



Khyber Pakhtunkhwa Judicial Academy

REPORT

01-DAY TRAINING FOR LAW OFFICERS OF THE OFFICE OF LEARNED ADVOCATE GENERAL, KHYBER PAKHTUNKHWA (FEBRUARY 19, 2022)



KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

*01-Day Training for "Law Officers of the Office of Advocate General,
Khyber Pakhtunkhwa" held on February 19, 2022.*



Sitting: L to R

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1.0 INTRODUCTION

1.1 The Khyber Pakhtunkhwa Judicial Academy is statutorily mandated to provide training to all justice sector stakeholders, to hold conferences, seminars, lectures, workshops, and symposia in matters relating to court management, administration of justice, law and development of skills in legislative drafting and to establish liaison with research institutions, universities and other bodies including the Federal Judicial Academy, towards the cause of administration of justice (Section 4 of the Academy Act).

1.2 Capacity building in every field of judicial activity is a *sine qua non* for streamlining the system in its entirety. With this end in view, the Khyber Pakhtunkhwa Judicial Academy arranged a special training for Law Officers of the Office of Learned Advocate General, Khyber Pakhtunkhwa.

2.0 PURPOSE OF THE REPORT

2.1 This report aims to assess the quality and impact of training conducted by the Academy on 19th February 2022.

2.2 The report begins with a general layout of the training sessions including concept note, information about the participants, schedule of activities, proceedings, and recommendations for future improvements.

3.0 CONCEPT NOTE

3.1 Background.

The Advocate General Khyber Pakhtunkhwa during the 10th meeting of the Board of Governors of Khyber Pakhtunkhwa Judicial Academy pointed out towards the need for capacity building of the law officers working under his aegis. He requested for the training of law officers at the Judicial Academy.

3.1.1 Law Officers have a crucial role to play in the government business. They assist the Advocate General and perform various important functions under the Khyber Pakhtunkhwa Appointment of Law Officers Act, 2014. These include advice on matters referred to them by the Provincial Government; representation of the Provincial Government before the Superior Courts; assistance to the Superior Courts in public importance cases; prosecution

of contemnors in contempt of court cases; and protection of Public Rights in public nuisance and public charity cases etc.

3.1.2 The Advocate General Office established under the Government of India Act, 1811 was assumed to be independent of political influence. The joint parliamentary committee had explicitly observed;

"It is not part of our intention to suggest that the office of the advocate general should, like that of the law officers here have a political side to it. Indeed, our main objective is to secure for the Provincial Government legal advice from an officer not merely well-acquainted to tender advice but entirely free from trammels of political or party associations." In the context referred above, the Supreme Court of Pakistan's verdict in Rasheed Ahmad Vs. Federation of Pakistan (PLD 2017, SC 121) deserves specific mention. The Apex Court while emphasizing the importance of the constitutional role played by the Attorney General and the Advocate General. It lamented the malaise of engaging private counsel in government matters. The court held, "However the Federal Government and the provincial governments have host of law officers who are paid out of public exchequer. If a government contends that none amongst its law officers are capable of handling cases then the question would arise why incompetent persons have been appointed". The court further held that the practice of engaging private counsel in government caused a double loss to exchequer firstly by paying incompetent law officers and secondly by paying again for services of private counsel.

3.1.3 Government litigation evidently suffers due to the lack of interest of the officers representing it. Technically sound and qualified professionals are required to be engaged to manage such litigation. It is imperative that professionals working in any sphere, be it the government or the private sector, should learn new skills and sharpen existing ones.

3.2 Training Content

In order to identify the training needs of the participants, Academy had carried out a training need assessment by identifying twenty areas relevant to the duties and functions of law officers. TNA forms were circulated amongst the law officers. They were asked to give their preferences from 1-5 on two-fold factors: (1) How important was the area for the successful performance of their work? and: (2) How well they considered they were performing in the mentioned activity or the subject?

Fifteen officers sent their responses. From the feedback received, ten key areas were shortlisted for rolling out the training:

1. Advice writing
2. Suits by or against Government including cases of public nuisance
3. Land Records
4. Revenue and Taxation
5. Financial matters (GFR, FR, SR)
6. Operation of precedents
7. Government's Rules of Business
8. Legal Drafting
9. Encroachment laws
10. Law of Evidence

The selection of modules for training is based on the formula of deducting the total score in area "A"(How important was the area to the successful performance of their job) from the score in the area "B"(How well they considered they were performing in the mentioned activity or the subject). The details of the calculation are shown in the tabulated form separately annexed. Based on the above, schedule of activities was formulated.

