

**REPORT**

**Online Training for newly promoted Senior Civil Judges**

**5th October – 2nd November, 2020**



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# 1.0 Introduction

1.1 KPJA 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 Hon'ble the Peshawar High Court Peshawar by the Notification No. P(a)31-A/94-J dated 24th April, 2020 promoted 26 Civil Judges to the post of Senior Civil Judge. Notification of the Hon'ble Peshawar High Court, Peshawar No.5-J dated 20th December, 2003 prescribes 03 week mandatory training for Senior Civil Judges. Further Hon'ble Peshawar High Court, Peshawar directed the Academy vide Letter No. 21815/SDJ/PHC/HRW/06-V.I-2019 dated 11.11.2019 to devise training module for Senior Civil Judges. Similarly the Audit Report was shared with the Academy in pressing upon the necessity of holding training for Senior Civil Judges. With this end in view, the Academy arranged one month online training for newly promoted Senior Civil Judges.

# 2.0 Purpose of the report

2.1 This report aims to assess the quality and impact of the training delivered from 5th October to 2nd November, 2020.

2.2 The report begins with concept paper, general layout of the training session including, information about the participants, the resource person details, schedule of activities, proceedings, followed by recommendations for future improvements.

# 3.0 Concept Paper

## 3.1 Introduction:

3.1.1 The idea that the judiciary is to rely solely on a culture of personal development is out-dated. Training is now considered imperative in all jurisdictions (both common and civil law countries). Again the emphasis on it has increased with people's expectations of quality in service delivery, media attention, and the dynamic new issues of the modern era.

3.1.2 Mandatory training has its own significance for enhancing professionalism. For senior civil judges, the need for such training is even more profound. Judicial officers face new human resource and financial management challenges. Their liaison skills are tried in seeking synthesis between the bench and the bar, the judiciary and the district administration, and between the judges themselves. Their vigilance and monitoring of the process serving agency guarantee that problems in service of summons, described as one of the most important causes of delay in the due progress of cases, are checked.

3.1.3 It is necessary to mention that recent experiences have shown that serious consequences are bound to arise if training is not imparted. Directions and the contents of the letter # 2/815/SDJ/PHC/HRW/06-V.1-2019 dated 11-11-2019 from Hon’ble the High Court are its clear manifestations. Further, an audit report was shared with the Academy which contains besides others the following observations (reproduced verbatim);

1. Non-compliance of High Court rules and orders (HCR &OS relating to Part A\_C of Chapter 8 of Volume 11
2. Non-compliance of HCR &0s regarding sheriff petty account (Part-D of chapter 8 of volume 11),is increasing agonies of the litigants, resulting into lack of trust in the formal justice system
3. Non-compliance of certain rules and orders under Civil Court deposit Accounts(Part E of chapter 8 of volume 11)
4. The budgetary process of district court which is an important element of strategic planning needs proper oversight and revamping
5. Manual mode of recording accounting transactions and lack of automation is an area which needs management attention and consideration
6. Payroll and related allowances which is more than 80 percent of the annual budget of the district court lacks complete record for the sake of analysis and decision making purposes
7. Proper and regular maintenance of bank statements and bank reconciliation is not followed by district courts
8. Lack of training and capacity building particularly of newly hired and promoted staff is leading to inefficiencies and ineffectiveness.

## 3.2 Legal Mandate:

3.2.1 KPJA 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)

3.2.2 Specific to mandatory training, Rule 9(4) of Khyber Pakhtunkhwa Judicial service, provides;

     "No person shall be confirmed in the service unless he/she successfully completes such training and passes such departmental examination as may be prescribed by the High Court from time to time. Further, the notification of Peshawar high court dated… prescribes three-week mandatory training for senior civil judges.

## 3.3 Content:

3.3.1 Training curriculum, it is said, "should ideally respond to concrete problems, be based on need assessment, have specific objectives, and be subject to periodic evaluation".

3.3.2 A series of training sessions for senior civil judges were held in 2015. Their input as participants was the basis for the preparation of modules. These modules have been considered for the current training. In addition, the audit report recently shared with the Academy has been taken into account. Another addition to the modules is awareness-raising of recruitment procedures. It is necessary on the one hand to equip the senior civil judges with the ability to make suitable choices for the different posts and on the other hand to avoid technical pitfalls. Last but not the least webinar is arranged on the subject of crisis management skills in the wake of recent pandemic.

