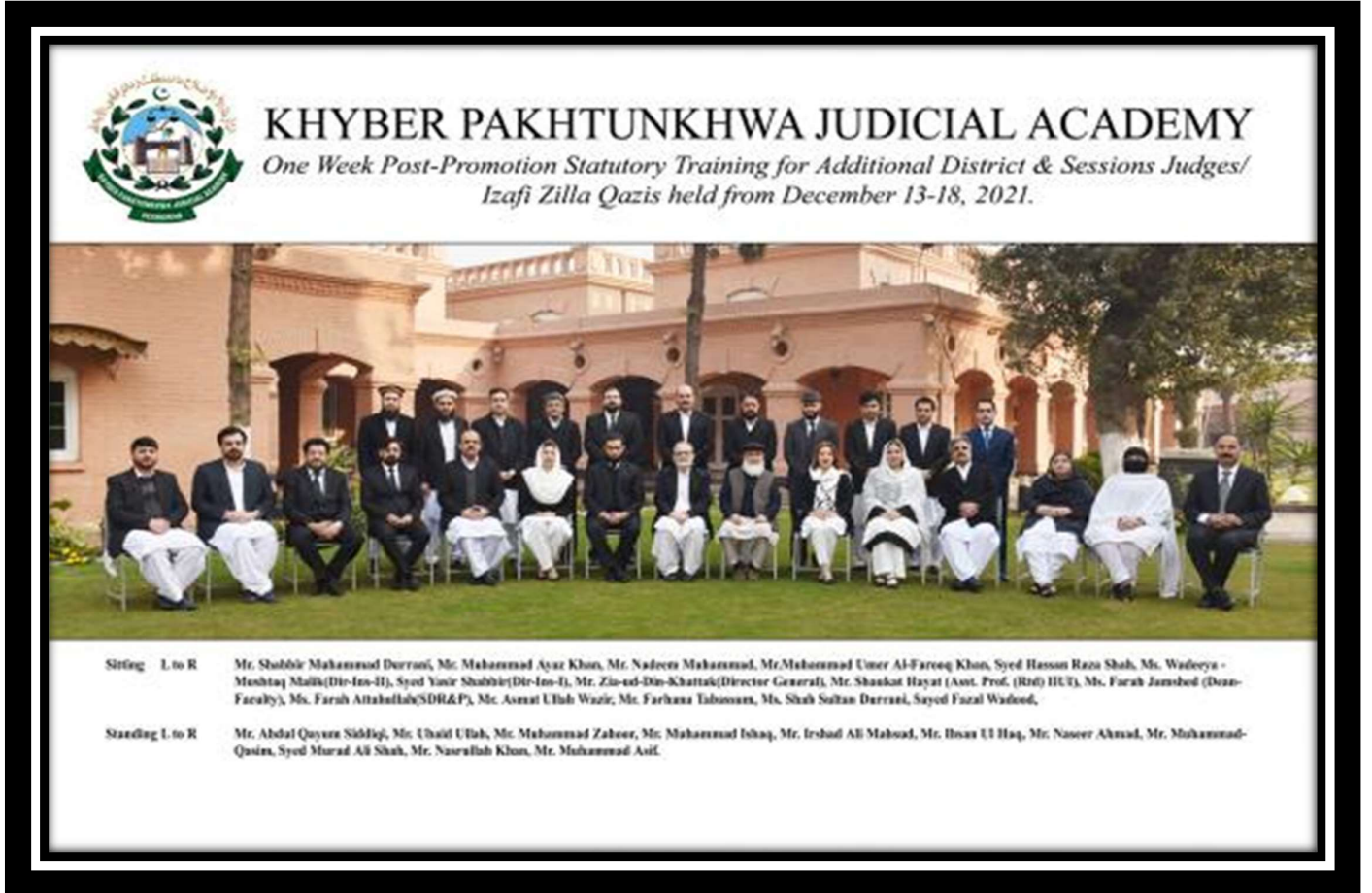


## REPORT

### ONE WEEK POST-PROMOTION STATUTORY TRAINING FOR ADDITIONAL DISTRICT & SESSIONS JUDGES/ IZAFI ZILLA QAZIS (13- 18 DECEMBER 2021)



**Prepared by:**

Syed Yasir Shabbir (Director Instructions-I)

**Finalized by:**

Ms. Farah Jamshed (Dean Faculty)

**Composed by:**

Taimur Azam Khan (Assistant)

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## **1.0 Introduction**

1.1 The Khyber Pakhtunkhwa Judicial Academy is statutorily mandated to provide training to all justice sector stakeholders, to hold conferences, seminars, lectures, workshops and symposia in matters relating to court management, administration of justice, law and development of skills in legislative drafting and to establish liaison with research institutions, universities and other bodies including the Federal Judicial Academy, towards the cause of administration of justice (Section 4 of the Academy Act).

