



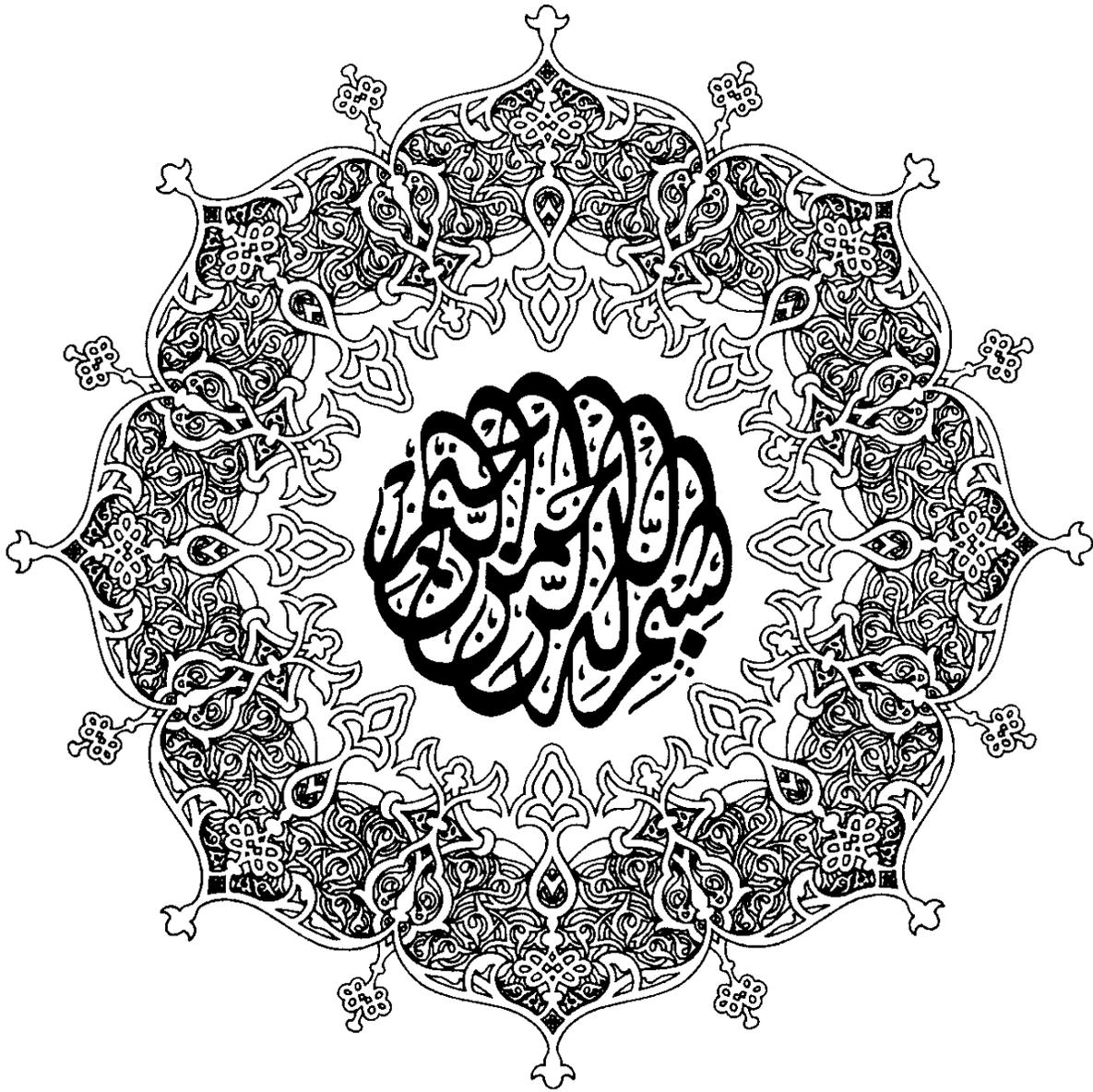
Seventh Training on Judgment Writing

Report Prepared By:
Dr. Khurshid Iqbal,
Dean Faculty

2013

From :
04-09 March, 2013

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Foreword

I feel honored to foreword this report. WITH THE COMPLETION of seventh training on judgment writing, one hundred seventy three judicial officers completed their training course successfully. The objective of penning a report of training is not only to document its activities but also to put the same to a third neutral eye for healthy criticism and independent evaluation. At the same time, it may work as a resource for new learners and researchers.

I must appreciate the efforts of the Academic wing of this academy, not only for holding a successful training but also for preparing its report well in time. The report is not only comprehensive but readable as well. You will find it fairest in format and coherent in contents.

Allah (SWT) bless all those who contribute to the noble cause of learning

Hayat Ali Shah,
Director General

Preface

What your hands hold, is the report of seventh training on judgment writing. This time, owing to the grant of exemption to two judicial officers by the honorable chairman, on account of unavoidable circumstances, twenty three civil judges/magistrates/Illaqa Qaziz participated in the training. They include three female judges and two judges from Malakand tribal areas. Thus, in connection with training series, we crossed another milestone. The number of judicial officers, trained up till now, is one hundred seventy three.

In order to make the training more effective and fruitful, substantive changes were introduced to the program. Keeping in view the feedbacks of participants of previous trainings, the Faculty revisited the schedule. A revised schedule was prepared with the approval of the worthy Director General. Time duration was enlarged by commencing the daily activities on 08:30 AM instead of 09:00 AM. Lengthy duration of six hours lecture on one subject was rendering the lectures monotonous; therefore, duration of some comparatively less important lectures was curtailed. The duration of the day-long- lectures was rationalized by its fixation in two consecutive days. Necessity of a high profile guest speaker was noticed in the previous trainings. To overcome this deficiency, Mr. Abdullah ex-Chief Secretary of KP was requested to deliver a lecture on the subject. He was kind enough to spare some time despite his busy schedule and delivered his scholarly lecture on **“A Critical Analysis of Decision Making: Focus on District Judiciary”**. Besides, Mr. Justice (Rtd) Shakirullah Jan too delivered a lecture on incorporation of **“Arbitration Award”** in judgment. These two [e]ditions to the course further glorified our training program.

All activities were carried out timely and successfully. Response of the participants was commendable. They made successful and informative power-point presentations. The performance of IT branch was also encouraging.

Qazi Attaullah,
Director Instructions

Concept Note

Training Course on Judgment Writing

‘Judgment writing is the hardest of the legal arts to master’. While there is a significant body of literature on judgment writing skills, there is a near consensus among judicial pundits that good judgment writing depends more on practice than theory. Caseloads have a telling negative impact on a sustainable good judicial style in judgment writing.

Pakistan’s 2009 National Judicial Policy and its rigorous monitoring by the judicial leadership, has generated tremendous pressure on the judges of the District Judiciary. There is a growing perception in the legal fraternity that fighting delay on war footing has led to the delivery of hasty judgments. While the avalanche of the caseload has been visibly melting down, it is now time to divert attention to improvement in the quality of judgment writing.

A quality judgment, as commonly understood, requires that it should speak for itself, be concise, reflect good writing skills, appreciate the readers’ needs and litigants’ wants. Appreciating the fact that the essence of judgeship is the delivery of judgments, the Khyber Pakhtunkhwa Judicial Academy plans to conduct its first training course on judgment writing. The underlying objective of this course is the development of one word vocabulary linked with the writing skills of judges. The guiding principle is an Arabic idiom:

يملو لمخير الكلام ما قل ودل (Tr. Best speech is one which is precise, speaking and free from boring length.)

The training curriculum and module will be designed on the basis of the needs of the judges. The Academy, however, intends to follow a participatory approach by seeking the in-input of the targeted trainees. To this end, the Academy has prepared a questionnaire, which is sent herewith for your valuable responses and views. The prime objective being training needs assessment, the Academy intends to ensure anonymity of respondents. Please do not write your name, nor put your signature on the questionnaire, which may be sent on the address given in the attached letter, as soon as possible.

Course Description

<i>Reference</i> <i>T-7/2013/JW/06 days</i>			
<i>Training</i>	<i>Judgment Writing</i>	<i>Duration</i>	<i>06 days</i>
<i>Participants</i>	<i>Civil Judges/Judicial Magistrates</i>	<i>No. of participants</i>	<i>Total 23; Male 19, Female 03</i>
<i>Method</i>	<i>Participatory, practical</i>		
<i>Designed by</i> <i>Dr Khurshid Iqbal, Dean Faculty</i>			

Aims and Objectives

While quality in judicial opinion writing has always been a top priority of the judiciary in all countries, in recent years there has been a growing concern about it in Pakistan. Arguably, one glaring reason is the mechanism of time bound disposal of cases proposed by the 2009 National Judicial Policy (Policy). The concern is that the mere disposal is and should not be enough. Another reason is a general need of capacity building as part of continuing judicial education. The main aim of this training is to build capacity of all judges of the District Judiciary, in the key area of judgment writing, both in regard to expression or language (effective communication) and substance or content (judicial aspects, such as appreciation of evidence). The principal duty of a judge is to deliver judgment after announcement of the decision in a case. Judgment writing is thus a vital part of judging or ‘judge craft’. There is no worth while training on the linguistic mechanics of judgment writing. Hence, judgment contains lapses which potentially harm judges’ credibility and efficiency as communicators of facts and legal analysis of law and evidence. It is for this reason that judgment writing has been selected as the first training at the Academy. The training has been designed in the backdrop of a questionnaire survey—an indigenous training needs assessment—of all judicial officers, including those working in the special courts and tribunals. The training will generate and encourage critical thinking about judicial opinion writing. A pluralist and diverse approach will be adopted to build professional capacity of the target participants. The participants are strongly advised to actively participate in the training, which will be firstly, graded at the Academy, and secondly, subjected to post-training impact assessment.

Key outcomes

The participants should be able to—

- Understand the basic concept and procedure of judgment/order writing.

- Learn necessary skills for appreciation of evidence and application of substantive and procedural laws and precedents.
- Explore and understand current global trends.
- Know and follow judicial opinion writing in the perspective of Islamic law.
- Strengthen theoretical foundations to know and understand the process, flow, models, mediums, types, barriers to and principles of effective communication.
- Be sensitized to the problem areas of English, and sharpen their skills for writing effective and self-contained judgments.

Requirements

- Send to the Director General (DG) a copy of two judgments: one civil, one criminal, which they rank as the best. The judgments will be examined through peer review.

Evaluation

- Feedback for each resource person (level 1).
- Feedback about the course on the last day (level 2).
- On job application of skills in due course of time (level 3).

MODULES

LANGUAGE

Prof. Dr IsmailWali, PhD in English, Professor Institute of Management Sciences, Peshawar

Style and structure of Judgment: Basics

Focus: Structural aspects and style of a judgment. *Skills:* Structuring and writing a judgment.

Judgment writing: Principles of effectiveness

Focus: 4Cs of effective communication. *Skills:* Concise, clear, correct and complete.

Judgment writing: Modern strategies

Focus: Avoidance of verbal pitfalls. *Skills:* Words to avoid.

Judgment writing: One word vocabulary

Focus: Consistency.

Skills: To develop consistency.

Judgment writing: Practical-I

Focus: Evaluation of a judgment.

Skill: To evaluate a judgment.

Judgment writing: Practical-II

Focus: Writing a judgment.

Skill: To write a judgment, applying the skills learnt.

S U B S T A N C E

Mr. Niaz Muhammad Khan, Registrar, Islamabad High Court

Elements of a court judgment

Focus: Procedural and substantive elements of judgment. Skill: The Dos and donts.

Appreciation of evidence in judgment writing

Focus: Conscious understanding and application of rules of evidence. Skill: Avoiding irrelevant and selecting the cogent.

Interpretation of laws in judgment writing

Focus: Juristic understanding of text of laws. Skill: Translation into judgment writing.

O T H E R S

Mr. Zia Ahmad Khan, Senior Instructor (retired), NIPA, Peshawar

Perception lock and its impact on judicial decision making

Focus: Psychology of judicial decision-making. Skill: To break the psychological barriers in reaching a just conclusion.

Mr. Amir Nazir, Senior Director Research, KP Judicial Academy

Procedural provisions pertaining to Judgment Writing

Focus: Revisiting relevant procedural rules. Skill: Correct application of procedural rules.

Dr Khurshid Iqbal, Dean Faculty, KP Judicial Academy

Contemporary trends in judgment writing

Focus: Analysis of contemporary research. Skill: To know best practices.

Qazi Attaullah, Director Instructions, KP Judicial Academy

Judgment writing in Islamic law

Focus: The significance of judicial decision making. Skill: Knowledge and application of relevant rules.

Dr Adnan Khan, Director Research, KP Judicial Academy

Research Skills Focus: The need and importance of judicial research. Skill: Learning of research skills

Schedule of Activities

<i>DAY ONE (04 MARCH, 2013)</i>		
Inaugural Session		
08.30—09.00 AM		
Pre-Training Evaluation		09.00—09.30 AM
Mr. Zia Ahmad Khan	Perception Lock and Judicial Decision Making-I	09:30-11:00 AM
Tea Break		
11.00—11.30 AM		
Mr. Zia Ahmad Khan	Perception Lock and Judicial Decision Making- II	11.30 AM—01.00 PM
Lunch & Prayer Break		
01.00—02.00 PM		
Dr Adnan Khan	Research Skills & Judgment Writing	02:00-04:00 PM
<i>DAY TWO (05 MARCH, 2013)</i>		
Recitation from the Holy Qur'an & Dua'a		
Presentation Group-A		
08.30—09.00 AM		
Porf. Dr. Ismail Wali	Style and Structure of Judgment: Basics	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Porf. Dr. Ismail Wali	Principles of Effectiveness	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Dr Khurshid Iqbal	Contemporary Trends in Judgment Writing: A Literature Review	02:15-04:15 PM

<i>DAY THREE 06 MARCH, 2013)</i>		
Recitation from the Holy Qur'an & Dua'a		
Presentation Group-B		
08.30—09.00 AM		
Qazi Attaullah	Judgment Writing in Islamic Jurisprudence	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Porf. Dr. Ismail Wali	Judgment Writing: Modern Strategies	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Porf. Dr. Ismail Wali	One-Word Dictionary	02:15-04:15 PM
<i>DAY FOUR 07 MARCH, 2013)</i>		
Recitation from the Holy Qur'an & Dua'a		
Presentation Group-C		
08.30—09.00 AM		
Mr. Niaz Muhammad Khan	Elements of Court Judgment	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Mr. Niaz Muhammad Khan	Appreciation of Evidence	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Mr. Niaz Muhammad Khan	Interpretation of law in Judgment Writing	02:15-04:15 PM
<i>DAY FIVE 08 MARCH, 2013)</i>		
Recitation from the Holy Qur'an & Dua'a		
Presentation Group-D		
08.30—09.00 AM		

Mr. Amir Nazir	Procedural Provisions Pertaining to Judgment Writing	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Justice (R) Mian Shakirullah Jan	Incorporation of Arbitration Award in Judgment	11.30 AM— 01.00PM
(Friday Prayer)		
Activities Off for Juma Prayer, Lunch & Preparation for Academy Night		
DAY SIX 09 MARCH, 2013		
Recitation from the Holy Qur'an & Dua'a		
Presentation Group-E &		
Post-Training Evaluation		
Overall Feedback		
08.30—10.00 AM		
Mr. Abdullah	A Critical Analysis of Decision Making: Focus on District Judiciary	10:00 AM-12:00 PM
(Guest Speaker)		
Concluding Ceremony		
12.00 Noon—01.00 PM		

Welcome Address by the Director General

Dear Participants

Laws of Nature are uniform and constant. From large planets to microscopic atoms, creatures have to obey these uniform laws of nature. Even slight deviation from the normal course will result in disruption of the whole universe. This shows that Nature does not allow disobedience of its laws.

Same is the case with state institutions. The success of an institution depends on proper functioning of its units at all levels. Every unit of an institution from bottom to top operates on the basis of division of labor. If one unit of the system does not perform its assigned function in the prescribed manner, it creates vacuum, which leads to pressure on other units and the ultimate result is destruction of the whole system.

Judiciary is no different a case. The strength of the judicial edifice depends on the competency, coordination and harmony of its building blocks. You people at this level serve as the building blocks in the judicial hierarchy. If God forbids vacuum develops at this level in the justice system, it will result in uneven pressure all across which will lead to disintegration of the whole system. And remember it will not only affect the justice system but it will have a domino effect and will play havoc on other state institutions as well.

