



## Third Training on Judgment Writing

Report Prepared By:  
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Dean Faculty

# 2012

From:  
05-10 November  
2012

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## Contents of Report

01	Foreword	1-2
02	Preface by Dean	3
03	Concept Paper	4
04	Course Description	5-7
05	Schedule of Activities	8-10
<b>Day One</b>		
06	Zia Ahmad Khan's CV <ul style="list-style-type: none"> <li>• Perception Lock and Judicial Decision Making</li> </ul>	11-15
<b>Day Two &amp; Three</b>		
08	Prof. Dr. Ismail Wali's CV <ul style="list-style-type: none"> <li>• Style and Structure of Judgment: Basics</li> <li>• Principles of Effectiveness</li> <li>• Modern Writing Modern Strategies</li> </ul>	16-24
<b>Day Four</b>		
15	Mr.Niaz Muhammad Khan's CV <ul style="list-style-type: none"> <li>• Elements of Court judgement</li> <li>• Admissibility of Evidence</li> <li>• Interpretation of Law in Judgment Writing</li> </ul>	25-30
<b>Day Five</b>		
19	Dr.KhurshidIqbal's CV <ul style="list-style-type: none"> <li>• Contemporary Trends in Judgment Writing: A Literature Review</li> </ul>	31-36
<b>Day Six</b>		
22	Dr Ismail Wali <ul style="list-style-type: none"> <li>• One Word Dictionary</li> </ul>	37
<b>Concluding Ceremony</b>		
<b>Annexes</b>		
A	Address of the Chairman/Hon'ble the Chief Justice	38
B	Address of the Director General	39
C	Address of the Class Rep (Feedback)	40
D	List of Participants	41
E	Group Photo	42

## Foreword

*All praises to Almighty Allah, Who bestowed upon us the duty to change the attitude and improve service delivery through capacity building.*

With the grace of Almighty Allah, we are able to conclude third judgment writing training and its report is in your hands. To what extent we have been successful in our effort, will be, of course, assessed after seeing the attitude and work of the Judicial Officers who are now back to their work stations. But our effort, commitment and hard work can also be hopefully assessed by going through this report.

The Academy aims at capacity building of the justice sector institutions and to help establish the rule of law. With this aim, it started work. Our hon'ble Chairman—Chief Justice Dost Muhammad Khan—provided us dynamic leadership. Conversion of old court rooms into attractive halls, congested iron shades into lush green lawns and installation of state of the art IT equipments, coupled with designing of a well thought out course in light of literature review and training needs assessment (TNA)—within a short span of three and half month—is cogent evidence of the deep commitment, strong will and demonstrable capability of our team.

Soon after its appointment, the team, in its first meeting, proposed to hon'ble the Chairman that a high quality course on judgment writing should be the starting point. It was decided that a literature review may be carried out and training needs explored. The Dean—Dr KhurshidIqbal—was assigned the task. He, after carrying out a literature review, designed a questionnaire in consultation with senior judicial officers, senior lawyers and hon'ble Judges of the High Court. The questionnaire was circulated. The responses of Judicial Officers depicted three main areas of attention: perception bias, language and legal skills. Keeping in view the said areas, the Dean designed a course, in consultation with the resource persons. All this was done under my supervision and Chairman's guidance. Finally, Almighty Allah blessed us with the opportunity to conduct this training.

The task was enormous but thanks to the Almighty, we proved triumphant. It was only possible through a team work. I must acknowledge relentless efforts of Muhammad Salim Khan, Senior Director Administration, who made the stage ready for the show. It will be injustice if I do not appreciate the day and night efforts and pain of the Dean before as well as during the course. Asghar Ali Salarzai, Admin Officer is the foot soldier of the Academy. He played the role of an efficient coordinator between the academic and administrative wings. I must say that he did it at the heavy cost of his family comfort! Muhammad AamirNazir, Senior Director Research joined us late. He helped us in designing and printing of certificates and folders. Besides, I am grateful to support staff of the Academy; they worked selflessly and smilingly, adding to the success of the show.

My thanks are due to all the resource persons: Mr. Zia Ahamd Khan, who, despite his busy time schedule, happily visited the Academy to deliver lectures on perception lock; Mr. Niaz Muhammad Khan, Registrar, Islamabad High Court, too, made his way to the Academy, by rescheduling his high profile official engagements in Islamabad; Prof Dr. Ismail Wali taught us the delicacies of written English; his task was to make us understand the essence of our course theme: *يمل خير الكلام ما قل ودل* (Tr. *The best speech is one which is precise, speaking and free from boring length.*)

I must thank UNDP. Without its support, it would have been impossible to conduct the training course. I must also appreciate and acknowledge the support of the World Bank, which provided us the IT and other interactive electronic equipment's through its KP's Governance Support Project. The Bank's help made possible the interaction between the presenters and the participants.

I feel greatly honoured to forward the report of this historic training. The report is self-explanatory, innovative and ground breaking in Pakistan's emerging judicial training profile.

**Hayat Ali Shah,**

Director General

## Preface

Another batch of 25 Civil Judges/Judicial Magistrates from across the KP, including Malakand division, was imparted this six-day training course on Judgment Writing. It included as many as 11 women Judicial Magistrates—the highest number, so far. The course content and the method of delivery, used for the first course, mostly remained the same. This report contains a critical analysis of addressing the shortcomings noted in the previous course and significant changes introduced in this course.

The administration of the course proved successful for many reasons. No single lecture was missed. A new lecture on the law of arbitration was arranged during the early days of the course. It was delivered by hon'ble Justice Mian Shakirullah Jan, recently retired as Senior Puisne Judge of the Supreme Court of Pakistan. A lecture on the sociological importance of judicial decision making, missed in the previous two courses, was also delivered, though in a different manner. Prof. Dr. Johar Ali, the concerned resource person has joined a new assignment as Vice-Chancellor of the Malakand University. Available at Peshawar, Dr. Ali managed to visit us and deliver a brief informal talk on the subject given to him. Thus efficient time management was a great success of the course. It may be mentioned that the study circle on Order 20 of the Civil Procedure Code, 1908, pertaining to Judgment Writing, was not organized. Though it has its own importance, yet it appears that no space could be created for it. While it may not be dropped altogether, it may be organized subject to availability of time only.

The pre-and post-training evaluation was, however, continued. The group presentation on evaluation of daily proceedings also continued. Enhancement of communication skills being one the main aims of group evaluation, showed minimal improvement, as only one group managed to prepare and make a power point presentation. Regarding evaluation, a separate consolidated report of all four trainings will be prepared.

**Dr Khurshid Iqbal,**  
(District & Sessions Judge)  
Dean Faculty

## Concept Paper

### 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:

*يملو لاقلا، ودلاماخير الكلام (Tr. Best speech is one which is précis, 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.

### **Course Description**

<b>Reference</b>	<b>T-3/2012/judgment writing/01week</b>
<b>Training</b>	<b>Judgment Writing</b>
<b>Duration</b>	<b>One week: 6 days</b>
<b>Participants</b>	<b>Civil Judges/Judicial Magistrates</b>
<b>No. of participants</b>	<b>25: Male=14; Female=11</b>
<b>Lectures per day</b>	<b>02</b>
<b>Other activity</b>	<b>Case study</b>
<b>Method</b>	<b>Participatory, practical</b>
<b>Designed by</b>	<b>DrKhurshidIqbal, Dean Faculty</b>

#### ***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***

- The participants are advised to critically read the training material prepared for them.
- 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 assessed before the training. At the close of the training, the participants will be asked to rewrite their judgments, applying the skills they learnt in the training. The participants will be asked to assess their work themselves as well as by the Academy.
- Post training impact assessment: an inventory of skills will be prepared, which will be sent to the concerned District & Sessions Judge, who will be asked to make assessment and report to the Registrar of the Peshawar High Court and the DG of the Academy.

