



Consolidated Report of Four Successive Trainings on Judgment Writing

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Foreword

All praises to Almighty Allah who bestowed upon us the duty to impart training to the persons whose utmost duty is dispensation of justice, the noblest of all causes.

It is an honor for me to foreword this consolidated report on successful completion of four successive trainings on judgment writing. The objective of documenting a report of training is not only to serve the purpose of highlighting the activities conducted during the training but also to provide sufficient material for improving the quality of training. At the same time, it may work as a resource for new learners and researchers.

It would be unjust not to appreciate the laborious work of the Academic wing of the Academy, so I do appreciate the efforts of members of the faculty for preparing this report well in time. The report is not only comprehensive but readable as well. You will find it fairest in format and coherent in contents.

Allah (SWT) blesses all those who contribute to the noble cause of learning.

Hayat Ali Shah,
Director General

Dean's Note

As the Judges of the District Judiciary were busy in conducting General Elections in April and May, the Academy had to suspend its training series on Judgment Writing. Soon after the elections, the Academy resumed the trainings. As many as four courses were conducted in June. The Faculty made serious efforts to introduce significant changes in the course content and course evaluation. Qazi Attaullah, Director Instructions has detailed those changes in the preface to this report.

I would like to invite your attention to the evaluation process. Part III of this report contains charts developed from various forms. While a detailed analysis of the charts is a separate activity, probably of the research nature, a brief analytical comment may be appropriate here. The consolidated chart of individual resource persons' feedback (the level 1 evaluation) shows that, so far, this training is very much successful. Of the four appreciation levels: 25, 50, 75 and 100 percent, out of total 95 participants, more than 60 have applied the highest appreciation level of 100 percent, while responding to eight question: relevancy, effectiveness, efficiency, delivery of effectiveness, level of learning, the use of English language, level of interaction and trainer's attitude. The overall training evaluation (level 2) also portrays as very encouraging picture. The highest score was applied to measure appropriateness, contents, relevancy to job, understanding level, question and answer sessions and effectiveness of the course as a whole. Almost all participants expressed their view that the duration of the course should be increased. On logistics side, too, the highest level of satisfaction was recorded on seating arrangements, use of audio-visual equipments and sufficiency of break time. The Daniel Goldman's model of satisfaction (three categories of trainees: eager beaver, i.e. keen learner, vacationers and prisoners), applied for three courses, also shows that eager beavers were the highest in number. Only 10 participants said they were vacationers and 02 claimed to be a prisoner. The Faculty will continue its efforts to make the remaining training course of the series a success.

I must appreciate the efforts of the Faculty staff: Qazi Attaullah, Director Instructions and Mr. Taimur Azam Khan, Assistant, for their indefatigable efforts to prepare this report. Mr. Muhammad Asif Rafiq, Programmer, IT, helped us a lot in preparing the data and Mr. Jamil Ahmad Qureshi, Superintendent logistically helped us in shaping the final copy of this report.

Dr. Khurshid Iqbal,

Dean Faculty

Preface

Qazi Ataullah

Writing of judgment and judgment writing both carry their own significance. To reduce a judgment into writing is the utmost duty of a judge. On the other hand, judgment writing is as an art. A judge should, therefore, be artful more than anyone else. As he should be at home in the substance of judgment; likewise he must be self-sufficient in style and structure. To a judge, form is to be as important as content.

Keeping the above truths in view, the Academy, on experimental bases, chose the area of judgment writing for its first ever training course. A questionnaire was circulated across the province for feedback of the judicial officers which enabled the faculty to make a need-fulfilling course description. The academy planned a series of 17 training. The junior most judicial officers (Civil Judges/Judicial Magistrates) were taken as first targeted area. 07 batches, each of 25 judges, completed their training before general elections in May 2013. The Election caused a month pause in the training program. Nonetheless, the faculty utilized the pause for further improvements in furtherance of opinions of the trainees. Experts and high profile specialists and reputed trainers were also consulted. To make the program more effective and fructuous, and apart from the changes already introduced to 6th and 7th courses, the following special additions were brought into the training programs 8th -11th.

- Online Performa for feedback about resource person.
- Online refined pre and post training evaluation forms.
- Online Morale Survey (Prepared by Prof. Dr. Ismail Wali).
- Online Registration forms.
- Online Self Classification Assessment (Prepared by Mr. Abdullah Ex Chief Secretary KPK)
- Online Pre & Post Self Assessment Test (Prepared by Faculty).
- Panel discussion of two hours on course review.
- Special lecture of a guest speaker Dr. Ashraf Adeel Associate Professor of Philosophy, Kutztown, University, United States. The topic was Justice and Knowledge: Relevance for managing societies in crises.
- Special lectures on the significant topics of “Significances of Perceptions and its Impact on Judicial Decision Making” & “A Critical Analysis of Decision Making: Focus on District Judiciary” delivered by Mr. Abdullah.
- The conversion of the lectures of basic resource persons Dr. Ismail Wali & Mr. Niaz Muhammad Khan, from mere theoretical descriptions to practical aspects. [Thus qualitative study was converted to applied research].

Besides, in order to curb on the monotony caused by lengthy one-day lectures, reasonable pauses were made by placing two hours lectures of other resource persons. In this connection the worthy Director General had also to deliver lectures on the topic of “The Role of State of Mind in Decision Making”.

With the above changes, this consolidated report documents the proceedings of four successive trainings (8th- 11th) on judgment writing.

In addition to the on-line feedback forms, a panel discussion was also introduced. The latter tool was used to wriggle out any deficiency found in the data developed through feedback. The aim of the panel discussion was also to review the course content. Two main resource persons—Dr. Ismail Wali and Mr. Niaz Muhammad Khan—were invited to the panel discussion. The Dean of Faculty put some questions to them. The undersigned was also subjected to the same experiment. The participants also put questions to the panelist (resource persons). However, due to paucity of time, the panel discussion was missed during the eleventh training course.

Detail analysis of graphic scales forms part III of this report. The study of this part would help the readers learn the statistical ratio of effectiveness of course contents, efficiency of resource persons, receptive capabilities of the trainees, their improvement in professional and communication skills and much more. It reflects our marching towards quantitative and empirical research.

Almost all Civil Judges/Allaqa Qaziz and Senior Civil Judges/A’ala Allaqa Qazis, across the province, have completed their training. A considerable number of Additional District & Sessions Judges/Izafi Zilla Qazis have also received training. As a whole, the Academy has succeeded to impart training to 269 judicial officers, approximately three fourth of the total number of the judges of KP. The Academy will conduct the remaining 06 training courses for senior Additional District & Sessions Judges/Izafi Zilla Qazis and D & SJs/Zilla Qazi’s under the caption of “Conference on JW” in near future Insha-Allah.

Qazi Ataullah,

Director Instructions

Concept Note^{*}

Training Course on Judgment Writing

‘Judgment writing is the hardest of the legal arts to master’. While there is a significant body of literature on judgment writing skills, there is a near consensus among judicial pundits that good judgment writing depends more on practice than theory. Caseloads have a telling negative impact on a sustainable good judicial style in judgment writing.

Pakistan’s 2009 National Judicial Policy and its rigorous monitoring by the judicial leadership, has generated tremendous pressure on the judges of the District Judiciary. There is a growing perception in the legal fraternity that fighting delay on war footing has led to the delivery of hasty judgments. While the avalanche of the caseload has been visibly melting down, it is now time to divert attention to improvement in the quality of judgment writing.

A quality judgment, as commonly understood, requires that it should speak for itself, be concise, reflect good writing skills, appreciate the readers’ needs and litigants’ wants. Appreciating the fact that the essence of judgeship is the delivery of judgments, the Khyber Pakhtunkhwa Judicial Academy plans to conduct its first training course on judgment writing. The underlying objective of this course is the development of one word vocabulary linked with the writing skills of judges. The guiding principle is an Arabic idiom:

خير الكلام ما قل ودل ولم يمل (Tr. *Best speech is one which is precise, speaking and free from boring length.*)

The training curriculum and module will be designed on the basis of the needs of the judges. The Academy, however, intends to follow a participatory approach by seeking the in-put of the targeted trainees. To this end, the Academy has prepared a questionnaire, which is sent herewith for your valuable responses and views. The prime objective being training needs assessment, the Academy intends to ensure anonymity of respondents. Please do not write your name, nor put your signature on the questionnaire, which may be sent on the address given in the attached letter, as soon as possible.

^{*} *The Concept Note was designed before the commencement of this series of Judgment Writing Training.*

Course Description

<i>Reference</i>			
<i>T-8,9,10,&11/2013/JW/06 days</i>			
<i>Training</i>	<i>Judgment Writing</i>	<i>Duration</i>	<i>6 Days each</i>
<i>Method</i>	<i>Participatory, practical</i>		
<p><i>Designed by</i> <i>Dr Khurshid Iqbal, Dean Faculty</i></p>			

Aims and Objectives

While quality in judicial opinion writing has always been a top priority of the judiciary in all countries, in recent years there has been a growing concern about it in Pakistan. Arguably, one glaring reason is the mechanism of time bound disposal of cases proposed by the 2009 National Judicial Policy (Policy). The concern is that the mere disposal is and should not be enough. Another reason is a general need of capacity building as part of continuing judicial education. The main aim of this training is to build capacity of all judges of the District Judiciary, in the key area of judgment writing, both in regard to expression or language (effective communication) and substance or content (judicial aspects, such as appreciation of evidence). The principal duty of a judge is to deliver judgment after announcement of the decision in a case. Judgment writing is thus a vital part of judging or 'judge craft'. There is no worth while training on the linguistic mechanics of judgment writing. Hence, judgment contains lapses which potentially harm judges' credibility and efficiency as communicators of facts and legal analysis of law and evidence. It is for this reason that judgment writing has been selected as the first training at the Academy. The training has been designed in the backdrop of a questionnaire survey—an indigenous training needs assessment—of all judicial officers, including those working in the special courts and tribunals. The training will generate and encourage critical thinking about judicial opinion writing. A pluralist and diverse approach will be adopted to build professional capacity of the target participants. The participants are strongly advised to actively participate in the training, which will be firstly, graded at the Academy, and secondly, subjected to post-training impact assessment.

Key outcomes

The participants should be able to—

- Understand the basic concept and procedure of judgment/order writing.
- Learn necessary skills for appreciation of evidence and application of substantive and procedural laws and precedents.
- Explore and understand current global trends.
- Know and follow judicial opinion writing in the perspective of Islamic law.
- Strengthen theoretical foundations to know and understand the process, flow, models, mediums, types, barriers to and principles of effective communication.
- Be sensitized to the problem areas of English, and sharpen their skills for writing effective and self-contained judgments.

Requirements

- Send to the Director General (DG) a copy of two judgments: one civil, one criminal, which they rank as the best. The judgments will be examined through peer review.

Evaluation

- Feedback for each resource person (level 1).
- Feedback about the course on the last day (level 2).
- On job application of skills in due course of time (level 3).

MODULES**LAGUAGE**

Prof. Dr Ismail Wali, PhD in English, Professor Institute of Management Sciences, Peshawar

Style and structure of Judgment: Basics

Focus: Structural aspects and style of a judgment. *Skills:* Structuring and writing a judgment.

Judgment writing: Principles of effectiveness

Focus: 4Cs of effective communication. *Skills:* Concise, clear, correct and complete.

Judgment writing: Modern strategies

Focus: Avoidance of verbal pitfalls. *Skills:* Words to avoid.

Judgment writing: One word vocabulary

Focus: Consistency. *Skills:* To develop consistency.

Judgment writing: Practical-I

Focus: Evaluation of a judgment. *Skill:* To evaluate a judgment.

Judgment writing: Practical-II

Focus: Writing a judgment. *Skill:* To write a judgment, applying the skills learnt.

S U B S T A N C E

Mr. Abdullah, Ex DG NIFA, Ex Chief Secretary KP.

Lecture 1: Significances of Perceptions and its Impact on Judicial Decision Making.

Lecture 2: A Critical Analysis of Decision Making: Focus on District Judiciary.

Mr. Niaz Muhammad Khan, Registrar, Islamabad High Court

Elements of a court judgment

Focus: Procedural and substantive elements of judgment. *Skill:* The Dos and donts.

Appreciation of evidence in judgment writing

Focus: Conscious understanding and application of rules of evidence. *Skill:* Avoiding irrelevant and selecting the cogent.

Interpretation of laws in judgment writing

Focus: Juristic understanding of text of laws. *Skill:* Translation into judgment writing.

O T H E R S

Dr Khurshid Iqbal, Dean Faculty, KP Judicial Academy

Contemporary trends in judgment writing

Focus: Analysis of contemporary research. *Skill:* To know best practices.

Qazi Attaullah, Director Instructions, KP Judicial Academy

Judgment writing in Islamic law

Focus: The significance of judicial decision making.

Skill: Knowledge and application of relevant rules.

Dr Adnan Khan, Director Research, KP Judicial Academy

Substantial Justice

Focus: The incorporating of principles of justice in judgment writing.

Skill: Learning of universal principles of justice.

Synopses of Lectures

Lecture I: Significance of Perceptions and its impact on judicial decision making*

*By Mr. Abdullah***

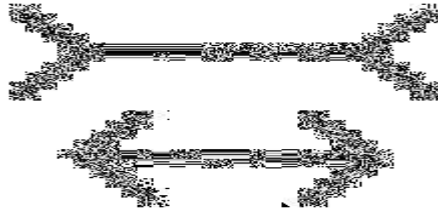
Structured Conversation [brain streaming not brainstorming]

The topic's theme is to avoid subjectivity and adhere to objectivity.

Objectivity of Judgment

Objectivity & Subjectivity: focus should be on the objectivity of judgment rather than subjectivity. Unbiased and impersonal approach is the basic requirement. No room should be given for personal opinion. Judgment is an opinion that naturally flows from the available record. An opinion based on own thoughts, having no regard for external facts is a subjective approach. Such approach is bad in its entirety. So objectivity is essential in decision making and judgment must reveal it.

Perception: No universal definition of perception. It refers to the interpretation of what we take in through our senses. Perception is the act of perceiving. It is the ability to see, to hear and to become aware of something through senses. It may be false or true for the senses may perceive illusions. Sometime, the things are not what they seem. Muller-Lyer illusion is the best example.



Thematic dispersal-progression [Be intellectually young by learning new words, despite physical decay]

Part A: Introspection.

Part B: Exposition-disposition-denouement [untying of the knots].

Part C: Catharsis [removal of impurities, settling of densities].

Part A: Introspection [*tathir-i-nafs*]

The study of one's inner-self, . An inward journey[*anfus and Aafaq*]. We should examine our thoughts to see what these appearances in us really are. In this context introspection is often compared with perception. The following questions and prepositions are worthy consideration.

What is reality?

Is it mental or material?[mind and brain: distinction of]

Mind and matter controversy.[Philosophy is the capability to think, the ability to rationalize. I think that's why I am(Descartis)

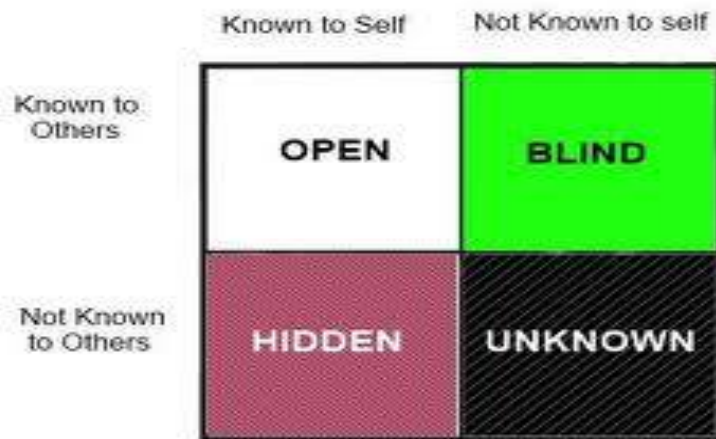
Subjectivity and objectivity polemics(issues).[whether corporeal objects are the reflection of image in the mind or they have their independent existence][the problem of subjectivity and objectivity is the outshoot of the controversy of mind and matter]

* *The synopses have been developed from the lectures of the Resource Person by Qazi Ataullah, Director (Instructions)*

** *Former Civil Servant, Ex Chief Secretary, KP; Ex DG NIPA & PARD*

Reality and perception relationship.
 Evidence and reality.[no act can be reproduced in its entirety]
 Perception and illusion.
 Learning and perception.
 Sensation-perception-cognition-motivation.
 Reproduction of an event in its totality is impossible.

Division of human beings on the bases of Perception The Johari Window



It corresponds to the following theory of Saadi Sherazi (great Persian poet and philosopher) on self-consciousness.

A person is *jahil-i-murakkab* (ignorant to the last extent) who knows nothing and perceives that he knows everything.

A person who knows and perceives that he knows may succeed to serve his own purpose only.

A person who knows and perceives that he knows nothing will reach the climax.

Typology of self in the Quranic concept

Three categories of SELF/NAFS:

Nafs-i-ammarah (Recalcitrant Self) the one which is disobedient, showing opposition and resisting authority.

Nafs-i-lawwamah (the critical self) the good conscious that warns on bad deeds and ill-attitudes.

Nafs-i-mutmaannah (the integrated Self).

Part B: Exposition disposition and denouement

Stake holders of the justice system

Litigants

Lawyers

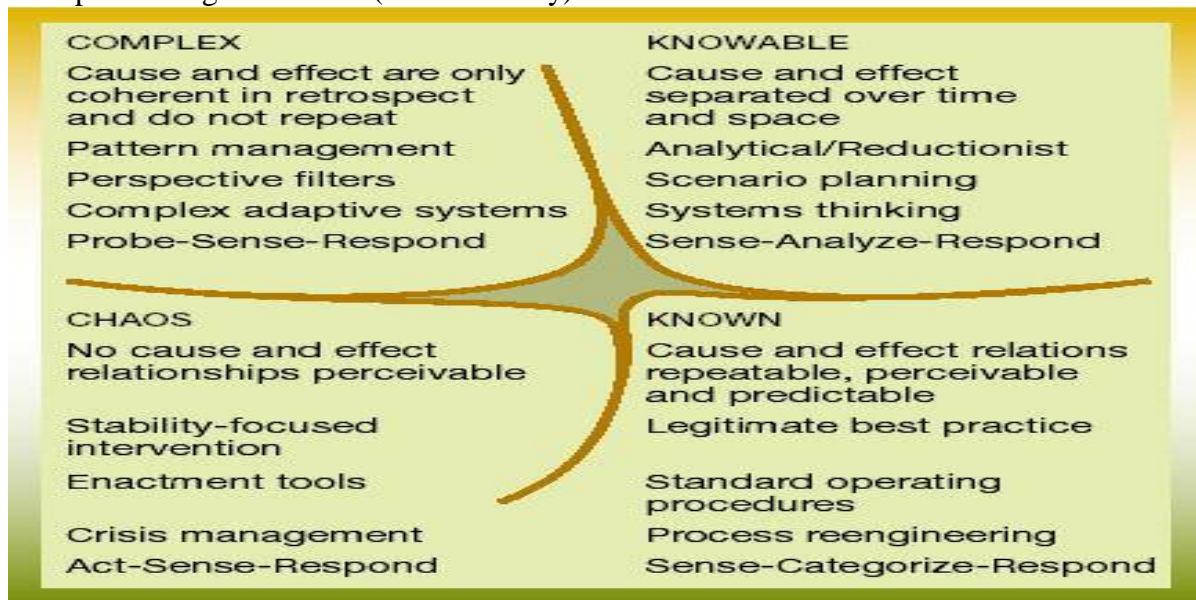
Staff

Judicial hierarchy; above and below
 Government
 State
 Political organizations
 Civil society
 Deciding authority.
 Media

Perceptions about stake holders
 Perception before entry to the judicial system.
 Perception in first five years.
 Perception after five years.
 Attitudinal variations and perceptions.
 Perception fixe attitudes, attitude influence opinions, options effect judgment.

Part C: Catharsis [Removal of Impurities]

Decision Making and Writing
 Decoking of recorded facts. [Objectivity should prevail], Facts existing in the mind dependently should not find place while making a decision.
 Removing chaff from grain. [Once false always false is no more workable]. Significance of Expurgation. Take the clean and shun the dusty.
 Avoidance of biases and prejudices. [Negative perceptions are always fatal, role of state of mind matters a lot. Stress, pressure, anger, excessively cold and hot weathers and every kind of unfriendly atmosphere have an adverse effect on mind.
 Appearance and substance of justice.
 Perception of figure or form (Gestalt theory).



Complexity Analysis & management



Socratic wisdom [04 elements]

To hear courteously

To answer wisely

To consider soberly

To decide impartially.

Lecture II: Critical analysis of Decision-making: Focus on the district judiciary

Structured Conversation & Brain-streaming [not brainstorming]

1-Justice must be the real goal, the sole objective. Quranic verse, “Whenever you decide between the people, decide with justice” works as legal maxim. No consideration for technicality at the cost of justice. Justness should be the first priority and fairness should be the second.

وإذا حكمتم بين الناس ان تحكموا بالعدل

2- Honesty is the best policy----- is a wrong preposition. Honesty is permanent value; Policy is a variable, hence honesty cannot be described by policy.

Topic: Significance of Perceptions and its impact on judicial decision making [Avoid subjectivity, adhere to objectivity]

3- Difference between decision and decision-making.