In order to prevent this state of affairs we have to take pre-emptive measures. Now the question arises what we can do to block the way of this decaying vacuum from developing in our justice system. The answer is capacity building through training in the key areas of decision making process. The training on judgment writing is a crucial step in this direction. This one week course on judgment writing is designed to help address the areas which need improvement in your judgment writing skills. After successful completion of this course, I hope you will feel a difference in your professional development including attitude, which will go a long way to bring about meaningful improvement in the justice system.

I officially welcome you to this course and wish you best of luck.

Hayat Ali Shah,
Director General

MONDAY**04 March, 2013****DAY-I**

Inaugural Session		
08.30—09.00 AM		
Pre-Training Evaluation		09.00—09.30 AM
Mr. Zia Ahmad Khan	Perception Lock and Judicial Decision Making-I	09:30-11:00 AM
Tea Break		
11.00—11.30 AM		
Mr. Zia Ahmad Khan	Perception Lock and Judicial Decision Making- II	11.30 AM—01.00 PM
Lunch & Prayer Break		
01.00—02.00 PM		
Dr Adnan Khan	Research Skills & Judgment Writing	02:00-04:00 PM

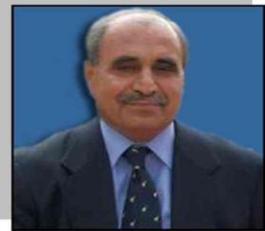
Mr. Zia Ahmad Khan

Curriculum Vitae

Zia Ahmad Khan

Profile

Addl Directing Staff, NIM, Pakistan Academy for Rural Development, University Town, Peshawar
Office: 091-9216003 **Mob: 0315-9067939** Res: 091-9216281

Education	1968 School Certificate O' Level 1972 Graduation in Arts 1975 Master in Public Admn-MPA	Cambridge University UK Karachi University Punjab University	
In Country Training	1983 Local Planning & Mgt. UNICEF & UNCRD 1986 Case Method Seminar: PASC Lahore 1986 Foreign Travel Integration: Islamabad 2004 Human Rights FD Training Institute	Japan World Bank USAID Islamabad	
Training Abroad	1985 Designing Training Programs: ITI 1986 Leadership & O.D: ITOD Pittsburgh 1986 Recognition Certificate on Leadership 2004 Self Employment: Eastham London	Australia USA USAID UK	
Experience	Working at PARD & NIPA/NIM, Peshawar since 1977		
Clientele	Trained Thousands of Professionals such as Senior Government Officials, College Principals, University Professors, Staff of NGOs, Doctors, Bankers, Engineers, Local Councilors, Community Leaders, Teachers, Foreign Diplomats including groups from: Africa, Palestine, Central Asia and Afghanistan		
Subjects	Management Stress Management Crisis Management Good Governance Restructuring Orgs	Humaneering - HRD Poverty Reduction Gender Mainstreaming Community Development Reprogramming Behavior	Leadership Presentation Skills Health & Education Environmental Mgt. Reporting Writing
	In addition to PARD, NIPA/NIM & PSA, also worked for the following:		
National Orgs	PESHAWAR Institute of Management Sc. Agriculture Training Institute Inst. Of Computers & Mgt. Sc. Peshawar Dev. Authority Coord. For Humanitarian Asstt. Sarhad Rural Support Corp. Institute of Edu. & Research Dev. Alternative Incorporation College of Home Economics Habib Bank Ltd. National Bank of Pakistan State Bank of Pakistan	N.W.F.P. KIDP Kalam FVDB Mingora DDDD Dir SRSC Charsadda SRSC Abbottabad SRSC Kohat PTC Hangu TSC Haripur ISSB Kohat SIAP Swabi ADC Mardan LPAP Lachi	ISLAMABAD NIBAF NCRD Academy for Edu. Plg. & Mgt. Foreign Service Academy WAPDA Staff College Trust for Voluntary Orgs. Women's Division, GOP QUETTA BCIAP World Bank KARACHI Karachi Metropolitan Corp. K. Water & Sewerage Board
Global Orgs	<p>Member, Provincial Trainers Team, Local Planning & Management, Chitral, 1983, UNICEF Author, Manual on Local Planning & Management, 1984, UNICEF Coordinator, Training Programs at NIPA FHP Health Deptt. 1984 World Bank Author, Training Manual on Health Planning & Management FHP, 1997 World Bank Author, Training Manual on TOT FHP Health Department, 1997 World Bank Author, Evaluation of SRSC, NGO Dev. in South Asia, Managing for Change, AKF Oxford Coordinator, Training Task Force, BCIAP, Balochistan, 1999 World Bank Author, Training Manual BCIAP, Irrigation Department, Balochistan, 1999 World Bank Leader, Core Group (Nucleus) Training Programs Local Govt. (Devolution) 2000 NRB Trainer, Mine Action Program for Afghanistan, Cranfield University, UK UNDP Moderator, NWFP Education Policy and Strategy, Education Deptt. 2003 GTZ & DFID Author, NWFP Education Policy and Strategy, Education Deptt. 2003 GTZ & DFID Coordinator, Training Programs, Gender Mainstreaming, 2006, P&D NWFP, UNDP</p>		
Resource Person	Seminar for Vice Chancellors of all Universities in Pakistan, Islamabad, 1989		
Publications	Scores of Internationally acclaimed Research Studies and Publications		
	<p>Job Opportunity, Leeds Metropolitan University, 2004, UK Selected as Resource Person London Corporate College, 2004, UK Selected as HRD Specialist EIROP Peshawar, 2005, UNDP Work Permit Holder, Highly Skilled Migrant Program, UK</p>		

Schooling: Lawrence College, Murree Hills

1 of 4

www.humaneeringzia.com

Zia Ahmad Khan : ADS, NIM-Pak Academy for Rural Dev. Peshawar
Mob. 0315-9067939

International Credentials

United Kingdom

- | | | |
|-----|---|---------------|
| 01. | Work Permit , Highly Skilled Migrant Programme Home Office | UK |
| 02. | School Certificate O'Level Cambridge University | UK |
| 03. | Oxford Word and Language Service: Humaneering | UK |
| 04. | Resource Person Mine Action Prog. Cranfield University | UK |
| 05. | Employment Opportunity, Leeds Metropolitan University | UK |
| 06. | Job Offer as Consultant London Corporate College | UK |
| 07. | National Insurance Number Card for Life Glasgow | UK |
| 08. | Training on Self Employment , Satsuma Consultancy, London | UK |
| 09. | Check List of British High Commission for Award of Visa | UK |
| 10. | Contribution of Case Study to Book Managing for Change | Oxford |

USA and USAID

- | | | |
|-----|--|--------------|
| 01. | Certificate of Recognition on Leadership & Org. Development | USA |
| 02. | Leadership and Organizational Development Pittsburgh | USA |
| 03. | Scholarship for Higher Studies in Dev. Admin (2 years) | USA |
| 04. | Letter of Tom Rogers Academy for Education Development | USAID |
| 05. | Assessment of International Training Programmes by AED | USAID |
| 06. | Workshop on Foreign Travel Integration Academy for Edu.Dev. | USAID |

Australia & Austria

- | | | |
|-----|---|------------------|
| 01. | Design & Development of Training Programmes ITI Sydney | Australia |
| 02. | Internship Program at Sydney Trainer Training Centre | Australia |
| 03. | Pak. Community Development Programme , Austrian Relief Com | Austria |

UN and Others

- | | | |
|-----|---|----------------|
| 01. | Master Trainer Planning Through Community Participation | UNICEF |
| 02. | Job offer as Human Resource Development Specialist EIROP | UNDP |
| 03. | Training Course on MIS – Cabinet Secretariat Mgt.Services Div. | UNDP |
| 04. | Case Study Seminar, PASC, Lahore , Ec. Dev. Institute | W/ Bank |
| 05. | Coordinator & Author NWFP Education Policy & Strategy | GTZ |

Designed & Conducted Special Courses for Participants of
Central Asia, Africa, Palestine & Afghanistan

Zia Ahmad Khan : Research Studies & Publications

Rural Development

- Impact of Daudzai Pilot Project IRDP Study of (86) Village Organizations** PARD, Peshawar 1977 (Unpublished)
- Report of Conference and Workshop on Non-Formal Education and the Rural Poor** Journal of Rural Dev. and Administration Vol XIII, No.2, PARD, Peshawar (1978) Book Review
- Rural Development – View from a Farmer’s Hamlet (A Case Study)** Basic Needs and Rural Development Part-I, International Seminar Papers, PARD, Peshawar (1980) p.436
- Conflict in Management Patterns as an Impediments to Rural Dev. in Pakistan**, Management for Rural Dev. in Pak (Report of an International Seminar) PARD, Peshawar, UNICEF – Pak UNCRD Nagoya, Japan (1983) p.77
- Possibilities and Prospects of Agro-Based Industries for Rural Women in NWFP**, Women’s Division, Government of Pakistan, Islamabad (1983)
- Drift and Dissipation in Rural Development – An SOS for Survival** papers of an International Conference on Challenge of Rural Development in the Eighties, PARD, Peshawar (1985)
- Problems and Prospects of Rainfed Agriculture in NWFP (An Overview) Evaluation of Phase-II** and Future Requirements, PARD, Peshawar (1988)
- Poverty Reduction Strategy** (Manual on Integrated and Participatory Approaches), PARD, Peshawar 2001
- Storey of PARD Part-II Golden Jubilee**, Pakistan Academy for Rural Development, Peshawar, 2010

Planning and Management

- **Decision Making in a Tribal Social System** Journal of Rural Development and Administration, Vol. XV, No.1, PARD, Peshawar (1978)
- **Five Year Plan of District Chitral, (Based on House to House Survey with Community Participation)** PARD, Peshawar, UNICEF Pakistan & UNCRD Nagoya Japan (1983-84)
- **Manual for Local Level Planning and Management through Community Participation** UNICEF Pakistan, Islamabad (1984)
- **Organizational Aspects of Kalam Farmers**, KIDP (A Pak Swiss Joint Venture), PARD, Peshawar (1986-87)
- **Wafaqi Mohtasib (Ombudsman)’s Annual Report 1986 – A Critical Appreciation**, Journal of Rural Development and Administration Volume XX, No.3, PARD, Peshawar (1988) p.107
- **Interview – A Form of Human Engineering** Paper presented at the General Seminar Inter-Services Selection Board (ISSB) Kohat (1989)
- **Humaneering – A process for Preventing Crime**, International Seminar on Criminal Justice: Asia Crime Prevention Foundation and National Police Academy, Islamabad, 1992
- **Manual on Health Planning and Management** (World Bank) for Trainers of FHP, (1997) (unpublished)
- **Evaluation of Khyber Medical College and Postgraduate Medical Institute**, Peshawar by PARD, Peshawar (FHP/World Bank) 1988 unpublished
- **NWFP Education Policy and Strategy** Education Department, GTZ and DFID, Peshawar, 2003 (unpublished)
- **PRA Techniques for Agriculture Officers and Field Assistants of FATA, ATI**, Peshawar 2003 (unpublished)
- **Cruising in Turbulence, Case Study of SRSC** Peshawar **Managing for Change, Asian NGOs AKF Oxford**

Training

- **First Advanced Course** in Public Administration and Dev. Economics, NIPA Peshawar (1986)
- **Towards Andragogy – Second Advanced Course** NIPA, Peshawar (1987)
- **Thought of the Day – A Serendipitous Sojourn in Andragogy**, NIPA Peshawar (1988)
- **Experiential Learning – Third Advanced Course**, NIPA Peshawar (1989)
- **Career Awareness and Career Dev.** Workshop Papers on Vocational Guidance and Employment Awareness, Ministry of Manpower & Overseas Pakistanis, Government of Pakistan (1990)
- **Internal Assessment of Training Programs** PARD, NIPA, Peshawar (1990)
- **Semantic Equivalents of Learning “PRISMIRROR”** Advanced Course NIPA Peshawar (1992)
- **Milking Memories, First Re-Union** of NIPA, Peshawar (1994)
- **Manual on (TOT Course) Design and Dev. of Training Programs** NIPA & FHP (World Bank) for Trainers of FHP Peshawar (1997) (unpublished)
- **Training Manual on Community Irrigation Services**, Irrigation Department and BCIAP Quetta, Balochistan (World Bank) 1999 (unpublished).
- **Training Need Assessment** Report for MCMC Courses National Institute of Management, (2006) NSPP

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RELEASE YOUR EXCELLENCE THROUGH “HUMANEEERING”

The author holds Certificates & Credentials from Cambridge University, OWLS: Oxford, Cranfield University, ITI Sydney, ITOD Pittsburgh, Pennsylvania University, USC California, World Bank, UNICEF, GTZ and **The Highly Skilled Migrant Program Work Permits UK**

e-mail: ziaahmad2003@hotmail.com

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TURN AROUND

TOWARDS EXCELLENCE

During and at the end of the Programme Your Team will be able to:

- Unfold the Greater Consciousness, Tap the Trapped Potentials, Release Human Excellence and Develop Performance Standards

Treat
Stress
Anxiety
Depression

Cure
General
Adaptability
Syndrome

Discover Extra-Ordinary Talents
Unleash SCOTOMAS/Blind Spots
Nurture Self Discipline and Treat Defence Mechanism Syndromes

Control Millions of Nerve Centres, Expand Comfort Zones Willingly, Foster Team Building and Manage Stress Situations Confidently

Synthesize East West Knowledge, Embrace Innovative Dimensions Accelerate Creative Decisions and Strengthen all Strategic Options:

Redefine motivational Techniques, Understand Non-Verbal Languages, Analyze Time Wasters Regularly and Practice, Free Process Consultancy

Promote Problem Sensing Approaches Upgrade Communication Abilities, Improve Decision Making Skills and Regulate Leadership Styles Effectively

Avoid
Learning
And
Development

Elevate Managerial Excellence, Synchronize Group Energies, Extend Organizational Image:

Focus
De-Learning
And
Development

TRAVEL

From
Problem Sensing

To
Problem Solving

Move Towards
PROFESSIONAL MANAGEMENT
(Just 36 Hours of Group Learning)

"HUMANEEERING"

The Science and Art
Of
MICRO-SKILLS

Adopt

Stress
Management
Techniques

Release

Extra
Sensory
Perception

CATCH THE CRUX OF

- Perception Lock
- Motivation
- Communication
- Decision Making
- Stress Management
- Group Dynamics
- Leadership and Team Building

IN THE CONTEXT OF

MBO, Harsh Management, MBR, Good Governance, Gender Issues, Poverty Reduction
Time Management, IT, Managerial Excellence
EXISTENTIALISM, TRANSACTIONAL ANALYSIS, ERGONOMICS
PSYCHO-KINESIS AND SYNECTICS

THROUGH THE LATEST LEARNING TECHNIQUES

DIS-EASES CAUSED BY (SCAN)?