3.3.3 Detailed representation of the modules is as under;

| Module | Focus on | Suggested Readings |
| --- | --- | --- |
| Module # 01:  Financial Management-01 | * General Financial Rules (F.R and S.R) * General responsibilities of DDO * Receipts & Payment of public money * Sanctioning of expenditure * Service Books * Computerized Payroll (SAP) * Preparation and submission of claims * Procurements * TA * Pay * Leave rules * Bookkeeping * Audit | * General Financial Rules * Fundamental Rules * Supplementary Rules * High Court Rules & Orders * Account Code * Civil Account Code * Judicial EstaCode * Audit Manual * DDO Handbook |
| Module # 01:  Financial Management-02 | * Functions of DDO relating to Budget * Budget Classification * Budgetary process * Estimates of Receipts * Estimates of current expenditure * Statement of New Expenditure * Expenditure Management * Receipts Management * Recording of Disbursements by DDO * Reconciliation of Expenditures * Expenditure Statement * Re-appropriation of funds * Revised Estimates and Supplementary Grants | * General Financial Rules * Fundamental Rules * Supplementary Rules * High Court Rules & Orders * Account Code * Civil Account Code * Judicial EstaCode * Audit Manual * DDO Handbook |
| Module # 03:  Financial Management-03 | * The Public Procurement Framework * Public Procurement Guiding Principles and Objectives * The Tenders Committee * Procurement Planning * Procurement of Goods, Works, and Services * Contract Administration and Monitoring * Understanding the Tendering Process * Preparing and Submitting tenders * Contract Award and Beyond | * Handbook of Public Procurement Law * Pakistan Procurement code * Practical Guide to Public Procurement: Abby Semple * Public Procurement and Contract Administration: A brief introduction: Jorge A. Lynch * Excellence in Public Sector Procurement: Stuart Emmette |
| Module # 04:  Financial Management-04 | * Civil Court Deposits * Sheriff Petty Account | * High Court Rules and Orders * GFR * Judicial Estacode * Accounting for non-Accountants: Wayne A. Label |
| Module # 05:  Study of Office Procedures | * Maintenance and Destruction of the administrative record | * High Court Rules and Orders * Judicial Estacode * Secretariat Instructions * Punjab District Manual * KP Estacode |
| Module # 06:  Supervision of Investigation: Role of Magistrates | * Confessional Statements * Inquiry into suicidal/custodial deaths * Identification Parades * Exhumations * Case property * Post arrest transitory bail * The criminal justice coordination committee * Juvenile Justice Committee * Suggested Readings * Criminal Procedure code * Police Rules * Police order | * Criminal Procedre Code by ShoukatMehmood * Criminal procedure Code by M.Mehmood * Criminal Practise by Sheikh Abdul Haleem * Police Diaries,Statements and Investigation by V.Mitter * High Court Rules and Orders * Law of Evidence by Justice Muneer * Treatise on the law of Evidence: Henry Wigmore * Law of evidence by Justice Tanzeelurehman |
| Module # 07:  Succession Certificates: Practise and Procedure | * Procedure &Scope of succession certificates * Procedure &Scope of letter of administration | * Indian Law commission report on the Succession Act * Sucession Act by M.Mehmood * Islamic law of inheritance by Hamid Khan * Hidaya * Muhammadan law by Ameer Ali * High Court Rules And Orders |
| Module # 08:  Guardian and Wards Act | * Requirements of a legal guardian * procedure * Guardian of person and property * Utilization of property for benefit of wards | * Hidaya * Muhammadan law by Ameer Ali * Muhammadan Law by Ameer Ali * High Court Rules and Orders * Guradian and wards Act by M. Mehmood |
| Module # 09:  General Management | * Effective communication * Correspondence * Meetings * Report writing * Liaison * Accounts | * Managing By Henry Mintzberg * The Effective Executive by Peter Drucker * Out of the Crisis by Edward Demming * How to Say It: Choice Words, Phrases, Sentences, and Paragraphs for Every Situation by Rosalie Maggio * High Court rules and Orders |
| Module # 10:  Service Laws | * Maintenance of PERS * Inquiry Procedures |  |
| Module # 11:  Court Staff Recruitments Rules | * Common mistakes in the recruitment process * Overcoming challenges in the recruitment process | * Judicial EstaCode * KP Estacode * APT Rules |
| Module # 12:  Management of Process serving Agency | * Controlling officers | * Types of processes * Different modes of service * Effective and proper service * Duties of civil nazir/naibnazir/bailiff/process servers * Surveillance of process servers * Appointment of process servers * Working Strength of process serving Agency * The scale of process fee * Police assistance in the execution of warrants * Processes in criminal cases * modern modes of processes * Registers |

## 3.4 Resource Persons

3.4.1 In selection of resource persons care has been taken not to engage trial court judges as resource persons so that the performance year observed by hon’ble the high court is not affected. However this is not at the altar of expertise. All the resource persons are experts of their respective subjects on which they have been giving discourses ever since the establishment of the Academy. Again all officers of the Academy as resource persons will be striving their best to make it a meaningful training session.

## 3.5 Methodology

3.5.1 The methodology of training shall be essentially lecture-cum-participatory. Particular focus will be on experiential learning. Participants will be encouraged to give short presentations and some assignments will be given to improve their conceptual clarity. The training evaluation will be duly recorded and will provide the basis for improvement of the modules and lectures effectiveness.

## 3.6 Objectives

3.6.1 Specific training targets are;

1. Clear understanding of the financial rules that apply both GFR and judicial accounts.
2. Good understanding of the principles of recruitment.
3. Improving understanding of disciplinary procedures and PER for better management of human resources.
4. Impressing the importance of maintaining proper administrative records.
5. Refining the Liaison skills for effective interpersonal managerial role.