1.2 Capacity building in every field of judicial activity is a *sine qua non* for streamlining the system in its entirety. With this end in view, a one-week post-promotion statutory training for the Additional District & Sessions Judges (AD&SJs) was rolled out at the Khyber Pakhtunkhwa Judicial Academy from 13-18 December 2021.

## **2.0 Purpose of the report**

2.1 This report aims to assess the quality and impact of one-week training rolled out from 13-18 December 2021.

2.2 The report begins with a general layout of the training sessions including training background, information about the participants, schedule of activities, proceedings and recommendations for future improvements.

## **3.0 Background**

3.1 Recently, a considerable number of judicial officers of Khyber Pakhtunkhwa District Judiciary were promoted as Additional District and Sessions Judges. The promotion from the post of Senior Civil Judge to Additional District & Sessions Judge is a paradigm shift. The cadre of Additional District & Sessions Judges is an important tier in the District Judiciary. They are court of first appellate jurisdiction in most civil and criminal cases. They are court of original jurisdiction for trial of serious offences like murder etc and civil proceedings worth rupees fifty million and above. They are ex-officio justice of peace under section 22-A of Cr.P.C and they are also designated as tribunal for special subjects. The multi-dimensional jurisdiction thus, requires more expertise and abilities in performance of judicial business.

3.2 With this view in end, the Academy rolled out a one-week statutory training program specifically designed for the recently promoted Additional District & Sessions Judges in collaboration with Group Development Pakistan (GDP). The Honorable High Court nominated 20 judicial officers to undergo the course.

3.3 The objectives, outcomes and the module of the program are as under:

3.4 **Objectives**

- To increase their knowledge of legal jurisprudence and universal principles of natural justice;
- To enable them to apply substantive and procedural laws properly;
- To inculcate in them judicial decision making and increase their opinion writing skills;
- To sensitize them to the values of ethics and sense of self-accountability;
- To refine their professional skills for effective and efficient delivery of services; and
- To motivate them towards exploring and utilizing tools for the achievement of organizational targets.

3.6 **Learning Outcome**

- The trainees would be able to perform their duties with clarity, consistency, and confidence;
- They would be able to apply necessary skills and techniques for effective management of judicial work; and
- They would be able to improve their soft skills.

## 4.0 Participants

4.1 List of participants of the trainings along with their designations is as detailed below.

S. NO	NAME	DESIGNATION
1	Mr. Nadeem Muhammad	Additional District & Sessions Judge
2	Mr. Muhammad Umer Al Farooq Khan	Additional District & Sessions Judge
3	Mr. Shabbir Muhammad Durrani	Additional District & Sessions Judge
4	Mr. Muhammad Asif	Additional District & Sessions Judge
5	Mr. Naseer Ahmad	Additional District & Sessions Judge
6	Ms. Farhana Tabassum	Additional District & Sessions Judge
7	Syed Hassan Raza Shah	Additional District & Sessions Judge
8	Mr. Abdul Qayum Siddiqi	Additional District & Sessions Judge
9	Mr. Nasrullah Khan	Additional District & Sessions Judge
10	Mr. Ubaid Ullah	Additional District & Sessions Judge
11	Mr. Muhammad Ayaz Khan	Additional District & Sessions Judge
12	Mr. Muhammad Ishaq	Additional District & Sessions Judge
13	Mr. Muhammad Zahoor	Additional District & Sessions Judge
14	Mr. Asmat Ullah Wazir	Additional District & Sessions Judge
15	Sayed Fazal Wadood Jan	Additional District & Sessions Judge
16	Mr. Muhammad Qasim	Additional District & Sessions Judge
17	Syed Murad Ali Shah	Additional District & Sessions Judge
18	Mrs. Shah Sultan Durrani	Additional District & Sessions Judge
19	Mr. Ihsan ul Haq	Additional District & Sessions Judge
20	Mr. Irshad Ali Mahsud	Additional District & Sessions Judge