3.3 Methodology

The teaching technique was lecture-cum-participatory. The training was divided into three sessions. The training session also incorporated pre-and post-test evaluation to assess the improvement in the trainees' comprehension.

3.4 Objectives

The objectives of the training course are: -

- Understanding the niceties of advice writing, including comprehension of the government's rules of business.
- Comprehending relevant laws and rules, including the operation of precedents and art of legal drafting.
- Understanding revenue and taxation laws and regimes.

4.0 PARTICIPANTS

4.1 List of participants of the training along with necessary details is as below.

S.NO	NAME	DESIGNATION	STATION
1	Mr. Atif Ali Khan	Additional Advocate General	Peshawar
2	Mr. Rabnawaz Khan	Additional Advocate General	Swabi
3	Mr. Kabir Ullah Khattak	Additional Advocate General	Peshawar
4	Mr. Muhammad Nisar	Additional Advocate General	Peshawar
5	Mr. Muhammad Inam Yousafzai	Additional Advocate General	Peshawar
6	Syed Sikandar Hayat	Additional Advocate General	Peshawar
7	Mr. Malik Akhtar	Additional Advocate General	Peshawar
8	Mr. Arshad Ahmad	Additional Advocate General	Peshawar
9	Mr. Muhammad Sohail	Additional Advocate General	Peshawar
10	Syed Qaisar Ali Shah	Additional Advocate General	Peshawar
11	Barister Babar Shahzad	Additional Advocate General	Peshawar
12	Mr. Niaz Muhammad	Additional Advocate General	Peshawar
13	Mr. M.Adeel Butt	Additional Advocate General	Peshawar
14	Mr. Walayat Khan	Assistant Advocate General	Peshawar
15	Syed Asif Jalaluddin	Assistant Advocate General	Peshawar
16	Mr. M.Riaz Paindakhel	Assistant Advocate General	KP Service Tribunal
17	Mr. Samiullah Jan	Assistant Advocate General	Peshawar
18	Mr. Javaidullah	Assistant Advocate General	Peshawar
19	Mr. Mubashir Manzoor	Assistant Advocate General	Peshawar
20	Barister Saqib Raza	Assistant Advocate General	Peshawar

21	Mr. M.Basher Naveed	Assistant Advocate General	Peshawar
22	Mr. Naseeruddin Shah	Assistant Advocate General	Peshawar
23	Ms. Abida Safdar	Assistant Advocate General	Peshawar
24	Ms. Shakila Begum	Assistant Advocate General	Peshawar
25	Ms. Sophia Noreen	Assistant Advocate General	Peshawar

5.0 SCHEDULE OF ACTIVITIES

S.No	Activities	Resource Person	Duration
1.1	Registration & Pre-Evaluations Recitation from the Holy Qur'an		08:30–08:45
1.2	Welcome Address/Orientation	Director General	08:45 - 08:55
1.3	Group Photo Session		08:55 - 09:00
1.4	Khyber Pakhtunkhwa Government Rules of Business, 1985 <ul style="list-style-type: none"> • KP Appointment of Law Officers Act, 2014 • Organization & Structure of the Government • Distribution of work & Responsibilities • Consultation among Departments • Legislation • Cabinet Procedure 	Mr. Asif Shahab, Former Additional Secretary to Government of Khyber Pakhtunkhwa	09:00 - 10:30
<i>Tea Break 10:30 – 11:00</i>			
1.5	Criminal Law <ul style="list-style-type: none"> • General Law of Criminal Procedure • Pre-Trial Proceedings • Trial by Magistrate • Trial by Court of Sessions and High Court • Criminal Appeal • Criminal Revision 	Mr. Ashfaque Taj, District & Sessions Judge, Peshawar	11:00 – 12:30

Prayer & Lunch Break 12:30-01:30			
1.6	The Constitution of Islamic Republic of Pakistan, 1973 <ul style="list-style-type: none"> • Legal Framework • Legislation • Judicature • Jurisdiction of High Court (Article 199) • Original Jurisdiction of Supreme Court (Article 184) • Appellate Jurisdiction of Supreme Court (Article 185) • Administrative Courts & Tribunals (Article 212) 	Dr. Adnan Khan, Advocate Supreme Court of Pakistan	01:30-03:00
Post Evaluation			
Concluding Ceremony 03:00 – Onwards			
Wrap up / Certificate Distribution			

6.0 PROCEEDINGS

6.1 Registration and Pre-Evaluation:

Before start of the activities, registration of the participants and their pre-training evaluation were conducted.