Let's	
<ul style="list-style-type: none"> ❖ Blindness ❖ Narcissism ❖ Sadism ❖ Masochism ❖ Sado-Masochism ❖ Hysteria ❖ Phobia ❖ Paranoia ❖ Epilepsy ❖ Euphoria ❖ Narcolepsy 	<ul style="list-style-type: none"> ❖ Hypnosis ❖ Hypertension ❖ Insomnia ❖ Psywar ❖ Aggression ❖ Regression ❖ Depression ❖ Withdrawal ❖ Conflict ❖ Corruption ❖ Deadlock

P E A C E

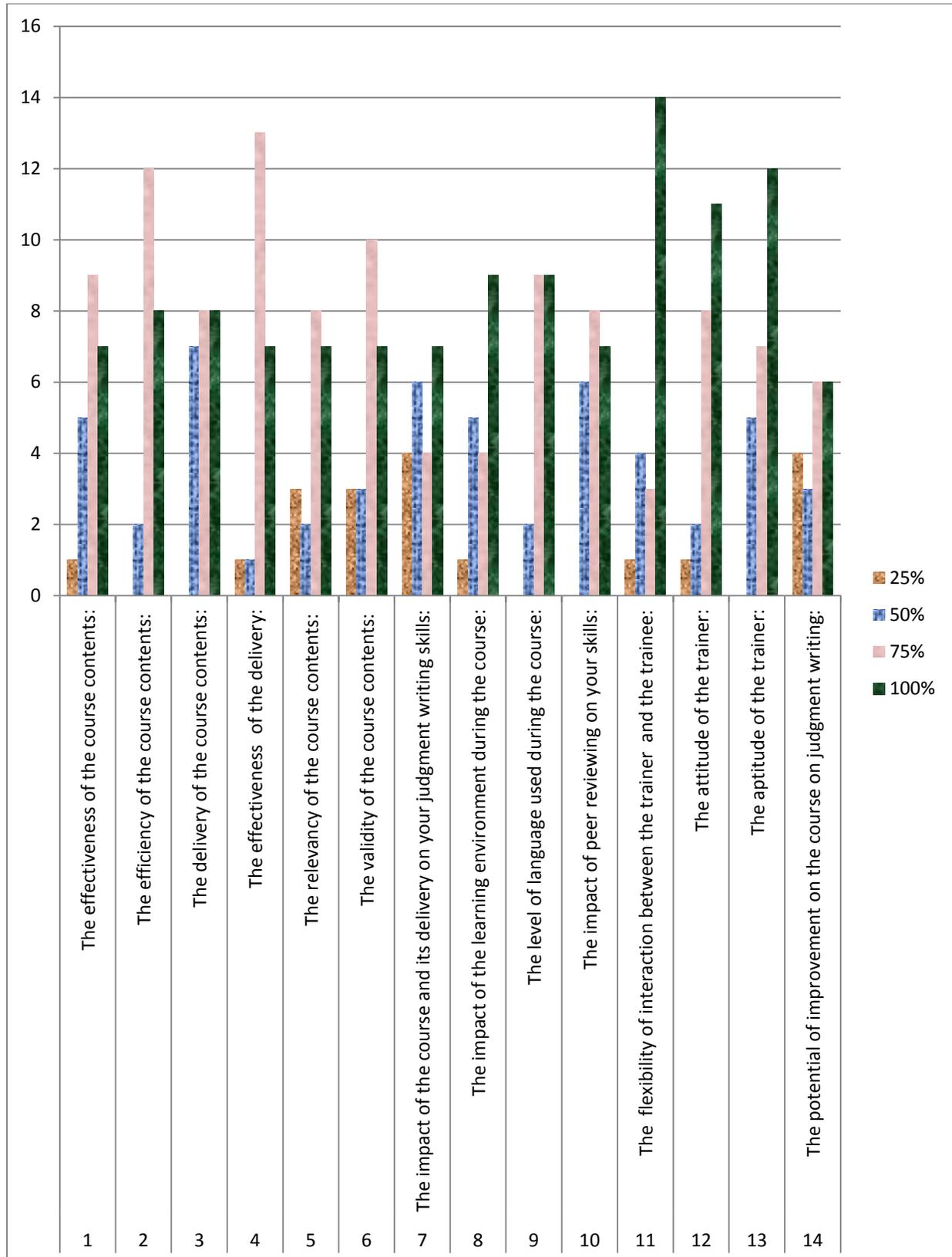
Professional Excellence for

Attitudinal

Change and

Effectiveness

Feedback



Dr. Adnan Khan

Curriculum Vitae

Adnan Khan

Kamarbagh, College Colony, Saidu Sharif, Swat

Email: akhan@lincoln.ac.uk. **Tel:** 03469415233

DOB: 10/01/1980

Academic Qualification

2012 **Bar Transfer Test**, Kaplan, UK

2012 **Qualified Lawyer's Transfer Test**, Kaplan, UK

2011 **PhD Law**, University of Lincoln, UK

2004 **LLM International Law**, University of Hull, UK

2003 **LLB (Hons) Shariah and Law**, International Islamic University Islamabad, Pakistan

2002 **MA Politics**, University of Peshawar, Pakistan

2001 **BA Law and Politics**, University of Peshawar, Pakistan

Present Position

Director Research & Publication, KP Judicial Academy

Work Experience

- Lecturer Business Law, National College of Business & Management Sciences Islamabad from Feb 2004 to Jan 2005.
- Advocate High Court registered with KPK Bar Council since 02/12/2004.
- Civil Judge-cum-Judicial Magistrate KPK Judiciary from March 2006 to Feb 2012
- Public Service Interpreter at police stations registered with Cintra Ltd. Cambridge since April 2009.
- Legal Executive, SABZ Solicitors Manchester since April 2012.

Membership of Professional Body

- Law Society of England and Wales as Solicitor of the Superme Court.
- KPK Bar Council as Advocate of the High Courts.
- In the process of registering as a Practicing Barrister with Bar Standard Board.

Research work

- Successfully completed PhD dissertation on Blasphemy laws.
- Successfully completed LLM dissertation on Corporate Laws.
- Passed all the module essays each of approx. 5000 words on Comparative Company Law, International Law of Trade and Development, Multinational Corporations and the Law, International Environmental Law, Public International Law Human Rights Law during LLM at Hull University.

Publications

- **“The Extent of Sovereign Immunity under our Legal Edifice”** in the process of publication.
- **2008“Movement for Restoration of Judiciary in Pakistan”** Conference Publication in annual research conference, University of Lincoln, Dec 2008.
- **2007 “Role of the Bench Bar Liaison Committee in the Administration of Justice”** Conference Publication at the annual conference of judges from NWFP Judiciary, Swat, Nov 2007.
- **2003“Climate Change Conventions: How effectively do they address the Issues?”** Conference Publication, University of Hull, Feb 2003.
- **2003“The Concept of Corporate Personality in Islamic Law”** Conference Publication, University of Hull, June 2003.
- Recently compiled Annual Report for the Peshawar High Court Peshawar.

Computer Skills:

Have a sound knowledge of MS Word, Excel, Power Point, Internet Programs, Search Engines, Windows and other software installations, Adobe etc.

Language Skills:

Proficiency in English, Arabic, Urdu and Pashto

Essay Writing & Basic Terms in Research

Abstract of lecture presented by Dr. Adnan Khan, Director Research.

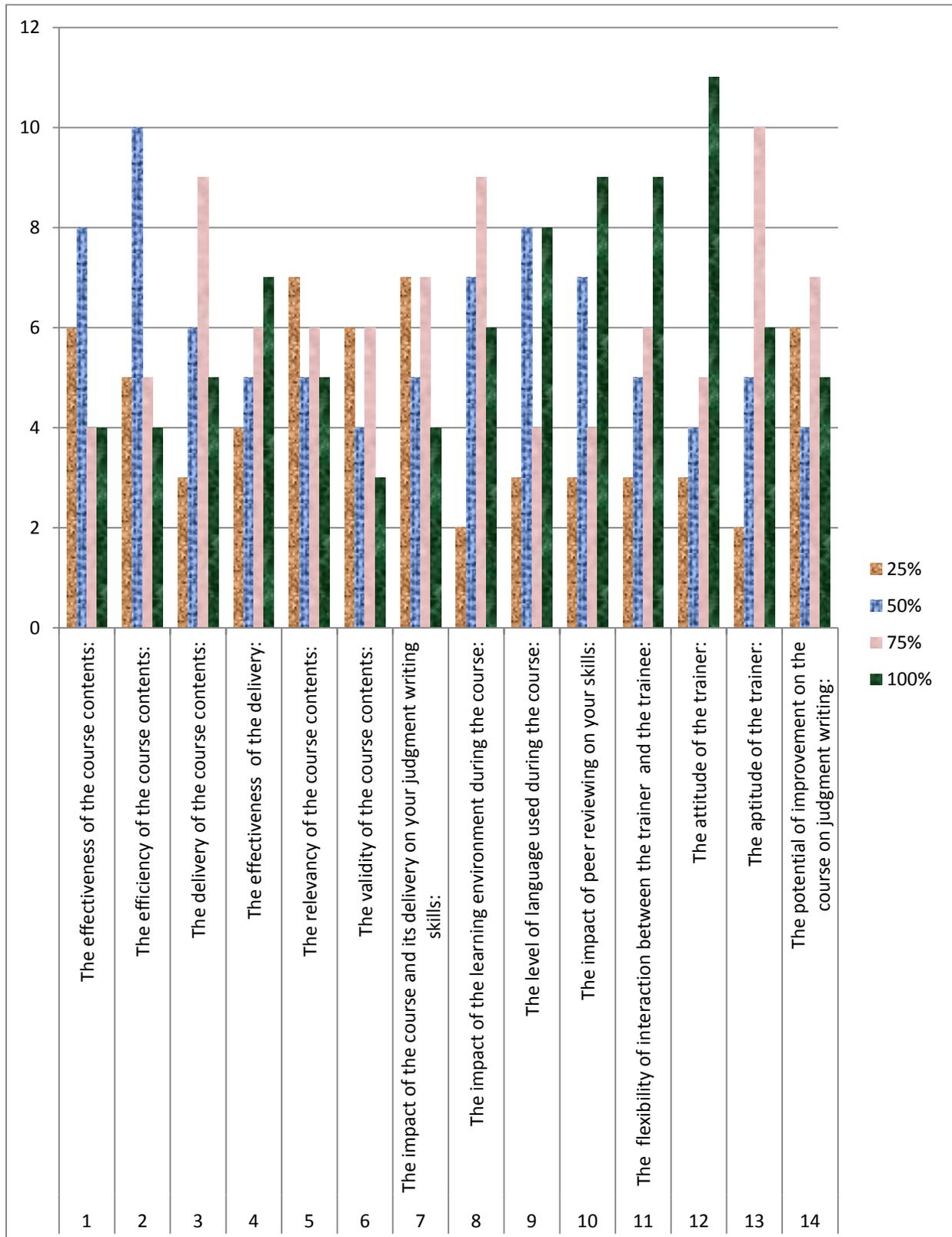
Essay refers to a piece of writing reflecting author's views about a certain thing. Generally, all essays start with an introductory part; they have a main body, and end with a conclusion. The easiest and most convenient way of writing an essay is to start with mind mapping, a technique also known as brain storming. In the process, different aspects of the subject matter of essay are noted down in the shape of mind mapping tree. Subsequently, each point is elaborated in modest sentences. One point, preferably of a generic nature is left for the conclusion.

While writing academic essays, care should always be taken to avoid plagiarism. Material quoted or referred to should be referenced properly. References may be given in the shape of footnotes or endnotes. There are different styles of putting references in a paper, and it is for the researcher to adapt a certain style; however, there must be constituency in adapting a certain pattern.

Primarily, there are two types of researches: theoretical research (also known as doctoral research) and empirical research or applied research. In the former research, secondary sources are utilized and the study takes place in a library or laboratory. In the latter type of research, the researcher has to obtain data from the field. It may be obtained in the form of questionnaires, interviews and many other modes. These two types of researches are also known as qualitative research and quantitative research.

Sources of research are divided into primary sources and secondary sources. Statistical data collected from the field, interviews, public record, statutes and courts' judgments come under the category of primary sources. Published work in the form of books, articles and other material come under the category of secondary sources. Tools of research differ from sources of research.

Feedback



TUESDAY 05 March, 2013

DAY-II

Recitation from the Holy Qur'an & Dua'a		
Presentation Group-A		
08.30—09.00 AM		
Porf. Dr. Ismail Wali	Style and Structure of Judgment: Basics	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Porf. Dr. Ismail Wali	Principles of Effectiveness	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Dr Khurshid Iqbal	Contemporary Trends in Judgment Writing: A Literature Review	02:15-04:15 PM

Dr. Muhammad Ismail Wali**Curriculum Vitae**

Name: Muhammad Ismail Wali
Father's Name: Mir AfzalWali
Date of Birth: March 3, 1960
Domicile: Chitral, KPK
Permanent Address: PO & Village Mastuj, TehsialMastuj, District Chitral, Khyber Pakhtunkhwa
Mailing Address: Instituteof Management Sciences, Phase-7, Hayatabad, Peshawar
Email: ismwali@gmail.com
Mobile: 03038330745

Academics:

	Year	School/College/University	Subject (s)	M O	Div/Gr
Matric	1976	GHS Mastuj, Chitral	English, Math General Science Pak studies Persian I studies	541	1st
F A	1978	GDC, Chitral	English Urdu Economics Islamic History Persian	548	2nd
B A	1980	Private Capacity	English English Elective Islamic Ideology Islamic History Urdu	311	2nd
MA	1984	PG Jahanzeb College, UoP of Peshawar	English	2nd	
M Phil	1998	Department of English, UOP of Pesh	English		3.3 GPA
PhD	2009	Department of English, UoP of Peshawar	English		3.7 GPA

Research Details:

1. Awarded M Phil for research on Matthew Arnold's Poetry, *A Journey through Night: An Interpretative Study*. The study focuses on the symbolic aspects of the image of "night" in Arnold's poetry, backed by an extensive statistical analysis applied to a literary text for the first time in Pakistan.
2. Awarded PhD in English for research on a Shakespeare's comedy from a Jungian perspective: *A Midsummer Night's Dream: Shakespeare's Syzygy of Meaning*. The research work was supervised by Professor Nasir Jamal Khattak, PhD (Amherst), the Chair, Department of English and Applied Language, University of Peshawar. This is the first foreign-evaluated degree awarded to a scholar of the above department.

Published and Prospective Papers:

S No	Title of Paper	Year	Journal
1	Poetical Appeal in Charles Lamb's Essay "The Child Angel"	1993	Journal of English Literary Club
2	Bottom's Bottom's Dream	2003	Journal of Humanities and Social Sciences, Vol. IV, 1 & 2, 2003
3	Shakespeare's A Midsummer Night's Dream: Syzygy in Action	2005	Do Vol. XIII, 1 & 2, 2005
4	Seeing Through Shakespeare's a Midsummer Night's Dream, co-authored by Prof. Nasir Jamal Khattak, PhD	2008	Do Vol. XVI, 1, 2008
5	"Brave Night and Hideous Night:" A Jungian Reading of Shakespeare's Sonnets	Under process	
6	Shakespeare's Synergizing Potential: A Study of <i>A Midsummer Night's Dream</i> from Management Perspective	Under process	

Track History: Joined Education Department, NWFP, as lecturer in English in March 1986 on ad hoc basis, and worked in that capacity till regularization through NWFP Public Service Commission in 1987. I have been teaching English at FA and BA levels till my deputation to the Institute of Management Sciences, Peshawar, in November, 2009.

Field Activities:

Supervised a team of auditors for 3rd part validation of schools in KhyberPakhtunkhwa.

Designed a course on Language and Communication Skills for PMS Officers

Conducted a one day workshop on “psychology of Learning and Research” on 12-2-2010 in I/M Sciences

Administrative Experience: worked as Section Officer in Higher Education Department, Civil Secretariat, Peshawar, from Feb 2002 to Nov 2002. During this period I learned how

- to prepare briefs and summaries for Ministers/Chief Minister
- to put up cases of appointment, transfer, leave, and disciplinary action
- to work in an official environment
- deal with issues of public interest
- to put up a proposal for approval

Social Activities: worked as volunteer chairperson of QASADO, a local non-profit organization for human and natural resource development. In this capacity, I experienced how to

- work in a participatory environment
- formulate policies for sustainable development
- establish linkages with donors for partnership programs
- preside over meetings and lead a team

Immediate Future Plan:

Vision: to work for creating an academic environment and intellectual growth in such a way as to produce not “living copying machines” to follow a “cut and paste method” for promotion, but “creative individuals” for procreative activities in every field of human activity., and to work for living together as humans irrespective creed, caste, and culture.

Style and Structure of Judgment: Basics

Conceptual Background: Besides legal knowledge and judicial wisdom, writing a judgment is a skill involving orthography (how thoughts are turned into symbolic patterns on paper/computer, grammar and punctuation (mechanics of English), idiomatic structures (which are governed by conventions) and semantics (study of meaning). The core objective of these lectures is to sensitize the participants to verbal strategies for writing legally effective and stylistically persuasive judgments.

Brainstorming

Question: what psychic component governs all our activities as humans?

All human activities are governed by the ego, the regulator of our waking life. The process of judgment writing is no exception to it. If the ego malfunctions, semantic distortions occur in a judgment. Therefore a judge should empty his/her mind of all those contents which may negatively affect his/her judgment. The presence of such contents may impair their objectivity, impartiality, fairness and sense of justice. And without these values both the structure and style of a judgment lose their effectiveness.

