

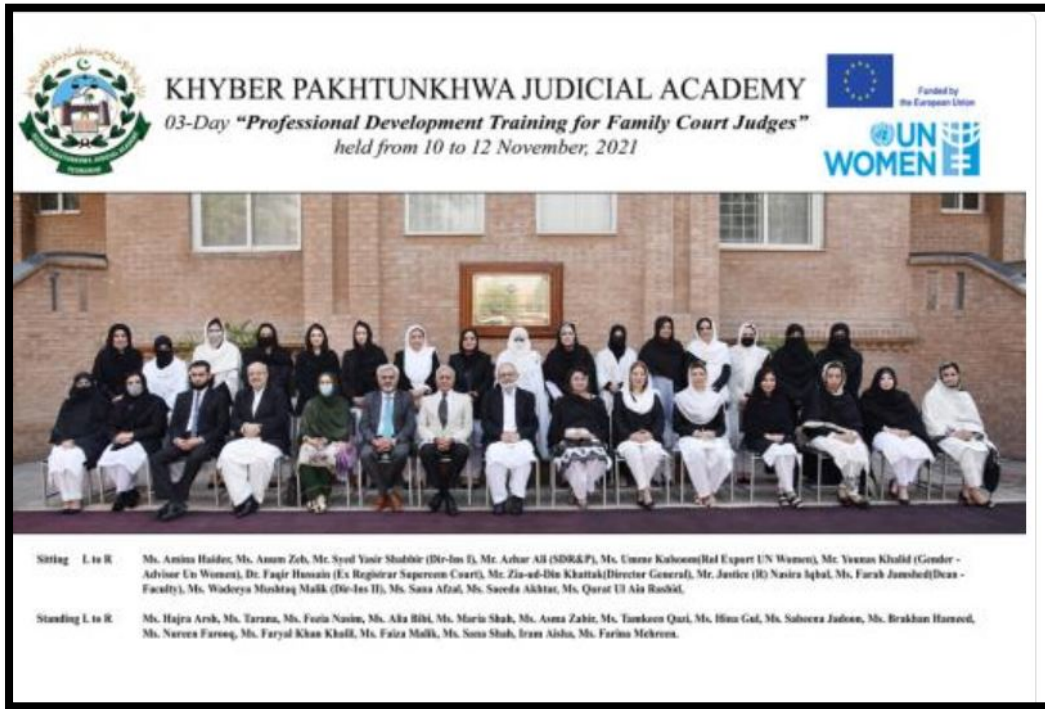


Khyber Pakhtunkhwa
Judicial Academy

Report

03 Days Professional Development Course for Family Court Judges

10-12 Nov 2021



Prepared by:

Umme-Kulsoom

Rule of Law Expert – UN Women Pakistan

Finalized by:

Ms. Farah Jamshed

Dean Faculty



1.0 Introduction:

- 1.1. It is critical that all judicial professionals have a strong understanding of family laws for the family law system to be accessible, equitable, responsive, and prioritize the safety of affected families. From 10-12 November 2021 UN Women Pakistan and the Khyber Pakhtunkhwa Judicial Academy joined hands to organise a three-day professional development course for family court judges.
- 1.2. The three-day training course primarily focused on the following topics:
 - Marriage, Dower, and Divorce under established Muslim jurisprudence
 - Composition, Functions, and Jurisdiction of Family Courts
 - Specialized Procedures of Family Courts
- 1.3. The course was designed to emphasize the unique aspects of Muslim family institutions, with interactive sessions examining topics in Muslim family law critically.
- 1.4. The participants were taught how to examine Pakistani family law in light of Shariah and how to analyze leading family court decisions.

2.0 Objective:

The course was designed with an aim to provide an overview of the legal framework of Pakistan's Family Courts, including their composition, functions, jurisdiction, and specialized procedures, as well as restitution of conjugal rights, judicial recognition of marriage, domestic violence, maintenance of wife and children, and child custody.



3.0 Purpose of the report:

3.1 The report aims to document the details of the training held from 10-12 Nov 2021.

3.2 The report begins with an introduction and background to the training, as well as information about the lead trainers, the activity's schedule, proceedings, and recommendations for future interventions of this nature.

