

1965



**PESHAWAR HIGH COURT PESHAWAR**

No. 1208/NJPic

Date 11/07/17

To

All the District & Sessions Judge(s)/Zilla Qazi(s) and  
All the Judicial Officers, on Ex-Cadre Posts,  
in the Khyber Pakhtunkhwa

Subject: **Feedback on judicial reforms**

Dear All,

As the conference on the proposed judicial reforms is coming closer (scheduled for 15 July 2017), in the light of visits of the HCJ to certain districts and discussions of the reform team with Judicial Officers in several districts, a final feedback form has been developed on a wide range of questions, which is attached. Please provide feedback and send the form by Wednesday, 12 July 2017, via email ([kiqbal@kpja.edu.pk](mailto:kiqbal@kpja.edu.pk), [anees.bukhari@gmail.com](mailto:anees.bukhari@gmail.com), fax (091-9219170), Whatsapp (to Dr. Khurshid Iqbal and Syed Anees Bukhari), whichever is deemed convenient.

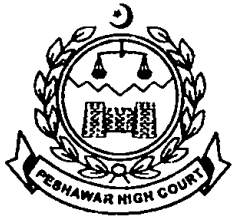
2. All the District & Sessions Judge(s)/Zilla Qazi(s) are requested to circulate the feedback form for Juridical Reforms to all the judicial officers of their district for doing the needful. All the judicial officers are requested, in light of directive of hon'ble the Chief Justice that "each one to ensure to be counted", to coordinate with each other in communicating the form and sending the feedback by the date fixed positively.

Yours Sincerely,

Muhammad Salim Khan

PAS,

REGISTRAR



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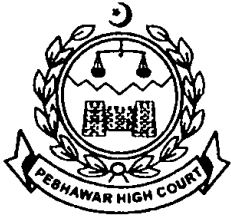


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**Feedback form for Judicial Reforms**

1	2	3	4
S#	Query	Yes	No
1.	Is Secretariat of District Judiciary (SDJ) required?		
2.	The Head of DJS may be called Secretary?		
3.	If required, should SDJ be staffed by the Judicial Officers (JOs)?		
4.	Should there be criteria for selection of JOs for appointment to Secretariat?		
5.	Should the SDJ posting be tenure-based?		
6.			
7.	Should there be a separate SDJ cadre amongst JOs?		
8.	Would it be appropriate to select permanent separate JOs through competitive process from amongst Civil Judge/Senior Civil Judges for SDJ with upward progression to BS-21/22?		
9.	Should the staff of SDJ (though progressively) be recruited through Public Service Commission?		
10.	Do you agree with the proposed wing-wise structure of the SDJ?		
11.	Should there be separate wing/section each for CJs, SCJs, AD&SJs and D&SJs?		
12.	Should SDJ be empowered to collect information directly from Districts for Monitoring & Evaluation? (Explanation: power-sharing/relationship between District & SDJ)		
13.	Should SDJ assess judgment of JOs (in terms of expression only)?		
14.	Alternatively to the above (Q12), should there be a graded annual judgment writing training?		
15.	Should the Head of the SDJ be declared as ex-officio member of the Administration Committee?		
16.	Do you agree with the objectives of SDJ mentioned in the draft function review note		
17.	Should the proposed HR & Welfare wing also carve out some post-retirement benefit and activities plan?		
18.	Should there be a Judicial Officers' Fund for the families of deceased JOs (Shoaib Khan Custom Juge)		
19.	Should there be one PER form for all categories of JOs?		
20.	Should 'integrity' be included in the PER for reporting officer?		
21.	Should each District chalk out its own disposal plan as a replacement of DPEP? (District Abbottabad has proposed one such policy)		
22.	Should DSJ write PER of ADJ?		
23.	Should PER contain a column on ideology of Pakistan?		
24.	Should there be retrenchment on performance basis? (Mian Adghar Shah)		
25.	Should ADJ be given role to report about Judgment of SCJ and CJ, in context of PER (Chitral)		
26.	Should JOs be dismissed who earns three successive adverse PERs? (Mian Asghar Shah)		
27.	Should the rules be amended to include retirement after 10 yrs. Service with full benefits? (Proposal: Nowshera)		