This lecture focuses on the basics of structure and style of judgment before familiarizing the participants with the strategies of professional writing. Usually, the structure of a judgment comprises of 1) information on court, judge and his/her station; 2) case and its file No; 3) title of case; 4) introduction; 5) facts; 6) evidence analysis; 7) reasoning; 8) application of law; 9) order; 10) signature/seal/date. The style of a judgment depends upon diction, structure of sentences and paragraphing to organize ideas for an effective management of language. Words are the building blocks of a judgment; hence knowledge of words and their denotative aspect is essential for judgment writing. Collocations are fraught with difficulties for non-native users, and through this lecture participants will be sensitized to the usage of words in English. Words, phrases and clauses are combined to make sentences for generating extended units of meaning. Sentences may be simple, compound or complex, depending upon the ideas on the mind of a user. Sentences are combined to form paragraphs. A good writer organizes his/her ideas into easily graspable paragraphs, each having a thesis statement.

Writing is a difficult process, and all professional writers follow certain formal steps for producing an effective piece of writing. These steps are: 1) planning, 2) drafting/writing, 3) revising, 4) editing, and 5) making a fair copy. Like all other organized activities, judgment writing needs strategic planning for effective communication. Planning includes making an outline of paragraphing a judgment. The outline should be based on the notes of a judge which he/she has been taking for the final version. Keeping in view the contents of the outline, the writer should proceed to commit it to writing on paper/computer in detail. After writing/dictating the first draft, the writer should let it “cool off” for some time. After the “cooling” process, comes the stage of revising. Revising is usually a process of searching for gaps in

meaning and organization of ideas till the end. The third step is that of editing, which is conducted for grammatical and punctuation lapses. After editing, the writer makes a fair copy of the write-up. The fair copy should finally be read for complete satisfaction.

The outcome is that both attitude and aptitude are required for producing a legally effective and stylistically persuasive document.

Dr. Khurshid Iqbal**Curriculum Vitae****DR KHURSHID IQBAL**

Dean Faculty

The Khyber Pakhtunkhwa Judicial Academy,
Peshawar, Pakistan

Phone: 0092-333 92 99 326

Email: zwnakh@hotmail.comAlternate: gulalaikhattk@yahoo.comOfficial: Khurshid@kpkjudicialacademy.gov.pk**Education**

- Sep 2004—Nov 2007: University of Ulster, UK. PhD: International Human Rights Law
- Sep 2001—Sep 2002: University of Hull, UK. LLM: International Business Law
- Oct 1993—Oct 1995: University of Peshawar, Pakistan. M.A.: Political Science
- Mar 1988—Mar 1990: University of Peshawar, Pakistan. L.L.B.

Professional Qualification

- Feb 1991—Dec 1992: Advocate, District Courts (non-practising)

Employment

- Dec 1992—Present: Judge, District Judiciary, Government of Pakistan
- Jan 2008—Present: Visiting Lecturer, Law College, University of Peshawar, Pakistan
- June 2009—Present: Visiting Lecture, International Islamic University, Islamabad, Pakistan

Career progression

I joined Provincial Judicial Service of Pakistan's Khyber Pakhtunkhwa province, as a Civil Judge, in 1992, promoted as Senior Civil Judge (1997), Additional District & Sessions Judge (2003) and the current position of District & Sessions Judge (2011).

Job description**Dean**

As Dean of the Khyber Pakhtunkhwa Judicial Academy, Peshawar, I am responsible for teaching various training courses for judges, lawyers, prosecutors and other personnel of the justice system. I also design training modules, organize seminars and workshops on legal and judicial topics and produce their detailed reports for publication. As Dean I am the editor of the Academy's quarterly newsletter. I have designed the Academy's brochure. I also head the

Research Wing of the Academy. Currently, I am leading two research studies of the Academy, funded by the UNDP.

Judge

I am a trial Judge for offences carrying capital punishment and first appellate Judge for private disputes, such as, contracts, torts, family, guardianship, rent, mortgage, compensation. I also perform administrative duties such as recruitment and promotion of court staff, evaluation of performance of subordinate judges and court staff, budget and accounts.

Specialtasks (as a Judge)

1. Jan 2008—March 2008: Course Coordinator for a pre-service training of newly recruited Civil Judges/Judicial Magistrates at the Federal Judicial Academy, Islamabad.
2. March 2008—August 2008: Founding Director of the Judicial Training Centre at the Peshawar High Court, Peshawar.
3. April 2008: A key member of the organizing team of the 5th Provincial Judicial Conference held at Peshawar on 7 & 8 April 2008; produced detail report of the Conference.
4. August 2009: Organized, conducted a District Judicial Conference at Dera Ismail Khan (Khyber Pakhtunkhwa, Pakistan); produced its detail report.
5. Jan 2010—June 2010: Additional Special Judge Anti-Corruption.
6. Oct 2010—May 2011: Additional Member Inspection Team; Acting Director General of the Khyber Pakhtunkhwa Judicial Academy.
7. Sep 2011—May 2012: Director Human Rights Cell, Peshawar High Court, Peshawar.
8. Sep 2011—Feb 2012: Director Human Rights Cell, Peshawar High Court, Peshawar.
9. Feb 2012—Present: Dean Faculty, the Khyber Pakhtunkhwa Judicial Academy, Peshawar

Supervision & administration (as a visiting Lecturer)

- Currently, I am supervisor for three LLM and one PhD student
- I acted as an External Examiner for five LLM students.
- Member the Board of Studies of the Faculty of Law and Shari‘ah at the International Islamic University, Islamabad.
- I am also a member of the admission committee of PhD students.

Consultancy

1. June 2012—I worked as Principal Facilitator at a one-day consultative of the UNDP, Islamabad and produced its detail report.
2. Dec 2009—Present. I am one of the trainers for the Society for the Protection of the Rights of the Child (SPARC), Peshawar (an Islamabad-based well known NGO). I conduct training sessions to an audience from Judges and Police Personnel.
3. Jan 2008—Present. I am one of the resource persons at the Federal Judicial Academy, Islamabad.

4. Oct 2011—Present. I am one of the resource persons at the Pakistan Provincial Services Academy, Islamabad.

Expertise by region: Pakistan

I am a recognized expert on the legal system of and human rights conditions in Pakistan. I am regularly invited by the Society for the Protection for Rights of the Child (SPARC) and the Pakistan Provincial Services Academy (PPSA), Peshawar.

Research interests

- Public International Law: human rights law, child rights, women's rights, security and development
- Application of Islamic law in Muslim states especially in Pakistan.
- Judicial education

Current research project

- Currently, I am working as a Subject Specialist with a UNDP support project: Strengthening the Khyber Pakhtunkhwa (Pakistan) Judicial Academy. Part of that project is writing a research article for a peer reviewed journal of international repute.
- My other current long term research projects are:
 - Countering Terrorism in a Post Colonial Society: the Case of Pakistan;
 - The Right to Development of the Vulnerable Poor: the Case of Pakistan's Forced Labourers.

Publications: monograph

1. K. Iqbal, (2009) *The Right to Development in International Law: the Case of Pakistan*, London: Routledge.

Peer reviewed articles

2. Iqbal, K. (2011), 'The Right to Development at the National Level: the Case of Pakistan's Judiciary', *The Asia-Pacific Journal on Human Rights and the Law*, pp 1-26.
3. Iqbal, K. (2010) 'Re-conceptualizing the Right to Development in Islamic Law', *International Journal of Human Rights*, Vol. 14, Issue 7, pp 1013-1041 (2010).
4. Iqbal, K. (2009) 'Judging Juvenility: Determination of Age of Juvenile Offenders under Pakistan's Juvenile Justice System', *Pakistan Journal of Criminology*, Vol. 1(3) October 2009, pp 105-118.
5. Iqbal, K. (2007) 'The Declaration on the Right to Development and its Implementation', *Political Perspective*. Vol. 1(1), pp 1-39.

6. Iqbal, K. (2005) ‘The “War on Terror” and the Rights-Based Approach to Development’, *Journal of Islamic States Practices in International Law (JISPIL)* Vol. 1(1), pp 23-36.
7. Iqbal, K. (2003) ‘The Role of NGOs in the Dispute Settlement of the World Trade Organization’, *Journal of Law and Society* (Faculty of Law, University of Peshawar), pp 11-28. Vol. XXVIII (41), pp 11-28.
8. Iqbal, K. (2004) ‘Environment as a Human Right’, *International Human Right Perspective*, Vol. III (1), pp 139-167. (Human Rights Centre, Faculty of Law, University of Peshawar).

Book review

Iqbal, K (2007) ‘Women, the Koran and International Human Rights Law’ (by Niaz A Shah, 2006, MartinusNijhoff Publishers), *Religion & Human Rights*.Vol. 2. pp 189-193.

Expert papers (unpublished)

1. K. Iqbal (Jan 2011), ‘Comments’ on Research Project-I (“Streamlining the Overlapping Mandates of Judicial Academies in Pakistan”) and Research Project-II (“Some Observations on the Problems Facing Judicial Education in Pakistan”) by Sultan Babar Mirza and Syed Ehsanullah Shah), submitted on the instruction of the Peshawar High Court, for onward discussion in Pakistan’s National Judicial Policy Making Committee.
2. K. Iqbal (June 2011), ‘Report on implementation of the Principles of Policy’, produced on the instruction of the Peshawar High Court, for onward submission to the Khyber Pakhtunkhwa Provincial Assembly.
3. K. Iqbal (Sep 2009), ‘A Review of the Juvenile Justice System Ordinance (JJSO), 2000 in Pakistan: Problems, Issues and Recommendations’, commissioned by Pakistan Society of Criminology as a background paper for reviewing the JJSO.

Presentations/Conference Papers since 2009

1. ‘Judicial Education in Pakistan: Challenges to and Prospects of the Khyber Pakhtunkhwa Judicial Academy’, International Judicial Conference, Islamabad, 13—15 April 2012, organized by the Law and Justice Commission of Pakistan.
2. ‘Consultation on the draft Borstal Law and Borstal Institution’, as part of law making for the protection of the rights of the child, Peshawar, 31 December 2011, arranged by Regional Directorate of the Ministry of Human Rights, Peshawar.
3. ‘Judiciary and Judicial System in PATA’, as a Thematic Expert at a two-day workshop on the implementation of Strengthening the Rule of Law in Malakand (SRLM), Peshawar, 15-16 December 2011, arranged by UNDP, European Union and USAID.
4. ‘Determination of age of Juvenile Offenders’ at one-day Consultation on the Juvenile Justice System Ordinance, 2000, for Judicial Magistrates of Malakand Division, Swat, 3 December 2011, arranged by Society for the Protection of the Rights of the Child (SPARC) in collaboration with the Khyber Pakhtunkhwa Judicial Academy.

5. 'The Concept, Evolution and Ideology of Human Rights', Guest Lecture, the University of Peshawar, 20 May 2011, arranged by the Departments of Gender Studies, Sociology and Social Work at the University of Peshawar.
6. 'The Women's Protection Act, 2006', Guest Lecture, the University of Peshawar, 9 April 2010, arranged by the Departments of Gender Studies, Sociology and Social Work at the University of Peshawar.
7. 'The Right to Development in International Law', Guest Lecture arranged by the Faculty of Law and Shari'ah, the International Islamic University, Islamabad, 10 May 2010.
8. 'Protection of Child Rights by the Police Personnel', two-day training of Police Investigators, District Battagram, 17-18 December, 2009.
9. 'Protection of Child Rights by the Police Personnel', one-day training of Police Investigators, District Peshawar, 5 April, 2010, arranged by an NGO Shehri Best Citizen for Environment.

General Editor

I am acting as one of the general editors of the Pakistan Journal of Criminology.

I acted as a sub editor of the Journal of Islamic States Practices in International Law, UK

Funding

1. In 2008, I won an Australian Endeavour Research Fellowship for my postdoctoral research project at the University of Melbourne, but could not avail because of refusal of leave by my employer.
2. In 2009, I won an Erasmus Mundus Research Fellowship for my postdoctoral studies at the University of Brussels, Belgium, but could not avail because of personal reasons.
3. In 2004, I won a Vice Chancellor Research studentship for my PhD at the University of Ulster, UK.
4. In 2001, I won a prestigious Britannia Chevening award for my LLM at the University of Hull, UK.

Membership of societies

1. I am a member of the Pakistan Society of Criminology (2009).
2. I am a member of the Society of Legal Scholars, UK (2011).

Teaching and developing new courses Jan 2008—present

Since joining the Law College, the University of Peshawar and International Islamic University, Islamabad in June 2009, I have designed and developed courses on international and national protection of human rights. I have developed two new postgraduate courses on Islamic law and human rights, development and human rights and international humanitarian law.

Postgraduate

International Human Rights Law: Convenor

Islamic Law and Human Rights: Convenor
Human Rights and International Humanitarian: Convenor
Dispute Settlement in the WTO: Convenor

Undergraduate

International Human Rights Law: Convenor
Islamic Law and Human Rights: Convenor
Human Rights and International Humanitarian: Convenor
Dispute Settlement in the WTO: Convenor

Synopsis

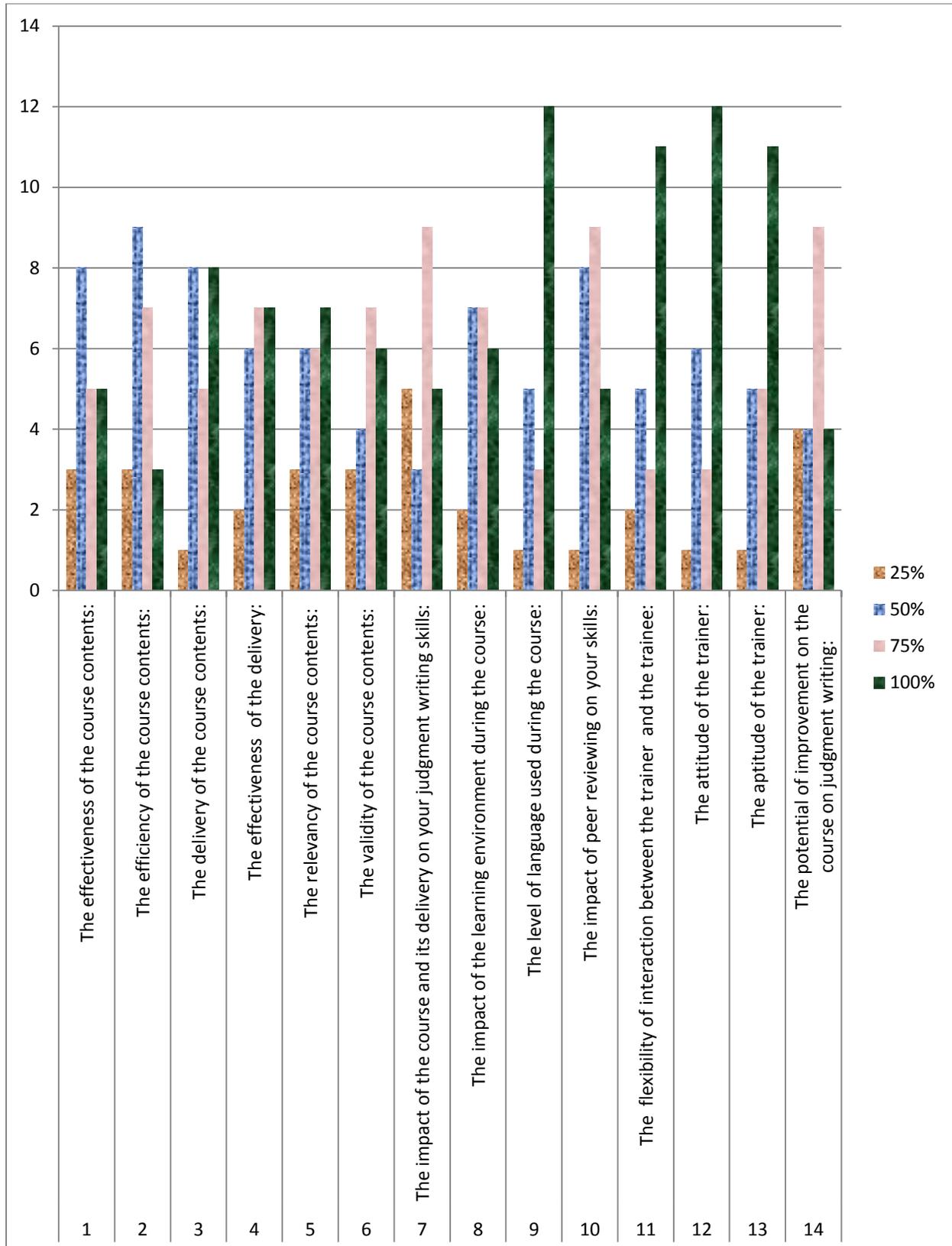
Contemporary Trends in Judgment Writing: A Literature Review

The session aims at reviewing existing legal scholarship on the subject of judgment writing. It also seeks to inculcate a spirit of research-based reading and exploration of best practices in other jurisdictions. It argues that while the existing literature reflects that judgment writing is an art, the trend in judgment writing trainings seems to be heading in the direction of developing an inventory of skills and attributes of judgment writing. This systemization of knowledge and skills may be seen as if the art of judgment writing is being developed like a science.