- Substance and procedure relationship. [procedure is to smoothen the way towards justice]
- Ends and means relationship. [Means are meant to reach to the destination]
- Decision is the outcome of the whole process. How a decision should be made? What facts/matters should be considered and what should not be? What type of technicality should be given space? Answers to these questions are a decision-making process.

4- Justice substance and procedure

- (a) What is justice?
- (b) No enactment reveals the definition. The omission is deliberate. “Justice means the placing of a thing on its due place. Injustice is the placing of a thing on improper place”. [Hazrat Ali RA]
Procedure paves the way to justice. It should not work as fetters for a judge. Adherence to procedure at the cost of justice is bad. Thoughtless deviation is also fatal.

5- Essentials of good governance

- (a) Equity [Not equality]
- (b) Predictability
- (c) Sustainability

6- Irreducible of a good decision

- (a) Logical Consistency, coherence, [Proper interlink]
- (b) Enlightened Interpretation, leaving no place for absurdity and unjust ends. The construction that is beneficial, more agreeable to reason is good. Literal approach should be the priority but not at the cost of justice. At times, and to avoid unjust result, some violence may be made to the words of lawmakers.
- (c) Procedural correctness

7-Moral Prospective

- (a) Doing the right thing
- (b) Doing the thing right
- (c) Essential moral imperatives
- (d) *Qist*, *Adl*, *Mizan*, *Ihsan*, *Amr Bil-marooif*, *Nahi Anil-munkar* [Adl is legal justice whereas Qist is equitable justice. Adl refers to fairness and Qist prefers justness] “Doing the right thing” means the substance/content should be good. “Doing the thing right” means the correctness of the procedure and form. Form is important but not at the cost of content.

8- Judge, Manager, Administrator: Distinction of.

Administrator makes the policies, the manager runs the policies. Managers use their skills in carrying out the objectives planned by the administrators. In this context, judge is a manager. Hence skill is the basic requirement for a judge. Judge is not law maker. His job is to implement the law but in a way to promote substantial justice. No encroachment upon the powers of parliament. But being a manager, there are some additional peculiarities for a judge.

- 1) He is protected against action.
- 2) For him, integrity becomes an attribute and not a tribute.
- 3) Being an arbiter between the individual and the state, he has to act out of deontological considerations & jettison expediencies.

9- Types of decision makers

- a. Authoritarian
- b. Consultative

c. Group Advocate

10- Mode of working together [the three Cs]

- ◆ Control
- ◆ Coordination
- ◆ Cooperation

11- Decision making; A multi dimensional process

- ◆ Stating the problem with clarity [marshaling of the facts and developing of the story]
- ◆ Causes of the problem
- ◆ Objectives to be achieved and their prioritization
- ◆ Identifying ways & means and their relative efficacy
- ◆ Final choices & action plan
- ◆ Testing as trials and corrective actions
- ◆ Results to be sassed critically

12- District Judiciary as a system

- A 4- tier hierarchy (virtually 2- tier) working relationship relating 3 Cs to various situations
- Judges role as an arbiter, administrator and team – builder with a well-defined working order

13- District Judiciary-issues, irritants, problems, prospects, challenges and opportunities

- District & Sessions judge is not in the loop to select or recommend his team
- Lack of effective oversight over or relationship with the police
- Bar-Bench relationship ; Bar-Bench Blues
- No financial / administrative authority with the civil judge or A.D.S.J
- Distribution of work erratic

14- District Judiciary- issues, irritants, problems, prospects, challenges and opportunities

- Unit making itself may not be a sound basis for performance assessment unless it is reinforced by disposal of contested cases
- Efficiency vs effectiveness in the administration of justice
- Disposal targets should be more realistic
- Career prospects have improved
- Public image has improved which should be sustained
- The seminal role of D.S.J may be recognized in the near future with more empowerment
- Training is improving

15- Models of Judicial Decision –Making

- Rational choice model
 - Court as a slot machine
- Attitudinal Model
 - Court as an expression of values & attitudes
 - (Gestaltic approach)
 - “ Craft vs Creativity”

Essay Writing & Basic Terms in Research

By Dr. Adnan Khan[†]

Essay refers to a piece of writing reflecting author's views about a certain thing. Generally, all essays start with an introductory part; they have a main body, and end with a conclusion. The easiest and most convenient way of writing an essay is to start with mind mapping, a technique also known as brain storming. In the process, different aspects of the subject matter of essay are noted down in the shape of mind mapping tree. Subsequently, each point is elaborated in modest sentences. One point, preferably of a generic nature is left for the conclusion.

While writing academic essays, care should always be taken to avoid plagiarism. Material quoted or referred to should be referenced properly. References may be given in the shape of footnotes or endnotes. There are different styles of putting references in a paper, and it is for the researcher to adapt a certain style; however, there must be constituency in adapting a certain pattern.

Primarily, there are two types of researches: theoretical research (also known as doctoral research) and empirical research or applied research. In the former research, secondary sources are utilized and the study takes place in a library or laboratory. In the latter type of research, the researcher has to obtain data from the field. It may be obtained in the form of questionnaires, interviews and many other modes. These two types of researches are also known as qualitative research and quantitative research.

Sources of research are divided into primary sources and secondary sources. Statistical data collected from the field, interviews, public record, statutes and courts' judgments come under the category of primary sources. Published work in the form of books, articles and other material come under the category of secondary sources. Tools of research differ from sources of research.

[†] *Director Research & Publication, KP Judicial Academy, PhD (UK); LLM (UK); LLB (Hons) International Islamic University, Islamabad, Barrister/Solicitor; Ex-Civil Judge.*

Lecture I: Style and Structure of Judgment: Basics

By Dr. Ismail Wali[‡]

Conceptual Background: Besides legal knowledge and judicial wisdom, writing a judgment is a skill involving orthography (how thoughts are turned into symbolic patterns on paper/computer, grammar and punctuation (mechanics of English), idiomatic structures (which are governed by conventions) and semantics (study of meaning). The core objective of these lectures is to sensitize the participants to verbal strategies for writing legally effective and stylistically persuasive judgments.

Brainstorming

Question: what psychic component governs all our activities as humans?

All human activities are governed by the ego, the regulator of our waking life. The process of judgment writing is no exception to it. If the ego malfunctions, semantic distortions occur in a judgment. Therefore a judge should empty his/her mind of all those contents which may negatively affect his/her judgment. The presence of such contents may impair their objectivity, impartiality, fairness and sense of justice. And without these values both the structure and style of a judgment lose their effectiveness.

This lecture focuses on the basics of structure and style of judgment before familiarizing the participants with the strategies of professional writing. Usually, the structure of a judgment comprises of 1) information on court, judge and his/her station; 2) case and its file No; 3) title of case; 4) introduction; 5) facts; 6) evidence analysis; 7) reasoning; 8) application of law; 9) order; 10) signature/seal/date. The style of a judgment depends upon diction, structure of sentences and paragraphing to organize ideas for an effective management of language. Words are the building blocks of a judgment; hence knowledge of words and their denotative aspect is essential for judgment writing. Collocations are fraught with difficulties for non-native users, and through this lecture participants will be sensitized to the usage of words in English. Words, phrases and clauses are combined to make sentences for generating extended units of meaning. Sentences may be simple, compound or complex, depending upon the ideas on the mind of a user. Sentences are combined to form paragraphs. A good writer organizes his/her ideas into easily graspable paragraphs, each having a thesis statement.

[‡] Associate Professor, IMS, Peshawar; PhD English Literature, University of Peshawar.

Writing is a difficult process, and all professional writers follow certain formal steps for producing an effective piece of writing. These steps are: 1) planning, 2) drafting/writing, 3) revising, 4) editing, and 5) making a fair copy. Like all other organized activities, judgment writing needs strategic planning for effective communication. Planning includes making an outline of paragraphing a judgment. The outline should be based on the notes of a judge which he/she has been taking for the final version. Keeping in view the contents of the outline, the writer should proceed to commit it to writing on paper/computer in detail. After writing/dictating the first draft, the writer should let it “cool off” for some time. After the “cooling” process, comes the stage of revising. Revising is usually a process of searching for gaps in meaning and organization of ideas till the end. The third step is that of editing, which is conducted for grammatical and punctuation lapses. After editing, the writer makes a fair copy of the write-up. The fair copy should finally be read for complete satisfaction.

The outcome is that both attitude and aptitude are required for producing a legally effective and stylistically persuasive document.

Lecture II: Principles of Effectiveness

Brainstorming

What is language? Come up with a working definition.

Judgment is a micro medium of communication, and communication is a process of sharing ideas with sender/writer at one end and reader/receiver at the other. The essential elements of communication are: 1) sender, 2) content, 3) medium, 4) audience, 5) context, 6) feedback. This chain completes the process of communication. The sender should have both knowledge and skill for framing his/her content according to the needs, knowledge level and cultural dynamics of the audience/receiver in the proper context. In a judicial context, the structure and style of a judgment, besides its legal and constitutional aspects, should also function as a public instrument of communication for knowledge management and research purposes. Experts in communication usually refer to certain principles for making a piece of communication effective. In this regard, conciseness, correctness, clarity, completeness, coherence, consistency and courtesy are thought to be essential for delivering a message effectively.

Conciseness refers to the economy words to make one’s meaning easily understandable. Conciseness saves both our time and energy. Conciseness is attained by confining to the words

for the intended meaning. Removal of redundant material and avoidance of repetitions makes a judgment concise. However, conciseness loses its value without correctness: grammar and punctuation. Conciseness and correctness refer to the verbal skills of a writer; however, clarity comes from analytical and critical thinking. Clear ideas turn into clear sentences. Completeness refers to the inclusion of all relevant facts and figures in the relevant portion of a judgment. Consistency involves both structure and style. Inconsistency in structure or in style breeds confusion, making our meaning blurred. Coherence refers to the organization of ideas in a judgment. Courtesy means that the wording of a judgment should not be discriminatory based on race, ethnicity, sex, color or creed.

This lecture also contains examples and exercises to clarify each principle. The theoretical framework as outlined above prepares the participants for peer-reviewing each other's judgments for practical purposes to internalize the principles of effective communication. After doing this session, the participants will learn skills how to apply the principles of conciseness, correctness, clarity, completeness, consistency, coherence and courtesy.

Practical: the participants will re-read rewrite their judgments to search for lapses (if any) keeping in view the principles of effective communication.

Lecture III: Plain English

Brainstorming

What do we mean by Plain English?

The seminal objective of this session is to introduce the concept of Plain English Movement in the world, especially in legal/judicial contexts. It is pertinent to mention here that billions of dollars are spent on drafting legal documents, and the followers of PEM have succeeded in entering into the judicial culture for working for making legal documents easily understandable. The followers of PEM recommend to 1) use words of Anglo-Saxon origin, 2) to avoid nominalization, 3) to prefer active voice, 4) to minimize legalese and Latin terminology. The followers of PEM argue that simple words are more effective than difficult words; simple sentences (one idea one sentence) are more easily graspable than compound and complex sentences.

Plain English Movement is active in Australia, Canada, England and America. PEM focuses on easily understandable language in legal contexts including judgments. To support their view, PEM activists usually refer the judgments of Lord Denning. In this session, judgments written by Lord Denning will be used as resource to introduce participants to the concept of Plain English as reference guide for learning simple verbal strategies, avoidance of nominalization, legalese, Latin terminology, and use of active voice.

The session will enable participants to learn how to apply the strategies propounded by the followers of PEM.

Lecture IV: Avoidance of Pitfalls

Brainstorming

Guess the meaning of “judicial Heroism.”

This session is complementary to the previous session on principles of effective communication. The core objective of this session is to familiarize with the concept of avoiding verbosity, unnecessary repetitions, ambiguity, overuse of legalese, and judicial heroism. The term “judicial heroism” has been coined here to epitomize the intellectual environment of a judge to impose his/her legal knowledge on the reader, which breeds verbosity, unnecessary repetitions, ambiguity, overuse of legal jargons, unwise use of modifiers with the result that the reader is impressed by the big and difficult words without being clear on what the judgment says.

This session contains sample judgments and relevant portions from world constitutions how “judicial heroism” is practiced, which makes a legal writing open to different interpretations. Through this session, participants will be sensitized to the concept of clear thought and clear language, so that common readers should understand their rights and duties, which will prepare the way for good governance, development of civic sense leading to legal empowerment.

After doing this session, participants will be able to know the problem of “judicial heroism” and make their judgments reader-friendly as far as possible.

Practical: Participants will be engaged in re-writing the samples for learning how to avoid verbosity, unnecessary repetitions, ambiguity, and overuse of legalese.

Lecture V: One-Word Dictionary

Brainstorming Question: what do we mean by One Word Dictionary?

Language is a very complex medium of communication. Language is an ever-evolving phenomenon. Language is the product of the environment in which it evolves. As non-native users of English, we have to learn its mechanics, which is lifelong process. English has been evolving for the last fifteen centuries with three major shifts (Old English, Middle English, and Modern English) in its history. During its evolutionary history, English has absorbed words from Latin, Greek and French including Arabic, Persian, and many other languages of the world. An introduction to the basics of etymology will help participants understand how to guess the meaning of a word.

The term “One Word Dictionary” has been coined to conceptualize all those words which compress many shades of meaning into one word, and this word makes our meaning concisely precise, saving both our time and space given the constraints of judicial officers. For example, an animal which feeds only on grass and grains is called herbivore; 10 words compressed into one word. An animal which lives both in water and on land is called (12 words) is called amphibian. The word for a person who pleads cases at courts on behalf of others is (15 words) a lawyer. In legal contexts, the term “murder” covers all shades of killing in an unlawful manner. The sentence “evidence is clear that he/she has committed murder” is enough to clarify other shades of meaning associated with the details of an individual case whose mechanics may be different from any other act of murder.

The participants will be motivated to think of and make a list of such words so that a database of “One Word Dictionary” will evolve with the passage of time for future references. This exercise will sharpen the verbal skills of the participants for saving their time and space.

Note: The participants were also given an opportunity to do reading and writing practice with a view to know and understand modern strategies.

Judgment Writing In Islamic Perspective

By Qazi Attaullah[§]

Preliminaries

- 1- Shariah, meaning and definition.
- 2- Branches of Shariah (a) Acts (b) Faiths.
- 3- Fiqh, meaning and definition.
- 4- Branches of Fiqh (a) Worships (b) Transactions.
- 5- UsululFiqh meaning of.
- 6- Shariah, Fiqh, and UsululFiqh, distinction of.
- 7- Division of Fiqh on the basis of its subjects.

Details of Topic

1. Judgment, meaning of.
2. Basic requirements.
3. Utilization and accommodation of Precedents.
4. Considering the material available on the record only.
5. Anger and other discomforting and irritating factors.
6. Avoiding contemptuous language.
7. Review of judgment.
8. The concept of judicial review.
9. Incorporation and non-incorporation of personal knowledge
10. Coherence and proper sequence.
11. Reasons based opinion.
12. Writing of judgment is *wajib* but it may be oral as well.
13. No value for unnecessary statements.
14. No room for retrospectively.
15. Unnecessary delay in writing of judgment.
16. Trial in absentia and ex-party decree.

[§] Director Instructions, KP Judicial Academy; Civil Judge; LLB (Distinction); LLM (Gold Medallist); PhD Scholar, International Islamic University, Islamabad.

17. No room for personal ambitions in a judgment.
18. Every discretion which may lead to unjust results must be avoided and the voice versa must be exercised.
19. Judgment is act of the *qazi* however his every act shall not amount to judgment.

Conditions

1. It must be in a case.
2. Operative part must be imperative in nature.
3. Clear and unequivocal.
4. In the presence of the litigating parties.
5. Stating of reasons to parties of the case.
6. Providing an opportunity for objections.
7. Not repugnant to primary sources of Islamic Law.

Kinds

1. Express and Implied judgments.
2. Oral and act-based judgments.
3. Judgment for entitlement and preventive judgment (*qazaistihqaq* and *qazatark*).
4. Mere declaratory judgment and judgment granting consequential issues.

Judgment after pronouncement

1. Compulsorily enforceable, not open to any sort of judicial review.
2. Unenforceable at all, compulsorily revisable by judicial review.

Extent of judgment

1. Covering the disputed and litigated issue only.
2. Cannot change the Command of Shariah.

Contemporary Trends in Judgment Writing: A Literature Review

*By Dr. Khurshid Iqbal***

The session aims at reviewing existing legal scholarship on the subject of judgment writing. It also seeks to inculcate a spirit of research-based reading and exploration of best practices in other jurisdictions. It argues that while the existing literature reflects that judgment writing is an art, the trend in judgment writing trainings seems to be heading in the direction of developing an inventory of skills and attributes of judgment writing. This systemization of knowledge and skills may be seen as if the art of judgment writing is being developed like a science.

The session reviews a range of key research articles under different themes: definition, reasons for writing judgments, readers of court judgments, writing style and its kinds and reasoning. It critically examines the definition of judgment given by judicial pundits in their research. It discusses various definitions of judgment from Australian, American, Indian, British and Pakistani perspectives. It then examines the reasons why judges write judgments. The bulk of literature shows that judges write judgment because judgment writing is a statutory requirement, judges are professional writers, judges write for publication, judgment writing is no less important than deciding a matter, judges must have potential readers in their mind and being a serviceable product, judgment creates respect for judiciary and inspires confidence of the public.

There are two kinds of readers of judgments: primary and secondary. Primary include parties and their lawyers and appellate judges. Secondary include all others, such as, lawyers, law teachers and students, political and social scientists, researcher, to name but a few. In any case, a judgment must be clear, concise, logical, unambiguous and free of lingua franca (the jabberwocky of legal profession). The session then discusses the style of judicial writing. They are rhetorical, literary, low or exploratory and high or declaratory. Some judges are known for their thoughts: for example, Justice V. Krishna Ayer is known as a philosopher; Justice Bagwati as a social scientist. The participants are advised to read Pakistani judgments and explore who falls in which category. The contemporary literature also contains much about the role and significance of judicial reasoning. The session highlights different methods of reasoning. They are inferential—reliance on evidence; intuitive—psychological process; neutral—non-aligned and impartiality—uncontaminated thinking. It also discusses deductive and inductive method of reasoning in the process of judicial decision making. At the end, the session shares a list of bibliography with the participants.

** *Dean Faculty, KP Judicial Academy, District & Sessions Judge; PhD (UK); LLM (UK); LLB, MA Political Science, UOP.*

Elements of Judgment Writing

By Niaz Muhammad Khan^{††}

This topic covers the following five main areas of judgment writing:-

- i) Linkage of Judgment Writing with Law;
- ii) Linkage of Judgment Writing with Code of Conduct;
- iii) Neutrality of Judgment Writer;
- iv) Grasp of facts;
- v) Application of Law.

i) Linkage of Judgment Writing with Law: The participants are made aware of the different provisions of law enjoining upon a decision maker to deliver a judgment. The various legal aspects of law are discussed focusing on necessity of delivering a reasoned judgment.

ii) Linkage of Judgment Writing with Code of Conduct: This area covers the responsibilities of a judge who is to deliver a judgment which qualifies all the elements as reflected by the Code of Conduct for Judges. For instance, the trait of impartiality of a Judge requires a judgment to be impartial and an unbiased Judge shall deliver unbiased judgment.

iii) Neutrality of Judgment Writer: The participants are made conscious of the importance of the neutrality of the decision maker. The emphasis is not only on partisan tilt on material considerations such as extra judicial but also on psychological inclinations, mostly the product of unconscious evolutionary indoctrination, which leads to cognitive and implicit biases ranging from cognitive dissonance to anchoring bias and the like. The discussion also includes the techniques for reducing these biases to the minimum which include psychological catharsis, openness and impeachment of personal perceptions.

iv) Grasp of Facts: No Judgment can be called good judgment unless the decision maker has full grasp of the facts. The focus is on contextual understanding of the pleadings leading to understanding of core differences and then translating the same into real issues.

^{††} *Special Customs & Anti smuggling Judge; LLB (Gomal University, D.I.K.)*

v) **Application of Law:** The participants are made aware of the importance of understanding the law in the decision making. The emphasis is on the understanding of both substantive and procedural laws and their application to the facts before them. A good judgment is one which makes proper nexus of law with the facts of the case. The understanding of law in factual context is an important feature of the talk.

Appreciation of Evidence

The Judgment Writing in judicial matters is based upon the correct appreciation of evidence. No Judicial Officer can deliver a good judgment unless he has the ability to appreciate the evidence holistically and in its true perspective. The focus is on sifting of relevancies from irrelevancies in order to avoid decision on the basis of irrelevant facts. The participants are made known the different categories of relevancies and their due weight age. They are also sensitized about the admissibility of the facts depending upon the cogency of the same. They are empowered to differentiate between rebuttable and irrebuttable presumptions about facts and also the conclusive evidence. The focus is on practical aspect of the matter enabling a Judicial officer to decide these issues at the moment when they crop up at the time of recording of evidence. They are also made conscious of the fact that how judgment is affected when an inadmissible fact is given weight age and how it goes to the root of judgment when relevancy is not appreciated.

Interpretation of Law

The topic focuses on a good judgment in the context of interpreting the laws. A good judgment is one which is based on correct interpretation of laws as applicable to the facts of the case. The difference between the juristic and journalistic approaches is highlighted and it is emphasized that how the rules of interpretation can better be understood and applied while interpreting the laws. The discussion extends to different types of laws including Constitutional Law, Ordinary Law, Delegated Legislation and the like. The participants are also empowered to differentiate between superiority and subjection of laws, the effects of laws in retrospect and prospect; the effect of repeal of laws qua the substantive and procedural laws.

