



FEDERAL JUDICIAL ACADEMY BULLETIN

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Mr. Parvaiz Ali Chawla, Director General, Federal Judicial Academy presenting souvenir to Hon'ble Mr. Justice Mian Shakirullah Jan, Judge Supreme Court of Pakistan/Judge Incharge (Administration) FJA

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RULE OF LAW CAN SAVE CRUMBLING SOCIETY

Hon'ble Mr. Justice Ejaz Afzal Khan



Hon'ble Mr. Justice Ejaz Afzal Khan,
addressing the participants

Hon'ble Mr. Justice Ejaz Afzal Khan, Judge Supreme Court of Pakistan, opined that Allah Almighty is the chief exponent of rule of law and there are numerous verses in the Holy Quran in this regard saying, “We can save this crumbling society through the rule of law.”

Hon'ble Judge of the Apex Court expressed these views in the inaugural ceremony of one week course on “Appreciation of Evidence and Management of Criminal Trial Before Magistrates” for twenty Civil Judges from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan, at the Federal Judicial Academy on Monday 9th July, 2012.

He said the society was riddled with discords, imbalances and conflicts and all these emanate from inequality in social, economic terms and those with social and economic strength try to influence the courts.

“Indeed, evil manifestations can be eliminated from the society, if our judges decide *lis* before them, fairly, honestly and according to law and in this way we can put our nation on the track of peace, progress and prosperity,” Honourable Judge sounded his optimism.

About the importance of evidence in the criminal justice system he said that it was our bounden duty to record evidence as the citizens of this country and also as Muslims.

“Even the Holy Quran says whenever you see any occurrence, then, you record your evidence fairly, faithfully without seeing as to who was at your left or the right side,” he emphasized.

Lamenting on the moral deterioration and degradation he said: In the wake of deterioration and degradation of moral values in the society true witnesses don't come forward to record their evidence, while, false and stock witnesses come forward to narrate the fabricated, concocted and tutored stories about the occurrences. In this state of affairs, the task of judicial officers becomes very challenging. As judicial officers, keep in mind that you have the supervisory role over the investigation, hence, give him confidence who comes for evidence.

Regarding the training he said that the ultimate aim of this training is to make you understand what is “justice” and how can you effectively administer justice and establish the rule of law in the society.

In the end, he also referred to Hazrat Ali's famous epistle to Malik Ashtar, Governor of Egypt, which reads like this “Select for your chief judge one from the people who is by far the best among them – one who is not obsessed with domestic worries, one who cannot be intimidated, one who does not err too often, one who does not turn back from a right path once he finds it, one who is not self-centred or avaricious, one who will not decide before knowing full facts, one who will weigh with care every attendant doubt, and pronounce a clear verdict after taking everything into full consideration, one who will not grow restive with the arguments of advocates and who will examine with patience every new disclosure of fact and who will be strictly impartial in his decision, one whom flattery cannot mislead or one

who does not exalt himself over his position. But it is not easy to find such men.

Once you have selected the right man for the office, pay him handsomely enough, so that he may live in comfort and in keeping with his position, enough to keep him above temptations. Give him a position in your court so high that none can even dream of coveting it and so high that neither back biting nor intrigue can touch him”.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy presented his brief welcome address and also a brief introduction of honourable chief guest.



Participants of the course in a group photo with Hon'ble Mr. Justice Ejaz Afzal Khan and faculty of the Academy

ENSURE MERIT IN APPOINTMENT OF PARALEGAL STAFF

Hon'ble Mr. Justice Mian Shakirullah Jan



Hon'ble Mr. Justice Mian Shakirullah Jan, gives away certificate to a participant

Most Senior Judge of the Supreme Court of Pakistan, Hon'ble Mr. Justice Mian Shakirullah Jan has emphasized the need to always ensure merit in the appointment of paralegal staff for effective and efficient performance of the district judiciary.

Hon'ble Judge of the Apex Court expressed these views in the certificate-awarding ceremony on the conclusion of one week course on "Appreciation of Evidence and Management of Criminal Trial Before Magistrates" for twenty Civil Judges from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan, at the Federal Judicial Academy on Saturday, 14th July, 2012. He observed that merit should be the only criterion for the appointment of paralegal staff.

“When I was the Chief Justice of Peshawar High Court, then the recruitment rules for the appointment of paralegal staff were framed and appointments were made purely on merit. Ignoring merit in appointments has always been detrimental in efficient working of courts”, he added.

Appreciating the feedback given by the trainee judges regarding the difficulties and problems which were being faced and experienced by them, the Honourable judge said: "I appreciate the feedback which you have given; we had initiated taking feedback from the trainees with an aim and object to share it with the National Judicial Policy Making Committee which is chaired by the Honourable Chief Justice of Pakistan and all other Honourable Chief Justices of High Courts are its members. Difficulties and problems which you have mentioned in your feedback would be placed before the National Judicial Policy Making Committee for its consideration."

He also highlighted those issues one by one which the trainee judges mentioned in their feedback such as lack of proper court rooms for judges, acute shortage of manpower, corruption in the paralegal staff and growing intolerance among the lawyers, etc. "I have already talked to the honourable Chief Justice of Pakistan and conveyed those difficulties and problems being faced by you. Issues mentioned in your feedback will help the National Judicial Policy Making Committee in the formulation of its policies," he assured.

Regarding the main purpose of the training course he said "The main purpose of this training course is to provide you an opportunity so that you may have an acquaintance with each other and also about the district judiciary of each other province and share experience with each other, with the resourceful persons and also with us here in this Academy."



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan and faculty of the Academy

NO ONE CAN VISUALIZE PEACE WITHOUT JUSTICE

Mr. Saif ur Rehman, Director General, HR, Cell SCP



Mr. Saif-ur-Rehman, addressing the participants

It is justice without which one cannot even visualize to have peace and tranquility in the society; without which the foundations of very strong empires are shaken and in absence of which establishment of a welfare state becomes merely a dream.

Mr. Saif-ur-Rehman, Director General, Human Rights Cell, Supreme Court of Pakistan, expressed these views in the inaugural ceremony of one week refresher course on “Role of Law Officers vis-a-vis Quick Disposal of Criminal Cases” for twenty five Law Officers from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Monday, 23rd July, 2013.

