

2013

Report on Second Training Program on “Case & Court Management”- Judges



Prepared by: Qazi Ataullah.

Finalized by: Dr. Khurshid Iqbal.

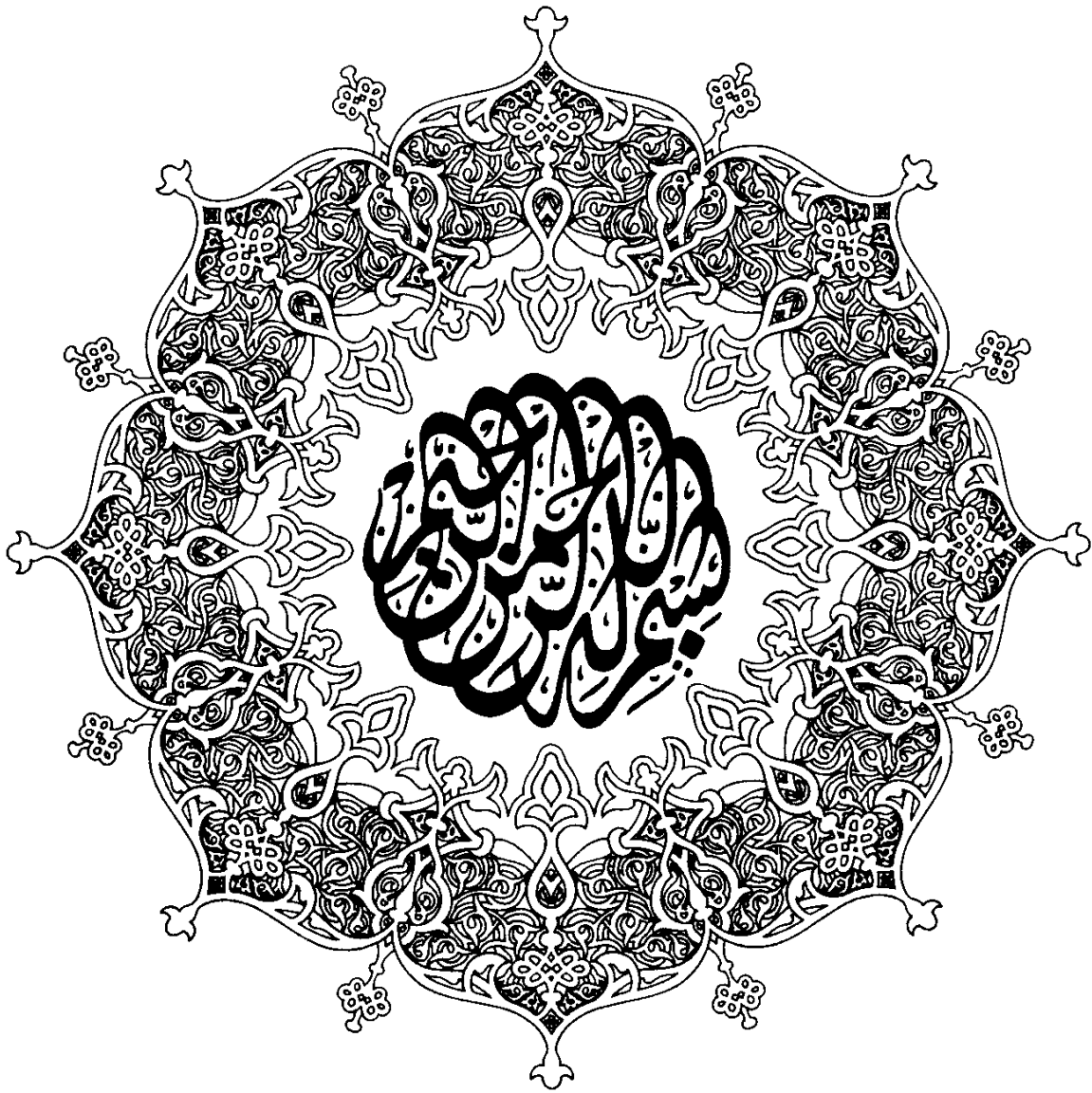


Table of Contents

Foreword.....	4
Dean’s Note.....	5
Case Management Technique Criminal & Civil.....	8
Management (Self, Personnel & Court).....	10
Financial Management Including Register of Judicial Fines.	11
Judicial Reporting, Statistics, Monitoring & Evaluation.....	12
Maintenance of Record (Criminal Courts).....	13
Official Communication and Linguistic Skills.....	14
Decorum of the Court: Relationship with lawyers and litigant Parties	16
Ethics and Integrity; Islamic Perspective	19
Court Process; Management and Tracking (civil)	22
Leadership and Crisis Management.....	25
Pre- Evaluation Statistical Data.....	31
Post Evaluation Statistical Data	34
Comparative Statistical Statement of Pre & Post Training Evaluation	36
Over All Training Evaluation.....	38
Consolidated Resource Person Evaluation	42
Address of the Chairman/ Hon’ble Chief Justice	44
Director General Welcome Address	47
CR’s Remarks.....	49
List of Participant	51
<i>Schedule of Activities</i>	52
Group Photo.....	Error! Bookmark not defined.

Foreword

With the grace of Allah the Al- Mighty, we are able to conclude second training on “Court & Case Management”. The training was imparted to Judges whereas 01 training was arranged separately for Court Staff, for which a separate report has been prepared. This training was imparted to Judges and Court Staff simultaneously. To what extent we have been successful in our efforts would be, of course, assessed after seeing the attitude and work of the Judicial Officers and the court staff who would be back to their work stations. However our efforts, commitment and hard work could also be easily judged by going through this report.

The Academy, just from its inception, has tried its best to impart quality training to all the stakeholders of the justice system so as to enable them to provide best services to the citizenry. For the first time, the Academy has arranged simultaneous trainings for judges and the ministerial staff. Though it was a new enterprise; but we made it sure that the quality should not be compromised for quantity. 28 Judges and 50 court staff received the training successfully. All activities were conducted under my supervision and the guidance of Hon’ble Chairman/ Chief Justice Peshawar High Court.

The task was enormous but thanks to Almighty we were triumphant. The phenomenon of ‘team work’ played a significant role. I must acknowledge the relentless efforts of Senior Director Administration, Mr. Muhammad Saleem Khan. It will be injustice if I do not appreciate the day and night meticulous efforts of the Dean Faculty Dr. Khurshid Iqbal, Director Instructions, Qazi Attaullah and Director Research Dr. Adnan Khan, who prepared the course and left no stone unturned in making the course presentable and interesting. Besides, I am grateful to the support staff of the Academy who worked selflessly and helped us to achieve our goal.

I feel greatly honoured to forward the report of this historic training. The report is self explanatory, innovative, ground breaking and will prove a milestone in the emerging training atmosphere in Pakistan.

Hayat Ali Shah
Director General

Dean's Note

The Academy has now rolled out training courses in light of three manuals it has recently prepared. They are—Case and Court Management for Judicial Officer, Case and Court Management for Court Staff and Procedural and Substantive Law for Judicial Officers. The Academy has developed these manuals in light of a Training Needs Assessment (TNA), launched early last year. The TNA aimed at exploring and assessing training needs of key justice sector institutions, particularly of the judiciary.

While developing the manuals, the Academy kept in view the training needs of the judiciary in a broad and diverse perspective with due attention to contemporary challenges. For example, case and court management were not seen within the narrow remit of the judicial institution. Rather, it was seen through a comprehensive lens of management as science, firstly, to bring about broader institutional efficiency in the areas of leadership, human resources and financial efficiency, and secondly, to leverage judiciary as an increasingly inextricable part of good governance. The Academy, however, appreciates that the vigour must come from the judiciary alone to sustain independence. Imparting diverse management skills to judges and their support staff, such as, case management on the judicial side and court management on the administration side, would serve the purpose of institutional efficiency as well as judicial independence. This in-ward looking approach was further characterized by creating a pool of master trainers from amongst the judges. Thus about 45 Judges were trained as trainers (ToT). The trainers for both Judicial Officers and Court Staff were mainly drawn from amongst those master trainers. This is a significant achievement, indicating sustainability in faculty development. While the level of their assessment is generally encouraging, it is hoped it will further improve with the passage of time.

Keeping in view the duration of the course, the course content was selected from the relevant manuals. In fact, training on a manual as whole could not be delivered because of the limited duration of 05 days. However, it could be taught as a whole in an intensive 06 month basic orientation training of new entrants. The Academy maintained its excellent quality of online pre-and post-evaluation method for Judges. Due to non-availability of sufficient number of computers, the court staff had to fill the evaluation forms manually. As

you will read in this report the initial statistical data shows that both courses were successful, so far the learning level and overall assessment on the concluding day were concerned. I believe that we may extend our evaluation system to adopt more scientific methods, such as, on job application of skills survey, we have recently launched in regard to our Judgment Writing trainings. Perhaps, we also need to review some recent literature and technical support on evaluation of trainings for making our evaluation system more up to date and objective.

Dr Khurshid Iqbal,

Dean Faculty

Synopses of Lectures

Case Management Technique Criminal & Civil

*By Ms. Rozina Rehman**

Management:

Getting things done through people.

It is the process of designing and maintaining an environment for the purpose of efficiently accomplishing selected aims.

Aims and Objectives of Management:

The goal of all managers is to achieve a favourable output-input ratio within a specified time period with due consideration for quality. The main aim and object of court and case management is to:

“Ensure inexpensive and expeditious justice”

Subject Contents:

Case Management Technique (Civil)

- Presentation of plaint and its scrutiny
- Service of process
- Attendance
- Written Statement
- Issues
- Evidence
- Arguments
- Judgment
- Conclusion
- Execution of decree

* *Additional District & Sessions Judge – District Mardan; B.A; LLB.*

Case Management Technique (Criminal)

- Basic knowledge of key areas for efficient management
- Submission of challan and proper scrutiny of record
- Service of process
- Framing of charge
- Evidence
- Judgment
- Miscellaneous

Management (Self, Personnel & Court)

By: Naiz Muhammad Khan[†]

The talk covers the overall concept about management in general. Starting from the basic unit of self in any system, the discourse builds up the whole superstructure of management on the management of one's self. Unless the manager is capable of managing his affairs of person, home and personal life, he is not capable of managing others. He is a role model for his subordinates and people of his influence and he is required to lead from the front and set examples for others under his influence. The personal management starts from goal settings, target settings based on ultimate objectives of a person. It is the ultimate objective which is responsible of the whole activities of a person and is a driving force behind all activities.

Management in micro or macro level is discussed as a continuous fight against challenges in the shape of scarcity of resources. The successful manager despite all the constraints manages the available resources to the optimum and gets the desired results. This is possible only through effective management. In the court context the main resources are human ,financial and IT. The challenges are backlog of cases, time constraint, deficiency of staff, lack of training, lack of knowledge and equipment. Leadership and management are required more vigorously to meet these challenges. The service delivery to main stake holders in efficient way can be attained only and only through proper management of self, court and personnel

Court personnel need training in management as to keeping record per rules and requirement. The challenges of new age are also to be informed to them. The new technique of management is also a subject of the talk. These techniques range from personal to court & case and case flow management.

[†] *Special Customs & Anti smuggling Judge; LLB (Gomal University, DIK)*

Financial Management Including Register of Judicial Fines.

By: Naiz Muhammad Khan

The topic is aimed to enhance the vision of the participants as to the place occupied by the Finances in the management and ultimately in its proper utilization in a system so as to make this resource target oriented and contributing towards goal achievement. The development of institutions and for that matter the nations depend upon the efficient and target oriented utilization of finances by the financial managers. The judiciary is no exception to this. Equal attention is required to both revenue generation and expenditure for making the mare go. In the courts context the revenue generations are mainly through fines and court fee. The proper knowledge about these income resources and maintenance of proper record is covered in the subject. The participants are informed about the priorities at the time of making demands of finances keeping in view the overall targets, goals and objectives of the institution. They are also told of how to effectively use these resources. Another grey area of utilization of finances in accordance with the financial rules is also discussed so as to avoid any audit objections in future.