4.0 Participants:

23 Judges of family Courts across Khyber Pakhtunkhwa came to participate in this professional training course from different districts of Khyber Pakhtunkhwa. Details are given below:

S.No.	Name of Family Court Judge	District/ Place of Posting
1.	Ms. Sana Shah	
2.	Ms. Hajra Arsh	Abbottabad
3.	Ms. Faiza Malik	
4.	Ms. Fozia Naseem	
5.	Ms. Faryal Khan Khalil	Mardan
6.	Ms. Maria Shah	Kohat
7.	Ms. Shahana	
8.	Ms. Saeeda Akhtar	
9.	Ms. Tamkeen Qazi	Haripur
10.	Ms. Amina Haider	Buner
11.	Ms. Brakhna Hameed	
12.	Ms. Sabeena Jadoon	Mansehra
13.	Ms. Farina Mehreen	
14.	Ms. Tarana	Bannu



15.	Ms. Anum Zeb	Lakki Marwat
16.	Ms. Faiza Gul	Karak
17.	Ms. Aalia Bibi	
18.	Ms. Hina Gul	Peshawar
19.	Ms. Asma Zahir	
20.	Ms. Qurat ul Ain Rashid	Swat
21.	Ms. Irum Aisha	
22.	Ms. Sana Afzal	Swabi
23.	Ms. Noreen Farooq	



Lead Trainers

5.0 Trainers:

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- Justice Retired Nasira Javed Iqbal
- Dr. Faqeer Hussain; Ex Registrar of Supreme Court of Pakistan
- Farah Jamshed; Dean Faculty, KPJA
- Syed Yasir Shabbir; Director Instructions-I, KPJA
- Ms. Wadeeya Mushtaq Malik; Director Instructions-II, KPJA
- Ms. Nusrat Yasmin Intikhab ; DSJ/Judge CNS, Peshawar



Justice(R) Nasira Javed Iqbal (*one of the first five women appointed to the Lahore High Court; she served as a justice from 1994 to 2002*)



Dr. Faqeer Hussain (*served as Registrar, Supreme Court of Pakistan, Secretary, Law & Justice Commission of Pakistan, and Associate Professor, Faculty of Law, University of Peshawar*).



6.0 Schedule of the training:

Details of the topics covered during this professional course are given below:

S.#	Activities	Resource Person	Duration
1.1	Registration Recitation from the Holy Qur'an		08:30–08:45
1.2	Welcome Address /Orientation	Director General	08:45-09:00
1.3	A. Legal Framework of Family Courts in Pakistan <ul style="list-style-type: none">• Dissolution of Muslim Marriages Act, 1939• Muslim Family Laws Ordinance, 1961• West Pakistan Family Court Act, 1964 (as amended up to date)• Family Court Rules, 1965 B. Marriage, Dower, and Divorce under principles of established Muslim jurisprudence	Justice Nasira Iqbal	09:00-10:30
<i>Tea Break 10:30 – 11:00</i>			
1.4	Composition, Functions & Jurisdiction of Family Courts <ul style="list-style-type: none">• Jurisdiction of Family Courts• General Procedure of Family Courts• Mode of service of summons/notice and use of IT	Syed Yasir Shabbir, Director Instructions-I, KPJA	11:00-12:30
<i>Prayer & Lunch 12:30-01:15</i>			
1.5	Specialised Procedure of Family Courts <ul style="list-style-type: none">• Reconciliation Proceedings• Restoration of Haq Mehr by the wife when decree for dissolution of marriage is passed	Dr. Faqir Hussain	01:15 -02:45



under the proviso to section 10(4) of FCA:

- Principles under established Muslim jurisprudence
- Principles enunciated by the superior courts
- Option of Puberty u/ Dissolution of Muslim Marriages Act,1939