State of Mind & Decision Making:

By Hayat Ali Shah^{††}

- Mind status; meaning and definition.
- Brain and mind; distinction of.
- Perception; subjective and objective.
- Perceptual blocks.
- Bounded rationalities.
- Previous commitments.
- Division of vision; no vision; tunnel vision; clear vision.
- Decision by a judge.
- Significance of discretion.
- Importance of judge's decision.
- A decision maker should be; physically relaxed; charged with power [Eager Beaver]; emotionally positive; free from anxiety; subjective by approach.
- Non-receptive to pressures; no lack of creativity; no casual attitude
- Trust in Al-Mighty.

^{††} Director General, KP Judicial Academy; District & Sessions Judge; LLB (Peshawar)

Evaluation

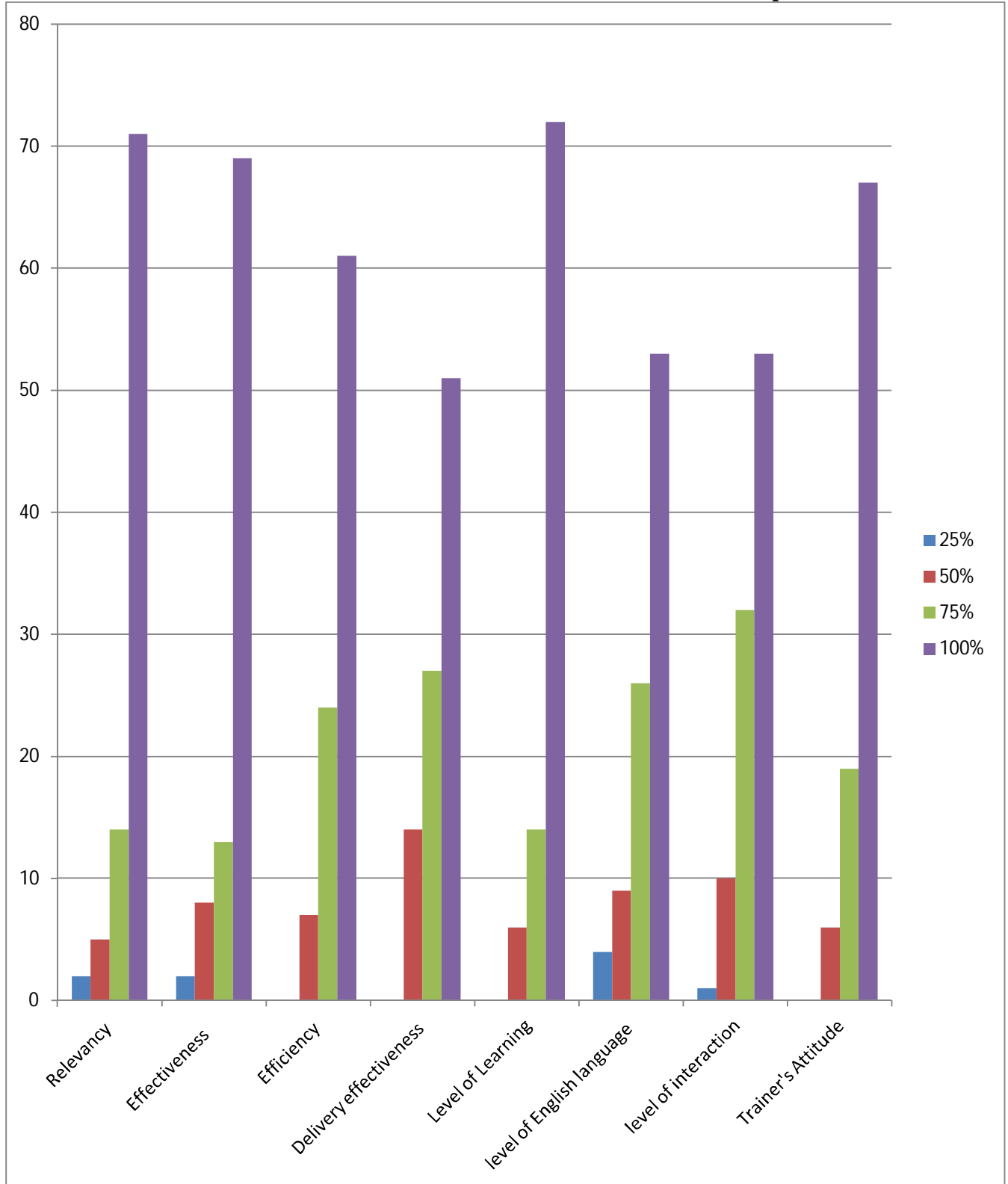
Introduction

This part constitutes the main core of the report. It deals with consolidated evaluation of the courses in light of the statistical data collected during the evaluation process. The data was collected in six different categories: feedback on individual resource persons, pre-training assessment, post-training assessment, overall evaluation of the courses, judicial officers' morale survey and Daniel Goldman's model of classification of trainees. For the feedback form for individual resource persons and the overall evaluation of the training, the rating was indicated in percentage with four levels: 25, 50, 75 and 100 percent. In case of feedback on post-training assessment, the minimum threshold was reduced to 10 percent. The reason obviously was to increase the choice of rating of the post-training assessment and thereby allow a scope for more critical assessment. This was also to enable the Faculty to do more work for making the course more useful, in future. The morale survey was designed by Prof. Ismail Wali and Goldman model was used by Mr. Abdullah. In all the four courses, the total number of participants was 95.

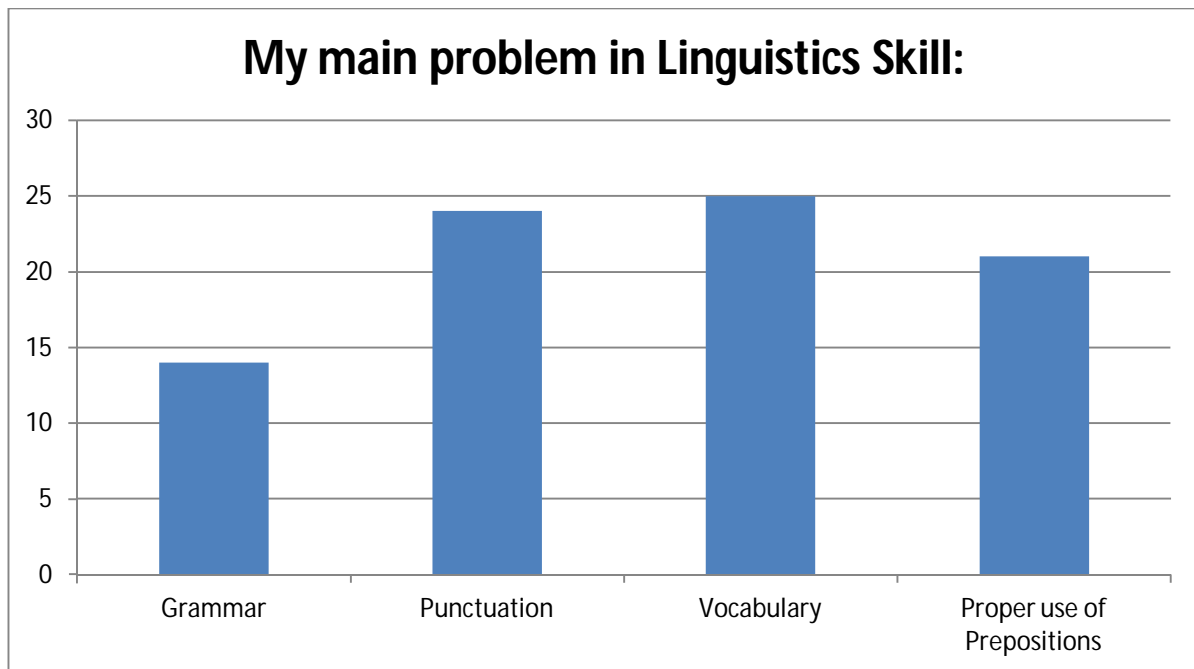
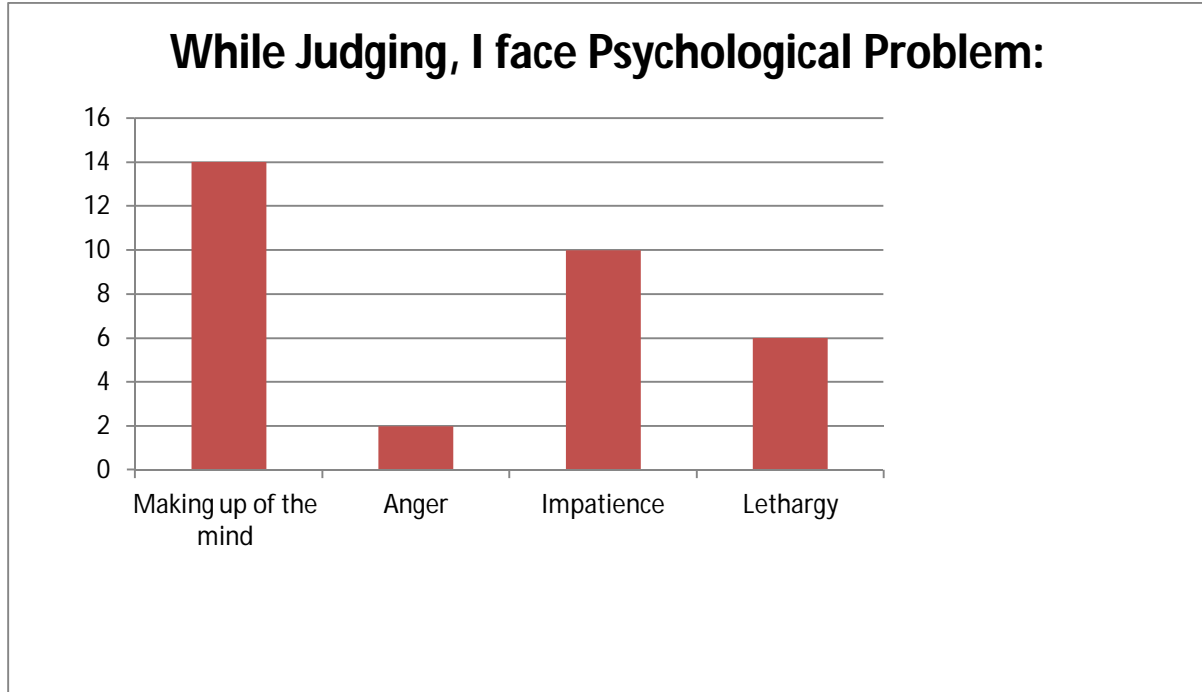
Each resource person was judged on the same set of questions. Responses were sought on 08 questions: relevancy, effectiveness, efficiency of the course contents, effectiveness of delivery, level of learning environment, the use of English language, interaction and attitude of trainers. As the graphs demonstrate the overall rating of all resource persons is between 75-100 percent. One may argue that efforts are needed to improve the course in such a way that all participants award the maximum 100 percent credit to each resource person on each question. Ideally, such a result is neither desirable nor possible.

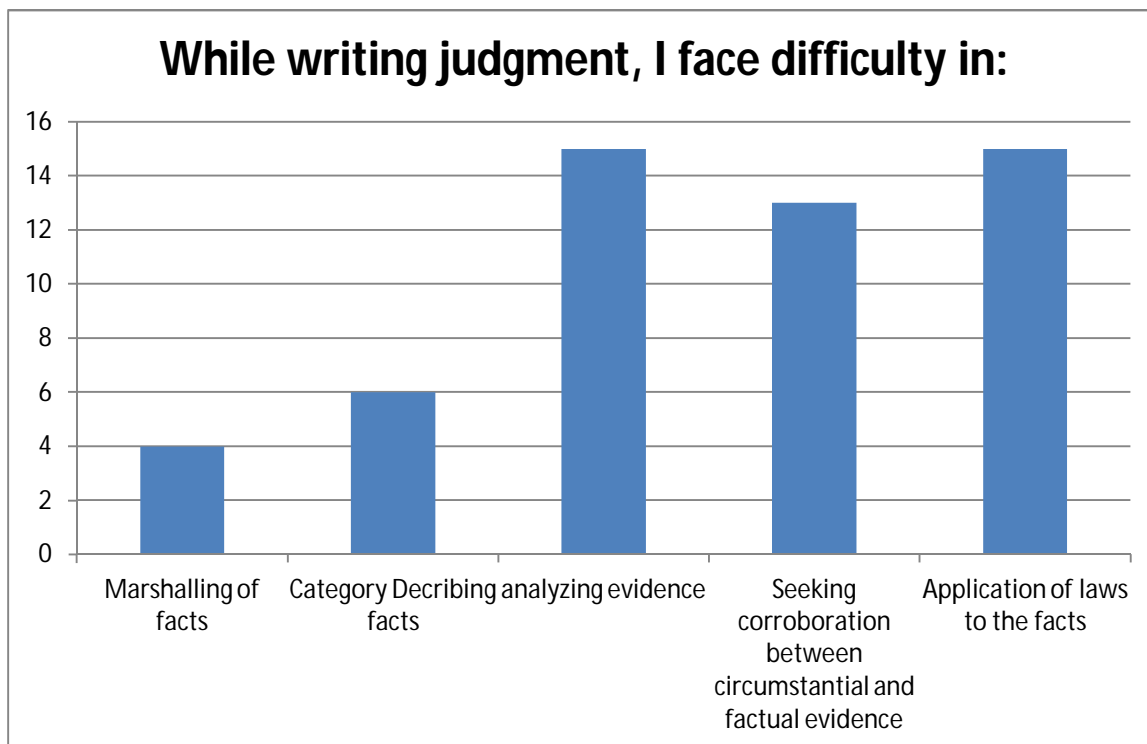
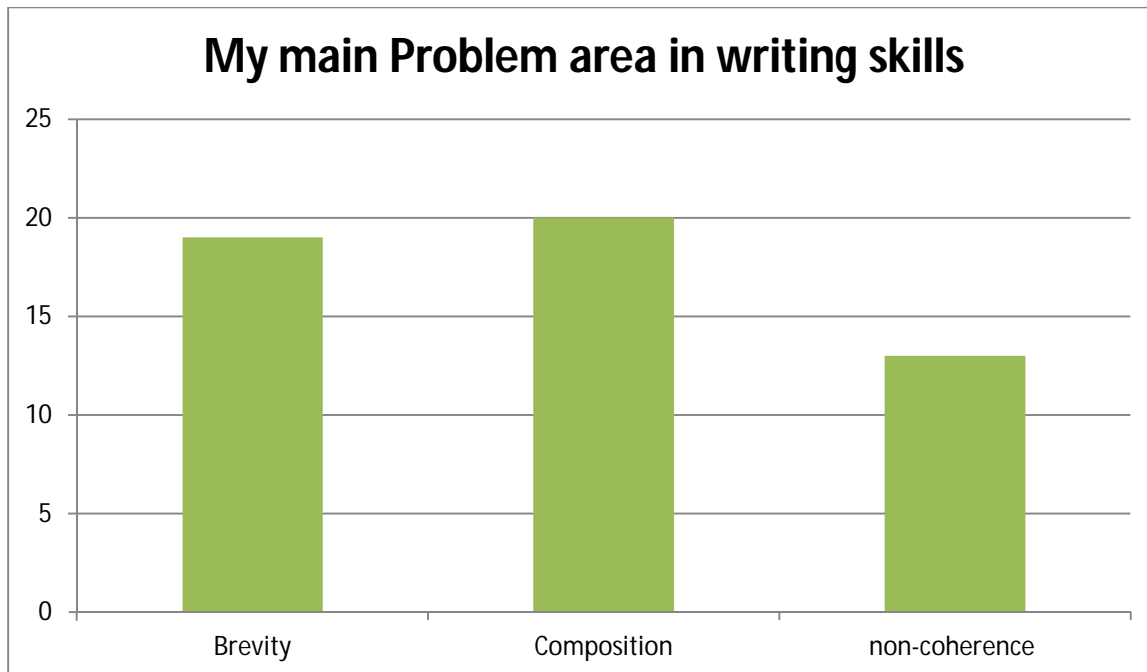
The remaining graphic scales regarding pre-training and post training assessments are also encouraging. One may face some difficulties in analyzing the data and may also observe anomalies in the scalar quantities. The reason is understandable. The trainees were beginners to the job. The Academy and its IT staff were entering to empirical quantitative research on experimental basis. So in a transitional period, such shortcomings are natural. Nonetheless, in furtherance of this experiment, the faculty would make necessary arrangements for further improvement in this area. The current data should be taken as an arrow pointing to our destination and objectives.