The session reviews a range of key research articles under different themes: definition, reasons for writing judgments, readers of court judgments, writing style and its kinds and reasoning. It critically examines the definition of judgment given by judicial pundits in their research. It discusses various definitions of judgment from Australian, American, Indian, British and Pakistani perspectives. It then examines the reasons why judges write judgments. The bulk of literature shows that judges write judgment because judgment writing is a statutory requirement, judges are professional writers, judges write for publication, judgment writing is no less important than deciding a matter, judges must have potential readers in their mind and being a serviceable product, judgment creates respect for judiciary and inspires confidence of the public.

There are two kinds of readers of judgments: primary and secondary. Primary include parties and their lawyers and appellate judges. Secondary include all others, such as, lawyers, law teachers and students, political and social scientists, researcher, to name but a few. In any case, a judgment must be clear, concise, logical, unambiguous and free of lingua franca (the jargon of legal profession). The session then discusses the style of judicial writing. They are rhetorical, literary, low or exploratory and high or declaratory. Some judges are known for their thoughts: for example, Justice V. Krishna Ayer is known as a philosopher; Justice Bagwati as a social scientist. The participants are advised to read Pakistani judgments and explore who falls in which category. The contemporary literature also contains much about the role and significance of judicial reasoning. The session highlights different methods of reasoning. They are inferential—reliance on evidence; intuitive—psychological process; neutral—non-aligned and impartiality—uncontaminated thinking. It also discusses deductive and inductive method of reasoning in the process of judicial decision making. At the end, the session shares a list of bibliography with the participants.

Feedback



WEDNESDAY 06 March, 2013

DAY-III

Recitation from the Holy Qur'an & Dua'a		
Presentation Group-B		
08.30—09.00 AM		
Qazi Attaullah	Judgment Writing in Islamic Jurisprudence	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Porf. Dr. Ismail Wali	Judgment Writing: Modern Strategies	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Porf. Dr. Ismail Wali	One-Word Dictionary	02:15-04:15 PM

Qazi Attaullah

Curriculum Vitae

Qazi Attaullah

Shah Dehrai Tehsil Kabal, District Swat

Email: qaziofmalakand@gmail.com. **Tel:** 03005740081

DOB: 4 Feb 1968

Academic Qualification (Post Hifz of Quran al Kareem)

2012 **PhD Islamic Law & Jurisprudence** International Islamic University Islamabad (Thesis Writer)

1996 **LLM Shariah & Law** (*Gold Medalist*) International Islamic University Islamabad

1992 **LLB (Hons) Shariah & Law** (*Distinction*) International Islamic University Islamabad

1990 **BA** University of Peshawar

1988 **Shahadat al Ala'mia** (*MA Islamiyat-cum-Arabic*) Wifaaq al Madaris Multan

1988 **Dars e Nizami** (*Graduation in Islamic Sciences*) Mazhar al Uloom, Mingora Swat

Present Position

AlaqaQazi/Civil Judge-cum-Judicial Magistrate KPK Judiciary

Work Experience

- Lecturer Islamic Studies, Army Public College Peshawar from April 1994 to June 1995.
- Extra Assistant Commissioner/AlaqaQazi (Criminal) Government of NWFP From July 1995 to May 2004
- Civil Judge-cum-Judicial Magistrate KPK Judiciary from June 2004 till date
- Visiting Resource Person at Various Institutions including Federal Judicial Academy Islamabad.

Professional & Vocational Trainings

- Thirty Seventh Shariah Orientation Course (In Country and abroad) July 1997 to October 1997, Shariah Academy IIU Islamabad
- Pre Service Training (Attachment) at different Session Divisions of KPK June 2004 to August 2004
- Four Weeks Training for Newly Appointed Judicial Officers at Federal Judicial Academy Islamabad, April 2005

Research work

- PhD dissertation on Alternative Dispute Resolution in progress
- Successfully completed LLM dissertation on the concept of Trial in Absentia

Computer Skills:

Have knowledge of MS Word, Power Point, Internet Programs, Search Engines, Windows and other software installations, Adobe etc.

Language Skills:

Proficiency in:

1. English
2. Arabic
3. Urdu
4. Persian
5. Pashto

Countries Visited:

1. Saudi Arabia
2. Sudan
3. Egypt
4. Jordan

Judgment Writing In Islamic Perspective

Priliminaries

- 1- Shariah, meaning and definition.
- 2- Branches of Shariah (a) Acts (b) Faiths.
- 3- Fiqh, meaning and definition.
- 4- Branches of Fiqh (a) Worships (b) Transactions.
- 5- UsululFiqh meaning of.
- 6- Shariah, Fiqh, and UsululFiqh, distinction of.
- 7- Division of Fiqh on the basis of its subjects.

Details of Topic

1. Judgment, meaning of.
2. Basic requirements.
3. Utilization and accommodation of Precedents.
4. Considering the material available on the record only.
5. Anger and other discomforting and irritating factors.
6. Avoiding contemptuous language.
7. Review of judgment.
8. The concept of judicial review.
9. Incorporation and non-incorporation of personal knowledge
10. Coherence and proper sequence.
11. Reasons based opinion.
12. Writing of judgment is *wajib* but it may be oral as well.
13. No value for unnecessary statements.
14. No room for retrospectivity.
15. Unnecessary delay in writing of judgment.
16. Trial in absentia and ex-party decree.
17. No room for personal ambitions in a judgment.
18. Every discretion which may lead to unjust results must be avoided and the voice versa must be exercised.
19. Judgment is act of the *qazi* however his every act shall not amount to judgment.

Conditions

1. It must be in a case.
2. Operative part must be imperative in nature.
3. Clear and unequivocal.
4. In the presence of the litigating parties.

5. Stating of reasons to parties of the case.
6. Providing an opportunity for objections.
7. Not repugnant to primary sources of Islamic Law.

Kinds

1. Express and Implied judgments.
2. Oral and act-based judgments.
3. Judgment for entitlement and preventive judgment (*qazaistihqaq* and *qazatark*).
4. Mere declaratory judgment and judgment granting consequential issues.

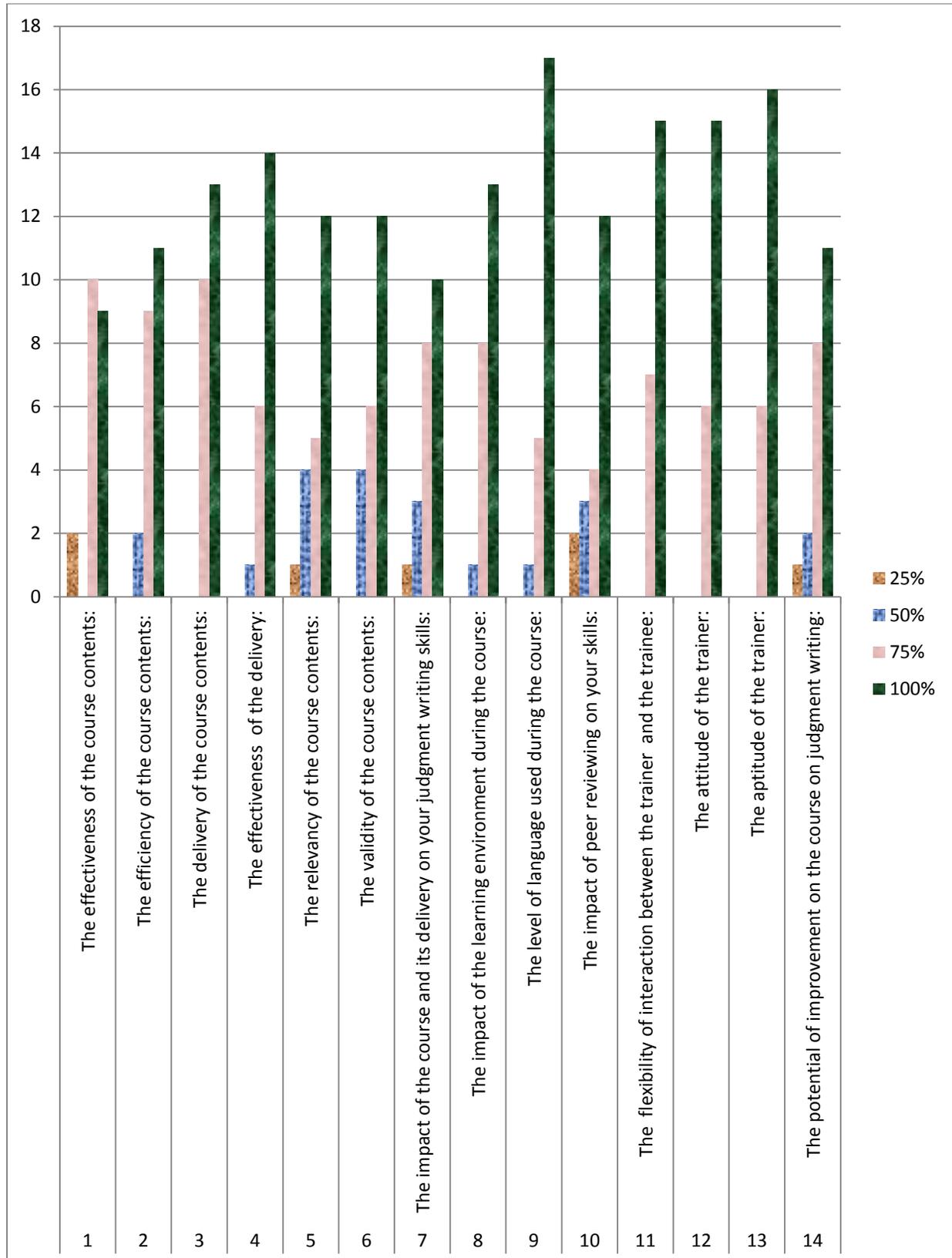
Judgment after pronouncement

1. Compulsorily enforceable, not open to any sort of judicial review.
2. Unenforceable at all, compulsorily revisable by judicial review.

Extent of judgment

1. Covering the disputed and litigated issue only.
2. Cannot change the Command of Shariah.

Feedback



Principles of Effectiveness

By Dr. Ismail Wali

Brainstorming

What is language? Come up with a working definition.

Judgment is a micro medium of communication, and communication is a process of sharing ideas with sender/writer at one end and reader/receiver at the other. The essential elements of communication are: 1) sender, 2) content, 3) medium, 4) audience, 5) context, 6) feedback. This chain completes the process of communication. The sender should have both knowledge and skill for framing his/her content according to the needs, knowledge level and cultural dynamics of the audience/receiver in the proper context. In a judicial context, the structure and style of a judgment, besides its legal and constitutional aspects, should also function as a public instrument of communication for knowledge management and research purposes. Experts in communication usually refer to certain principles for making a piece of communication effective. In this regard, conciseness, correctness, clarity, completeness, coherence, consistency and courtesy are thought to be essential for delivering a message effectively.

Conciseness refers to the economy words to make one's meaning easily understandable. Conciseness saves both our time and energy. Conciseness is attained by confining to the words for the intended meaning. Removal of redundant material and avoidance of repetitions makes a judgment concise. However, conciseness loses its value without correctness: grammar and punctuation. Conciseness and correctness refer to the verbal skills of a writer; however, clarity comes from analytical and critical thinking. Clear ideas turn into clear sentences. Completeness refers to the inclusion of all relevant facts and figures in the relevant portion of a judgment. Consistency involves both structure and style. Inconsistency in structure or in style breeds confusion, making our meaning blurred. Coherence refers to the organization of ideas in a judgment. Courtesy means that the wording of a judgment should not be discriminatory based on race, ethnicity, sex, color or creed.

This lecture also contains examples and exercises to clarify each principle. The theoretical framework as outlined above prepares the participants for peer-reviewing each other's judgments for practical purposes to internalize the principles of effective communication. After doing this session, the participants will learn skills how to apply the principles of conciseness, correctness, clarity, completeness, consistency, coherence and courtesy.

Practical: the participants will re-read rewrite their judgments to search for lapses (if any) keeping in view the principles of effective communication.

Plain English

By Dr. Ismail Wali

Brainstorming

What do we mean by Plain English?

The seminal objective of this session is to introduce the concept of Plain English Movement in the world, especially in legal/judicial contexts. It is pertinent to mention here that billions of dollars are spent on drafting legal documents, and the followers of PEM have succeeded in entering into the judicial culture for working for making legal documents easily understandable. The followers of PEM recommend to 1) use words of Anglo-Saxon origin, 2) to avoid nominalization, 3) to prefer active voice, 4) to minimize legalese and Latin terminology. The followers of PEM argue that simple words are more effective than difficult words; simple sentences (one idea one sentence) are more easily graspable than compound and complex sentences.

Plain English Movement is active in Australia, Canada, England and America. PEM focuses on easily understandable language in legal contexts including judgments. To support their view, PEM activists usually refer the judgments of Lord Denning. In this session, judgments written by Lord Denning will be used as resource to introduce participants to the concept of Plain English as reference guide for learning simple verbal strategies, avoidance of nominalization, legalese, Latin terminology, and use of active voice.

The session will enable participants to learn how to apply the strategies propounded by the followers of PEM.

Avoidance of Pitfalls

By Dr. Ismail Wali

Brainstorming

Guess the meaning of “judicial Heroism.”

This session is complementary to the previous session on principles of effective communication. The core objective of this session is to familiarize with the concept of avoiding verbosity, unnecessary repetitions, ambiguity, overuse of legalese, and judicial heroism. The term “judicial heroism” has been coined here to epitomize the intellectual environment of a judge to impose his/her legal knowledge on the reader, which breeds verbosity, unnecessary repetitions, ambiguity, overuse of legal jargons, unwise use of modifiers with the result that the reader is impressed by the big and difficult words without being clear on what the judgment says.

This session contains sample judgments and relevant portions from world constitutions how “judicial heroism” is practiced, which makes a legal writing open to different interpretations. Through this session, participants will be sensitized to the concept of clear thought and clear language, so that common readers should understand their rights and duties, which will prepare the way for good governance, development of civic sense leading to legal empowerment.

After doing this session, participants will be able to know the problem of “judicial heroism” and make their judgments reader-friendly as far as possible.

Practical: Participants will be engaged in re-writing the samples for learning how to avoid verbosity, unnecessary repetitions, ambiguity, and overuse of legalese.

One-Word Dictionary

By Dr. Ismail Wali

Brainstorming Question: what do we mean by One Word Dictionary?

