



You are cordially invited to attend the
4th PROVINCIAL JUDICIAL CONFERENCE 2019

Judiciary: Aspirations, Reality and Future Needs

at

Hotel "**Avari Towers**", Karachi

27th & 28th April 2019

Hon'ble Mr. Justice Ahmed Ali M. Shaikh

Chief Justice, High Court of Sindh

has kindly consented to preside

RSVP

Ms. Sheema Yasmin

Superintendent, SJA

0300-2496412 | 021-99250629

CONCEPT NOTE
4th Provincial Judicial Conference - 2019
Judiciary: Aspirations, Reality and Future Needs

Background and objectives:

The program of organizing 4th Provincial Judicial Conference-2019 is that the justice sector actors to discover techniques to perform more proficiently and cost effectively aiming to satisfy public at large. It is in continuation of the Conference 2018. In an age the increasingly demand more judicial interventions to solve the complex and sensitive issues, society leaves to be settled by the judiciary the need for this type of conference of all the stake holders is greater than ever. This conference of Sindh Judicial Academy (SJA) is jointly organized by justice sector institutions viz Sindh Judicial Academy, and High Court of Sindh.

Executive summary:

This concept note describes a two-days Provincial Judicial Conference, to be held in Karachi, Pakistan. The conference will consider several aspects of the academy's role and legacy over the past two decades, and over the years to come. There will be a focus on several key areas: the SJA's overall accomplishments and challenges its encounters; its contribution to the promotion of the rule of law in the province; judicial integrity and code of conduct for judges working for District Judiciary; the mechanisms of victim and witness protection and facilitation while appearing in courts; challenges facing due to defective investigation and prosecution; legislative initiatives in the Civil and Criminal Procedure Code and Bar & Bench relation specific out comes such as better management and less costly litigation as well as greater confidence in the Judiciary viz a viz tolerance.

The conference will be attended by approximately 250 people, comprising senior SJA faculty members, justice sector stakeholders and international experts and academics. At least two-thirds of participants will be from the district judiciary. The goal of the conference is to facilitate dialogue, debate, and awareness about the working judicial system's successes and the challenges it has faced. More concretely, the event is expected to provide the SJA a direct input from the communities about what their expectation from the judicial system. Other goals are to share the activities of SJA and soft reform proposals and to finalize it with the input of experts/technocrat. The conference will include panels for debate and analysis, as well as consultative/working meetings which will identify issues for discussion during the second day of the conference.

The conference will be an opportunity for policy makers to engage with a geographically and ideologically diverse cross-section of justice stakeholders' actors and to strengthen working connections with each other.

Introduction:

This occasion offers an opportunity for local, national and international stakeholders to apprise the achievement of SJA, the High Court accomplishments and to consider future role of judiciary in

administration of justice. Participants will include justice sector senior officials, civil society representatives, a group of litigants, private and official witnesses. Such a diverse range of attendees means the conference will include both supporters and critics of the judicial system.

Conference Components and Structure:

The conference will be held over two days, its structure has been designed with the aim of ensuring both targeted deliberations and decision-making by the most active stakeholders, as well as a broader debate on key topics, encompassing everyone in attendance. The conference will also feature a number of opening speeches, as well as a keynote address. The keynote address will set the tone for the conference, and lay some of the groundwork for all of its debates and deliberations. Two technical sessions will run at one time. In each session four speakers will speak simultaneously and present their studies. Each speaker will be given 20 minutes time to share points of his study. At the end of each session participants will have an opportunity to seek clarification from one speaker and chair of the sessions. Co-chair shall facilitate to chair and finalize recommendations which shall be presented to Hon'ble Chair during concluding session. On the second day of conference a panel discussion has been planned. Panel shall consist of six experts and a moderator. Audience will take part in discussion by asking questions. Following sub-themes will be under discussion-

- i. Identifying gap in justice system affecting end beneficiary;
- ii. Impact of defective investigation and prosecution on trial;
- iii. Victim and witness facilitation mechanism in judicial hierarchy;
- iv. Judicial administration and management;
- v. Refining the scheme of Code of Civil Procedure, 1908 and Code of Criminal Procedure, 1898
- vi. Appropriate Dispute Resolution System in Pakistan

Speeches

Opening Speeches- The conference will begin with brief welcoming speeches by SJA representative, and co-host. The speeches will preview some of the main issues and questions of the conference. Four speakers will share their views in this session.

Keynote Speech- The conference will feature a keynote speech by the Director General. The keynote speech will explain the last year progress and challenges faced or cooperation received. The worthy Director General's speech will delineate the key themes and questions of the conference. Annual Report 2018 will be presented to the Chairman, Board of Governors, Sindh Judicial Academy.

The conference will feature four technical sessions, which will be held on the first day of the event. Each session will be attended by a variety of relevant stakeholders, including local governmental and civil society representatives, international stakeholders, witness/victims' representatives, and relevant experts. The technical sessions shall have presentations and would offer the possibility for targeted deliberation and

decision-making with respect to some of the most pressing issues related to the judicial system. The conclusions reached at the technical sessions will serve as a basis for penal discussions to follow on the second day of the conference.

Technical Sessions

Technical Sessions 1: Building Confidence of a common man on Criminal justice system

- i. Identifying gaps in the justice system effecting the end user
- ii. Identifying gaps in the justice system effecting the end user
- iii. Impact of defective investigation and prosecution
- iv. Role of District Court Registrar in administration & management
- v. Question answer and formation of recommendations

The ideology that ‘no offender should go unpunished and no offence should go unchecked’ will be discussed in first session. The presenters shall prepare their paper with recommendations and the audience shall, after deliberations may propose some addition or deletion in the research papers presented by the speakers. Final product would be used by the head of justice sector institutions as research material to formulate effective policy. A research on defective investigation and prosecution shall be shared to understand real issues. This session will also discuss District Court Administration and Management.