6.2 Inaugural Ceremony:

The training commenced with the inaugural ceremony chaired by Mr. Zia-ud-Din Khattak Director-General, Khyber Pakhtunkhwa Judicial Academy. The Faculty of the Academy also attended. In his address, the Director-General extended a warm welcome to the participants. He reflected upon the aims and objectives of the training course and sensitized the participants about the general layout of the training modules and course content.

6.3 Lectures Synopsis

6.3.1 Mr. Asif Shahab, former Additional Secretary to Government of Khyber Pakhtunkhwa delivered a detailed lecture on **Khyber Pakhtunkhwa Government Rules of Business, 1985**. He also dilated upon the Khyber Pakhtunkhwa Appointment of Law Officers Act, 2014. He talked at length about the organizational structure of the Govt and its various Departments,

the distribution of official works and responsibilities, the legislative framework, cabinet procedure, and the process of consultation among official departments.

6.3.2 Mr. Ashfaque Taj, District & Sessions Judge, Peshawar gave a comprehensive talk on “**Criminal Law**”. The learned speaker focused mainly on General Law of Criminal Procedure, Pre-Trial Proceedings, Trial by Magistrates, Trial by Court of Sessions and High Court, Criminal Appeal, and Criminal Revision.

6.3.3 Dr. Adnan Khan, Advocate Supreme Court of Pakistan delivered a highly informative lecture on the “**Constitution of the Islamic Republic of Pakistan, 1973**”. He highlighted that constitutional law is organically connected to the administration of justice. Its proper understanding is, therefore, essential for law officers. He enlightened the trainees about the salient features of the Constitution. His presentation also covered the Jurisdiction of the High Court under Article 199, Original Jurisdiction of Supreme Court under Article 184, the Appellate Jurisdiction of Supreme Court under Article 185, and Administrative Courts & Tribunals under Article 212.

6.4 **Post-Evaluation:**

At the end of the training, the post-training evaluation was conducted.

6.5 **Concluding Ceremony:**

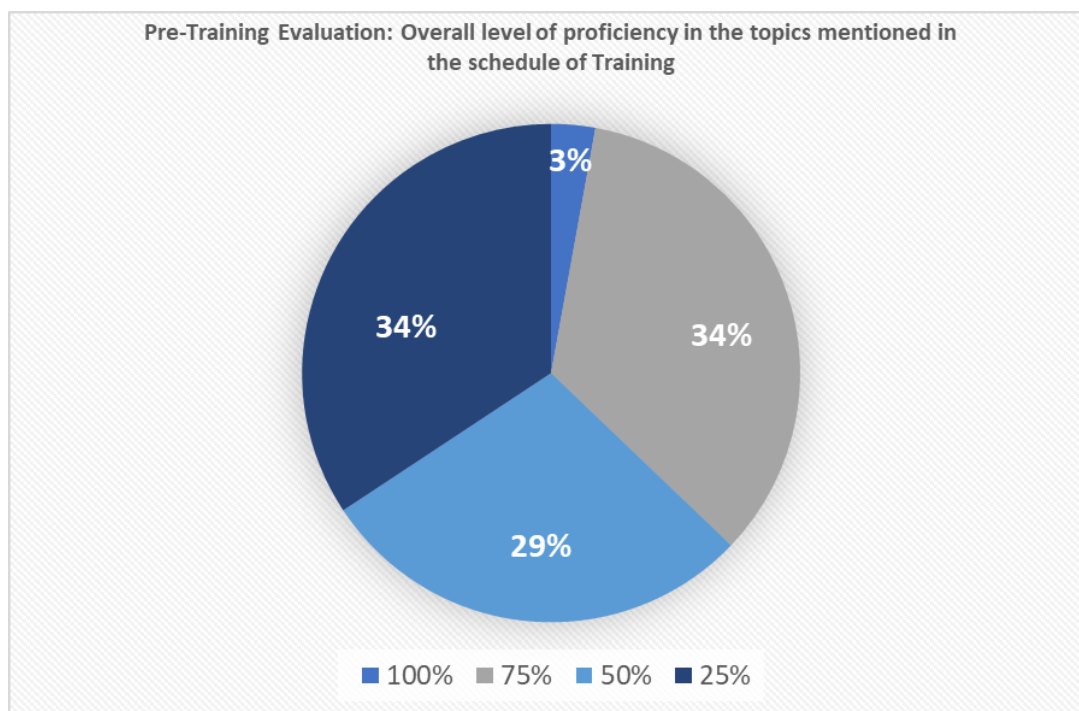
The concluding ceremony was presided over by the Dean Faculty. The class representative shared his views and appreciated the efforts made by the Academy in organizing a comprehensive training program. In the end, certificates were awarded to the participants.

