

# 2017



Schweizerische Eidgenossenschaft  
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Confederazione Svizzera  
Confederaziun svizra

Swiss Agency for Development  
and Cooperation SDC



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## REPORT

### “CASE & COURT MANAGEMENT”

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**29 November - 01 December**

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ACADEMY, OLD SESSIONS COURT BUILDING, JAIL ROAD,  
PESHAWAR, KHYBER PAKHTUNKHWA, PAKISTAN

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## EXECUTIVE SUMMARY

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With the collaboration of UNDP-SRLP and financial assistance from SDC, the Judicial Academy had successfully rolled out 05 days training on ‘Case and Court Management’ for civil judges. However, in the due course of training it was realized that the trainees require more in-depth training on a particular subject area or areas of case management particularly pre and in trial proceedings both civil and criminal cases. It was with this view that a series of training courses were held, with each batch of judicial officers trained specifically to exercise more authority and proficiency in an array of trial proceedings. The present report encompasses the activities of the training, conducted from 27-29 November 2017. A total number of 24 civil judges cum judicial magistrate participated.

## INTRODUCTION

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Justice System plays a significant role in the development and prosperity of a nation, having a direct nexus with productivity of the society. As justice is a key to success, injustice leads to ignorance, poverty, and to the might of power. Dispensation of justice is twofold; criminal and civil. Both are essential for peace and tranquility. Civil Justice System ensures and safeguards the rights of the people and provides remedy and compensation to the aggrieved. Criminal Justice System, not only deals with imposing punishments, but also creates deterrence, that guarantees security of life, property and honor. It further provides for remedying and compensating the aggrieved. None else but a judge runs both the systems. He is not a mere administrator who makes policies rather he is the manager who practically implements policies. He works in the field and he knows where the shoe pinches. His work, no doubt, is divine but at the same time fragile as well. To get him properly equipped with the required skills and knowledge, there is no escape from arranging refresher courses, trainings, workshops and seminars. No doubt the quality of justice has a direct nexus with the quality of service that the courts' delivers. The more competent judge delivers better while the most competent would deliver the best. A judge must be competent, skillful, effective and efficient. On expediency, delay reduction, so as to restore confidence of the people. That's why the manual was revised- pre trial conferences and trial scheduling is prime consideration for answering timely and quality adjudication.

Admittedly, transparency and honesty run together rather the former is the product of the later. We express without any hesitation that, while comparing competency and honesty, the later prevails. Competency may be gained through passage of time but honesty cannot be achieved so. Keeping this fact in view, and in compliance with the advice of honorable Chairman, special material on code of conduct (Ethics), honesty and clarity of monetary record has been included in the course. To make Judges more sensitized on the subject, we took the support of religion, clarifying the curse of corruption, embezzlement, misrepresentation and malfeasance. This content of the course is intended to make the trainees effective whereas the rest of the topics are aimed to increase their efficiency. In order to enhance the capacity of the judges across the province, the Academy, with the generous support of the UNDP has arranged the present training.

## PROCEEDINGS CUM SYPOSES WITH INDIVIDUAL RESOURCE PERSON FEEDBACK

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Mr. Zia ur Rehman, Director Instructions, KPJA gave a comprehensive lecture on Pre-Trial Proceedings (Civil). The synopsis of his lecture is produced below:

### 1. PRE-TRIAL PROCEEDINGS (CIVIL)

---

#### **Introduction**

There has been a great concern across the world over the slow pace of judicial proceedings. The fear in many quarters is that this problem could ultimately defeat the very purpose of adjudication, to wit, dispensation of substantial justice. As a consequence, the pretrial conference procedure has evolved as way of preventing unnecessary delays in judicial proceedings and as a tool for case management. This session attempts a review of the extent to which the procedure has been put to use by the trial courts and how an effective mechanism of judge based investigation in the form of examination of parties, interrogatories, discoveries, affidavits and summary adjudication (Order X to XV CPC) has remained ignored and uninvoked. The session also aims at imparting skills for curbing delay and ensuring qualitative justice by utilizing techniques of pretrial conferencing and trial scheduling. In view of the fact that the world has become a global village, a comparative analysis of the use of the procedure by different countries of the world is also made in this session. At the end, the session recommends a way forward in the application of the pretrial conference procedure in Pakistani judicial proceedings.

#### **Objectives:**

Pretrial conference is quite a commendable practice as it ensures the just, economical and speedy disposition of cases. Thus the core objective of this session is the detail explanation of the techniques of pre-trial conference, which not only helps in expeditious and qualitative justice but also ensures effective and amicable settlement of disputes.

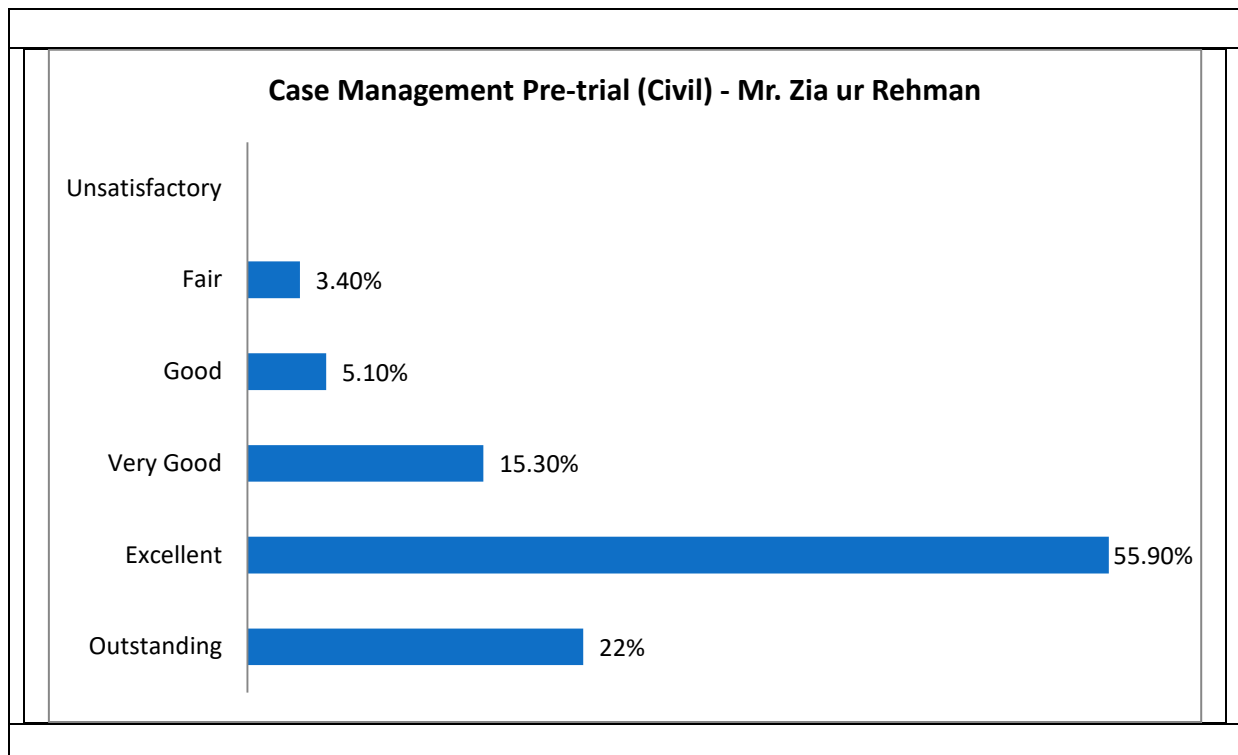
## Learning Outcomes

After the lecture, the participants will be able to understand and apply:-

- Significance of the matter in hand
- Explore potential benefits of pretrial conferencing in delay reduction
- Basic to advance command over pretrial conferencing techniques
- Apply the techniques learnt

## Methodology

The lecture is descriptive and analytical: descriptive as it studies the relevant law and analytical for it analyzes the techniques of pretrial proceedings vis a vis pretrial conferencing.