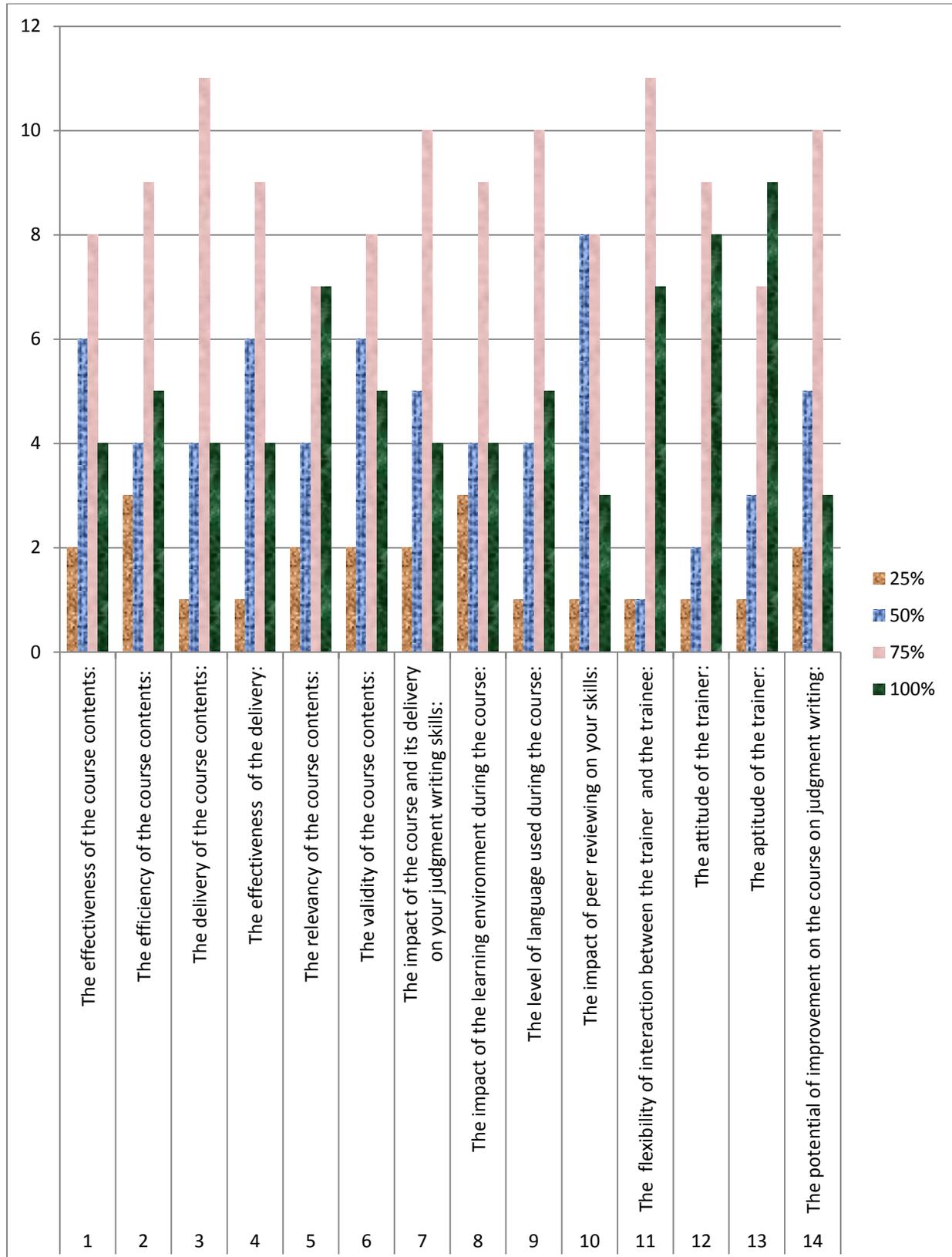
Language is a very complex medium of communication. Language is an ever-evolving phenomenon. Language is the product of the environment in which it evolves. As non-native users of English, we have to learn its mechanics, which is lifelong process. English has been evolving for the last fifteen centuries with three major shifts (Old English, Middle English, and Modern English) in its history. During its evolutionary history, English has absorbed words from Latin, Greek and French including Arabic, Persian, and many other languages of the world. An introduction to the basics of etymology will help participants understand how to guess the meaning of a word.

The term “One Word Dictionary” has been coined to conceptualize all those words which compress many shades of meaning into one word, and this word makes our meaning concisely precise, saving both our time and space given the constraints of judicial officers. For example, an animal which feeds only on grass and grains is called herbivore; 10 words compressed into one word. An animal which lives both in water and on land is called (12 words) is called amphibian. The word for a person who pleads cases at courts on behalf of others is (15 words) a lawyer. In legal contexts, the term “murder” covers all shades of killing in an unlawful manner. The sentence “evidence is clear that he/she has committed murder” is enough to clarify other shades of meaning associated with the details of an individual case whose mechanics may be different from any other act of murder.

The participants will be motivated to think of and make a list of such words so that a database of “One Word Dictionary” will evolve with the passage of time for future references. This exercise will sharpen the verbal skills of the participants for saving their time and space.

Note: The participants were also given an opportunity to do reading and writing practice with a view to know and understand modern strategies.

Feedback



THURSDAY**07 March, 2013****DAY-IV**

Recitation from the Holy Qur'an & Dua'a		
Presentation Group-C		
08.30—09.00 AM		
Mr. Niaz Muhammad Khan	Elements of Court Judgment	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Mr. Niaz Muhammad Khan	Appreciation of Evidence	11.30 AM—01.30 PM
Lunch & Prayer Break		
01.30—02.15 PM		
Mr. Niaz Muhammad Khan	Interpretation of law in Judgment Writing	02:15-04:15 PM

Mr. Niaz Muhammad Khan**Curriculum Vitae****Personal Information**

- Name: Niaz Muhammad Khan
- Father's Name: Paristan Khan
- Postal Address: Niaz Muhammad Khan, registrar, Islamabad high Court, Pakistan
- Permanent Address: Niaz Muhammad Khan s/o Paristan Khan village Ahl Tehsil & District Mansehra
- Telephone # (Office): +92-51-9108038
- Telephone # (Res): +92-51-9108030
- Mobile #: +92-3009367810
- Email: niazphc@hotmail.com
- Fax#: +92-51-9108039

Education Qualification

- Matric/SSC in 1st Division obtaining 65.1% marks
- Intermediate/HSSC in 2nd Division obtaining 55.8% marks
- B.A/Graduation in 2nd Division obtaining 58.6% marks

Professional Qualification

- FEL (First Examination in Law) in 1st Division obtaining 74% marks
- LLB (Bachelor of Law) in 1st Division obtaining 60.7% marks
- 1 year Post Graduate Diploma in Islamic Law from Sharia Academy International Islamic University, Islamabad, Pakistan obtaining 62.37% marks
- 3 months course from Pakistan provincial Services Academy
- One week course of Financial Management from National Institute of Public Administration

Academic Achievements

- Got merit scholarship in Intermediate
- Got merit scholarship in LLB

Professional and Service Career

- Remained as practicing lawyer of District Court from 1983 to 1988
- Remained as practicing lawyer of High Court in 1988
- Joined judicial Service as Civil Judge in 1988 by securing 1st position in the exam of Provincial Civil Services (Judicial)
- Promoted as Senior civil Judge in 1994

- Promoted to as Addition District & Sessions Judge in 2002
- Promoted to as District and Sessions Judge on first of July 2010
- Remained as Additional Member Inspection Team, Peshawar High Court for a period of 06 years
- Remained as Additional Registrar (Admin), Peshawar High Court in 2010 & 2011...

Achievements in Service

- Awarded certificate of merit by the Chief Justice of Peshawar high Court in 1993 for outstanding performance as Civil Judge
- Award cash prize and certificate of merit for obtaining the first position in first Incentive & Reward Policy by the Peshawar High Court
- Received appreciation certificate from the Chief Election Commission of Pakistan in 1988 for conducting fair, and impartial General Election in 1988 as Returning Officer
- Award Certificate of Commendation by the Chief Justice of Peshawar High Court in 2006 for rendering Services in the compilation of second revised, and enlarged edition of Judicial Estacode 2011

Capacity Building

- As a resource person delivered many lectures on various topic in Federal Judicial Academy Islamabad, Khyber Pakhtunkhwa Judicial Academy Peshawar, and in other foras in connection with pre-service Orientation Training Programmes of newly appointed judges and also in service judges.

Conferences, Workshops, Seminars etc.

- Attended many conferences, workshops and seminars on legal subjects as a resource person
- Attended many conferences, workshops and seminars as facilitator, coordinator or research associate
- Attended 2 days seminar on 24th and 25th of November 2004 at Peshawar as Research Associate on “Commercial Dispute Resolution (CDR)” in which Justice Branson of Federal Court Australia was the guest speaker
- Attended 2 days UK-Pakistan Judicial Conference as research Associate on a Protocol on “Children and Family Laws” on 22nd and 23rd September 2003 at Islamabad.
- Attended seminars on “Protocol on Children Protection” jointly organized by UK Judges of Family Division, Lawyer of UK and Pakistani Judges in January 2005 at Peshawar as Research Associate.
- Three days training of trainers from British Council in 2004.
- One day training of trainers from British Council in 2007.

In the High Court besides Administration, the following special assignments have been given

- Rule Making
- Litigation
- Resource person in capacity building of the Judges of District Judiciary
- Opinion
- Establishment

In the field of monitoring of District Judiciary has contributed a lot in pinpointing the deficiencies in the fields of Court & Case Management, Quick Disposal etc. and suggested some concrete proposals for improvement in Court & Case Management and Expeditious Disposal of cases. These deficiencies and proposals have been compiled in a booklet from to be known as “Consolidated Inspection Note of Inspections of Subordinate Court, 2003”.

Computer skill- can operate computer as per requirement.

Books/Compilations

- Consolidate Inspection Note for 2003 (a book consisting of 63 pages)
- Judicial Estacode 2006 (a book consisting of 554 pages)
- Judicial Estacode 2011 (a book consisting of 679 pages)

Elements of Judgment Writing

This topic covers the following five main areas of judgment writing:-

- i) Linkage of Judgment Writing with Law;
- ii) Linkage of Judgment Writing with Code of Conduct;
- iii) Neutrality of Judgment Writer;
- iv) Grasp of facts;
- v) Application of Law.

i) Linkage of Judgment Writing with Law: The participants are made aware of the different provisions of law enjoining upon a decision maker to deliver a judgment. The various legal aspects of law are discussed focusing on necessity of delivering a reasoned judgment.

ii) Linkage of Judgment Writing with Code of Conduct: This area covers the responsibilities of a judge who is to deliver a judgment which qualifies all the elements as reflected by the Code of Conduct for Judges. For instance, the trait of impartiality of a Judge requires a judgment to be impartial and an unbiased Judge shall deliver unbiased judgment.

iii) Neutrality of Judgment Writer: The participants are made conscious of the importance of the neutrality of the decision maker. The emphasis is not only on partisan tilt on material considerations such as extra judicial but also on psychological inclinations, mostly the product of unconscious evolutionary indoctrination, which leads to cognitive and implicit biases ranging from cognitive dissonance to anchoring bias and the like. The discussion also includes the techniques for reducing these biases to the minimum which include psychological catharsis, openness and impeachment of personal perceptions.

iv) Grasp of Facts: No Judgment can be called good judgment unless the decision maker has full grasp of the facts. The focus is on contextual understanding of the pleadings leading to understanding of core differences and then translating the same into real issues.

v) Application of Law: The participants are made aware of the importance of understanding the law in the decision making. The emphasis is on the understanding of both substantive and procedural laws and their application to the facts before them. A good judgment is one which makes proper nexus of law with the facts of the case. The understanding of law in factual context is an important feature of the talk.

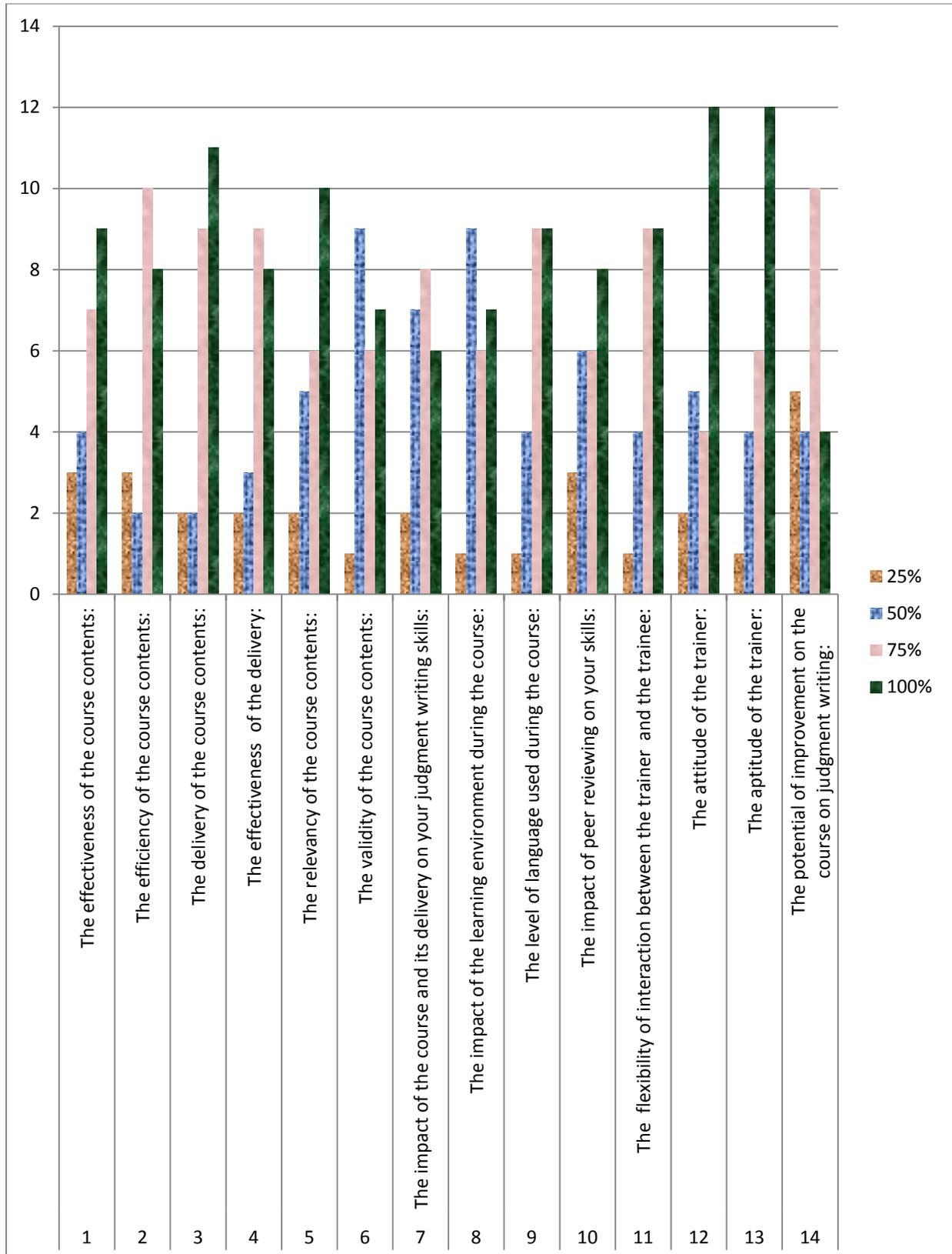
Appreciation of Evidence

The Judgment Writing in judicial matters is based upon the correct appreciation of evidence. No Judicial Officer can deliver a good judgment unless he has the ability to appreciate the evidence holistically and in its true perspective. The focus is on sifting of relevancies from irrelevancies in order to avoid decision on the basis of irrelevant facts. The participants are made known the different categories of relevancies and their due weightage. They are also sensitized about the admissibility of the facts depending upon the cogency of the same. They are empowered to differentiate between rebuttable and irrebuttable presumptions about facts and also the conclusive evidence. The focus is on practical aspect of the matter enabling a Judicial officer to decide these issues at the moment when they crop up at the time of recording of evidence. They are also made conscious of the fact that how judgment is affected when an inadmissible fact is given weightage and how it goes to the root of judgment when relevancy is not appreciated.

Interpretation of Law

The topic focuses on a good judgment in the context of interpreting the laws. A good judgment is one which is based on correct interpretation of laws as applicable to the facts of the case. The difference between the juristic and journalistic approaches is highlighted and it is emphasized that how the rules of interpretation can better be understood and applied while interpreting the laws. The discussion extends to different types of laws including Constitutional Law, Ordinary Law, Delegated Legislation and the like. The participants are also empowered to differentiate between superiority and subjection of laws, the effects of laws in retrospect and prospect; the effect of repeal of laws qua the substantive and procedural laws; the importance of words in the legislative instruments; the holistic approach in interpretation of laws and different approaches towards interpretation like purposive interpretation, contextual interpretation and the like. The participants are also made known the limitation of the courts in interpretation of laws and judicial review.