7.0 **IMPACT OF THE TRAINING**

7.1 Significant indicator of the training impact is:

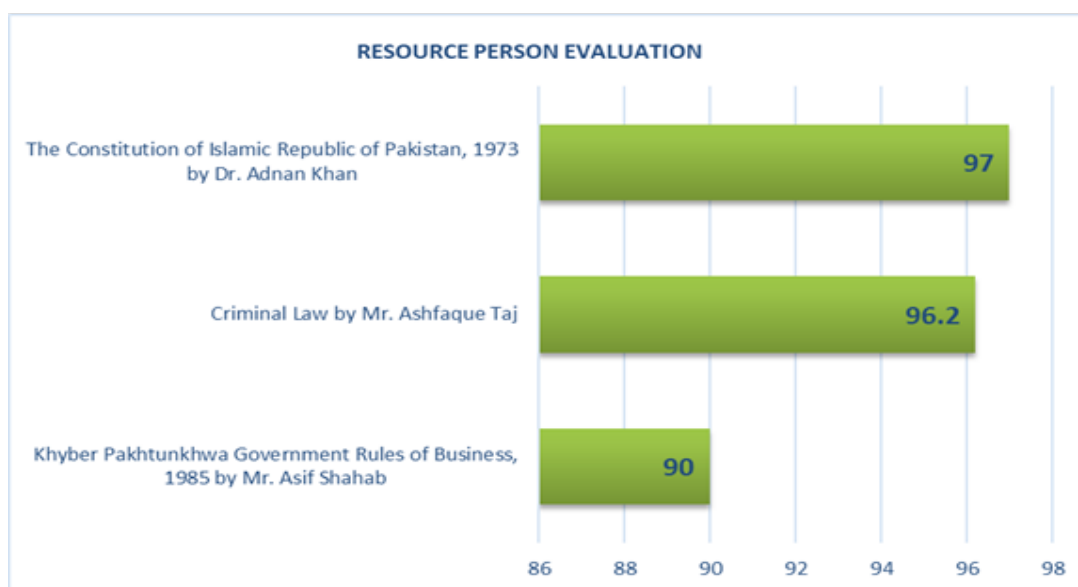
7.1.1 Whether the training contributed to an increase in the knowledge of the participants?