I. Consolidated Individual Resource Person Evaluation Responses

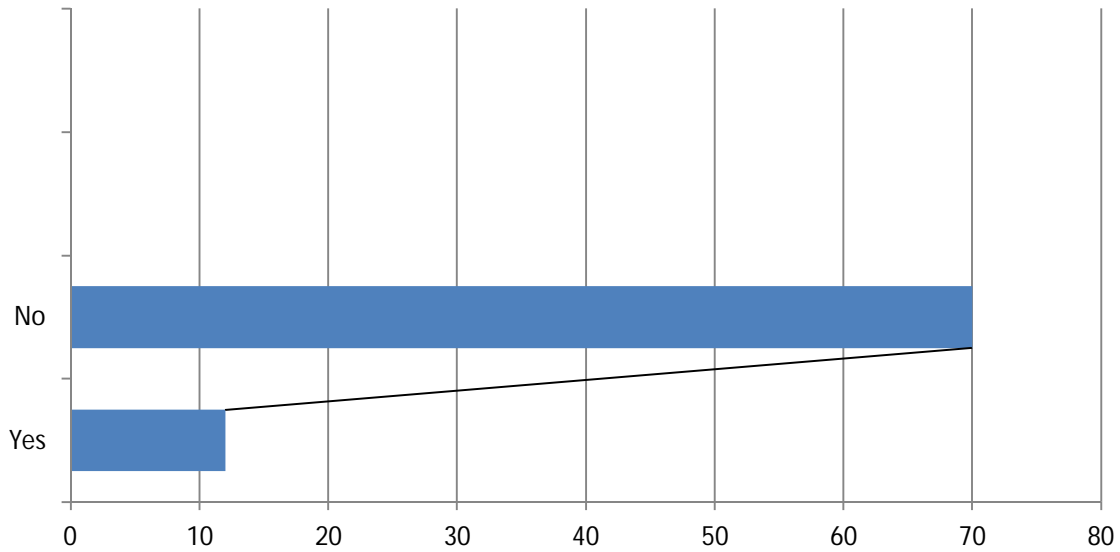


II. Consolidated Pre-Training Assessment Responses

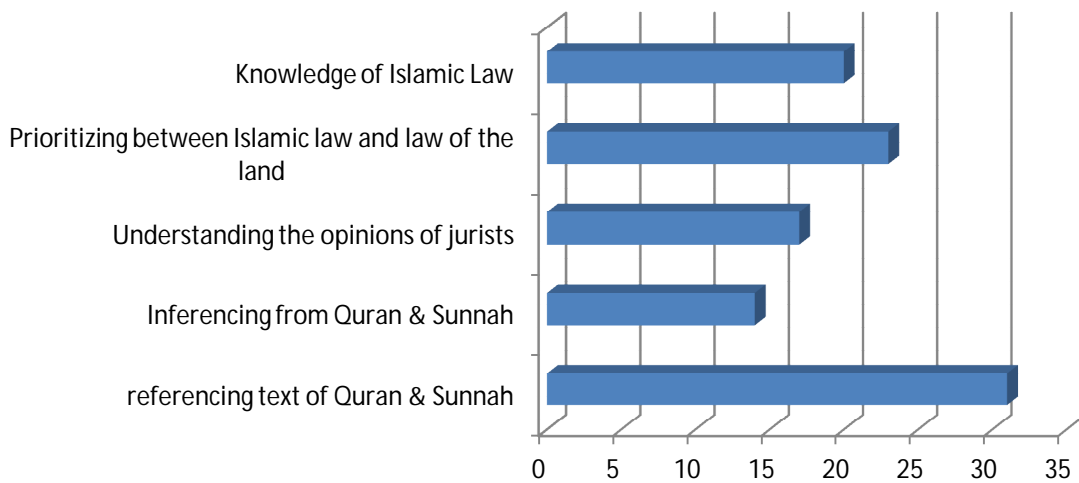




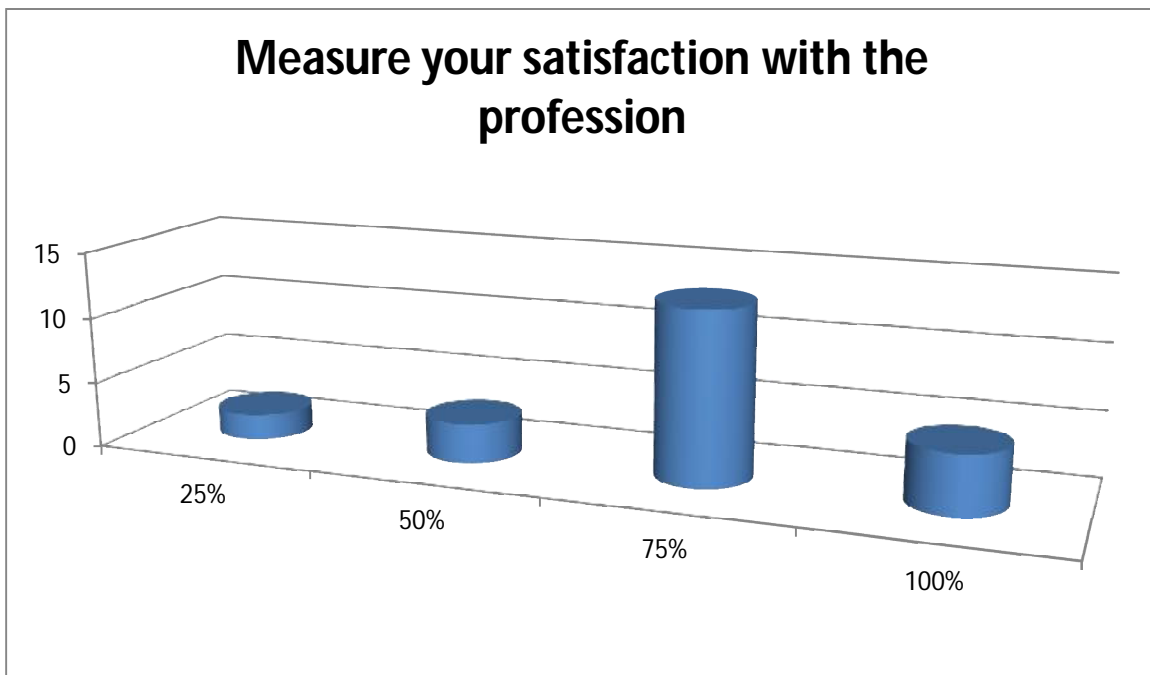
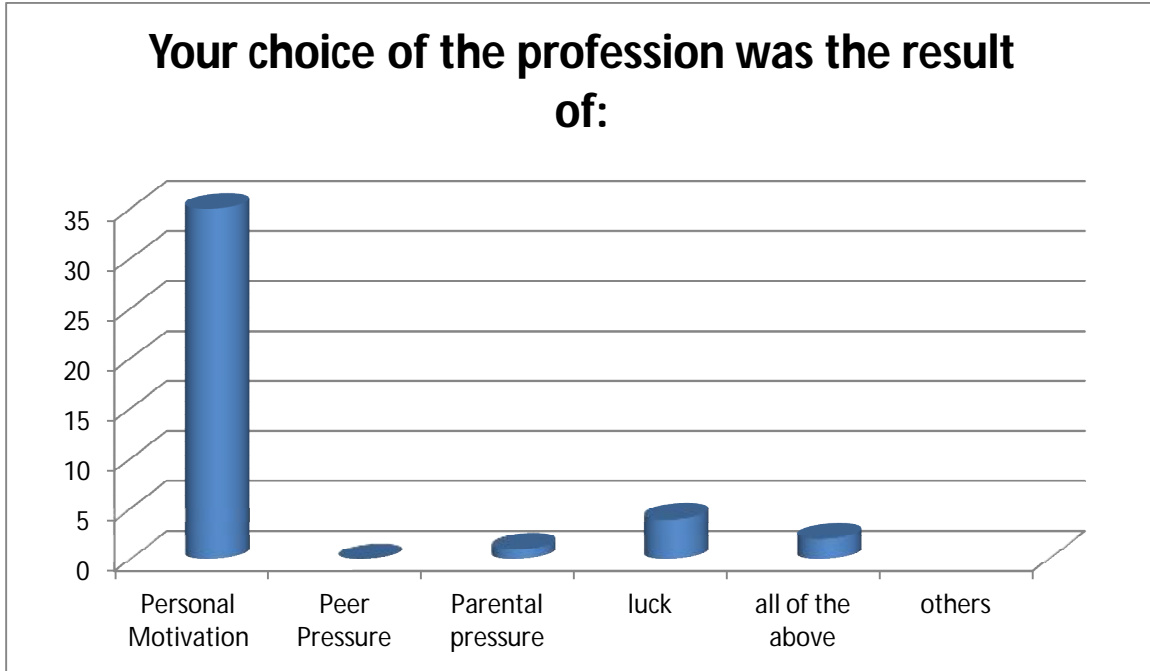
I have read literature on judgment writing



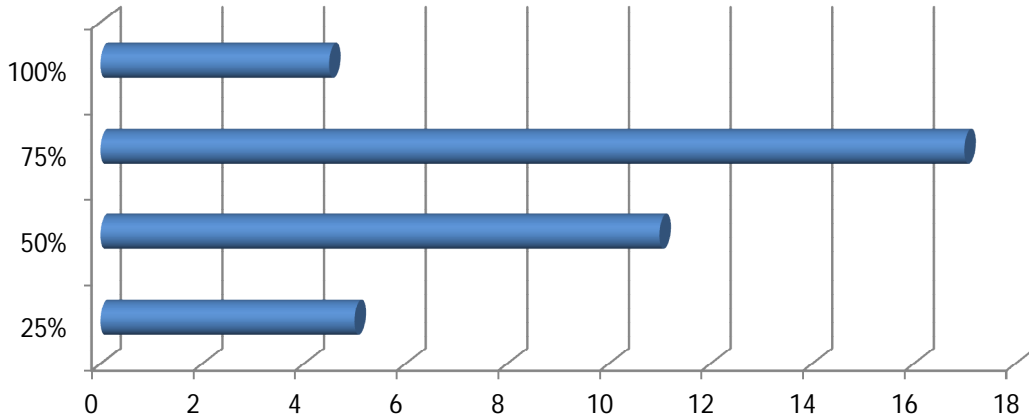
While writing judgment on an issue involving Islamic Law, I feel difficulty in:



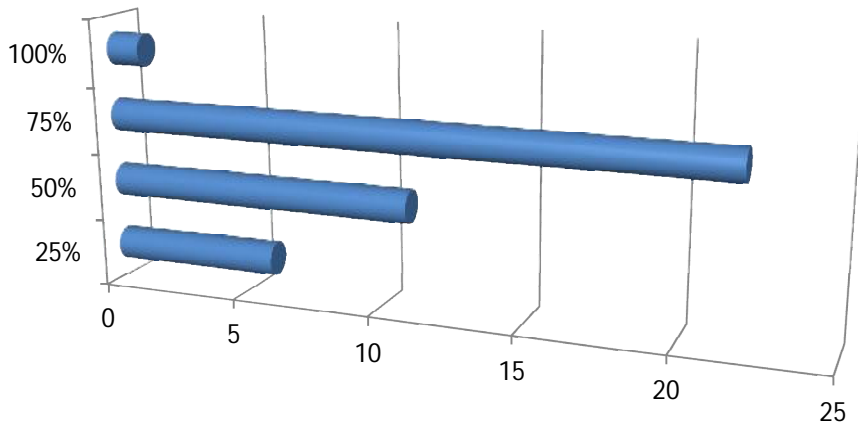
III. Consolidated Judicial Staff morale Assessment Survey Responses



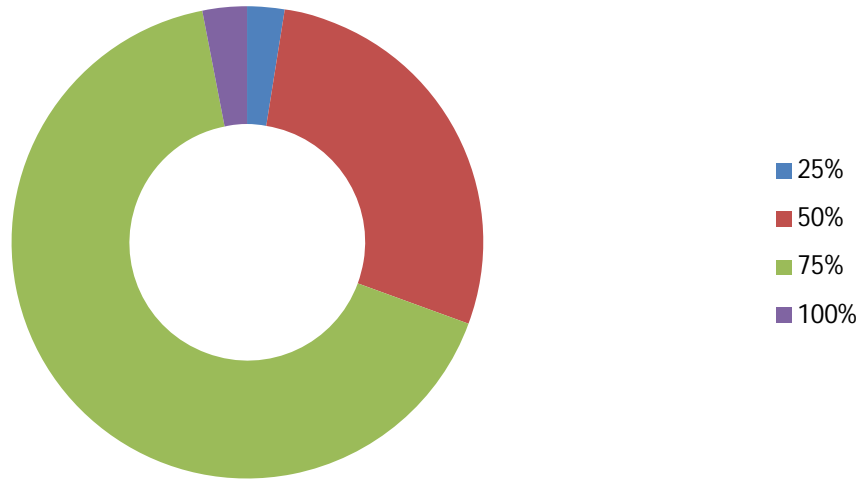
Measure your satisfaction with the workforce you have for easy dispensation of justice



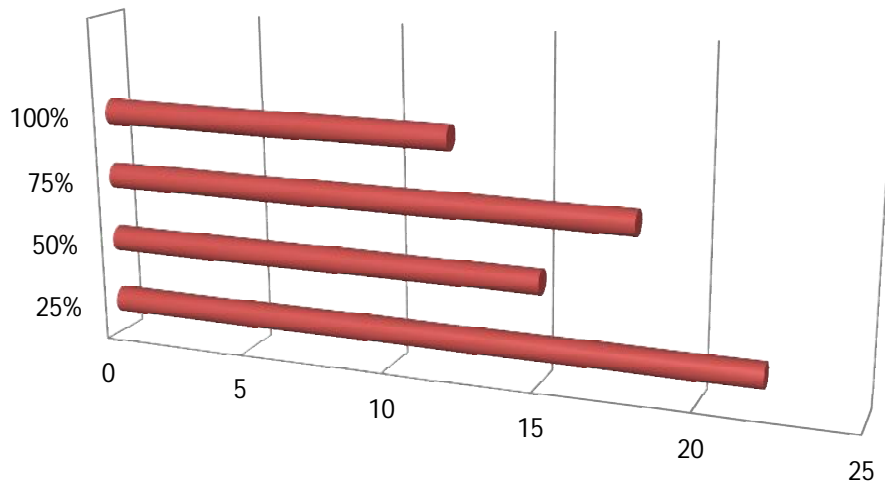
Measure your satisfaction with the knowledge and technical skills of the workforce at your disposal

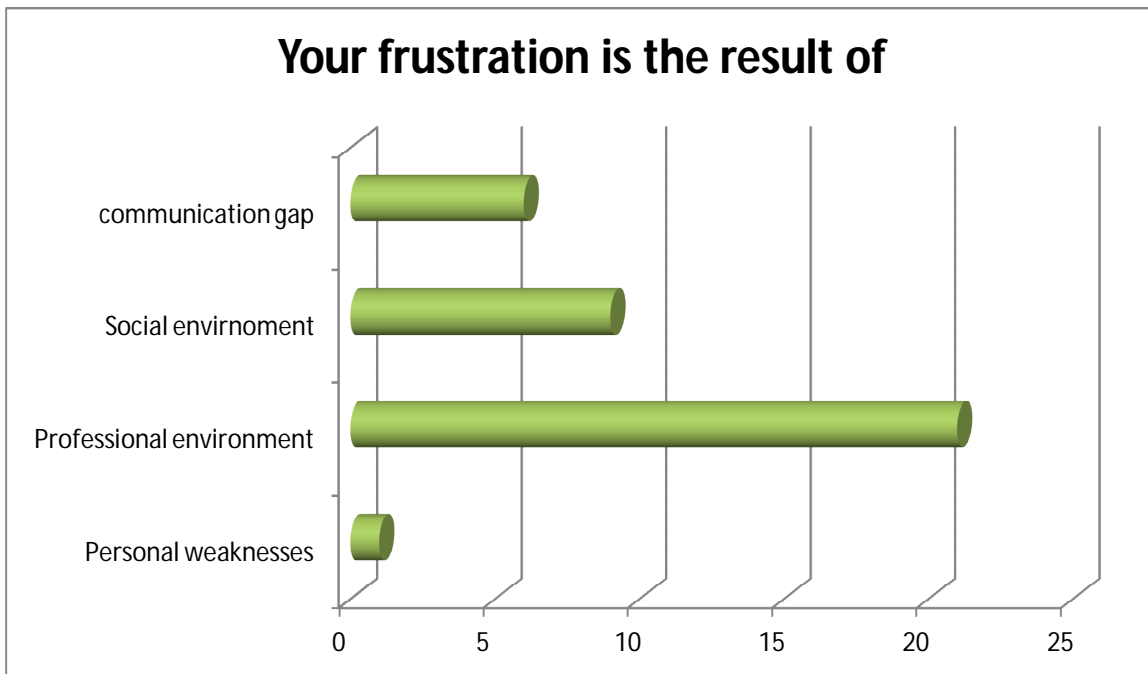
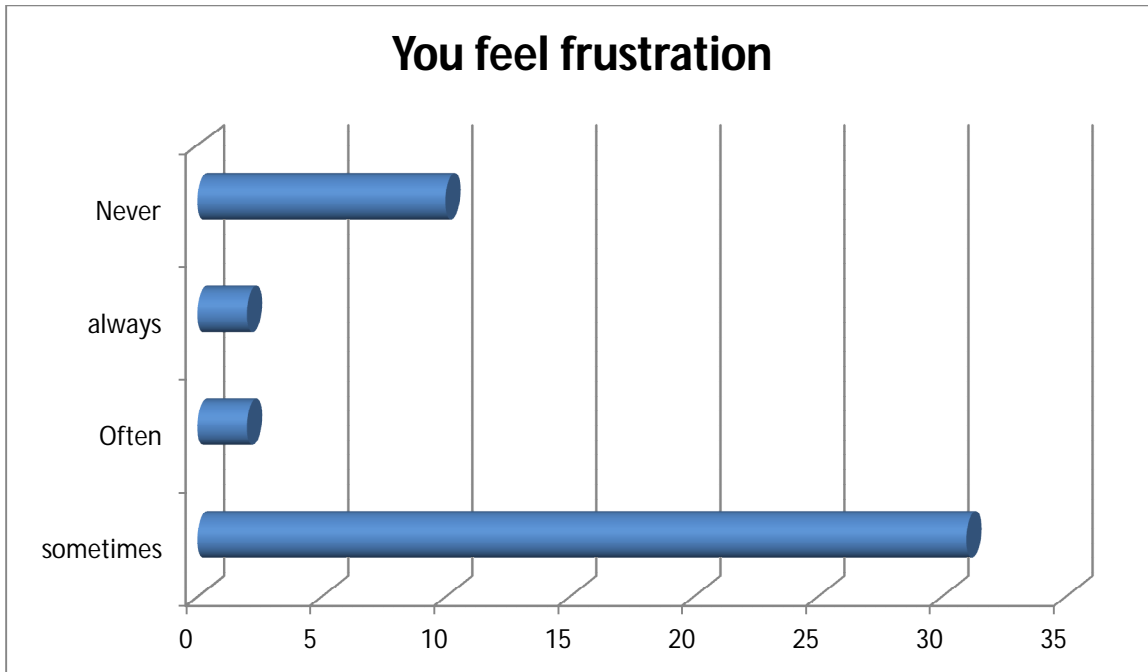


Measure your knowledge of the mechanics of English for writing judgments

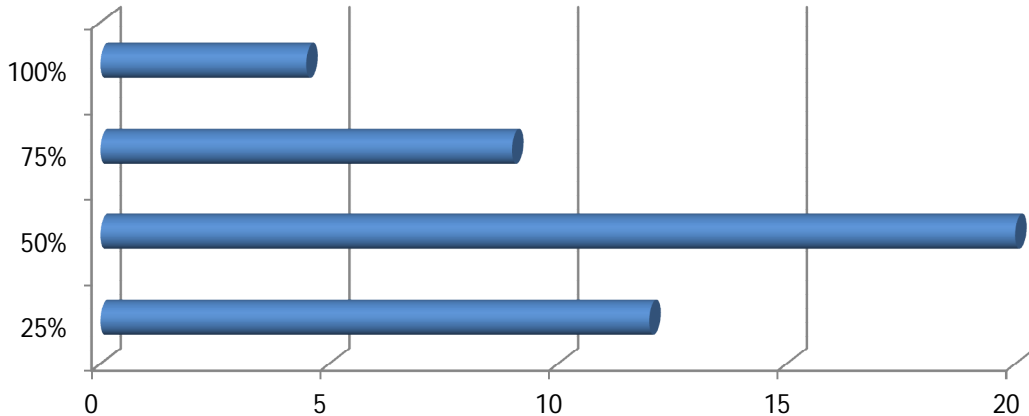


Measure your satisfaction with the drafting skills of lawyers in English:

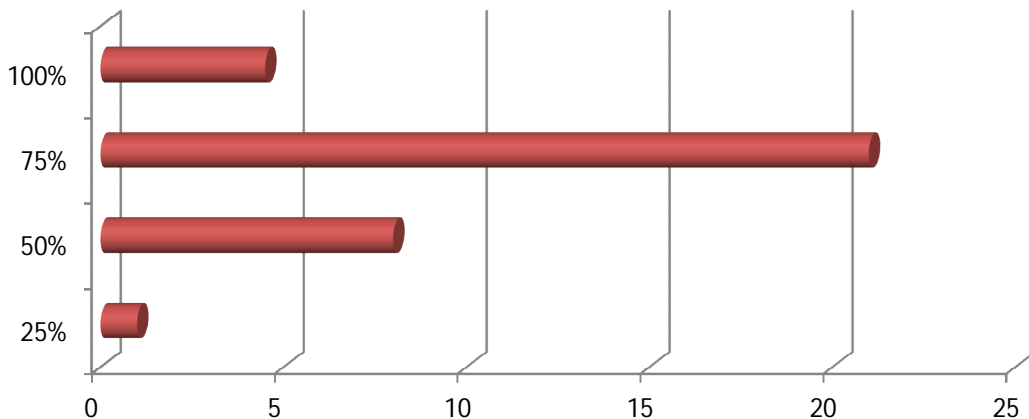




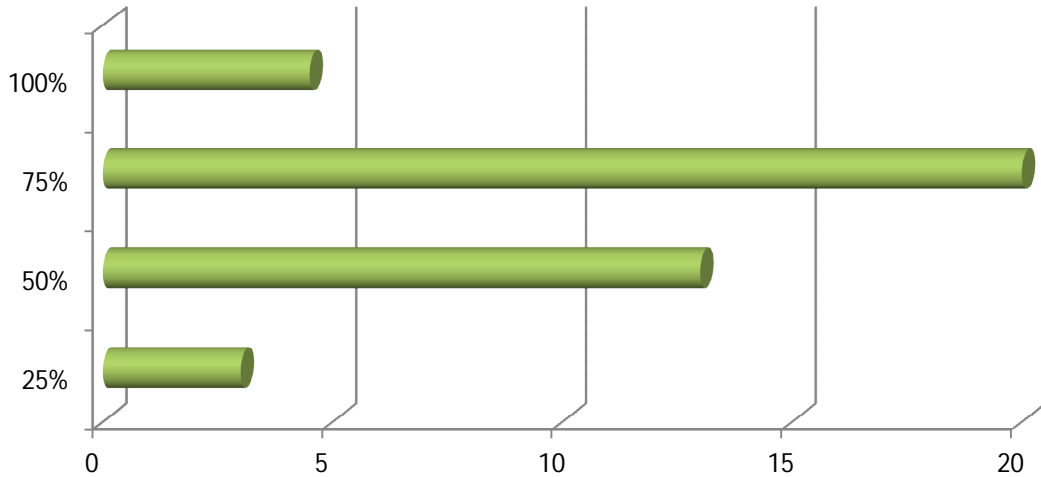
Measure your satisfaction with the treatment of your suggestions for change by your superiors:



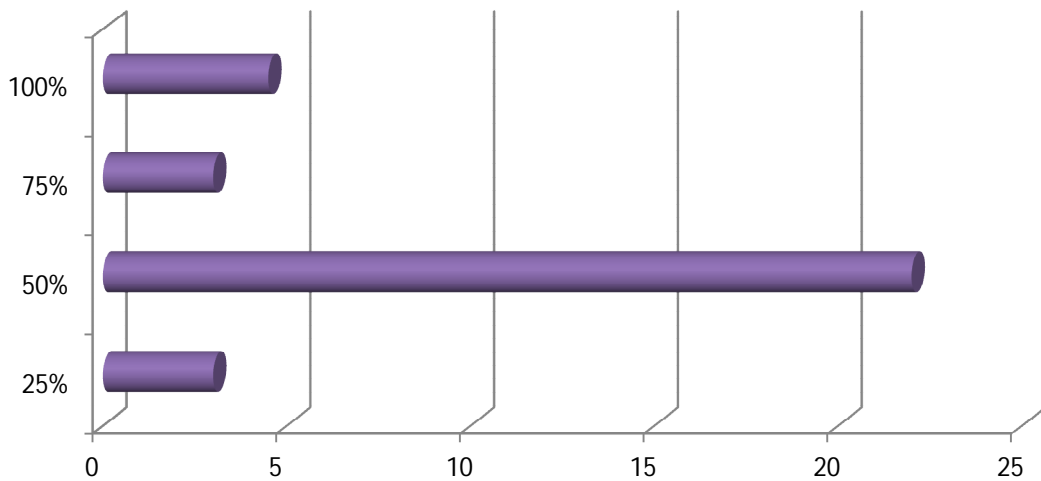
Measure your satisfaction with the transparency and accountability observed at your court by the lower staff



