

**THE KHYBER PAKHTUNKHWA JUDICIAL ACADEMY ACT, 2012.**

**(KHYBER PAKHTUNKHWA ACT NO. IV OF 2012)**

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019

<sup>4</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019

**THE KHYBER PAKHTUNKHWA JUDICIAL ACADEMY ACT, 2012.**

**(KHYBER PAKHTUNKHWA ACT NO. IV OF 2012)**

*[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 17<sup>th</sup> January, 2012].*

**AN  
ACT**

*to provide for the establishment of the  
Khyber Pakhtunkhwa Judicial Academy*

<sup>1</sup>[WHEREAS it is expedient to establish a Judicial Academy for imparting training to the judicial officers and personnel concerned with the system of administration of justice with a view to promote continuing legal and judicial education, develop their capacity, professional competence and ethical standard for efficient dispensation of justice and matters connected therewith or incidental thereto and to provide higher education and conduct research in the field of law and judicial studies;

It is hereby enacted as follows;]

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Judicial Academy Act, 2012.

(2) It shall extend to the whole Province of the Khyber Pakhtunkhwa.

(3) 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 Khyber Pakhtunkhwa Judicial Academy established under section 3;

(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) “faculty” means members of the teaching staff of the Academy;

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>1</sup>[(f) “ Endowment Fund” means the Endowment Fund established under section 12-A of this Act;]

<sup>2</sup>[(f-i) “General Fund” means the General Fund of the Academy established under section 12 of this Act;]

(g) “Government” means the Government of the Khyber Pakhtunkhwa;

(h) “member” means a member of the Board;

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

(j) “staff” means members of the staff of the Academy, including employees on contract, part time and deputation.

**3. Establishment of the Academy.**---(1) Government shall, by notification in the official Gazette, establish an Academy to be known as the Khyber Pakhtunkhwa 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 movable and immovable in its name, and shall by its name sue and be sued.

(3) The main office of the Academy shall be at Peshawar. The Academy shall have its regional offices at such places as the Board may deem fit.

**4. Aims and objectives of the Academy.**---The aims and objectives of the Academy shall be-

(a) to provide training to the judicial officers and court personnel and the personnel of all those departments, organizations, bodies and institutions, which are directly or indirectly connected with the system of administration of justice like Police, Prosecutors, Government Pleaders, Probation Officers, Medico Legal Experts and others;

<sup>3</sup>[(aa) to provide higher education in the field of law and judicial studies;]

<sup>4</sup>[(b) to award certificates, degrees, diplomas and other distinctions to the students and trainees and to prescribe standards of proficiency before awarding such degrees, diplomas, certificates and distinctions;]

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019

<sup>3</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXI of 2015

- (c) to hold conferences, seminars, lectures, workshops and symposia in matters relating to court management, administration of justice, law and development of skills in legislative drafting;
- (d) to initiate, promote and encourage research, publication of books, journals, research papers and reports on important topics relating to administration of justice;
- <sup>1</sup>[(e) to establish liaison with research institutions, universities and other bodies including the Federal Judicial Academy and the Higher Education Commission, towards the cause of administration of justice for legal and judicial education;] and
- (f) to inculcate and promote ethical values and standards in judicial officers and in personnel connected with the system of administration of justice.

**5. The Board.**---The Board shall consist of the following:

- |   |               |
|---|---------------|
| (a) Chief Justice of the Peshawar High Court;                                       | Chairman      |
| (b) Senior most Judge of the Peshawar High Court;                                   | Vice-Chairman |
| (c) Additional Chief Secretary to Government;                                       | Member        |
| (d) Secretary to Government Law, Parliamentary Affairs and Human Rights Department; | Member        |
| (e) Secretary to Government Finance Department;                                     | Member        |
| (f) Advocate General, Khyber Pakhtunkhwa;   | Member        |
| (g) Registrar, Peshawar High Court;   | Member        |
| (h) the Additional Registrar (Admn), Peshawar High Court;                           | Member        |

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXI of 2015

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|-------------------|--|----------------------|
| (i)               | Member Inspection Team, Peshawar High Court;   | Member               |
| (j)               | the Principal/Dean, Faculty of Law, University of Peshawar; <sup>1</sup> [Deleted]                     | Member               |
| (k)               | Director General of the Academy <sup>2</sup> [: and]   | Member-cum-Secretary |
| <sup>3</sup> [(l) | a representative of the Higher Education Commission, not below the rank of basic pay scale 20 officer. | Member]              |

**6. Powers and functions of the Board.**---(1) For carrying out the aims and objectives of the Academy, the Board shall <sup>4</sup>[, subject to the provisions of this Act]-

- (a) exercise supervision and control over the affairs of the Academy;
- (b) lay down the policy and programme for training;
- (c) initiate, modify, adopt the curriculum, courses, modules, clinics, for orientation and training;
- (d) organize and carry out the activities and performance of the Authority;
- (e) consider and approve the annual budget and revised budget estimate of the Academy;
- (f) manage financial affairs;
- (g) cause proper books of account to be maintained for all sums of money received and expenditure incurred by the Academy and arrange for audit of accounts;
- (h) specify qualifications, conditions of service and matters relating to the Director General, faculty members and staff of the Academy;
- (i) create, abolish, suspend and upgrade posts;
- (j) purchase, hire, construct or alter any building for the use of the Academy;

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>2</sup>Replaced vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>3</sup>Added vide Khyber Pakhtunkhwa Act No. XXI of 2015

<sup>4</sup>Added vide Khyber Pakhtunkhwa Act No. XXI of 2015

- (k) acquire, hold, control, maintain, administer, construct or dispose of any property, or other assets;
- (l) acquire, maintain and dispose of any vehicle;
- (m) affiliate the Academy with other academies, institutions and centers of the Federal, Provincial or Foreign Government and Organizations;
- (n) appoint advisors, consultants and experts and specify their terms and conditions;
- (o) appoint or hire permanent or visiting faculty and specify their terms and conditions; and
- (p) decide any other matter ancillary or incidental to aims and objectives of the Academy;

(2) The Board may delegate any of its powers or functions to the Chairman, member or the Director General, as it may deem fit.

