FEDERAL LAW JOURNAL

Volume 3, Issue 2, December, 2024

FEDERAL JUDICIAL ACADEMY
ISLAMABAD

FEDERAL LAW JOURNAL

Volume 3, Issue 2

December 2024

FEDERAL JUDICIAL ACADEMY
ISLAMABAD

About The Federal Law Journal

The Federal Law Journal (FLJ) is a peer-reviewed, open-access legal research journal dedicated to promoting high-quality scholarship in the legal and judicial fields. The journal operates under a double-blind peer review system, ensuring transparency and objectivity in its publication process. Launched with Volume I, Issue 1 in September 2022, the journal has maintained an uninterrupted biannual publication schedule. In addition to the peer-reviewed section, FLJ includes a non-peer-reviewed section that publishes essays, case comments, book reviews, and other writings contributing to judicial knowledge and education.

Publishing Institution

The Federal Judicial Academy, Islamabad, Pakistan's premier judicial training institute for judges, magistrates, law officers and court personnel, publishes FLJ. The Academy was established through a Government of Pakistan Resolution in September 1988. Initially it started working at a rented place, where after it moved to its present permanent campus in sector H-8/4, Islamabad in 1994. It is now operating under the Federal Judicial Academy Act of 1997, which mandates, among others, the publication of research papers, journals, reports, and memoirs. The Board of Governors, presently chaired by the Hon'ble Chief Justice of Pakistan, Mr. Justice Yahya Afridi, oversees the Academy's activities, including the publication of FLJ. Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge of the Supreme Court of Pakistan, is an Adviser to the Academy's Board of Governors. The Director-General, being the administrative and academic head of the Academy, functions as the chief editor of FLJ.

Scope

The Federal Law Journal aims to foster a deeper understanding of legal mechanisms, issues, and reforms by welcoming various submissions. The journal encourages research that contributes to

judicial education and the administration of justice, focusing on applied, problem-solving, and developmental aspects of legal scholarship. Submissions that draw on interdisciplinary insights from allied fields like information technology, artificial intelligence, economics, political science, criminology, international law, forensic science, environmental law and climate change etc., are highly encouraged. FLJ accepts the following types of submissions:

- Research Papers, Articles, and Essays
- Case Notes, Case Reviews, and Legislation Reviews
- Book Reviews and Papers on Legal and Judicial Reforms

Aims & Objectives

FLJ strives to advance theoretical and empirical research by encouraging submissions from judges, court staff, legal professionals, academics, researchers, and students worldwide. The journal has the following objectives:

- To promote critical, high-quality research across all areas of law, with a focus on the administration of justice
- To offer a platform for judges, academics, court staff, and practitioners to disseminate ideas and research
- To identify gaps in the legal system for potential reforms and contribute to the overall improvement of the justice system
- To foster a culture of judicial education and research

Who Can Contribute?

The *Federal Law Journal* invites contributions from:

- Judges of the Superior Courts and District Judiciary
- Judicial officers, court staff, and faculty members of Judicial Academies
- Legal academics, practitioners, and scholars from disciplines related to the administration of justice
- Law students and legal researchers

Copyright Policy & Disclaimer

- All the material published in the Federal Law Journal shall be the property of the Federal Judicial Academy. No commercial use of material published in the Federal Law Journal is allowed except with prior permission of the Director General Federal Judicial Academy. Requests in this regard may be addressed to the Director, Research and Publication, Federal Judicial Academy.
- The authority to allow reprinting and publication to any third party will rest with the Federal Judicial Academy.
- The responsibility for the accuracy of any fact or opinion stated in any manuscript will be of the author(s) alone.
- By publication, the Federal Law Journal, its Editorial Board, Editorial Team and functionaries of the Academy do not own or endorse any opinions stated in the manuscripts and the author(s) exclusively shall be responsible for the same.
- If any copyrighted material is reflected in any manuscript, the author will be responsible for obtaining the necessary permission.
- Federal Law Journal reserves the right to omit or modify any part of the manuscript, deemed inappropriate.

Editorial Board

The Editorial Board of the Federal Law Journal ensures the integrity of the peer review process. The Board is committed to maintain the highest standards of legal research and scholarship, contributing significantly to the development of knowledge in judicial and legal fields. The present composition of the Editorial Board is:

1. **Patron-in-Chief:** Hon'ble Mr. Justice Yahya Afridi, Chief Justice of Pakistan, Chairman Board of Governors, Federal Judicial Academy
2. **Chief Editor:** Mr. Hayat Ali Shah, Director General, Federal Judicial Academy
3. **Editor:** Mr. Muhammad Amir Munir, Director, Research and Publications, Federal Judicial Academy

Members of Editorial Board

1. Mr. Fakhar Zaman, Faculty Member FJA, Associate Editor
2. Ms. Afshan Ijaz Sufi, Faculty Member FJA, Associate Editor
3. Dr. Muhammad Arif Rajput, Faculty Member FJA, Associate Editor
4. Dr. Rai Muhammad Khan, Faculty Member FJA, Associate Editor

External Advisory Board

Local

1. Hon'ble Mr. Justice Dr. Khurshid Iqbal, Judge, Peshawar High Court
2. Dr. Muhammad Zia-ul-Haq, Director-General, Islamic Research Institute and Professor of Shariah & Islamic Law at the International Islamic University (IIU), Islamabad.
3. Dr. Muhammad Munir, Professor of Law, Former Vice President of the International Islamic University (IIU), Islamabad.