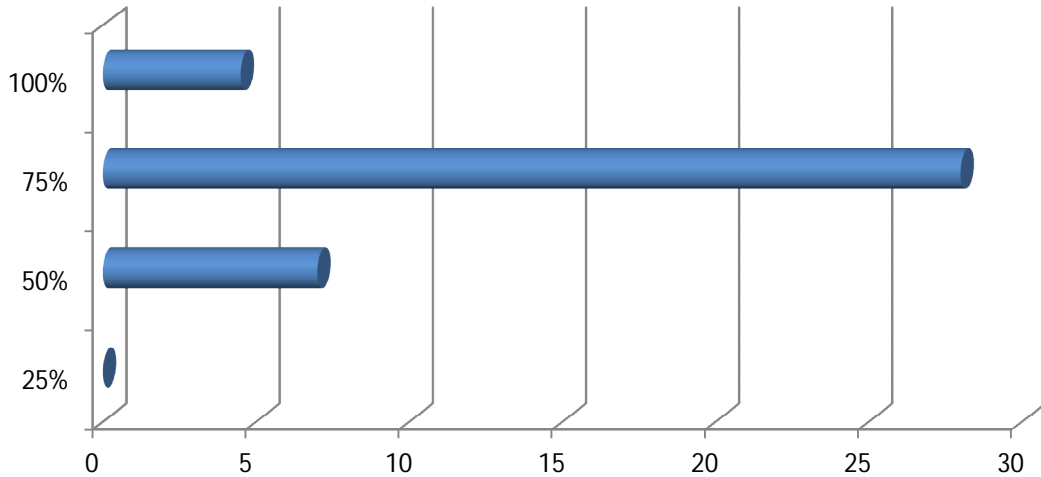
Measure your satisfaction with the overall structure of the system:



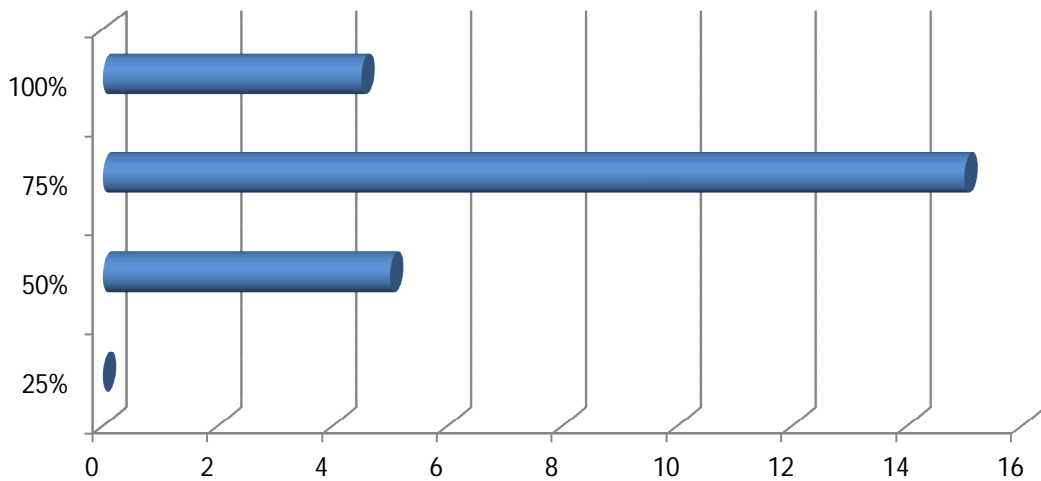
Measure your satisfaction with the style of the system



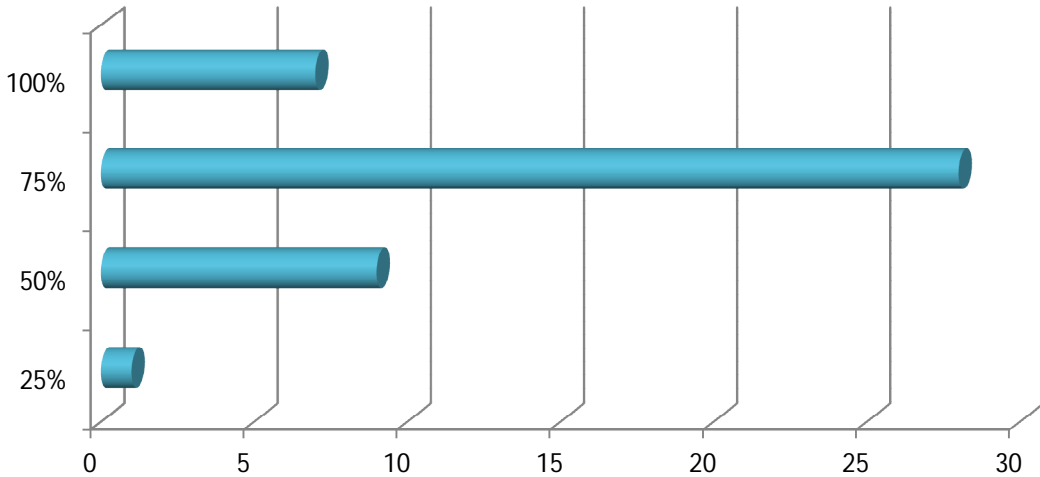
Measure your satisfaction with your professional strengths



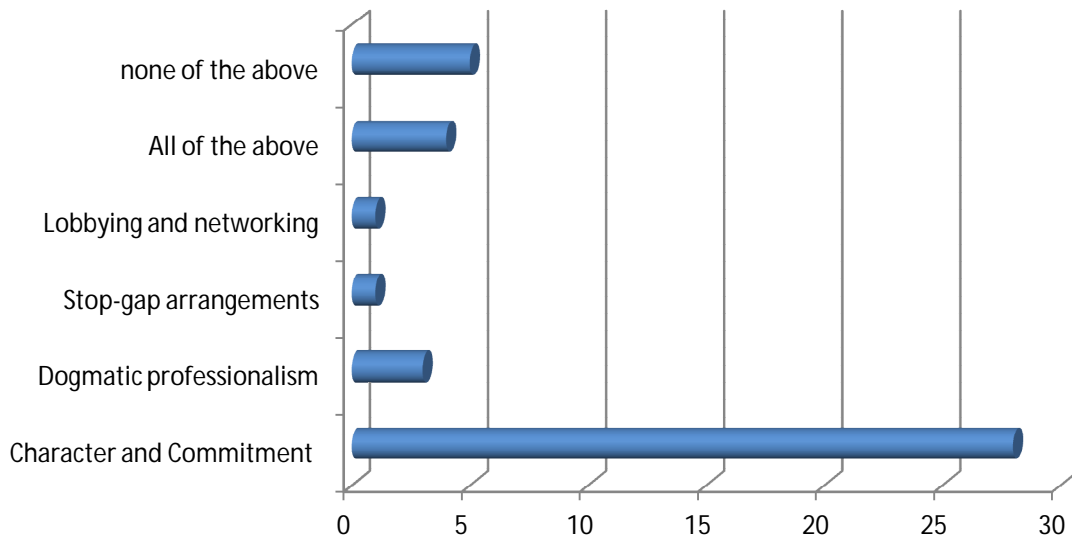
Measure your satisfaction with the quality of service that you provide to the state:

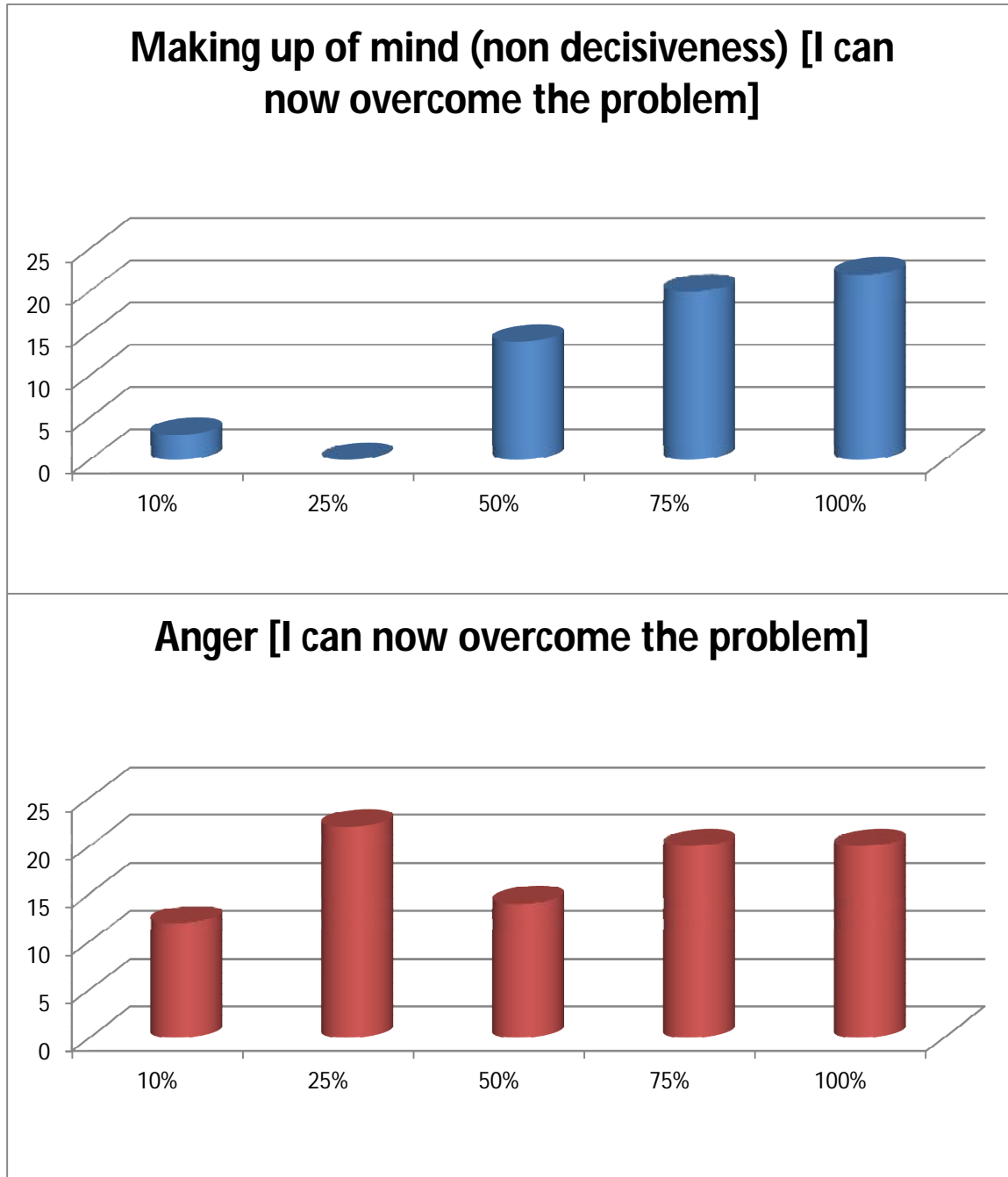


Measure your satisfaction with your knowledge of English for judgment writing

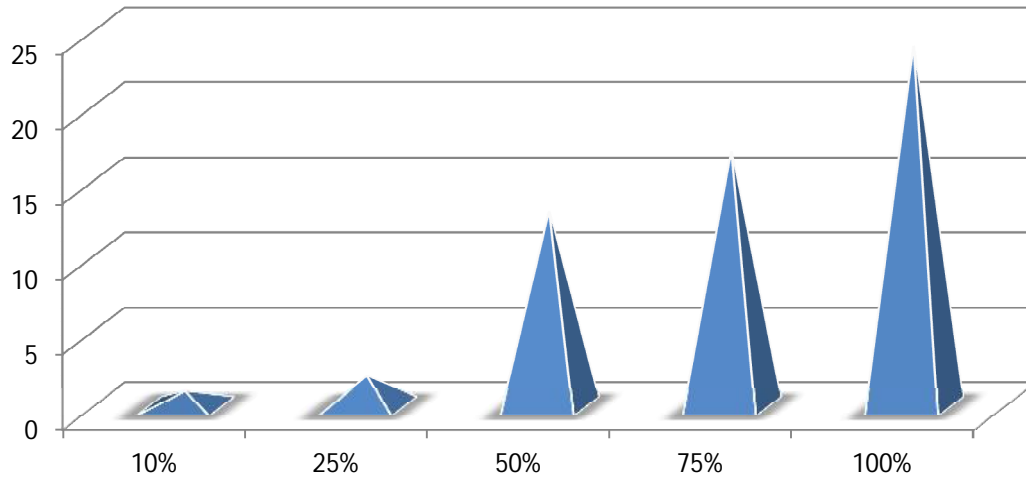


The system is driven by

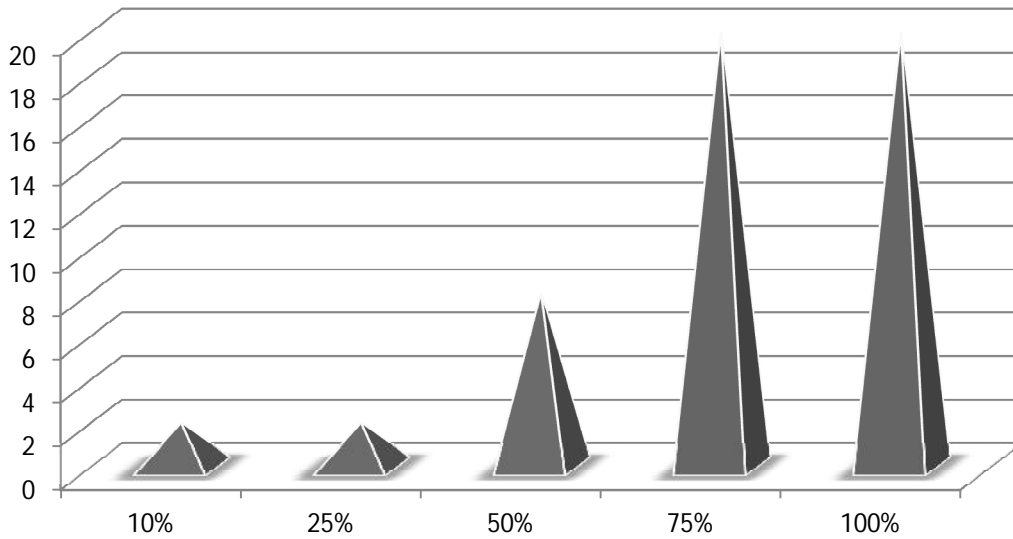


IV. Consolidated Post-Training Assessment Responses

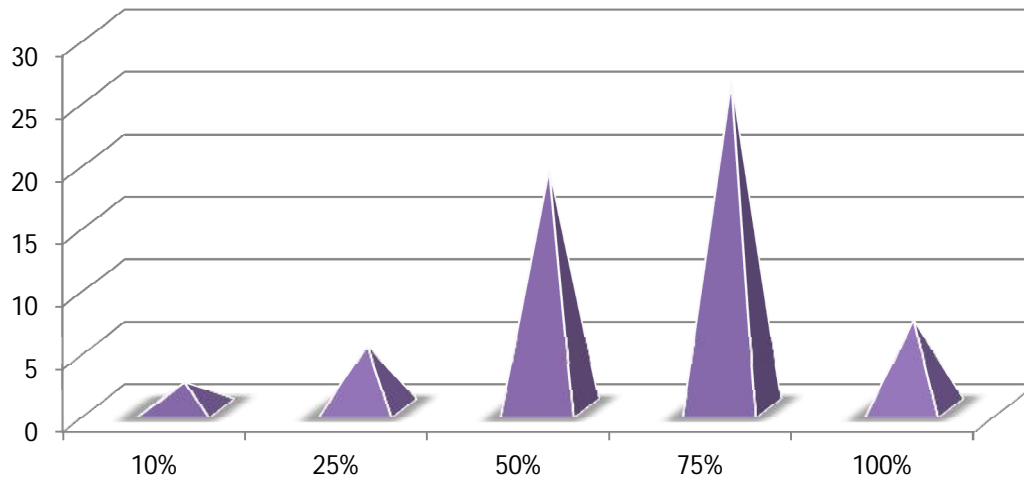
Impatience [I can now overcome the problem]



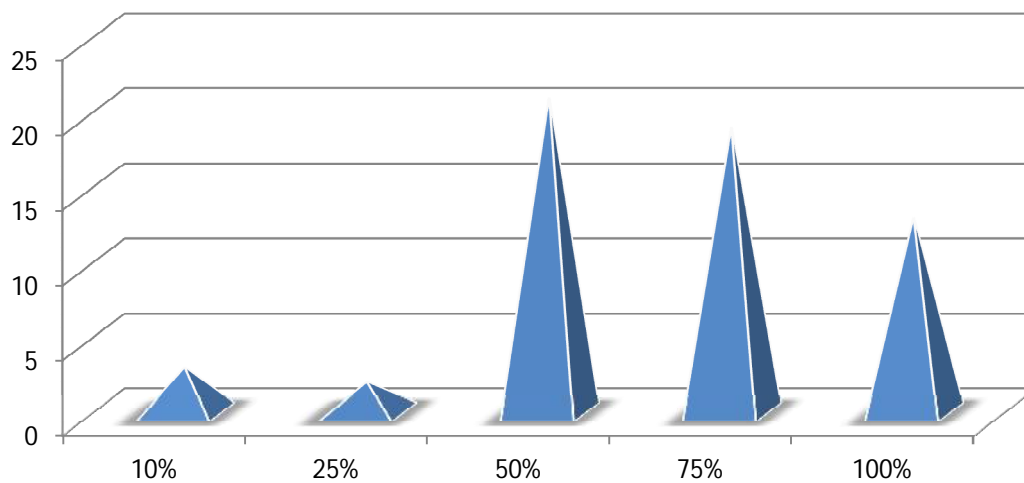
Lethargy [I can now overcome the problem]



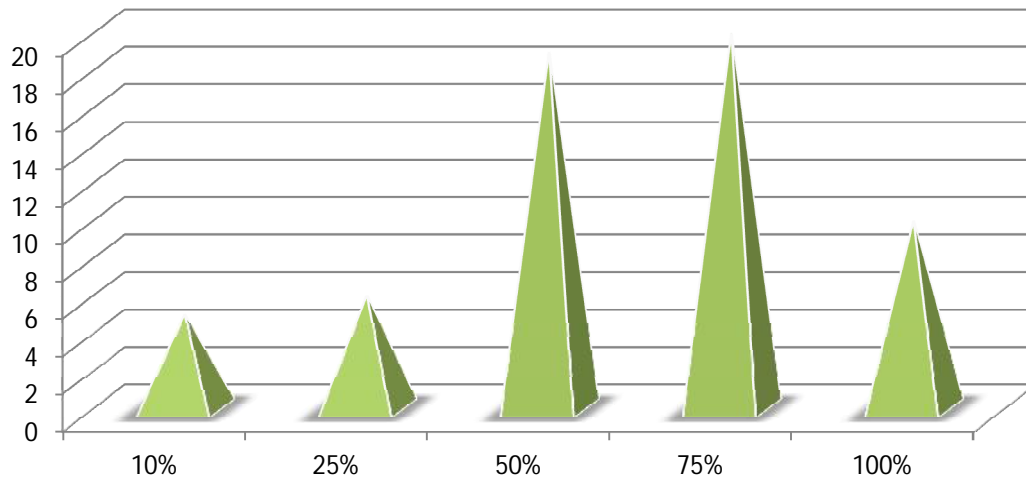
Grammar [My linguistics skills have improved:]



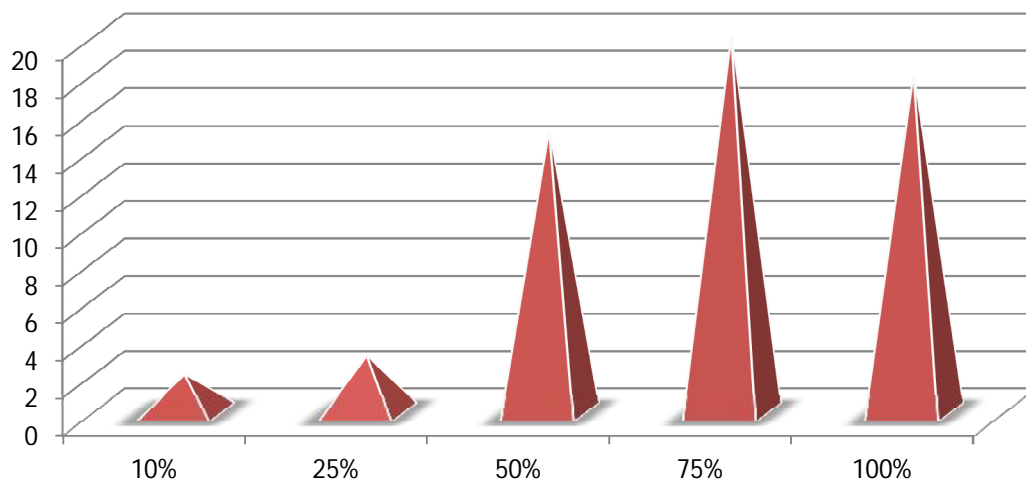
Punctuation [My linguistics skills have improved:]