# 4.0 Participants

4.1 Participants of the training were the newly promoted Senior Civil Judges. Table below, describes in detail, the names of participants.

|  |  |  |  |
| --- | --- | --- | --- |
| S. # | Name | Designation | Place of Posting |
| 1 | Mr. Muhammad Jamshed | Senior Civil Judge | Haripur |
| 2 | Mr. Abdul Salam Khan | Senior Civil Judge | Swat |
| 3 | Mr. Bakhtzada | Senior Civil Judge | Bannu |
| 4 | Syeda Tehreema Sabahat | Senior Civil Judge | PHC |
| 5 | Mr. Muhammad Jamil Khan | Senior Civil Judge | Bannu |
| 6 | Mr. Nadeem Akhtar | Senior Civil Judge | Upper Chitral |
| 7 | Mr. Asif Kamal | Senior Civil Judge | Chitral |
| 8 | Mr. Sheraz Tariq | Senior Civil Judge | Shangla |
| 9 | Mr. Khalid Anwar | Senior Civil Judge | Mansehra |
| 10 | Mr. Ishfaq Ahmad | Senior Civil Judge | Haripur |
| 11 | Mr. Muhammad Rehan Samad | Senior Civil Judge | Mansehra |
| 12 | Miss Tania Hashmi | Senior Civil Judge | Swabi |
| 13 | Mr. Shakeel Arshad | Senior Civil Judge | Mohmand |
| 14 | Mr. Hamid Kamal | Senior Civil Judge | Swat |
| 15 | Syed Mansoor Shah Bukhari | Senior Civil Judge | Tor Ghar |
| 16 | Mr. Shahzad Ali Khan | Senior Civil Judge | Battagram |
| 17 | Ms Beenish Ismail Syed | Senior Civil Judge | Kohat |
| 18 | Miss Nighat Bibi | Senior Civil Judge | Lakki |
| 19 | Mr. Seemab Waheed Siddiqui | Senior Civil Judge | Buner |
| 20 | Mr. Farman Ullah | Senior Civil Judge | Orakzai |
| 21 | Mr. Muhammad Shoaib | Senior Civil Judge | Mardan |
| 22 | Mr. Attaullah | Senior Civil Judge | Upper Dir |
| 23 | Miss Marya Wajahat | Senior Civil Judge | PHC |
| 24 | Mr. Mohsin Abbas | Senior Civil Judge | Lower Kohistan |
| 25 | Miss Nadia Gul Wazir | Senior Civil Judge | Buner |
| 26 | Mr. Imran Ullah | Senior Civil Judge | S.Waziristan |

# 5.0 Resource Persons

5.1 Mr. Abdullah, Former Chief Secretary, Kyber Pakhtunkhwa, shared his knowledge and experience. Besides, Mr. Muhammad Zeb Khan, PSO to Hon;ble the Chief Justice, Peshawar High Court, Peshawar, Mr. Ahmed Sultan Tareen, Member Inspection Team (MIT), Peshawar High Court, Peshawar, Mr. Zia-ur-Rehman, Legal Draftsman, Peshawar High Court, Peshawar, Mr. Zaeem Ahmed, Director Human Resource & Welfare, Secretariat of District Judiciary, Peshawar High Court, Peshawar, gave an intensive discourse on different subjects. The officers of the Academy also shared their valuable experience.

5.2 It would be necessary to make mention of each resource person along with topic dilated upon by him. The following table contains these details:-

|  |  |  |  |
| --- | --- | --- | --- |
| S.# | Activities | Resource Person | Date & Duration |
| 1 | **Human Resource Mobilization in the Public Sector** | Mr. Abdullah, Former Chief Secretary, KP | **October 05, 2020**  01:45 - 03:15 PM |
| 2 | **Senior Civil Judge: Incharge Process Serving Agency** | Mr. Ahmed Sultan Tareen, MIT, PHC | **October 06, 2020**  01:30 - 03:00 PM |
| 3 | **Planning and Development** | Mr. Ashfaque Taj, (D&SJ)/ Senior Director Admin, KPJA | **October 07, 2020**  01:30 - 03:00 PM |
| 4 | **Service Laws: Disciplinary Proceedings** | Mr. Ahmed Sultan Tareen, MIT, PHC | **October 10, 2020**  01:30 - 03:00 PM |
| 5 | **Procurement: Conceptual Framework** | Mr. Waqar, Ahmed Manager P&D  IM Sciences | **October 12, 2020**  01:30 - 03:00 PM |
| 6 | **Procurement: Practical Exercises** | Mr. Waqar, Ahmed Manager P&D  IM Sciences | **October 13, 2020**  01:30 - 03:00 PM |
| 7 | **Islamic Law of Inheritance** | Mr.Hafiz Waqas,Research Officer IIU,Islamabad | **October 14, 2020**  01:30 - 03:00 PM |
| 8 | **Succession Law: Practice & Procedure** | Mr. Ghulam Abbas, SDR&P, KPJA | **October 15, 2020**  01:30 - 03:00 PM |
| 9 | **The role of Senior Civil Judge in Committees (Session-1)**   1. Criminal Justice Coordination Committee 2. Juvenile Justice Committee   **&**  **The role of Senior Civil Judge in Committees (Session-2)**   1. Bench-Bar Liaison Committee 2. District Legal Empowerment Committee 3. Committee for Digitization & Scanning of Record | Mr. Muhammad Zeb Khan, PSO to HCJ, PHC | **October 19, 2020**  01:30 - 02:30 PM  02:30-03:30 PM |
| 10 | **General Financial Rules-I**   * General responsibilities of DDO * Receipts & Payment of public money * Supervising expenditure * Service Books * Computerized Payroll (SAP) * Submission of Claims | Mr. Abdus Siddique,  Advisor Financial Management,  KP Revenue Authority | **October 20, 2020**  01:30 - 03:00 PM |
| 11 | **General Financial Rules-II**   * TA * Pay * Leave rules * Book keeping * Audit | Mr. Abdus Siddique,  Advisor Financial Management,  KP Revenue Authority | **October 21, 2020**  01:30 - 03:00 PM |
| 12 | **Internal Audit** | Mr.Muhammad Fahim, Former Accountant General KP | **October 22, 2020**  01:30 - 03:00 PM |
| 13 | **Office Procedure** | Mr. Zaeem Ahmed, Director HRW, PHC | **October 23, 2020**  01:30 - 03:00 PM |
| 14 | **Budget Management** | Mr. Sadiq Shah, Budget Officer, PHC | **October 24, 2020**  01:30 - 03:00 PM |
| 15 | **Senior Civil Judge as Manager: Experience Sharing** | Syed Kamal Hussain Shah, Dean Faculty, KPJA | **October 26, 2020**  01:30 - 03:00 PM |
| 16 | **Service Laws: Appointment by Initial**  **Service Laws: Appointment by Promotion Recruitment** | Mr. Zia-ur-Rehman, (D&SJ)/ Legal Draftsman, PHC | **October 27, 2020**  01:30 - 03:00 PM  03:00 – 04:30 PM |
| 17 | **Guardian & Ward Act** | Mr. Ghulam Abbas, SDR&P, KPJA | **October 28, 2020**  01:30 - 03:00 PM |
| 18 | **Judicial Accounts** | Mr. Ahmed Iftikhar, Director Instructions, KPJA | **October 29, 2020**  01:30 - 03:00 PM |