2.1 Recitation from the Holy Qur'an 08:45 -09:00

Recap/Feedback Session

2.2

- **Restitution Of Conjugal Rights**
- **Jactitation of Marriage**

 Justice Nasira Iqbal 09:00-10:30

Tea Break 10:30 – 11:00

2.3

- **Domestic Violence**
- **Offences /Schedule (Part-II) Sec. 5 FCA, 1964 and Scope**

 Dr. Faqir Hussain 11:00-12:30

Prayer & Lunch 12:30-01:15

2.4 **Maintenance:** Ms. Farah Jamsheed, 01:15 -02:45

- Maintenance of wife during marriage
- Maintenance and divorce
- Procedural matters

Dean Faculty, KPJA

Day-3:12 Nov 2021 (Friday)

3.1 **Recitation From Holy Quran** 08:45-9:00

Recap/Feedback Session

3.2 **Custody of Children** 9:00-10:30

- Principles of upbringing, education, and parental love of children caught in disputes between parents.
 - Guidelines issued by the august Supreme
- Dr. Faqir Hussain



Court of Pakistan.

- i. Custody
- ii. Visitation Rights
- iii. Guardianship

Tea Break 10:30 - 11:00

3.3 Mock Activity

- Pre& Post Trial Reconciliation
- Interim Custody proceedings u/12 of Guardian and Wards Act, 1890

Ms. Wadeeya 11:00-12:45
Mushtaq Malik,
Director
Instructions-
II, KPJA

Prayer & Lunch 12:40-01:15

3.4 Trial Procedure

- Appreciation of Evidence
- Judgment Writing
- Execution Of Decrees

Ms. Nusrat 01:15-02:45
Yasmin
Intikhab,
DSJ/Judge CNS,
Peshawar

Class Representative remarks

Wrap up/ Certificates Distribution

7.0 Media Publicity:

The training received considerable attention in the media. The event was well covered by UN Women Pakistan's official social media accounts, and KPJA's official website also captured details with pictures.



8.0 Proceedings:

8.1 Day 1

Welcome Note

Mr. Zia- Uddin- Khattak; the Director General of the Khyber Pakhtunkhwa Judicial Academy gave a welcome address in which he highlighted the Quranic teachings in detail on the importance of family institutions.

The Director General welcomed the participants and congratulated them on their selection for this course in his inaugural address. He also expressed gratitude to the resource persons for taking time out of their busy schedules to speak at the Academy.

He also gave a brief overview of family laws in the context of Shariah, the Islamic Republic of Pakistan's Constitution, and national laws. He emphasized the importance of the judge family court's office in the current era as to how the Family Court should make all-out efforts and strive hard to repair broken family ties through conciliation and mediation.

A family court judge's job is complicated and one-of-a-kind in the legal system. On the one hand, a judge is expected to uphold the court's rules, remain impartial, and to only intervene in resolving disputes that are necessary to keep the process moving forward and on the other hand is required to urge the litigating parties to assimilate the sanctity of marriage for salvation of the family unit.

Following the opening remarks, the forum was turned over to the resource persons to share their knowledge and experiences with the participants.

- Retired Justice Nasira Iqbal spoke about the legal framework of Pakistan's family courts in the first session of the day. The details of the Dissolution of Muslim Marriages Act of 1939, the Muslim Family Laws Ordinance of 1961, the West Pakistan Family Courts Act of 1964, and the Family Court Rules of 1965 were shared. Marriage, Dower, and Divorce under established Muslim jurisprudence were also discussed in the second half of the session.
- Syed Yasir Shabbir gave a presentation on the Composition, Functions, and Jurisdiction of Family Courts in the second session. The session covered the details of family courts' jurisdiction, general procedure, mode of service of summons/notice, and use of technology.
- Dr. Faqir Hussain gave the final session of the day one on Specialised Procedure of Family Courts. In a comprehensive manner, he explained Reconciliation Proceedings, Restoration of Haq Mehr by the wife when a decree for dissolution of marriage is issued, and principles under established Muslim jurisprudence and enunciated by superior courts.