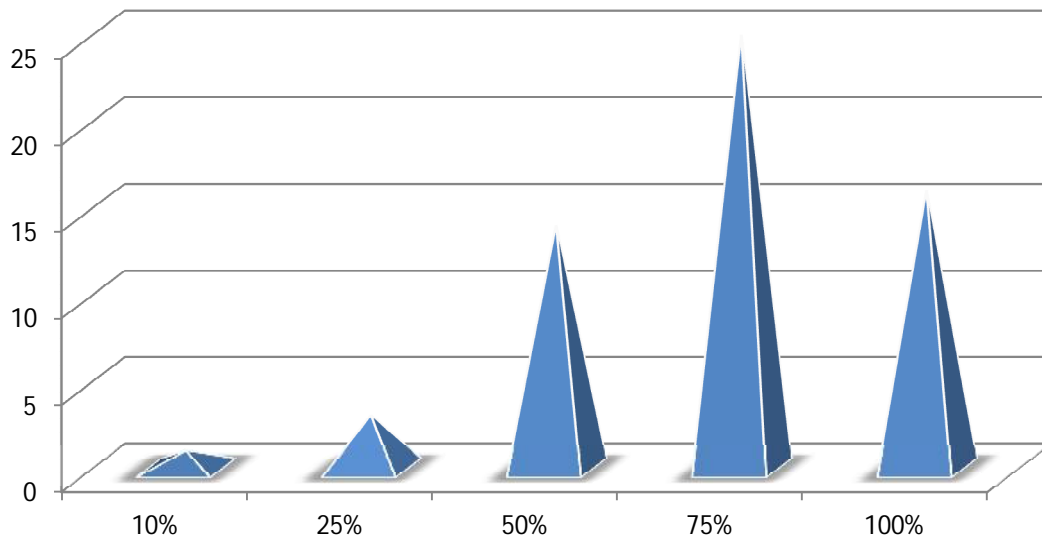
Vocabulary [My linguistics skills have improved:]



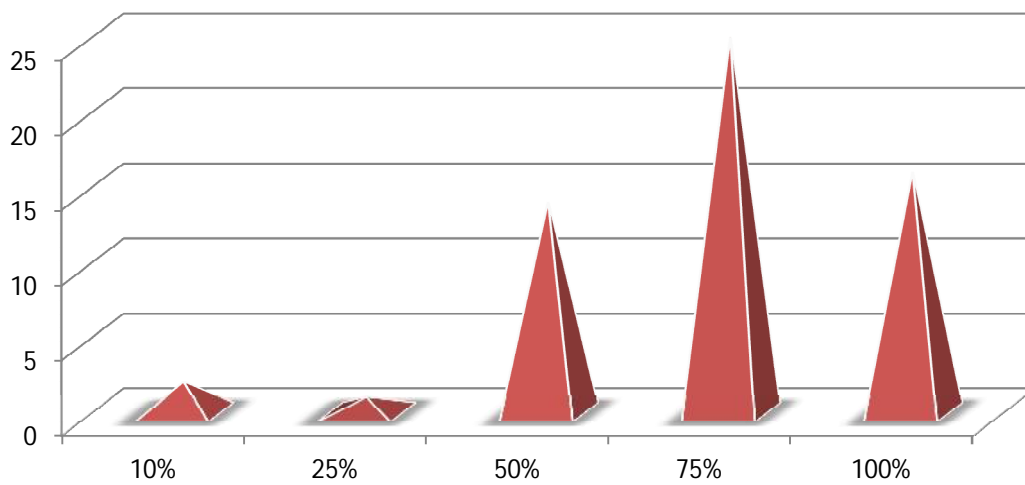
Proper use of prepositions [My linguistics skills have improved:]



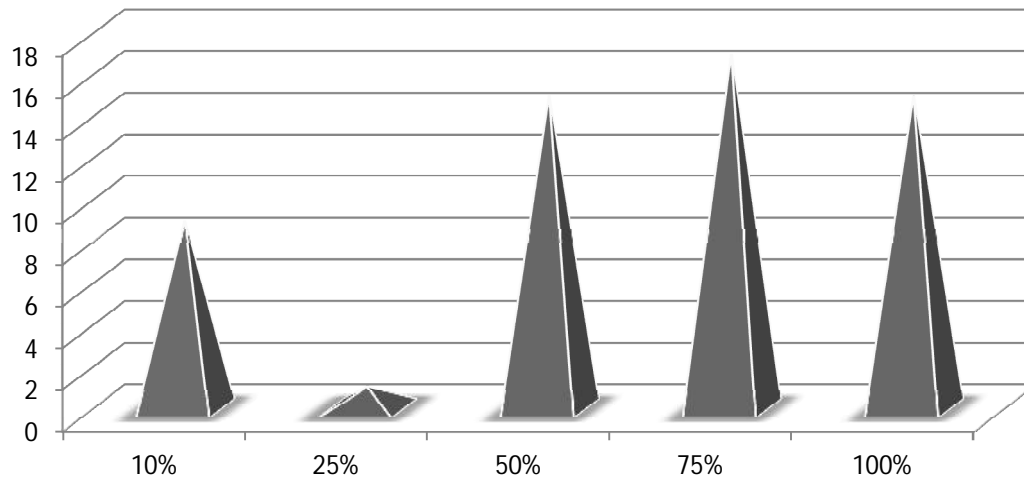
Brevity [My writing skills have improved:]



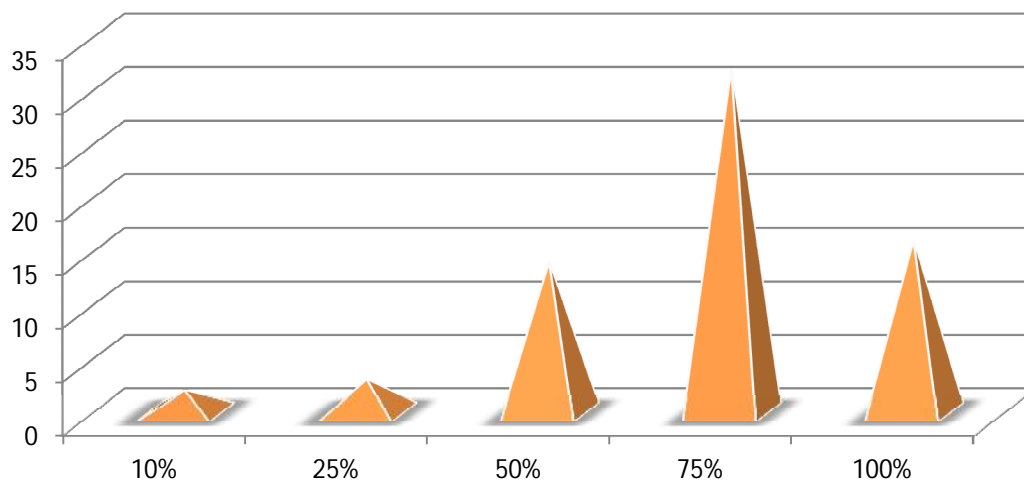
Composition [My writing skills have improved:]



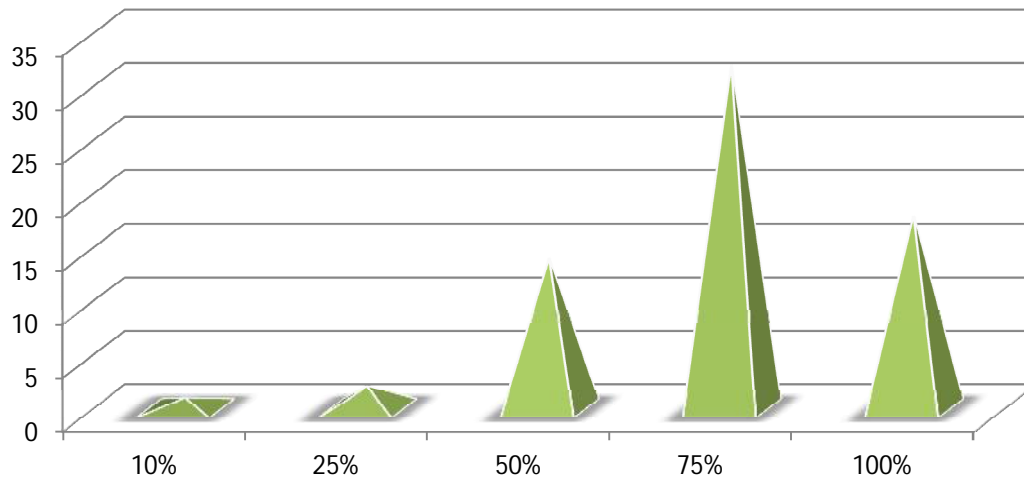
Non Coherence [My writing skills have improved:]



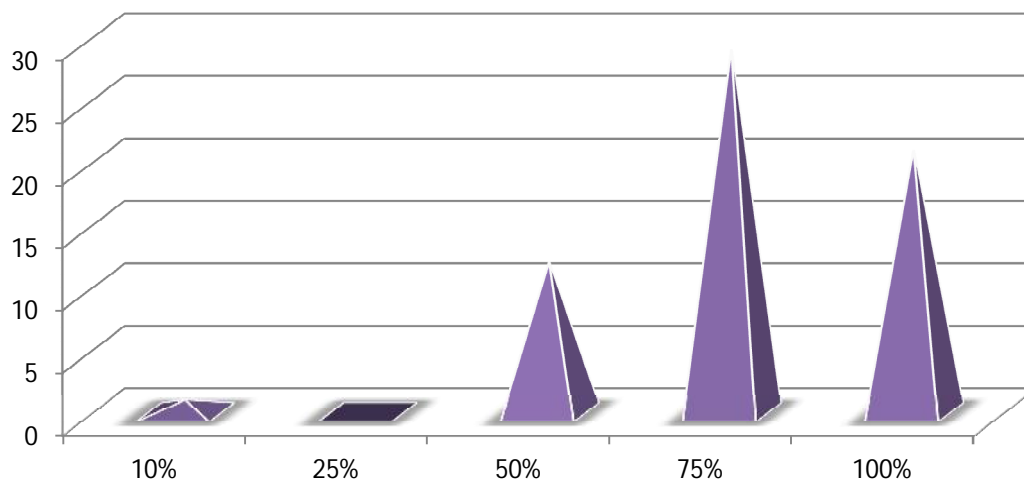
Marshalling of facts [My judgment writing skills have improved:]



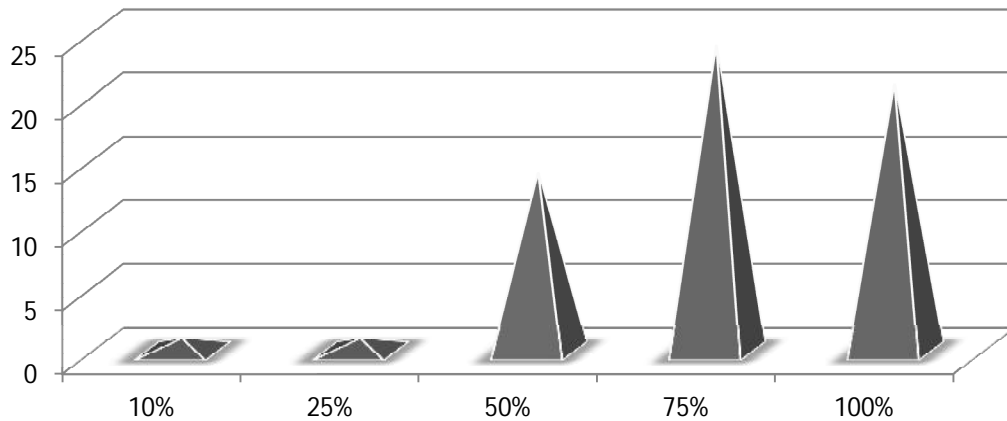
Describing facts [My judgment writing skills have improved:]



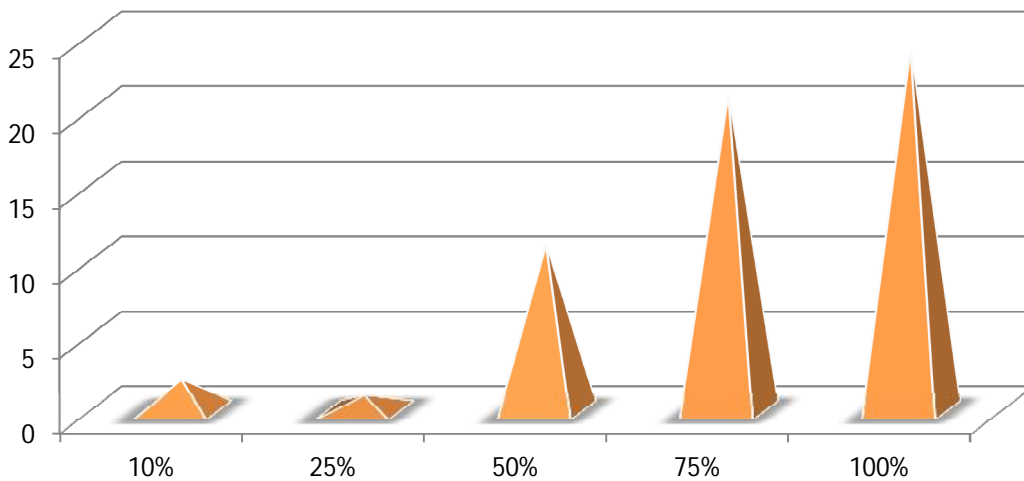
Analyzing evidence [My judgment writing skills have improved:]



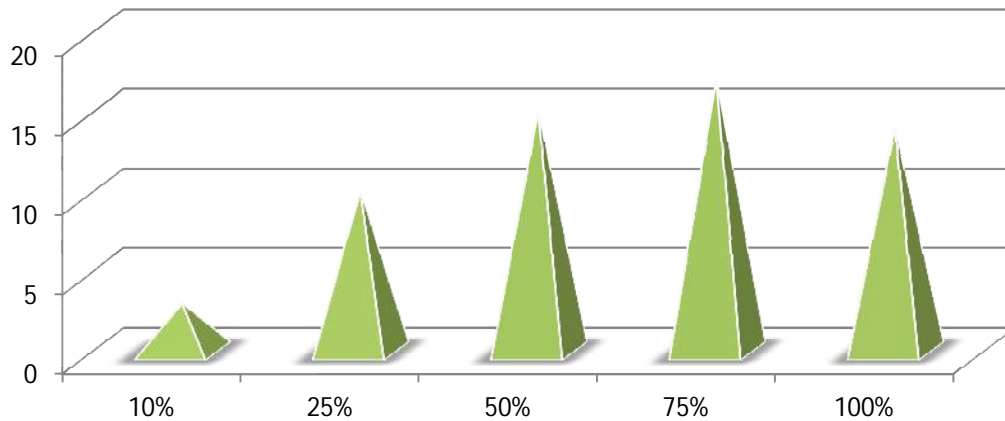
Seeking corroboration between circumstantial and factual evidence [My judgment writing skills have improved:]



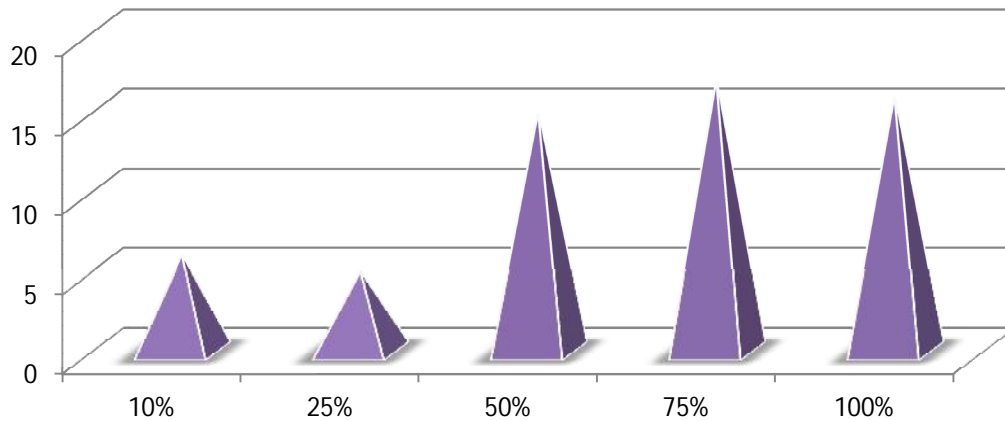
Application of laws to the facts [My judgment writing skills have improved:]



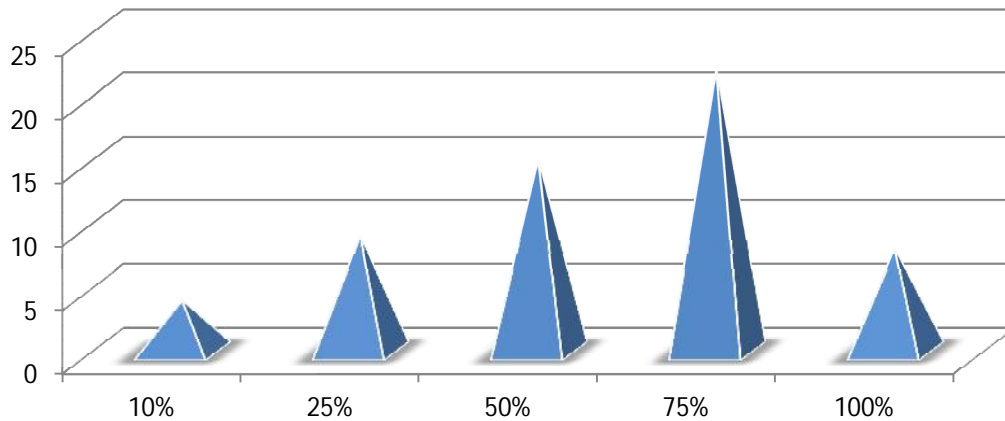
Referencing text of Quran and Sunnah [My judgment writing on an issue involving Islamic law has improved:]



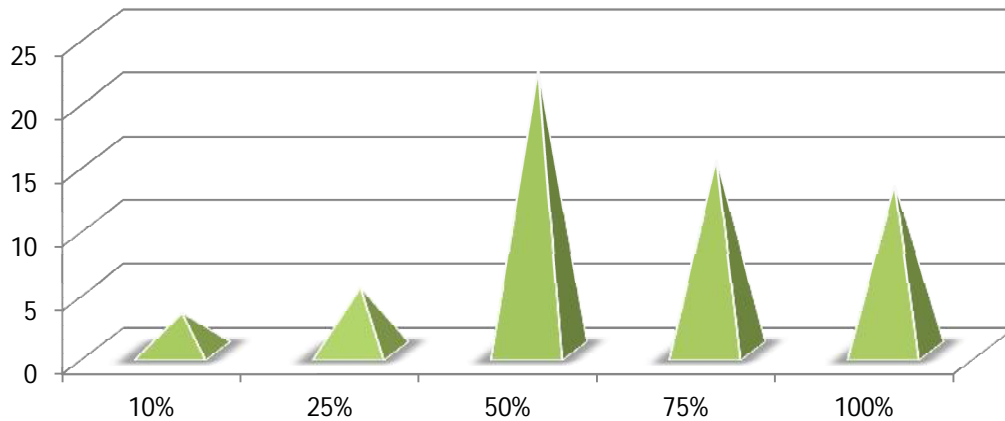
Inferencing from Quran and Sunnah [My judgment writing on an issue involving Islamic law has improved:]



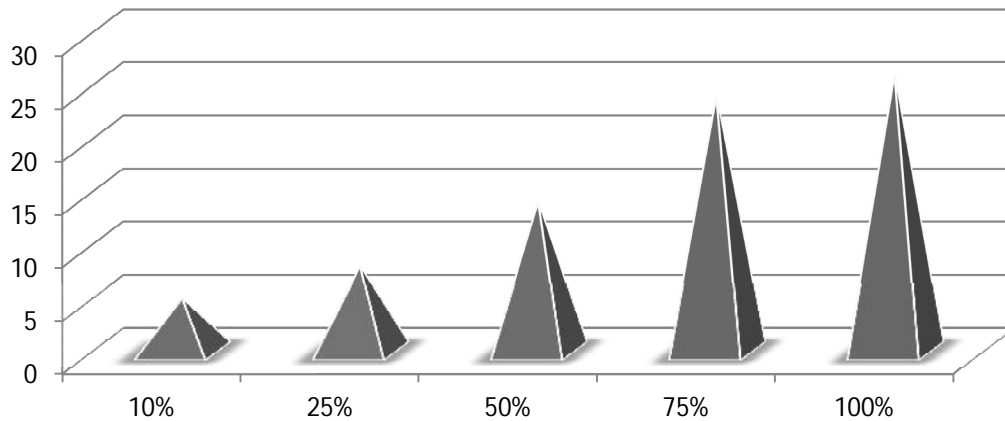
Understanding the opinions of Jurists [My judgment writing on an issue involving Islamic law has improved:]



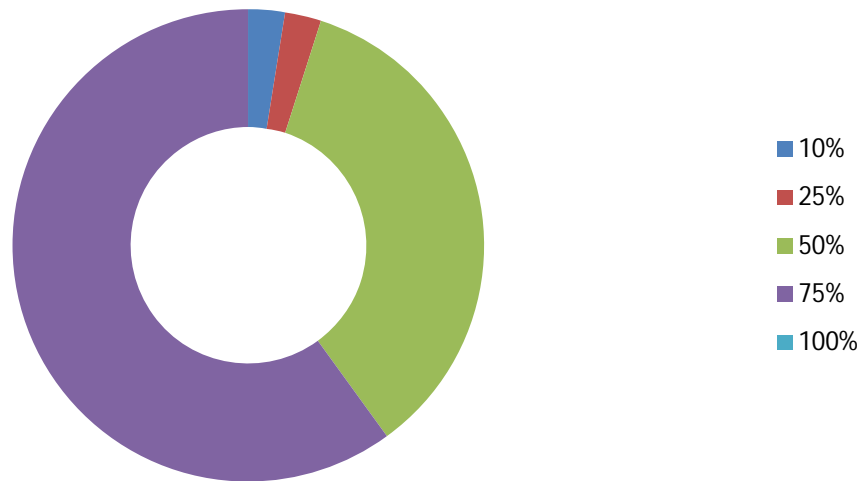
Prioritizing between Islamic law and law of the land [My judgment writing on an issue involving Islamic law has improved:]



Knowledge of Islamic law [My judgment writing on an issue involving Islamic law has improved:]

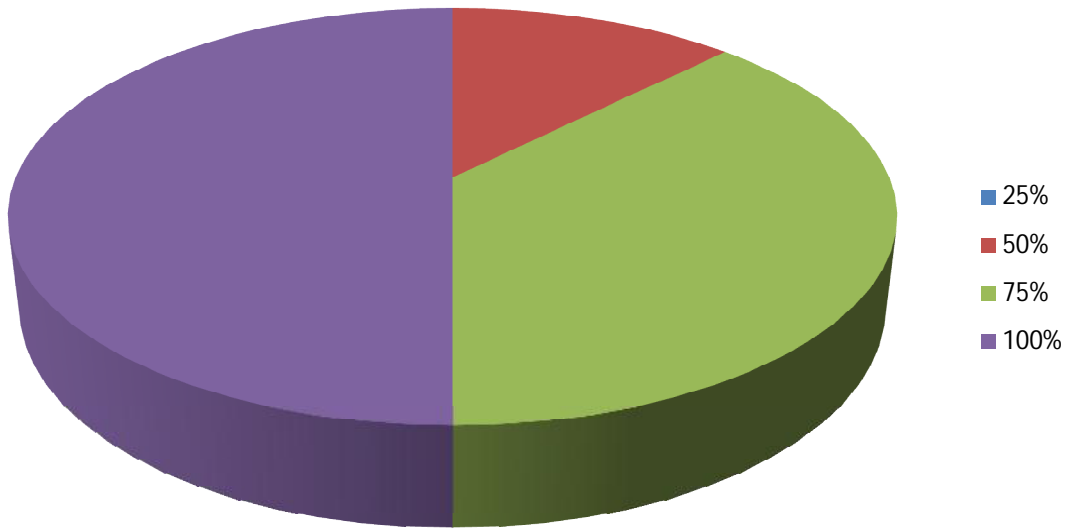


I have been sensitized to read literature on judgment writing.