### ***Modules***

On the basis of a two-pronged strategy: language and substance, the training course offers the following modules:

<b><i>L A N G U A G E</i></b>	
<b><i>Conveners: Prof. Dr Ismail Wali, PhD in English, Professor Institute of Management Sciences, Peshawar</i></b>	
<b>01</b>	<b>Style and structure of Judgment: Basics</b>
Focus: Structural aspects and style of a judgment.	
Skills: Structuring and writing a judgment.	
<b>02</b>	<b>Judgment writing: Principles of effectiveness</b>
Focus: Four Cs of effective communication.	
Skills: Concise, clear, correct and complete.	
<b>03</b>	<b>Judgment writing: Modern strategies</b>
Focus: Avoidance of verbal pitfalls.	
Skills: Words to avoid.	
<b>04</b>	<b>Judgment writing: One word vocabulary</b>



	Focus: Consistency.
	Skills: To develop consistency.
<b>05</b>	<b>Judgment writing: Practical-I</b>
	Focus: Evaluation of a judgment.
	Skill: To evaluate a judgment.
<b>06</b>	<b>Judgment writing: Practical-II</b>
	Focus: Writing a judgment.
	Skill: To write a judgment (To re-write your own judgment, applying the skills learnt).
<b>S U B S T A N C E</b>	
<b>Resource Persons:</b>	
<i>Mr. Zia Hassan, Senior Instructor (retired), NIPA, Peshawar</i>	
<i>Prof Dr Johar Ali, Chairman, Department of Sociology, University of Peshawar</i>	
<i>Mr. Niaz Muhammad Khan, Additional Registrar (Admn), Peshawar High Court, Peshawar</i>	
<i>Dr Khurshid Iqbal, Dean Faculty, the KP Judicial Academy, Peshawar</i>	
<b>01</b>	<b>Judgment writing: a sociological perspective</b>
	Focus: Sociological importance of judgment writing
	Skill: To understand the social importance and impact of judgment
<b>02</b>	<b>Contemporary trends in judgment writing</b>
	Focus: Critical analysis of a range of research articles on the art of judgment writing.
	Skills: Modern techniques of judgment writing.
<b>03</b>	<b>Elements of a court judgment</b>
	Focus: Procedural and substantive elements of judgment.
	Skill: The Dos and donts.
<b>04</b>	<b>Appreciation of evidence in judgment writing</b>
	Focus: Conscious understanding and application of rules of evidence.
	Skill: Avoiding irrelevant and selecting cogent.
<b>05</b>	<b>Interpretation of laws in judgment writing</b>
	Focus: Juristic understanding of text of laws.
	Skill: Translation into judgment writing.

**Schedule of Activities**  
**(05—10 November 2012)**

**DAY-1 Monday**

Registration of the Participants  
8:00 AM

Recitation from the Holy Quran  
8:15 AM

Dua  
8:20 AM

Welcome address by the Director General  
8:25 AM

Instruction  
8:35 AM (Dean)

Pre Training Evaluation  
09:00 -- 10:00

Perception lock, impact on Leadership  
10:00 --12:00 (By Mr. Zia Ahmad Khan)

Tea break  
12:00 -- 12:30

Perception lock, impact on Leadership  
12:30-- 01:30

Lunch + Prayer break  
01:30 -- 02:30

Study circle: Perception lock --  
Humaneering  
02:30—04:30

**DAY-2 Tuesday**

DUA  
08:00 -- 08:05

Group Presentation  
08:05 -- 08:15

Judgment Writing: Principles of  
Effectiveness (By Dr. Ismail)  
08:15 – 10:30

Tea Break  
10:30 -- 11:00

Style and Structure of Judgment Writing  
11:00 -- 12:30 (By Dr. Ismail)

Contemporary trends in Judgment Writing  
12:30-- 01:30 (By Dr. KhurshidIqbal)

Lunch + Tea break  
01:30---02:30

Study circle Order 20CPC  
02:30 -- 04:30 (By Mr. Muhammad AamirNazir )

**DAY-3 Wednesday**

DUA

08:30 -- 08:35

Group Presentation

08:35 -- 08:45

Judgment Writing: Modern Strategies

08:45-- 10:45 (By Dr. Ismail)

Tea Break

10:45 -- 11:15

Judgment Writing: One Word Vocabulary

11:15 -- 01:00

Lunch + Prayer break

01:00—02:00

Peer Review

02:00 -- 03:00

Judgment Writing Practical 1

03:00 -- 04:00

**DAY-5 Friday**

DUA

08:30 -- 08:35

Group Presentation

08:35 -- 08:50

Post training evaluation

08:50 – 10:00

Arbitration----- By Hon'ble Justice  
MianShakirUllah Jan (R) Judge Supreme  
Court of Pakistan

10:00 – 12.00

Academy Night to be organized

**DAY-4 Thursday**

DUA

08:30 -- 08:35

Group Presentation

08:35 -- 08:45

Appreciation of evidence in judgment writing

08:45 -- 10-45 (By Niaz Muhammad Khan)

Tea Break

10:45 -- 11:15

Elements of a Judgment

11:15 -- 01:00

Lunch + Prayer Break

01:00-- -02:00

Interpretation of laws in judgment writing

02:00 -- 03:00

Interpretation of laws in judgment writing

03-00 -- 04:00

**DAY- 6 Saturday**

DUA

08:00 -- 08:05

Group Presentation

08:05 -- 08:15

Judgment Writing---- Islamic Perspective  
(Prof Muhammad Mushtaq)

08:15 -- 10:00

Break

10:00 -- 10:30

Arrival of the Hon'ble the Chairman

10:30 -- 12:00

by the participants which shall include  
a dinner with a dignitary

Concluding ceremony  
Certificate distribution  
Concluding address by the DG  
Concluding address by the Chairman  
Photography

## Zia Ahmad Khan

## Profile

Addl Directing Staff, NIM, Pakistan Academy for Rural Development, University Town, Peshawar

Office: 091-9216003 **Mob: 0315-9067939** Res: 091-9216281

### Education

1968 School Certificate O' Level  
1972 Graduation in Arts  
1975 Master in Public Admn-MPA

Cambridge University UK  
Karachi University  
Punjab University

### In Country Training

1983 Local Planning & Mgt. UNICEF & UNCRD  
1986 Case Method Seminar: PASC Lahore  
1986 Foreign Travel Integration: Islamabad  
2004 Human Rights FD Training Institute

Japan  
World Bank  
USAID  
Islamabad

### Training Abroad

1985 Designing Training Programs: ITI  
1986 Leadership & O.D: ITOD Pittsburgh  
1986 Recognition Certificate on Leadership  
2004 Self Employment: Eastham London

Australia  
USA  
USAID  
UK



### Experience

**Working at PARD & NIPA/NIM, Peshawar since 1977**

### Clientele

Trained Thousands of Professionals such as Senior Government Officials, College Principals, University Professors, Staff of NGOs, Doctors, Bankers, Engineers, Local Councilors, Community Leaders, Teachers, Foreign Diplomats including groups from:

**Africa, Palestine, Central Asia and Afghanistan**

### Subjects

#### Management

Stress Management  
Crisis Management  
Good Governance  
Restructuring Orgs

#### Humaneering - HRD

Poverty Reduction  
Gender Mainstreaming  
Community Development  
Reprogramming Behavior

#### Leadership

Presentation Skills  
Health & Education  
Environmental Mgt.  
Reporting Writing

**In addition to PARD, NIPA/NIM & PSA, also worked for the following:**

### National Orgs

#### PESHAWAR

Institute of Management Sc.  
Agriculture Training Institute  
Inst. Of Computers & Mgt. Sc.  
Peshawar Dev. Authority  
Coord. For Humanitarian Asstt.  
Sarhad Rural Support Corp.  
Institute of Edu. & Research  
Dev. Alternative Incorporation  
College of Home Economics  
Habib Bank Ltd.

