

# KHYBER PAKHTUKHWA JUDICIAL ACADEMY



## Message of the Chairman

The establishment of the Judicial Academy was my dream. I conceived this conscious dream owing to the ever growing needs of capacity building of the judiciary and all other institutions, responsible, in one way or the other, for delivery of justice services. While the existence of a judicial training school is always a necessity, the establishment of one in the Khyber Pakhtunkhwa (KP) province assumed greater importance for, among others, one glaring reason: to enable the law and justice institutions to make an appropriate response to the non-state actors-led violent attacks, which collapsed the whole justice system, including their infrastructure. Well thought out reform is needed to establish the rule of law in the post conflict period. The Academy has an ambitious agenda for public outreach—information sharing, feedback and public awareness. Our quarterly *newsletter* will be an effective instrument of such public outreach. It will contain information, news, updates and reports of our activities. The *newsletter* will be a gateway to the growing body of our literature. I congratulate the Academy's staff on preparing the newsletter despite dearth of human resources.

Justice Dost Muhammad Khan,  
Chief Justice, Peshawar High Court/Chairman



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# NEWSLETTER



**DG's Message**

The creation of a judicial training school with training facilities for justice sector personnel of all concerned institutions—judges, police, prosecutors, lawyers, paralegals, etc—is essential in the post conflict peace building. A highly skilled and soundly professional justice system plays a vital role in a thriving democracy that faces good governance as a big challenge. Within this landscape, we have carved out a significant roadmap for the KP Judicial Academy to play a catalyzing role in pushing the justice system to reach its destination—the rule of law.

**Editor's Note**

I am delighted to introduce our first quarterly *newsletter*. Its first issue was ready by late April, but owing to our busy schedule in a comprehensive training needs assessment exercise, major civil work at the premises and paucity of funds, it could not be published on time. That is why two issues are combined. We believe the significance of public outreach for a judicial training school, needs no emphasis. For the one like ours, it is much more important, as it has a huge responsibility of imparting training to legal and judicial professionals in a way that help establish the writ of the state, bashing the militancy-led lawlessness in the KP.

Our *newsletter* briefly shares with you the information about our initial activities—the reasons for the creation of the Academy, the meeting of the Board of Governors, recruitment of key staff members, civil work for rehabilitation and renovation at the premises, visits of the Chairman and support by organizations, like the UNDP and the World Bank. We hope it is of great interest to you and your organization and gives you an easy reading. We are keen to receive your comments in our *Readers' Views*.

**Dr. Khurshid Iqbal**  
Dean Faculty

**The Story of the Academy**

Under sub rule 4 of Rule 9 of the Judicial Service Rules, 2001, training is compulsory for probationer judges. A 2003 notification prescribes two weeks training for District & Sessions Judges/Zila Qazis; three weeks each for Additional District & Sessions Judges/Izafi Zila Qazis and Senior Civil Judges/ A'ala A'laqa Qazis appointed on promotion; and four to eight weeks each for Additional District & Sessions Judges/Izafi Zila Qazis and Civil Judges cum Judicial Magistrates/ A'laqa Qazis appointed on initial recruitment (the Arabic nomenclature is used in Malakand division only).

In early last decade, a trend of short courses, seminars and workshops at the district level developed. Many districts held such learning and training programmes. This new trend led to the idea of establishing our own judicial academy. In March 2008, a Judicial Training Centre was established by the then Chief Justice of the Peshawar High Court (PHC). Immediately, efforts were made to convert the Centre to a full-fledge Academy. In 2010/11, the PHC expedited its efforts to make the establishment of the academy a reality. Extensive correspondence and meetings were held with the provincial government, which proved fruitful. In March 2011, the Academy was established as an interim arrangement with its office in the PHC. In order to have a quick start, Dr Khurshid Iqbal, Additional District & Sessions Judge/Additional Member Inspection Team, was given the additional charge of Acting Director General. In May 2011, two-day orientation training was conducted for all 42 process servers/bailiffs of District Peshawar.

