



KPJA NEWSLETTER JAN-JUNE



Newsletter

January - June, 2020

Contents

Foreword by Director General	3
Dean' Note	3
ACADEMIC ACTIVITIES	4
Professional Development Training for Young Lawyers	4
Training of NAB Investigators	5
Workshops for Ulema and Khateeb in collaboration with Population and Welfare Department, Khyber Pakhtunkhwa	6
National Seminar on "The Rules worked out under section 89-A of the Code of Civil Procedure, 1908" on Alternate Dispute Resolution"	8
Meetings of the Board of Governors	9
Training on Gender Based Violence	10
Administrative Arrangements	12

Foreword by Director General

One of the aims and objectives of the KPJA is to provide judicial education through publication of journals and reports in terms of Section 4 (a) & (d) of the KPJA Act # IV of 2012. To further these, the Academy has the publications such as annual reports and bench book of 2016. In the past, the Academy had initiated its quarterly 'e-bulletin' in January 2014 but for unknown reasons it was discontinued after November 2018. Now, the Research & Publication Wing of the Academy under able supervision of Mr. Ghulam Abbas, Senior Director Research and Publication has initiated 'bi-annual News Letter'. It covers the overall academic and other capacity building activities carried out by the Academy during the past six months, i.e. January-June 2020. It would reveal that how this institution utilizes the resources and whether the efforts of the Academy are in the right direction towards the achievements of the objectives for which this Academy is established. The publication of this 'News Letter' required input of the entire staff of the Academy, who took keen interest in the subject.

It is important to acknowledge that the publication of this 'News Letter' has been possible under the able leadership of Hon'ble the Chief Justice/Chairman of the Academy and his continued support in carrying forward the vision and mission of the Academy.

May Allah Al-Mighty help and guide us to the right path.

Zia-ud-din Khattak
Director General.

Dean' Note

Since the intermittent semi-annual/bi-annual publication 'Newsletter' of the Khyber Pakhtunkhwa Judicial Academy from January-June 2020 AD is good effort albeit the relevant officers have put appearance to usher the new era. The scribe is the last entrant on debut and finds the pains and pangs of Senior Director (R&P) in the compilation work are really laudable and the learned DG's foreword has added another feather to the compiler's cap. It is candidly hoped that the publication would expand the horizon and glossary of the work and flourish the activities of the Academy to attach the attention of the common reader in the times to come.

Syed Kamal Hussain Shah
Dean Faculty

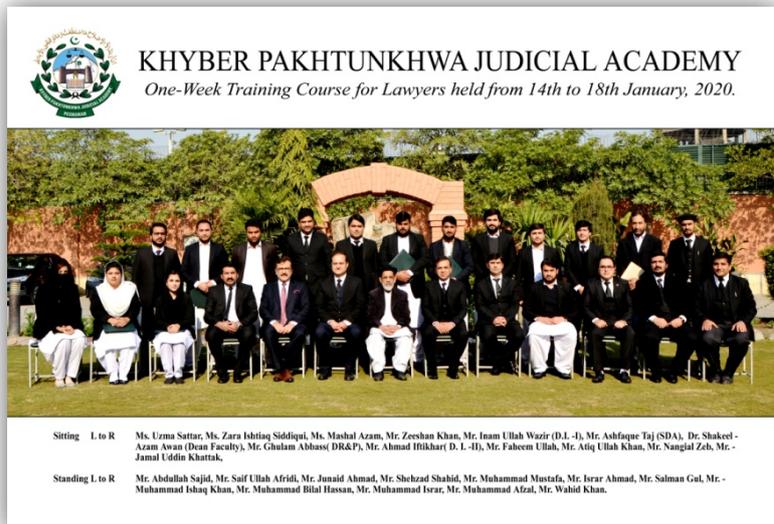
ACADEMIC ACTIVITIES

Professional Development Training for Young Lawyers

Lawyers are professionally required to provide legal counseling to public by helping them understand and navigate the legal system. Owing to the nature of their work, they should be well-equipped in legal knowledge and a better understanding of the court procedures. Attesting its commitment to enhance practitioners’ skills, the Academy conducted two training sessions in 2020, wherein newly inducted lawyers from across Khyber Pakhtunkhwa participated. The Academy focused on the young lawyers having two to four years standing at the Bar. The participants, twenty-five in total, were

imparted trainings in the areas of concept of advocacy in socio-economic perspective, consumer laws. The discourses included critical areas of pleading, ADR, bail matters & superdari, interpretation of statutes, precedents, appeals and revisions. Training was also

imparted in the areas of principles of law of evidence which included examination of witnesses, evidentiary value of hearsay testimonies and appreciation of electronic evidence. The resource persons referred to the latest case laws and practical aspects of the subjects. The discourse also comprised of an extensive talk on recent amendments in the Civil Procedure Code relating to case management. During the lectures, the participants were engaged in academic activities through group discussions on various important topics e.g. Bar & Bench Liaison, delay in trials, and conduct of a lawyer in court. Per the feedback of the participants, the training was evaluated as excellent and beneficial. They expressed their satisfaction in acquiring in-depth knowledge in various areas of law.