He said: The holy verses in Surah Rehman make it clear that even this universe is existing on 'Meezan' which is 'ADL', almost synonymous to Justice in Islam. Certainly in the same perspective, it was laid down in the preamble of Constitution of Islamic Republic of Pakistan that the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed.

He said: It is contained in Article 37 of the Constitution that the State shall ensure inexpensive and expeditious justice. Thus whereas imparting inexpensive and expeditious justice to citizens is the duty of the State, it becomes the inalienable and absolute right of the citizens to claim and receive it.

He said: No institution or organization can accomplish the desired goals unless its members work with missionary spirit; follow the cause with commitment; march towards the destination with dedication and team spirit, and each member is fully conversant with the object of the mission, its pros and cons; and gains the knack to overcome odds and achieves excellence to always remain in control and command of the situation. Possessed of these qualities such team shall be destined to reach the desired goal.

“This training course will certainly provide you an opportunity of training to improve your skills, equip your brain with new ideas through deliberations and by sharing your experiences and exchanging your ideas with your colleagues and the luminaries who will be coming to you for lectures during the course” he expressed his hope.

Regarding the role of prosecutors he said; “Prosecutors are the law officers, who represent the State in criminal cases and have very vital role in expeditious disposal of cases and effective dispensation of justice. In fact, they remain in full command and control of cases so far as their professional aspect is concerned and they play material role in ensuring that investigation of cases is conducted within the limits prescribed by law and subjectivity to careful legal scrutiny, through their professional skills, in collection and production of the best evidence, to have the best result.

“I expect this refresher course makes valuable contribution to improve your strength of character and professional skills” he concluded.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome speech and highlighted the importance of training for law officers.



Participants of the course in a group photo with Mr. Saif-ur-Rehman and faculty of the Academy

LAW OFFICERS' ROLE CRUCIAL IN ADMINISTRATION OF CRIMINAL JUSTICE

says *Raja Jawad Abbas Hasan*



Raja Jawad Abbas Hasan, addressing the participants

Raja Jawad Abbas Hasan, District and Sessions Judge, Islamabad (West) said that dispensation of justice is, in fact, an attribute of God Almighty but delegated to man for which he is directly accountable to Him.

He expressed these views in the certificate awarding ceremony on the conclusion of one week refresher course on “Role of Law Officers vis-a-vis Quick Disposal of Criminal Cases” for twenty five Law officers from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Saturday, 28th July, 2012.

Regarding the role of law officers for quick disposal of cases and administration of criminal justice, he said: The importance of the law officers and assistance being rendered by them for quick disposal of cases and administration of criminal justice can neither be ignored nor denied. But it is a matter of common knowledge that this segment of the judicial system has always been neglected and ignored in the past.

The law officers/prosecutors always assist the court for just decision of the cases. I am conscious of the fact that without their active role and sincere participation, the target of quick disposal of cases cannot be achieved. I am very happy to see that the Federal Judicial Academy has realized this fact, arranged a course for law officers which would certainly improve their performance and will help them in discharge of their

role in dispensation of justice with more zeal and zest and in a more befitting manner. This effort of the Judicial Academy is highly appreciable”, he concluded.



Participants of the course in a group photo with Raja Jawad Abbas Hasan and faculty of the Academy

TWO-DAY WORKSHOP ON “STRENGTHENING JUSTICE DELIVERY TO THE POOR: OPTIONS AND PRIORITIES”



One of the participants is addressing the gathering

Federal Judicial Academy, organized a two-day consultative workshop on “Strengthening Justice Delivery to the Poor: Options and Priorities”, on 31st July and 1st August, 2012 at Pearl Continental Hotel, Bhurban, Murree in collaboration with UNDP.

Forty representatives from Superior and District Judiciary, Federal and Provincial Judicial Academies, the Law and Justice Commission of Pakistan, as well as Registrars of the High Courts, participated in this intellect and experience sharing workshop which was being organized in collaboration with the UNDP-LEP.

The objective of the workshop was to seek inputs from the stakeholders to ensure provision of speedy and inexpensive justice with citizens centred service delivery at doorsteps to empower the poor and vulnerable and transforming judicial academies into centres of excellence.

"Life is all about timing... the unreachable becomes reachable, the unavailable become available, the unattainable... attainable. Have the patience, wait it out. It's all about timing."

– **Stacey Charter**



Mr. Pervaiz Ali Chawla, Director General, FJA, gives away certificate to a Participant

JUDGESHIP NOT A JOB BUT A BIG TASK

Hon'ble Mr. Justice Ijaz Ahmed Chaudhry



Hon'ble Mr. Justice Ijaz Ahmed Chaudhry, addressing the participants

Hon'ble Mr. Justice Ijaz Ahmed Chaudhry, Judge of Supreme Court of Pakistan, said that judgeship is not an employment but a challenge and urged to impart justice on merit and also without fear or favour.

He expressed these views in the inaugural ceremony of a one week training course titled "Orientation of New Laws" for Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Monday 27th August, 2012.

He said, "Since you have opted to become judges, then you should also behave and act like judges. Your words must match with your deeds. There should be no conflict in your words and deeds. As human beings and as judges you should come up to the expectations of the people."

He said that a judge always gives decision as per his/her conscience. "God has given you the "pen" and if you don't hand down punishment to those who deserve

on the basis of available evidence, then you will have to face the immense wrath of Allah in the world hereafter,” he said.

“If you think there should be the rule of law in the society, then you will have to award punishment to criminals. I know that the criminals always take benefit of the weaknesses in our criminal justice system but you are judges and you have to decide the cases as per your conscience” he stressed.

“I know that the prosecution system is not efficient and effective, usually fabricated stories are presented and every effort is made to weaken or erase the evidences but you as judges have to sift the truth from the fabrication for which you have to put your due diligence and efforts to decide cases on merit and also as per your conscience,” he said.