Mr. Muhammad Masood Khan, District & Sessions Judge delivered a comprehensive lecture on the topic “Case Management Techniques (Civil) Trial”. He appraised the participants about the concept of trial scheduling which is a key to curb delay in dispensation of justice. The synopsis of the lecture is produced below

## 2. CASE MANAGEMENT TECHNIQUES (CIVIL) TRIAL

### **Introduction**

Every democratic State is bound to provide expeditious justice to its citizen and Pakistan is not an exception. Article 37 (d) of the Constitution of the Islamic Republic of Pakistan, 1973 stipulates that ‘State shall ensure inexpensive and expeditious justice to its people’. The delay in case settling undermines the purpose of the courts itself because delaying justice often implies its negating, as said by a great British statesman William E. Gladstone in nineteenth century that “justice delayed is justice denied”. In all developed countries delay reduction has been one of the primary focuses of twentieth century. An appropriate case flow management system makes justice possible both for individual cases and the entire judicial system. Generally in all the course of Pakistan and especially in subordinate courts, backlog of cases is gradually increasing and if the problem is not tackled by employing delay reduction techniques i.e. pretrial conferencing and trial scheduling to name a few. This session thus focuses on imparting skills for curbing delay and ensuring qualitative justice by utilizing techniques of trial scheduling by consulting and engaging the parties as well as the lawyers.

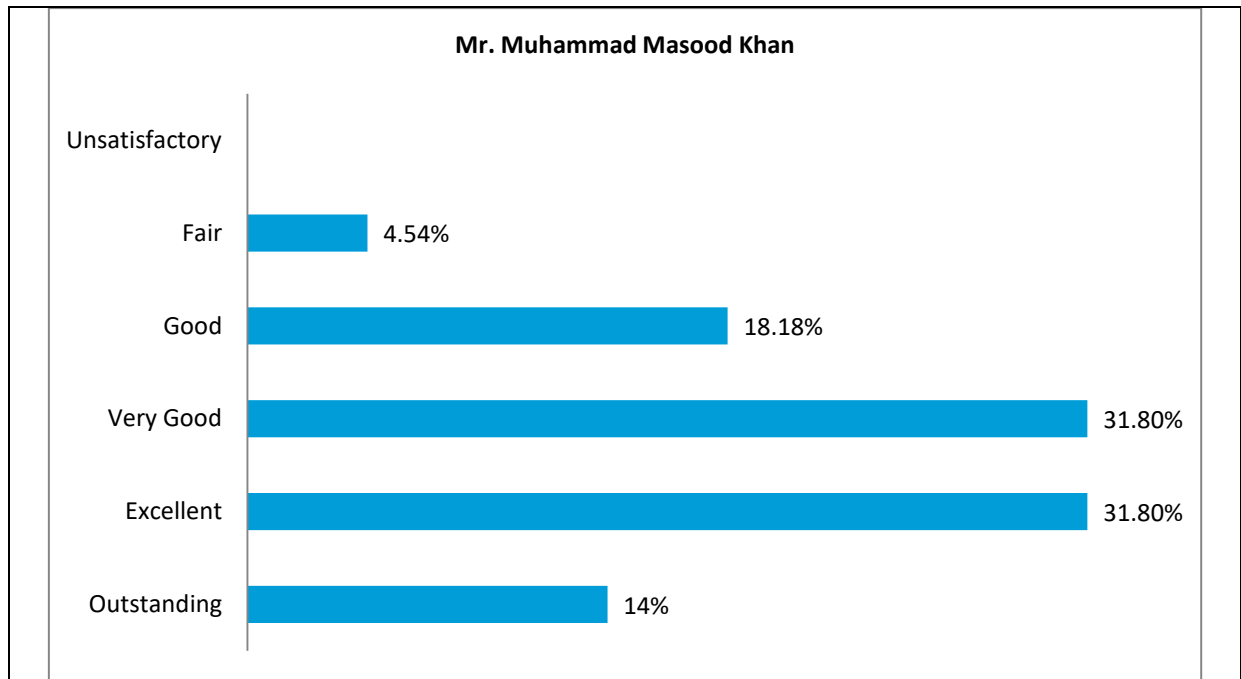
### **Objectives**

- Understand the normative as well practical understanding of the delay reduction tools
- To know the need and significance of trial scheduling
- Specific Provisions of CPC

### **Learning Outcomes**

After the lecture, the participants will be able to:

- The normative basis as well as practical significance of trial scheduling
- Maximize their performance for achieving the organizational objectives (Abilities)
- Apply the techniques of supervising and scheduling the trials.
- 



Mr. Sohail Sheraz Noor Sani, Sr. Director Research & Publication, KP Judicial Academy delivered a lecture on “Case Management (Pre-Trial) Criminal”.

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### 3. CASE MANAGEMENT (PRE-TRIAL) CRIMINAL

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#### Introduction

The session will focus on Investigation of criminal cases, powers of magisterial courts, principles of remand of accused to police, search warrant, statements (witness and accused) under section 164 CrPC, and taking of cognizance. Three stages will be discussed; investigation (Registration of case to submission of report/challan), pre-trial (post submission of challan to framing of charge) and trial (Evidence, arguments and judgment).



The difference between discharge under section 63 CrPC and release under section 169 of the Code. Special reference to the execution of warrants outside the district of the issuing court. The participants are advised to strictly follow the Rules and Orders of the High Court while recording confessional statements. They are also advised to avoid granting mechanical remand order of accused to police.

### **Objectives of the session**

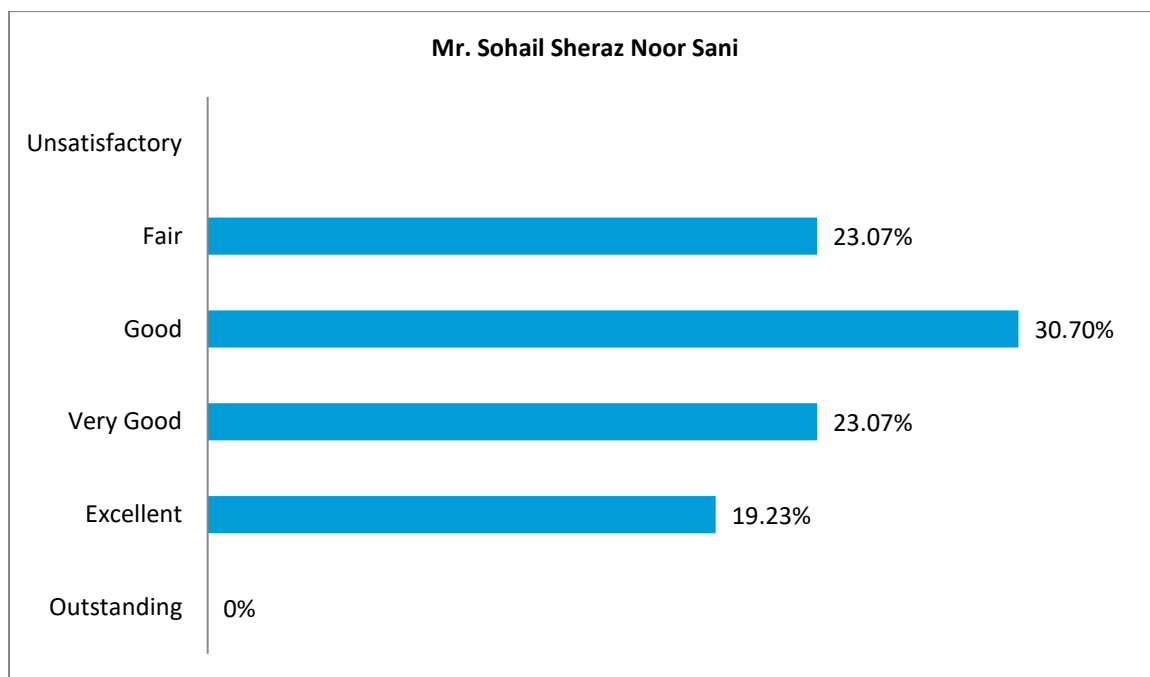
To train the participants to effectively supervise the process of investigation, safeguard fundamental rights of parties/ stakeholders & to differentiate between administrative and judicial functions of Magistrates and to set the platform for trial scheduling.

### **Strategy**

- Introduction.
- Identification of the areas of training needs.
- Presentation.
- Question Answers.