Judicial Reporting, Statistics, Monitoring & Evaluation

By: Naiz Muhammad Khan

The topic includes the introduction of reporting in the context of good governance and its linkage with development. The transparency in service delivery, being an element of good governance, is one of the cardinal principles. The linkage of reporting with transparency is discussed. The judicial reporting is, therefore, a basic element of good judicial governance. The need for correct reporting is stressed. The wrong or dishonest reporting is an offence of highest magnitude. Wrong reporting often results in wrong picture to policy makers which misleads them as to their future policies making which includes the allocation of future resources. The importance of statistics in the judicial context is discussed with general overview of the place of statistics in monitoring and evaluation. The need for better co-ordination amongst statisticians, data processors, monitors & evaluators is discussed. The role of a monitor with special reference to judiciary is talked to. The evaluation and its ultimate effects on performance and evidence based future policies are also included. Different techniques of evaluation are discussed with special reference to judiciary. The participants are involved in discussing that whether the reporting, monitoring & evaluation in any way affect the judicial independence.

Maintenance of Record (Criminal Courts)

By Mr. Naiz Muhammad Khan

The topic includes the record keeping of courts of criminal jurisdiction. The participants are made familiar with the rules on the subject. The importance of record keeping as a management technique is discussed. The discussion is mainly focused on the need based record keeping. That it should be in line with the evaluation criteria and performance indicators. The best record keeping is one which has a variety of information capable of manipulation in many ways as per requirement of all. That the information so kept must facilitate not only the statisticians & analysts for evaluation purposes but every researcher to his use. The participants are also apprised of the century old fashion of the record system in vogue in the courts and the requirement of the time when these formats were introduced. The need for a new, vibrant and dynamic system of record keeping is stressed.

Official Communication and Linguistic Skills

By Dr. Muhammad Ismail Wali[‡]

Description: Official Communication is the formal process of sharing information for coordination, evaluation, motivation, persuasion, and direction and implementation. The formal process involves rules and conventions for clarity, relevancy, and consistency. Without linguistic skills, the objectives of official communication will not be achieved. The course is designed to integrate official communication with linguistic skills in such a way as to intellectually prepare the participants for effective official communication. The core objectives of the course are:

- To sensitize participants to the process of communication including its mechanics and dynamics
- To inform them on the formal flow of communication, its mediums and objectives for knowledge management
- To sharpen their skills for clarity, simplicity, concision, and precision.
- To inform them on barriers to communication (natural, technical, and human)

Course Contents

1. Communication as Formal Process
2. Basic Components of Communication
3. Mediums of Official Communication
 - letters
 - memos
 - notices and notifications
 - notes and summaries
 - meetings

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

-- workshops

-- Conferences

4. Flow of Communication
5. Objectives of Communication
6. Barriers to Communication
7. Objectives of Communication
8. Mechanics of Conveying Negative and Positive Messages

Decorum of the Court: Relationship with lawyers and litigant Parties

By: Dr. Adnan Khan[§]

Relationship with Litigant Parties

Constitutional obligations

- 10A. Right to fair trial.- For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process
- 14. Inviolability of dignity of man, etc.- (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable
- 25. Equality of citizens.- (1) All citizens are equal before law and are entitled to equal protection of law

Lawyers' Duties Toward Courts

Expediting Litigation

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Candor (truthfulness) Toward The Court

A lawyer shall not knowingly:

- Make a false statement of fact or law to a court or fail to correct a false statement of material fact or law previously made to the court by the lawyer;
- A lawyer who represents a client in proceedings knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the court.

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

- In an ex parte proceeding, a lawyer shall inform the court of all material facts known to the lawyer that will enable the court to make an informed decision, whether or not the facts are adverse.

Impartiality And Decorum Of The Tribunal

It is the duty of an advocate to maintain towards the Court a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance, judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism. (Section 159 Bar council Act)

A lawyer shall not:

- Seek to influence a judge or other official by means prohibited by law
- Communicate ex parte with a judge during the proceeding unless authorized to do so by law or court order;
- Engage in conduct intended to disrupt a court.

Compelling Remedies

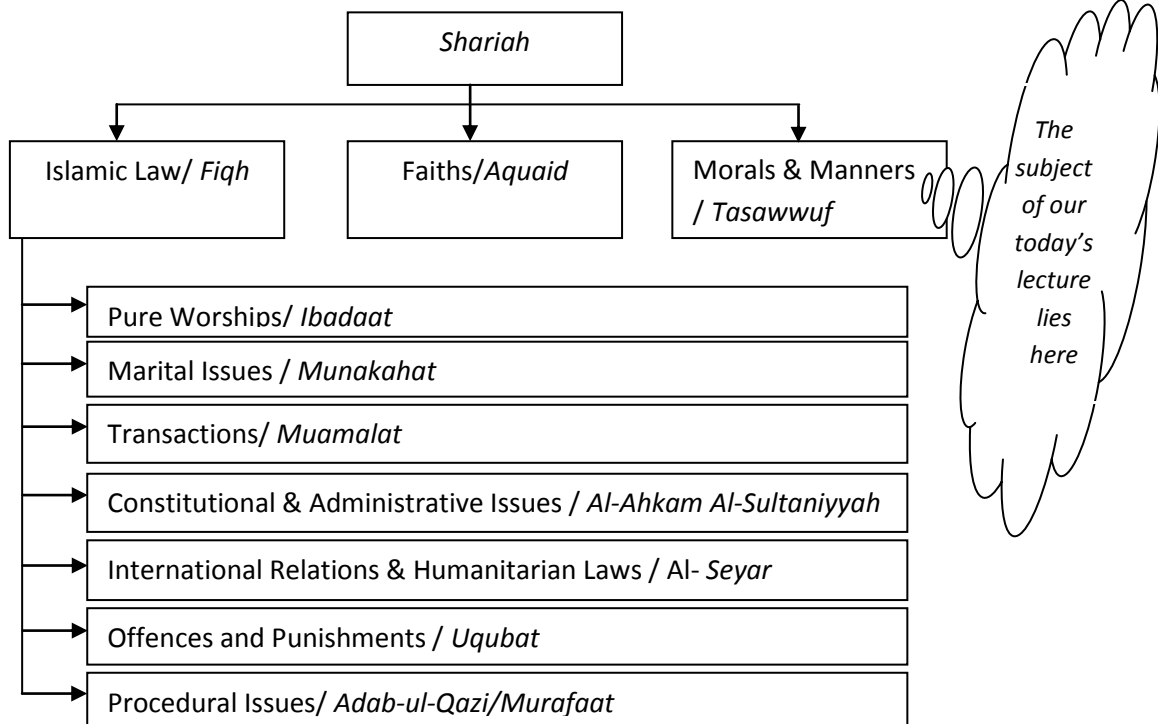
- Adjourning proceedings
- Counseling
- Taking up the matter with the local body of lawyers
- Reference to the Bar Council for taking disciplinary action
- Reference to the High Court for initiating proceedings under the Contempt of Court Ordinance
- Initiating contempt of court proceedings under PPC
- Seeking police assistance

Section 228 PPC

Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceedings, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both.

Ethics and Integrity; Islamic Perspective

By: Qazi Ataullah**



Meaning; good manners and proper behaviour. Behaviour refers to the way one treats the other.

Morally; refers to code of conduct recognized by a society.

Islamic standard;

Every virtue is good and every evil is bad. The former is *Maaruf* and the later is *Munkar*. The standard of *Maaruf* and *Munkar* is Prophet Muhammad SAW. "And whatsoever the messenger giveth you, take it , And whatsoever he forbiddeth, abstain from it"

** Director Instructions, KP Judicial Academy; Civil Judge; PhD scholar, International Islamic university, Islamabad.

Morality; Shariah's view

Shariah has its complete moral system. It holds that moral values are not relative concepts. Hence they are permanent, accepting no change. Shariah gives universal standards for rendering actions moral or immoral.

Honesty and competency

Both are required but honesty is the first priority. Quran says "He said: Set me over the storehouses of the land for I am custodian and skilful."

Professional Dishonesty

It is known as *khiyanat*. "O ye who believe! Betray not Allah and His messenger, nor knowingly betray your trusts". "The *iman* of a man is not perfect who is not faithful and trustworthy"

Bribery and Unlawful Gratification

"And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of the property of the others wrongfully." "The giver and taker of bribes are both to go to the fire of hell." "O Believers, indeed most of the scholars and monks of the people of the Book devour the wealth of others by evil means, and debar them from the Way of Allah. Give them the good news of a painful torment, who hoard up gold and silver and expend not these in the Way of Allah" "The Day shall surely come when the same gold and silver shall be heated in the fire of Hell, and therewith their foreheads, their bodies and their backs shall be .branded, (saying), "Here is that treasure you had hoarded up for yourselves: now taste the evil of your hoarded treasure""

Use of Serious but Lenient Language

"Speak aright with the people" "The Muslim is he from whose tongue and hand, the Muslims are safe."

Act of Forgiveness

“who spend in the way of Allah both in plenty and hardship, who restrain their anger, and forgive others. Allah loves such good-doers.”

Court Process; Management and Tracking (civil)

By Qazi Ataullah^{††}

- Process; meaning of. Summons, notice, warrant.
- Need and significance of process

1- *Audi alteram partem* [hear the other party] or no one should be condemned unheard.

2- No relief for claimant save process.

3- Right to fair trial demands the appearance of the opponent.[see UNO Declaration on human rights, International Covenant on Civil and Political Rights (ICCPR) and Constitution of Pakistan article 10(a).

- Summons, to call someone in official capacity, notice to appear, notice to attend to answer the claim or to give evidence, summonses is plural. In England and Wales, after Woolf's reforms it is known as "claimant form". In Southern Wales "Court attending Notice [CAN]". Summons is substitute for writ of Common Law.
- Other synonyms; order, call, command, instruction, invitation, directive, invitation, writ, subpoena.
- Notice and Summons; similarities and differences.
- Summons, judicial and administrative.[examples can be found in revenue laws of United States. After enactment for simple and plain English, this sentence is written in summons "Take notice; you have been sued".

KINDS

1. Summons for settling of issues.
2. Summons for final disposal of suit.

^{††} Director Instructions, KP Judicial Academy; Civil Judge; PhD scholar, International Islamic university, Islamabad.

Process under Code of Civil Procedure

Due care should be given to the following. Negligence therein may vitiate the whole proceedings. Improper process is no process and non-obedience would not amount to offence

- The summonses should carry all necessary information as per samples given in Appendix (B).
- Seal and signature of the court must be properly checked.
- Summons may only be issued after due institution and proper registration of the suit.
- It should be clearly written whether it is summons for settling of the issues or summons for final disposal of the suit.
- Before issuing summons, situations of exemption from personal appearance are to be considered.
- In serving of process, the significance of phrase “due diligence” must be considered. No blind recourse should be made to affixation and substituted service. Readymade sentences usually written by the process servers must not go unnoticed.

STAGES

1. Ordinary [service through post included]
2. Affixation
3. Substituted service.

Process Under Code of Criminal procedure

- **Summons;**
- ✓ Must be in conformity with Schedule v, Form 1. Phrase “state shortly the offence charged” should be given due consideration.
- ✓ Principally, warrant should not be issued at first instance in a summons case.

✓ In service, the phrase, “due diligence” be kept in mind. The DFC performance always requires strict supervision. Readymade sentence “Rush of work” is no excuse.