#### N.W.F.P.

KIDP Kalam  
FVDB Mingora  
DDDP Dir  
SRSC Charsadda  
SRSC Abbottabad  
SRSC Kohat  
PTC Hangu  
TSC Haripur  
ISSB Kohat  
SIAP Swabi  
ADC Mardan  
LPAP Lachi

#### ISLAMABAD

NIBAF  
NCRD  
Academy for Edu. Plg. & Mgt.  
Foreign Service Academy  
WAPDA Staff College  
Trust for Voluntary Orgs.  
Women's Division, GOP  
**QUETTA**  
BCIAP World Bank  
**KARACHI**  
Karachi Metropolitan Corp.  
K. Water & Sewerage Board

### Global Orgs

**Member**, Provincial Trainers Team, Local Planning & Management, Chitral, 1983, **UNICEF**  
**Author**, Manual on Local Planning & Management, 1984, **UNICEF**  
**Coordinator**, Training Programs at NIPA FHP Health Deptt. 1984 **World Bank**  
**Author**, Training Manual on Health Planning & Management FHP, 1997 **World Bank**  
**Author**, Training Manual on TOT FHP Health Department, 1997 **World Bank**  
**Author**, Evaluation of SRSC, NGO Dev. in South Asia, Managing for Change, AKF **Oxford**  
**Coordinator**, Training Task Force, BCIAP, Balochistan, 1999 **World Bank**  
**Author**, Training Manual BCIAP, Irrigation Department, Balochistan, 1999 **World Bank**  
**Leader**, Core Group (Nucleus) Training Programs Local Govt. (**Devolution**) 2000 **NRB**  
**Trainer**, Mine Action Program for Afghanistan, Cranfield University, **UK UNDP**  
**Moderator**, NWFP Education Policy and Strategy, Education Deptt. 2003 **GTZ & DFID**  
**Author**, NWFP Education Policy and Strategy, Education Deptt. 2003 **GTZ & DFID**  
**Coordinator**, Training Programs, Gender Mainstreaming, 2006, P&D NWFP, **UNDP**

Job Opportunity, **Leeds Metropolitan University, 2004, UK**  
Selected as Resource Person **London Corporate College, 2004, UK**  
Selected as **HRD Specialist EIROP Peshawar, 2005, UNDP**  
Work Permit Holder, **Highly Skilled Migrant Program, UK**

### Resource Person

**Seminar for Vice Chancellors of all Universities in Pakistan, Islamabad, 1989**

### Publications

**Scores of Internationally acclaimed Research Studies and Publications**

**Schooling: Lawrence College, Murree Hills**

[www.humaneeringzia.com](http://www.humaneeringzia.com)

**Zia Ahmad Khan : ADS, NIM-Pak Academy for Rural Dev. Peshawar**  
**Mob. 0315-9067939**

## International Credentials

### United Kingdom

- |     |   |               |
|-----|---|---------------|
| 01. | Work Permit , <b>Highly Skilled Migrant Programme</b> Home Office | <b>UK</b>     |
| 02. | School Certificate O'Level <b>Cambridge University</b>            | <b>UK</b>     |
| 03. | <b>Oxford Word and Language Service:</b> Humaneering              | <b>UK</b>     |
| 04. | Resource Person <b>Mine Action Prog.</b> Cranfield University     | <b>UK</b>     |
| 05. | Employment Opportunity, <b>Leeds Metropolitan University</b>      | <b>UK</b>     |
| 06. | Job Offer as Consultant <b>London Corporate College</b>           | <b>UK</b>     |
| 07. | <b>National Insurance Number Card for Life</b> Glasgow            | <b>UK</b>     |
| 08. | Training on <b>Self Employment</b> , Satsuma Consultancy, London  | <b>UK</b>     |
| 09. | Check List of <b>British High Commission</b> for Award of Visa    | <b>UK</b>     |
| 10. | Contribution of <b>Case Study to Book Managing for Change</b>     | <b>Oxford</b> |

### USA and USAID

- |     |  |              |
|-----|--|--------------|
| 01. | <b>Certificate of Recognition on Leadership &amp; Org. Development</b> | <b>USA</b>   |
| 02. | <b>Leadership and Organizational Development</b> Pittsburgh            | <b>USA</b>   |
| 03. | <b>Scholarship for Higher Studies</b> in Dev. Admin (2 years)          | <b>USA</b>   |
| 04. | <b>Letter of Tom Rogers</b> Academy for Education Development          | <b>USAID</b> |
| 05. | <b>Assessment of International Training Programmes</b> by AED          | <b>USAID</b> |
| 06. | Workshop on <b>Foreign Travel Integration</b> Academy for Edu.Dev.     | <b>USAID</b> |

### Australia & Austria

- |     |   |                  |
|-----|---|------------------|
| 01. | <b>Design &amp; Development of Training Programmes</b> ITI Sydney | <b>Australia</b> |
| 02. | Internship Program at <b>Sydney Trainer Training Centre</b>       | <b>Australia</b> |
| 03. | <b>Pak. Community Development Programme</b> , Austrian Relief Com | <b>Austria</b>   |

### UN and Others

- |     |   |                |
|-----|---|----------------|
| 01. | <b>Master Trainer Planning</b> Through Community Participation        | <b>UNICEF</b>  |
| 02. | Job offer as <b>Human Resource Development Specialist</b> EIROP       | <b>UNDP</b>    |
| 03. | <b>Training Course on MIS</b> – Cabinet Secretariat Mgt.Services Div. | <b>UNDP</b>    |
| 04. | <b>Case Study Seminar</b> , PASC, Lahore, Ec. Dev. Institute          | <b>W/ Bank</b> |
| 05. | Coordinator & Author <b>NWFP Education Policy &amp; Strategy</b>      | <b>GTZ</b>     |

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**Designed & Conducted Special Courses for Participants of**  
**Central Asia, Africa, Palestine & Afghanistan**

## Zia Ahmad Khan : Research Studies & Publications

### Rural Development

- Impact of Daudzai Pilot Project IRDP Study of (86) Village Organizations** PARD, Peshawar 1977 (Unpublished)
- Report of Conference and Workshop on Non-Formal Education and the Rural Poor** Journal of Rural Dev. and Administration Vol XIII, No.2, PARD, Peshawar (1978) Book Review
- Rural Development – View from a Farmer’s Hamlet (A Case Study)** Basic Needs and Rural Development Part-I, International Seminar Papers, PARD, Peshawar (1980) p.436
- Conflict in Management Patterns as an Impediments to Rural Dev. in Pakistan**, Management for Rural Dev. in Pak (Report of an International Seminar) PARD, Peshawar, UNICEF – Pak UNCRD Nagoya, Japan (1983) p.77
- Possibilities and Prospects of Agro-Based Industries for Rural Women in NWFP**, Women’s Division, Government of Pakistan, Islamabad (1983)
- Drift and Dissipation in Rural Development – An SOS for Survival** papers of an International Conference on Challenge of Rural Development in the Eighties, PARD, Peshawar (1985)
- Problems and Prospects of Rainfed Agriculture in NWFP (An Overview) Evaluation of Phase-II** and Future Requirements, PARD, Peshawar (1988)
- Poverty Reduction Strategy** (Manual on Integrated and Participatory Approaches), PARD, Peshawar 2001
- Storey of PARD Part-II Golden Jubilee**, Pakistan Academy for Rural Development, Peshawar, 2010