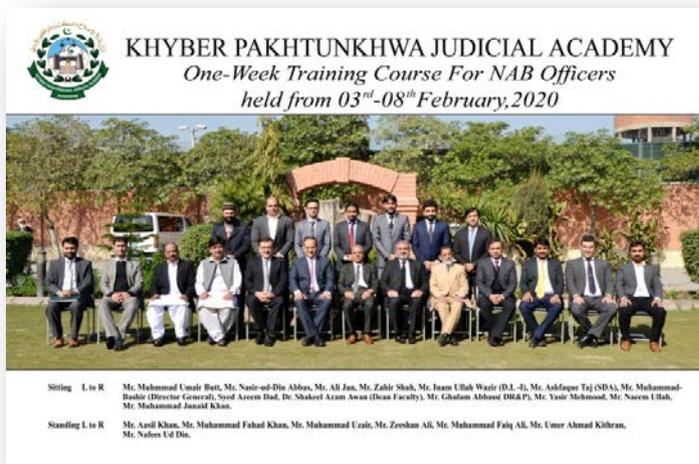
Training of NAB Investigators

On direction of Hon’ble the Chairman, KPJA/Hon’ble the Chief Justice, Peshawar High Court, Peshawar and on request of the NAB authorities, one-week training course for the Investigation Officers of National Accountability Bureau (NAB) was organized. Ensuing to the joint meeting with officers of the Academy, the Bureau shared their training needs assessment (TNA). The course was held from February 3rd to

8th, 2020. Fifteen Investigating officers attended the training. Considering the TNA, the training module focused on developing the investigative skills and enhancing their understanding of procedural law. The topics of the course included the Ethics in Public Service: Significance for NAB Investigators, Cognitive Behavior Therapy, Important Judgments of Superior Courts on Accountability Laws, Law of Evidence: Burden of Proof

Objective of the training

- To impress upon the officers the significance of ethical standards in investigation.
- To improve legal knowledge of the officers pertinently regarding the investigation.
- To improve investigation skills.



with specific reference to NAB law, Relevancy of Testimonies & Impeaching Witnesses, Examination-in-chief & Cross-examination, Admissions & Confessions and Documentary Evidence in white-collar crimes. Likewise, special discourses were arranged pertaining to the basic investigation

techniques, basic ingredients of offences under NAB law, common mistakes in investigation of NAB offences, and fundamentals of land records. Experienced judges, a former senior officer from civil service, senior police officer, well-versed revenue officer,

Trainee’s comments

“The training program was very beneficial. Knowledge diversity of the experienced resource persons was commendable.”

and prominent lawyers were amongst the resource persons.

The participants in their training evaluation expressed satisfaction regarding the effectiveness and usefulness of the training. They also expressed their profound gratitude to the Peshawar High Court and the Academy for arranging the training.

Workshops for Ulema and Khateeb in collaboration with Population and Welfare Department, Khyber Pakhtunkhwa

In pursuance of the directions of August Supreme Court issued in the Human Rights Case No. 17519 of 2018 and on the request of Population and Welfare Department, Khyber Pakhtunkhwa, two sessions of three-days workshops for Ulema and Khateeb on ‘family planning and reproductive health’ were organized at Khyber Pakhtunkhwa Judicial Academy Peshawar. The training workshops were held as joint venture of the Academy in collaboration with Khyber Pakhtunkhwa Population Welfare Department. About fifty-two *Ulema and Aimaad*, from across Khyber Pakhtunkhwa, participated in the two sessions. The discourses included ‘*Adal-e-ijtmahi ka*

Significance

The workshops were expected to help understand the perspective of Islam on family planning. The course was devised to equip the participants with the religious views point in relation to family planning for allaying the misconceptions on the subject to enable the Ulema and Khateeb to make the society enlightened of how does Islam looks upon the family planning and what does it demand from parents.