○ **Warrants**

- ✓ Bailable and non-bailable
- ✓ Requirements of bailable warrant.
- ✓ When a warrant is to be issued?
- ✓ Malfeasance on part of police officer in execution of warrant.
- ✓ Execution and life of a warrant.
- ✓ What is meant by perpetual warrant of arrest?
- ✓ Hearing of the case and removal of the accused to tribal areas.

○ **Proclamation and attachment**

- ✓ Proclamation; when made?
- ✓ Proclamation; how made?
- ✓ The significance of word “person” in section 87.
- ✓ The significance of distinction between date of issuance of proclamation and date of publishing of proclamation.
- ✓ Interest of third party in the attached property.
- ✓ Restoration of attached property.
- ✓ Rule of the provincial government.

Leadership and Crisis Management

By: Hayat Ali Shah^{##}

Leadership

- **What is leadership?**
- **Why leadership training for Judges?**

What a Leader Requires

1. Mission
2. Vision
3. Goal
4. Competency
5. Team builder
6. Communication skills
7. Inspiration
8. Ambition
9. Time manager
10. Problem solver
11. Delegator
12. Decision maker and Risk taker

Role of Judicial Officer as Team Leader

- Every judicial officer in his capacity is a boss of his subordinates -----that is from Civil Judge or Magistrate up to District & Sessions Judge.
- His capacity as a boss is recognized by law because law has given him authority over his subordinate.
- But if the boss works as a team leader the following difference shall be felt.
- Boss is obeyed as he is boss because of his position in hierarchy under the law
- Team leader is one who is accepted or recognized as such by teammates.
- Boss directs his subordinates, leader convinces them.
- Boss demands the respect, leader commands the same.

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

- Boss works mechanically, leader involves the others in the work.
- Boss does not need to explain his acts or directions. His acts and directions are product of one man's mind, leader makes the other to understand his view point and takes good suggestions from team mates.
- Teammates believe in their leader and follow him -----boss is obeyed because a subordinate is bound to obey.
- Command of the boss is not obeyed wholeheartedly----- guidance of the leader is respected, accepted and obeyed wholeheartedly.
- If a boss wants to get best results from his subordinates he should make a team of his subordinates, create a team spirit, develop teamwork.

Importance of Teammates

- Every team member is important because he is to play his part of the game
- He is supportive in achievement of a cause.
- Every teammate should be given due respect.
- Team leader should have fatherly behavior.
- He should encourage and appreciate good efforts of the teammates.
- He should discourage bad habits and weaknesses in the teammates.
- He should try his best to pull on the teammates on the right track and
- If someone does not come to the right path, creates problems and there is danger that he may affect the conduct of other teammates, he should be dealt with iron hands because----- He is going to damage the objective of the team.

Crises

Extreme events that cause significant disruption and put life and property at risk. It is a situation, which is different from normal and usual. Any unplanned event, occurrence or sequence of events that has a specific undesirable consequence.

Kinds

- **Moral**
deviation from virtues.
- **Natural**

Natural disaster like earth quack, heavy rainfall, fire due to short circuit of electricity or otherwise.

- **Man made**

Use of weapon of mass destruction, firing in premises, making hostage etc.

- **Crises by Group**

Social disruption like strike etc by pressure groups like lawyers, press etc. Crisis by mafia like touts and drug barons, vested interest groups like petition writers, vendors, cabin holders, subordinate staff etc.

Management

INFORMATION OF CRISES.

1. **Before hand information.**

There can be a system through which one can get prior information of a crisis, which is likely to occur. This is possible in case if crises are to be caused by people or groups.

2. **Prompt**

If before the crises information cannot be obtained the information of the crises should be obtained immediately.

3. **Accurate.**

The information must be accurate. Accurate means that causes of the crises , persons behind the crises, magnitude of the crises and its possible effect.

Communication

After getting complete knowledge of the crises, it must be communicated without delay to the immediate boss for guidance and necessary action. At the same time it should be communicated to the subordinates and colleagues for consultation and for compliance of instructions if any. The whole set up should be converted to crises management team.

Analysis

All friends should sit together and properly analyze the crisis with respect to its nature, effect and probable solution or management should be sorted out better with consensus in order to reduce the vulnerability posed by a potential crises.

Response

1. **Immediate.**

The response should be immediate with a view of nabbing the evil in the bud, keeping in view the nature of the crises. Priority should be given to safety of life and

property but before all, the leader should not lose his temper. He should be cool and shall try to have his control on the events and should be in position to properly guide his teammates.

2. Should be effective and clean.

There should be a message that whatever is said that is meant, evasive or halfhearted response may create problem. One officer should be immediately assigned responsibility of management.

Preparedness.

(a) Prevention

Any set of activities that can prevent crises or reduce the chance of happening of a crises or reduce the damaging effect.

(b) Mitigation.

Mitigation is ongoing efforts to minimize the impact of the crises.

(c) Preparedness

Always be prepared for expected crises.

(d) Options

Various options must be available towards the solution of the crises keeping in view the nature of the crises.

(e) Plans

There must be plans, counter plans and alternate plans available.

(f) Alertness

For unexpected crises one should be mentally alert.

Strategies

After going to a new station, complete study of the environment should be made where you are to work. Complete study of environment involves study of traditions of the area, habits of the people, their liking and disliking. After studying the same all those acts should be avoided which may hurt the sentiments or provoke the feelings.

2. There must be a list of effective people working around you i.e. you must know who can be effective in what circumstances and one must know that how to use these people when required. With respect to a job of the Judge, it is an art to use a person without getting obliged.

There should be an effective coordination with departments having management role. For instance there should be coordination with police, C&W, WAPDA, District Government but this coordination does not mean that they should be allowed to interfere in your work. There should be a working relation.

4. You must know the art that how you use your recourses and people effectively during the crises.

5. There must be a complete strategy at least in mind that how the crises should be met.

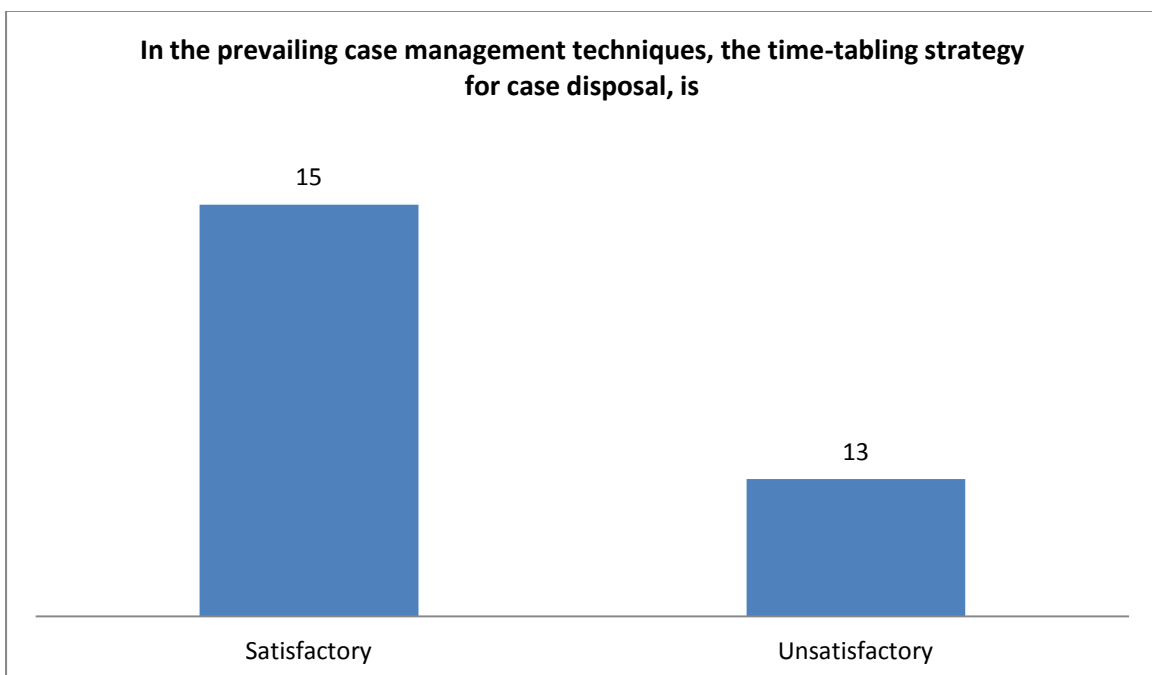
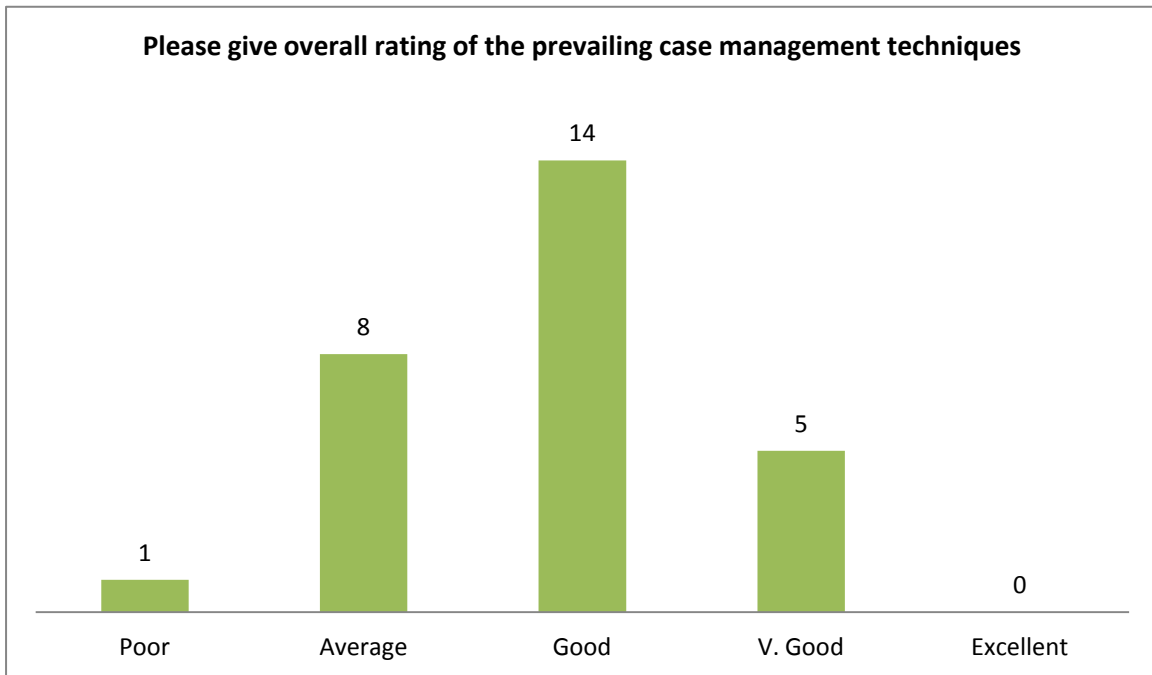
Contingency Plan