### **Theme**

- Pre-Trial
- Meaning
- Stages involved in Pre Trial Proceedings
- Conferencing



Khawaja Wahijuddin, Dean Faculty, delivered a lecture on “Case Management Techniques (Criminal Trial). The synopsis of the lecture is reproduced below:

#### 4. CASE MANAGEMENT TECHNIQUES (CRIMINAL TRIAL)

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##### **Introduction:**

Criminal justice system in Pakistan is confronted with serious crises of abnormal delay. The delay in case settling undermines the purpose of the courts itself because delaying justice often implies its negation, as said by the English writer and poet Walter Savage Landor that “delay in justice is injustice”. The session aims at imparting skills for curbing delay and ensuring qualitative justice by utilizing techniques of pretrial conferencing and trial scheduling in criminal cases.

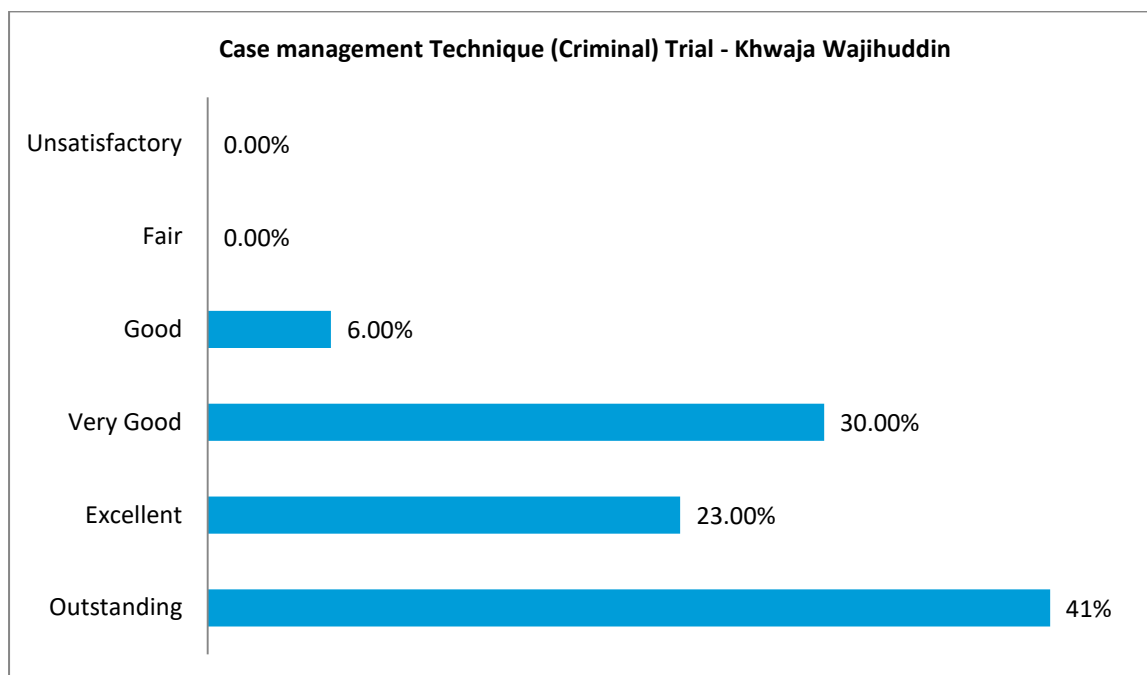
## Objective:

- Determination of various issues, pertaining to trial, fixing dates of hearing, for various stages of trial.
- Chalk out strategies to deal with many unexpected situations well in advance.
- Involving the public prosecutor, complainant, accused and their advocates.

## Learning Outcomes

After the lecture, the participants will be able to understand:-

- Significance of the matter in hand
- Explore potential benefits of pretrial conferencing in delay reduction
- Basic to advance command over pretrial conferencing techniques



Khwaja Wahijuddin, Dean Faculty, enlightened the participants on the topic of “attitude and good conduct”. The brief synopsis of his lecture is produced below:

## 5. ATTITUDE & GOOD CONDUCT

Judicial conduct is the conduct to be followed by the persons who performs judicial functions. A judge should observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge shall uphold the integrity and independence of the judiciary. A judge is protected in the exercise of judicial duties in order

to uphold the independence of the judiciary. Most countries have rules of conduct to be followed by the judges of that country.

### WRAP-UP SESSION

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The Academy introduced a new idea of wrapping the training activity. All the resource persons were invited in the session & all queries and confusions were specifically addressed. The purpose was not only to remove doubts of the participants regarding topics but also enable the resource persons to learn from each other.

## EVALUATION

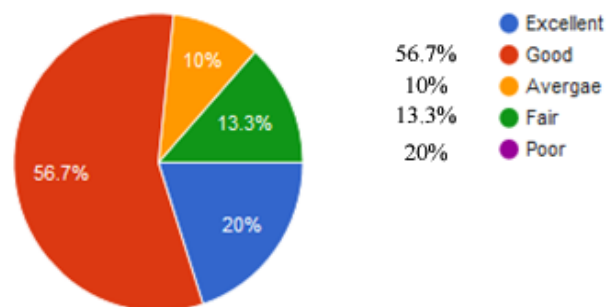
### REACTION SURVEY (PRE-TRAINING)

#### Program Administration

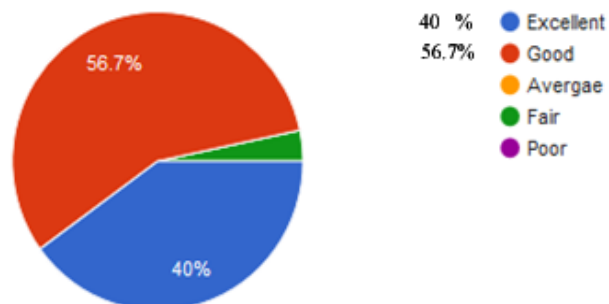
What was the level of information provided to you about the training program by KPJA?

Please choose the appropriate level for each attribute given below.

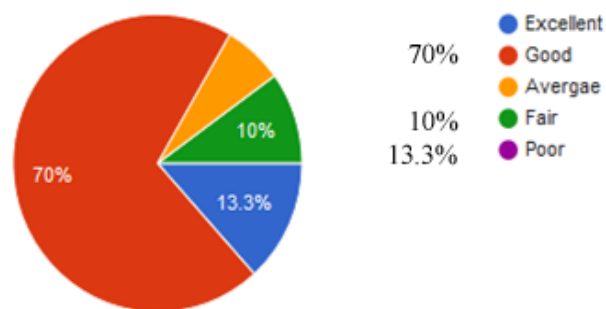
b. Sharing of pre requisites material for training.



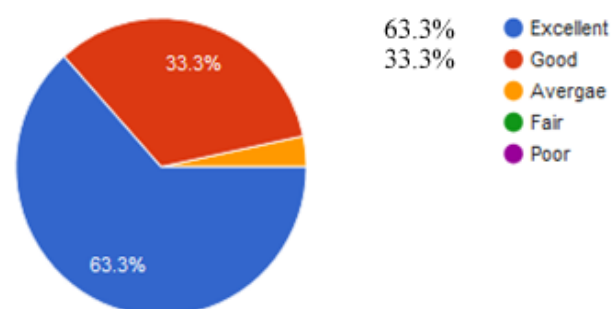
a. About the schedule of training program.



c. Relevance of the pre requisite material to the training program.

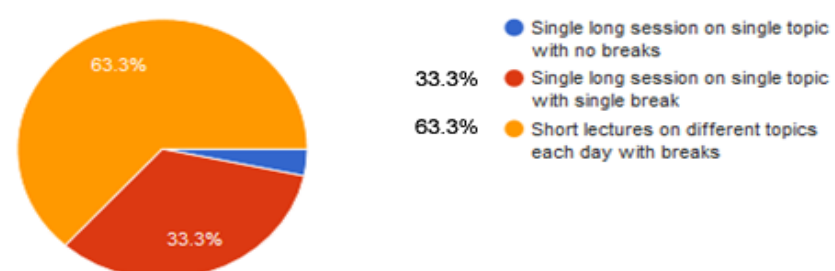


d. About the location of training program.



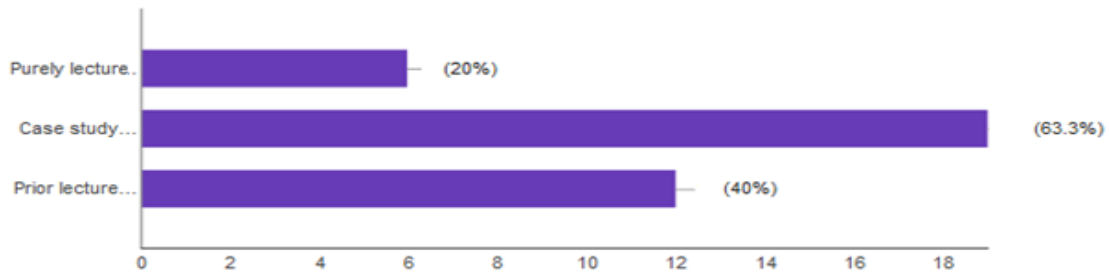
## Schedule

e. What do you think what should be the appropriate schedule for training program?