# 6.0 Proceedings

6.1 Mr. Abdullah delivered the lecture on Human Resource Mobilization in the Public Sector. He introduced the participants in the beginning to some important books bearing on the subject, Emotional Intelligence by Daniel Goleman, Social Intelligence by Daniel Goleman, Ecological Intelligence by Daniel Goleman, Working with Emotional Intelligence by Daniel Goleman And Ideas by Peter Watson. He then conducted an exercise in introspection by asking the participants to classify themselves as trainees into Eager Beavers, Vacationers, and Prisoners.

6.2 The speaker formally began his lecture with an emphasis on the error in the statement that, "Honesty is the Best Policy", and opined that honesty should not be a matter of policy. Further, he described the life values emanating from Socrates views as follows;

* To Hear Courteously,
* To Answer Wisely,
* To Consider Soberly, and
* To Decide Impartially.

6.3 The speaker explained different kinds of resources and said that human capital is a new concept. He referred to the essentials of good governance from the World Bank Study and the seven principles of public life from the Nolan committee on standards in public life (CSPL, 1994).

6.4 The resource person believed that most strategic development is Human Resource Development and that its essential components are knowledge, skills, and attitude. He discussed the distinctions between the administrator and the leader, the courts of law and the courts of justice, the notion of justice and he finally emphasized the participants to have a clear vision for the future.

6.5 Mr. Ahmed Sultan Tareen delivered the lecture on Service Laws: disciplinary proceedings. He held an interactive session in the questions and answers format. Following are the details:

|  |  |
| --- | --- |
| Question | Answer |
| What are the different stages from the filing of the complaint to the inquiry? | First, the competent authority passes an order whether the allegations in the complaint constitute a prima facie case or not. If allegations so constitute a case against the accused, competent authority frames the charge, the statement of the allegations, and appoints an inquiry officer and departmental representative. |
| Can a composite order of charge-sheet, statement of allegations, appointment of inquiry officer, and departmental representative be passed? | Yes. |
| What is the difference between the charge-sheet and the statement of allegations? | Charge-sheet is a definite or specific allegation, and the statement of the allegations provide the details of the allegations very much like the details contained in the F.I.R and the investigation reports in criminal cases. |
| What is the difference between formal inquiry and fact-finding inquiry? | Fact-finding inquiry precedes the formal inquiry, and its objective is to clarify the ambiguities relating to the allegations leveled in the complaint. |
| What is a discreet inquiry? Can it be made the basis of a formal inquiry? | Discreet inquiry can be the basis of formal inquiry if it is converted into a fact-finding inquiry, and the accused is also informed of the facts constituting the allegations. |
| What is the nature of inquiry proceedings? Are they inquisitorial or adversarial? | As evident from its word, the inquiry proceedings are inquisitorial. |
| If an inquiry is on the subjective assessment and penalty is imposed, would it not violate due process? | Inquiry proceedings are objective and not subjective. |
| If the Presiding Officer conducting inquiry gets transferred what is the proper procedure to be observed? | The inquiry officer should send the file to the competent authority for the appointment of another officer. |
| Can the departmental representative cross-examine the accused witness? | Yes, he can. His role is that of the prosecutor. |
| Can the competent authority convert the findings of the inquiry officer without making an order of remand or another trial? | No. He is not competent do so as per the E&D Rules. |

6.6 Mr. Waqar delivered the lectures on Public Procurement. The first lecture focused on conceptual clarification and the second on the practical exercises.