Objective of the Workshop

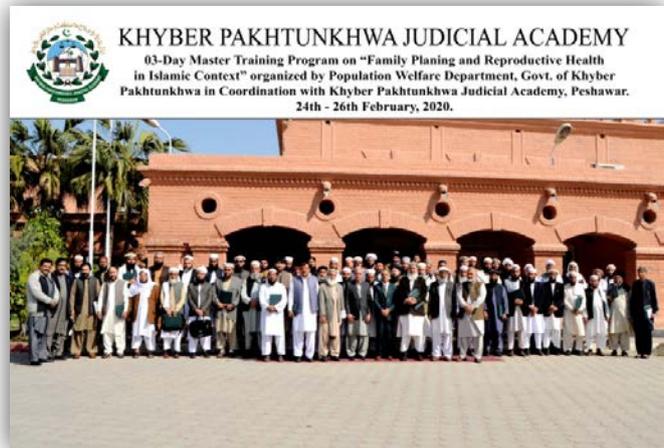
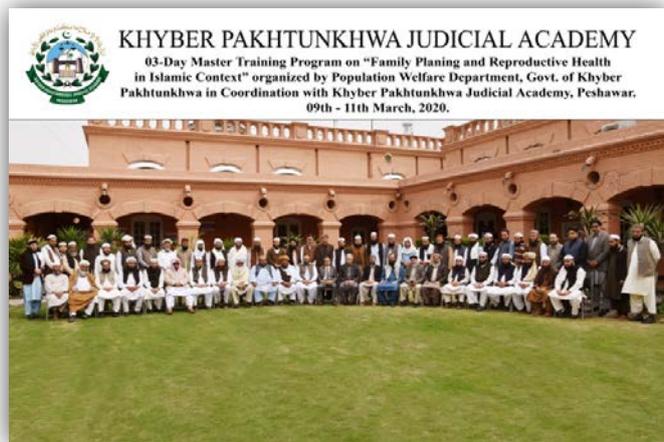
To seek guidance from religious scholars on

- i. High rate of population growth vis-à-vis sustainability or otherwise of natural resources and socio-economic development with regard to investments in human development in terms of health, education, nutrition and productive skills;
- ii. Misconceptions regarding population planning and reproductive health;
- iii. Islamic perspective on population planning and reproductive health;
- iv. Role of Ulema and Khateeb in allaying such misconceptions from society;
- v. To impart, with proactive help of religious scholars especially Ulema and Khateeb on nitty-gritty of family planning in the light of Islamic Jurisprudence.

islami taswar”, ‘muslim muhashira mn khandani masa’el, asbab or haal’, ‘bharty howy mahashi masa’el’, ‘family planning, masa’el, askalaat or isalmi tahlimaat’. On conclusion of each session, the closing ceremonies were held at Judicial Academy in which Director General Judicial Academy Muhammad Bashir, Secretary Population Welfare Department Khyber Pakhtunkhwa Asghar Ali Shah and Dean Faculty of Shariah Academy, International Islamic University Islamabad Dr. Zahid Mughal, Chief Khatib Khyber Pakhtunkhwa and other officials of the Academy graced the occasion.

In his concluding address, Director General, Khyber Pakhtunkhwa Judicial Academy shed light on importance of the topics of the training workshops and pressed its necessity and in-depth understanding in true perspective of the Islamic injunctions based on Qur'an and Sunnah. Asghar Ali Shah, Secretary Population Welfare Department Khyber Pakhtunkhwa thanked the participants, resource persons and the Academy for successful arrangement of the training workshops. He expressed high expectations from the participants to create awareness among the people about the problems

arising from the growing population and their solutions. In his address, Maulana Muhammad Ismail, Chief Khatib Khyber Pakhtunkhwa paid tribute to the Academy and the Population and Welfare Department for organizing the valuable training workshop for the Ulema and Kateebs. He added that the scholars had benefited a lot from the workshop and were sensitized about the importance of the issues. He appreciated the



arrangements made by the Academy as exemplary. He assured due cooperation of the Ulema with the Government for betterment of the society.

Comment

“The slogan is balance and according to Islamic teachings, our institution is now talking about limiting the family to its own resources, which is permissible”.

National Seminar on "The Rules worked out under section 89-A of the Code of Civil Procedure, 1908" on Alternate Dispute Resolution"

A seminar on the Rules worked out under section 89-A Code of Civil Procedure, 1908 for Alternate Dispute Resolution was held in the Academy on 27th February, 2020. The judicial officers and lawyers from across the country participated.

The session was anchored by Mr. Ahmed Iftikhar, Director Instructions. Director General welcomed the participants and expressed gratitude to all the participants for arrival. He thanked UNDP on financial support for the seminar. Author of the draft rules, Dr. Shakeel Azam Awan, Dean Faculty, presented the draft and made an extensive briefing on the Rules. The draft was thoroughly deliberated upon by the participants in various sessions.

Objectives:

- a. The activity is designed to browse upon the conceptual framework of the worked out rules;
- b. To get the feedback of the stakeholders of justice system on the same;
- c. To learn from the experiences and expertise of the participants in relation to ADR Rules and functioning of mediation centers.

The participants furnished their recommendations in respect of the Rules.

- i. There was consensus upon the framework of the draft rules;
- ii. Out of 4 groups, three (3) groups endorsed the worked out Rules with minor suggestions;
- iii. One group did not object to the overall concept and framework of the draft rules, however some reservations were expressed pertaining to the rule-making

domain under section 122 of CPC, establishment of mediation centers and pre-action conduct.

iv. Over all, there was consensus as to making of the Rules for efficacious proceedings of ARD under section 89-A of CPC.