## Teaching Methodology

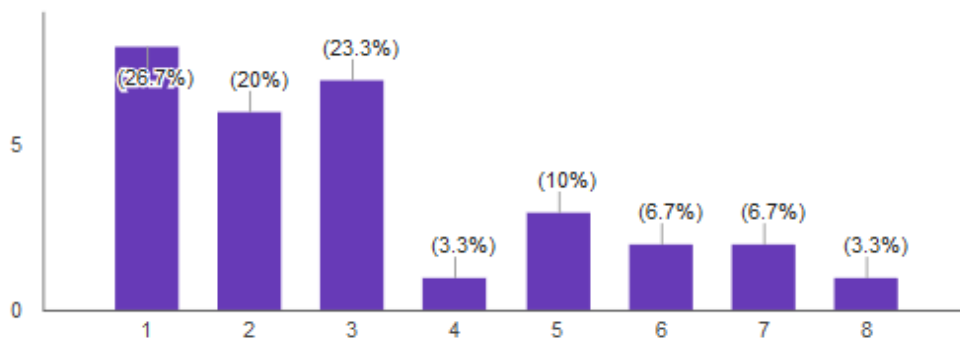
Which teaching methodology you would suggest to be followed during the training program?



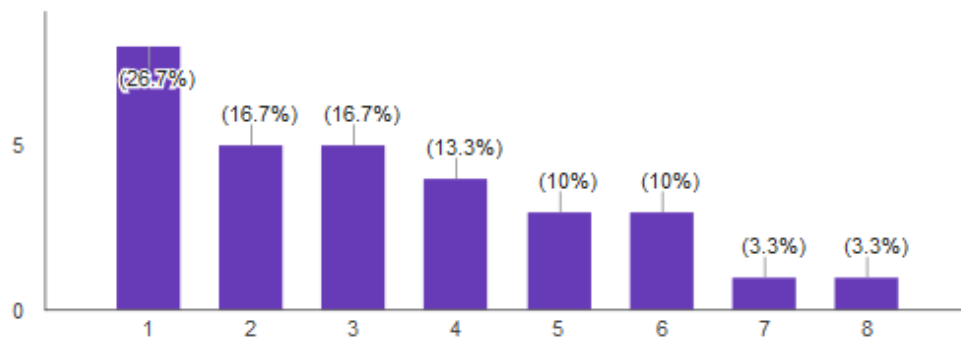
## Learning Survey (Pre Training)

As a result of attending a training course, apart from subject specific what sort of new **knowledge and skills** do you expect to gain? (rank in order of your priority from 1-8)

