

S

M-302

L.-7646

of Pakistan

REGISTERED No.

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, AUGUST 28, 1997

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 28th August, 1997

No. F. 9 (22)/97-Legis.—The following Act of Majlis-e-Shoora
(Parliament) received the assent of the President on the 22nd August, 1997, is
hereby published for general information:—

Act No. XXVIII of 1997

An Act to provide for the establishment of the Federal Judicial Academy

WHEREAS it is necessary to provide for the proper training of judicial
officers and Court personnel in order to improve the professional competence of
judges and the quality of justice administered in the Courts ;

It is hereby enacted as follows :—

1. Short title and commencement.—(!) This Act may be called the
Federal Judicial Academy Act, 1997.

(1567)

Price : Rs. 05.00

(1174(97) Ex. Gaz.]

(2) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Academy” means the Federal Judicial Academy ;

(b) “Board” means the Board of Governors of the Academy ;

(c) “Chairman” means the Chairman of the Board ;

(d) “Director-General” means the Director-General of the Academy ;

(e) “prescribed” means prescribed by rules made under this Act ; and

(f) “staff” means members of the staff of the academy, including contract employees, part time employees and deputationists.

3. Name and location.—(1) The Academy shall be called the Federal Judicial Academy. :

(2) The Academy shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both moveable and immovable and shall by the said name sue and be sued.

(3) The headquarters of the academy shall be at Islamabad.

4. Aims and objects.—The aims and objects of the Academy shall be—

(a) orientation and training of new judges, Magistrates, law officers and Court personnel ;

(b) in service training and education of judges, Magistrates, law officers and Court personnel ;

(c) holding of conferences, seminars, workshops, and symposia for improvement of the judicial system and quality of judicial work ;

and

(d) publishing of journals, memories, research papers and reports.

5. The Board.—(1) The Board shall consist of—

(i) The Chief Justice of Pakistan, Chairman.

(ii) The Minister for Law, Justice and Parliamentary — Vice-Chairman.

Affairs.

(iii) The Attorney-General for Pakistan. Member.

(iv) The Chief Justice of Lahore High Court. Member.

(v) The Chief Justice of High Court of Sindh. Member.

(vi) The Chief Justice of Peshawar High Court. Member.

(vii) The Chief Justice of Balochistan High Court. Member.

(viii) The Secretary, Ministry of Law, Justice sit Member.

Parliamentary Affairs.

(ix) The Director-General of the Academy. Member/
Secretary.

6. Powers and functions of the Board.—For carrying out the aims and objects of the Academy, the Board shall, inter alia,—

(a) exercise general supervision over the affairs of the Academy :

(b) lay down the policy and programme for training and approve courses of training ;

~

(c) evaluate and examine the activities of the Academy :

(d)

—

approve and consider the annual budget and revised budget estimates ;

(e) receive grants-in-aid from the Federal Government. Provincial Governments and aid giving agencies :

(f) cause proper books of account to be maintained for all sums of money received and expended by the Academy and arrange for audit by the Auditor-General of Pakistan ;

(g) prescribe the terms and conditions of service of the Director-General and member of the staff ;

(h) create, abolish, suspend and upgrade posts ;

(i) prescribe duties of the members of the staff ;

(j) appoint, suspend, punish, dismiss or remove from service any member of the staff ;

(k) purchase, hire, construct or alter any building for the Academy ;

(l) hold, control and administer the moveable and immovable property, assets and funds of the Academy ;

(m) regulate, determine and administer all matters concerning the Academy :

(n) affiliate with Provincial judicial academies and other training and educational institutions ; and

(o) decide any other matter ancillary and incidental to the aims and objects of the Academy.

7. Delegation of powers.—(1) The Board may delegate all or any of its powers and functions to the Chairman, Vice-Chairman, any member of the Board, the Director-General or any Member of the staff.

(2) The Director-General may, in any emergency which in his opinion requires immediate action, exercise such powers as he may consider necessary in the circumstances, and shall report the action taken by him for approval of the Board at its next meeting.

8. Appointment of advisers, consultants and experts.—The Board may appoint advisers, consultants and experts for assisting the Board in fulfilment of its aims and objects.

9. Meetings of the Board.—(1) The meetings of the Board shall be called by the Chairman on such date and at such time and place as he may specify.

(2) Subject to sub-section (1) the intervening period between two meetings of the Board shall not exceed six months.

(3) The Chairman or, in his absence, the Vice-Chairman, or if the Vice-Chairman is also absent, the member elected by the members for the purpose, shall preside at a meeting of the Board.

(4) The Quorum for the meetings of the Board shall be four members.

(5) The Board may, from time to time, appoint such committees and working groups. from amongst its members or otherwise, as it may consider necessary.

10. Director-General—(1) The Director-General shall be appointed by the Chairman on such terms and conditions as may be approved by the Board.

(2) The management of the Academy shall be carried on by the Director-General under the general directions of the Board.

(3) The Director-General shall be the academic and administrative head of the Academy and shall be responsible for the maintenance of good order and discipline.

(4) The Director-General shall be the Principal Accounting Officer of the Academy.

11. Appointment of officers and members of staff of the Academy.—(1) The members of the staff of the Academy shall be appointed by direct recruitment or transfer, or deputation or on contract basis or otherwise in such manner and on such terms and conditions as may be approved by the Board.

(2) All appointments of the members of the staff to posts in Basic Pay "Scales | to 16 shall be made by the Director-General with the approval of the Chairman.

(3) Appointment of the members of the staff to posts in Basic Pay Scale 17 and above shall be made by the Chairman.

(4) Notwithstanding anything contained in any contract or agreement or in the conditions of service, all persons serving in connection with the affairs of the Academy immediately before the commencement of this Act, other than persons so serving on deputation, shall stand transferred to the Academy and become the employees of the Academy on the same terms and conditions to which they were entitled immediately before such commencement and shall, on such transfer. cease to be persons in the service of Pakistan.

12. Funds of the Academy.—() There shall be a Fund of the Academy to be known as the “Academy Fund” to which all its income shall be credited and from which all its expenditures shall be met.

(2) The following shall be the sources of income for the Academy Fund.—

- (i) grants from the Federal Government ;
- (ii) grants from the Provincial Governments :
- (iii) sale and other proceeds of the Academy’s publications :

(iv) aid from national and international agencies ; and

(v) fees, charges and donations.

(3) The Academy Funds shall vest in the Board and the moneys to the credit of the Fund shall be kept in a personal ledger account in the Government Treasury or, with the approval of the Board, in a scheduled bank.

13. Budget.—(1) The Director-General shall, in respect of each financial year, submit for approval of the Board, by such date and in such form as may be prescribed, a statement showing the estimated receipts the current and development expenditures and the sums required as grant-in-aid from the Federal Government.

(2) The Director-General shall not incur any expenditure from the Fund which is not provided for in the Budget approved by the Board.

14. Annual Reports, etc.—(1) Within two months of the conclusion of each financial year, the Director-General shall submit the annual report to the Board in respect of various activities carried out by the Academy during the previous year.

(2) The Board shall submit an annual report to the Federal Government relating to the Academy Fund and the Academy’s programmes.

15. Power to make rules.—The Board may, with the approval of the Federal Government. make rules for carrying out the purposes of this Act.