## 5.0 Schedule of Activities

5.1 Schedule of Activities is as detailed below: -

Day 01- Monday 13-12-2021			
#	Topic	Resource Person	Duration
	Registration & Pre-Evaluation		08:30-08:40
	Recitation from the Holy Quran		08:40-08:45
	Inaugural Address/Orientation	Mr. Zia-ud-Din Khattak, Director General	08:45-08:55
	Group Photo session	Mr. Abd-ur-Rahman, Photographer	08:55-09:00
01	<b>Judicial Ethics</b> <ul style="list-style-type: none"><li>• <b>Islamic Judicial Ethics</b><ul style="list-style-type: none"><li>○ Character building</li><li>○ Subservience to will of Allah Almighty</li><li>○ Concept of Rizq-e-Halal</li></ul></li><li>• <b>Judicial Ethics in Modern World</b></li></ul>	Mr. Shaukat Hayat, Assistant Professor (R) IIUI/Shariah Academy	09:00-10:30

	○ The Bangalore Principles of Judicial Conduct		
<b>Tea Break 10:30 -11:00</b>			
<b>02</b>	<b>Civil Appeal &amp; Revision</b>	Justice ® Abdul Latif Khan	11:00-12:30
<b>Lunch Break and Prayer 12:30-1:30</b>			
<b>03</b>	<b>Criminal Appeal &amp; Revision</b>	Mr. Adil Khan D&SJ/ Judge Anti-Terrorism Court, Peshawar	01:30-03:00
<b>Day 02 -Tuesday 14-12-2021</b>			
	Recitation of Holy Quran		08:55 - 09:00
<b>04</b>	<b>Management of Sessions Trial-I:</b> <ul style="list-style-type: none"> <li>• <b>Pre-trial proceedings</b> <ul style="list-style-type: none"> <li>○ Scrutiny of case file</li> <li>○ Supply of documents</li> <li>○ Discharge of accused</li> <li>○ Framing of charge</li> <li>○ Plea of accused and its impact (Section 265-B-E CrPC)</li> </ul> </li> </ul>	Mr. Ahmed Iftikhar D&SJ Khyber	09:00-10:30
<b>Tea Break 10:30-11:00</b>			
<b>05</b>	<i>Qisas, Diyat &amp; Ta'zir</i>  <i>Hudood Offenses</i> (Shariah Perspective)	Dr. Qazi Attaullah, AD&SJ	11:00-12:30
<b>Lunch Break and Prayer 12:30:1:30</b>			
<b>06</b>	<b>Sentencing Guidelines</b>	Mrs. Nusrat Yasmeen Intikhab D&SJ	01:30 - 03:00
<b>Day 03 - Wednesday 15-12-2021</b>			
	Recitation of Holy Quran		08:55 - 09:00
<b>07</b>	<b>Appreciation of Evidence - Sessions Trial</b>	Mr. Muhammad Zeb Khan D&SJ/ PSO to HCJ	09:00- 10:30
<b>Tea Break 10:30-11:00</b>			
<b>08</b>	<b>Audio-Video Recording of Evidence and Maintenance of its records</b>	Mr. Ahmed Iftikhar D&SJ	11:00-12:30
<b>Lunch Break and Prayer 12:30:01:30</b>			
<b>09</b>	<b>Trial Need Assessment / Trial Scheduling</b>	Mr. Zia ur Rehman, D&SJ/ AR( Legal) PHC	01:30-03:00
<b>Day 04 - Thursday 16-12-2021</b>			
<b>10</b>	<b>Trials under special laws (Theory):</b> <ul style="list-style-type: none"> <li>• The Khyber Pakhtunkhwa Child Protection &amp; Welfare Act, 2010</li> <li>• The Juvenile Justice System Act 2018</li> <li>• Gender-based Violence Offences</li> </ul>	Representatives of Group Development Pakistan	09:00- 10:30

**Tea Break 10:30-11:00**

<b>11</b>	<b>Trials under special laws (Theory):</b> <ul style="list-style-type: none"> <li>The Khyber Pakhtunkhwa Child Protection &amp; Welfare Act, 2010</li> <li>The Juvenile Justice System Act 2018</li> <li>Gender-based Violence Offences</li> </ul>	Representatives of Group Development Pakistan	11:00-12:30
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**Lunch Break and Prayer 12:30:1:30**

<b>12</b>	<b>Trials under special laws (Practical):</b> <ul style="list-style-type: none"> <li>The Khyber Pakhtunkhwa Child Protection &amp; Welfare Act, 2010</li> <li>The Juvenile Justice System Act 2018</li> <li>Gender-based Violence Offences</li> </ul>	Representatives of Group Development Pakistan & Academy's Faculty	01:30-03:00
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**Day 05 - Friday 17-12-2021**