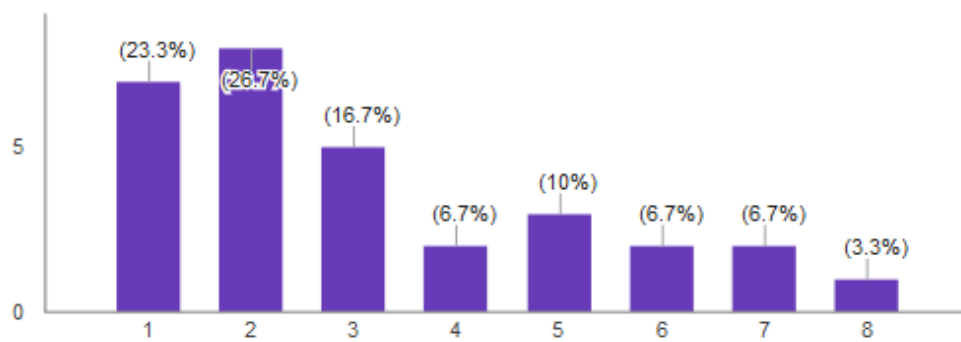
### a) Communication



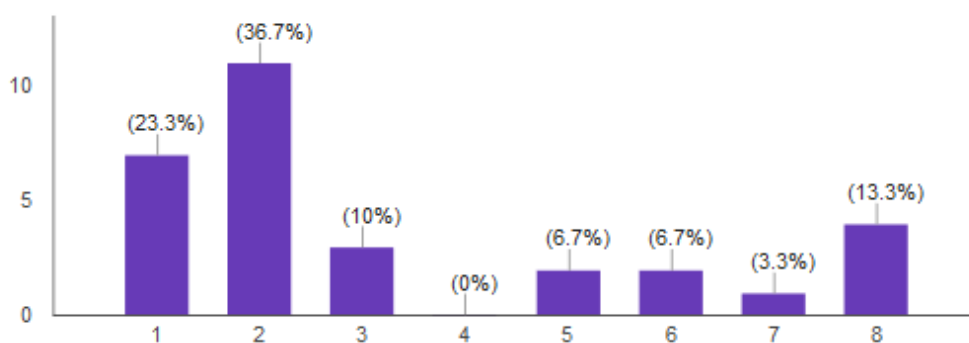
### b) Analytical



### c) Strategic

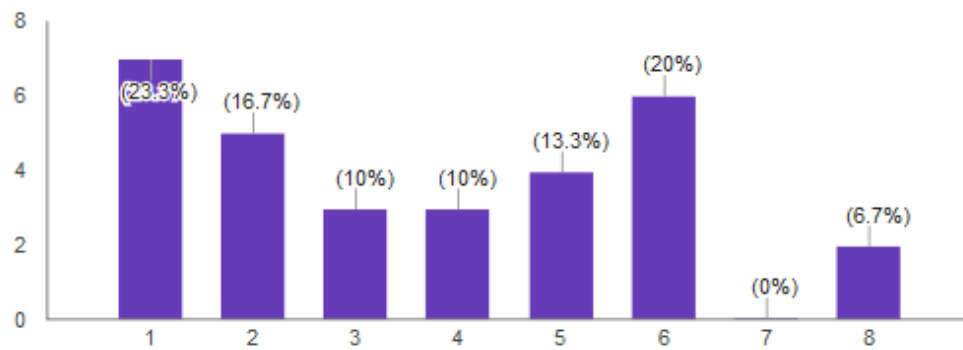


### d) Decision making

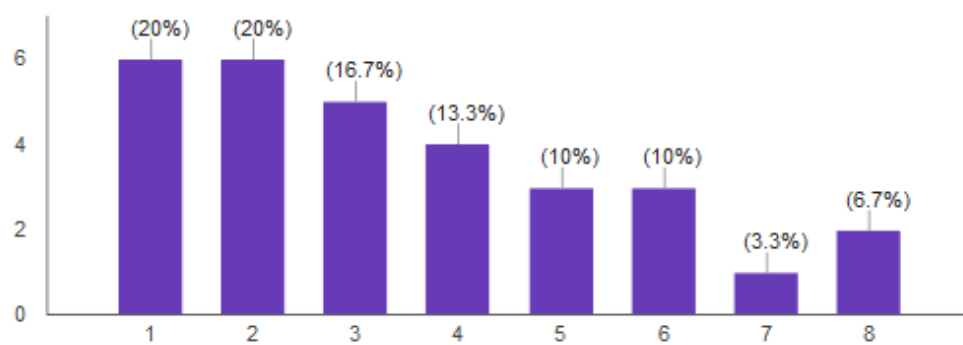




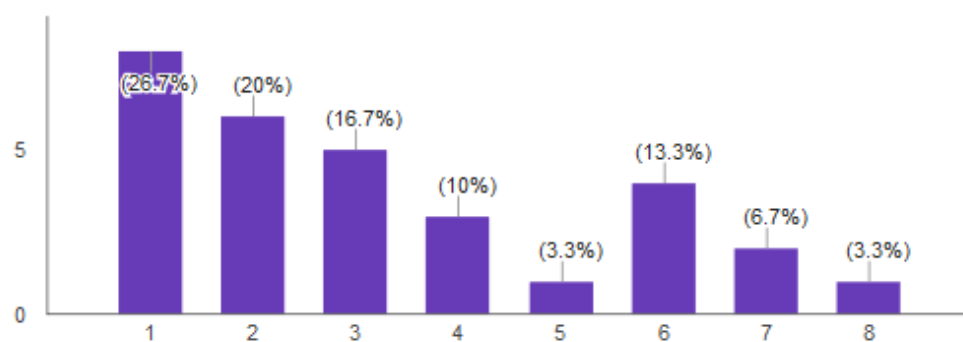
### e) Networking



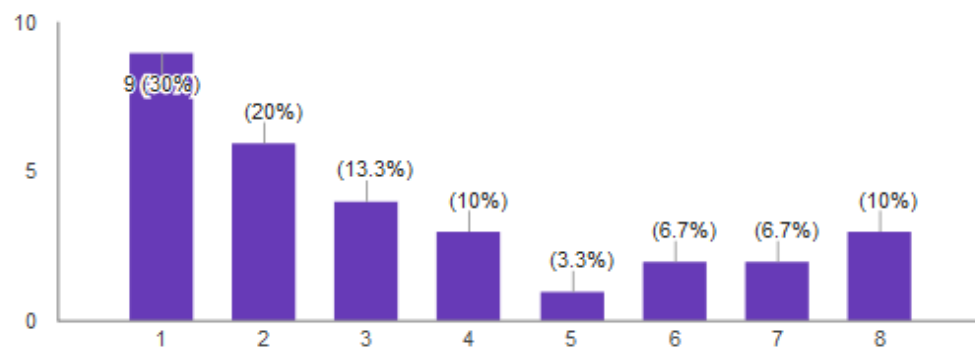
### f) Interpersonal



### g) Leadership



## h) Management

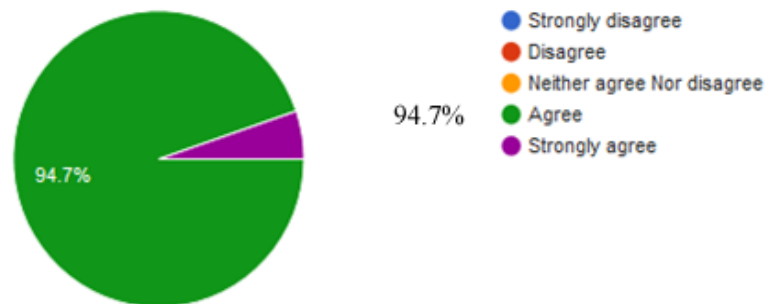


## REACTION SURVEY (POST-TRAINING)

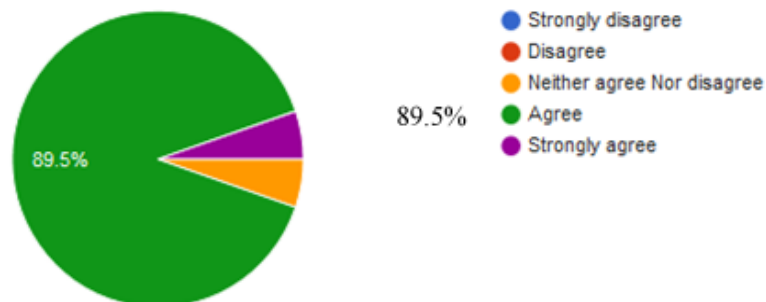
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### 1. Express your opinion about the attributes of this training course.

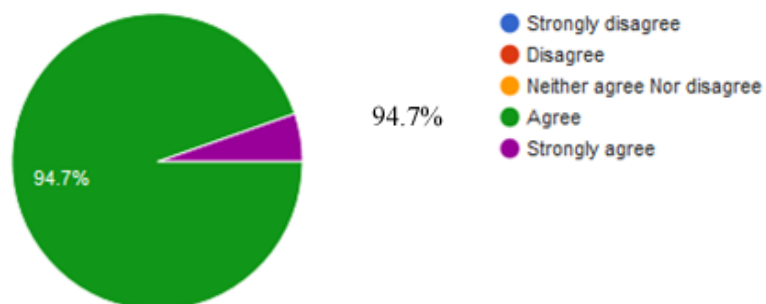
#### i. Overall course objectives were met.



#### ii. Concepts were clearly conveyed.

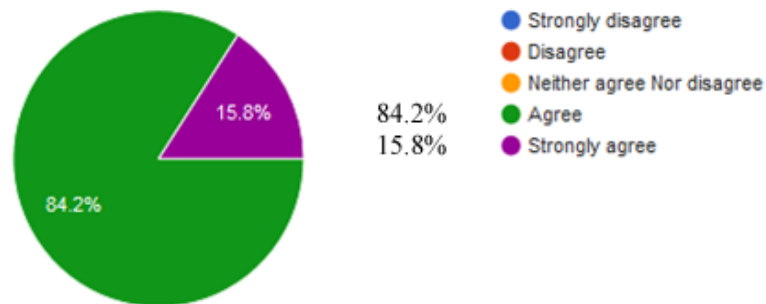


#### iii. The sequence of course was logical.

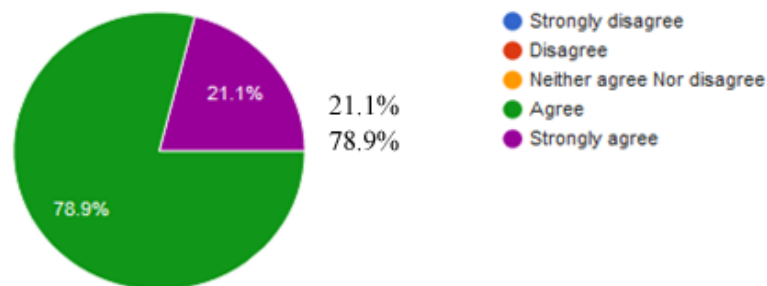


## 2. Interaction

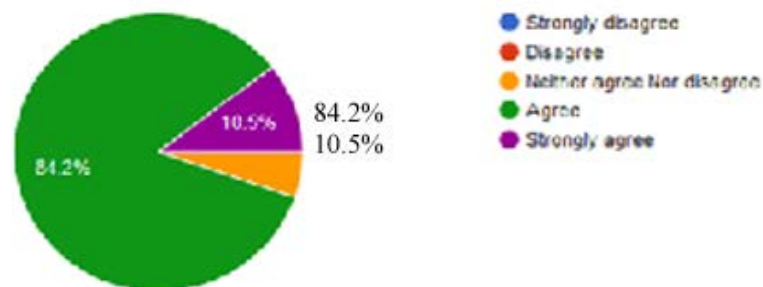
i. I felt comfortable asking questions.



ii. I was given the opportunity to contribute during class discussions.

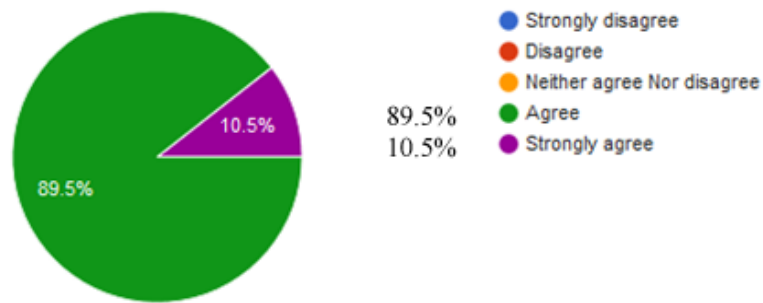


iii. I was provided opportunities to interact with other participants.

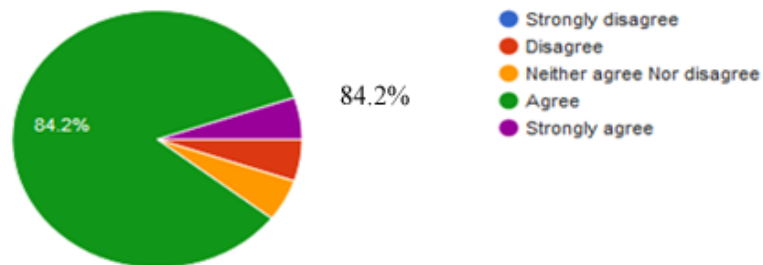


## 3. Instructor

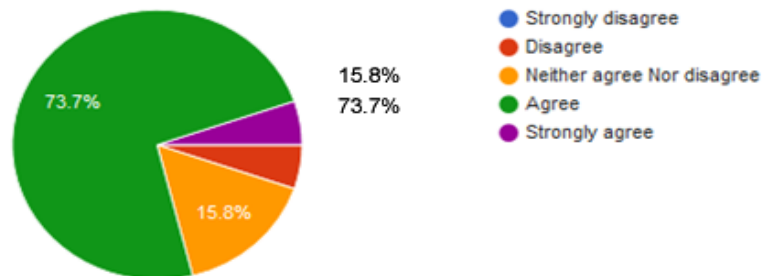
i. Instructor/s had lot of personal experience.