6.7 The speaker began his first lecture by explaining the definition of procurement, the difference between public procurement and private procurement, and the basic principles of public procurement. He then clarified the meanings of different terms used in the KPPRA Act and the Rules. He went into the details of methods of procurement, the form of bidding documents, the functions of the procurement committee, and the pre-qualification of bidders.

6.8 In his second lecture, the speaker explained the management of the bidding process, the general evaluation procedure, negotiations, the contract award, and its management. In a practical exercise, the resource person asked the participants to prepare the procurement plan, and he also shared one exercise on technical and financial bids evaluation.

6.9 Mr. Zia-ur-Rehman delivered the lectures on service laws. His first lecture related to the appointment by initial recruitment, and the second to the appointment by promotion.

6.10 The speaker emphasized in the beginning that the objectives of the training session are proper understanding and application of the prescribed procedures and sensitization about the significance of Human Resource Management. He believed the training session outcomes as follows:

* Participant's observance of the legal procedure in letter and spirit
* Open, fair, transparent, and flawless appointments
* Timely working of HR forecasting.

6.11 The resource person explained the overall legal framework as follows;

* Constitution of Islamic Republic of Pakistan, 1973;
* Civil Servants Act, 1973;
* KPK civil servants (appointment promotion and transfer) rules 1989;
* Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003;
* Directives issued by Peshawar High Court from time to time;
* KPK (Relaxation of Upper Age Limit) Rules, 2008;
* West Pakistan Civil Services (Applications for Posts) Rules 1957;
* KPK Civil Servants Promotion Policy 2009;
* Subordinate Court Staff Recruitment Policy 2003.

6.12 The speaker divided his discourse of the initial recruitment into four different processes, pre-advertisement, post-advertisement, test/interview (recruitment day), and appointment order.

6.13 In explaining the first process of initial recruitment, the speaker focused on:

* The determination of vacant positions;
* Prioritization of cases within the ambit of APT rules;
* Quota workout (anomalies & mistakes);
* Maintenance of waiting list of retired/invalidated/deceased employee; advertisements and their essentials (number of positions, quota specifications, deadlines, timeframe, employment exchange); and
* Hiring services of testing agencies.

 6.14 As for the second process, the speaker focused on the scrutiny of the following areas:

* Domicile;
* Age determination parameters;
* Experience;
* NOC / through proper channel
* Qualification; and
* Special Skills.

**6.15 In the second process, the speaker also focused on the legal requirements to be followed in the**finalization of the working paper (Marks Allocation) and **scheduling DSC, and request for the nominee.**

**6.16 Explaining the third process of the initial recruitment, the speaker focused on the following areas:**

* Arrangements (Logistics & HR);
* Skill Assessment (Impact);
* Screening Test (Need & Impact);
* Subject Tests (Significance);
* Interview, purpose & weightage;
* Age relaxation recommendation (Automatic & General);
* Bowl Policy (Scope & Procedure);
* Waiting List & its order of merit; and
* Recording of minutes & preservation of the record.

6.17 Finally, as to the requirements of the appointment order, the speaker emphasized on:

* Order of merit;
* Terms and Conditions; and
* Verification of antecedents.

6.18 In his second lecture, the speaker divided his discourse into, p**re-DPC Working, scheduling of DPC, Appointment Orders, and certain miscellaneous matters. The details of his discussion on different points are as follows:**

* **Pre-DPC Working:**
  + Determination of vacant positions with specifications of nature of the post;
  + Seniority (circulation, objections, and decisions;
  + Current Charge and Acting Charge; and
  + Working Paper (Seniority list & PER).
* **Scheduling of DPC:**
  + Request for the nominee;
  + Seniority cum fitness criteria;
  + The waiver by official concerned;
  + Common seniority cases;
  + Impact of disciplinary action on promotion (Para viii); and
  + Recording minutes and preservation of the record.
* **Appointment Orders:**
  + Probation; and
  + TORs.
* **Miscellaneous**:
  + Reversion;
  + Confirmation; and
  + Confirmation / abolition of post.

6.19 Mr. Abdus Sidique delivered lectures on General Financial Rules, Fundamental Rules and Supplementary Rules. He began his discourse by referring to the rules and regulations of financial management. He then explained the purpose of financial management as follows:

* To prevent and detect errors and irregularities;
* To guard against loss and wastage of public money and stores; and
* To apply prescribed systemic checks effectively.
* Having explained the overall financial management framework as above, the resource person mentioned the following duties of the Drawing and Disbursing Officer:
* High standards of financial propriety;
* Financial Economy;
* Observance of Financial Rules and Regulations; and
* Expenditure to be within limits of authorized grants.

6.20 The resource person referred to the oxford dictionary definition of the budget. He said that budgeting involves the preparation of the estimates, collection and custody of funds, disbursement, and control of expenditure, and recording of all the transactions whose legality and regularity are duly verified by the independent offices. He explained in detail:

* The principles of budgeting;
* The financial procedure under the constitution;
* The provincial consolidated fund;
* Public account;
* Custody of consolidated fund and Public Account;
* Charged expenditure;
* Voted expenditure;
* Demand for a grant;
* Authentication of budget;
* The supplementary budget statement;
* The excess budget statement;
* Budget calendar;
* Revised estimates;
* Surrender; and
* Re-appropriations.