### Planning and Management

- **Decision Making in a Tribal Social System** Journal of Rural Development and Administration, Vol. XV, No.1, PARD, Peshawar (1978)
- **Five Year Plan of District Chitral, (Based on House to House Survey with Community Participation)** PARD, Peshawar, UNICEF Pakistan & UNCRD Nagoya Japan (1983-84)
- **Manual for Local Level Planning and Management through Community Participation** UNICEF Pakistan, Islamabad (1984)
- **Organizational Aspects of Kalam Farmers**, KIDP (A Pak Swiss Joint Venture), PARD, Peshawar (1986-87)
- **Wafaqi Mohtasib (Ombudsman)’s Annual Report 1986 – A Critical Appreciation**, Journal of Rural Development and Administration Volume XX, No.3, PARD, Peshawar (1988) p.107
- **Interview – A Form of Human Engineering** Paper presented at the General Seminar Inter-Services Selection Board (ISSB) Kohat (1989)
- **Humaneering – A process for Preventing Crime**, International Seminar on Criminal Justice: Asia Crime Prevention Foundation and National Police Academy, Islamabad, 1992
- **Manual on Health Planning and Management** (World Bank) for Trainers of FHP, (1997) (unpublished)
- **Evaluation of Khyber Medical College and Postgraduate Medical Institute**, Peshawar by PARD, Peshawar (FHP/World Bank) 1988 unpublished
- **NWFP Education Policy and Strategy** Education Department, GTZ and DFID, Peshawar, 2003 (unpublished)
- **PRA Techniques for Agriculture Officers and Field Assistants** of FATA, ATI, Peshawar 2003 (unpublished)
- **Cruising in Turbulence, Case Study of SRSC** Peshawar **Managing for Change, Asian NGOs AKF Oxford**

### Training

- **First Advanced Course** in Public Administration and Dev. Economics, NIPA Peshawar (1986)
- **Towards Andragogy – Second Advanced Course** NIPA, Peshawar (1987)
- **Thought of the Day – A Serendipitous Sojourn in Andragogy**, NIPA Peshawar (1988)
- **Experiential Learning – Third Advanced Course**, NIPA Peshawar (1989)
- **Career Awareness and Career Dev.** Workshop Papers on Vocational Guidance and Employment Awareness, Ministry of Manpower & Overseas Pakistanis, Government of Pakistan (1990)
- **Internal Assessment of Training Programs** PARD, NIPA, Peshawar (1990)
- **Semantic Equivalents of Learning “PRISMIRROR” Advanced Course** NIPA Peshawar (1992)
- **Milking Memories, First Re-Union** of NIPA, Peshawar (1994)
- **Manual on (TOT Course) Design and Dev. of Training Programs** NIPA & FHP (World Bank) for Trainers of FHP Peshawar (1997) (unpublished)
- **Training Manual on Community Irrigation Services**, Irrigation Department and BCIAP Quetta, Balochistan (World Bank) 1999 (unpublished).
- **Training Need Assessment Report for MCMC Courses** National Institute of Management, (2006) NSPP

# "HUMANEEERING"

This Package has been an integral component of the NIPA Advanced Course in Public Management, Peshawar designed for: **OFFICIALS EXPECTED TO BE PROMOTED TO GRADE (20) i.e. TOP MANAGEMENT OF THE COUNTRY** Commissioners, DIGs Police, Collectors (Customs/Income Tax) and Foreign Diplomats

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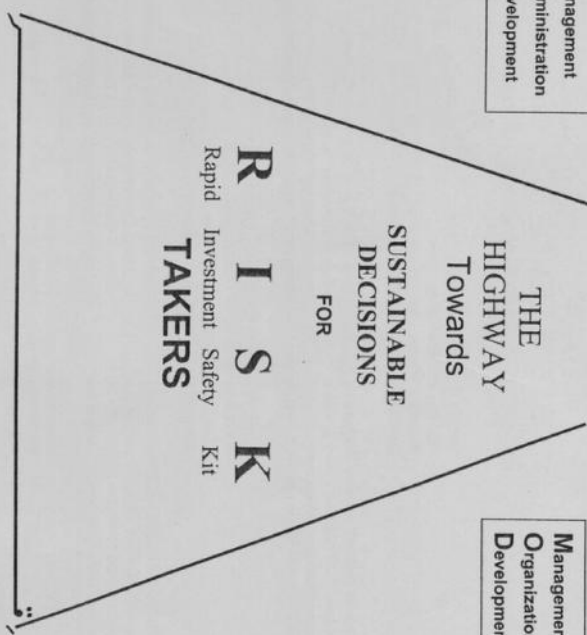
The author holds Certificates & Credentials from Cambridge University, OWLS: Oxford, Cranfield University, ITI Sydney, ITOD Pittsburgh, Pennsylvania University, USC California, World Bank, UNICEF, GTZ and **The Highly Skilled Migrant Program Work Permits UK**  
e-mail: ziaahmad 2003@hotmail.com

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General  
Adaptability  
Syndrome

During and at the end of the Programme Your Team will be able to:  
Unfold the Greater Conscious,  
Tap the Trapped Potentials,  
Release Human Excellence and  
Develop Performance Standards

Discover Extra-Ordinary Talents  
Jettison SCOTOMAS/Blind Spots  
Furture Self Discipline and  
Treat Defence Mechanism Syndromes

Control Millions of Nerve Centres,  
Expand Comfort Zones Willingly,  
Foster Team Building and  
Manage Stress Situations Confidently

Synthesize East West Knowledge,  
Embrace Innovative Dimensions  
Accelerate Creative Decisions and  
Strengthen all Strategic Options:

Redefine motivational Techniques,  
Understand Non-Verbal Languages,  
Analyze Time Wasters Regularly and  
Practice, Free Process Consultancy

Promote Problem Sensing Approaches  
Upgrade Communication Abilities,  
Improve Decision Making Skills and  
Regulate Leadership Styles Effectively

**Avoid**  
Learning  
And  
Development

Elevate Managerial Excellence,  
Synchronize Group Energies,  
Achieve "SYNERGY" and  
Extend Organizational Image:

**Focus**  
De-Learning  
And  
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## CATCH THE CRUX OF

- Perception Lock
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- Decision Making
- Stress Management
- Group Dynamics
- Leadership and
- Team Building

## IN THE CONTEXT OF

MBO, Harsh Management, MBR,  
Good Governance, Gender Issues, Poverty Reduction  
Time Management, IT, Managerial Excellence  
EXISTENTIALISM, TRANSACCIONAL ANALYSIS, ERGONOMICS  
PSYCHO-KINESIS AND SYNECTICS

## THROUGH THE LATEST LEARNING TECHNIQUES

### DIS-EASES CAUSED BY (SCAN)?

<ul style="list-style-type: none"> <li>❖ Blindness</li> <li>❖ Narcissism</li> <li>❖ Sadism</li> <li>❖ Masochism</li> <li>❖ Sado-Masochism</li> <li>❖ Hysteria</li> <li>❖ Phobia</li> <li>❖ Paranoia</li> <li>❖ Epilepsy</li> <li>❖ Euphoria</li> <li>❖ Narcolepsy</li> </ul>	<p><b>Let's</b></p> <ul style="list-style-type: none"> <li>Review/Rediscover</li> <li>Redefine</li> <li>Restructure</li> <li>Reprogramme and Refine</li> <li><b>OURSELVES</b></li> <li>and our</li> <li><b>Institutions</b></li> </ul>	<ul style="list-style-type: none"> <li>❖ Hypnosis</li> <li>❖ Hypertension</li> <li>❖ Insomnia</li> <li>❖ Psywar</li> <li>❖ Aggression</li> <li>❖ Regression</li> <li>❖ Depression</li> <li>❖ Withdrawal</li> <li>❖ Conflict</li> <li>❖ Corruption</li> <li>❖ Deadlock</li> </ul>
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**P E A C E**