	Recitation of Holy Quran		08:55 –09:00
<b>13</b>	<b>Bail (Concept, Logic &amp; Procedure)</b>	Mr. Ashfaq Taj, D&SJ Peshawar	09:00- 10:30

**Tea Break 10:30-11:00**

<b>14</b>	<b>Justice of Peace (Section 22-A Cr.P.C)</b>	Syed Asghar Ali Shah D&SJ	11:00-12:30
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**Lunch Break and Prayer 12:30:1:30****Day 06 - Saturday 18-12-2021**

	Recitation of Holy Quran		08:55 - 09:00
<b>15</b>	<b>Management of Sessions Trial-II:</b> <ul style="list-style-type: none"> <li>Prosecution evidence(Section 265-F Cr.P.C)</li> <li>Examination of accused (Section 342 Cr.P.C)</li> <li>Statement of accused on oath (Section 340 (2) Cr.P.C)</li> <li>Defence evidence</li> </ul>	Mr. Jehanzeb Shinwari D&SJ Haripur,	09:00- 10:30

**Tea Break 10:30-11:00**

<b>16</b>	<b>Judgment Writing</b> <ul style="list-style-type: none"> <li>Types &amp; Features</li> <li>Elements</li> <li>Skills &amp; Art</li> <li>Modern Trends</li> </ul>	Mr. Muhammad Zeb Khan D&SJ/PSO to HCJ	11:00-12:30
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**Lunch Break and Prayer 12:30:1:30**

	<b>Post Training Evaluation</b>	Faculty	01:30-01:35
	<b>Personal Opinion Paper</b>	Faculty	01:35-02:00
	<b>Concluding Ceremony</b> <ul style="list-style-type: none"> <li>Class Representative Remarks</li> </ul>		02:00- onwards

	<ul style="list-style-type: none"> <li>• Wrap up / Certificate Distribution</li> </ul>	
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## 6.0 Proceedings

6.1 **Registration and Pre-Evaluation:** Before formal commencement of the activities, registration of the participants and their pre-training evaluation were conducted.

6.2 **Inaugural Ceremony:** The training commenced with an inaugural ceremony chaired by Mr. Zia-ud-Din Khattak, Director General Khyber Pakhtunkhwa Judicial Academy. In his address, the Director-General extended a warm welcome to the participants. He remarked that training (both pre-service and in-service) helps prepare the Judicial Officers for their current and new assignments. He recapitulated judiciary to be an important organ of the state and the Judicial Officers to remain up-to-date with regard to changes about new and revised methods in resolving disputes in the society.

He added that the objectives behind judicial trainings are to enrich knowledge, sharpen the skills and develop work culture and attitude in judicial officers with a view to improve the quality and quantity of their output in the field so that expeditious justice may be delivered to the litigant public. More than anything else, a judge should be a role model for the society and his character and judgment should speak louder than him.

## 6.3 Lectures Synopsis

6.3.1 Mr. Shaukat Hayat, Assistant Professor<sup>®</sup> IIUI/Shariah Academy delivered an expert lecture on judicial ethics. The lecture focused on the Islamic concept of judicial ethics (***adab al-Qadhi***).

6.3.2 Justice<sup>®</sup> Abdul Latif Khan delivered a comprehensive lecture on the rationale and significance of civil appeal, its relevance to fair trial and proper understanding and application of the relevant procedure. Other areas of focus included appeal as a continuation of trial, powers of the appellate court, recording and appreciation of evidence at the appellate stage. He also dilated upon civil revision and explained the court's power to exercise its *suo moto* revisional jurisdiction. He further discussed the substantive and procedural requirements of Review and Reference.



6.3.3 Mr. Adil Khan, D&SJ/Judge Anti-Terrorism Court, covered the topic of criminal appeals and revision with focus on procedural and substantive aspects including filing and hearing of the same. The learned speaker also discussed the requirements of “*fair trial*” at the stage of appeal and revision and highlighted the differences between revisional and appellate jurisdiction of the courts.

6.3.4 There were two separate lectures on the topic of ‘Management of Sessions Trial’. Mr. Ahmed Iftikhar D&SJ spoke on the topic with focus on pre-trial proceedings. His discourse covered the areas of scrutiny of case file, supply of documents, discharge of accused, framing of charge and plea of accused and its impact (Sections 265-B to 265-E Cr.P.C). Mr. Jehanzeb Shinwari D&SJ delivered extensive lecture with focus on Prosecution evidence (Section 265-F Cr.P.C), Examination of accused (Section 342 Cr.P.C), Statement of accused on oath (Section 340 (2) Cr.P.C) and Defence evidence.