6.21 The resource person described the components of the Annual Financial Statement, the broad features of the departmental accounting system, the types of cheques, the mode and procedure of payments, and the maintenance of the provident fund account. He referred to the following rules on control of expenditure:

* Bill Passing –cum-Expenditure Control Register: Bill-wise and Head-wise in Form GFR 9   [Rule 66(2)(i)];
* Monthly Statement –to be maintained by the DDOs;
* Broadsheet in GFR 10 – to be maintained by the Controlling Officer;
* Statement in GFR 11- by the Controlling Officer;
* Complete Expenditure in GFR 12 – to be shown by Head of the Department;
* Quarterly returns;
* Liability Register; and
* Appropriation Audit Register (CAM 62).

6.22 The resource person explained the procedure of reconciliation as follows:

* PAO to send figures of expenditure/ receipts booked for a month and progressive figure up to that month, from the DDO-wise Expenditure Control Register or Compilation Sheet to the DDOs;
* DDO will send a monthly statement (containing departmental figures, PAO’s figures, differences, and details of adjustments pending with DDO/ PAO) showing the progress of reconciliation to the Head of Department; and
* Head of Department to furnish a Quarterly Certificate to the PAO certifying the correctness of the figures.

6.23 Finally, the resource person referred to some important financial rules contained in the GFR on the financial powers.

6.24 Mr. Muhammad Faheem delivered the lecture on the internal audit. He first defined the word audit, explained different approaches to audit, and then specified twelve different types of audit, one of which is the internal audit.

6.25 As to what constitutes the internal audit the resource person mentioned the following:

* Audit conducted by the entity’s internal staff;
* An important internal control ;
* Normally a continued, system based examination of the financial transactions and relevant accounting records;
* Includes evaluation of internal controls;
* A great help to the management;
* Ideally, like an external auditor, the internal auditor should also be independent;
* There is a difference in emphasis and reporting;
* Appointed by and reports directly to the chief executive of the organization;
* Internal Auditors, keeping in view their mandate and scope of work, develop their Standard Operating Procedures (SOPs) but normally they adopt or follow the same audit procedures and standards practiced by the external auditors.

6.26 As to the functions of internal auditors, the resource person said that it included the following:

* Points out the weaknesses and inadequacies of internal controls and proposes measures for improving the internal control system;
* Design performance indicators for objective evaluation of various activities.

6.27 The resource person elaborately looked into the internal audit from the national, provincial, international, and the Peshawar High Court perspective. He believed that PHC internal audit is more related to the quality of the justice system rather than the financial matters and this is more akin to IIA standards. The resource person at the end held interactive discourse with the participants on the dislike of being audited versus the organizational need for continuous improvement.

6.28 Mr. Zaeem Ahmed delivered the lecture on office procedures. He began his discourse with the reasons for adherence to office procedures. He specified them as follows:

* Uniformity;
* Fixing responsibility;
* Recording and documentation; and
* Maintenance of a record.

6.29 The resource person mentioned the sources of the office procedures, **Conduct of business of the Provincial Government (Article 139 Constitution of Pakistan), and the Secretariat Instructions. He explained the instructions on the maintenance of a record in detail. Some of the important instructions that he shared are as follows:**

* The name of the department/Wing to which the file belongs should be printed in bold letters or should be written clearly in the space provided for it on the file cover. (Rule 52, Secretariat Instructions);
* Every Section /Branch shall maintain an approved list of main subject heading, serially numbered, in respect of all matters dealt with by section/branch. (Rule 52, Secretariat Instructions);
* The main subject heading shall be split into appropriate sub-headings, and such sub-headings shall be serially numbered. (Rule 57, Secretariat Instructions);
* A new file may not be opened unnecessarily and the opening of the part file should be avoided as far as possible;
* A part file may be opened when the main file is not likely to be available for some time;
* Where more than one part file is opened, each of them should be given a distinct number to indicate its relation with the main file. (Rule 61, Secretariat Instructions);
* The Part file, or files, should be merged with the main file as soon as the latter becomes available. (Rule 52, Secretariat Instructions);
* Every file shall consist of two distinct parts viz;
  + the correspondence part;
  + the notes part;
* The thick cardboard covers bearing two punched holes shall be used for the correspondence part of the file, and the thin folded file covers shall be used for the note part. (Rule 158);
* All pages of the correspondence part of the file should be serially numbered;
* The latest communication on which action is taken shall be placed on the correspondence portion of the file at the end and page numbered. It may be flagged with a “PUC” (Paper Under Consideration) label and referred to in the Note portion of the file as “PUC” at page\_\_\_\_\_\_/C”;
* The note-sheet in the note-part of the file should be tagged inside the file cover at the left-hand top corner so that it becomes possible to fold them backward and bring the last portion of the note on the top;
* One or two blank sheets shall be added to the note portion of the file;
* The note portion of the file should not be page numbered but shall be serially paragraph numbered continuously. References to notes shall always be made paragraph-wise as “Para\_\_\_\_\_/N”; and
* The use of priority labels shall be restricted to cases where they are necessary.
* The speaker citing an example of the recruitment of court staff conducted a practical exercise of office procedures. Finally, he explained the distinctions between the following different forms of office communications:
  + Official letter;
  + Memorandum;
  + Demi-Official letter;
  + Un-Official reference;
  + Endorsement;
  + Notification;
  + Press Communiqué/Notes;
  + Telegrams, Telex and Teleprinter Massage; and
  + Office Order.