The Hon'ble Judge also lauded the content of the course saying that the worthy Director General, who himself had been a judge both at the district and the high court level had designed the course in an adroit and befitting manner.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy, presented his welcome speech and showed his optimism that the participants would learn a lot from the orientation course which was a blend of traditional as well as subjects of global importance such as Intellectual Property Laws, Anti-Money Laundering Act, 2010, Cyber Crimes, Alternate Dispute Resolution (ADR), common common mistakes being committed by Judicial Officers in civil matters etc.



Participants of the course in a group photo with Hon'ble Mr. Justice Ijaz Ahmed Chaudhry and faculty of the Academy

*“Open your eyes; look within. Are you satisfied
with the life you're living?”*

– Bob Marley

WRONG DECISIONS CREATE HAVOC IN SOCIETY

Hon'ble Mr. Justice Ejaz Afzal Khan



Hon'ble Mr. Justice Ejaz Afzal Khan, gives away certificate to a participant

Hon'ble Mr. Justice Ejaz Afzal Khan, Judge Supreme Court of Pakistan has said that wrong decisions create havoc in the society; therefore, judicial officers must take care of their decisions, and errors in their judgments.

He expressed these views in the certificate awarding ceremony of one week training course on "Orientation of New Laws" for fifteen Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Friday, 31st August, 2012.

He said, "Once any wrong decision is taken or any error is made in the judgment, then, it takes generations and generations and the person who suffers, he/ she develops feelings of deprivation and deprivation leads to aggression and aggression leads to despondency in the society and that is not good for any country or a society. You must be fair while taking any decision. You must take decision with firm resolve and firm determination.

You must take decision in accordance with the law and Constitution because your decisions have enduring impact on the society."

Quoting the noble words of Hazrat Abu Bakar Siddique (RA) which he uttered after his selection as the caliph, which read as, "O people! I have been selected as your trustee although I am no better than anyone of you. If I am right, obey me. If I am misguided, set me right. The weakest among you is powerful in my eyes until I do not get him his due. The most powerful among you is the weakest in my eyes until I do not make him pay due rights to others. I ask you to obey me as long as I obey Allah and His messenger. If I disobey Allah and His messenger, you are free to disobey me", the Hon'ble judge remarked if you all (the judges) act upon these words, then, we will have a bright future for this country and no power on earth can defeat us.

The Hon'ble judge urged the judicial officers to put their knowledge into practice because it is only and only the application of knowledge and practice, which can benefit the litigant public.

"Come here in the Academy to acquire knowledge with the determination, with the resolve to practice it," he maintained. He opined that as a judge he has always focused on the moral side of the judges because that aspect of the judges is most pivotal and critical.

"I am of this strong belief that if the judges are of strong moral fiber and character then the future of the country is safe and secure. In this connection he quoted the historic and brainstorming words of one old woman who addressed Imam Abu Hanifa when he was going along a slippery path and said I am an old woman, if I fall, no matter but since you hold such a noble post of Imam, you should not fall because if the holder of such an important and noble post falls, it is, indeed, a fall of the entire nation. Judges must keep these words into their mind and glorify the post which they occupy". He remarked.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy, presented an overview of the training course and urged the participants to utilize the knowledge and skills which they had gained here during the training and impart speedy justice to the litigant

public who keep on wandering years and years in search of justice in the courts. He also urged the judges to utilize the Alternate Dispute Resolution (ADR) mechanisms so as to give easy and speedy justice to the litigant public.



Participants of the course in a group photo with Hon'ble Mr. Justice Ejaz Afzal Khan and faculty of the Academy

HON'BLE MR. JUSTICE NASIR-UL- MULK LAUDS JUDICIOUS CONDUCT OF FEMALE JUDGES



Hon'ble Mr. Justice Nasir-ul-Mulk, addressing the participants

Lauding judicial bent of mind and judicious conduct of female judges, Hon'ble Mr. Justice Nasir-ul-Mulk, Judge, Supreme Court of Pakistan said that the litigant public usually views that the female judges neither discriminate nor grant unnecessary adjournments. He expressed these views in the inaugural ceremony of one week training course on "Management of Family cases inclusive of two-day workshop on challenges being faced by the female judges" for female judges of the family courts from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Monday 10th September, 2012.

Sharing his experience about the appointment of two female judges in the then troubled terrain of Swat, honorable Judge said: "when I was the Chief Justice of Peshawar High Court in 2004-5, I appointed two female judges in Swat. A month later, I visited Swat and got a

mixed kind of reaction from the senior and junior members of the bar association. It is, indeed, natural but when I visited my relatives and met the litigant public there and they opined that the female judges do not discriminate against, they do not grant unnecessary adjournments in the cases and they also asked me to replace male judges with female judges. This, indeed, testifies the integrity and judicious conduct of female judges.”

Referring to the two- day workshop on “the challenges being faced by the female judges”, which is a part and parcel of the ongoing orientation course, he urged the trainee family judges to take it very seriously and mention all those problems and challenges.

“The challenges which are being faced by you would be communicated to the honorable Chief Justices of the Provincial High Courts. However, you give your suggestions and recommendations. The honorable Chief Justices of the Provinces are authorized to implement your suggestions and recommendations” he maintained.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy, presented his welcome speech and rationale behind conducting such a training course. He urged the family judges to take maximum benefit from the training course and share their experiences with each other because such like sharing would become beneficial for them to administer justice to the litigant public especially, the victims in family cases.



Participants of the course in a group photo with Hon'ble Mr. Justice Nasir-ul-Mulk and faculty of the Academy

“I must learn to be content with being happier than I deserve.”

– Jane Austen

FAMILY COURTS URGED TO ACT AS REFORMERS

Hon'ble Mr. Justice Tariq Parvez



Hon'ble Mr. Justice Tariq Parvez, addressing the participants

Hon'ble Mr. Justice Tariq Parvez, Judge, Supreme Court of Pakistan, has urged the family court judges to make all possible efforts to bring about the parties to compromise or reconciliation so as to save the institution of family in the society.

He expressed these views at the certificate awarding ceremony of one week training course on "Management of family cases inclusive of two-day workshop on challenges being faced by the female judges" for female judges of the family courts hailing from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Friday, 14th September, 2012.