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28.	Salary of CJs be equivalent to 35% of a Judge of High Court (Proposal: Nowshera)		
29.	Should a career path in terms of length of service be fixed ? (time scale promotion)		
30.	Promotion should be performance-based amongst top three senior JOs (proposal: Nowshera)		
31.	Civil and Criminal work should be bifurcated at all levels (proposal: Nowshera)		
32.	Should the financial affairs of the JOs be centrally maintained at SDJ (proposal: Sawabi)		
33.	Is the nomenclature "District Judiciary" appropriate		
34.	Training Marks may be awarded by third party		
35.	Should there be merit quota policy for promotion, among the JOs, through PSC		
36.	Should SDJ prepare an annual report for fitness of field posting(s) of JOs?		
37.	Should existing recruitment system of AD&SJ remain in force but with selection through Public Service Commission? (Mian Asghar Shah)		
38.	Should AD&SJ quota may be re-casted as 75 and 25 % for promotion and direct recruitment, respectively? (Mian Asghar Shah)		
39.	Should there be tenure posting? (Mian Asghar Shah)		
40.	Should JOs be compulsorily retired if left out from promotion for three consecutive times? (Mian Asghar Shah)		
41.	Should AD&SJs be selected through Commission/NTS competitive exam with opportunity to CJs/SCJs of 5 yrs experience to sit in exam? (Shoaib Khan, Custom Judge)		
42.	Should there be a new Judicial Service Tribunal comprising of retired Sessions Judges? (Shoaib Khan Custom Judge/Nowshera)		
43.	Should there be an open publically known competitive process for elevation to the High Court among the lawyers and Judges?		
44.	Should the elevation be two-step in the first the eligible pool to be ascertained followed by competitive process?		
45.	Should the eligible pool be publicized for inviting any opinion, criticism or disqualification, at least, 06 months prior to the declaration of a final eligible pool?		
46.	Should there be an independent, but diverse quality assurance mechanism at different stages of the open competitive process of selection?		
47.	Should there be fixed quota for bar and bench in elevation?		
48.	Should on each position for judges, 2 names may be proposed for elevation? (Mian Asghar Shah)		
49.	Should a seat meant for JOs should be filled by considering the JOs down to the level of availability of a suitable candidate?		
50.	Should induction training be not less than 6 months?		
51.	Should there be more trainings of CJs during the first 5 years of service?		
52.	Should there be attachment with police station, revenue office, district administration and army during induction training?		
53.	Do you agree with the existing transfer/posting policy?		
54.	Should a transfer/posting policy be devised on the basis of distance from JOs home town? (DI Khan)		



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55.	Zonal-wise transfer should exempt female judges (proposal: Nowshera) Should a transfer policy (and others, e.g., training abroad) be gender-sensitive?		
56.	Should JOs be given category A,B and C posting one after the other? (Referred to the table below)		
57.	Should tenure in a category be determined by the requirement of number of JOs within that category? (Explanation: the number of JOs, on the one hand; and the number of required JOs within a category, on the other, will affect the duration of tenure. Illustration: The total No. of DSJs is 80. In category A 40 DSJs are required. Then, the tenure mentioned in the table will apply. The benefits are that 1) each DSJ will spend equal time in each category, 2) A DSJ will have a choice to go to either zone within a category for next posting.		
58.	Should JOs whose fitness have been determined will be posted alternatively in ex-cadre in field; Tenure in ex-cadre in field again is to be determined by the requirement of JOs?		
59.	Should a posting in an Area be fashioned in such a manner that JOs are assigned the zone more convenient to him?		

	Zone	Area	Districts	Tenure	
1	Centre	A	Peshawar, Charsadda, Mardan, Nowshera and Sawabi	02 Years	Provided requirement of No. of JOs is double in Area A as compared to B and C.
2	Hazara-I		Abbottabad, Haripur and Mansehra		
3	South-II	B	Bannu, Hangu, Karak and Kohat	01 Year	
4	Malakand-I		Batkheela, Swat, Dir Lower and Buner		
5	South-I	C	DI Khan, Tank, Lakki Marwat	01 Year	
6	Hazara-II		Battagram, Kohistan, Shangla and Tor Ghar		
7	Malakand-II		Chitral, Dir Upper		

Exercising option/sub-option in <b>Prioritized Manner</b>						
1	2	3	4	5	6	7
Option	Tick	Priority	Designation	Tick	Name	Signature
1A			D&SJ			
1B						
1C			AD&SJ			
2						
3a			SCJ			
3b						
3c			CJ			
4						
5						

NB: Ex-cadre Judicial Officers may please tick their original designation.