

**RECORD NOTE OF VISIT OF LEARNED ADVOCATE GENERAL, CHAIRMAN AND MEMBERS KHYBER PAKHTUNKHWA BAR COUNCIL AND PRESIDENTS OF DISTRICT BAR ASSOCIATIONS AND TEHSIL BAR ASSOCIATION IN THE PROVINCE DATED 05.01.2017 TO MR. JUSTICE YAHYA AFRIDI, HON'BLE THE CHIEF JUSTICE.**

On 05.01.2017, the learned Advocate General Khyber Pakhtunkhwa, all Members hailing from Khyber Pakhtunkhwa in Pakistan Bar Council, all the Members of Khyber Pakhtunkhwa Bar Council, all the Presidents and General Secretaries from the High Court Bar Associations and all the Presidents of District Bar Associations and Tehsil Bar Associations were invited by the Hon'ble Chief Justice for discussing matters of mutual concern relating to the problem faced by the Bar and the Bench and the way forward in resolving the same.

Fifty six worthy Advocates attended the meeting. The suggestions and proposals made by the worthy participants were as follow: -

**1. Mr. Muhammad Ijaz Sabi advocate, Chairman Executive Committee, Khyber Pakhtunkhwa Bar Council, Peshawar.**

- (i) Specialized benches at the principal seat.
- (ii) Time observance of Courts;
- (iii) Cause list is very lengthy, may be shortened;
- (iv) Delay in filling the Comments
- (v) The Advocate General may be requested to file comments in time;

- (vi) Pending cases against the advocates in Khyber Pakhtunkhwa Bar Council may be disposed off;
- (vii) In cases, where stay is granted, orders may be for a specific period/time;
- (viii) Cases should not be adjourned unnecessarily and for petty matters;
- (ix) The learned counsel added that many Sub-Ordinate Judges are sitting in Retiring Rooms for hours. The dates are given by the Readers of the Courts at the choice of the litigants. About 25-cases are fixed daily for recording evidence, which is impossible.

Mr. Abdul Latif Khan Yousafzai, the Worthy Advocate General Khyber Pakhtunkhwa assured Hon'ble the Chief Justice that comments will be furnished within 15-days.

**2. Qazi Muhammad Arshad Khan Advocate, President, Peshawar High Court Bar Association Abbottabad Bench.**

The worthy advocate commenced with recitation from Holy Quran. And, thereafter, he complained that in District Abbottabad, there are a number of family cases which may be reduced by posting more Family Court Judges at the station.

That there is no Bar room in Circuit Bench Abbottabad. The Bar members have been given one Court room to be used as Bar Room.

The learned President made suggestion that word "My Lord" may be ordered to be discontinued.

**3. Syed Abid Hussain Shah Bukhari advocate, President, Peshawar High Court Bar Association D. I. Khan.**

The learned President requested for posting of at least two Hon'ble Judges in D. I. Khan Bench because presently only one Hon'ble Judge is working in D. I. Khan Bench, due to which they are facing difficulties. He proposed that Courts timing may be specified.

4. **Mr. Shah Jehan Khan Advocate, Member Khyber Pakhtunkhwa Bar Council from Mansehra.**

The learned member of the Bar suggested that if there is any problem between the Bar and Bench, the same may be resolved by mutual consultation of the elected Members of the Bar and the worthy Judges.

5. **Mr. Qamar Zaman Khan Advocate, President, Tehsil Bar Association Takht Bhai (District Mardan).**

He brought to the notice of Hon'ble the Chief Justice that about 3000-cases are pending in Tehsil Takht Bhai and only two Additional District & Sessions Judges are working there. He requested Hon'ble the Chief Justice for posting of some more Additional District & Sessions Judges in the station so that the litigants may not suffer.

6. **Mr. Hazrat Maaz advocate, President, District Bar Association Swat.**

He stated that old cases may be considered from the date of there institution. He suggested that two years *criteria* for appointment of Judges of the District Judiciary is not sufficient, it may be enhanced to at least five years. He also suggested that, if possible, the new recruited Civil Judges be given training for

a month or two. He further suggested that clerical staff of the Judiciary and lawyers be also given training. He brought to the notice of Hon'ble the Chief Justice that no facilities are available for the litigant public in the Bar rooms.