After swearing in as the Chief Justice of the PHC in mid-November 2011, Mr. Justice Dost Muhammad Khan, put the establishment of the Academy on top of his priorities' list. In a meeting with the Provincial Law Minister on 8 December 2011, Hon'ble the Chief Justice categorically demanded that the provincial government shall establish the

academy sooner rather than later. Pursuant to that direction, the Governor of the KP was pleased to establish the academy through an Ordinance, issued on 28 December 2011. On 17 January 2012, the Provincial Assembly passed the KP Judicial Academy Act.

### **DG and other Staff**

In February, Mr. Hayat Ali Shah, Judge Anti-Terrorism Court(ATC), Peshawar, was appointed as the Director General (DG) of the KP Judicial Academy. In March, Mr. Muhammad Saleem Khan, Judge, ATC, Abbotabad and Dr. Khurshid Iqbal, Director, Human Rights Cell, PHC, were appointed as Senior Director Administration and Dean Faculty, respectively. In May, Mr. Asghar Ali Salarzai, Civil Judge joined the Academy as Administrative Officer.



### **First meeting of the Board**

The first meeting of the Board of Governors (Board) was held on 15 February 2012 in the PHC. Mr. Justice Dost Muhammad Khan, the Chief Justice of the PHC, presided over the meeting as the Chairman of the Board. The Board deliberated upon and made decisions on as many as 10 agenda items: fund; terms and conditions of the services of the DG; human resources: staff and faculty; delegation of certain powers and function to the Chairman; rehabilitation and alteration of premises of the academy; hiring of boarding & lodging facility for trainees; acquisition of land for permanent premises; transport facilities; formation of certain committee; and budget and authorization of expenditures.



### **Terms & conditions of services of the DG**

The Board approved that the pay package of the DG shall match with that of the equivalent officer in the PHC—the Registrar. This is in compliance with the directives of Hon'ble the Chief Justice of Pakistan, issued in a meeting of the National Judicial Policy Making Committee (NJPMC). The remaining terms and conditions will be prescribed under the rules.

### **Human resources**

A proposed organizational chart was approved. However, it was decided that recruitment shall be made according to requirement at the discretion of the Chairman, and subject to the Rules which shall be framed later on. It was also decided that a Post of Auditor in the Accounts Section and a Drafting Expert/Editor in Publication Branch be created. Terms and conditions with regard to pay package and equivalence shall be determined by the Chairman. Number of Officers may be increased according to needs. Pay package be made more attractive for encouraging good brains to join the Academy.

### **Delegation of powers**

Delegation of powers sub section (c), (i), (n) and (o) of Section of the Act to the Chairman approved.

### **Follow up on decisions**

#### ***Fund:***

The Provincial government approved the grant of Rs 50 million for the Academy, The Academy has also approached the Federal Government through the Provincial Government for a grant of Rs 100 million, which is being pursued. As the Board authorized, the Academy also approached the UNDP and the World Bank.

#### ***UNDP:***

*Strengthening the KP Judicial Academy* is a key cluster area of the UNDP's Strengthening the Rule of Law in Malakand (SRLM) project.

A Letter of Agreement (LoA) signed for 8 activities: training needs assessment, development of training manuals, training of the trainers, publication of brochure, three trainings on judgment writing, help in hiring residential facility for trainees, seminar on the shari Nizam -e- Adl Regulation, 2009, in Malakand and provision of furniture.

#### ***World Bank***

A project is being negotiated, for provision of various equipments, notably, in the IT area (computers, video conference device, multimedia, digital library, etc); funding certain trainings, workshops and at least two judicial research studies. The Bank will Support the Academy through its Governance Support Program and the Multi Donors Trust Fund.

### **Purchase of vehicles**

Per decision of the Purchase Committee, the required number of vehicles has been purchased.

### **Committees**

Separate Committees are working on framing rules and setting out terms and conditions of services of the Academy staff .

### **Budget estimates and authorization of expenditures**

The DG was authorized to prepare budget in consultation with finance department, which will be approved through rotation.