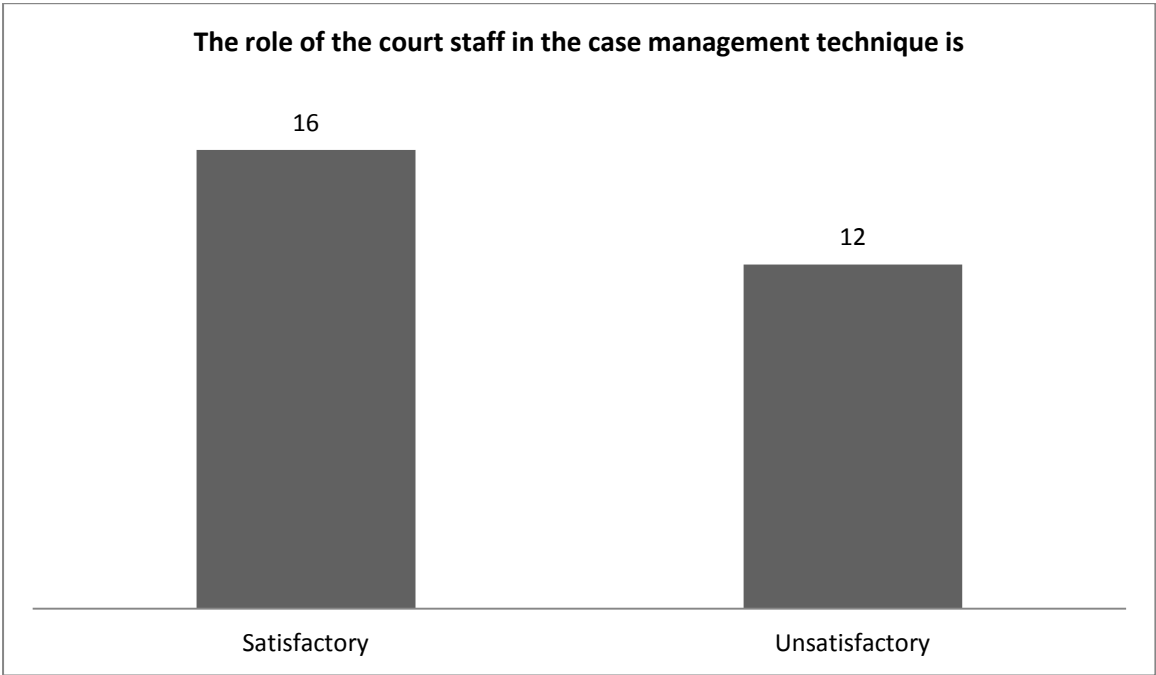
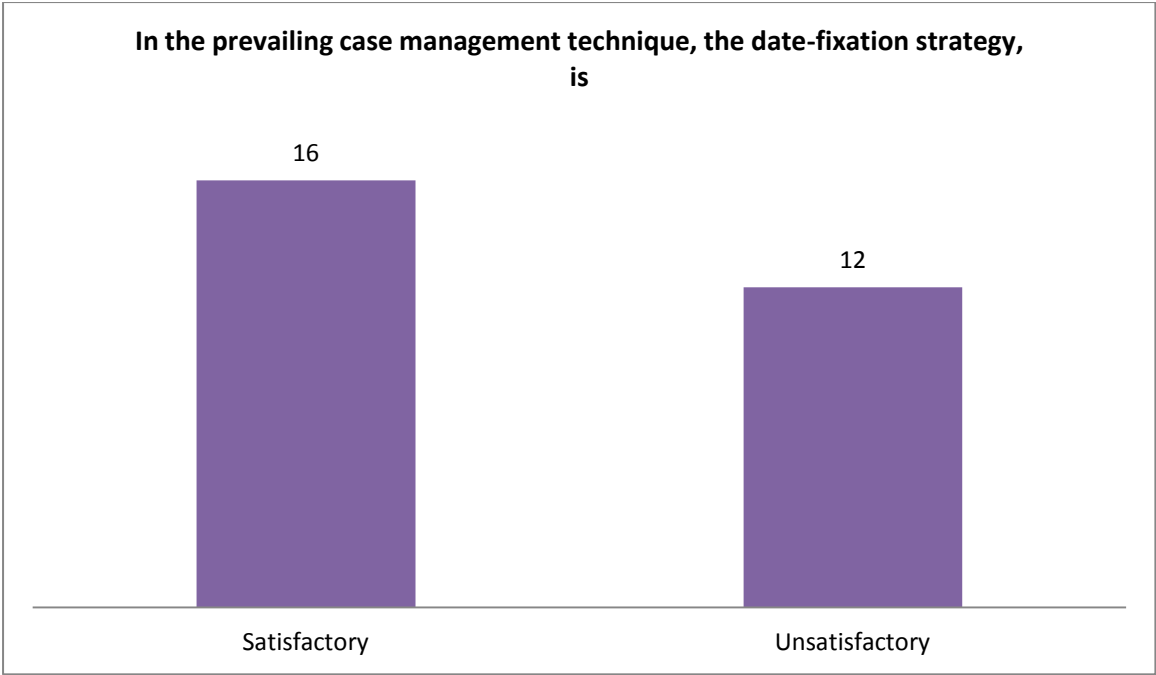
Contingency plan should be there for various occasions. For instance elections are held by the Judicial Officers so there should always be a contingency plan for that. Crises may occur due to announcement of some order or judgment. There should be contingent plan for that. There is possibility of strike of subordinate staff. There should be a plan for that. There must be contingency plan for unseen and unexpected situation. For instance there can be saboteur or subversive act causing disruption and damage. There can be kidnapping of the Judicial Officers or staff members. There can be sudden fight in the premises by two rival groups, putting lives of others in1 dangers. For all these situations, there must be some contingency plans.

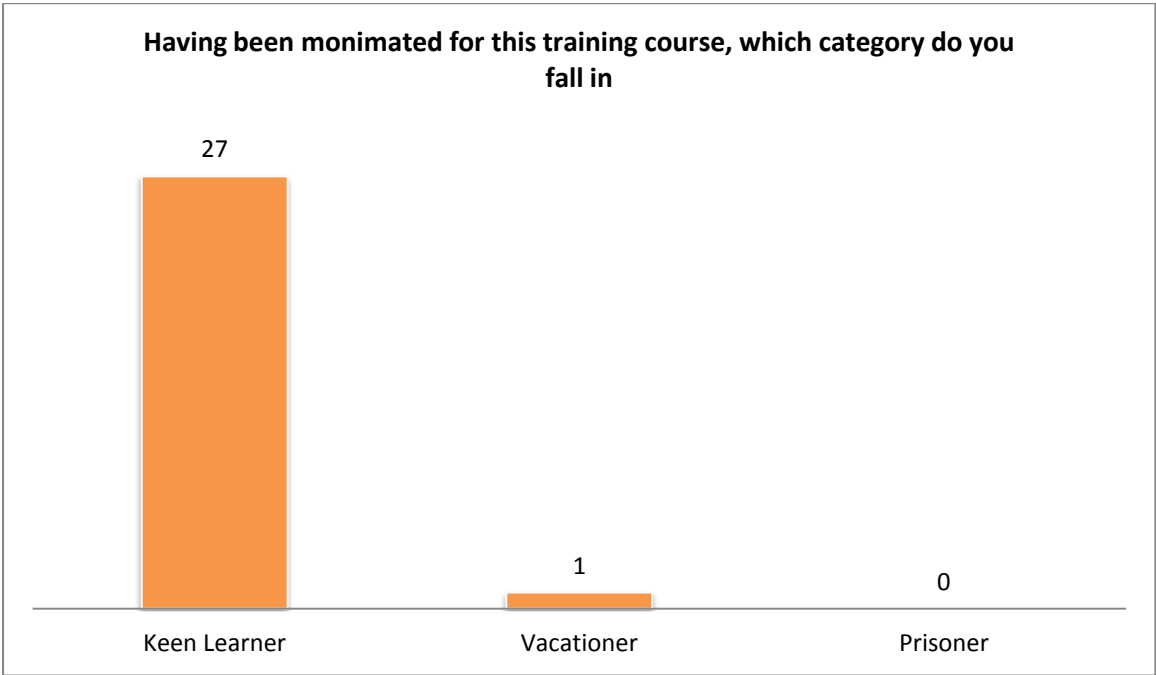
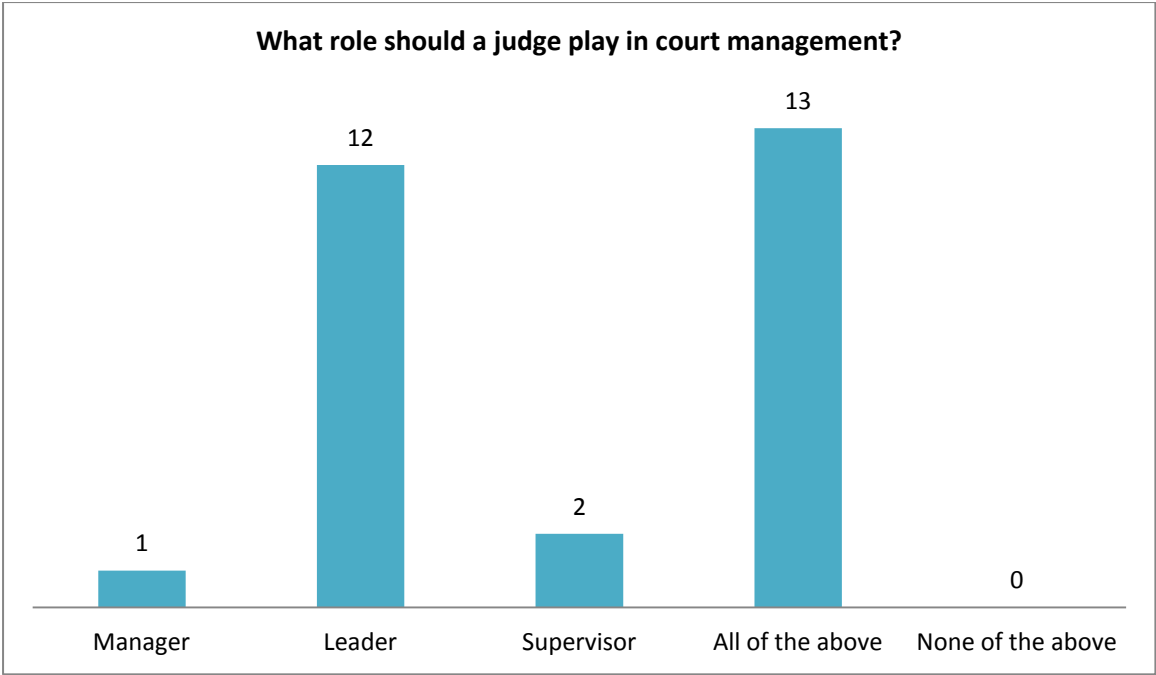
Crises Management

If workable, a permanent crises management team shall be established with assigned duties to everyone. At last an average team can easily handle crises better than a most and efficient individual.