Feedback



FRIDAY**07 March, 2013****DAY-V**

Recitation from the Holy Qur'an & Dua'a		
Presentation Group-D		
08.30—09.00 AM		
Mr. Muhammad Amir Nazir	Procedural Provisions Pertaining to Judgment Writing	09:00-11:00 AM
Tea Break		
11.00—11.30 AM		
Justice (R) Mian Shakirullah Jan	Incorporation of Arbitration Award in Judgment	11.30 AM— 01.00PM
(Friday Prayer)		
Activities Off for Juma Prayer, Lunch & Preparation for Academy Night		

and also successfully achieved all the targets set from time to time.

(02). Served as Senior Civil Judge From August 2003 to November 2004.

Besides Judicial Functions, performed administration functions including recruitment of subordinate staff, imparting training to the court officials, monitoring their work and conduct and evaluation of their performance.

Being drawing and disbursing Officer participate in budgetary planning.

(03). Served as Additional District & Sessions Judge.

Performed Judicial functions as appellate court at district level.

Presently serving as District & Sessions Judge/Senior Director Research & Publication at KP Judicial Academy Pakistan in BPS - 21.

(04). Journalist:

Served as sub-editor in daily The Frontier Post, Pakistan Observer and staff reporter in PPI News Agency from 1995 till 1997.

(05). Lawyer:

As lawyer all the cases were successfully handled to the satisfaction of courts and clients during the period 1997 to 1998.

(06). Visiting Lecturer:

As visiting lecturer the undersigned taught Constitutional Law, Civil Law, and Criminal Law at the post graduates level from 1997 to 1998.

SEMINARS/WORKSHOPS/CONFERENCES ATTENDED

- 01.** Pre-services training course of Civil Judge-cum-Judicial Magistrate from September, 5th, 1998 to October, 31st 1998.
- 02.** Provincial Judicial Conference held for Establishment of the Office of District Courts Administrator in N.W.F.P held on 17th August, 2003.

- 03.** Management Orientation Workshop held at Peshawar High Court, Peshawar from 4th to 10th August 2004.
- 04.** Provincial Judicial Conference held at Peshawar on 3rd July 2004.
- 05.** Workshop for N.W.F.P Environmental Magistrates on the Pakistan Environmental Protection Act, 1997” held on May 9th 2004.
- 06.** Workshop on “Delay Reduction” organized in collaboration with Canadian International Development Agency, held on 18th September 2004.
- 07.** Workshop on "Strengthening Justice Delivery To The Poor: Options & Priorities" organized by UNOPS

Procedural Provisions of Judgment Writing

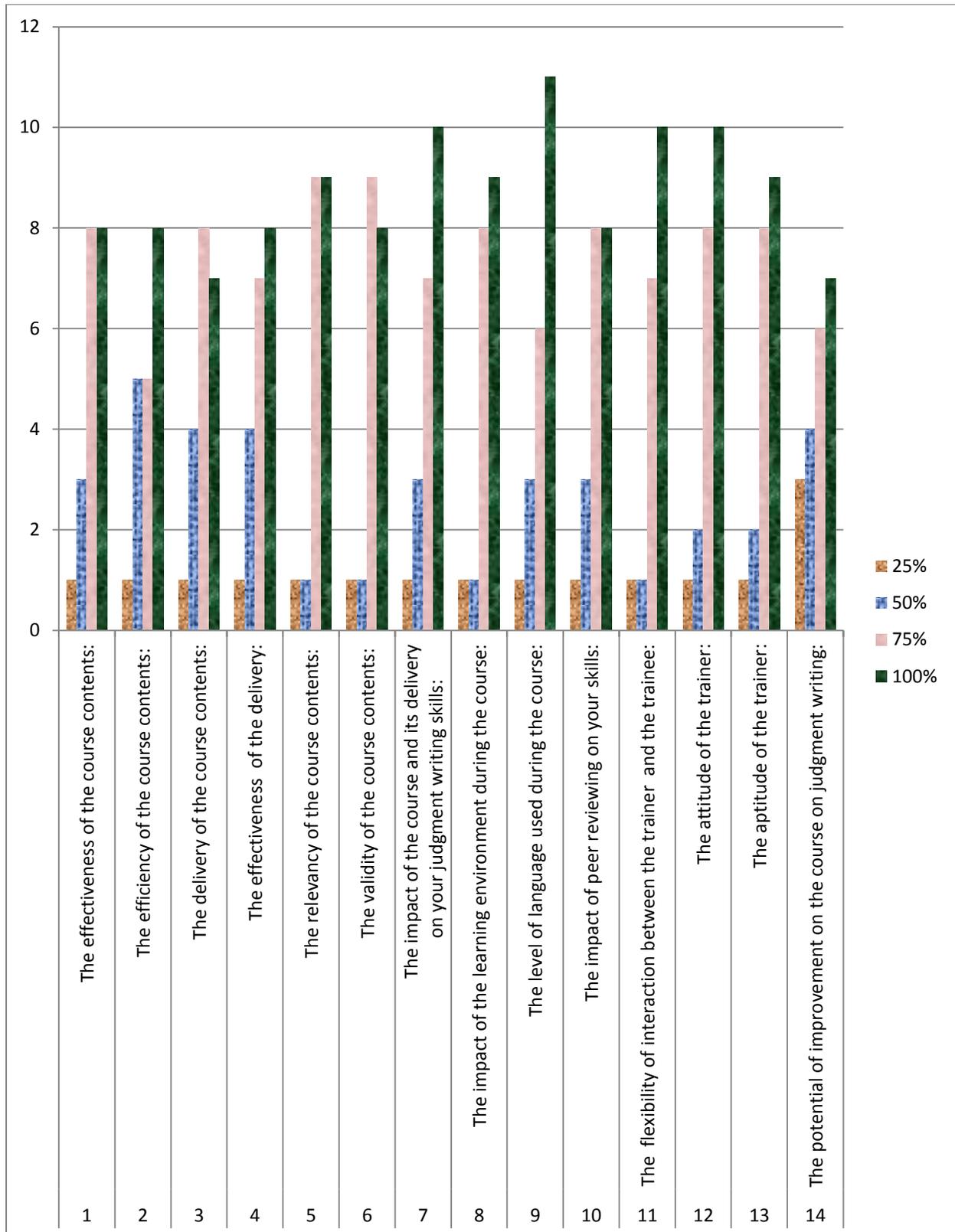
Abstract of the lecture delivered by Muhammad Aamir Nazir, Senior Director Research & Publication.

A judgment is the expression of the opinion of a Judge arrived at after due consideration of the evidence and of arguments, if any, advanced before him. In civil cases it is the final order passed in a suit instituted in a court, while in criminal cases it is the final order in the trial terminating either in the conviction or the acquittal of the accused as also in the appeal or revision.

In the lecture, participants were apprised at length about the procedural provisions related to judgment writing both in Civil Procedure Code as well as in the Criminal Procedure Code. The lecture also disseminated on informing the participants about the judgment in general, essential requirements of judgment including its language, important components of a good judgment and common pitfalls in the judgment.

Though judgment writing is an art, however, arriving at a just and proper decision is the primary responsibility of a Judge. A judgment may be well carved, yet if it does not coincide with the merits of the case; it is nullity in the eyes of law. A precise, concise and a balanced judgment based on evidence depend upon the knowledge, proficiency and aptitude of a Judge. For writing a good judgment, a Judge must have the knowledge of all the relevant provisions related to judgment writing. By overlooking the relevant provisions while penning down judgment, the same will lose its legal worth and would be of no legal effect.

Feedback



Justice (R) Mian Shakirullah Jan

Justice Mian Sakirullah Jan is a justice in Supreme Court of Pakistan and a former Chief Justice of Peshawar High Court.

Early life

Justice Jan was born on 18 August 1947.

Education and Training

Mian Shakirullah Jan graduated from Islamia College, Peshawar. He obtained Law degree from the Khyber Law College, Peshawar University in 1972.

Professional career

- Mian Shakirullah Jan enrolled as advocate of Lower court in 1973 and of High Court in 1975. He enrolled as advocate of Supreme Court in 1980.
- He was appointed Additional Advocate General, NWFP in July 1993.
- Justice Mian Shakirullah Jan was elevated as Additional Judge of Peshawar High Court on December 13, 1993.
- On April 28, 2000 he was appointed as Chief Justice of Peshawar High Court.
- He was elevated to the bench of Supreme Court of Pakistan July 29, 2004.

Justice Mian Shakirullah Jan has been:

- Elected unanimously Vice president of Peshawar Bar Association (1977–1978)
- Elected Secretary Peshawar High Court Bar Association (1979–1980)
- Elected unanimously Secretary of Peshawar Bar Association (1984–1985)
- Elected Vice President of Peshawar High Court Bar Association (1987–1988)
- Member of the Provincial Bar Council, NWFP Peshawar (1989–1993)
- Member of the Executive Committee Supreme Court Bar Association (1993–1994)

Controversies

PCO 1999 Oath

Justice Mian Shakirullah Jan, as a sitting judge of Peshawar High Court, took oath on PCO 1999.

Reappointment to Supreme Court

On November 3, 2007 Chief of Army Staff in Pakistan declared emergency and issued a Provisional Constitutional Order. A seven member panel of Supreme Court of Pakistan, headed by Chief Justice of Pakistan Iftikhar Mohammad Chaudhry and consisting of Justice Rana Bhagwandas, Justice Javed Iqbal, Justice Mian Shakirullah Jan, Justice Nasir-ul-Mulk, Justice

Raja Muhammad Fayyaz Ahmad, and Justice Ghulam Rabbani, issued an order that declared the declaration of emergency as illegal and prohibited all judges to take oath on any PCO.

Justice Jan refused to take oath on PCO. As the consequence of it, on December 4, 2007, he was declared to be no longer a justice of court and declared to be considered as retired with effect from November 3, 2007 without any retirement benefits.

On September 5, 2008 Justice Mian Shakirullah Jan, Tassaduq Hussain Jilani and Syed Jamshed Ali, who were ousted as result of action of November 4, 2007 were reappointed to Supreme Court. They took a fresh oath of Office. The controversial thing about this appointment was that they were given same seniority which they were enjoying on November 2, 2007.¹⁶¹

Important Cases

On September 28, 2007, a nine member bench of Supreme Court of Pakistan, in a 6–3 split verdict held that petition challenging General Pervez Musharraf candidature for the second term as the president as non-maintainable. Justice Mian Shakirullah Jan along with head of bench Justice Rana Bhagwandas and Justice Sardar Muhammad Raza Khan dissented with the majority opinion. Declaring the petition as non-maintainable were Javed Iqbal, Abdul Hameed Dogar, M. Javed Buttar, Muhammad Nawaz Abbasi, Faqir Muhammad Khokhar, and Falak Sher.

On 2 November 2007 Barrister Aitzaz Ahsan submitted an application to the Supreme Court asking that the Government be restrained from imposing martial law in Pakistan. To this application a seven panel Supreme Court bench issued a stay order on 3 November 2007 against the imposition of an emergency. The bench was headed by Chief Justice Iftikhar Mohammad Chaudhry. The other members of the bench were Justice Rana Bhagwandas, Justice Javed Iqbal, Justice Mian Shakirullah Jan, Justice Nasirul Mulk, Justice Raja Fayyaz, and Justice Ghulam Rabbani. This stay order was ignored by the Chief of Army Staff and the emergency was imposed across the country.

Reference

- http://en.wikipedia.org/wiki/Mian_Shakirullah_Jan

Synopsis: Incorporation of Arbitration Award in Judgment

Owing to the importance of settlement of disputes through “Alternate Dispute Resolution’s, there are a lot of efforts on the national and international levels for introducing the ADR’s to the judicial system and for incorporating it in the adjective laws. This will certainly decrease the huge pendencies in the court. Resultantly the burden of courts shall be shared and we will get additional forums for dispensation of justice. Besides, the settlement of disputes through any modes of ADR’s would be more affective, cheaper, speedy, everlasting, conclusive and peace bringing as compared to regular adjudication because regular litigation is lengthy, expensive, technical, hard in obtaining finality and less helpful in bringing peace and tranquility to the society. The regular adjudication is usually unacceptable to the failing party and even some time it happens to be unacceptable to the litigants on both sides. One the other hand, a “win-win situation” is created in the process of ADR’s wherein both parties win and no party lose.

Arbitration

2.1 Introduction

2.2 Arbitration in Common Law

2.2.1 History of Arbitration

2.2.2 Kinds of Arbitration

2.2.3 Need for Arbitration

2.2.4 Sources of the Law of Arbitration

2.2.5 Subject matter of the Arbitration

(a) Arbitration in Tort/ Civil cases

(b) Arbitration in criminal cases (Theory and Practice)

(c) Arbitration in Family cases

(d) Arbitration in commercial and financial fields

2.2.6 Arbitration in Pakistan

(a) Arbitration in Constitution of Pakistan 1973(Articles: 153,154,156,160,184)

(b) Arbitration Act 1940

(c) Arbitration bill 2009

(d) Arbitration agreements and Foreign Awards ordinance 2009 [in furtherance of the New York convention]

2.2.7 Major subjects of the Arbitration Act 1940

(a) Arbitration agreements

(b) Powers, duties and rights of the partier

(c) Powers and duties of the Arbitrator

(d) Powers of the Arbitration court

(e) Arbitration award and its enforcement

(f) The significance of the schedule attach to the Arbitration act

2.2.8 Arbitration in other statutes of Pakistan

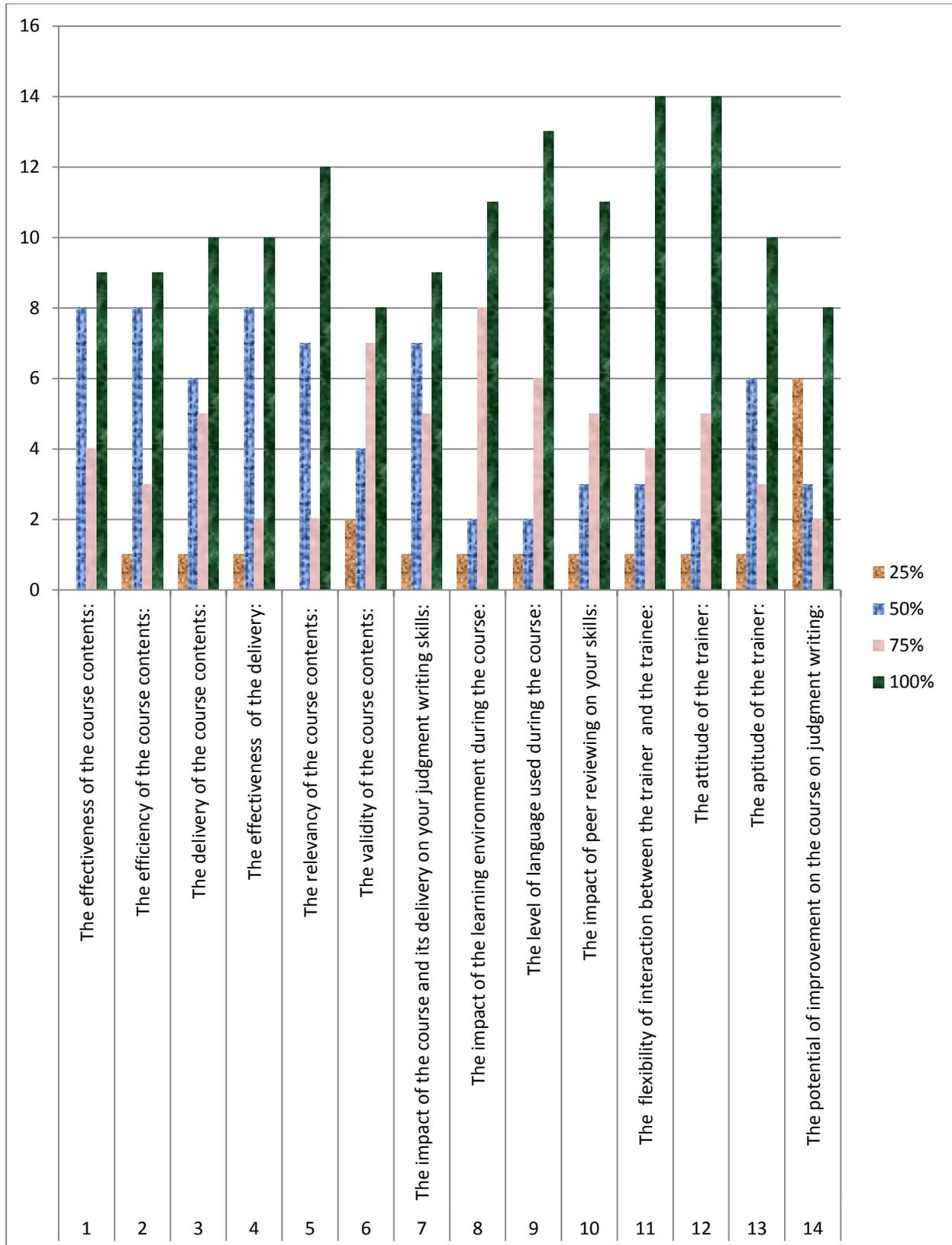
- (a) Small Claims and Minor Offences Court ordinance of 2002.
- (b) Local Government Ordinance of 2002.
- (c) Code of Criminal Procedure 1898(Summary trial Proceedings)
- (d) Contract Act 1872,
- (e) Companies Ordinance 1984.
- (f) Co - operative Societies Act 1925
- (g) Electricity Act 1910
- (h) Industrial Relations Ordinance 1969
- (i) Land Acquisition Act 1967
- (k) Trust Act 1882
- (l) Railways Act 1890
- (m) Provincial Insolvency Act 1920

2.2.9 Arbitration in the English Legal system

2.2.10 UN conventions on Arbitration and the role of Arbitration in the peaceful settlement of international disputes [Chapter VI of the UN Charter]

2.11 Conclusion

Feedback



SATURDAY 09 March, 2013

DAY-VI

Recitation from the Holy Qur'an & Dua'a		
Presentation Group-E &		
Post-Training Evaluation		
Overall Feedback		
08.30—10.00 AM		
Mr. Abdullah	A Critical Analysis of Decision Making: Focus on District Judiciary	10:00 AM-12:00 PM
(Guest Speaker)		
Concluding Ceremony		
12.00 Noon—01.00 PM		

Concluding Ceremony

Recitation from the Holy Qur'an
Director General Concluding Remarks
Chairman/Hou'able Chief Justice Address
Group Photo

Annexure (A)

Address of the Chairman/hon'ble the Chief Justice

Worthy Director General and his team of the Judicial Academy; Distinguished Guest, Participants of the Course; Ladies and Gentlemen!