Professional Excellence for Attitudinal Change and Effectiveness

## Muhammad Ismail Wali

### Ph D (English)

**Mission Statement for Personal Growth:** “Live so beautifully that your death may put divinity to shame” (Iqbal)

Domicile: Chitral, NWFP

Permanent Address: PO & Village Mastuj, Tehsil Mastuj, District Chitral, NWFP

Mailing Address: Institute of Management Sciences, Phase-7, Hayatabad, Peshawar

Email: [ismwali@gmail.com](mailto:ismwali@gmail.com)

Mobile: 03038330745

**Authorship:** PhD dissertation, *A Midsummer Night's Dream: Shakespeare's Syzygy of Meaning*, has been published by Dorrance Publishing Company, Pittsburg, USA

#### Professional Activities:

- n Supervised the TNA survey (SRLM) for Dir (U) and Chitral districts (April 2012)
- n Delivered a two-day workshop on communication skills at University of Malakand (November 2011)
- n Delivered as six-day workshop on Research Skills at Kohat University of Engineering and Technology, sponsored by HEC. (May 2011)
- n Designed and delivered one-month course on Applied Communication to PMS officers at IM Sciences (July 2010)
- n Designed tailored courses on Business Communication for delivering to MBA students
- n Planned and developed courses for Proficiency in English and Applied Communication
- n Monitored IELTS programme at I/M Sciences under Australian Aid (January 2011)
- n Worked as a supervisor in Third Party Validation Project under HRDC/IM Sciences
- n Revised/edited a high profile document of HEC, Pakistan
- n Taught language skills (oral and written) to college students (public sector), as Assistant Professor, 2003-2009
- n Taught language skills to college students (public sector), 1986-2001

#### Academics:

	Year	School/College/University	Subject (s)	M O	Div/Gr
Matric	1976	GHS Mastuj, Chitral	English, Math General Science Pak studies Persian I studies	541	1st
F A	1978	GDC, Chitral	English Urdu Economics	548	2nd

			Islamic History Persian		
B A	1980	Private Capacity	English English Elective Islamic Ideology Islamic History Urdu	311	2nd
MA	1984	PG Jahanzeb College, UoP of Peshawar	English	2nd	
M Phil	1998	Department of English, UoP of Pesh	English		3.3 GPA
PhD	2009	Department of English, UoP of Peshawar	English		3.7 GPA

#### Research Details:

1. Awarded M Phil for research on Matthew Arnold's Poetry, *A Journey through Night: An Interpretative Study*. The study focuses on the symbolic aspects of the image of "night" in Arnold's poetry, backed by an extensive statistical analysis applied to a literary text for the first time in Pakistan. This research work was supervised by Dr. Qabil Khan, the then Chair of the Department of English, University of Peshawar.

2. Awarded PhD in English for research on a Shakespeare's comedy from a Jungian perspective: *A Midsummer Night's Dream: Shakespeare's Syzygy of Meaning*. The then research work was supervised by Professor Nasir Jamal Khattak, PhD (Amherst), the Chair, Department of English and Applied Language, University of Peshawar. This is the first foreign-evaluated degree awarded to a scholar of the above department.

In this study Jungian Psychology has been used as a tool to analyze the contents, characters, and imagery in the play from a symbolic point of view. The study proves that the play is full of complementary opposites/syzygial patterns on different levels of meaning. The details of the analyses have further been supported by graphical figures to visualize the symbolic energy of meanings found in them. The conclusion reflects how a light comedy of Shakespeare's can be read even today for soul-making, the term used by Jungians for psychological growth and development during adolescence and middle age. The conclusion further shows that there should be a continuous interaction between the conscious and the unconscious sides of the human psyche for proper and productive adjustment to one's environment.

#### Published and Prospective Papers

S No	Title of Paper	Year	Journal			
1	Poetical Appeal in Charles Lamb's Essay "The Child Angel"	1993	Journal of English Literary Club			
2	Bottom's Bottom's Dream	2003	Journal of Humanities and Social Sciences, Vol. IV, 1 & 2, 2003			
3	Shakespeare's A Midsummer Night's Dream: Syzygy in Action	2005	Do Vol. XIII, 1 & 2, 2005			
4	Seeing Through Shakespeare's a Midsummer Night's Dream, co-authored by Prof. Nasir Jamal Khattak, PhD	2008	Do Vol. XVI, 1, 2008			
5	"Brave Night and Hideous Night:" A Jungian Reading of Shakespeare's Sonnets	Under process				
6	Shakespeare's Synergizing Potential: A Study of <i>A Midsummer Night's Dream</i> from Management Perspective	Under process				

**Track History:** Joined Education Department, NWFP, as lecturer in English in March 1986 on ad hoc basis, and worked in that capacity till regularization through NWFP Public Service Commission in 1987. I have been teaching English at FA and BA levels till my deputation to the Institute of Management Sciences, Peshawar, in November, 2009. Teaching at college level involved:

- n Vocabulary building
- n Word formation and sentence structures
- n Polysemy
- n Connotation
- n Denotative and connotative meanings
- n Idiomatic translation
- n Speaking and writing skills
- n Meaningful transitions
- n Composition, paraphrasing and comprehension skills

**Vision:** to work for creating an academic environment and intellectual growth in such a way as to produce not "living copying machines" to follow a "cut and paste method" for promotion, but "creative individuals" for proactive activities in every field of human activity. After 9/11, our identity has become negatively debatable, and now the first and foremost responsibility of every sensible person is to redefine and re-establish our identity as torchbearers of positive and productive approach to human life. And an

important aspect of the above vision is to promote productively creative activities and ideas with the core objective of one day these ideas and activities will be followed by others as models of progress and development.

## Style and Structure of Judgment: Basics

**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.

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.

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## 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, colour 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.

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## 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.

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## 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.

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## **CURRICULUM VITAE OF NIAZ MUHAMMAD KHAN**

### **Personal Information**

- Name: Niaz Muhammad Khan
- Father's Name: Paristan Khan
- Postal Address: Niaz Muhammad Khan, Registrar, Islamabad High Court  
Peshawar High Court, Pakistan
- Permanent Address: Niaz Muhammad Khan s/o Paristan Khan village  
Ahl Tehsil & District Mansehra
- Telephone # (Office): +92-51-9108038
- Telephone # (Res): +92-51-9108030
- Mobile # +92-3009367810
- Email: niazphc@hotmail.com
- Fax# +92-51-9108039

### **Educational Qualification**

- Matric/SSC in First Division obtaining 65.1% marks
- Intermediate/HSSC in 2nd Division obtaining 55.8 % marks
- B.A/Graduation in 2nd Division obtaining 58.6 % marks

### **Professional Qualification**

- FEL (First Examination in Law) in 1<sup>st</sup> Division obtaining 74 % marks
- LLB (Bachelor of Laws) in 1<sup>st</sup> Division obtaining 60.7 % marks
- 1 year Post Graduate Diploma in Islamic Laws from Sharia Academy  
International Islamic University, Islamabad, Pakistan obtaining 62.37 % marks
- 3 months course from Pakistan Provincial Services Academy
- One week course of Financial Management from National Institute of  
Public Administration

### **Academic Achievement**

- Got merit scholarship in Intermediate.
- Got merit scholarship in LLB.

### **Professional and Service Career**

- Remained as practicing lawyer of District Courts from 1983 to 1988.
- Remained as practicing lawyer of High Court in 1988.
- Joined Judicial Service as Civil Judge in 1988 by securing 1<sup>st</sup> position in the  
exam of Provincial Civil Services (Judicial).
- Promoted to as Senior Civil Judge in 1994.
- Promoted to as Additional District & Sessions Judge in 2002.