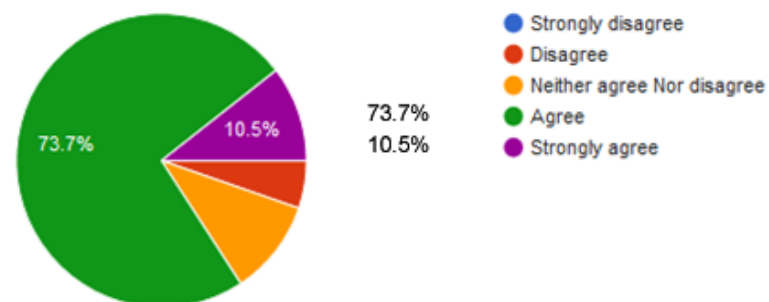
ii. Instructor/s had good understanding and knowledge of topics he was teaching.



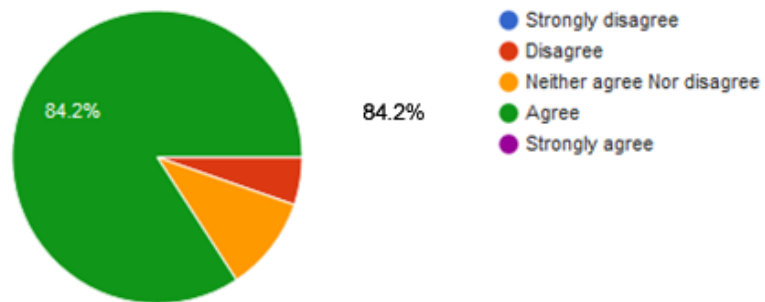
iii. He/she was dynamic and excellent speaker.



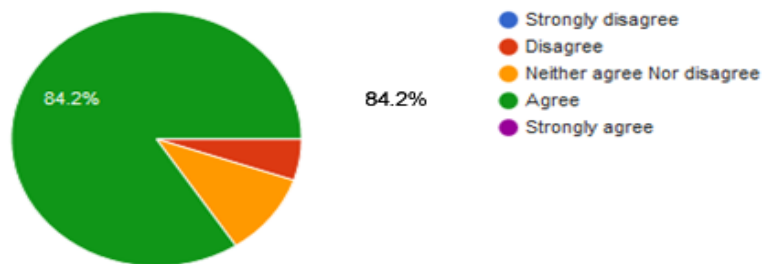
iv. Instructor was comfortable with self and subject matter.



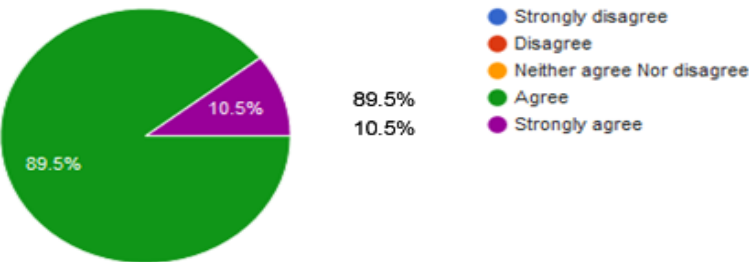
v . Knowledge and communication skills of instructor were exceptional.



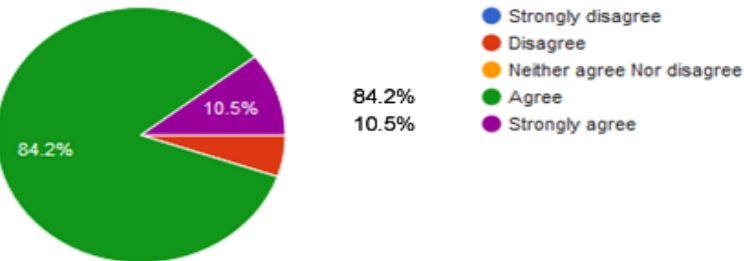
i. I was using the knowledge and/or skills presented in the training course prior to attending a training course.



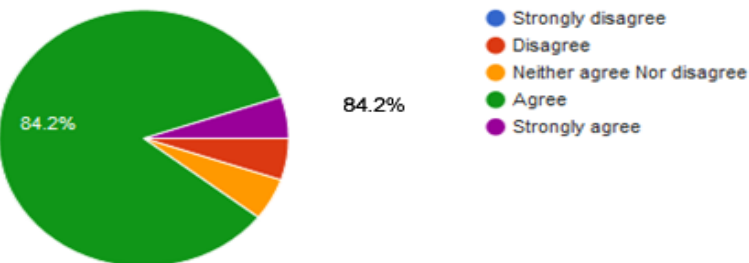
ii. The concepts and/or skills learned at the training course were related to my work situation.



iii. I assume that training course has offered me the required elements for the demands of my job.

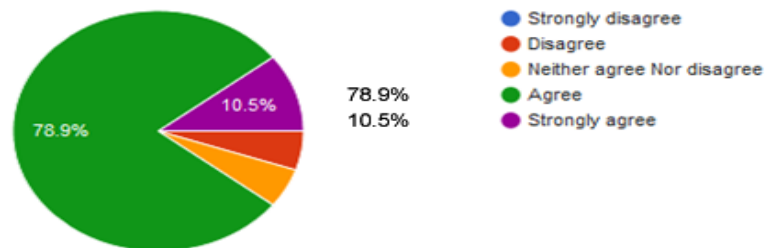


iv. The content of the training course was appropriate for achieving the course objectives.

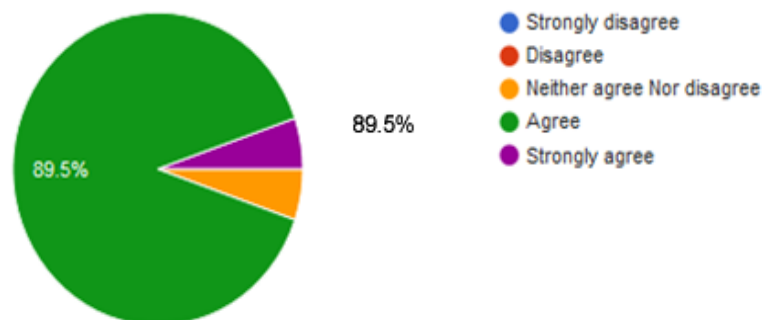


#### 4. Expectations of the training course

i. I believe that the training course create a sense of group cohesiveness among participants.

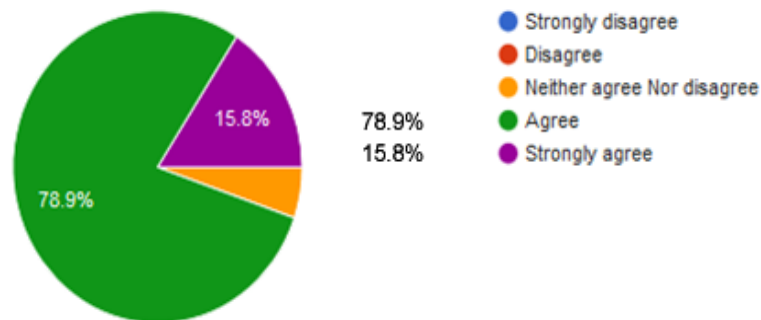


ii. I believe I have made a significant impact on my personal growth, as a participant in a training course. (e.g. new opportunities for learning, broadening of the intellectual level)

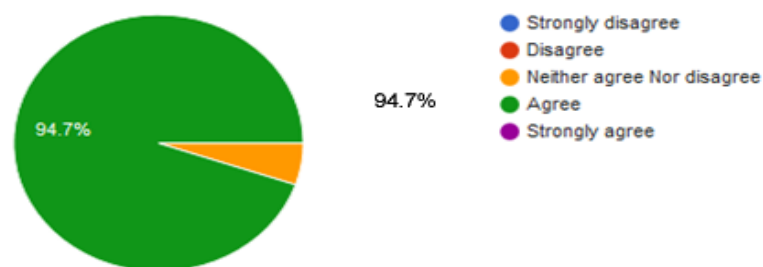




iii. I will encourage my peers to take part in the training courses.