Assalam-o-alaikum!

I warmly felicitate you on successful completion of this one-week training course on Judgment Writing. We have established this Academy, realizing the fact that capacity building, on a regular basis, is the need of the hour. It was my dream to establish the Academy, sooner rather than later. Allah (SWT) gave me the strength to establish it. I am happy that a team of competent Judicial Officers are working here with great zeal, commitment and devotion. Indeed, the team has realized my dream both in form of infrastructural development and academic achievements. No doubt, it should be kept in mind that the academic achievements are the ultimate goal of the establishment of the Academy.

I would like to share with you the very philosophy behind the education that we want to impart at this training centre. Let me tell you that literacy in the form of mere academic qualifications, would not serve the purpose. Skill-learning is necessary to convert this mere literacy to education, which is the real guarantor of peace and tranquility in the society. Thus we believe that skills should be clubbed with literacy to get our people educated in the real sense. I argue that efficiency comes with skills. Competency comes with education. So, both are complementary to each other for the delivery of good service to the public.

For the realization of the said purpose, we are moving a step further by establishing a Research Wing in the Academy, which was inaugurated this week. The mandate of the wing is to explore the ways and means to contribute towards our judicial educational policies, in particular, and to our mainstream educational policies, in general. To move a step more further, we are about to install an FM radio, for judicial education through distant learning. Our FM radion—Al-Meezan—will be inaugurated next week.

My dear young judicial officers!

It needs no emphasis to say that all these efforts are aimed at polishing your potentials and making you capable to face the challenges of the time. Therefore, my advice to you would be that you should perform your duties with commitment, zeal, honesty and devotion. Your task is not an ordinary one. Rather, it is a great honour and blessing of Allah (SWT) to be a member of the judicial service of this country. Your foremost liability is, therefore, to decide the cases fairly and justly. But remember that justness precedes fairness.

May Allah (SWT) guide and help us.

Thank you very much.

Justice Dost Muhammad Khan,
Chief Justice/Chairman

Annexure (B)**Director General's Concluding Remarks**

Congratulations on successful completion of your training on Judgment Writing. Our main objective is to build capacity for better delivery of service. We are servants of millions of people and at the same time we are masters of their fate in the sense that we do the duty imposed on us by the Almighty Allah of deciding their fates related to their disputes. We are answerable to Almighty Allah for what we do on the bench. So we have to pass through a more difficult test than any other professional because we perform the duties of Messengers of God i.e. dispensation of justice.

I hope that the Academy was able not only to enhance your skills but also to bring some positive changes in your attitudes. I am sure you are carrying some beautiful memories of the time which you have spent here. Do not consider that it is your last day in the Academy. You will get many opportunities of coming here. We keep you in our hearts. Besides this you can join the Academy on its website. You can use the e-library of the Academy and above all within a few days the Academy radio Al-Meezan will keep you reminding that this beautiful premises is yours.

I wish you best of luck

Thank you!

Hayat Ali Shah,
Director General

Annexure (C)

CR Remarks

The honorable the Chief Justice:

It is an immense honor and pleasure for us-the participants of the 7th training course on judgment writing, to participate in such an august ceremony which has been honored by the founder of the KP judicial Academy. Of course, I feel myself elated by representing the participants of the Course and I am thankful that my colleagues have given me the opportunity to present the views on their behalf.

The vision behind the creation of this Academy is more commendable than the infrastructure which we see today in the shape of an illustrious building. The state-of-the-art technology and the professional expertise of the team working at the Academy are beyond the praise in words. We all were caught on wrong foot when we first entered here and had interaction with the Directors of the Academy. It will also not be out of place to mention that the team under the command of the worthy DG took care of us, making us realize that we are indeed the most valuable part of the judiciary. Let me confess that it was the first time that we got this impression.

The selection of the area on judgment writing is the outcome of the thinking of those who are more experienced than us. To start with, Mr. Zia Ahmad Khan, the learned resource person introduced us with a new area of perception lock and its impact on judgment writing. It is hoped that the psychological barriers in decision-making would safely be crossed. Dr. Ismail Wali delivered lecture on the principles of effectiveness. No doubt the lecture was useful in respect of linguistic communication, however, the style and structure of judgment writing can better be taught by a member of Bar or Bench. The participants suggest that Prof: sahib may kindly confine himself to the grammatical aspect of judgment writing and should not indulge in discussing the legal aspects to avoid confusion between the participants and the resource person.

Judicial officers in general are not prone to study the contemporary trends. There is a dire need to sensitize the judicial officers to the best practices around the globe. Dr. Khurshid Iqbal through his research-based lecture sensitized the participants to the best practices in contemporary world. Though he tried his level best to prove his theme by giving examples of other jurisdictions, however, the participants suggest that Dr. sahib may also sensitize the participants to the best practices of the District Judiciary of the leading countries. Dr. Adnan dilated on the techniques of essay writing to which he called basic research methodology techniques. In a very comprehensive but simple manner, Dr. Adnan tried his level best to make the participants understand the basic principles of research, however, the participants suggests that research being a comprehensive enterprise should be given more time. It is proposed that a course on basic research methodology should be arranged for all the judicial officers. This will improve the service delivery to a great extent.

Mr. Niaz Muhammad Khan spoke on the elements of judgment writing and appreciation of evidence. During the course of judicial business, judicial officers face problems in deciding the admissibility and relevancy of evidence. Mr. Niaz Muhammad Khan very delicately differentiated the two. His area is very important but lengthy. Therefore, the participants suggest that he should be given more time. The participants also believe that one resource person talking the whole day some-times become boring. Therefore, we suggest to arrange the lectures in alternate days.

Living in an Islamic state and sitting on the prestigious seat of Qaza has its own protocols. Qazi Attaullah, in detail dilated on the Islamic perspective of judgment writing, however, due to paucity of time, the thirst which he created remained unquenched.

Mr. Amir Nazir sensitized the participants on the procedural provisions of judgment writing. He did his best to discuss the core area from a number of angles, however, the participants suggests that he should be more practical and should exemplify his course contents.

Judicial officers of District Judiciary have rare opportunity to interact with their ideals working in the superior/higher judiciary. In such like circumstances, interaction of ours with a judge of the Apex Court is always encouraging. The presence of Justice (R) Mian Shakirullah Jan was indeed encouraging for us. He talked to us on decision-making in cases of arbitration. His lecture will indeed increase the skills of the participants in arbitration law.

Sir, we feel ourselves the most fortunate batch of the training for the reason that a great scholar of our province—Mr Abdullah—talked to us on the critical analysis of decision-making with focus on the District Judiciary. His long standing experience and above the board character was itself an inspiration for all of us. He sensitized all of us to the role of Qaza in social perspective. Indeed his presence was one of the star in constellation of ideals.

Time and trends has considerably changed the techniques of teaching and of course, we cannot lack behind. Most of the resource persons delivered lectures on multi-media. This was a new experience for some of the participants. The use of multimedia is no doubt advantageous in imparting knowledge, however, its frequent use some time detracts the attention of the trainee officers from the contents to the form.

One of the most innovative features of the training was the presentation of the participants on daily basis. I, on behalf of the participants solute the Dean of the Faculty to inculcate the spirit of courage in the trainee officers by making presentations before a reasonable gathering.

There is no doubt in the assertion that judgment writing is an art. One can learn it only when one practices it. No doubt the course contents were up to the mark, however, the participants feels that the practical aspect of judgment writing remained in shadow. Therefore, we suggest that one day should specifically be reserved for practice and trainee officers be given a set of facts and asked to write judgment in the presence of an expert.

The over all, scheme of the training was marvelous, however, we humbly suggest that focus should be laid on practical aspect, individual assignments should be given, evening activities should be arranged and the participants should be apprised of the proper use of multimedia in preparing presentations.

Sir, it would be unjust to ignore the co-operation and support of the entire team of the Academy. This is just not a formality, all the participants mean the un-parallel co-operation by the worthy DG and his team. Sir, for the first time, we felt that our elders own us. This credit goes to your Lordship. You created an environment where, we the youngsters can convey our problems to our elders. Credit must also be given to you by choosing a right team for the academy. The fatherly attitude of Mr. Hayat Ali Shah and the brotherly behavior of Mr. Saleem Khan, DR. Khurshid Iqbal, Mr. Amir Nazir, Dr. Adnan are commendable. Similarly we found Mr. Asghar Ali a very friendly working fellow, putting himself all the time at our disposal. We congratulate you that your dream not only come true but the alma mater which you have founded is crossing the mile stones spectacularly. Your name will be written with golden ink on the pages of history. Let me assure you that the skills we learnt, will practically be applied and shared with other colleagues. I pray for your good health and long life. May Allah bless you and your team.

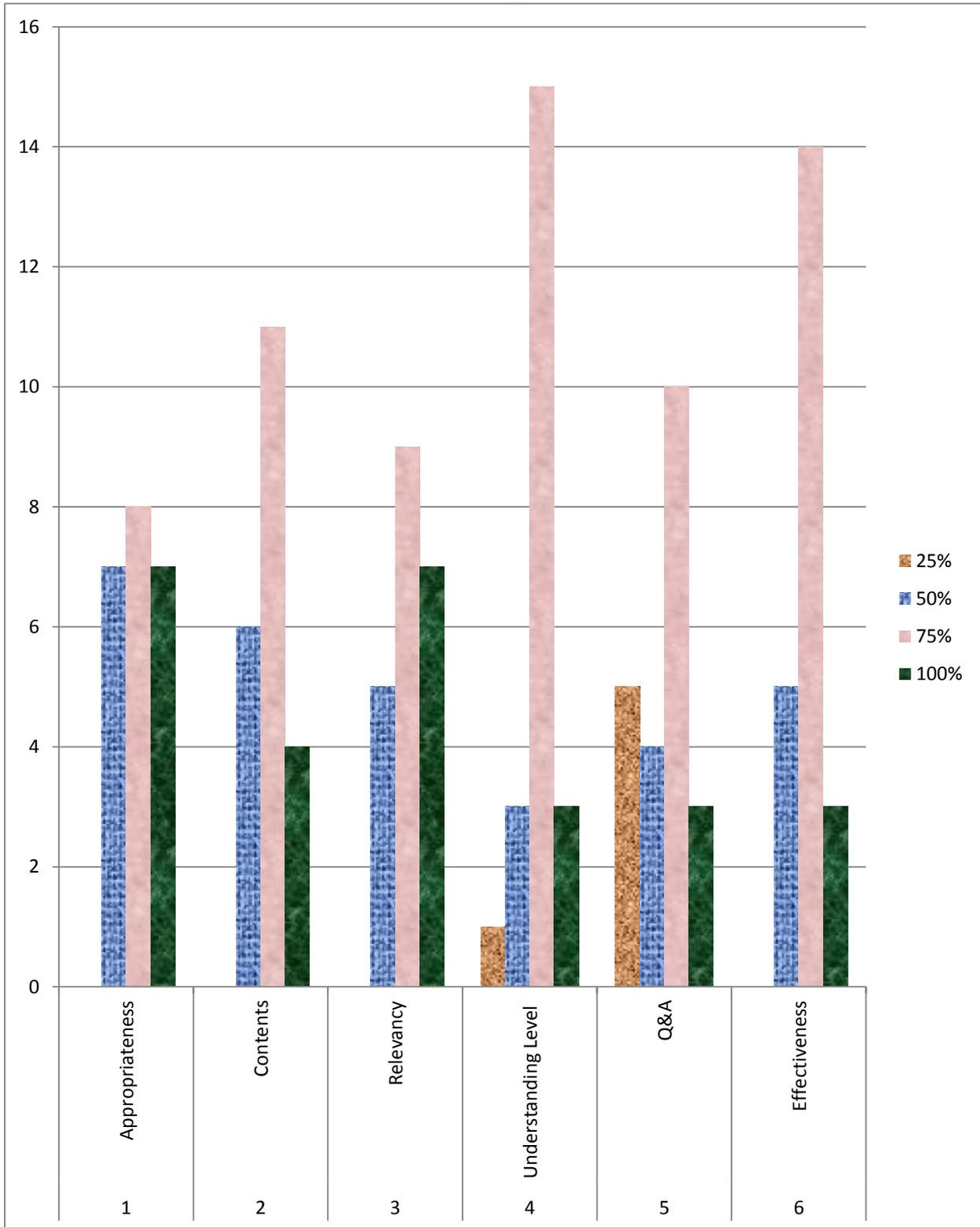
Thank you very much.

Niamatullah Shah

Civil Judge/Judicial Magistrate,
Swabi

Annexure (D)

Overall Training Evaluation



Annexure (E)**List of Participants**

S.No	Name	Posting At
1	Mr. Ishfaq Ali Haider	Mardan
2	Miss. Aalia Sadia Lodhi	Mardan
3	Ms. Saima Asim	Kohat
4	Mr. Ajmal Tahir	Upper Dir
5	Mr. Abid Zaman	Hangu
6	Mr. Ahmad Ehsan Ullah Qureshi	Swabi
7	Mr. Asim Riaz	Kohat
8	Mr. Abdul Basit	Karak
9	Mr. Sultan Hussain	Swat
10	Syed Zahid Shah	D.I.Khan
11	Raja Muhammad Shoaib Khan	D.I.Khan
12	Syed Mudassir Shah Termizi	Mardan
13	Mr.Muhammad Fiaz	Batagram
14	Mr. Afzal Ahmad	Mansehra
15	Mr. Danish Khan Afridi	Nowshera
16	Mr. Adam Khan	Bannu
17	Mr. Khalid Mansoor	D.I.Khan
18	Mr. Muhammad Irfan	Peshawar
19	Mr. Nadeem Akhtar	Peshawar
20	Miss. Nighat Bibi	Haripur
21	Mr. Mazhar Hussain	Haripur
22	Mr. Niamatullah Shah	Swabi
23	Mr. Muhammad Jamshed Kundi	D.I.Khan