- Promoted to as District and Sessions Judge on first of July 2010.
- Remained as Additional Member Inspection Team, Peshawar High Court for a period of 06 years.
- Remained as Additional Registrar (Admin), Peshawar High Court in 2010&2011..

#### **Achievements in Service**

- Awarded certificate of merit by the Chief Justice of Peshawar High Court Peshawar High Court in 1993 for outstanding performance as Civil Judge
- Awarded cash prize and certificate of merit for obtaining the first position in first Incentive & Reward Policy by the Peshawar High Court
- Received appreciation certificate from the Chief Election Commission of Pakistan in 1988 for conducting fair, and impartial General Election in 1988 as Returning Officer.
- Awarded Certificate of Commendation by the Chief Justice of Peshawar High Court in 2006 for rendering Services in the compilation of first ever Judicial Estacode 2006 in Pakistan and probably in the world.
- Awarded Certificate of Commendation by the Chief Justice of Peshawar High Court in 2011 for rendering Services in the compilation of second revised, and enlarged edition of Judicial Estacode 2011.

#### **Capacity Building**

- As a resources person delivered many lectures on various topics in Federal Judicial Academy Islamabad, Khyber Pakhtunkhawa Judicial Academy, Peshawar, and in other foras in connection with pre-service Orientation Training Programmes of newly appointed judges and also in service judges.

#### **Conferences, Workshops, Seminars etc.**

- Attended many conferences, workshops and seminars on legal subjects as resource person.
- Attended many conferences, workshops and seminars as facilitator, coordinator or research associate.
- Attended 2 days seminar on 24<sup>th</sup> and 25<sup>th</sup> of November 2004 at Peshawar as Research Associate on “Commercial Dispute Resolution (CDR)” in which Justice Branson of Federal Court Australia was the guest speaker.

- Attended 2 days UK Pakistan Judicial Conference as research Associate on a Protocol on “Children and Family Laws” on 22 and 23<sup>rd</sup> September 2003 at Islamabad.
- Attended seminar on “Protocol on Child Protection” jointly organized by UK Judges of Family Division, Lawyer of UK and Pakistani Judges in Jan 2005 at Peshawar as Research Associate.
- Three days training of trainers from British Council in 2004.
- One day training of trainers from British Council in 2007.

In the High Court besides Administration, the following special assignments have been given:

- Rule Making
- Litigation
- Resource person in capacity building of the Judges of District Judiciary
- Opinion
- Establishment

In the field of monitoring of District Judiciary has contributed a lot in pinpointing the deficiencies in the fields of Court & Case Management, Quick Disposal etc. and suggested some concrete proposals for improvement in Court & Case Management and Expeditious Disposal of cases. These deficiencies and proposals have been compiled in a booklet form to be known as “Consolidated Inspection Note of Inspections of Subordinate Courts, 2003”.

Computer skill- can operate computer as per requirement.

#### **Books / Compilations**

- Consolidated Inspection Note for 2003 (a book consisting of 63 pages)
- Judicial Estacode 2006 (A book consisting of 554 pages)
- Judicial Estacode 2011 (A book consisting of 679 pages)

## ELEMENTS OF JUDGMENT WRITING

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.

**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 weightage. 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 weightage and how it goes to the root of judgment when relevancy is not appreciated.

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## **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; the importance of words in the legislative instruments; the holistic approach in interpretation of laws and different approaches towards interpretation like purposive interpretation, contextual interpretation and the like. The participants are also made known the limitation of the courts in interpretation of laws and judicial review.

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**DR KHURSHID IQBAL**  
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 The Khyber Pakhtunkhwa Judicial Academy,  
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 Official: [Khurshid@kpkjudicialacademy.gov.pk](mailto:Khurshid@kpkjudicialacademy.gov.pk)

### **Education**

- Sep 2004—Nov 2007: University of Ulster, UK. PhD: International Human Rights Law
- Sep 2001—Sep 2002: University of Hull, UK. LLM: International Business Law
- Oct 1993—Oct 1995: University of Peshawar, Pakistan. M.A.: Political Science
- Mar 1988—Mar 1990: University of Peshawar, Pakistan. L.L.B.

### **Professional Qualification**

- Feb 1991—Dec 1992: Advocate, District Courts (non-practising)

### **Employment**

- Dec 1992—Present: Judge, District Judiciary, Government of Pakistan
- Jan 2008—Present: Visiting Lecturer, Law College, University of Peshawar, Pakistan
- June 2009—Present: Visiting Lecture, International Islamic University, Islamabad, Pakistan

### **Career progression**

I joined Provincial Judicial Service of Pakistan's Khyber Pakhtunkhwa province, as a Civil Judge, in 1992, promoted as Senior Civil Judge (1997), Additional District & Sessions Judge (2003) and the current position of District & Sessions Judge (2011).

### **Job description**

#### **Dean**

As Dean of the Khyber Pakhtunkhwa Judicial Academy, Peshawar, I am responsible for teaching various training courses for judges, lawyers, prosecutors and other personnel of the justice system. I also design training modules, organize seminars and workshops on legal and judicial topics and produce their detailed reports for publication. As Dean I am the editor of the Academy's quarterly newsletter. I have designed the Academy's brochure. I also head the Research Wing of the Academy. Currently, I am leading two research studies of the Academy, funded by the UNDP.

#### **Judge**

I am a trial Judge for offences carrying capital punishment and first appellate Judge for private disputes, such as, contracts, torts, family, guardianship, rent, mortgage, compensation. I also perform administrative duties such as recruitment and promotion of court staff, evaluation of performance of subordinate judges and court staff, budget and accounts.

**Special tasks (as a Judge)**

1. Jan 2008—March 2008: Course Coordinator for a pre-service training of newly recruited Civil Judges/Judicial Magistrates at the Federal Judicial Academy, Islamabad.
2. March 2008—August 2008: Founding Director of the Judicial Training Centre at the Peshawar High Court, Peshawar.
3. April 2008: A key member of the organizing team of the 5<sup>th</sup> Provincial Judicial Conference held at Peshawar on 7 & 8 April 2008; produced detail report of the Conference.
4. August 2009: Organised, conducted a District Judicial Conference at Dera Ismail Khan (Khyber Pakhtunkhwa, Pakistan); produced its detail report.
5. Jan 2010—June 2010: Additional Special Judge Anti-Corruption.
6. Oct 2010—May 2011: Additional Member Inspection Team; Acting Director General of the Khyber Pakhtunkhwa Judicial Academy.
7. Sep 2011—May 2012: Director Human Rights Cell, Peshawar High Court, Peshawar.
8. Sep 2011—Feb 2012: Director Human Rights Cell, Peshawar High Court, Peshawar.
9. Feb 2012—Present: Dean Faculty, the Khyber Pakhtunkhwa Judicial Academy, Peshawar

**Supervision & administration (as a visiting Lecturer)**

- Currently, I am supervisor for three LLM and one PhD student
- I acted as an External Examiner for five LLM students.
- Member the Board of Studies of the Faculty of Law and Shari'ah at the International Islamic University, Islamabad.
- I am also a member of the admission committee of PhD students.

**Consultancy**

1. June 2012—I worked as Principal Facilitator at a one-day consultative of the UNDP, Islamabad and produced its detail report.
2. Dec 2009—Present. I am one of the trainers for the Society for the Protection of the Rights of the Child (SPARC), Peshawar (an Islamabad-based well known NGO). I conduct training sessions to an audience from Judges and Police Personnel.
3. Jan 2008—Present. I am one of the resource persons at the Federal Judicial Academy, Islamabad.
4. Oct 2011—Present. I am one of the resource persons at the Pakistan Provincial Services Academy, Islamabad.