7. **Mr. Ijaz Muhammad Advocate, President, District Bar Association, Nowshera.**

In the Bar Room there is no separate place for female lawyers. The practice to post an officer for more than two years, be discontinued. The learned President brought to the notice of Hon'ble the Chief Justice that Rupees twenty five Crores have been sanctioned in the year 2010 for construction of Judicial Complex Nowshera. He suggested that in the new plan enough space may be specified for the Bar Room.

8. **Mr. Tahir Waseem advocate, Member Khyber Pakhtunkhwa Bar Council from D. I. Khan.**

He suggested that Hon'ble the Chief Justice may visit D. I. Khan Bench. He stated that strikes are observed on the request of the lawyers who are aggrieved of the illegal and rude conduct of the police or other government officials.

9. **Mr. Javed Khan advocate, President, District Bar Association, Kohat.**

The learned President suggested that the pecuniary jurisdiction of the District Judges may be increased from rupees one Million to five Million. The learned President complained about the Process Serving Agency of the District Courts.

**10. Mr. Iftikhar Khan senior advocate, President, Peshawar High Court, Mingora Bench.**

The learned President suggested that the Court time for Peshawar High Court, Mingora Bench may be fixed different from that of the Principal seat and other Benches.

The learned President suggested that cause list may be released and displayed on the website of the High Court, as the Mobile connections in Malakand are always operational.

**11. Mr. Ameer Muhammad Advocate, President, District Bar Association Batagram.**

The President hoped that Hon'ble the Chief Justice will visit Batagram. The President suggested that the representatives of the Government Departments attending Court proceedings should not be below the rank of 17-Grade.

**12. Mr. Saeed Khan advocate, Member Khyber Pakhtunkhwa Bar Council from Swat.**

The learned member suggested that cases of Behrain and Khwazakhela should be heard at District Courts Swat.

**13. Mr. Muhammad Farooq Sabir Advocate, President, District Bar Association Lakki Marwat.**

The learned President stated that corruption be eradicated from lower judiciary. He also suggested for construction of a Mosque in the Court premises.

**14. Mr. Sher Hayat Advocate, President, District Bar Association, Timergara (Dir Lower).**

The learned President brought to the notice of Hon'ble the Chief Justice that one Judge has spent four years in the District but no work was done by the learned Judge. He also brought to the notice of Hon'ble the Chief Justice about corruption in the District Judiciary.

**15. Syed Abdul Haq Advocate, General Secretary, Peshawar High Court Bar Association, Mingora Bench.**

The worthy Advocate suggested that directions be given to the District judiciary to maintain properly the cases record, as is in practice in the Peshawar High Court.'

**16. Mr. Amjad Ali Khan Marwat Advocate, President, District Bar Association, Peshawar.**

The learned President brought to the notice of Hon'ble the Chief Justice that three writs have been filed by lawyers community; one for medical facilities equal to grade-17 Government Officers, the other for appointment of legal advisor by every company to be appointed and the last for fee of private schools. He requested that these cases be expeditiously disposed of.

**17. Mr. Akhtar Hussaian Qureshi Advocate, President, District Bar Association, D. I. Khan**

The learned President brought to the notice of Hon'ble the Chief Justice that often Judges are threatened of which notice may be taken. He also brought to the notice of Hon'ble

the Chief Justice that no facilities are available in the Bar Room. He requested for redressal of his grievances.

**18. Pir Hameedullah Shah Advocate, President, Peshawar High Court Bar Association, Bannu Bench.**

The worthy President brought to the notice of the Hon'ble the Chief Justice the pendency of 2700-cases in Bannu Bench and stated that there is only one Hon'ble Judge for disposal of the said cases. He requested for a second Hon'ble Judge in Bannu Bench. He also brought to the notice of Hon'ble the Chief Justice that office of High Court Bannu Bench is in the Cantonment area and thus they suffer from security checking especially the litigants, thereby leading to delays in reaching Court on time. The solar system has been removed for unknown reasons.

**19. Mr. Ahmad Farooq Khattak Advocate, Member Khyber Pakhtunkhwa Bar Council from Karak.**

The learned member brought to the notice of Hon'ble the Chief Justice that most often relatives of the Judges are appointed in the District Judiciary, who are casual about their judicial functions. This has led the lawyers and litigants to suffer.