Regarding the role of a family judge, he said: "To my mind the task of a family judge is, indeed, the task of the reformer." The law has empowered the family court judge to make efforts to bring about a compromise or reconciliation between the parties at the pre-trial level and at the post trial level of the case. It is evident that no other judge has been given this much power for arbitration between the parties as the family court judges, hence, exercise these powers so as to

save families from break-up which results from the divorce. "I have read it some where in a book, "It is better not to have a family than to have a broken family". Children of broken families suffer the most in such situations.



Hon'ble Mr. Justice Tariq Parvez, gives away certificate to a participant

Lamenting about the increasing number of divorces in the society, the Hon'ble judge said: "Since we live in a society where the ratio of illiteracy is very high and divorces are more among the uneducated families as compared to educated families, hence, apply all indigenous tools, skills, modes and traditions, instead of modern techniques and tools of reconciliation which are alien to our society and culture, so as to save the families because when families are broken up in any society then this shakes the society to its roots." You must keep in mind that family court judge has a parental jurisdiction is not an ordinary thing, it is of utmost importance, he added.

About the learning he said: "I firmly believe that we can learn a lot from each other, from each other's experiences than books. I believe that you people must have learnt a lot from each other during this training because you come from different cultural backgrounds here in this Academy. No doubt, we have different traditions and culture but we apply the same law and the procedure in courts.

Hence, I hope you must have enriched each other's experience in this training.”

Speaking about the importance of subject of psychology, the Hon'ble Judge said that the family court judges should be imparted training in the subject of “Psychology” so as to enable them to address the psychological barriers between the parties, a husband and wife in the case before the court and resolve the problem. He urged the family judges to sharpen their skill so as to manage the cases and workload for speedy disposal of cases.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy presented an overview of the course and opined that we would assuredly consider ourselves successful in our efforts and in our trainings that whatever you learn here, apply it in the field and pass on its benefits to the litigant public.



Participants of the course in a group photo with Hon'ble Mr. Justice Tariq Parvez and faculty of the Academy

COURT NAZIRS ASKED TO WORK WITH DEVOTION

Appreciating the core and content of the training course, Mr. Muhammad Nawaz, Senior Accounts Officer, Supreme Court of Pakistan, has urged the Nazirs/Accountants to enrich their knowledge; sharpen their skills and apply that knowledge and skills for an effective maintenance of accounts record in the district courts.

He expressed these views in the inaugural ceremony of one week training course titled “How to be an effective Nazir” for Nazirs/Accountants hailing from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan at the Federal Judiciary Academy on Monday, 17th September, 2012.

He asked the trainees to pay their full attention to the topics such as noting drafting, and official correspondence, preparation of budget and revised budget estimates, schedule of expenditure, General Financial Rules (GFRs), Fundamental Rules and Supplementary Rules, Pension Rules, Maintenance of Accounts Books, Loans and Advances to Government Servants, G.P. Fund and computer skills among other so as to be an effective Nazir/Accountant in the Court.

Advising the trainees he said that there was no substitute for honesty, devotion and dedication, therefore, work with devotion with devotion and dedication wherever you are posted and try to earn

respect among seniors and juniors by dint of your professionalism and professional efficiency.

Earlier, Mr. Parvaiz Ali Chawal, DG, FJA, presented his welcome speech and highlighted the importance of the training course. "Being a judge, I had an opportunity to work in various capacities during my judicial career, I am fully conversant with the linchpin role of the Nazir/Accountants in the District Courts, hence, on the basis of my experience, exposure and orientation, we have designed and developed such a course for you which will really make you an effective Nazir, if you apply that knowledge and skills which will be imparted here during this weeklong training at the Academy", he concluded.



Participants of the course in a group photo with Mr. Muhammad Nawaz and faculty of the Academy

INSTITUTIONALIZED TRAININGS ESSENTIAL TO DEVELOP PROFESSIONALISM.

Dr. Faqir Hussain



Dr. Faqir Hussain, Registrar, Supreme Court of Pakistan addressing the participants

Dr. Faqir Hussain, Registrar, Supreme Court of Pakistan, has said that training was an essential element to develop professionalism among the employees of any organization; sharpens their skills and also to make the organization more effective and community service oriented one.

He expressed these views in the certificate awarding ceremony of one week training course titled "How to be an effective Nazir" for Nazirs/Accountants hailing from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan at the Federal Judicial Academy on Saturday, 22nd September, 2012.

Speaking about the state of training in Pakistan he said: "Indeed, trainings enhance the capacity of the

employees, the trainings play an important role to improve the overall efficiency of any organization but it is evident that this very vital area has not been accorded due importance in our country in the past. Those organizations where the trainings are institutionalized such as military, their performance is better.”

Regarding reforms in the system he opined: Reforms come slowly and gradually in any system. The civilized countries arrange such like trainings, orientations and workshops for their people, they hold discussions, they exchange views with each other, they conduct research on various subjects, research and review is not stagnant in those nations, they keep on exploring something the best on the basis of their constant research, and then, they evolve new procedures keeping in view which method or procedure is economical and resource saving but with the best results. You must keep this thing in mind that they have the same system, they hurriedly and abruptly change the system but they develop that system with intellectual and fiscal investment.

Eulogizing the role of Federal Judicial Academy, Islamabad, he opined: “Since long this premier judicial training institute of the country has been playing a dynamic role in the training and orientation to the judicial officers, court personnel and other stakeholders of administration of justice including the lawyers, law officers, and attorneys but being the premier judicial training institute, Federal judicial Academy has to play “role model” for other newly established provincial academies.

Appreciating the course content with special reference to the topics such as account keeping and disbursement of cash, he advised the trainees to deal with financial matters carefully and meticulously.

“Whenever any file concerning the financial matters comes to me, I read it with utmost care because it is technical one and the money which comes to us is from the national exchequer and that's poor taxpayer's money, hence, we all have to deal with financial matters with utmost care and honesty so that the poor of this country may not suffer” he maintained.

He said that such like training courses were essentially to promote national harmony and integration in the country.