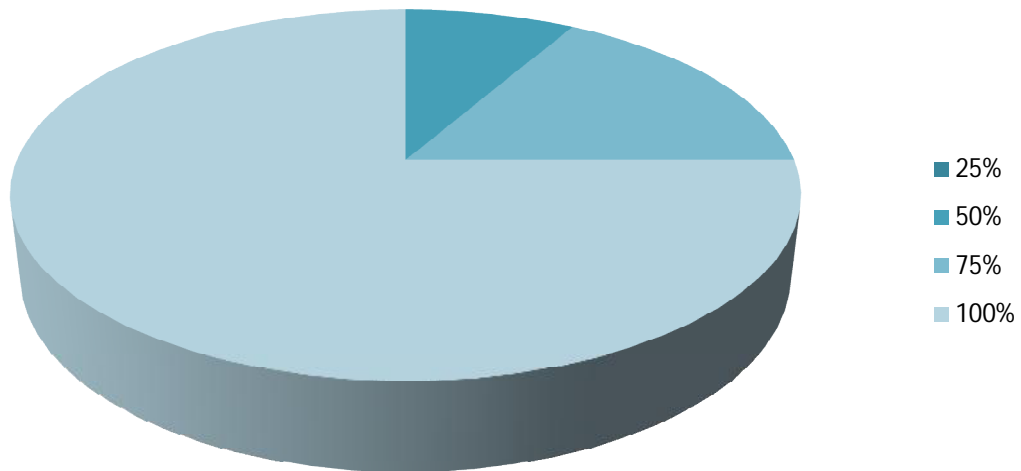


V. Consolidated Overall training Evaluation (Responses)

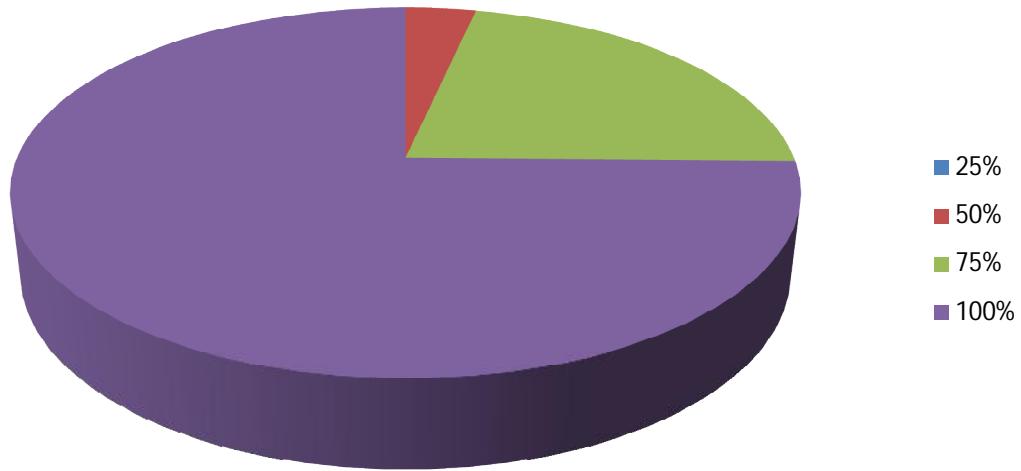
Measure the appropriateness of the course



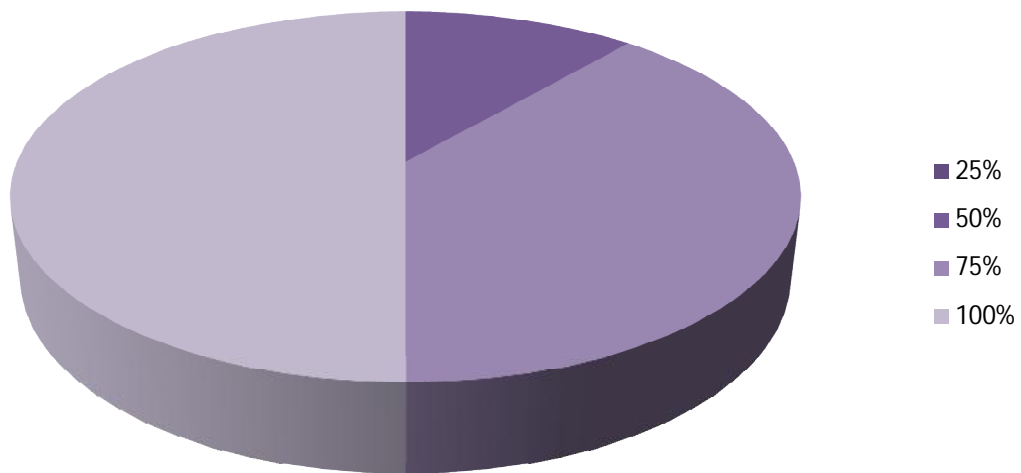
Please rate the contents of the training course



Measure the relevancy of the course to your job



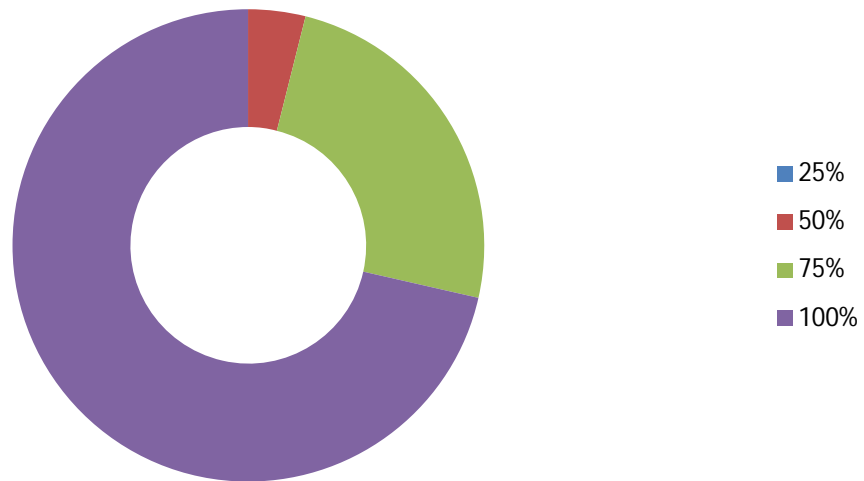
Measure your understanding level of the presentation

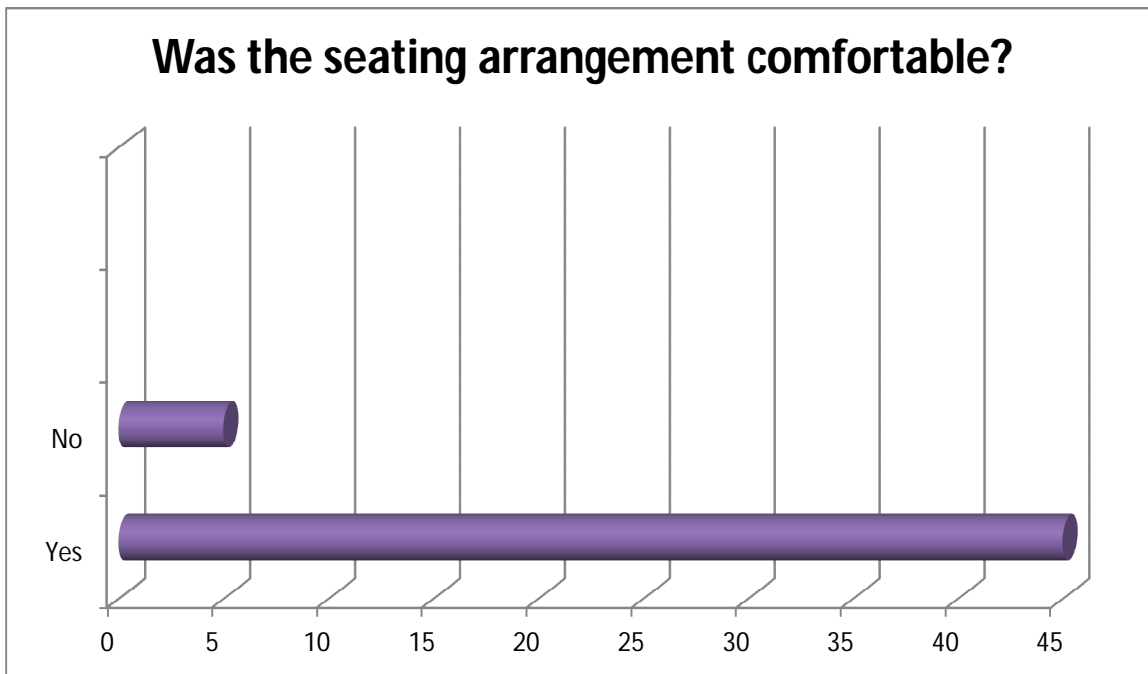
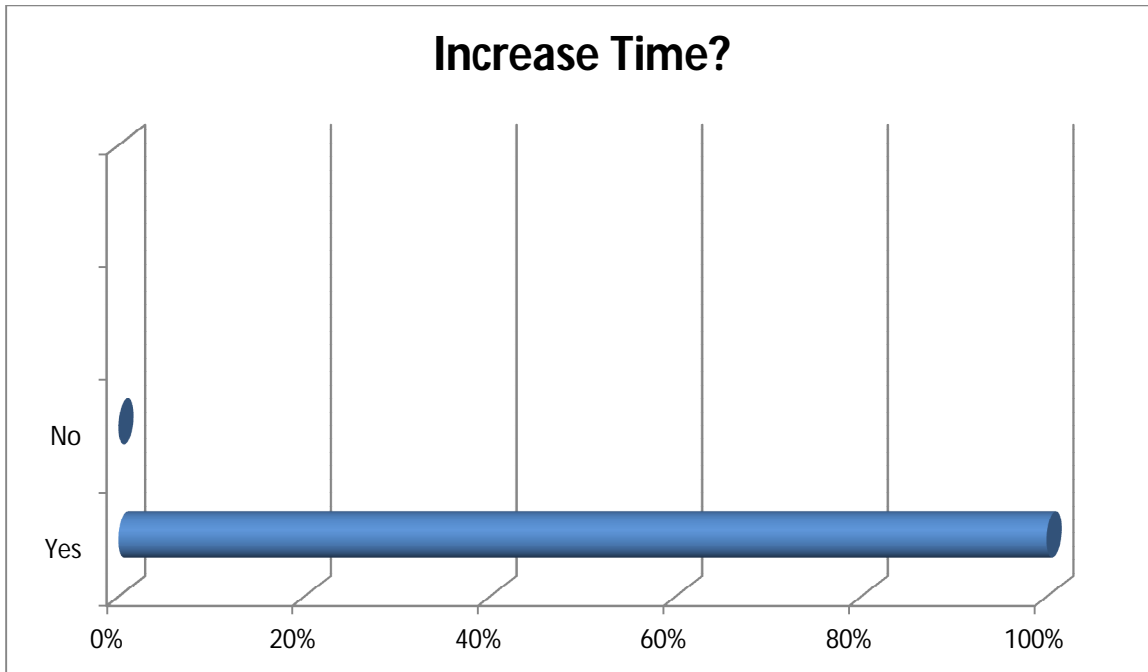


Measure the level of Questions and Answers session

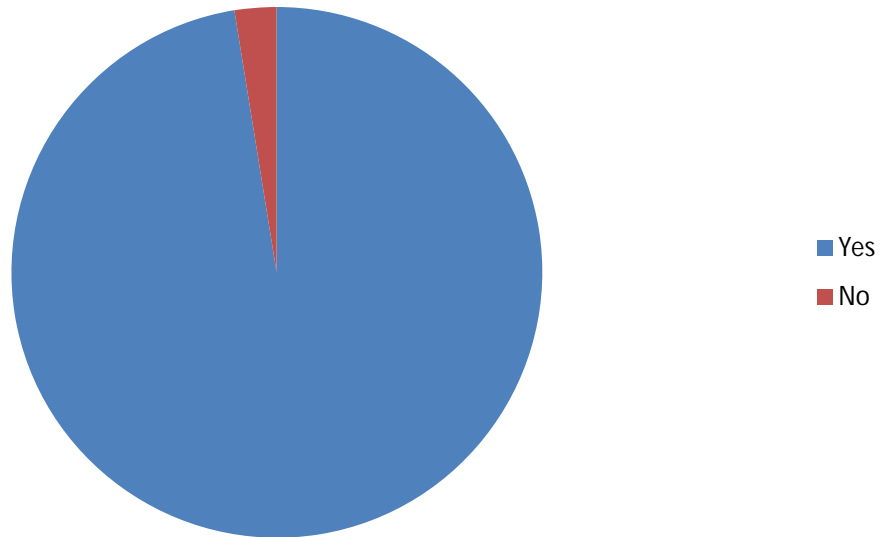


Measure the effectiveness of the course as a whole

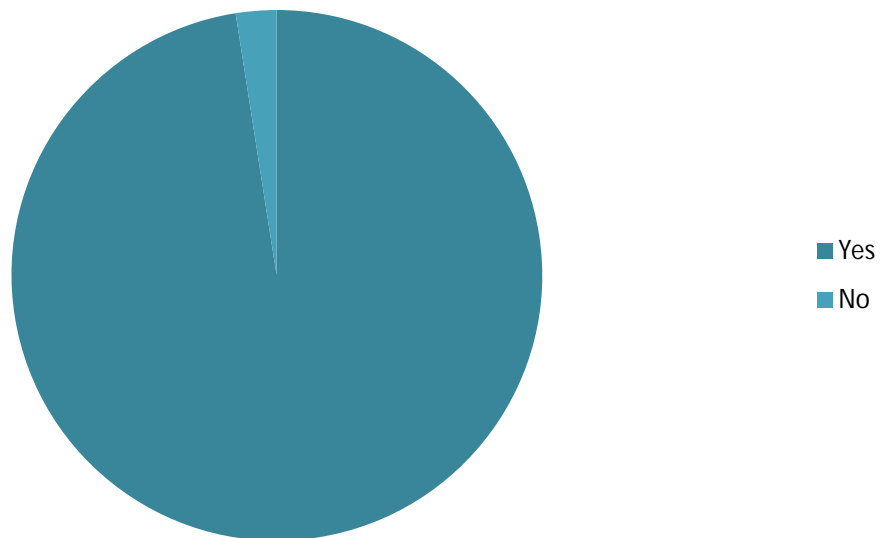




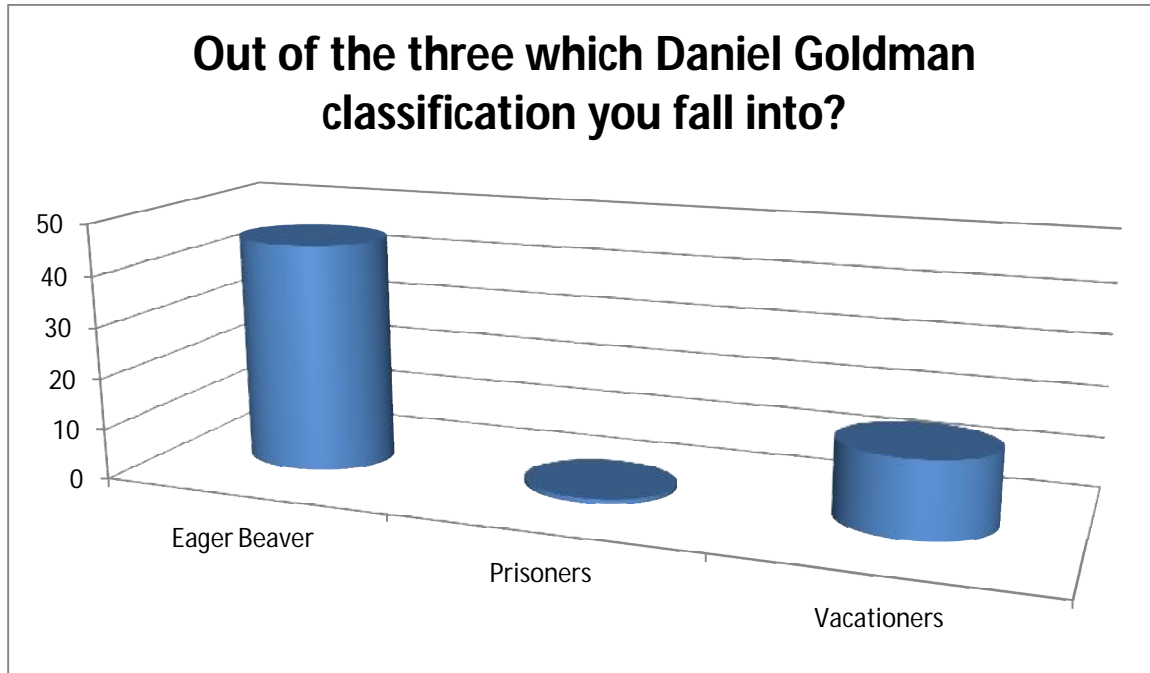
Was Audio Visual reception appropriate



Was the break time enough?



VI. Consolidated Trainee Classification Responses



Abstract of Addresses of Justice Dost Muhammad Khan, Chairman/ Hon'ble Chief Justice

The Worthy Director General, Mr Hayat Ali Shah, the Worthy Registrar, Directors and researchers of KP Judicial Academy and dear judges!

Assalamalaikum!

Justice is a divine command. This command should not be confined to legal and judicial matters; rather it ought to prevail in social, economic, political, administrative, public and private facets of our individual and collective lives. The menace of injustice is making the roots of this nation hollow. Uneven distribution of resources has made life of a common man miserable. The masses are suffering at the hands of the mighty. Corruption has reached its zenith, and I fear that the corrupt elements will soon devour our resources, should this practice continue unnoticed. In fact the list of injustices is non-exhaustive, however, of them the most prominent is the legal injustice.

Legal injustice is in fact, denial of the right to fair trial. Initially the right to fair trial did not exist directly in our legal system, although we had obligations under international law to incorporate the same into our Constitution. Courts through their verdicts in different cases have been invoking the right to fair trial under Article 9 of the Constitution, which pertains to security of person or protection of life. The Supreme Court, on a number of occasions, has held that right to live does not mean mere physical or vegetative life; rather a standard of life fulfilling all the social, political, legal, moral and spiritual requirements of human life. Access to justice is an integral part of human life, and as such it cannot be seen separated from the right to live guaranteed by Article 9. In this respect I will recommend you to go through the apex court's landmark judgment in MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CHIEF JUSTICE OF PAKISTAN Vs THE PRESIDENT OF PAKISTAN, 2010 PLD 61 SUPREME-COURT.

In the light of the Supreme Court's guidelines, and recognizing its obligations under the international law, the legislature finally incorporated the right to fair trial into the Constitution

through the 18th Amendment. Now our Constitution guarantees the right to fair under the newly inserted Article 10A, absolutely and unequivocally. Speaking of right to fair trial, it means applying the universally recognized principles of natural justice, which include trial by an independent and impartial tribunal, of immediate production before a court when arrested, of being informed of the accusation charged for, of being considered innocent unless proven guilty, of right to be heard within reasonable time and so on. Thus, independence of the judiciary has been once again ensured by this right indirectly. Hence, all the laws existing at present time need to be scrutinized in the light of this new constitutional provision. Being an absolute and unqualified provision of a supreme law, the right to fair trial cannot be restricted by a subordinate law, should that be a statute, ordinance, orders or rules. For me, the right to fair trial is the hallmark of the 18th Constitutional Amendment and a gift for the nation, whose fragrance will reach all the way down to the common man.