**20. Mr. Muhammad Ismail Advocate, President, District Bar Association, Upper Dir.**

The learned President complaint that there is no jail in Dir Upper and trials of Anti-Terrorism Cases are conducted in Timergara. He requested for Camp Court of Anti-Terrorism

Court at Dir Upper. He also requested for filing of cases of Dar-ul-Qaza Mingora in District Court Upper Dir.

**21. Mr. Ijaz Ali Advocate, Member, Khyber Pakhtunkhwa Bar Council from Swabi.**

The learned member complained about the Process Serving Agency. He informed that most often Process Server report on the summons by merely writing that “parties have been informed”. He suggested that detail report may be given by the Process Server on the summons. The member also complained that Presiding Officers announce judgment after long delay of hearing the parties, which practice may be discouraged.

**22. Mr. Shahid Riaz Khan Advocate, Member, Khyber Pakhtunkhwa Bar Council from Nowshera.**

The learned member suggested that all cases arising of one case/FIR, be dealt with by one Judge.

**23. Mr. Muhammad Sareer Advocate, Member, Khyber Pakhtunkhwa Bar Council from Charsadda.**

The learned member reiterated the suggestion of giving training to the new recruited Civil Judges.

Hon’ble the Chief Justice after hearing the valuable suggestions of the worthy members of the Bar, openingly discussed policy matters and it was resolved that:-

- i. The Worthy President of the Bar Associations would first bring in writing their grievances to the notice of their respective District & Sessions Judge a copy



thereof be sent to the Hon'ble the Chief Justice, and if their grievances are not redressed within a week by the District & Sessions Judge, they would submit the same to the Worthy Registrar of this Court. In case of no *positive* response, in a week, they may be directly approach Hon'ble the Chief Justice.

- ii. Interlocutory orders challenged before the High Court shall be disposed of expeditiously.
- iii. Adjournments will be discouraged and at least, in genuine cases, short adjournments will be granted. Stay orders will be vacated automatically, if unreasonable adjournments are sought.
- iv. That the Court timing of each Bench will be decided by Hon'ble Judges of the Bench.
- v. That three weeks advance Cause List shall be issued, while the final Cause List will be uploaded on daily basis on the website of the Court daily latest by 03.00 PM.
- vi. That the representative of the Government Departments should not be below the rank of an officer of Grade-17.
- vii. That all Judicial Complexes are to have sufficient provisions of rest rooms for female advocates and litigants.

At the conclusion, every member then present in the meeting (fifty five worthy Advocates), as the worthy Advocate General had left by that time was requested to provide in writing a list of lawyers, they considered worthy for elevation to the Bench. The twenty lawyers who received the most recommendations in alphabetical orders were: -

Abdul Fayaz, Advocate,  
 Amjad Shah, Advocate,  
 Fawad Khan, Advocate,  
 Hazrat Rehman, Advocate,  
 Hussain Ali, Advocate,  
 Ijaz Anwar, Advocate,  
 Mian Iftikhar, Advocate,  
 Muhammad Amin Khattak Lachi, Advocate.  
 Muhammad Ijaz Khan Sabi, Advocate,  
 Muhammad Ijaz Khan, Advocate,  
 Muhammad Rashid Khan Dermakhel,  
 Advocate,  
 Muneer Lughmani, Advocate,  
 Saeed Khan, Advocate,  
 Saleem Khan Ranazai, Advocate,  
 Shahid Raza, Advocate,  
 Sherin Khan, Advocate,  
 Shoaib Khan, Advocate,  
 Syed Arshad Ali, Advocate,  
 Syed Muhammad Attique Shah, Advocate,  
 Tariq Afridi, Advocate,

The worthy Chief Justice thanked all the participants and assured them that he would visit each District commencing with the furthest. He also assured them that a follow up meeting will also be held to evaluate the progress made in the implementation of the decision made in the present meeting.

As far as the names suggested by the elected Bar Members for elevation, the worthy Chief Justice assured the participants that the names would be duly considered at the time of recommendations to be made for elevation to the Bench. However, he categorically made it clear to the worthy members that the final decision for recommending names for elevation to the Bench would rest with the Chief Justice.

Finally, a group photograph was taken.

**(Momen Gul),**  
**PSO to Hon'ble Chief Justice.**

Put it up on the  
web site.

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