**Expertise by region: Pakistan**

I am a recognised expert on the legal system of and human rights conditions in Pakistan. I am regularly invited by the Society for the Protection for Rights of the Child (SPARC) and the Pakistan Provincial Services Academy (PPSA), Peshawar.

**Research interests**

- Public International Law: human rights law, child rights, women's rights, security and development
- Application of Islamic law in Muslim states especially in Pakistan.
- Judicial education

**Current research project**

- Currently, I am working as a Subject Specialist with a UNDP support project: Strengthening the Khyber Pakhtunkhwa (Pakistan) Judicial Academy. Part of that project is writing a research article for a peer reviewed journal of international repute.
- My other current long term research projects are:
  - Countering Terrorism in a Post Colonial Society: the Case of Pakistan;
  - The Right to Development of the Vulnerable Poor: the Case of Pakistan's Forced Labourers.

**Publications: monograph**

1. K. Iqbal, (2009) *The Right to Development in International Law: the Case of Pakistan*, London: Routledge.

**Peer reviewed articles**

2. Iqbal, K. (2011), 'The Right to Development at the National Level: the Case of Pakistan's Judiciary', *The Asia-Pacific Journal on Human Rights and the Law*, pp 1-26.
3. Iqbal, K. (2010) 'Re-conceptualizing the Right to Development in Islamic Law', *International Journal of Human Rights*, Vol. 14, Issue 7, pp 1013-1041 (2010).
4. Iqbal, K. (2009) 'Judging Juvenility: Determination of Age of Juvenile Offenders under Pakistan's Juvenile Justice System', *Pakistan Journal of Criminology*, Vol. 1(3) October 2009, pp 105-118.
5. Iqbal, K. (2007) 'The Declaration on the Right to Development and its Implementation', *Political Perspective*. Vol. 1(1), pp 1-39.
6. Iqbal, K. (2005) 'The "War on Terror" and the Rights-Based Approach to Development', *Journal of Islamic States Practices in International Law (JISPIL)* Vol. 1(1), pp 23-36.
7. Iqbal, K. (2003) 'The Role of NGOs in the Dispute Settlement of the World Trade Organisation', *Journal of Law and Society* (Faculty of Law, University of Peshawar), pp 11-28. Vol. XXVIII (41), pp 11-28.
8. Iqbal, K. (2004) 'Environment as a Human Right', *International Human Right Perspective*, Vol. III (1), pp 139-167. (Human Rights Centre, Faculty of Law, University of Peshawar).

**Book review**

Iqbal, K (2007) 'Women, the Koran and International Human Rights Law' (by Niaz A Shah, 2006, Martinus Nijhoff Publishers), *Religion & Human Rights*. Vol. 2. pp 189-193.

**Expert papers (unpublished)**

1. K. Iqbal (Jan 2011), 'Comments' on Research Project-I ("Streamlining the Overlapping Mandates of Judicial Academies in Pakistan" ) and Research Project-II ("Some Observations on the Problems Facing Judicial Education in Pakistan") by Sultan Babar Mirza and Syed Ehsanullah Shah, submitted on the instruction of the Peshawar High Court, for onward discussion in Pakistan's National Judicial Policy Making Committee.
2. K. Iqbal (June 2011), 'Report on implementation of the Principles of Policy', produced on the instruction of the Peshawar High Court, for onward submission to the Khyber Pakhtunkhwa Provincial Assembly.

3. K. Iqbal (Sep 2009), 'A Review of the Juvenile Justice System Ordinance (JJSO), 2000 in Pakistan: Problems, Issues and Recommendations', commissioned by Pakistan Society of Criminology as a background paper for reviewing the JJSO.

#### **Presentations/Conference Papers since 2009**

1. 'Judicial Education in Pakistan: Challenges to and Prospects of the Khyber Pakhtunkhwa Judicial Academy', International Judicial Conference, Islamabad, 13—15 April 2012, organized by the Law and Justice Commission of Pakistan.
2. 'Consultation on the draft Borstal Law and Borstal Institution', as part of law making for the protection of the rights of the child, Peshawar, 31 December 2011, arranged by Regional Directorate of the Ministry of Human Rights, Peshawar.
3. 'Judiciary and Judicial System in PATA', as a Thematic Expert at a two-day workshop on the implementation of Strengthening the Rule of Law in Malakand (SRLM), Peshawar, 15-16 December 2011, arranged by UNDP, European Union and USAID.
4. 'Determination of age of Juvenile Offenders' at one-day Consultation on the Juvenile Justice System Ordinance, 2000, for Judicial Magistrates of Malakand Division, Swat, 3 December 2011, arranged by Society for the Protection of the Rights of the Child (SPARC) in collaboration with the Khyber Pakhtunkhwa Judicial Academy.
5. 'The Concept, Evolution and Ideology of Human Rights', Guest Lecture, the University of Peshawar, 20 May 2011, arranged by the Departments of Gender Studies, Sociology and Social Work at the University of Peshawar.
6. 'The Women's Protection Act, 2006', Guest Lecture, the University of Peshawar, 9 April 2010, arranged by the Departments of Gender Studies, Sociology and Social Work at the University of Peshawar.
7. 'The Right to Development in International Law', Guest Lecture arranged by the Faculty of Law and Shari'ah, the International Islamic University, Islamabad, 10 May 2010.
8. 'Protection of Child Rights by the Police Personnel', two-day training of Police Investigators, District Battagram, 17-18 December, 2009.
9. 'Protection of Child Rights by the Police Personnel', one-day training of Police Investigators, District Peshawar, 5 April, 2010, arranged by an NGO Shehri Best Citizen for Environment.

#### **General Editor**

I am acting as one of the general editors of the Pakistan Journal of Criminology.

I acted as a sub editor of the Journal of Islamic States Practices in International Law, UK

#### **Funding**

1. In 2008, I won an Australian Endeavour Research Fellowship for my postdoctoral research project at the University of Melbourne, but could not avail because of refusal of leave by my employer.
2. In 2009, I won an Erasmus Mundus Research Fellowship for my postdoctoral studies at the University of Brussels, Belgium, but could not avail because of personal reasons.
3. In 2004, I won a Vice Chancellor Research studentship for my PhD at the University of Ulster, UK.
4. In 2001, I won a prestigious Britannia Chevening award for my LLM at the University of Hull, UK.

**Membership of societies**

1. I am a member of the Pakistan Society of Criminology (2009).
2. I am a member of the Society of Legal Scholars, UK (2011).

**Teaching and developing new courses Jan 2008—present**

Since joining the Law College, the University of Peshawar and International Islamic University, Islamabad in June 2009, I have designed and developed courses on international and national protection of human rights. I have developed two new postgraduate courses on Islamic law and human rights, development and human rights and international humanitarian law.

**Postgraduate**

International Human Rights Law: Convenor  
Islamic Law and Human Rights: Convenor  
Human Rights and International Humanitarian: Convenor  
Dispute Settlement in the WTO: Convenor

**Undergraduate**

International Human Rights Law: Convenor  
Islamic Law and Human Rights: Convenor  
Human Rights and International Humanitarian: Convenor  
Dispute Settlement in the WTO: Convenor

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## Synopsis

### Contemporary Trends in Judgment Writing: A Literature Review

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 jargon 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.

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## Synopsis

### One-Word Dictionary

**Dr Ismail Wali**

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 compresses 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.

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## Annexure (A)

### Address of the Chairman / Hon'ble Chief Justice

The Director General; All the Directors; Staff Members; The distinguish guests and

My dear young Judicial Officers

*Assalam-O-Alaikum!*

My happiness knows no bounds today to see that the third batch of Judicial Officers has concluded its Judgment Writing course. I congratulate you all on successful completion of this course. I also congratulate the Academy staff for their hard work to design and administer a training course on such an important topic. I am sanguine that the knowledge and skill you learnt at this course will prove very handy to you while writing judgments.