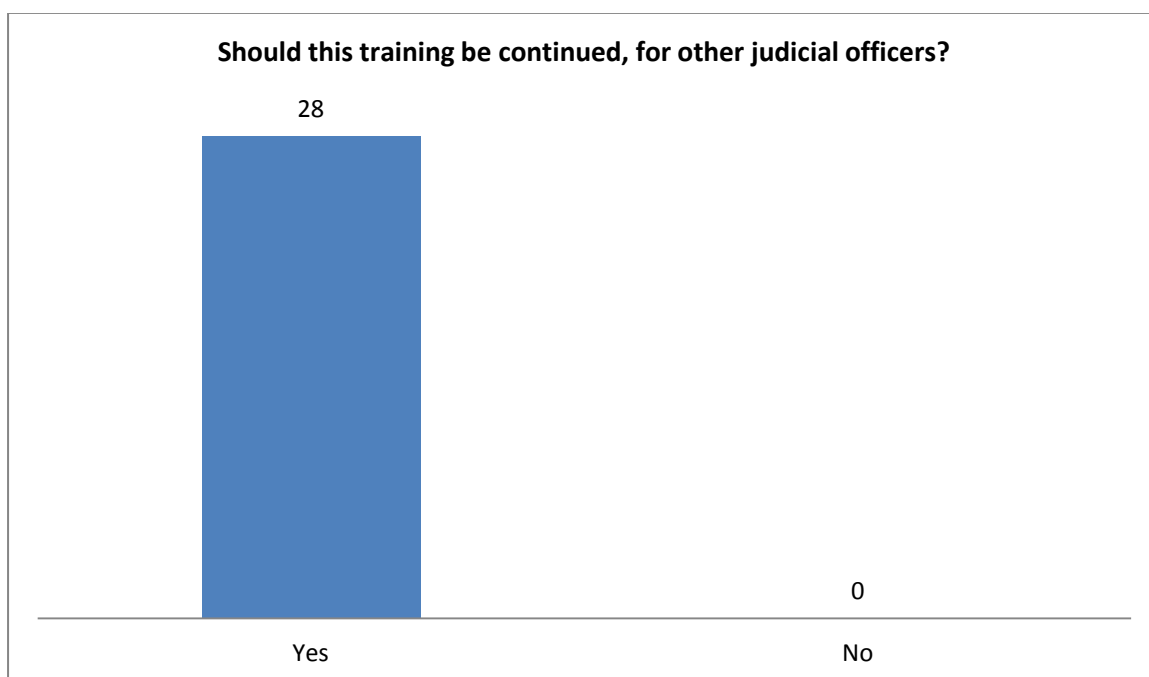
Pre- Evaluation Statistical Data

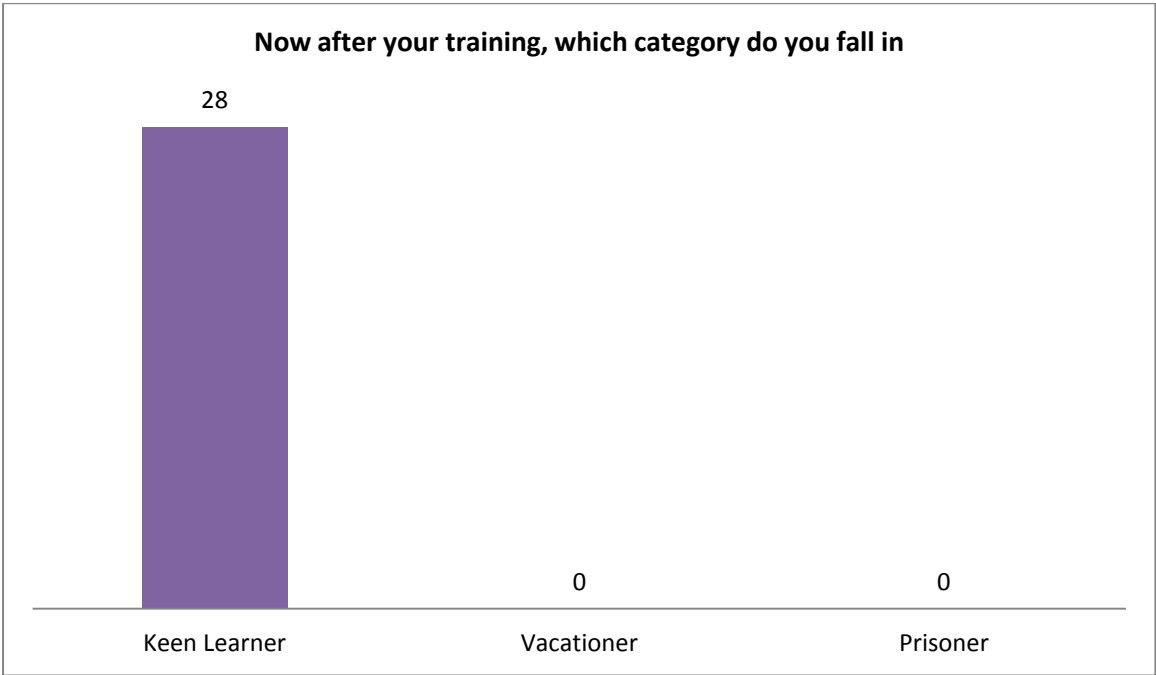
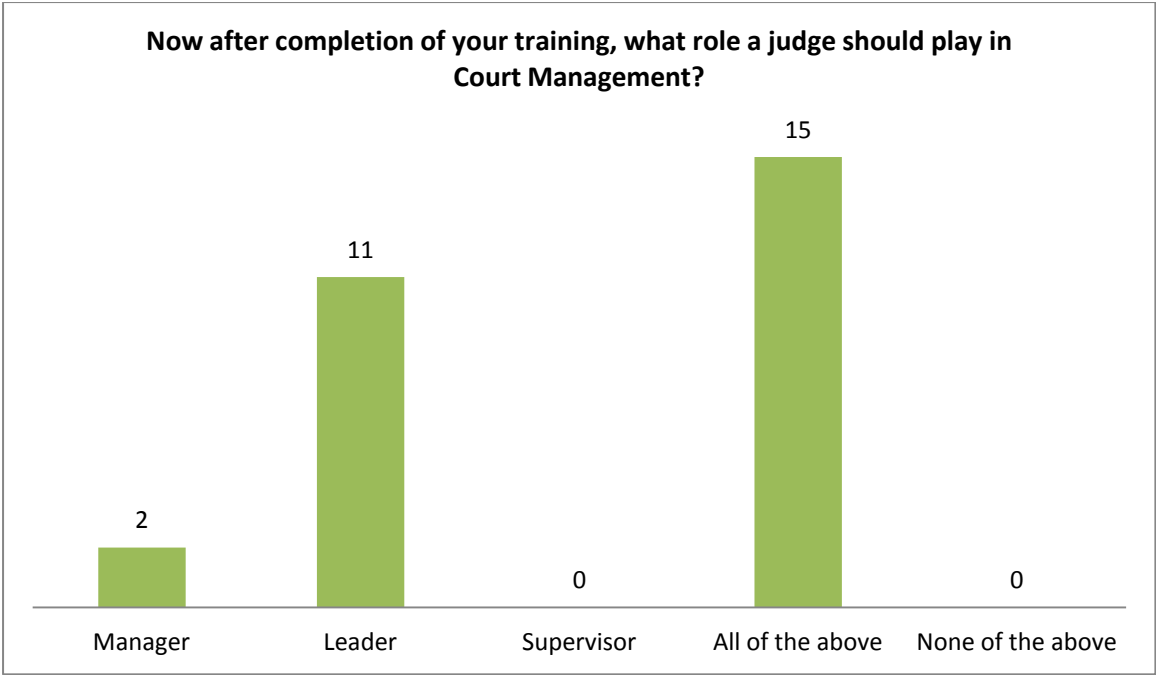






Post Evaluation Statistical Data





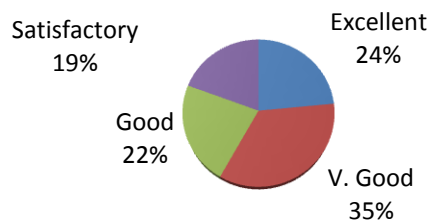
Comparative Statistical Statement of Pre & Post Training Evaluation

Pre & Post Training Open Ended Questions

- I. What do you understand from case and court management? Please differentiate clearly.
- II. List at least three deficiencies in the prevailing case management techniques.

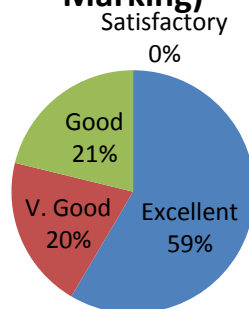
Pre Evaluation

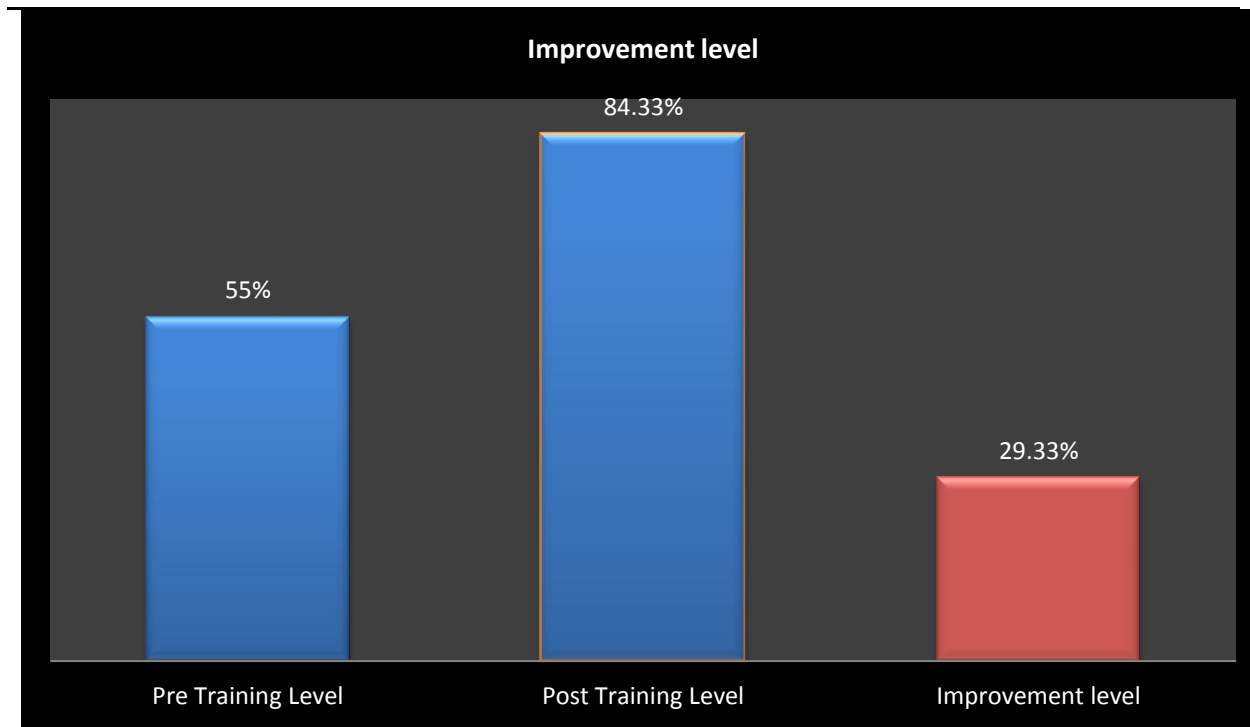
Pre Evaluation (Open Ended Questions Marking)



Post Evaluation

Post Evaluation (Open Ended Questions Marking)

