MINUTES OF THE MEETING OF DISTRICT BENCH BAR LIAISON COMMITTEE

Monthly meeting of District Bench Bar Liaison Committee, Chitral was held on 08th December 2017 at 11:30PM in the chamber of the District & Sessions Judge/Zilla Qazi, Chitral, presided over by, Sofía Waqar Khattak District & Sessions Judge Chitral, and were following in attendance:

1. Ahmad Iftikhar, Additional District & Sessions Judge Chitral (Member)
2. Mr. Abid Zaman, Senior Civil Judge/AIQ, Chitral. (Member)
3. Mr. Islam Uddin, Judicial Magistrate-I, Chitral (Member)
4. The President, DBA Chitral. (Member)
5. Mr. Abdul Wali Khan Member Provincial Bar council (Member)
6. The vice president Tehsil Bar Drosh Chitral. (Member)

No one present on behalf of Boni Tehsil Br, while Mr. Bar Ahmad Adv. Mr Sahib Nadar Adv, Mr. Zafar Hayat Advocate and Mr Javed Ali Khan Advocate were specially invited by the Chair to discuss the common issues and problems of Bench and Bar if any.

The meeting started with recitation from the Holy Quran in order to make the occasion a blessed one. The Chair welcomed the participants. During the meeting all matters of common and public interest pertaining to
administration of justice were discussed. The matters captioned below were

1. **WORKING RELATIONSHIP OF BENCH AND BAR**

   Members of the Bench and bar termed the prevailing working atmosphere as pleasant and conducive. It was further agreed that this forum will properly be utilized for redressal of every type of grievances of the Bench and Bar. It was further unanimously agreed that joint venture of expeditious dispensation of justice will be continued with commitment and devotion. Both sides reiterated their commitment to the cause of quick and timely delivery of justice.

2. **COMPLIANCE OF NIZAM-E-ADL REGULATION 2009**

   Nizam-e-Adal Regulation discussed in detailed. The Chair stressed for the implementation of the Nizam-e-Adl Regulation 2009 in letter and spirit in order to deliver its fruits to the general public, as it is a concise documents providing comprehensive procedure for early disposal of the cases subject to strict compliance of the provisions of the document. The member of bar agreed to try their best to follow the provisions of Nezam-i-Adal regulation specially the provision of Muslehat. The president of District Bar Chitral forwarded his suggestion that instead of applying the provision of Or 17 R-3 heavy cost be imposed for the reason that the cases should be decided on merit. The Chair assured the president that this matter
will be discussed in judicial officers meeting and the Bench will extend its full support.

3. **SPEEDY DISPOSAL OF OLD CASES.**

The issue of old cases also discussed in detailed. The Chair stressed that the Bench and Bar should join hand for disposal of old cases and in this regard the Extra co operation of the bar is required for disposal of the old cases. The Chair stated that there are some old cases of prior to 2011 are still pending in the various court of Chital which are required to be disposed off as early as possible. The Chair stated that the counsels who have old cases are required to do extra co operation with the court that the old cases be disposed off. The members of the bar assured that such lawyers will fully cooperate with court. The Chair appraised the efforts of the counsels and also assured full support from Bench.

4. **ADR COURT.**

The Chair appraised the performance of ADR court and also sought suggestions from the Bar if any for making the ADR court more effective. Zafar Hayat Adv and Javed Ali khan advocate suggested that while deciding cases through ADR the judicial Officers must give proper attention and don’t directly involve the court officials in ADR proceedings, while Adv Abdul Wali khan stated that some court officials are very expert and they are also familiar to the custom and tradition of this area, that’s why their involvement is also necessary. Members of the also suggested that civil judge.iii is taking more interest in compromise cases and even he decide
more cases on compromise as compared to ADR court and suggested that civil judge iii be replaced with ADR court/civil judge vi. The Chair assured that they will think over it and will discuss this matter in judicial officers meeting. It is also agreed upon that besides judicial officer court officials also can also take participate in ADR proceeding due to their efficiency and awareness about the custom and tradition of chitral, but that must be under the direct supervision and control of judicial officer. Besides this the Bar has highly appreciated the performance of all judicial officers and appraised that all the judicial officers are honest, competent, punctual and extraordinary co-operative.