4. Dr. Muhammad Mushtaq Ahmad, Professor of Law, Shifa Tameer-e-Millat University.
5. Dr. Muhammad Ahmad Munir, Assistant Professor, Islamic Research Institute, Islamabad.
6. Dr. Naveed Ahmad Chaudhary, Professor, Department of English, Bahauddin Zakariya University, Multan, Pakistan
7. Dr. Qazi Attaullah, AD&SJ/Senior Director Research & Publication, KP Judicial Academy, Peshawar

Foreign

1. Julian Roberts, Emeritus Professor of Criminology, University of Oxford, UK
2. David B. Wexler, Distinguished Research Professor Emeritus of Law, University of Arizona, USA
3. Dr. Livingston Armytage, Adjunct Professor of Law, University of Sydney, Australia
4. Dr. Maira Hayat, Assistant Professor of Environment and Peace Studies at the Keough School of Global Affairs, University of Notre Dame, USA
5. Dr. Shelley Kierstead, Assistant Professor at Osgoode Hall Law School, York University, Canada
6. Dr. Adeel Hussain, Associate Professor of Legal Studies at New York University Abu Dhabi, UAE
7. Dr. Ahmad Ghouri, Senior Lecturer in Commercial Law (Law) School of Law, Politics and Sociology, University of Sussex, UK

Editorial Team

1. Mr. Muhammad Amir Munir, Director (R&P), Editor
2. Dr. Rai Muhammad Khan, Additional Director (R&P), Associate Editor

Editorial Foreword

The Federal Judicial Academy is committed to promoting research and disseminating new ideas through its *Federal Law Journal* (FLJ) and other research initiatives. In pursuance of this commitment, the Academy is publishing the next issue of the FLJ: Volume 3, Issue 2. The current issue is divided into peer- and non-peer-reviewed sections.

In the peer-reviewed section, the first article critically examines Pakistan's ranking in the World Justice Project's Rule of Law Index. This article proposes a strategic plan to improve Pakistan's ranking after analyzing the top-performing jurisdictions on the index. The second article critically examines the notion that *Diyat* is *Hadd* and rebuts this notion on logical grounds while highlighting counter-juristic perspectives. The third article traces the history of law reporting in India since the beginning of the colonial judicial regime. It highlights various issues related to law reporting and the subsequent referencing of head-notes and provides recommendations to improve law reporting in Pakistan. The fourth article offers a comparative analysis of the enforcement of arbitration agreements in Pakistani and English legal regimes. In the peer-reviewed section, the last article analyzes the concept of shared parenting in Pakistan and explores alternative approaches to ensuring children's welfare.

The non-peer-reviewed section contains critical comments on the World Justice Project's Rule of Law Index, asserting that the judiciary of Pakistan is being misjudged based on this ranking. This section also includes a review of the Punjab Environmental Protection Act, 1997, and a review of *Qur'anic Covenants: An Introduction (A Believer's Perspective),* a book authored by Mr. Ahmer Bilal Soofi.

I extend my heartfelt gratitude to the contributors, reviewers, Editorial Board members, and the Editorial Team for their unwavering efforts in maintaining and enhancing the journal's quality.

Hayat Ali Shah
Chief Editor

Contents

PEER-REVIEWED SECTION

A Strategic Framework for Elevating Pakistan's Rule of Law Index Ranking……1
Mehreen Siyyab Abbasi

A Critical Study of a Novel Notion that Diyat is Hadd……29
Rashid Gul

Legality of Law Reporters after the 1989 Amendment to the Law Reports Act, 1875……..…45
Dr. Mahboob Usman

Enforcement of Arbitration Agreement: A Comparative Analysis of Pakistani and English Legal Regimes…….……69
Syed Jawad Muzaffar

Shared Parenting: A New Concept towards Gender Equality and Child Welfare in Pakistan…….….105
Fahad Ahmad Siddiqi

NON-PEER REVIEWED SECTION

COMMENTS

The Judiciary Misjudged…….……..121
Ch. Qasim Javed

LEGISLATION REVIEW

Judicial Perspectives in Rendering Environmental Justice – A Review of the Punjab Environmental Protection Act, 1997…….129
Shazib Saeed & Shazia Munawar Makhdoom

BOOK REVIEW

Qur'anic Covenants: An Introduction (A Believer's Perspective)……..…..139
Muhammad Amir Munir & Dr. Rai Muhammad Khan