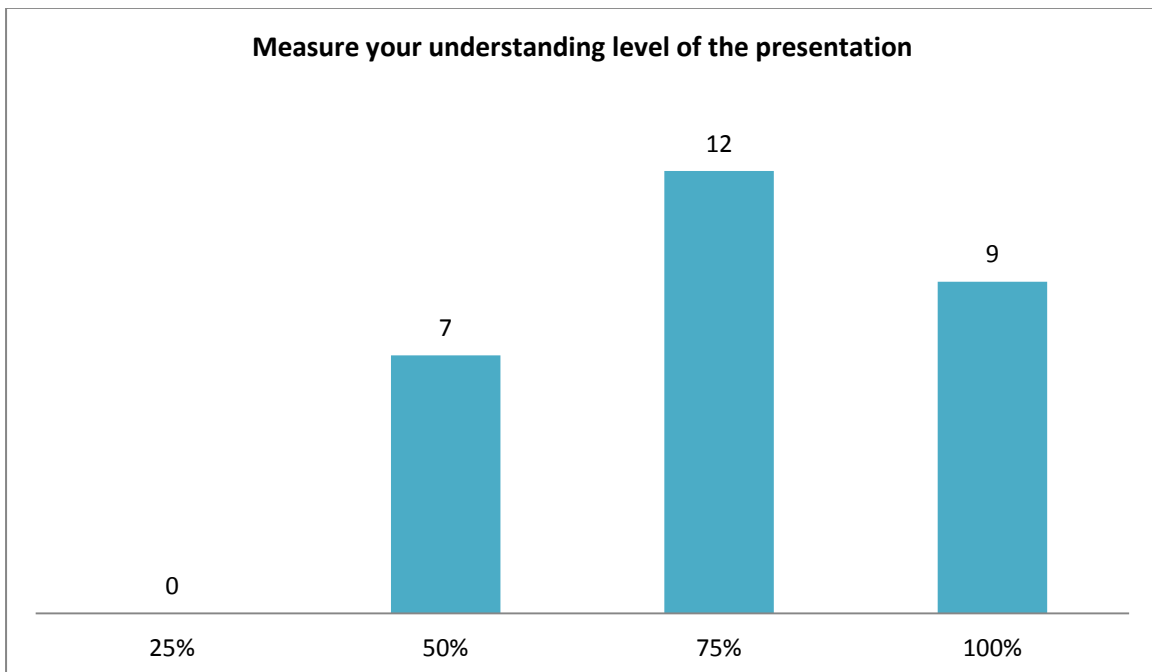
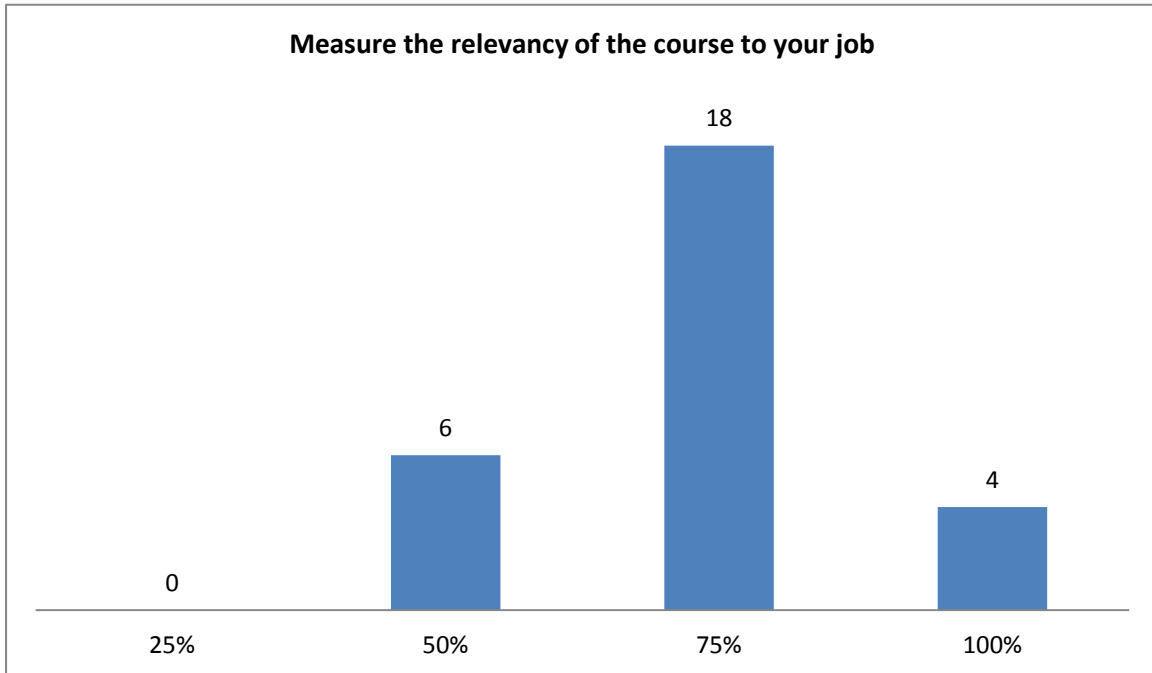


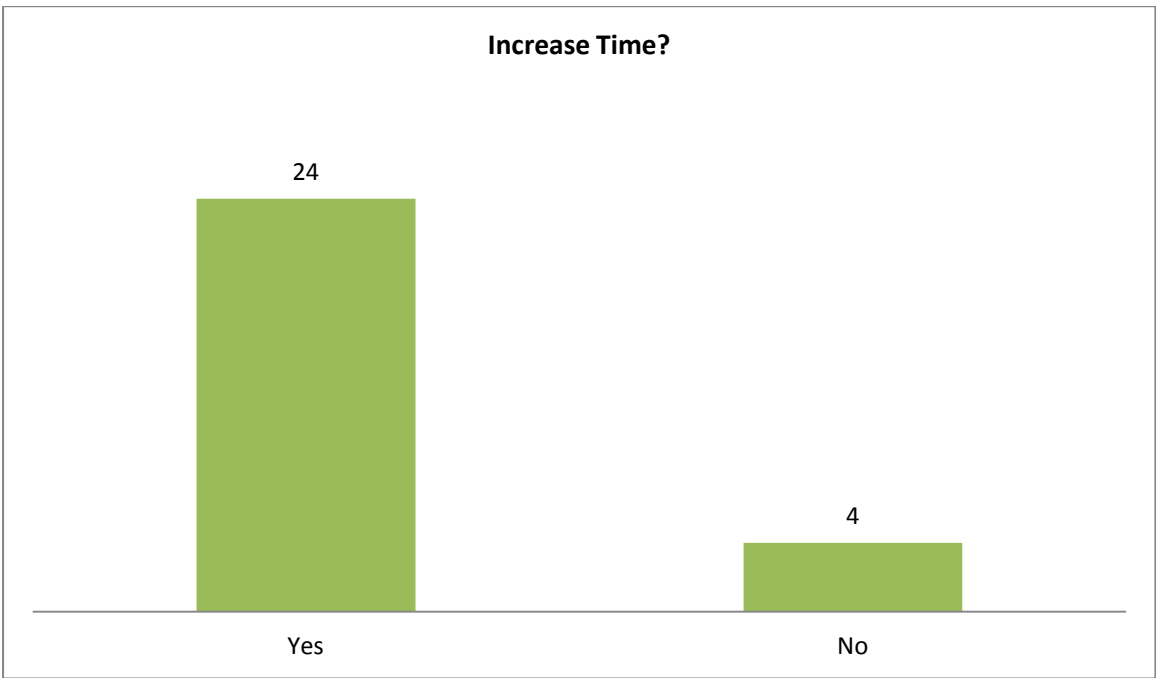
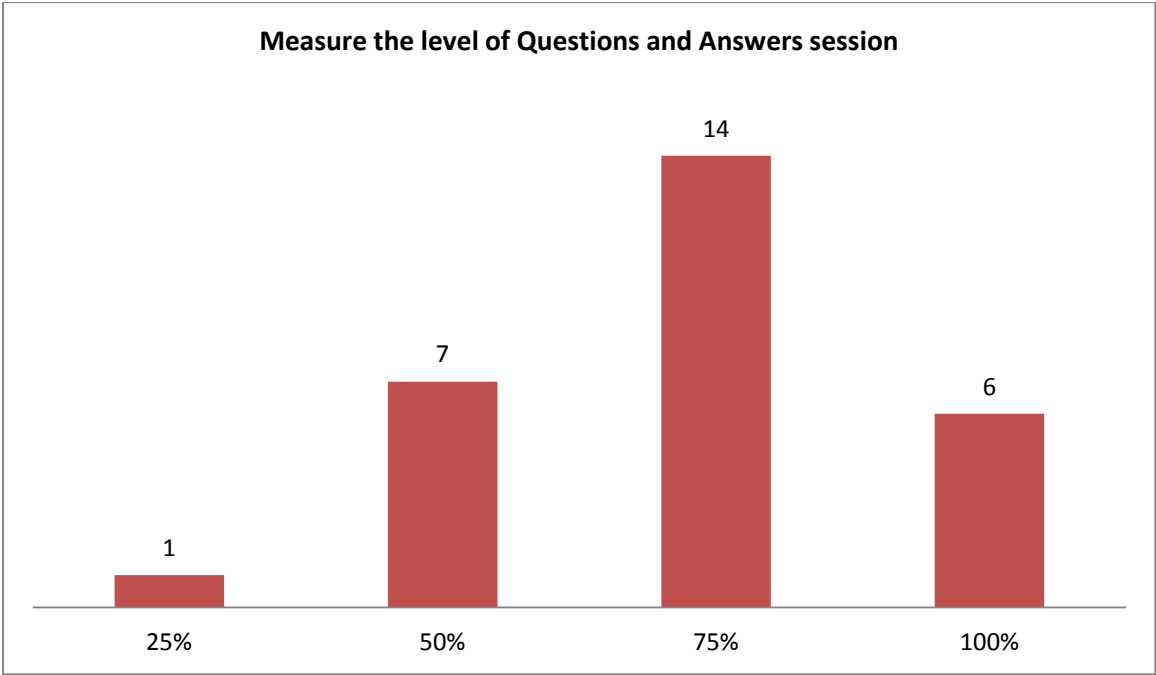


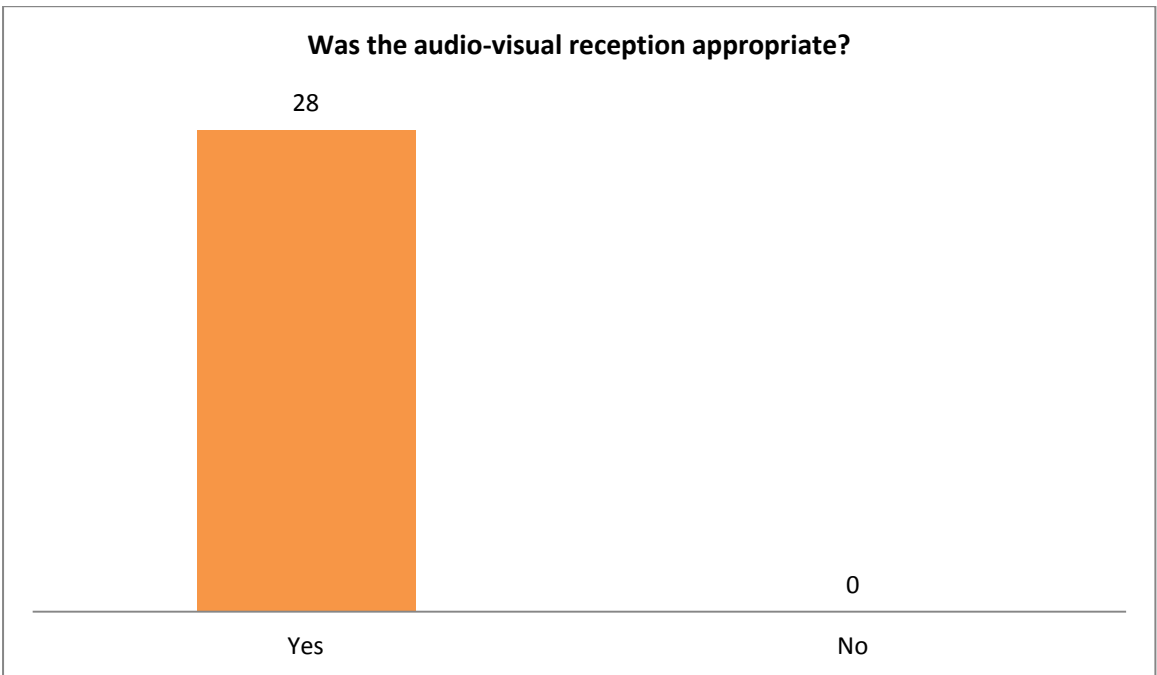
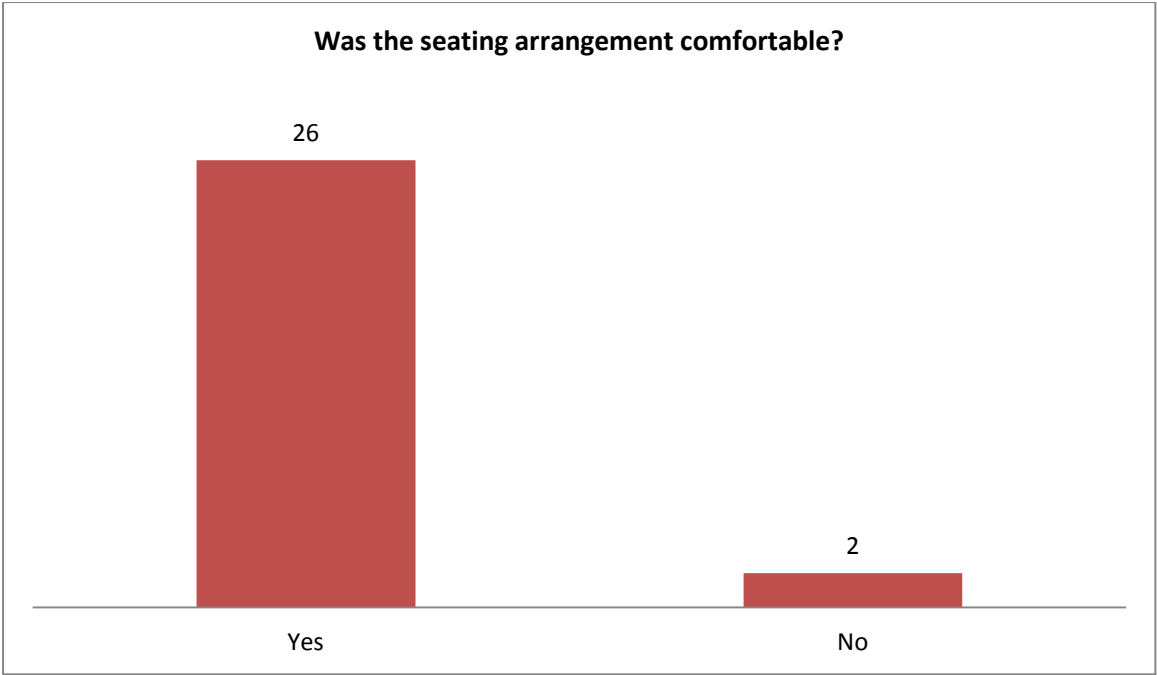
The scales show the capacity level of the participants before and after training. Figure 1 indicates pre – training intellectual level of the trainees at their arrival in the academy.