### **Website:**

The Academy has launched its website: [www.kpkjudicialacademy.gov.pk](http://www.kpkjudicialacademy.gov.pk)

### **Rehabilitation and alteration of premises**

The Board decided: the building shall be restored to its original form; its outer texture should not be changed, only internal structure be adopted to suit the purpose of Academy; certain structures be demolished; and the provincial government may be requested to approve the PC-I for its rehabilitation and alteration work. The civil work is going on in full swing. The PC-I has been approved. Certain structures have been demolished; trees cut down and duly auctioned.

### **Hiring of boarding & lodging facility for trainees**

Provincial Services Academy may be approached and possibility of getting one of the hostels on rent be sorted out. A suitable bungalow may also be hired, but, only when the trainings start. The UNDP will provide support in this area under an LOA, referred to above.

### **Acquisition of land for permanent premises**

The Board decided that the DG will coordinate with the DG of the Peshawar Development Authority (PDA) to examine the master plans of Hayat Abad and Regi Model Town, to search for a suitable Government land for the Academy. A meeting was held on date 29 Feb. 2012. The PDA agreed to allot 1500 Kanals land for the Academy, in the Regi Model town, Peshawar.

## Awareness: FM radio

The role of media in information sharing is on constant rise. With the recognition of information as a fundamental right in the constitution, mass media has assumed a significant role. Among mass media, FM radio has been more effective in recent times. FM radio is accessible to a variety of people at different places, most notably, in the rural areas, where others, such as, TV and the internet may not be easily accessible. The provision of inexpensive and expeditious justice, one of the principles of policy, laid down in the constitution of Pakistan, is an obligation the State has to perform through the judiciary. The judiciary is directly as well as indirectly linked with many other principles. For example, the obligations to ensure full participation of women in national life, just and humane conditions of work, ensuring that children and women are dealt with according to the laws which have been enacted for their rights, eradication of social evils like prostitution and gambling and protection of minorities.

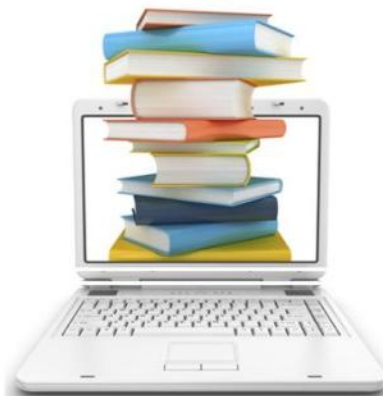
In the above background, hon'ble Chairman of the Academy has desired to start an FM radio to serve the following specific purposes:

**Awareness:** About rights, remedies, legal and judicial forum to redress grievances and the services the Academy will be providing.

**Education**—particularly, distant learning; the views expressed by renowned legal and judicial experts will be helpful for all those associated with justice services delivery.

**Feedback**—Audience/viewers may also provide feedback to the concerned justice sector departments and the performance of the Academy.

## Digital library



In this age of information economy, the establishment of a digital library in an academic institution needs no emphasis. Unveiling his vision for the Academy, hon'ble the Chairman desired to establish such a library at the Academy, for which the World Bank will provide support. The benefits of the digital library for the Academy aims at providing training to all justice sector personnel, including judges and court staff.

### Key Benefits:

- Online access to central digital repository with updated contents;
- Effective use of resources with environment friendly approach;
- Equitable access to government information by the public; and
- Availability of online records' authenticity and archival context.

### **Projection at the International Judicial Conference**

The Dean Faculty gave a presentation on the KP Judicial Academy, at the three-day International Judicial Conference (13—15 April), held in Islamabad. He shared with the participants the key objectives of the Academy, including programme themes and the current TNA exercise. The DG and the Dean Faculty played key role in formulating the recommendations of the group, some of which were approved among the core areas and reflected in the communiqué issued at the conclusion of the conference.

### **Inland linkage**

On the direction of the chairman, the DG and the Dean visited the HEC (Islamabad) and Panjab Judicial Academy, the Institute of Inland Revenue and (LUMS) (Lahore).

### **Department of Criminology**

In light of a news item about the establishment of the department of Criminology in the University of Peshawar, the Dean sent a letter to the Registrar of the University of Peshawar, offering him academic support for the proposed department. The Vice-Chancellor of the University was pleased to respond positively, stating that the Director Faculty of Social Sciences will coordinate with the Academy for further cooperation.



