



# Training on Judgment Writing

June 17-22, 2013

KPJA

Presentation Group –B

# Group Composition

- Mr. Fazal Sattar, Additional District and Sessions Judge, Charssada (Tangi)
- Mr. Altaf-ur-Rehman, Additional District and Sessions Judge, Dir Lower
- Ms. Ambreen Naveed, Additional District and Sessions Judge, Mardan
- Mr. Muhammad Shoaib, Senior Civil Judge, Chitral
- Mr. Tufail Ahmed, Civil Judge cum Judicial Magistrate, Peshawar

# JUDGMENT WRITING IN ISLAMIC LAW

Qazi Attaullah, Director Instructions, KPJA

- Qaza and Hukum, are the two terms used for judicial decision making. The former is general referring to the whole process of hearing, while the later is specific and indicates operative part of judgment.
- Definition of judgment by the classical and contemporary jurists.
- Introduction to basic concepts – Shariah ( complete Islamic system of life); Fiqh (Islamic law) and Usool e fiqh (Islamic Jurisprudence).
- Understanding terminologies in context Sharia and their nature – Commissions and Omissions – when a command becomes Wajib (mandatory) or Tabu (Haram) ; Mubah (permissible) and Makroh (disapproved).
- Judicial decision making and its delivery is mandatory, its recording is permissible but becomes mandatory when there is a command from Wali-ul-amer.
- Principles – Nothing in judgment should be repugnant or inconsistent with Shariah.

# Criticism and Recommendations

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- The discourse was so interesting, illuminating and impressive that each of the participant shared views, which rendered the allocated time insufficient for conclusion of the lecture.
- Need for extension classes for satisfying what was remaining.
- Exclusive and extensive training for judges on Judicial System in Islam. Online training courses and distant learning (like WIPO) may also be resorted to.

# Style and Structure of Judgment: Basics

- Introduction to writing; language; good, legal and professional writing.
- Major writing steps involve planning, drafting, revising, editing and re-reading.
- Writing for public (right-holders) in comprehensible language by the judges (duty bearers), to make the law understandable to those who are to abide by it.
- Judgment should be beautiful blending of style and substance.
- Poetic illustration of construction and style of a judgment with Cs for effective writing.
- Clarity warrants lexical clarity (properly contextualizing words, avoiding polysemi); syntactical clarity (arrangement of words in sentence) and semantic clarity (clarity of meaning)
- Concise writing requires avoidance of redundant, meaningless and repetitive words and sentences.
- Coherent, consistent, complete, considerate and concrete writings forms effective communication.

# Judgment Writing Principles of effectiveness

- FLAC principle of structuring judgment - F for facts; L for law; A for application, and C for conclusion.
- Avoiding over used words and phrases. Using modifiers cautiously.
- Gleanings from early English, Indian as well as our own judgments.
- Writing right thing to right person at right time at a right place for right purpose.
- Effective Judgments demands legal knowledge, judicial wisdom and language skill.
- Suggestive Readings from Garner, Denning, Swan, and others

# Criticism and Recommendations

- Effective and motivational presentation
- Sensitized participants on linguistic skills and commonly made mistakes – Gadani letter.
- Suggestive readings from role model judges will further help participants on structure and style of judgments.
- Subject matter of both the lectures was intermixed, probably due to commonality of subject.



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Thank you