**7. Appointment of the Director General.**---(1) The Director General shall be appointed by the Chairman from amongst the serving or retired District and Sessions Judges on such terms and conditions as may be determined by the Board.

(2) The Director General, may resign from his office by writing under his hand, addressed to the Chairman.

**8. Powers and functions of the Director General.**— The Director General shall-

- (i) manage the affairs of the Academy under the general directions of the Chairman;
- (ii) be the academic and administrative head of the Academy and shall be responsible for administration, maintenance, order and discipline;
- (iii) be the Drawing and Disturbing Officer of the Academy; and
- (iv) execute the policy, set out by the Board.

**9. Meetings of the Board.**---(1) A meeting of the Board shall be called by the Chairman on such date and at such time and place as he may deem appropriate:

Provided that the intervening period between two meetings of the Board, shall not exceed six months.

(2) In the absence of the Chairman, the Vice-Chairman and in his absence, the nominee of the Chairman shall preside over the meeting of the Board.

(3) The quorum of the meeting of the Board shall be six members.

(4) All decisions shall be made by simple majority present and voting.

(5) The Chairman or the Vice-Chairman or member, as the case may be presiding over the meeting, shall have a casting vote in case of tie.

**10. Appointing authority.**---(1) The Appointing authority of the staff shall be the Chairman.

(2) The Chairman may delegate his power to the Director General for appointment of any class of staff.

<sup>1</sup>**[10A. Appointment of Controller Examination.**---The Controller of Examinations shall be appointed by initial recruitment on contract basis and if no suitable person is available for initial recruitment then by deputation for a period of three years, on such terms and conditions of service as may be prescribed.

**10B. Academic Council.**---(1) There shall be an Academic Council, which shall comprise of-

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|-----|--|-------------|
| (a) | the Director General,<br>Judicial Academy;   | Chairperson |
| (b) | all the Directors of the Judicial Academy;   | Members     |
| (c) | a representative of the Peshawar High Court;   | Member      |
| (d) | a representative of the Higher Education<br>Commission;  | Member      |
| (e) | two Faculty members of the Judicial<br>Academy to be nominated by the Director<br>General, Judicial Academy, for a period of<br>two years; | Members     |
| (f) | an eminent lawyer to be nominated by the<br>Director General, Judicial Academy, for a  | Member      |

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<sup>1</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXI of 2015

period of two years;

- (g) a legal expert having a rich experience of academics and research, preferably a University Teacher to be appointed by the Director General, Judicial Academy, for a period of two years; and Member
- (h) the Dean, Faculty of the Judicial Academy. Member-cum-Secretary.

(2) The Academic Council shall be responsible for all academic matters including course, syllabi, examinations, degrees, diplomas, certificates and other matters connected therewith and ancillary thereto.

(3) The meetings of the Academic Council shall be held at least once in six months.

(4) The Dean Faculty of the Judicial Academy shall be the Secretary of the Council and in the absence of the Chairperson, Dean Faculty of the Judicial Academy shall preside over the meeting.

(5) The quorum of a meeting of the Academic Council shall be one half of the total members.

(6) All decisions shall be made by the majority of the members present in the Council's meeting.]

**11. Application of the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules.**--- The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules shall, mutatis mutandis apply to the employees serving in the Academy.

<sup>1</sup>[**12. General Fund.**---(1) There shall be a General Fund to which all the income shall be credited and from which all the expenditures of the Academy shall be met.

- (2) The sources of income of General Fund shall be-
  - (a) grants made by the Federal Government;
  - (b) grants made by Government;
  - (c) sale proceeds of the property and publications of the Academy; and

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019.



(d) fees, charges or any other sum received by the Academy from any lawful source.

(3) The General Fund shall vest in the Academy and the money to the credit of the General Fund shall be kept in a designated account in the Government Treasury or with the approval of the Board, in a Scheduled Bank.]

<sup>1</sup>[**12-A. Endowment Fund.**---(1) There shall be an Endowment Fund to be known as the Khyber Pakhtunkhwa Judicial Academy Endowment Fund consisting of such amount as may from time to time be provided by the Federal Government, Government, Local Government, any authority and other sums received from any other lawful source.

(2) The Endowment Fund shall be used for such purposes and operated in such manner as may be determined by the Board from time to time.]

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

(2) The Director General shall not incur any expenditure from the <sup>2</sup>[General] Fund which is not provided for in the Budget approved by the Board except in certain conditions, situations and to such limit as may be prescribed.

**14. Audit.**--- The accounts of the Academy shall be audited by the Director General, Provincial Audit in such a manner as may be prescribed.

**15. Annual Reports, etc.**---(1) Within two months of the conclusion of each calendar 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 such annual report within period of six months of the close of the calendar year, to Government.

**16. Power to make rules.**---The Board may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**17. Repeal.**---The Khyber Pakhtunkhwa Judicial Academy Ordinance, 2011 (Khyber Pakhtunkhwa Ordinance No. II of 2011) is hereby repealed.

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXXIII of 2019