Dr. Faqir Hussain, gives away certificate to a participant

“It is not possible for all of you, at individual level, to visit each other in different parts of the country including Azad Jammu & Kashmir and Gilgit-Baltistan but FJA like training institutes provide you promising opportunities to come for training, learn from the learned resource persons and also interact with each other and share your knowledge and experience with each other so as to make this system successful. Above all, you discuss your service related matters with each other and also problems and challenges which the Director General of the Academy usually communicates to the National Judicial Policy Making Committee for their consideration and solution. In a way, this generates hope among you that your problems are placed at the proper forum for solution. You must bear in mind when any person commits any mistake in any system or when there is noticed any deficiency or discrepancy in any individual, then, it adversely impacts the system because that deficiency or discrepancy is not considered of an individual but of that system and of that organization, therefore, all of us have to make concerted efforts to make this system successful” he concluded.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy presented an overview of the course and said that the purpose of this brief training course was to impart necessary knowledge and training to the Nazirs/Accountants.



Participants of the course in a group photo with Dr. Faqir Hussain and faculty of the Academy

POSITION HOLDERS

Ms. Samina Mangi, Civil Judge-Cum-Judicial Magistrate, Larkana, secured first position and Mr. Rajesh Chander Rajput, Civil Judge and Judicial Magistrate, Khairpur Mirs, clinched second position in the essay competition on the topic “Whether criminal justice is possible in a country where neither witnesses give truthful evidence nor investigation agency investigates the case fairly nor the counsel represent the case according to law and justice” during one week orientation/ refresher course on “Appreciation of Evidence and Management of Criminal Trial before Magistrates” for twenty Civil Judges-cum-Judicial Magistrates from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan (9th to 14th July, 2012).

WHETHER CRIMINAL JUSTICE IS POSSIBLE IN A COUNTRY WHERE NEITHER WITNESSES GIVE TRUTHFUL EVIDENCE NOR INVESTIGATION AGENCY INVESTIGATES THE CASE FAIRLY NOR THE COUNSEL REPRESENT THE CASE ACCORDING TO LAW AND JUSTICE



by

SAMINA MANGI
Civil Judge-Cum-Judicial Magistrate

Larkana

Fear Allah and speak straight forward (Al-Quran)

I think it best not to mince my words, but rather speak straight forward about the above - mentioned question and say, 'Criminal Justice is not possible in such a sable, and murky scenario where a few key stakeholders of the said system are not dutiful, devoted, diligent, upright and honest, however, being a student of law, political science and above all young female judicial officer brimming with hope and optimism, I consider it appropriate to put the light on this very important topic, educationally, academically, intellectually, sociologically, and legally, probably then, I can put up a few feasible recommendations to fine-tune this anarchic criminal justice. Furthermore, we must keep in mind that the ineffectiveness of Pakistan's criminal justice system has serious repercussions for domestic, regional and international security.

Defining Criminal Justice

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some conducts so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviors by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehavior. It is only the criminal justice system in a legal system which has the power to control crime and punish criminals.

Legal wizards and jurists categorize the following main objectives of the criminal justice system:

- Prevent the occurrence of crime.

- Punish the transgressors and the criminals.

- Rehabilitate the transgressors and the criminals.

- Maintain law and order in the society.

- Deter the offenders from committing any criminal act in the future.

Criminal Justice System under cloud

Of late, the relevance of our criminal justice system- both substantive and procedural is under cloud and open to grave skepticism. The system is unquestionably founded in laws that are arbitrary and operate to the disadvantages of the vulnerable and the poor. Pitiably, even after six decades of independence, no serious effort has been made to redraft penal norms, radicalize punitive processes, humanize prison houses and make anti-social and antinational criminals etc. incapable of escaping the legal coils.

Even though Pakistan is flooded with statutory laws pertaining to criminal justice system, most of these were legislated during the earlier British colonial period; that being between 1860 and 1910. The Penal Code defining the penal offences and their punishments was enacted in 1860, while the Criminal Procedure Code dates back to 1898, Prisons Act, Prisoners Act, and The Reformatory Schools Act have been in force since 1894, 1900, and 1897 respectively. Given the nineteenth century influences on the ideas of crime and punishment, the principles revolving on deterrence rather than a reformatory view, coupled with the expected sensitivity of a colonial rule was dominant in the minds of the legislators, should be no surprise to any critic. Some of these laws enacted fell squarely within the natural scheme of the desired coercive legislation.

Unless there is comprehensive reforms of the criminal justice system in its entirety, there is unlikely to be decisive change. But what is required is a detailed look at the system as a whole. Such an effort is long overdue and would be an essential and urgent step towards reform of vital spheres of public administration affecting human rights and human dignity. There are problems concerning such issues right from the stage of recording the FIR, during investigation -which often involves search, seizure, arrest, detention and interrogation-, prosecution, trial, sentencing, jail life, parole, review, remission and rehabilitation, not to mention recidivism and relapse. Unless the government agencies dealing with specific aspects of these processes and matters work in co-ordination and their efforts are complementary to each other, there cannot be harmonious and purposeful results. In the current processes severe damage is caused to basic humanitarian considerations, the rule of law and public confidence in the credibility of the entire system has been shaken. The results can be and in fact are very disturbing the Society is losing faith in the system of justice. Sensitivities in regard to human sufferings and the inescapable disregard of law have been dulled. It can with all conviction be said that failure of criminal justice system is one of the players due to which people have lost faith in the administration of justice, and the rule of law has seriously eroded.

The obvious and immediate impediments facing the litigants, specially the under trial prisoners can be narrowed to three categories:

1. The need for measures to lessen the population of the prisons through reforms in the jail administration and restorative justice programmes
2. Delay at the investigation levels
3. Delay in the trial proceedings

Each of these requires independent enquiry to ascertain and point out the problem areas, and the possible solutions by which each category responsible for the decay of prison and judicial system may be attended to.

Categories ii and iii both overlap and inter sync in what is termed as Delay in Proceedings.