5. PROBLEM OF PARKING FACING BY THE MEMBERS OF BAR:

Sahib Nadar advocate raised car parking issue that there is no space for lawyers vehicles and they are compel to send it back to their homes, however Zafar Hayat Adv stated that there is no such issue as Sahib Nadra Adv came late that’s why perhaps he has facing such problem. However the Chair directed the learned SCJ to again visit the spot along with president and resolve the issue, and if found any private vehicles parked therein then strictly direct the traffic warden to fine such vehicles of private public. The learned senior civil judge assured that he along with president District Bar Chitral will visit the road side and the issue will be resolved.
6. **PAUPER COUNSEL.**

The issue of pauper counsel also came under discussion. The Chair stated that as list of pauper counsels received from worthy Peshawar High Court Peshawar, and as per list cases have been given to those pauper counsels. The Chair stated that as majority of pauper counsels are junior one and they have been given even murder cases and requested the senior member of the bar to assist such counsel that they could be able to provide proper legal support to the accused. The member of the Bar have unanimously assured their full support in this regard and requested the Chair that such pauper counsels be directed to take assistance from the senior member of the bar. The Chair stated that in legal empowerment committee meeting directions have already been given and even copy of that meeting was also communicated to them.

7. **PERMANENT ADJ POST AT CHITRAL.**

The Chair stated that she was shocked to hear that the post of Adj at Boni and Chitral have been permanently transferred from Chitral to down district, but as now she has already taken the matter of Adj at Chitral with Peshawar high Court Peshawar and even a reminder has also been sent, but also requested the Bar that the they should also follow it as it is the need of the day that at least another post of Adj at chitral be given to the Chital that the public can avail speedy justice.
8. **EXECUTION AGAINST GOVT DEPARTMENT**

Adv Zafar Hayat has stated that there are some execution petition pending since long without any progress against govt department in various court and requested which are to be expedited. The Chair told Adv Zafar Hayat that the list of such petition be provided that the concerned court be given direction to expedite the disposal.

9. **APPOINTMENT OF LOCAL COMMISSION**

Sahib Nadir Advocate raised the issue of appointment of local commission and stated that the court fix huge commission fee which is very difficult to the poor litigants to pay and also requested that commission and commission fee be fixed at least on the consent of both the parties. However others members of the bar disagreed with Sahib Nadir Advocate and stated that till date they not seen that any court has fixed huge commission fee but however suggested that commission fee be fixed while keeping the nature and circumstances of case. The Chair assured the bar the she will discuss this matter with judicial officers meeting and even then the commission fee will be fixed as per nature of the case.

10. **ISSUE OF OTH COMMISSIONER AND NOTRY PUBLIC**

Abdul Wali Khan Advocate by placing the issue of oath commissioner and Notary public stated that they are looting the people and there is no check upon it. On this all the members of bar agreed with Abdul wali khan and requested the Chair for taking strict action. The Chair stated that in this regard already a committee of judicial officers has been constituted to
supervise and randomly check the register of Oath commissioner, Notary public and Stamp vendors. It is agreed that the committee should randomly check them, and all of them be directed to display their license copy as well as rate list that the people will be aware about the rates. it is further agreed that all the Oath commissioner and Notary public be directed that they should clearly mention the actual amount received from the public/litigant in their stamp at the bottom of page, and this task has been assigned to the committee already constituted for this purpose.

11. **MODEL COURT AT TEHSIL BOONI**

The matter of Model court at Tehsil Boni also came under discussion. The Chair informed the participant regarding the progress of work at Boni and stated that almost the work is in its final stage. The learned Adj stated that the Solar system has properly been installed in two court which now provide electricity, besides this laptop, scanners, printers, and other equipment received and generator and furniture will soon be provided. The Chair also stated that there is public as well as female litigants shades, Bar room, car parking and other basic facilities will be available there. The bar highly appreciated the efforts and keen of Chair in this regard.

12. **CAINTEEN ISSUE**

The issue of canteen also came under discussion. It is stated that some complaint received from president and which are already communicate to the learned SCJ. The learned SCJ stated that fresh menu has been given to
the owner of canteen and now his performance will be checked, and if there
is no improvement then he will be replaced.

13. **E COURT**

The Chair stated as the Bar knows that we have started online system
in Chitral through which litigant and lawyer can get information even at
their home. The Chair stated that we have decided to give android mobile to
our process serving agency to make the attendance/service of litigants
through pictures that in future they cannot deny from their service, and
through this process the person who has been served could not deny from his
service, but due to engagement in model court work we could not do it, and
soon we will provide android mobile to our process serving agency. The bar
highly appraised the keen interest of Chair in this regard.

Before parting, good wishes for each other and for improved operation
environment were swapped over.

The meeting ended with a vote of thanks from and to the Chair.

**Drafted by**

( ISLAMUDDIN )
Judicial Magistrate-I
Chitral

**Approved by**

(SOFIA WAQAR KHATTAK)
District and Sessions Judge/
Zilla Qazi, Chitral

No. 1052/ DJSI/ZQ/CTL

Dated Chitral the 11/12/2017

**Copy forwarded for information and necessary action to:**

1. The Registrar, Peshawar High Court, Peshawar.
2. All the participants.

(SOFIA WAQAR KHATTAK)
District and Sessions Judge, Chitral