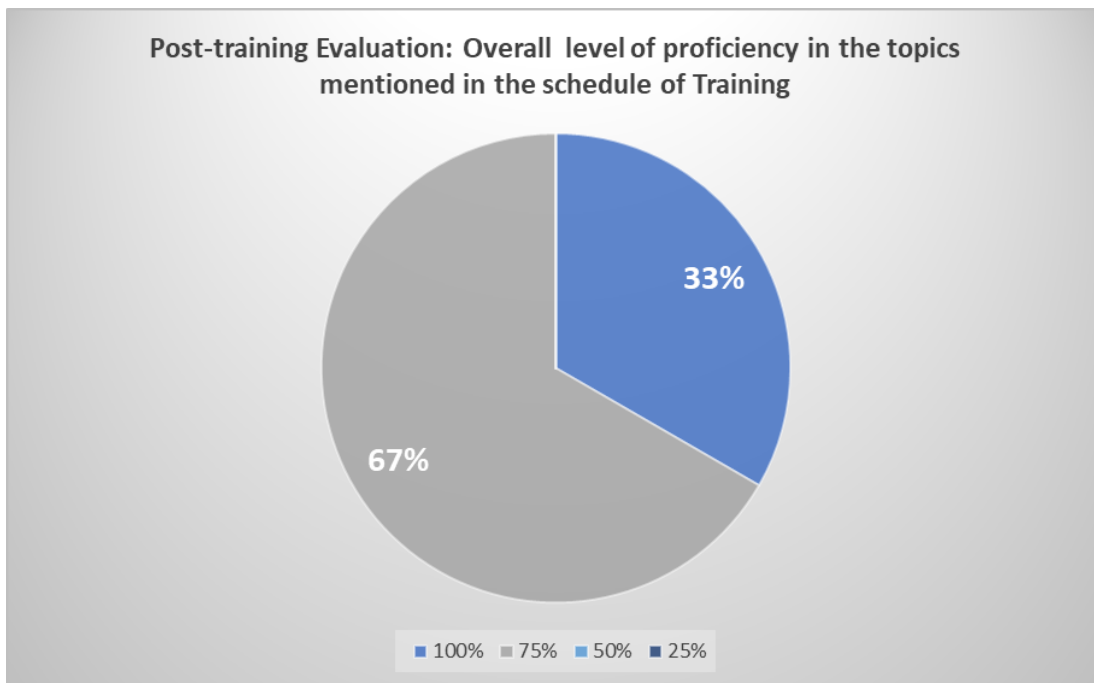
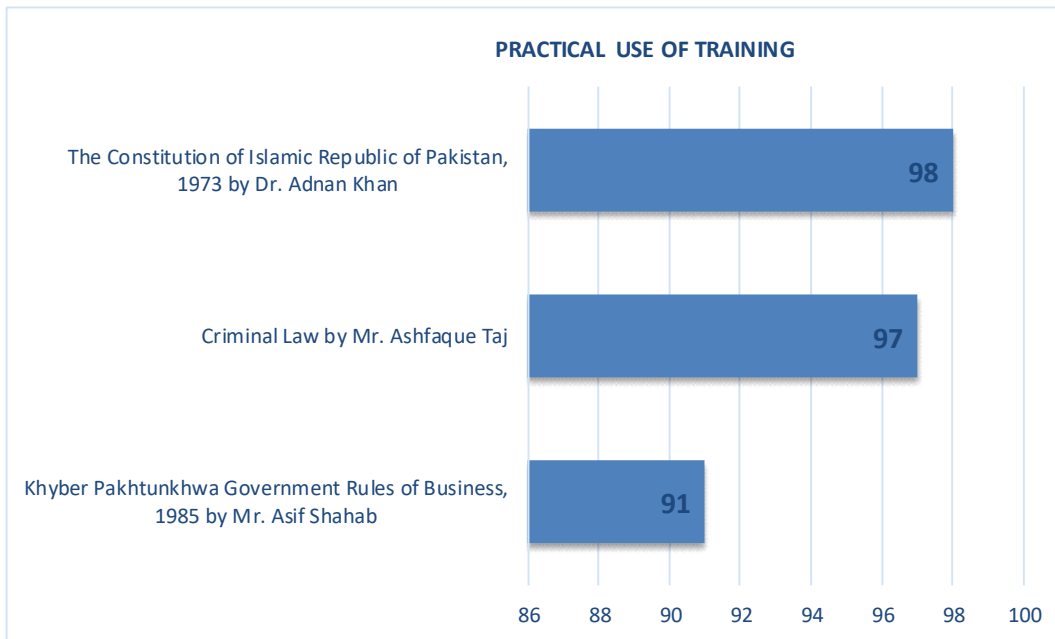
The pre- & post-evaluation questionnaire was designed to deal with this aspect. The relevant feedback obtained from the participants is reflected below:



8.0 QUALITY OF THE TRAINING

8.1 The quality of the training can be assessed by the participants' evaluation of the resource persons. Moreover, the participants were asked to comment on the overall quality of the training program. Their response and the feedback are shown in graphic form below:





8.4 Participants also furnished their general comments on the training and the same are reproduced as follows:

1. The trainees suggested that such trainings should also be conducted in future.
2. The trainees requested for inclusion of more subjects in the training program and for extension of period of training to at least 2-3 days.

9.0 CONCLUSION

- 9.1 Participants' graphical feedback indicates the positive impact of the training.
- 9.2. Based on the participants' feedback, additional training modules can be added and the training schedule may be extended to cover the same.