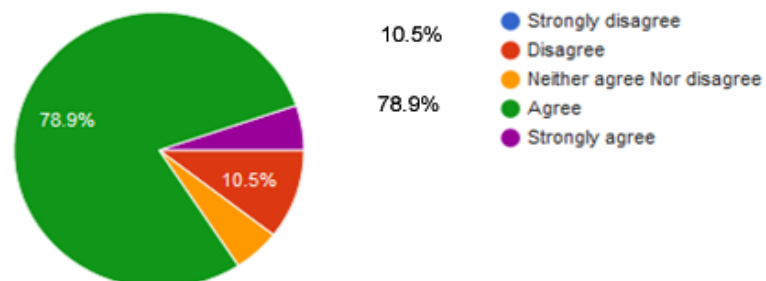


iv. The training course has had an impact on how I lead and manage my team and work.

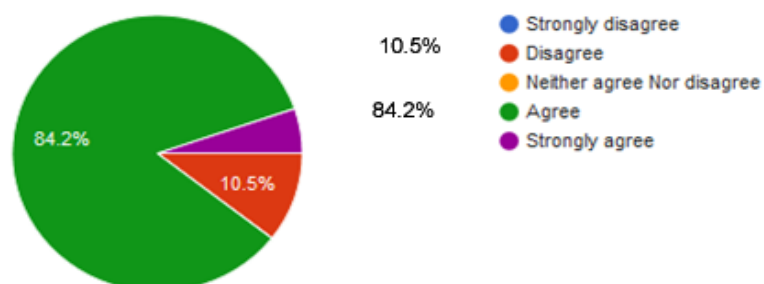


## 5. Technical conditions

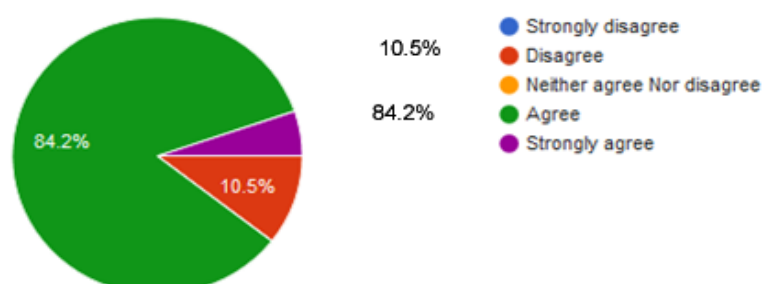
i. I received the necessary assistance in preparing for the training course.



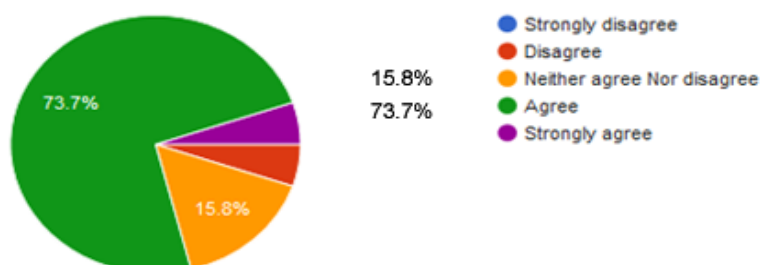
iii. I believe the course objectives were clearly written and well organized.



iii. I believe the course objectives were clearly written and well organized.

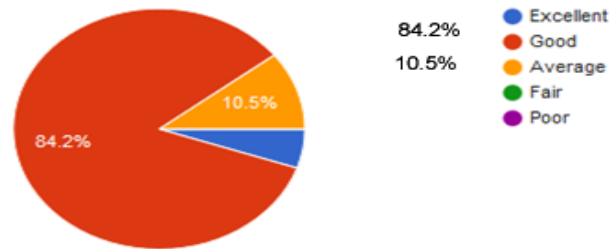


iv. I believe the course objectives were clearly communicated in the training courses.



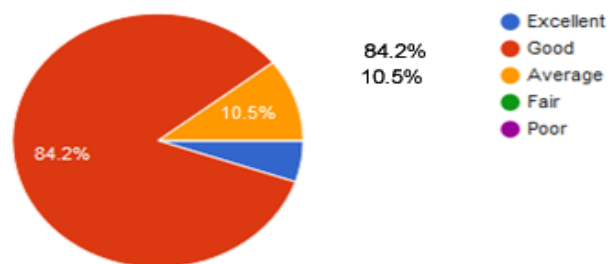
## 6. Quality of the Training

To what extent has the content of the training course accurately reflected what happens on the job?

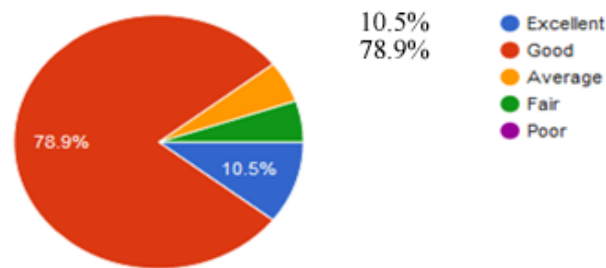


### Learning survey (Post Training)

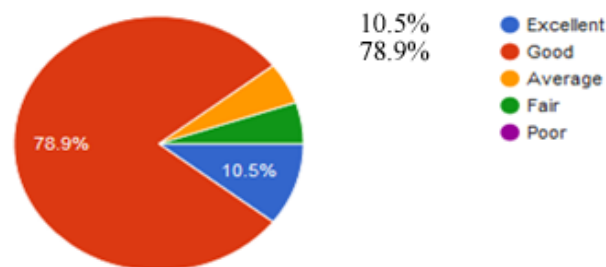
i. To what extent has the content of the training course accurately reflected what happens on the job?



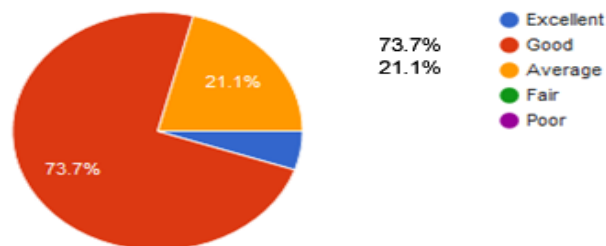
ii. The extent to which I have access to the necessary resources (such as, technology and information) to apply the knowledge and/or skills on my job.



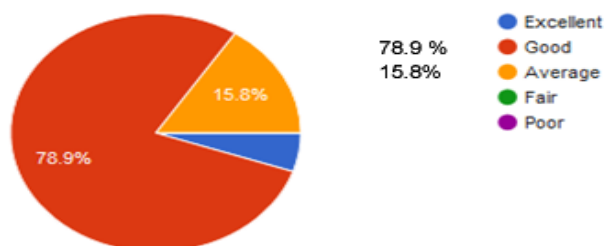
ii. The extent to which I have access to the necessary resources (such as, technology and information) to apply the knowledge and/or skills on my job.



iii. The extent to which training course provide me with a different, helpful perspective of the changing environment/marketplace that my organization faces.



iv. The extent to which training course left me better prepared for a leadership role in my organization.