6.3.5 Mrs. Nusrat Yasmeen Intikhab D&SJ spoke on the topic of ‘Sentencing Guidelines’. The Learned Resource Person comprehensively covered the topic and also apprised the participants about the latest law on the subject.

6.3.6 Mr. Muhammad Zeb Khan D&SJ/ PSO to HCJ delivered lecture on ‘Appreciation of Evidence - Sessions Trial’. The learned resource person explained both theoretical and practical aspects of the topic to the trainees.

6.3.7 Mr. Ahmed Iftikhar D&SJ shared a talk on the subject of ‘Audio-Video Recording of Evidence and Maintenance of its records’. The lecture focused on law of evidence, its analysis and relevancy, principles of admissibility of evidence and nature of electronic evidence.

6.3.8 Mr. Zia ur Rehman, D&SJ/ AR (Legal) PHC presented his considered view on “Trial Need Assessment/Trial Scheduling”. The learned resource person emphasized at proper understanding and application of the law and the need for establishing effective control of the court over the cases. He explained the need for expeditious dispute resolution (non-trial centric, scheduled & time bound trial) which would curtail cost of litigation and restore public confidence in the judicial sector.

6.3.9 Two separate sessions on the topic of Trials under special laws (Theory& Practice) were conducted by Representatives of Group Development Pakistan and Faculty of the Academy covering the Khyber Pakhtunkhwa Child Protection & Welfare Act, 2010, The Juvenile Justice System Act 2018 and Gender-based Violence Offences.

6.3.10 Mr. Ashfaq Taj DSJ, spoke extensively on the topic of Bail (Concept, Logic & Procedure). The learned speaker discussed the provisions and matters relating to different kinds of bail.

6.3.11 Syed Asghar Ali Shah D&SJ delivered a lecture on Justice of Peace (Section 22-A Cr.P.C). The history of Justice of Peace in our legal system was specially focused. Section 22-A CrPC was deliberated upon in detail and leading case laws on said section were also discussed.

6.3.12 Dr. Qazi Attaullah, AD&SJ, reflected on the topic of “Qisas, Diyat &Ta'zir”. The learned resource person discussed kinds of Qatl according to the Islamic perspective and explained the categories, kinds, and standards of evidence led in Qisas & Hadd cases. The matters incidental to enforcement of Qisas and Hadd were also highlighted.

6.3.12 Mr. Muhammad Zeb Khan D&SJ/ PSO to HCJ delivered a lecture on ‘Judgment Writing’. The learned resource person discussed the law relating to judgment writing, elements of the court judgment, appreciation of evidence and interpretation of laws in judgment and contemporary trends in judgment writing.

All the lectures were followed by Q & A sessions. The method of training was participatory and practical. The training sessions included pre and post-training evaluations to determine improvement in the trainee’s comprehension. Practical tasks and home assignments were also given to the participants with the same objective in mind.

#### **6.4 Post-Evaluation:**

On the last day of the training, the post-training evaluation was conducted.