8.2 Day 02

- During the first session of day two, Justice Retired Nasira Iqbal discussed restitution of conjugal rights and jactitation of marriage in depth.
- Dr. Faqir Hussain delivered a lecture on Domestic Violence Offences /Schedule (Part-II) Sec. 5 FCA, 1964 and discussed the Scope with the participants.
- Ms. Farah Jamshed gave the final session of day two on maintenance. Various aspects of this topic were thoroughly explained, including wife's maintenance during marriage and after divorce. Procedural issues were also discussed.

8.3 Day 03

- Dr. Faqir Hussain presented a session on Child Custody. He discussed the principles of upbringing, education, and parental love for children who are caught in the middle of parental disagreements. Some of the Supreme Court of Pakistan's Guidelines on Custody, Visitation Rights, and Guardianship were also shared.
- Ms. Wadeeya Mushtaq facilitated a mock activity on Pre- and Post-Trial Reconciliation, Interim Custody Proceedings u/12 of the Guardian and Wards Act, 1890.
- Ms. Nusrat Yasmin presented the day's final session on Trial Procedure, which included information on evidence evaluation, judgement writing, and decree execution.

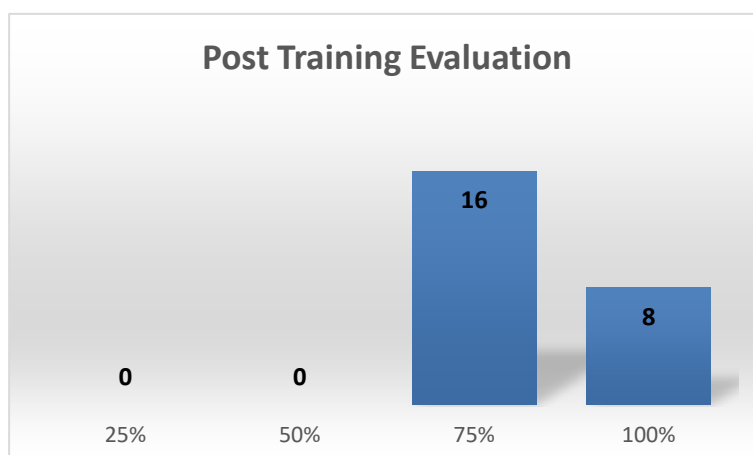
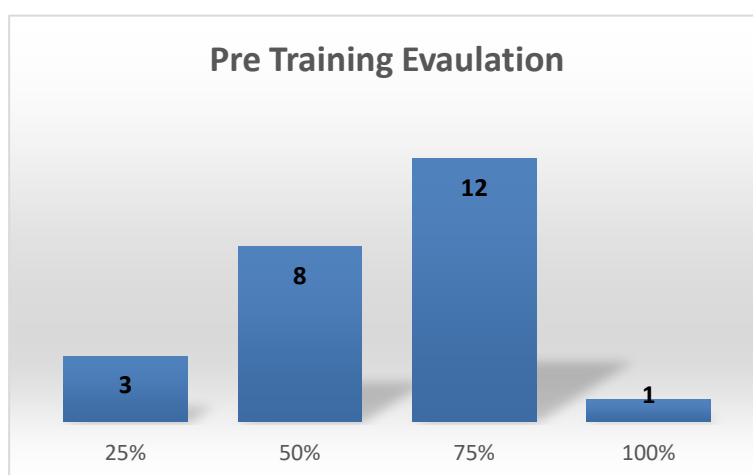


9.0 Impact of the training:

Significant indicators of the training impact are:

- 9.1 Whether the training contributed to an improvement in the knowledge of the participants?
- 9.2 Whether the training will translate itself into practical utility?