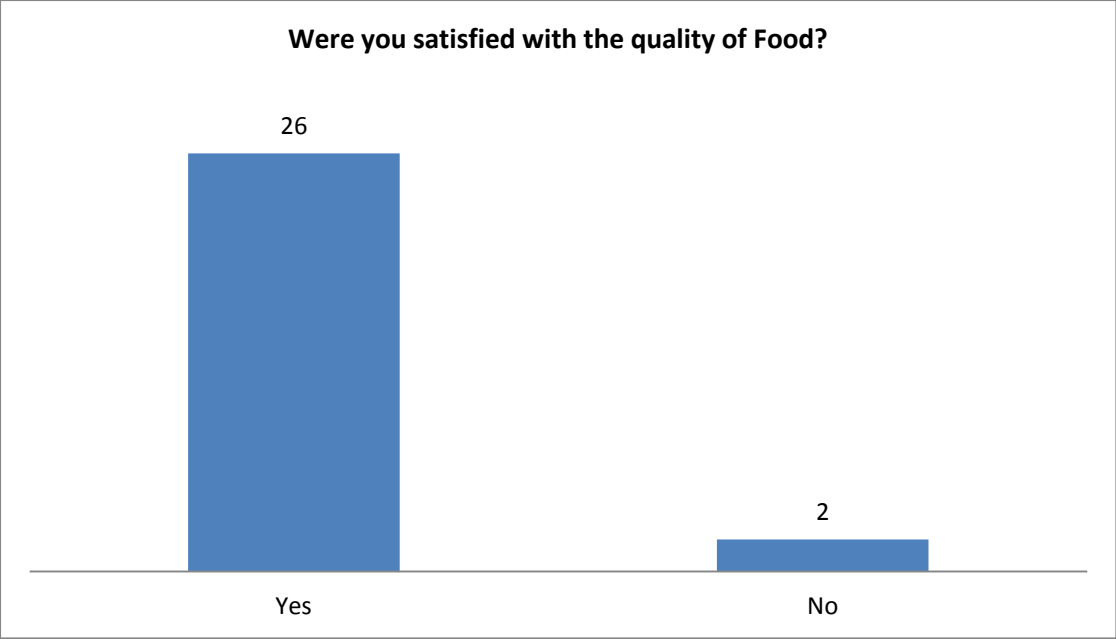
Figure 2 reveals their level after training. Figure 3 points at the difference between the two stages.

Over All Training Evaluation

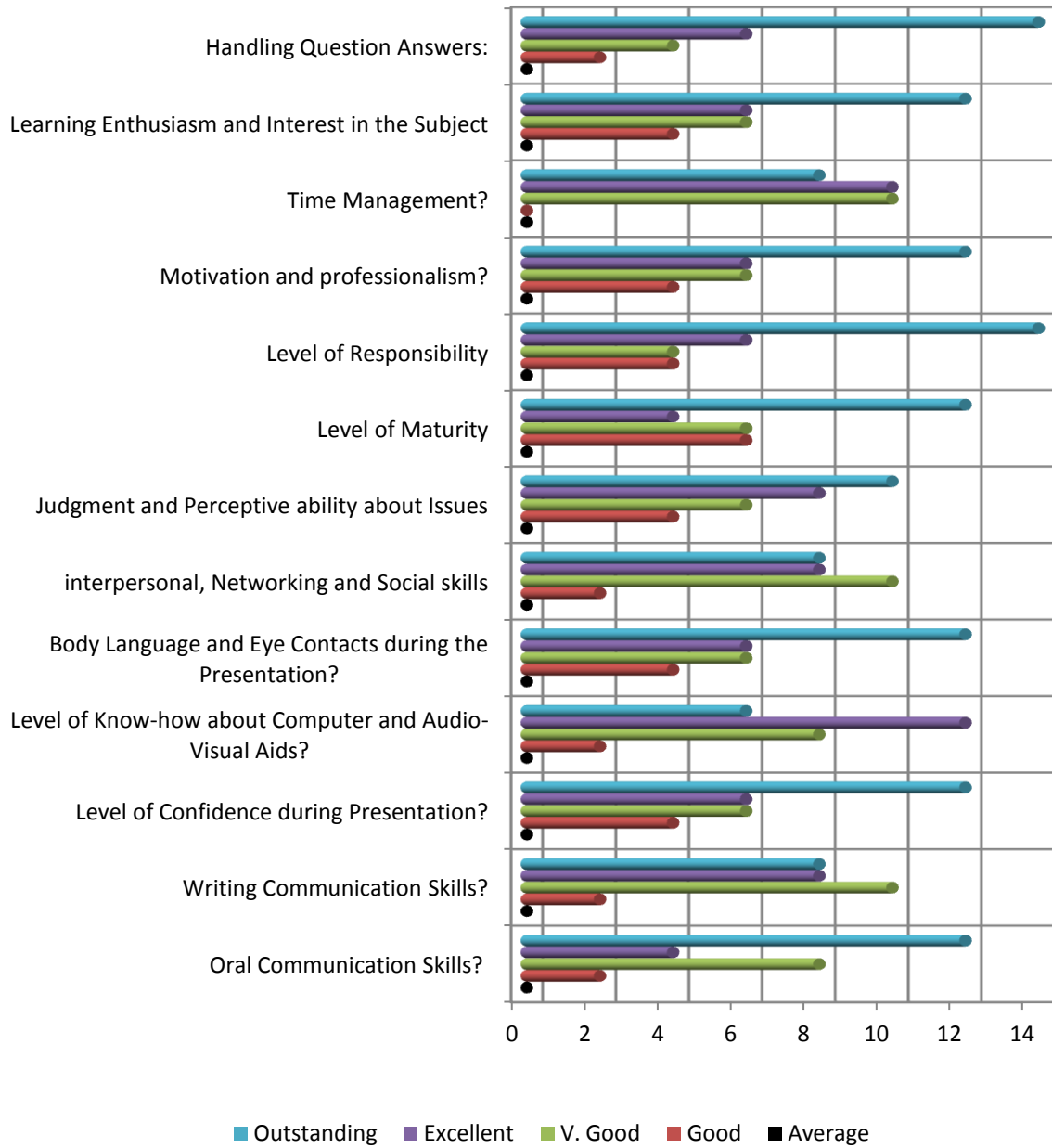








Consolidated Resource Person Evaluation



Resource Persons:

- | | |
|--|---|
| <ul style="list-style-type: none"> i. Ms. Rozina Rehman ii. Mr. Arshad Khan iii. Mr. Naiz Muhammad Khan iv. Mr. Hayat Ali Shah v. Qazi Ataullah | <ul style="list-style-type: none"> vi. Dr Adnan Khan vii. Prof. Ismail Wali |
|--|---|

Annexure

Annexure – A

Address of the Chairman/ Hon'ble Chief Justice

The Worthy Director General, Dean Faculty, Directors Khyber Pakhtunkhwa Judicial Academy, Administration of Peshawar High Court, trainee judicial officers, media persons and other distinguished guests.

I congratulate you all for another successful training on “Court and Case Management”. The Academy has become a centre for legal and judicial studies in a very short span of time. It has been a very busy week for the Academy, as three trainings have been conducted simultaneously: one for judicial officers, one for court staff and the other one for prosecutors. All the trainings were completed smoothly and successfully.

Up till now, almost 1200 judges, lawyers, prosecutors and other members of the justice sector have been imparted training in a little period of one and half year. I have no doubt to proclaim that this infant institution has performed significantly more than well than our expectations about it.

Administration of justice and the rule of law cannot be ousted of the meaning of judicial education. Deputing untrained and unskilled members of the judiciary and other justice sector institutions is itself an injustice to the society. I discovered the following words by Professor Peter Birks of the Oxford Law School that flows as follow:

“ There is no shortage of recurrent reminders of the necessity of deepening knowledge and understanding of the phenomenon, which we call law, and the cost of the world of failures in that endeavour. That cost can be counted daily in injustice, cruelty, violence, and abuse of power.”

The said evils are prevalent in our society. Injustice, cruelty, violence, abuse of power and disregard of fundamental rights has become hallmarks of our public lives. Everyone must keep in his mind that fundamental human rights are not something given by the state to its citizens as luxury or privilege. The citizens are the owners of these rights by birth. So these

rights are unalienable and couldn't be separated from the human beings. Justice Kayani once said:

“ Fundamental rights are so fundamental in character that you cannot dream of their extinction”.

These rights are universal in nature. They have been recognized by all the Abrahamic religions, international and regional instruments and domestic constitutions. Islamic jurisprudence deals with the subject under the topic of *Maqasid al Shariah*, commonly known as Five Objectives of Shariah. This concept ensures protection of the religion, protection of human life, protection of lineage or family life, protection of intellect and protection of wealth. While guaranteeing fundamental rights, our constitution also starts with the protection of human life under Article 9. Same is the situation with other international and regional documents like the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights and so on.

Realization of fundamental rights should be seen as starting point and not something as ideal situation. Ironically, despite several decades of our independence, we are still struggling to uphold these rights. The current armed conflict in the KP took the violation of these rights to an unprecedented level. Several factors contributed to the worsening of human rights conditions in the KP: the violent activities of armed groups, sectarian violence, criminal gangs, social and cultural taboos, a low level of education, poverty and a lack of effective and meaningful accountability for human rights violations. Besides, some actors deem themselves to be above the law and the constitution.

Let me reiterate it loudly and unequivocally! **No one is above the law, and no one will be allowed to claim supra constitutional prerogatives.** All the state organs including the parliament are the creation of the constitution, and a creation can't claim supremacy over its creator. Hence, the Supreme Court in a number of cases has held that it is the written constitution, which is supreme, and not any constitutional institution or statutory institutions.