An interesting observation comes from Michael Anderson in his paper on Access to Justice in the First Judicial Colloquium on Access to Justice, which is reproduced to emphasize the issue under discussion:

“Justice in its current form is part of the problem. Second, the poor see the institutions of justice (especially the police, but also court officials and others) not as a source of protection, but as entities to be avoided. Where justice institutions are seen not as the solution but as part of the problem, it is hardly surprising that access to them is not especially attractive. Poor people rarely mention a lack of legal aid as their critical justice problem; partly this is because they see lawyers and courts as part of the problem to be avoided rather than the solution to their difficulties. In this context justice institutions might take a page from the medical profession, where the primary rule is "First, do no harm" - in other words, make certain that the medical intervention is not going to make the patient worse off. Improved access to courts will be of little use if it means greater access to delay, harassment, bribe-taking, and unresponsive systems. In this context, the question for judges becomes: how to ensure that justice institutions are not themselves sources of injustice before offering them as weapons against the injustice of others?”

Delay in criminal justice negates several fundamental rights including the right to freedom of movement and dignity of man. The problems of delays are neither new nor unique in the context of Pakistan only, even most advanced countries lament of heavy arrears. It is an old and chronic problem of global dimension caused partly by cumbersome and technical provisions of procedure and partly because of non-observance of provisions. It was observed:

"Delay haunts the administration of justice. It postpones the rectification of wrong and the vindication of the unjustly accused. It crowds the dockets of the courts, increasing the costs for all litigants, pressuring judges to take short cuts, interfering with the prompt and deliberate disposition of those cases in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility. But even these are not the worst of what delay does. The most erratic gear in the justice machinery is at the place of fact finding and possibilities for error multiply rapidly as time elapses between the original fact and its judicial determination. If the facts are not fully and accurately determined, then the wisest judge cannot distinguish between merits and demerits. If we do not get the facts right, there is little chance for the judgment to be right."

Ever since the creation of Pakistan, the need to reform the administration of justice always remained on top of agenda of the successive Governments. There was constantly search for new and alternative ways and means to overcome the problem of delays and to remove hurdles and obstacles in way of speedy and fair dispensation of justice.

The causes and factors responsible for the delays in trial of criminal cases may briefly be identified. These include lack of proper supervision of courts, unsatisfactory service of processes, lack of proper working conditions in the court, lack of transport facility for process serving staff, lack of court/residential accommodation for judicial staff, lack of libraries, lack of record rooms in the courts, shortage of ministerial staff and necessary equipments in the courts, nonobservance of the provisions of procedural laws, shortage of judicial officers, shortage of stationery and furniture, delay on the part of investigating agencies, non-attendance of witnesses, delay in writing and delivering judgments, frequent adjournments, dilatory tactics by the lawyers and the parties, frequent transfer of judicial officers and transfer of cases from one court to another, interlocutory orders and stay of proceedings and un-attractive service conditions of subordinate judicial officers, etc.

Courts have to follow procedural laws i.e. the Code of Criminal Procedure, 1898 and C.P.C which are more than hundred years old and time-tested, yet need to be reformed to meet the present-day requirements. It may also be pertinent to mention that our neighbouring country (India) has exhaustively revised both these laws. The time is ripe to thoroughly revise our procedural laws in order to bring them in conformity with modern needs. This exercise though time consuming will produce positive and far-reaching results in eradicating courts delays, both in civil and criminal justice system. There is also a need to improve judicial system through administrative measures for eliminating defects that exist in the system.

It is therefore proposed that the process of law reforms be carried through:

- (i) introducing legislative reforms through amendments;
- (ii) administrative reforms; and
- (ii) introducing means of alternate dispute resolution.

In view of the importance of the subject matter, it is proposed to explain in brief some of the important areas of the criminal justice system that have attracted the attention of the courts in the sub-continent in recent years. These are:

1. Bail
2. Prison justice.
3. Compensation to the victims.
4. Legal aid and legal services.

Bail is a generic term used to mean judicial release from *custodia legis*. The right to bail- the right to be released from jail in a criminal case, after furnishing sufficient security and bond- has been recognized in every civilized society as a fundamental aspect of human rights. This is based

on the principle that the object of a criminal proceeding is to secure the presence of the accused charged of a crime at the time of the inquiry, trial and investigation before the court, and to ensure the availability of the accused to serve the sentence, if convicted. It would be unjust and unfair to deprive a person of his freedom and liberty and keep him in confinement, if his presence in the court, whenever required for trial, is assured.

Justice delayed is justice denied. This is more so in criminal cases where the liberty of an individual is at stake and in jeopardy. The irony of fate is that in all such cases, it is the poor and the weak who are the victims of the criminal justice system, and not the rich who are able to get away.

Criminal law, which reflects the social ambitions and norms of the society, is designed to punish as well as to reform the criminals! but it hardly takes any notice of byproduct of crime- i.e. its victim. The poor victims of crime are entirely overlooked in misplaced sympathy for the criminal. The guilty man is lodged, fed, clothed, warmed, lighted, and entertained in a model cell at the expense of the state, from the taxes that the victim pays to the treasury. And, the victim, instead of being looked after, is contributing towards the care of prisoners during his stay in the prison. In fact, it is a weakness of our criminal jurisprudence that the victims of crime don't attract due attention.

Rationally speaking, Criminal Justice System in Pakistan requires a strong second look. The criminal investigation system needs higher standards of professionalism and it should be provided adequate logistic and technological support. Serious offences should be classified for purpose of specialized investigation by specially selected, trained and experienced investigators. They should not be burdened with other duties like security, maintenance of law and order etc., and should be entrusted exclusively with investigation of serious offences.

The number of Forensic Science Institutions with modern technologies such as DNA fingerprinting technology should be enhanced. The system of plea-bargaining (as recommended by the Law Commission of India in its Report) should be introduced as part of the process of decriminalization.

The greatest asset of the police in investigation of crimes and maintenance of law and order is the confidence of the people. Today, such public confidence is at the lowest ebb. The police are increasingly losing the benefit of this asset of public confidence. Hard intelligence in investigations comes from public cooperation. If police are seen as violators of law themselves or if they abuse their powers for intimidation and extortion, public develop an attitude of revulsion and the onerous duties and responsibilities that the police shoulder become more onerous and difficult.