Crux of the whole exercise was that the overall scheme of the Draft Rules was endorsed by the participants.

In the concluding ceremony, Chief Guest Mr. Muhammad Zubair, MIT, Peshawar High Court Peshawar thanked all participants for having graced the occasion. He further thanked UNDP for having supported this activity. The seminar was wrapped up by certificate distribution and group photograph. Report of the seminar and the worked out rules are uploaded on the Academy' website.

Meetings of the Board of Governors

In the current year, two meetings of the Board of Governors were held.

The 10th meeting of the Board of Governors (BOG) was held on 18-01-2020. Hon'ble Chairman, KPJA / Chief Justice Peshawar High Court Hon'ble Justice Waqar Ahmed Seth chaired the meeting. Eight members of the Board were in attendance except Principal, Khyber Law College. In the meeting, follow-up of the previously decided matters was conducted and various administrative decisions on the agenda items including financial matters, were taken.



The 11th meeting of Board of Governors (BOG) was held at Khyber Pakhtunkhwa Judicial Academy on 12-06-2020. Hon'ble Chairman, KPJA / Chief Justice Peshawar High Court Hon'ble Justice Waqar Ahmed Seth chaired the meeting. All the members of the Board were present except Principal, Law College. In the meeting, the Board deliberated upon various agenda items including the annual budget of the Academy, actuarial study of the pension rules, ongoing developmental projects etc and decisions were taken.



Training on Gender Based Violence

In pursuance to the directive of hon'ble Peshawar High Court, the Academy organized two days training on Gender Based Violence (GBV). The objective of the Program is to sensitized the stakeholders of justice sector about GBV laws and promote awareness of Gender Based Violence laws and procedures to enable the participants to reflect on the link between GBV and protection in the given context.



In the opening ceremony of the first workshop, Director General, KP Judicial Academy graciously welcomed the participants and Ms Valarie Khan Yousafzai,

Chairperson, Group Development Pakistan. In his introductory remarks, he highlighted the issues of Gender based violence in criminal courts.

In the concluding session, Director General commended the efforts of the GDP Team and expressed his gratitude for imparting training on the GBV and looked forward that the training will certainly improve faculties of the stakeholders in implementation of the GBV laws in its letter and spirit. Ms Vilarie Khan praised the Academy for organizing the training program and expressed her expectations for its beneficial outcome in the justice sector.

Development Sector

Construction of the hostel of the Academy has entered in its final phase. Hon'ble the Chief Justice / Chairman, KPJA visited the hostel on 12.06.2020 and graciously approved the model room / furniture provided by Pak-German Wood Working Center. (Picture is attached). Payment of Rs. 7.5 million from the revenue component was made to Pak-German Wood Working Center for supply of furniture for the hostel in one month time period after getting approval of Hon'ble the Chairman, KP Judicial Academy.



Installation of the Air Conditioners & CCTV and landscaping has been recently completed. Procurement of the furniture and other equipment has also been processed. It is expected that the building will be handed over to the Academy and made functional at the end of 2020.

Besides, pursuant to the directions of hon'ble the Chairman the matter of maintenance and repair of the Academy was taken up with Provincial Government vide letter No. 1681/KPJA dated 12-12-2019. In the Finance Committee meeting held on 27.04.2020, a sum of Rs. 4.307 million was recommended under the head "Repair and Maintenance of Office Building (A-13301)" in the budget estimate of the Academy for financial year 2020-21. The matter was placed before the Board of Governors in the 11th meeting of Board of Governors held on 12.06.2020 under Agenda No. 7 i.e. Rehabilitation, Repair & Maintenance, and the Board graciously approved the proposal. Consequent to the decision, the requisite PC-I drawn up by the KP Communication & Works Department was placed before Departmental Development Working Party (DDWP) Peshawar High Court, Peshawar for sanction.

Administrative Arrangements

1. On completion of tenure of **Mr Muhammad Bashir**, District & Sessions Judge (Rtd) in March, **Mr Zia-ud-din Khattak**, District & Sessions Judge (Rtd) was appointed as Director General, KPJA.
 2. **Ghulam Abbas**, Additional District & Sessions Judge was posted as Director (Research & Publications) and was posted as Senior Director (Research & Publications) on his promotion.
 3. **Mohammad Farooq** was posted as Research & Publication Officer on 3rd of February, 2020.
 4. **Dr. Shakeel Azam Awan**, Dean Faculty stood retired from service after achieving his superannuation on 9th of April, 2020.
 5. **Syed Kamal Hussain Shah**, District & Sessions Judge assumed the charge of Dean Faculty on 11-05-2020.
-