#### **6.5 Concluding Ceremony:**

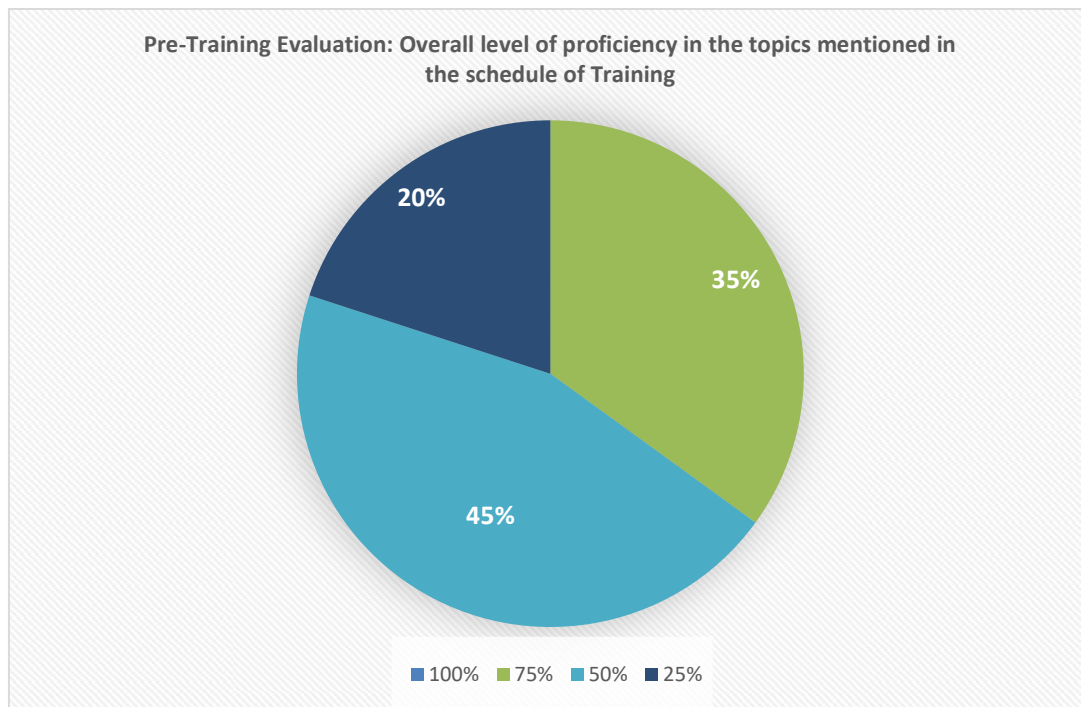
The DG KPJA chaired the concluding session. The ceremony was anchored by Ms. Wadeeya Mushtaq Malik, Director Instructions-II. The Class Representative (CR) expressed the collective views of the trainees and recapped the activities of the training course. He highlighted its significance to their new job assignments. The ceremony concluded with the distribution of certificates amongst the participants.

## 7.0 Impact of the training

7.1 Significant indicator of the training impact is:

7.1.1 Whether the training contributed to an increase in the knowledge of the participants?

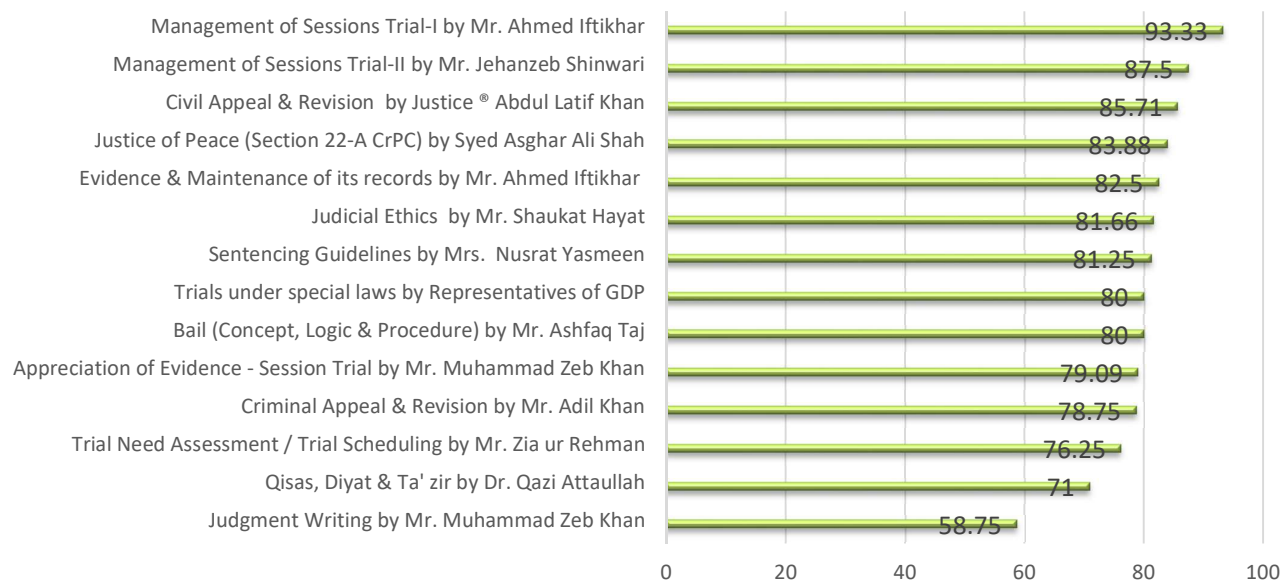
The pre- & post-evaluation questionnaire was designed to deal with this aspect. The relevant feedback obtained from the participants is reflected below:



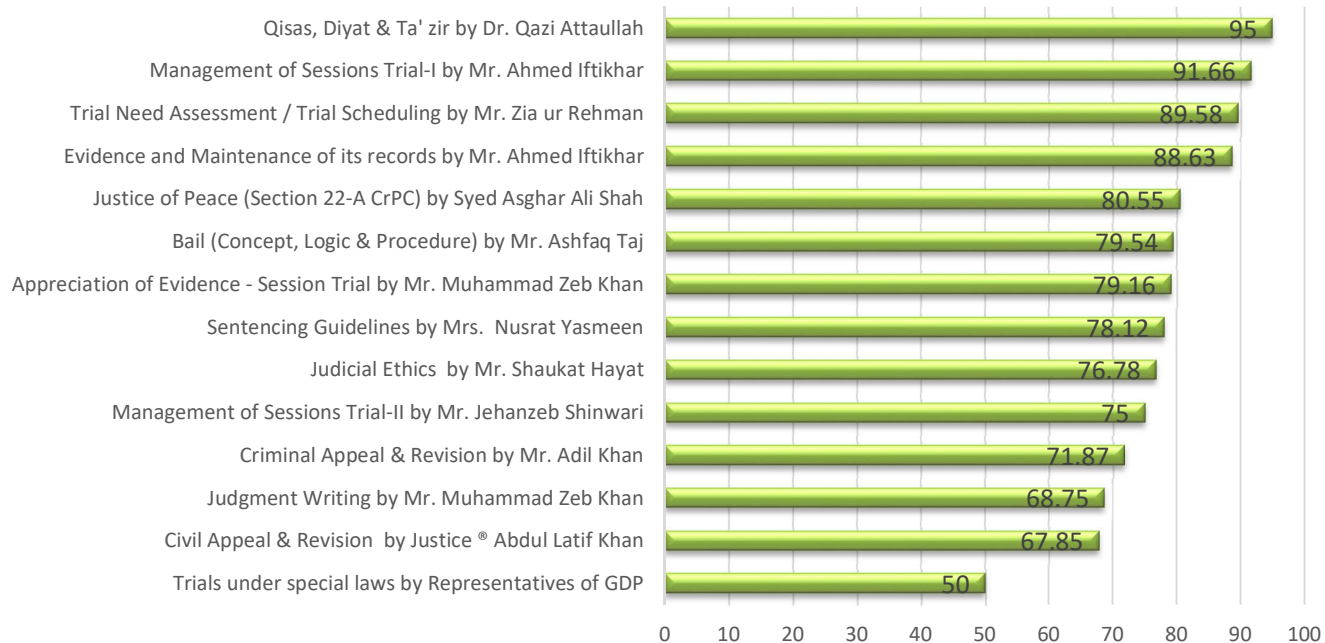
## 8.0 Quality of the training

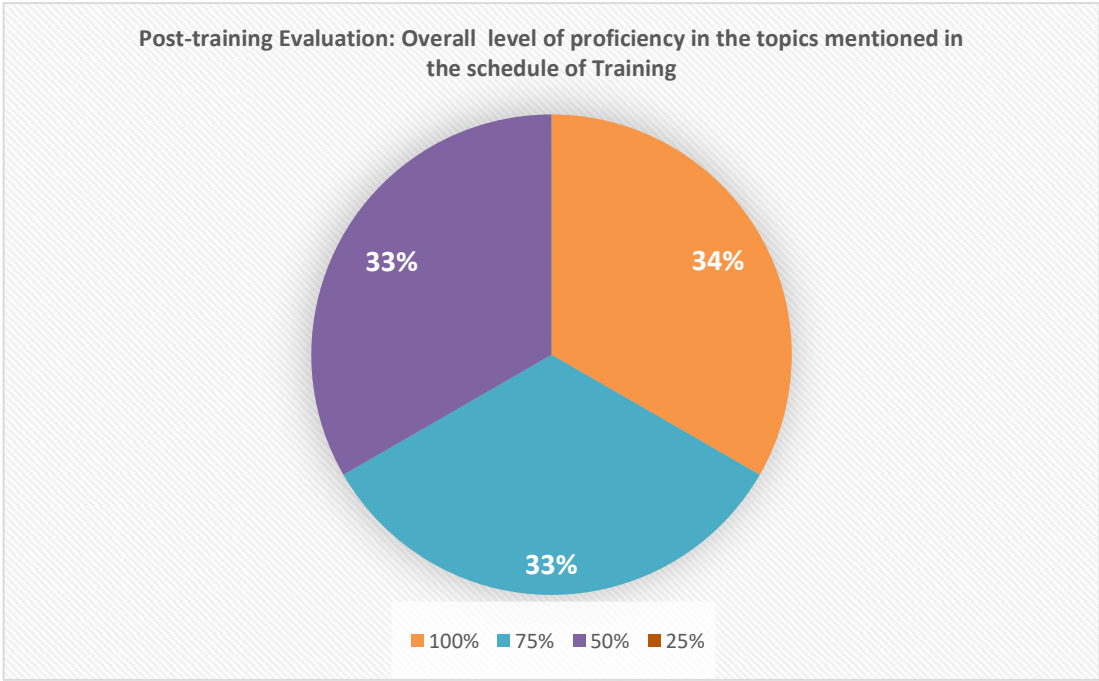
8.1 The quality of the training can be assessed by the participants' evaluation of the resource persons. Moreover, the participants were asked to comment on the overall quality of the training program. Their response and the feedback are shown in graphic form below:

### RESOURCE PERSON EVALUATION

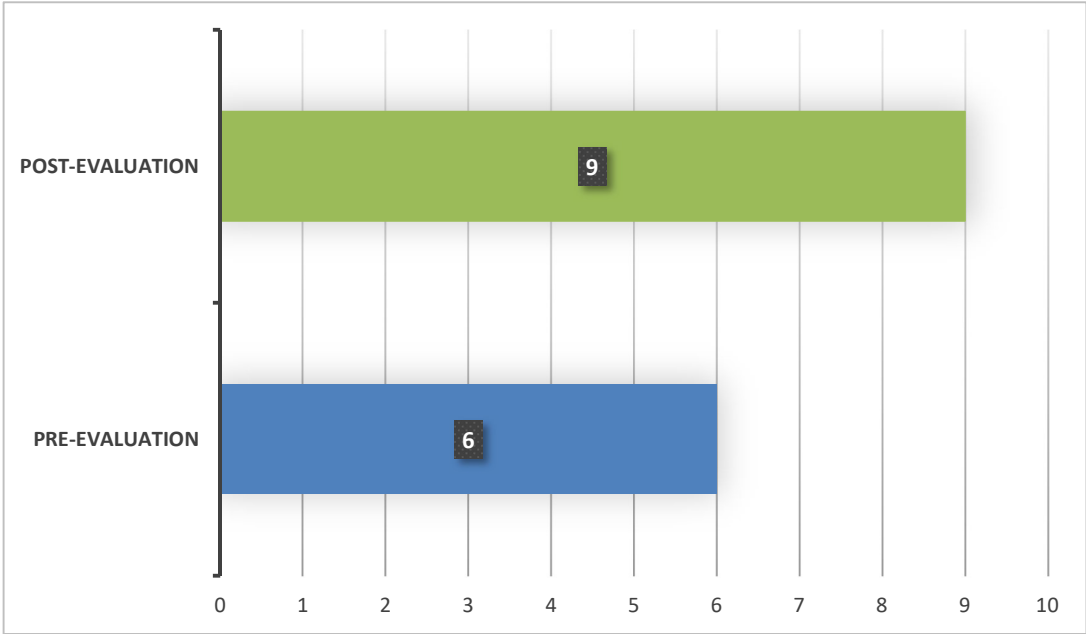


### PRACTICAL USE OF TRAINING





**8.2 Pre-Evaluation & Post-Evaluation – Close Ended Questions**



**8.3 Analysis:**

The above graph is generated from the result of different MCQs. Each MCQ has a minimum 03 field (options) for the participants of the training to choose from. These close ended

questions were in MCQs form and 02 MCQs were taken from each topic taught during the course. A scale of 1-10 has been standardized for the results. The overall score for the pre-evaluation was 6 and the post-evaluation result was 9, which shows significant improvement in the knowledge of participants after the training (30% improvement in the skills of the participants after training).<sup>1</sup>

8.4 Participants also furnished their general comments on the training and the same are reproduced as follows:

1. Inclusion of Stress Management subject requested.
2. Allocation of more time in schedule for such training keeping in view the vastness of the subjects of the training and its impact in improving the participants' capabilities.
3. Reference cases should be given a special focus by assigning a separate lecture.

## 9.0 Conclusion

9.1 Participants' graphical feedback indicates the positive impact of the training.

9.2. Based on the participants' feedback, training modules can be further improved.

9.3. The trainees' review reflects the achievement of training objectives.

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<sup>1</sup> Individual trainees scores are excluded from this report. However, through extrapolation method an average was applied to the overall pre-evaluation test.