In order that citizen's confidence in the police administration is enhanced, the police administration in the districts should periodically review the statistics of all the arrests made by the police in the district and see as to in how many of the cases in which arrests were made culminated in the filing of charge-sheets in the court and how many of the arrests were ultimately turned out to be unnecessary. This review will check the tendency of unnecessary arrests.

Conclusion

Pakistan is a country of 190 million people who want to have crime, corruption and terror-free country. Had our Criminal Justice System, I mean, its important players such as Witnesses, Investigation agencies and the counsel, performed with reasonable efficiency then this country would not have turned into a breeding ground for the criminals and crooks. People call our Criminal Justice System in the fiasco, hence, it is essentially necessary that the witnesses, investigation agencies and the counsel may be morally, ethically, intellectually and psychologically enriched and enlightened. Besides, the four provincial governments should make the reform of an anarchic criminal justice sector a top domestic priority and that is only way to save our crumbling society.

Ms. Mahrukh Aziz Tarar, Additional District & Sessions Judge, Gujjar Khan, secured first position while Mr. Shahrukh Arjumand, Additional District & Sessions Judge, Islamabad (East) and Mr. Munir Ahmad, Additional District & Sessions Judge, Alipur, clinched second position in the essay competition on the topic “What measures should be taken to eliminate corruption in judiciary?” during One week training course on “Orientation of New Laws” for Additional District & Sessions Judges from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan (27th August to 1st September, 2012).

WHAT MEASURES SHOULD BE TAKEN TO ELIMINATE CORRUPTION IN JUDICIARY?

by
Ms. Mahrukh Aziz Tarar
Additional District & Sessions Judge

Gujjar Khan



Corruption in the judicial system is a problem which is prevalent all over the world. In the developing countries the rate or perception is greater than the developed countries. The judiciary in Pakistan is considered to be one of the most corrupt institutions in the country. According to the report of the Transparency International for the year 2011, judiciary ranked fourth in corruption. This is an alarming situation which needs immediate attention of those in authority. Although elimination of corruption from any institution or society is utopian concept, however if the causes of corruption are identified and minimized it can be controlled effectively.

The structure of judicial system in Pakistan is such that a majority of persons associated with it are not subject to any control or scrutiny. Our judicial system comprises:

1. Judges who preside over the courts
2. The court staff
3. The advocates

Judges are under the administrative control of their respective High Court. There exists a well organized setup for their monitoring. Laws exist to deal with the complaints filed against them. Disciplinary action is taken against them and punishment including removal from service are awarded to them on the ground of inefficiency, misuse of power or authority and for corruption. In spite of that there is strong perception that most of the judges are corrupt. It means that there are some flaws or loop holes in the administrative system which must be made more effective and result oriented.

The judicial system prevalent in Pakistan is more than one hundred years old, it desperately needs restructuring. The corruption in judicial officers/judges can be eradicated by improving their service structure. Judges are inducted in service as civil judges then additional district and session judges are inducted in grade 20. This slows down the promotion of the civil judges as a result many of them retire prior to becoming session judges. There is no reason for double induction. The model of the armed forces can be adopted in this respect. There should be only one induction in service as civil judges which should be purely on merits. The credentials and the reputation of the candidates must be verified in order to insure that no person who can be easily lured or who can be influenced easily joins the service. The promotion should then be subject to passing the departmental exams for elevation to the high court an extensive course on constitution laws could be introduced. This will provide a great

incentive to the person working in the department and they would be forced to improve their capabilities as well as reputation in order to get to the top.

The respect of the office of the judge should not be compromised at any cost. The judges of the district judiciary should not be treated as punching bags. At present the judges of the district judiciary are treated with contempt by the higher judiciary, maltreated and even physically assaulted by the members of bar. In such a situation sense of insecurity develops and easy option is to resort to corruption. If a judge of the district judiciary is insulted it is the insult of the entire judiciary. The elements of the bar or the general public who indulge in such practice should be dealt with an iron hand. The communication gap between the district and the higher judiciary should be reduced. It would provide an opportunity to the members of the district judiciary to communicate their problems to their bosses and would inculcate a sense of security in them.

The court staff is provided to facilitate the judges in performance of their duties. The corruption in the court staff is badly tarnishing the image of the judiciary in public. Their corruption usually remains unchecked. The reasons are that that the court staff remains posted in the same district throughout their service. They develop friendships and close liaison with the members of the bar. So whenever a complaint is filed against them or an inquiry is conducted they manage to get through it with the help of their friends or well wishers in the bar. Usually the complaint is withdrawn. In order to curb their corruption they should be transferred out of district like judges. Their salaries should be increased and they should be closely monitored by the judges with whom they are working. The most important step toward minimizing corruption is that they should be recruited strictly on merit.

The advocates are supposed to be the officers of the court. Their role is very important for proper administration of justice. However their role in the judicial system is virtually unchecked. They are not answerable to anyone. Over a period of time they have developed into a force which is uncontrollable. They receive huge amounts as fees from the litigants. They sometimes receive money in the name of the judges also on the pretext that the same is a bribe for judge. The buying of the opposite counsel is also not uncommon. In spite of the fact that they are the service providers the bar councils are paid huge amount as fund by the high court as well as the government for which they are never held accountable. The corruption in the lawyers has increased many folds during the last few years. The mushroom growth of the law colleges is one of the contributing factors. The number of lawyers produced is much more than the actual requirement. There is no check on the quality of education which these colleges are providing. Result is that a large number of youth enters this profession and in order to survive they adopt all legal or illegal means. The private law colleges should be brought under some discipline. The induction of the lawyers in the legal system should be regulated by introducing exams system which should be conducted by the bar council at the provincial level. The senior members of the bar should be compelled to introduce firm system so that the juniors are not forced to adopt unfair means to survive in the field. The bar councils role should be made more effective. They should ensure that an, advocate books only such number of cases at a time which he can effectively handle. They should also check the entry of non professionals in the bar councils. An effective crackdown on fake lawyers in big cities will bring down the corruption at least fifty percent. The conduct of the lawyers should also be scrutinized strictly. Nobody should be allowed to amass wealth at the cost of the poor people who come to the courts for solving their problems. There should be an effective disciplinary committee of the bar council in which judges should also be members especially the Sessions judge of the district who must ensure that the code of conduct is strictly followed.

