trial. There is nothing to question the efficacy of the celebrated maxim "Justice delayed is justice denied." The above given recommendations are but a food for

thought and an effective mechanism to control and curb huge backlog of the cases on one hand, and to control the delays of cases in general. I am of considered opinion that if it is implemented with due effect, it shall lead to curtailing of cases in a fashion recognized by the law.

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1. The writer secured first position in the Essay Competition on the topic "Senior Civil Judge: A liaison between District Judiciary and Executive" during a one-week orientation on "How to be an effective Senior Civil Judge" for Senior Civil Judges from all over Pakistan" in the CELJE/FJA ((27th October to 1st November, 2014)
  2. The writer clinched first position in the Essay Competition on the topic " Curtailing court delays through Case Management" during a one-week training course on " Case and Court Management and Enforcement of Intellectual Property Rights ( IPR) Laws in Pakistan" for Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan ( (13th to 18th October, 4014 )







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