### Research wing

Research is one of our core programme themes. The idea has been greatly appreciated by the legal fraternity, academia and development practitioners. Donors, such as, UNDP and the World Bank have expressed their interest to help strengthen the Wing. The Academy has proposed that Judges and officers from other justice institutions may be encouraged to participate in the research projects. The Academy also plans to provide high quality training on research methodology. The UNDP has shown its interest in supporting the creation of the Wing, an orientation course on research methodology and at least two action research studies. The World Bank has also expressed interest in funding research studies. The Academy is currently considering the following proposals:

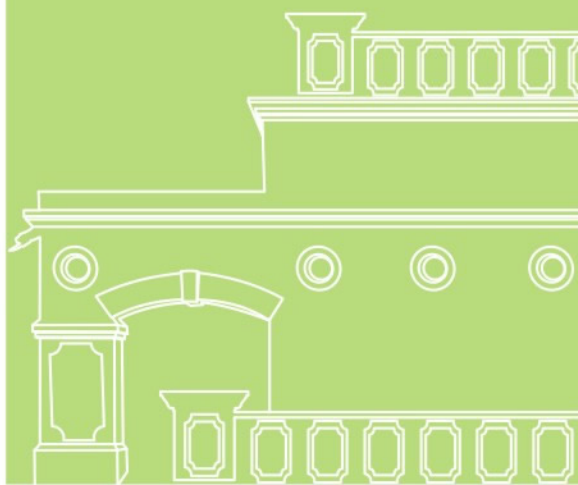
- Justice on Wheels: Challenges and prospects of Mobile Courts in Pakistan's Khyber Pakhtunkhwa Province
- Whether the present judicial system introduced in Malakand Division can deliver the justice services to ensure peace?
- Development and prospects of indigenous ADR techniques including customs based dispute resolution (Jirga) and identifying mechanism to strengthen linkages between formal judicial systems and custom-based judicial systems.
- Present judicial system in the FATA, its impact and future prospects for a formal judicial system

### Training needs, manuals, etc

With the assistance of the Institute of Management Sciences, Peshawar, the Academy has completed a comprehensive Training Needs Assessment (TNA) exercise. In light of the findings of TNA, training courses are being devised, on which in put will be sought in a two-day stakeholders' workshop. In last stage, master trainers will be trained.

### Judgment writing: an indigenous TNA

Alongside the main TNA, the Academy also launched its own TNA in regard to judgment writing. A questionnaire was developed and circulated among all judicial officers, the Academy is currently designing modules for one-week training on judgment writing. It will impart this training to all judges of the district judiciary. The Academy will also evaluate the impact of this training.



## VISITS

☒ Hon'ble Chief Justice/Chairman of the Academy regularly visits the Academy to review the ongoing civil work. In less than three months, his lordship visited the Academy thrice : 7 March, 19 April and 29 April, 2012.



Kiramatullah Khan, Speaker of the KP Provincial Assembly visited the Academy on 23 May 2012. He was the first high profile dignitary to visit the Academy.



☒ In late May, World Bank representative met the Academy staff twice, to work out modalities for the establishment of the digital library.

Senior puisne Judge of Supreme Court, Mr. Justice Mian Shakir Ullah Jan, visited the Academy twice. On his last visit, he was presented a souvenir by the Chairman.



Mr. Zahid Arif Secretary to the Govt. of KP C& W Department visited the Academy in April, May & Jun 2012.



Mr. Sher Shah senior Governance Specialist, at the World bank visited the Academy. He discussed the ongoing projects of the Bank and possibilities of further support.



### **Souvenirs to the CJP and Chief Justices**

☒ On the occasion of the meeting of the /NJPMC at Peshawar, on 30 May 2012, on behalf of the Academy souvenirs were presented to hon'ble the Chief Justice of Pakistan and other Chief Justices, including the Supreme Court of Azad Jammu and Kashmir



# Civil work in pictures

## *Beginning*



## *Chairman's Visits*



## *Work in progress*



## *Now*





## *Readers' views*

***Comments & suggestions are welcomed.  
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