In efforts for eradication of corruption one large segment is usually forgotten and that is the clerks of the advocates, the stamp vendors, deed writers, the oath commissioners and notary public sitting inside the court premises. The misfortune of the litigant begins as soon as they step into the court complex. Starting from the security staff till reaching the court concerned they are looted at a number of places.

The litigants are generally illiterate they need help at every step and at every step they are defrauded and have to fulfill the demands of the persons from whom they seek help. This has increased the corruption in the judicial system to a great extent. Effective and drastic measure must be taken to monitor these persons and to channelize their services. The stamp vendors etc should be forced to keep a computerized record of the transaction the data of each transaction should be sent to a centralize office and to the office of the district and sessions judge along with the pictures of the persons entering the transaction. The clerks should be confined by the advocates to their offices only, their entry in the courts should be strictly prohibited.

Focusing on the judges only without even touching the other three important pillars of the judicial system will only aggravate the problem. All the persons associated with the system should be equally treated and simultaneously steps should be taken to eradicate corruption from their ranks. Otherwise all the efforts will prove futile.

The laws which are being promulgated in our country basically protect the rights of a privileged few. In order to implement them corrupt people are the requirement of the governments. So they encourage, promote and provide support to all those who are essential to conceal and help them in acquiring wealth and power through illegal means. This includes a corrupt judicial system. Societies in which the fundamental rights exist on papers only but are not effectively implemented, rampant corruption makes it impossible for the general public to protect their property rights, the access to justice becomes difficult due to cumbersome court procedures and high cost of litigation, rich and influential can get away with almost anything and the process of devastation and ruination sets in. In order to save the system judiciary can play a very effective role. Now when the faith in the judicial system has developed it is high time that some real efforts should be made to eradicate corruption from the system.

Mrs. Uzma Khan, Judge Family Court, Hyderabad, secured first position and Miss Saima Najam, Judge Family Court, Hub, clinched second position in the essay competition on the topic "In a suit for dissolution of marriage the plaintiff wants a decree on the ground of cruelty and in the alternative on Khula. How would you proceed with the case?" during One week orientation course on "Management of Family Cases inclusive of two days workshop on challenges being faced by the Female Judges" for Female Judges of the Family Courts from all over Pakistan including Azad Jammu & Kashmir and Gilgit-Baltistan (10th to 15th September, 2012).

IN A SUIT FOR DISSOLUTION OF MARRIAGE THE PLAINTIFF WANTS A DECREE ON THE GROUND OF CRUELTY AND IN THE ALTERNATIVE ON KHULA. HOW WOULD YOU PROCEED WITH THE CASE?

by
Mrs. Uzma Khan
Judge Family Court

Hyderabad



Marriage is a social contract between a man and a woman, the consideration of which is Haq Mehr (Dower). Sometimes due to financial, education or social difference between the spouses, there arise disputes and differences, which become the base of disliking and hate. Resultantly the spouses are compelled to start looking ways to dissolve the marital tie. Before the Almighty Allah,

Talaaq is the most disliked act among all “Halal” actions but at the same time Islam does not force on the spouses a life devoid of harmony and happiness and if the parties cannot live together as they should, it permits a dissolution of marriage. A husband has an absolute right of Talaaq with or without assigning any reason. On the other hand, the law of land has provided as much as nine (09) grounds to a wife under Dissolution of Muslim Marriages Act, 1939 to get a decree for dissolution of marriage. Cruelty is cited as the eighth ground in the Act 1939, which includes:-

- a. Habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment; or
- b. Associates with woman of evil repute or leads an infamous life; or
- c. Attempts to force her to lead an immoral life; or
- d. Disposes of her property or prevents her exercising her legal right over it; or
- e. Obstructs her in the observance of her religious profession or practice; or
- f. If he has more wives than one, does not treat her equitably in accordance with the injunctions of Quran.

Whereas khula literally means to put off. The Holy Quran says; “You are garments or apparel for wife and they are garments for the husband.” Khula, therefore, should mean the putting off the clothes of marriage. The basis and foundation of khula is verse 2:229 of the Holy Quran, though the word khula finds no mention therein;

“Divorce must be pronounced twice, then either retain them in house or release them with kindness. And it is not lawful for you that you take back from woman anything out of what you have given them unless they both fear that they cannot keep within the limits imposed by Allah. But if you fear that they cannot keep within the limits prescribed by Allah, then it is no sin for either of them in what she gives up to be free i.e ransoms herself. These are the limits imposed by Allah. Transgress them not, for those transgress Allah's limit; it is they who are the wrong-doers.”

Khula is a right of a woman to dissolve her marriage merely asserting her hate against husband after returning the benefits she got from the husband. A wife is not required to produce any evidence in support to her aversion of hate.

In our judicial system, the courts dealing with family suits adopt the procedure provided under the Family Courts Act 1964. Earlier the suits pertaining to Khula were tried by the court commenced as the plaint being presented to court and after service to the other side the suit was fixed for written statement and for pre-trial. In case of failure to pre-trial conference both the parties were to lead evidence and thereafter post-trial proceedings were carried out and the judgment was pronounced. The legislature, for expeditious disposal of cases for dissolution of marriage, amended the law and a proviso has been added to section 10 sub-section 4 of the Family Courts Act 1964, under which it has been made mandatory upon the family court to dissolve the marriage forthwith if the reconciliatory efforts failed. If a wife files a suit for dissolution of marriage on the ground of cruelty and in the alternative prays for Khula and during the pre-trial proceedings she states that she does not want to live with the husband, it indicates that the plaintiff wife is not prepared to live with the husband. Her statement is sufficient to display the aversion of hatred against the husband, which is pre-eminent consideration in the matter of divorce by Khula. The unhappy relation between the husband and a wife has no hope in their living together within the limits prescribed by Almighty Allah. In these circumstances, the plaintiff wife is entitled for her dissolution of marriage by way of Khula.