6.30 Syed Kamal Hussain Shah, Dean Faculty, delivered the lecture on the topic Senior Civil Judge as Manager: Experience Sharing. He began his discourse by referring to the history of the Indian Subcontinent. Babar laid the foundation of the Mughal dynasty in 1526. The Mughal rule lasted until 1748. Then Marhatta ruled for 101 years. In 1849 the East India Company established its rule, and the British began working on lawmaking. They promulgated laws dealing with the court hierarchy in 1874, 1875 and 1884. In 1901 the government passed North-West Frontier Province Law and Justice Regulation as it established a separate Province. It was during this time that the title of subordinate judiciary's judge was modified from Munsif to sub-judge, and this title was retained until 1962 when it was changed to civil judge by the West Pakistan Civil Courts Ordinance.

6.31 The resource person enlightened the participants on the instructions contained in the High Court Rules and Orders, the number of volumes contained in it, and their sequence in terms of subjects. He said that Lahore High Court Rules and Orders continued to be applicable in K.P.K without noticing the fact of separation of NWFP from Punjab in 1901. It was only in 2015 that a committee constituted by Peshawar High Court looked into it, and the Peshawar High Court Rules and Orders were later published.

6.32 The resource person referred to the work done by Lord Macaulay Commission in drafting important legal enactments, the Indian Penal Code, Criminal Procedure Code, and the Police Act. This task, he said, was accomplished in a long span of 68 years.

6.33 The resource person in the end elaborately explained the significance and history of C.S.R (Civil Service Regulation), F.R and S.R(Fundamental Rules and Supplementary Rules), G.F.R(General Financial Rules), and Land Record Manual. He also referred to the revenue circular number 42 dealing with the establishment of the District Record Room, and he also shared his experience of District Nowshera relating to the reconstruction of 48642 files damaged by the floods.

6.34 Muhammad Zeb Khan delivered the lectures on the role of the Senior Civil Judge in various committees. He discussed the functions and challenges relating to the working of the following committees:

* Criminal Justice Coordination Committee
* Bench-Bar Liaison Committee
* Juvenile Justice Committee
* Committee for the Scanning of Record, and
* District Legal Empowerment Committee.

6.35 The resource person first held an interactive discourse with the participants on the limits of the judicial intervention in spheres of investigation and the scope of the word liaison. He then explained in detail the establishment, composition, and functions of the Criminal Justice Coordination Committee and the Bench-Bar Liaison Committee in the light of provisions of the Police Order and Criminal Procedure Code, Case Law, and the relevant instructions of Peshawar High Court.

6.36 The resource person emphasized that effective working of the committees require the formulation of the meeting agenda, minutes of the meeting, communication of decisions, and follow-up.

6.37 The resource person explaining the establishment, composition, and functions of the Juvenile Justice System Committee held an interactive discussion with the participants on the concepts of rehabilitation and re-integration. He referred to the District Legal Empowerment Committee (Constitution & Functions) Rules, 2011 for explaining the establishment, composition, and functions of the Legal Empowerment Committee.

6.38 Finally, the resource person discussed different segments of the Case Flow Management Information System, case marking, case registration, party management, case proceedings, fixation diary, record room, uploading scanned page, email, and SMS.

6.39 Mr. Sadiq Shah delivered the lectures on Budget Management. His discussion focused on the following areas:

* Sources of revenue for the government
* Budget Outlay 2020/2021
* Budget of Judiciary for financial year 2020/2021
* Accountability Process
* Budget Cycle
* Federal Consolidated Fund
* Public Accounts
* Annual Budget Statement
* Charged Expenditure
* Voted Expenditure
* Demand for Grant
* Budget Calendar
* Procedure for Authorization of Budget
* Supplementary Budget Statement
* Principal Accounting Officer, and
* Auditor-General of Pakistan.

6.40 The resource person explained in detail the budget cycle involving preparation, implementation, monitoring, and reporting (maintenance of accounts), monitoring and reporting (audit and accounts), review, and policy setting. He also explained all the constituent elements of Federal Consolidated Fund, Public Accounts, Annual Budget Statement, Charged Expenditure, Voted Expenditure, and Demand for Grant. Finally, he went into a threadbare discussion on the role of principal accounting officers, the Auditor-General of Pakistan, and the Public Accounts Committees.

6.41 Mr. Ahmed Sultan Tareen also delivered the lecture on the Senior Civil Judge as Incharge of the Process-Serving Agency. He began his discussion with the instructions contained in Volume IV Chapter 6 Part A, B, and C of the High Court Rules and Orders. He emphasized that lack of attention mainly to following instructions has contributed to the inefficiency of the Process-Serving Agency:

* The names of the process-servers should be entered according to the date of their appointment in a register containing the above particulars, and a column of remarks should be added for the entry of such notice respecting the conduct of each process-server as the presiding Judge may from time to time deem it necessary to record (Rule 5, Part A);
* The High Court shall fix, and shall from time to time, as may be necessary, alter the maximum number of process-servers to be retained for the Court of each District and Session Judge, and for each district in the Province(Rule 1, Part C); and
* The process-servers entertained under these rules shall be employed exclusively in the work of serving and executing processes (Rule 4, Part C).