# ANNEXURE

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## ANNEX-A SCHEDULE OF ACTIVITIES

| S.No   | Topic   | Resource Person             | Duration         |
|--|---|-----------------------------|------------------|
| 1.1  | Registration & Pre-Evaluations<br>Recitation from the Holy Qur'an |                             | 9:00–09:20       |
| 1.2  | Welcome Address /Orientation                                      | Director General            | 09:20-<br>09:30  |
| 1.4  | Case Management Techniques (Civil Pre-trial)<br>Extensive Lecture | Mr. Zia ur Rehman           | 09:30 -<br>11:30 |
| <i>Tea Break 11:30 - 12:00</i>                             |   |                             |                  |
| 1.5  | Case management Techniques (Civil Trial)<br>Extensive Lecture     | Mr. Muhammad Masood Khan    | 12:00 -2:00      |
| <b>Prayer &amp; Lunch</b>                                  |   |                             |                  |
| <b>Day – 2 Tuesday (28<sup>th</sup> November , 2017)</b>   |   |                             |                  |
| 2.1  | Recitation from the Holy Qur'an<br>Recap /Feedback Session        |                             | 9:00–09:30       |
| 4.2  | Case Management Techniques (Pre-trial Criminal) Extensive Lecture | Mr. Sohail Sheraz Noor Sani | 09:30 -<br>11:30 |
| <i>Tea Break 11:30 - 12:00</i>                             |   |                             |                  |
| 4.3  | Case management Techniques (Criminal Trial) Extensive Lecture     | Khwaja Waji uddin sb        | 12:00 -2:00      |
| <b>Prayer &amp; Lunch</b>                                  |   |                             |                  |
| <b>Day – 3 Wednesday (29<sup>th</sup> November , 2017)</b> |   |                             |                  |
| 5.1  | Recitation from the Holy Qur'an                                   |                             | 09:00 -<br>09:05 |
|  | Attitude & Good Conduct   | Khwaja Waji uddin           | 09:05 -<br>10:35 |
|  | Post Evaluation   |                             |                  |
|  | Concluding Ceremony/ CR Remarks                                   |                             | 10:35            |
|  | Concluding address  | Director General, KPJA      |                  |
| <i>Hi-Tea</i>  |   |                             |                  |

## ANNEX-B LIST OF PARTICIPANTS

| S.No | Name                    | Designation     | Posting                  |
|------|-------------------------|-----------------|--------------------------|
| 1    | Mr. Aftab Javed         | Civil Judge/JM, | Peshawar                 |
| 2    | Mr. Arshad Khan         | Civil Judge/JM, | Sarai Naurang<br>(Lakki) |
| 3    | Mr. Baddar Munir        | Civil Judge/JM, | Batagram                 |
| 4    | Mr. Basharat Rauf       | Civil Judge/JM, | D.I.Khan                 |
| 5    | Mr. Fahad Ahmad         | Civil Judge/JM, | Haripur                  |
| 6    | Mr. Farman Ali          | Civil Judge/JM, | Chakaiser<br>(Shangla)   |
| 7    | Mr. Farman Ullah        | Civil Judge/JM, | Mansehra                 |
| 8    | Mr. Fazal Gul           | Civil Judge/JM, | Upper Dir                |
| 9    | Mr. Fida Muhammad       | Civil Judge/JM, | Nowshera                 |
| 10   | Mr. Hafeez Ullah        | Civil Judge/JM, | Bannu                    |
| 11   | Mr. Ijaz Ur Rehman qazi | Civil Judge/JM, | Peshawar                 |
| 12   |                         |                 |                          |
| 13   | Mr. Ilyas Saeed         | Civil Judge/JM, | Lakki                    |
| 14   | Mr. Irshad Ali          | Civil Judge/JM, | Nowshera                 |
| 15   | Mr. Khalid Mansoor      | Civil Judge/JM, | Peshawar                 |
| 16   | Mr. Muhammad Ayaz       | Civil Judge/JM, | Peshawar                 |
| 17   | Mr. Muhammad Hayat      | Civil Judge/JM, | Takht Nusrati<br>(Karak) |
| 18   | Mr. Muhammad Iqbal      | Civil Judge/JM, | Swabi                    |
| 19   | Mr. Muhammad Ismail     | Civil Judge/JM  | Dir Lower<br>(Timergara) |
| 20   | Mr. Muhammad Wali       | Civil Judge/JM, | Nowshera                 |
| 21   | Ms. Amina Haider        | Civil Judge/JM, | Swabi                    |
| 22   | Ms. Imrana Shaheen      | Civil Judge/JM, | Mansehra                 |
| 23   | Ms. Kiran Shaukat       | Civil Judge/JM, | Bannu                    |

|    |                         |                          |            |
|----|-------------------------|--------------------------|------------|
| 24 | Ms. Nadia Gul Wazir     | Human Rights Commission, | Abbottabad |
| 25 | Ms. Qurat ul Ain Rashid | Civil Judge/JM,          | Battagram  |



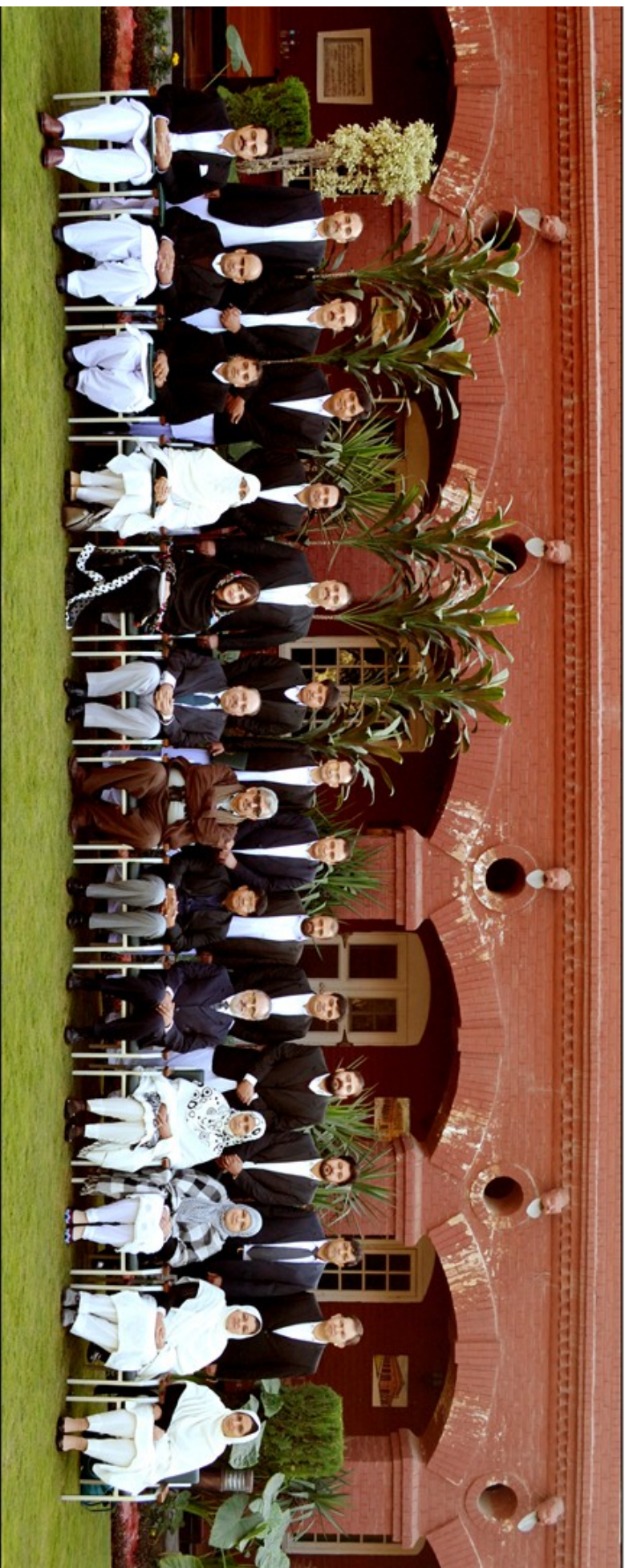
## ANNEX- C GROUP PHOTO



# KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

*02-Days Training Course for Judicial Officer on "Case & Court Management"*

*29th-30th November, 2017*



**Sitting L to R**

Mr. Muhammad Ayaz, Mr. Muhammad Iqbal, Mr. Afrah Javed, Ms. Amina Haider, Ms. Aisha Rasool(DR&P), Mr. Muhammad Asif Khan (SDA), Mr. Khwaja Wajih-ud-Din- (DG), Mr. Sohail Sheraiz Noor Sani(SDR&P), Mr. Ijaz Ur Rehman Qazi, Ms. Qurat ul Ain Rashid, Ms. Kiran Shaikat, Ms. Imrana Shahbeen, Ms. Nadia Gul Wazir,

**Standing L to R**

Mr. Muhammad Ismail, Mr. Farman Ali, Mr. Hafeez Ullah, Mr. Ilyas Saeed, Mr. Fida Muhammad, Mr. Khalid Mansoor, Mr. Muhammad Wali, Mr. Arshad Khan, Mr. Fazal-Gul, Mr. Basharat Rauf, Mr. Irshad Ali, Mr. Farman Ullah, Mr. Baddar Munir, Mr. Fahad Ahmad,