We have taken the oath of our offices under the constitution. We are under an obligation to uphold the constitutionally guaranteed fundamental rights. If we fail to do so, we will be

betraying and breaching our constitutional duty. Some mighty individuals and organizations want us to abstain from performing this duty. These days, a narrative is also been heard that after December, things will start reverting to the pre 2007 status quo period. Let me clarify at once again that nothing can prevent us from performing our constitutional obligations, whatever the price we may pay. The clock of the independence of judiciary can't be moved backward by anyone, how mighty he maybe.

Dispensation of justice and realization of fundamental rights is not a function, which is a peculiar to the judiciary. Although, judiciary is the custodian of the constitution and of fundamental rights, the responsibility rest on all the state's institutions. Article 7 and 8 of the constitution are clear in this respect. The judiciary has been alone shouldering this backlog, and the other state's institutions, instead supporting us, have been hindering the process.

At the end I am very pleased that my team has been assisting me laboriously to achieve the cherished goal of the rule of law. The goal cannot be effectively achieved without properly trained and high calibre members of the justice system. I am confident that this prestigious institution has been fulfilling the said obligation. It is becoming a hub for judicial education, legal research and social awareness. In fact it has become a brain of the judiciary in this province.

Thank you very much.

Allah Hafiz

Annexure - B

Director General Welcome Address

It always gives me pleasure to welcome you once again to the Judicial Academy. As I had told you on the very first day of your previous training that you will be getting many chances to come here again and again. So you are here once again for receiving training on a separate subject, 'Court and Case Management'. Frankly speaking, saying welcome to you on your each entry for training looks sometimes awkward but formalities are to be cared of. I, however, both formally and informally welcome you from the core of my heart. No doubt the life of the academy depends upon you that every time I stand and say welcome to the Academy; but it is not only a formality in fact we welcome you from the core of our hearts because life of this Academy depends upon you people, survival of this Academy depends upon you people, progress of this Academy depends upon you people and above all name of this Academy depends upon you people. What we visualize, whatever we plan and design all this is theory. Real results are to be seen from your attitude and conduct. Our success comes when the public and of course your bosses feel that you are changed people now and there is considerable change in your attitude as a judge. Previously you went through the training of judgment writing. We received feedback that the things have been improved and that training has made your job easy. Now you are going to another phase of your professional training, and that is court and case management. It will be a source of great encouragement for us when we receive the feedback that the court and case management has also improved. So ladies and gentlemen you are here for a week Inshallah. Special thing about this training is that you will have an extension lecture tomorrow evening by a renowned jurist of this country, Prof. Dr. Munir. He will deliver a lecture on Role of Jurisprudence in Adjudication. He is a great scholar on both Islamic and English Jurisprudence. Besides this you will be having practical exercises. Another specialty of this training is that most of the resource persons will be amongst you. They will be those Judicial Officers who have received training here as master trainers. So we will be looking forward to your feedbacks that how you assess them. We welcome any good suggestion from you. And this time some new questions have been added in the pre-evaluation training.

Ladies and gentlemen! This is your Academy. I hope you will be enjoying your time here.
Thank you very much.

Annexure - C

CR's Remarks

Honorable Sir

Indeed it is a great honour for us to be here at the academy in the presence and direct command of his lordship, the chief justice Peshawar High Court, Peshawar. I am grateful to my course mates for giving me the opportunity to present their views before his lordship. It goes without saying that the academy is an asset for provincial judiciary. The goal of the academy, of course, is to produce such judicial officers who can meet all the challenges of time and to deliver inexpensive and expeditious justice. We hope that by continuation of this process of training, the objective will be achieved Insh Allah.

We were imparted enough ideas for Case and Court Management. Admittedly, management is an art and at the same time it is a science as well. When it comes to art, it certainly refers to the intrinsic skills of an individual. An individual cannot be an artful if he lacks the required skills. The on-going course has raised the confidence level of the participants by providing opportunities to the participants for expressing their views in the shape of presentations.

The judicial norms warrant the independence of each court. Thus every presiding officer has to command his own team. To ensure smooth, transparent, free, fair, inexpensive and expeditious dispensation of justice, each presiding officer has to act like a leader. We are thankful to the worthy DG K.P Judicial Academy, who shared his rich experience with us regarding the Leadership & Crisis Management.

When it's come to management, one's own self is to be the first which should be managed properly. Self, personal, court and financial management were elaborated by Mr. Niaz Muhammad Khan. We appreciate his endeavour for inculcating in our minds the philosophical and practical aspects of management. Without compromising on the independence of judicial institution, the significance of the judicial reporting was also discuss by Mr. Niaz Muhammad Khan, which made us understand the concept of monitoring and evaluation.

We also appreciate the introduction of resource persons from the field. The worthy registrar Peshawar High Court Peshawar not only discuss the significance of proper maintenance of court registers/judicial record but also apprised us of the idea of proper maintenance of each case file.

The learned Additional District & Sessions Judge Rozina Rahman was good enough to have interactive session with the participants on case management techniques.

It will not be out of place that the recitation of the verses of the Holy Quran, each morning by Qazi Ataullah, has always inspire us to be always God fearing in our all actions in general and in our professional duties in particular. But at the same time, the command upon the Islamic and English Jurisprudence which Mr. Qazi possesses, is also above praise. He explained the court process in the light of both jurisprudences. I mean the common as well as the Islamic jurisprudence.

The significance of the decorum of the court was highlighted by Dr Adnan. In this context he also discuss, in a wonderful way, the impact of good relationship with the Bar and Litigants.

Professor Dr Ismail Wali, has enlightened vision in all aspect and has keen interest for education as well. After his lecture, we felt of deficiencies in the field of official correspondence. It was because of his efforts that we also learnt that how these deficiencies should be made up.

We are thankful to the Administration wing of the Academy for extending us Valuable Cooperation where ever we needed it. We appreciate them for providing us modern devices and gadgets for learning purposes.

It would be unjust not to mention the appreciation-worth efforts of the worthy DG and his team. I, on behalf of my mate also admit that we have achieved here, would not have been possible without the keen interest of his Lordship, the Chairman of the Academy, Hon'ble the Chief Justice of Peshawar High Court Peshawar, for it was the dream of his lordship to establish the Academy which would impart judicial education to all the stakeholders in the field of dispensation of justice. We are happy that this dream has become true.

Annexure- D

List of Participant

2 nd Batch Case & Court Management			
1.	Mr. Hussain Ali	Civil Judge/JM	Dargai (Malakand)
2.	Ms. Saeeda Akhtar	Civil Judge/JM	Malakand
3.	Mr. Muhammad Jamil Khan	Civil Judge/JM	Babozai (Swat)
4.	Mr. Fazal Nasir Shah	Civil Judge/JM	Kabal (Swat)
5.	Mr. Mohib-ur-Rehman	Civil Judge/JM	Matta (Swat)
6.	Mr. Fahad Ahmad	Civil Judge/JM	Swat
7.	Mr. Mirza Muhammad Kashif	Civil Judge/JM	Swat
8.	Mr. Ishfaq Ahmad	Civil Judge/JM	Chakaiser (Shangla)
9.	Mr. Usman Wali Khan	Senior Civil Judge	Sangla
10.	Ms. Sanam Taj	Civil Judge/JM	Dir Lower (Timergara)
11.	Mr. Shah Faisal	Civil Judge/JM	Dir Lower (Timergara)
12.	Mr. Shah Hussain	Civil Judge/JM	Sheringal (Upper Dir)
13.	Mr. Sher Aziz	Civil Judge/JM	Upper Dir
14.	Mr. Tanveer Iqbal	Civil Judge/JM	Buner
15.	Mr. Abdul Qayum Siddiqi	Civil Judge/JM	Buner
16.	Mr. Muhammad Ishaq	Civil Judge/JM	Chitral
17.	Mr. Tanveer Usman	Civil Judge/JM	D.I.Khan
18.	Syed Zahid Shah	Civil Judge/JM	Paharpur (D.I.Khan)
19.	Mr. Qaiser Shahzad	Civil Judge/JM	D.I.Khan
20.	Mr. Ishtiaq Ahmad	Civil Judge/JM	Bannu
21.	Mr. Farman ullah	Civil Judge/JM	Bannu
22.	Mr. Zaeem Ahmad	Civil Judge/JM	Lakki Marwat
23.	Mr. Malik Muhammad Hasnain	Civil Judge/JM	Lakki Marwat
24.	Mr. Aftab Iqbal	Civil Judge/JM	Kohat
25.	Ms. Faiza Gul	Civil Judge/JM	Kohat
26.	Mr. Ahmed Iftikhar	Civil Judge/JM	Karak
27.	Mr. Seemab Waheed Siddiqui	Civil Judge/JM	Takht Nusrati (Karak)
28.	Ms. Farhana Tabassum	Civil Judge/JM	Mansehra
29.	Mr. Muhammad Umar-Al-Farooq	Civil Judge/JM	Mansehra
30.	Mr. Muhammad Hanif	Civil Judge/JM	Batagram

Annexure – E

Schedule of Activities

Day -1			
SNo	Topic	Resource Person	Duration
1	Registration & Pre Evaluation		8:30 – 9:30
2	Recitation from the Holy Qur'an & Duaa		9:30 – 9:35
3	Introductory Remarks - DG, KPJA		9: 35 – 9: 45
4	Management: Self, Personnel and Court	Mr. Naiz Muhammad Khan	9:45 – 11:15
Tea Break 11:15 – 11: 30			
5	Court Process, Management & Tracking (Civil)	Qazi Ataullah	11:30- 1:00
Lunch & Prayer Break 1:00-01:45			
6	Court Process, Management & Tracking (Criminal)	Qazi Ataullah	1:45 – 3:45
Day -2			
SNo	Topic	Resource Person	Duration
1	Recitation from the Holy Qur'an & Duaa		9:00 – 9:05
2	Case Management Technique (Criminal)		Ms. Rozina Rehman
Tea Break 11:00-11:30			
3	Case Management Technique (Civil)	Ms. Rozina Rehman	11:30- 1:00
Lunch & Prayer Break 1:00-01:45			
4	Decorum of Courts-Coordination & Relation with Bar & Litigants	Dr. Adnan Khan	1:45 – 3:15
Day – 3			
SNo	Topic	Resource Person	Duration
1	Recitation from the Holy Qur'an & Duaa		9:00 – 9:05
2	Leadership & Crises Management		Mr. Hayat Ali Shah
Tea Break 11:00 – 11: 30			
3	Financial Management Including Fines	Mr. Niaz Muhammad Khan	11:30- 1:00
Lunch & Prayer Break 1:00-01:45			
4	Official Correspondence & Secretarial Work	Prof. Dr. Ismail Wali	1:45 – 3:15
Day – 4			
SNo	Topic	Resource Person	Duration
1	Recitation from the Holy Qur'an & Duaa		9:00 – 9:05
2	Judicial Reporting: Statistics, Evaluation/Monitoring		Mr. Niaz Muhammad Khan
Tea Break 11:00 – 11: 30			
3	Judicial Record & Maintenance of Registers (Criminal)	Mr. Niaz Muhammad Khan	11:30- 1:00
Lunch & Prayer Break 1:00-01:45			
4	Ethics & Integrity: An Islamic Perspective	Qazi Ataullah	1:45 – 3:15
Day – 5			
SNo	Topic	Resource Person	Duration
1.1	Recitation from the Holy Qur'an & Duaa		9:00 – 9:05
1.3	Post Evaluation		9:05-10:45
Tea Break 10:45 – 11: 30			
2.2	Concluding Address – DG KPJA		11:30- 11:50
2.3	Address of Hon'able The Chairman, Chief Justice Dost Muhammad Khan		11:50 – 12:30
2.4	Certificate Distribution		12:30

Annexure – F

Group Photos



KHYBER PAKHTUNKHWA JUDICIAL ACADEMY
2nd 5 Day Training Course on Court and Case Management
on 29 Oct to 02 Nov, 2013