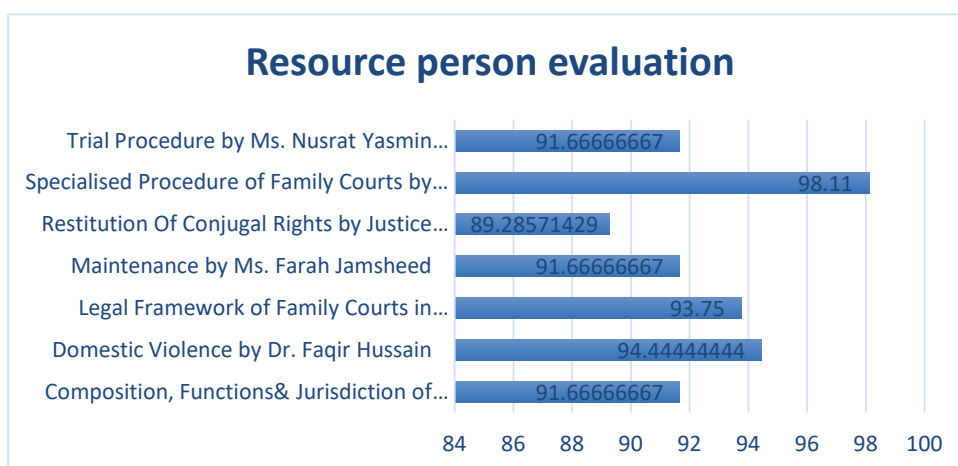
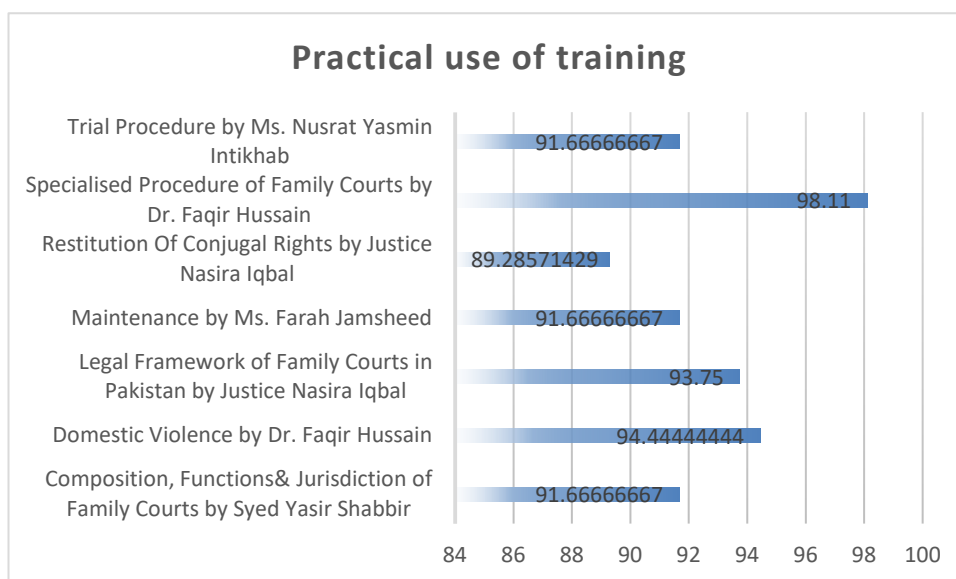
The evaluation questionnaire was designed to deal with this aspect. The relevant feedback obtained from the participants is reflected below:





10.0 Quality of the training:

10.1 The participants' evaluation of the resource person gives a clear idea of the training's quality. In addition, participants were asked to rate the training program's overall quality. Their responses and feedback, both on the resource persons' evaluations and the overall quality of the training program, are graphically depicted below:





During the training period, the participants gave some useful feedback which is given as it is for respecting the transparency and quality controls:

- ⇒ Courses must be interactive Our sitting justices be also invited as guest speakers to share their wisdom Training modules be given to the participants in advance in order to make the sessions interactive
- ⇒ Interactive session in end should be given more time where Questions regarding the problems that judges are facing in field should be answered.
- ⇒ Duration is short
- ⇒ Concentrate on practical exercises coupled with text

11.0 Concluding Remarks:

During the closing ceremony, the class representative expressed her thoughts and expressed gratitude for the Academy's efforts. This course, they said, gave them the opportunity to share their experiences with one another and learn from others about how to deal with similar situations.

The Director-General of the Khyber Pakhtunkhwa Judicial Academy, the Dean Faculty, the Senior Director Research and Publications, Faculty Members, and a UN Women representative were also present.

The training concluded with distribution of certificates to the participants.