6.42 The speaker believed that the following measures are needed to improve the situation:

* The pay scale and up-gradation process should be revised. There is a need to restructure the process serving establishment and to bring the posts of Process servers, Bailiffs, and Naib Nazir at par in terms of BPS with those of Junior Clerks, Senior Clerks, and Assistants respectively.
* Process-Servers should be employed exclusively in the work of serving processes.
* Process servers should be provided bikes for remote areas and bicycles for cities.
* Refresher courses and training may be periodically arranged.
* Corruption, dishonesty should be necessarily focused.
* Local language should be given preference and improvement in linguistic skills should be the focus.

6.43 The resource person shared his experience of Kohat when he as District and Session Judge, deployed technology for reforms. He believed that technology in this area is a game-changer.

6.44 Mr. Ahmed Iftikhar delivered the lecture on Judicial Accounts. His discussion focused on the following areas:

* Kinds of Judicial Deposits
* Limits of Cash in Hand
* Procedures for Receipt and Payment, and
* Accounts and their reconciliation.

6.45 The resource person first held an interactive discourse with the participants on the existing practices of different judicial accounts, the procedures for the receipt, and payment. He then explained the basis for the classification of the two accounting systems; Civil Court Deposit Account and the Sheriff Petty Accounts. He specified in the light of the High Court Rules and Orders the items falling under each head.

6.46 The resource person explained the method of receipts and payments under the two accounting systems, the procedure for entry in different registers, and the reconciliation of accounts. He explained in detail the daily and monthly reconciliation procedures in Sheriff Petty Accounts, the varied aspects of PLA, and the precautions to ensure that Nazir does not embezzle with the public money.

6.47 The resource person discussed the procedure of depositing the minor's money under the High Court Rules and Orders. He emphasized the safeguards to be observed by the Judge for the minor's welfare. Finally, the speaker described the procedure for the calculation of the diet money of the witnesses.

# 7.0 Impact of the training

7.1 Significant indicators of the training impact are:

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

7.1.2 Whether that will translate itself into a practical utility?

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

# 8.0 Quality of the training

8.1 As regards the quality of the training, it can be easily gleaned from the resource person’s evaluation by the participants. The training session also included the activity of a research paper to be written by the trainees. The topic was, ‘Working of the Process Serving agency: Strengths, weaknesses, and the Suggestions’ for improvement. A committee comprising the Dean Faculty and the Senior Director Research evaluated the papers. The top three papers are annexed with the report. Moreover, the participants were asked to comment on the overall quality of the training program. Their response and the feedback, both on the assessment of the resource persons and the overall quality of the training program are shown in graphic form below:

8.2 Participants also furnished their general comments on the training. The same are reproduced verbatim:

1. Training must be in academy
2. It should be face to face training for a week
3. physical training is more effective.
4. Arrange such training in academy to avoid problems of net diconnectivity, and to have face to face contacts making the process of communication more easy and understandable.
5. Budget and audit be taught on level of SCJ tasks and challenges
6. Well it shall b in academy and shall b one week at least. Sharing of experiences would b more useful in academy instead of online training
7. All the resource person delivered good lectures and v learnt alot,however missed some important segments due to net problem at mohmand
8. Online training was a novel idea for us all. As a whole it was a wonderful and fruitful experience. The modules and content of the courses were according to our need and new assignments. Refresher courses on the modules in the academy would be highly beneficial.
9. course contents designed by the Academy was good and cover all related aspects. such like trainings should be conducted in future to increase capabilities.
10. The training was exhaustive and complete in all its respect.

# 9.0 Conclusion & Recommendations

9.1 Participants' graphic feedback indicates that the training's performance and effect have been rated good.

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

9.3 According to trainees' reviews, it was the achievement of the objectives for which the training was designed and conducted.

9.4 Interaction with judicial officers suggested the following notable deficiencies in the maintenance of judicial accounts:

1. Little comprehension of the distinction between sheriff petty account and the civil court deposit accounts;
2. Nazir retaining cash in violation of the rules on sheriff petty account.
3. No reconciliation of the sheriff petty account: cash book, treasury passbook, and PLA checkbook either non-existent or having no semblance to the High Court Rules and Orders;
4. Safeguards to protect the ward's money deficient; the process of transfer of money from deceased account to minor account vulnerable, and no yearly audit of the minor account;
5. Old accounting practices have not been brought in line with the new accounting standards, the computerization of record, matching PLA with assignment account, and revision of rates as to diet money.

9.5 Considering the above, the need for post-promotion training for Senior Civil Judges is highly imperative. The physical training mode is most appropriate unless the exigencies otherwise require it. However, online training for a short period at regular intervals on the management in general and financial management in specific will be highly productive.

9.6 High Court Rules & Orders require revision to bring accounting practices in line with the modern standards, in a particular revision of rates of diet money.

9.7 Learning Management System (LMS) may be made a permanent feature of the training activity. IT infrastructure needs to be upgraded, to avoid as for as possible the technical hitches.

# 10.0 Training in pictorial