Our superior judiciary is time and again blamed for overstretching its arms by intervening in the domain of other state organs. Let me make it clear, we will deliver justice and uphold fundamental rights, whether it pleases someone or not. When we say that we are not ready to accept forced disappearances, we mean respect for the right of fair trial and due process. When we are not ready to tolerate extra judicial killings, we mean upholding the right to life or security of person. When we show zero tolerance for corruption, we have in our minds the right to protection of property of our citizens, who are the ultimate owners of the state wealth. Some may call it judicial activism, for us these are our constitutional obligations that will lead us towards the rule of law, and let me convey it loudly; let the heavens fall, law shall take its own course.

My young judicial officers

Now you are not trainees. You have successfully completed the training course. Go to your work stations and apply the skills you have learnt here. Be a ray of hope for the oppressed segment. Be just to your Lord. We are accountable before Him for our all actions. Remember that accountability of a judge, on the Day of Judgment, is more drastic than anyone else. I wish you pleasant journey and safe return.

May Allah (SWT) help and guide you!

Address of Justice Mian Fasih-ul-Mulk, Senior Puisne Judge Peshawar High Court

Mr. Hayat Ali Shah, Director General KP Judicial Academy, Mr. Subhan Sher, Registrar Peshawar High Court Peshawar, my esteemed colleagues, Administration and researchers of the KP Judicial Academy, Administration of Peshawar High Court Peshawar, trainee judicial officers and dear participants, Ladies and Gentlemen,

Assalamalaikum!

We have assembled here today to celebrate another milestone achieved by this prestigious institution. It was indeed a moment of jubilation and celebration for me to hear that the Academy has, in a shorter span of time successfully conducted its 8th training on judgment writing. In fact a double century has been scored as far as the number of judicial officers trained so far is concerned. And this has been done alongside many other academic and research activities. I have every reason to be proud of my team in the Academy for this colossal achievement. I hope that this practice will continue in the future with the same zeal and quality.

My young officers! Judgment writing is, perhaps the most important of the judicial functions. It is a document through which the judge conveys his opinion in an authoritative manner with regard to the pending controversy. In some countries, it is called 'the judge's speech.' The process is painstaking and laborious, not only for members of the district judiciary but for all the courts, irrespective of their hierarchy. This has been the reason that one of the jurists has said, "judgment is the monument of industry." As it is evident from the comments of the class representatives, this training has provided you with an opportunity to enhance your capabilities of judgment writing. I am hopeful that there will be a visible improvement in the quality of your judgments, as you resume your duties at your places of postings. So go to your stations with a new zeal and confidence and apply the skills you have learnt here.

The viability of the institutions depends upon their acceptability by the people. When the viability of the system gets into disrespect, the system becomes less and less useful to the society. Thus, the foremost challenge to the Judiciary has been the viability of the system.

Citizens approach the Court only when there is confidence in the system. This is where the Public Trust doctrine comes in, as the Institution stands on public trust. I have no doubt to proclaim that the people have started to repose their trust in us, and this is reflected in the ever increasing number of cases instituted in our courts. The socio-economic transformation towards an establishment of a welfare State must also be through the process of law. It is true that such desired socio-economic transformation through process of law has been slow, however, the march has been steady.

In the modern state, democratic dispensation and rule of law go hand in hand. Both the values are complementary and not conflicting. Our country has recently seen a peaceful transition from one political government to another through an electoral process. It is another feather in the cape of the judiciary that its officers have successfully accomplished the gigantic task of conducting free and fair elections. I can proudly pronounce that the elections conducted in this province have been the most transparent in the whole country. The whole credit goes to our district judiciary, who have achieved this challenging task ensuring effectiveness, impartiality and fairness. Let me take this opportunity to congratulate you all on this significant success.

At the end, let me conclude that this is not the last time that you have come here for a training activity. In fact this is the beginning of a learning process at this esteemed institution, as the Academy has a busy calendar of activities for the coming months. So we look forward to hosting you again very soon for a next training activity on another topic related to dispensation of justice.

Thank you very much and Allah bless you all.

Synopsis of DG Welcome Address

Allah (SWT) has given us the strength to plan four successive trainings on judgment writing. This will consume the whole ongoing month: June 2013. On completion of all four courses, we would be succeeding to impart training to all civil judges/allaqa qaziz of our province. A considerable number of ADJs would be also completing their training. What is the significance of this training? I rightly expect that you would yourself admit it at the end of the course. To receive this training successfully, adherence to disciplinary rules is necessary. Nonetheless, it is a delighting fact that a judge is always wel-disciplined. Let us pray—may Allah Almighty guide us to the right path.

Dr Khurshid Iqbal, the Dean of the Faculty will share with you the course description in detail. Director (Instructions), Qazi Atuallah would also remain available for the smooth running of training proceedings. I formally welcome you all to this seat of learning. It is your own institution, so feel at home. I advise you to take great interest in this course. All that we expect of you, is that at the end of this course, you should feel significant change, particularly, in your attitude. I wish a happy and enjoyable stay with us. If you have any query, please feel free to ask any of our staff members.

Hayat Ali Shah,
Director General

Consolidated Remarks of the CRs'

It is indeed an honor for me to speak on behalf of my learned colleagues, before such a valuable gathering. We are pleased to see our own academy; a prestigious institution; a great seat of learning. The magnificent building of the academy reflects the sweat and blood of the Academy's team and its leadership. Had there not been the impetus of the Honorable Chairman, neither the hard (structure) nor the soft (academic and research activities) wares would have been possible. All members of the team are eager beavers and rightly deserve our thanks and greetings.

Before joining the training, we were considering the course on judgment writing a futile exercise, particularly for those judicial officers who have been writing judgments for more than (10-15) years. The course gradually unlocked our perceptions. The deeper we went the weaker we were. We realized that we were physically young but intellectually poor. For the first time we learnt that the style of judgment means "How to express" and substance of the judgment means "What to express". Both are distinct but complementary inter se. we learnt that, as a rule, substance and format should run together. Only in case of unavoidable situations, we shall keep the substance and shun the structure.

We joined the Academy as trainees but now we are leaving it as trained judicial officers. We promise that we will practically apply the skills we have learnt here. Our judgment would reflect the outcomes of the training. We are thankful to the Faculty for bringing us round to the truths that "learning is an ongoing process" and "knowledge knows no end"

Qazi Ataullah

Director Instructions

K.P. Judicial Academy**8th One-Week Training on Judgment Writing**
*Schedule of Activities***DAY ONE (03 JUNE, 2013)**

Pre-Training Evaluation	08:00 AM—08:30 AM
Inaugural Session	08:30 AM—09:00 AM
Significance of Perceptions and its impact on judicial decision-making (Mr. Abdullah)	09:00 AM—11:00 AM
Tea Break	11:00 AM—11:30 AM
A critical analysis of decision-making: focus on District Judiciary (Mr. Abdullah)	11:30 AM—01:30 PM
Lunch & Prayer Break	01:30 PM—02:15 PM
State of mind while making decision (Mr. Hayat Ali Shah)	02:15 PM—03:45 PM

DAY TWO (04 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-A	
Style and Structure of Judgment: Basics (Prof. Dr. Ismail Wali)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Judgment Writing in Islamic Jurisprudence (Qazi Attaullah)	11:00 AM—01:00 PM
Lunch & Prayer Break	01:00 PM—01:45 PM
Principles of Effectiveness (Prof. Dr. Ismail Wali)	01:45 PM—03:45 PM

DAY THREE (05 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-B	
Judgment Writing: Modern Strategies (Prof. Dr. Ismail Wali)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Elements of Judgment Writing (Mr. Niaz)	11:00 AM—01:00 PM

Muhammad Khan)	
Lunch & Prayer Break	01:00 PM—01:45 PM
One-Word Dictionary (Porf. Dr. Ismail Wali)	01:45 PM—03:45 PM

DAY FOUR (06 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-C	
Elements of Judgment Writing-Practical (Mr. Niaz Muhammad Khan)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Appreciation of Evidence-Practical (Mr. Niaz Muhammad Khan)	11:00 AM—01:00 PM
Lunch & Prayer Break	01:00 PM—01:45 PM
Contemporary Trends in Judgment Writing: A Literature Review (Dr Khurshid Iqbal)	01:45 PM—03:45 PM

DAY FIVE (07 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—10:00 AM
Presentation Group-D	
Appreciation of Evidence (Mr. Niaz Muhammad Khan)	
Tea Break	10:00 AM—10:30 AM
Course Review - Panel Discussion	10:30 AM—12:30 PM
(Friday Prayer)	
Activities Off for Juma Prayer,	
Lunch & Preparation for Academy Night	

DAY SIX (08 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—10:00 AM
Presentation Group-E	
Post-Training Evaluation	
Overall Feedback	
Concluding Ceremony	12:00 Noon—01:00 PM

K.P. Judicial Academy

11th One-Week Training on Judgment Writing
Schedule of Activities

DAY ONE (24 JUNE, 2013)

Pre-Training Evaluation	08:00 AM—08:30 AM
Inaugural Session	08:30 AM—09:00 AM
Significance of Perceptions and its impact on judicial decision-making (Mr. Abdullah)	09:00 AM—11:00 AM
Tea Break	11:00 AM—11:30 AM
A critical analysis of decision-making: focus on District Judiciary (Mr. Abdullah)	11:30 AM—01:30 PM
Lunch & Prayer Break	01:30 PM—02:15 PM
State of mind while making decision (Mr. Hayat Ali Shah)	02:15 PM—03:45 PM

DAY TWO (25 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-A	
Style and Structure of Judgment: Basics (Prof. Dr. Ismail Wali)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Judgment Writing in Islamic Jurisprudence (Qazi Attaullah)	11:00 AM—01:00 PM
Lunch & Prayer Break	01:00 PM—01:45 PM
Principles of Effectiveness (Prof. Dr. Ismail Wali)	01:45 PM—03:45 PM

DAY THREE (26 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-B	
Judgment Writing: Modern Strategies (Prof. Dr. Ismail Wali)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Elements of Judgment Writing (Mr. Niaz Muhammad Khan)	11:00 AM—01:00 PM

Lunch & Prayer Break	01:00 PM—01:45 PM
One-Word Dictionary (Prof. Dr. Ismail Wali)	01:45 PM—03:45 PM

DAY FOUR (27 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—08:30 AM
Presentation Group-C	
Elements of Judgment Writing-Practical (Mr. Niaz Muhammad Khan)	08:30 AM—10:30 AM
Tea Break	10:30 AM—11:00 AM
Appreciation of Evidence-Practical (Mr. Niaz Muhammad Khan)	11:00 AM—01:00 PM
Lunch & Prayer Break	01:00 PM—01:45 PM
Contemporary Trends in Judgment Writing: A Literature Review (Dr Khurshid Iqbal)	01:45 PM—03:45 PM

DAY FIVE (28 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—10:00 AM
Presentation Group-D	
Appreciation of Evidence (Mr. Niaz Muhammad Khan)	
Tea Break	10:00 AM—10:30 AM
Course Review - Panel Discussion	10:30 AM—12:30 PM
(Friday Prayer)	
Activities Off for Juma Prayer,	
Lunch & Preparation for Academy Night	

DAY SIX (29 JUNE, 2013)

Recitation from the Holy Qur'an & Dua'a	08:00 AM—10:00 AM
Presentation Group-E	
Post-Training Evaluation	
Overall Feedback	
Concluding Ceremony	12:00 Noon—01:00 PM

Comments and Suggestions of the Participants (Majority) in light of Panel discussion

Course Length Should be Increased. An over -whelming majority of the participants in the four successive trainings have suggested increase in course duration.

Ex-Judges should be invited for lectures. Many participants have suggested for involving the ex judges of superior courts as resource persons.

Professional Psychologist. The participants have suggested that professional Psychologist should be engaged to enhance professional development of participants.

Construction of separate prayer rooms for ladies. Many of the ladies participants/ female judges have strongly suggested that arrangement for separate prayers room along with pray-mates should be made at the earliest.

Random Suggestions and comments

- i. A piece of research should be made mandatory for each participant.
- ii. Landmark Judgments of the apex courts may be selected for study circles.
- iii. Tours may be arranged to the historical and otherwise famous areas of the city.
- iv. Boarding facilities needs special attention.
- v. Keeping in view the above suggestions the Faculty has forwarded its recommendations to the worthy Director General for further necessary action.

List of Participants**8th Training on Judgment Writing**

S/No	Name	Designation	Station
1	Mr. Nadeem Muhammad	Senior Civil Judge	Tank
2	Miss. Zainab Rahman	Senior Civil Judge	Malakand
3	Mr. Zia-ur-Rehman	Senior Civil Judge	Hangu
4	Mr. Abdul Jabbar	Senior Civil Judge	Charsadda
5	Mr. Wali Muhammad	Senior Civil Judge	Buner
6	Mrs. Hajira rehman	Senior Civil Judge	Dir Lower
7	Mr. Ali Gohar	Senior Civil Judge	Dassu(kohistan)
8	Mr. Azim Ullah Mishwani	Acting Senior Civil Judge	Shangla
9	Mr. Syed Ali Raza	Civil Judge/JM	Mardan
10	Mr. Syed Kamal Hussain Shah	Civil Judge/JM	Malakand
11	Mr. Ihteshamul Haq	Civil Judge/JM	Abbotabad
12	Mr. Shah Hussain	Civil Judge/JM	Swabi
13	Miss. Nusrat Naz	Civil Judge/JM	Mardan
14	Mr. Arabab Sohail Hamid	Civil Judge/JM	Bannu
15	Miss. Wadeeya Mushtaq Malik	Civil Judge/JM	Peshawar
16	Miss. Saima Irfan	Civil Judge/JM	Peshawar
17	Mr.ijaz-ul-Haq Awan	Civil Judge/JM	Mardan
18	Mr. Abdul Majid	Civil Judge/JM	Abbotabad
19	Mr. Aman Ullah Khan	Civil Judge/JM	Kohat
20	Mr. Muhammad Ayaz	Civil Judge/JM	Kohat
21	Mr. Syed Fazal Wadood	Civil Judge/JM	Peshawar
22	Miss. Shah Sultan	Civil Judge/JM	Peshawar
23	Mr. Qaiser Khan Afridi	Civil Judge/JM	Haripur
24	Mr. Muhammad Wali	Civil Judge/JM	Peshawar
25	Mr. Farman Ullah	Civil Judge/JM	Bannu

<i>9th Training on Judgment Writing</i>			
S/N	Name	Designation	Station
1	Mr. Abdul Hakim Hashmi	Senior Civil Judge	Batagram
2	Syed Obaidullah Shah	Senior Civil Judge	Kohat
3	Mr. Hidayatullah Khan	Senior Civil Judge	Mardan
4	Miss Sumbal Naseer	Senior Civil Judge	Nowsehra
5	Mr. Manzoor Qadir	Senior Civil Judge	Abbotabad
6	Mr. Ijaz Ahmed	Senior Civil Judge	Swat
7	Mr. Asif Rashid	Senior Civil Judge	Karak
8	Mr. Ghulam Abbas	Senior Civil Judge	Lakki Marwat
9	Mr. Shah wali Ullah Hamid Hashmi	Senior Civil Judge	Swabi
10	Mr. Usman Bashir Khan	Senior Civil Judge	Mansehra
11	Mr. Safir Qasir Malik	Civil Judge/JM	Peshawar
12	Mr. Ajmal Shah	Civil Judge/JM	Bannu
13	Mr. Asad Ali	Civil Judge/JM	Abbotabad
14	Mr. Johar Ijaz Ali Shah	Civil Judge/JM	Kohat
15	Miss. Nadia Syed	Civil Judge/JM	Mansehra
16	Mian Zahidullah Jan	Civil Judge/JM	Haripur
17	Miss kiran Naz	Civil Judge/JM	Haripur
18	Mr. Abdul Salam Khan	Civil Judge/JM	Abbotabad
19	Mr. Tariq Abbas	Civil Judge/JM	Buner
20	Mr. Assad Ullah	Civil Judge/JM	Bannu
21	Miss Lubna Zaman	Civil Judge/JM	Mansehra
22	Miss Kiran Shaukat	Civil Judge/JM	Peshawar
23	Mr. Asif Kamal	Civil Judge/JM	Peshawar
24	Mr. Aftab Javed	Civil Judge/JM	Haripur

<i>10th Training on Judgment Writing</i>			
S/No	Name	Designation	Station
1	Mr. Muhammad Arshad	Additional District and Sessions Judge	D.I. Khan
2	Mr. Fazal Satar	Additional District and Sessions Judge	Tangi (charsadda)
3	Mr. Mamrez Khan Khalil	Additional District and Sessions Judge	Swat
4	Ms. Rashida Bano	Additional District and Sessions Judge	Nowsehra
5	Mr. Fareed Khan Alizai	Additional District and Sessions Judge	Abbotabad
6	Mr. Khalid Khan	Additional District and Sessions Judge	Swat
7	Mr. Altaf-ur-Rehman	Additional District and Sessions Judge	Dir Lower
8	Mr. Liaqat Ali	Additional District and Sessions Judge	Mansehra
9	Mr. Salahuddin	Additional District and Sessions Judge	Abbotabad
10	Mr. Amjad Zia Siddiqui	Additional District and Sessions Judge	Takht Nusrati (karak)
11	Mr. Haq Nawaz Khan	Additional District and Sessions Judge	Bannu
12	Ms. Ambreen Naveed	Additional District and Sessions Judge	Mardan
13	Mr. Amjad Makhdoom	Additional District and Sessions Judge	Ghazi (Haripur)
14	Mr. Tahir Mehmood	Additional District and Sessions Judge	Swabi
15	Mrs. Sadia Arshad	Additional District and Sessions Judge	D.I. Khan
16	Mr. Mohsin Ali Turk	Additional District and Sessions Judge	Lakki Marwat
17	Mr. Muhammad Shoaib	Senior Civil Judge	Chitral
18	Mr. Javed ur Rehman	Senior Civil Judge	Peshawar
19	Mr. Ijaz Rashid	Senior Civil Judge	Upper Dir
20	Ms. Sumera Wali	Civil Judge/JM	Swabi
21	Mr. Muhammad Asim	Civil Judge/JM	Peshawar
22	Mr. Tufail Ahmed	Civil Judge/JM	Peshawar
23	Mr. Amin Said	Civil Judge/JM	Peshawar
24	Mr. Sher Aziz	Civil Judge/JM	Peshawar
25	Mr. Wajid Ali	Civil Judge/JM	Peshawar

<i>11th Training on Judgment Writing</i>			
S/No	Name	Designation	Station
1	Mr. Zahid Mehmood	Additional District & Sessions Judge	Buner
2	Syed Kamal Hussain Shah	Additional District & Sessions Judge	Lakki Marwat
3	Mr. Madad Khan	Additional District & Sessions Judge	Haripur
4	Mr. Mahmood-ul-Hassan	Additional District & Sessions Judge	Hangu
5	Mr. Kalim Arshad Khan	Additional District & Sessions Judge	Bannu
6	Mr. Muhammad Naseem	Additional District & Sessions Judge	Lahor (Swabi)
7	Mr. Aftab Afridi	Additional District & Sessions Judge	Dargai (Malakand)
8	Mr. Safi Ullah Jan	Additional District & Sessions Judge	Karak
9	Mr. Naeem Iqbal	Additional District & Sessions Judge	Abbotabad
10	Mr. Munawar Khan	Additional District & Sessions Judge	Mansehra
11	Mrs. Farah Attaullah Khan	Additional District & Sessions Judge	Nowsehra
12	Ms. Shahnaz Hameed Khattak	Additional District & Sessions Judge	Charsadda
13	Mr. Riaz Ahmed	Additional District & Sessions Judge	Samarbagh (Dir Lower)
14	Mrs. Kulsoom Azam	Additional District & Sessions Judge	Peshawar
15	Mr. Aabid Sarwar	Additional District & Sessions Judge	Mansehra
16	Ms. Phool Bibi	Additional District & Sessions Judge	Peshawar
17	Mr. Ajmal Khan Wazir	Additional District & Sessions Judge	Peshawar
18	Mr. Attaullah Jan	Civil Judge/JM	Peshawar
19	Mr. Zafar Ullah	Civil Judge/JM	Peshawar
20	Mr. Shaukat Ali	Civil Judge/JM	Peshawar
21	Mr. Ijaz Younis	Civil Judge/JM	Peshawar
22	Mr. Mohsin Abbas	Civil Judge/JM	Peshawar



KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

8th One-Week Training Course on Judgment Writing for 25 Senior Civil Judges & Civil Judges
(03-08 June, 2013)





KHYBER PAKHTUNKHWA JUDICIAL ACADEMY
9th One-Week Training Course on Judgment Writing for 25 Senior Civil Judges & Civil Judges
(10-15 June, 2013)





KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

10th One-Week Training Course on Judgment Writing for 25
Additional District & Sessions Judges, Senior Civil Judges & Civil Judges
(17-22 June, 2013)





KHYBER PAKHTUNKHWA JUDICIAL ACADEMY

11th One-Week Training Course on Judgment Writing for 25
Additional District & Sessions Judges & Civil Judges (24-29 June, 2013)





The World Bank

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