As you know, the Academy is recently established. We are still at infancy. We need to work hard to make this institution a great seat of learning, not for the judges alone, but for all those whose services are directly or indirectly related to justice sector. I would like to inform you that despite our being junior in the realm of judicial education, we have been able to score many successes. We did a comprehensive TNA, conducted seminars, devised training manuals and will soon arrange trainers' courses. We were able to renovate this century old building into a beautiful shape that you see it now. In fact we want to make this Academy a broad and wide fountain of knowledge, which shall be always seething with ever fresh taste of learning and research. We are committed to make it a nursery for all justice sector personnel. There could be no second opinion about the role this Academy shall play in the capacity building of our legal and judicial education. As the motto of this Academy reads—*an institution to build capacity of all justice sector institutions and help establish the rule of law*. We must tailor our capacity building strategy in a direction that leads us to the rule of law.

We will do all that is within our means and capabilities. But remember, the success of this institution also needs your spirit of learning and education. From the remarks of your CR, it is heartening to know that you took keen interest in the course and that you learnt a lot. If it is really so, I shall say we are successful. As we move forward, our success will gather mass. In future we will be inviting you for more courses and on other topics of great judicial importance. The real success, however, will be when you start your work with a new zeal and commitment and take every opportunity to apply the knowledge and skills you learnt. In due course of time, we will make arrangements for on-job application of such knowledge and skills.

I must appreciate the Academy for its efforts. I am highly grateful to all Resource Persons for sharing their valuable knowledge and experience with you. Let us pray for the success of this Academy. Let re-new our commitment to our duty. May Allah Tallah bliss us all. Thank you very much.

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## Annexure (B)

### Address of the Director General

Hon. the Chief Justice Mr. Justice Dost Muhammad Khan, Distinguished guests and dear trained participants

*Assalam-o-alaikum!*

It is, in fact, a matter of eminent pleasure for me to see a third group of young dynamic judicial officers having successfully completed their training, in this esteemed new-born institution. I, therefore, congratulate all of you from the core of my heart. Thanks to Allah that we succeeded to turn all of you from trainees to trained and that's why instead of the word trainee, I chose the word trained in the beginning.

It is an admitted fact that behind every successful performance, rather skills of the performer do work. A person without required skills, whatever higher in qualification he may be, cannot be called competent. So one should be competent, nonetheless, such a competency can never be achieved without the required skills; and the acquisition of such skills needs a proper training.

Judgment writing is as important as the judgment itself. It is the medium through which a judge conveys his opinion not only to the litigant public but also to the public at large. Therefore, it must be coherent, unequivocal, reasoned, readable and free from unnecessary and monotonous length. Moreover, a very careful choice of words is involved in the process of judgment writing. Remember mistake in verbal announcement of a judgment is a blunder if it was repeated in the written form of a judgment. Oral words may go in air but written material creates a permanent record, which continues speaking for or against you. So let me say that after this training, your success is in your hands.

To sum up this speech, my advice to all of you would be to apply the skills you have learnt here during the training. Go back to your stations with a trained mind. Practically prove the difference between a trained and untrained judicial officer. Be precise and concise but avoid damaging brevity. And be mindful that qualitative judgments ought to be delivered but not at the cost of speedy justice. Remember that there should be a timely justice but not justice in haste.

May Allah guide us all.

## **Annexure (C)**

### **Remarks of Miss Aliya, Class Rep**

Hon'ble the Chief Justice,  
Worthy Director General, Officers of the Academy and the Peshawar High Court, distinguished guests, my dear colleagues, ladies and gentlemen!

It is great honor and prestige for me to speak on behalf of my colleagues, the participants of this course. We are very thankful to the High Court and Academy for organizing such an important training. Indeed, judgment writing is the basic duty of judges and extremely important.

The main object of this training is to build capacity of the judges to write effective judgments. Two aspects of the course are of great significance: effective writing and proper legal reasoning skills. A range of skills we learnt are: precise, concise and coherent writing, avoiding personal biases, proper appreciation of facts and evidence and correct interpretation of applicable laws.

Respected Sir,  
Additionally, we also learnt much about the impact of perception lock on judicial decision making. Indeed, such like lectures will prove very helpful to build personality of judges, which may, produce long term impact on the quality of justice. We are able to explore our strengths and learnt how to overcome our weaknesses. The skills we learnt are greatly effective, which will enable us to improve our efficiency in judgment writing.

The resource persons were well conversant with their subjects and delivered in a persuasive manner. Their efforts are commendable.

Respected Sir, we found a friendly environment at the Academy. All the facilities provided to us were of the best quality. We all are thankful to the Peshawar High Court for providing us with this great opportunity to learn at this Academy. We are proud that we have now such a seat of learning in our own province. We hope that such like course on other topics of great importance will be arranged for us in the future.

Thank you very much.

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## List of Participants

S.No	Name	Posting At
1	Mr. Amjad Hassan	Mardan
2	Miss QuratulAin Chand Irfan	Swabi
3	Mr. Ijaz Ur Rehman	Kohat
4	Mr. NajeebUIHaq	Abbottabad
5	Mr. Muhammad Ilyas	Charsadda
6	Mr. Muhammad RehanSamad	LakkiMarwat
7	Miss Tania Hashmi	LakkiMarwat
8	Mr. ShakeelArshad	Bannu
9	Mr. Hamid Kamal	Bannu
10	Mr. Syed Mansoor Shah Bukhari	Mardan
11	Mr. Shehzad Ali Khan	Abbottabad
12	Miss MaryaWajahat	Charsadda
13	Miss Natasha Zaman	Peshawar
14	Miss Sidra Azmat	Haripur
15	Mr. BasharatRauf	Kohistan
16	Mr. SherazFerdos	Peshawar
17	Mr. Ghulam Hamid	Karak
18	Mr. TanveerUsman	DIKhan
19	Mr. Muhammad Haroon	DIKhan
20	Miss TahiraZainab Malik	Tank
21	Miss QuratulAin Rashid	Mansehra
22	Miss MadihaRehman	Kohat
23	Miss Aliya	Peshawar
24	Miss Nazia Hassan	Haripur
25	Miss AminaHaider	Abbottabad



**KHYBER PAKHTUNKHWA JUDICIAL ACADEMY**  
3rd One-Week Training Course on Judgment Writing for 25 Civil Judges / Judicial Magistrates  
(21-26 January 2013)

## Group Photo



Sitting L to R:

Miss Quratul Ain Rashid, Asghar Ali Salazar, Muhammad Asim Nazir, Zia Ahmad Khan, Mrs. Riffat Aamir, Mrs. Justice Iqbal Qaiser,  
Mr. Justice Dost Mohammad Khan(Chairman), Mr. Hayat Ali Shah(Director General), Muhammad Saleem Khan, Mr. Khورشید Iqbal, Miss. Aliza,  
Miss Saira Azam, Miss Ambia Haider,

Standing Row#1 L to R

Mr. Anjil Hassan, Mr. Sheraz Farooq, Mr. Muhammad Rehan Samad, Miss Quratul Ain Chaudhry, Miss Tahira Zainab Malik, Miss Maryam Wajidat,  
Miss Nazia Hassan, Miss Natasha Zaman, Mrs. Zehra Raheem, Mr. Tanveer Usman, Mr. Muhammad Iqbal, Mr. Shakeri Arshad,

Standing Row#2 L to R

Mr. Gulam Hamid, Mr. Basharat Rana, Mr. Muhammad Rehan Samad, Mr. Syed Mansoor Shah Bakhari, Mr. Shehzad Ali Khan, Mr. Najeeb Ul Haq,