Technical session 2: Building Confidence of a common man on Criminal justice system

- i. Advancing the Judicial System in 2027 with technology
- ii. Access to expeditious justice in Criminal Trial Courts
- iii. Refining the Scheme of the Code of Criminal Procedure, 1898
- iv. Victim and witness facilitation mechanisms
- v. Question answer and formation of recommendations

Future need and efforts to meet current and future challenges are to be assessed and discussed. One of the speakers would discuss next 10 years desire and requirement of judicial system. Model Courts have been set up at district level. To make the idea successful it is necessary that the judges may be provided effective guidelines. Such proposal will be discussed in the session. Code of Criminal Procedure needs to be updated. Individual efforts may be seen in the provinces. One of the speakers may bring proposal for consideration of the session’s participants and accordingly after developing some consensus. Sindh Witness Protection Act was introduced in 2013 however it could not be implemented. It attempt will be made to design implementation strategy as to facilitate witness which indeed effect trial and satisfaction of victim/agreed person

A draft prepared by SJA in consultation with the speakers to amend CPC would be shared with the meeting and their views will be noted. An attempt would be made to finalize a draft for submitting before the Rules

Committee of High Court of Sindh for consideration. Presenter's presence would be necessary in the consultative meeting and he will be mainly responsible for incorporating suggestions of the group.

Code of conduct proposed by the presenter may be adopted after considering changes proposed during consultative meeting.

SJA will use the opportunity created by the gathering together with all the relevant regional and international stakeholders, to provide adequate time and space for them to discuss papers/studies, and to reach concrete conclusions about the ways to take the process further. The goal of the working meeting will be for the participants to create a mixed governmental/civil society working group, which would then move the process forward, of Provincial Judicial Committee, working under the chairmanship of Hon'ble Chief Justice, High Court of Sindh.

Technical sessions 3: Building Confidence of a common man on Civil justice system

- i. Amendments require in the Code of Civil Procedure.
- ii. Alternative Dispute Resoulation, a step to curtail delay.
- iii. Use of technology during Investigation & Trial.
- iv. Question answer and formation of recommendations

Technical sessions 4: The Judges: knowledge and efficiency two wheels of the chariot.

- i. Criteria for Judicial officers Apointments.
- ii. Effective Implementation of Juvenile Justice System..
- iii. Judicial Intergity & Code of Conduct
- iv. Question answer and formation of recommendations

PRESENTATION OF THE GROUPS

Each group's representative will present his recommendations on the topic of deliberation before the Guest of Honor. Each group will have 10 minutes to present group work and explicitly apprise that the idea of the presenter is or is not workable and if it is appropriate, how much changes are necessary in the original work of the speaker. The presenter shall justify the proposal as to how it would benefit the society in long run.

PANEL DISCUSSION

The conference will include a panel discussion which will be held on its second day. This will allow for the outcomes of the previous day's working meetings to be presented to, and discussed by, a wider audience. Panel discussion will last for one and a half hours, including extensive time for questions and discussion. It will be chaired by experienced moderator, who will be prepared to actively facilitate discussion. Panel members will speak briefly (five to seven minutes each) and the remaining time will be for open discussion.

This panel will consider the SJA's role in strengthening the rule of law in the province. It will look into the SJA initiatives in the region, the example set by its jurisprudence, and its contributions to transitional

justice. As well as, assessing the SJA's impact. Panel members will consider ways in which the SJA can, through its legacy, continue to contribute to the development of the rule of law, in particular legal education and research. It will also consider what complementary activities or mechanisms could undertake in the future. Panelists will include Hon'ble Judges of Apex Courts the representatives of the High Court, Sindh Judicial Academy, Prosecution Department, Home Department (police and prison), representative of district judiciary, an international organization and an academic institution.

INFORMAL NETWORKING AND DIALOGUE

Just as important as the structured aspects of the conference is a space for informal conversation and networking among conference participants. The conference will bring together a wide range of participants who may have not interacted before, including senior officials, lawyers and judges, and representatives of groups from across the country that may not usually attend law related events.

BENEFITS OF THE CONFERENCE

The participation of senior officials in a local conference is a strong symbol of the SJA's focus on the impact of its work on the provincial issues. As the SJA prepares to complete its mandate, the conference will be an occasion to look back over the preceding twenty years of the SJA's work, and forward to the legacy the SJA leaves behind. The conference will be an opportunity to recall both the SJA's successes and its shortcomings from the perspective of individuals in the region. An important outcome of this conference will be the discussions, conclusions and recommendations, about the ways in which judicial bodies, both provincial and national, can continue to strengthen the rule of law throughout the country. Particular attention will be given to the issue of victim/witness protection and support, and the mechanisms to introduce in provincial court. Existing practice to this end will be examined and shall find more effective ways to replace the idea if suggested.

The conference will create a forum for creatively planning further rule of law projects, and strengthening accountability mechanism. The event will draw attention to the SJA's commitment to engaging with all stakeholders, and to addressing the challenges faced by the P.J.S. Finally, and perhaps most importantly, the conference will bring a wide variety of stakeholders from across the country into contact with each other, thereby allowing for open dialogue commitment that may serve the SJA's goal of facilitating long-term stability and strengthening the rule of law in the country.

PARTICIPANTS

A total of 250 persons comprising of:

- Litigants and others indirectly involved in the judicial processes
- Hon'ble Judges of apex courts and Judicial Officers
- Leading lawyers
- National and international legal academics

- Dignitaries from the Government
- Members of legal education institutions
- Members of national and international NGOs
- Members of print and electronic media
- Members of Court staff

SINDH JUDICIAL ACADEMY

4th Provincial Judicial Conference 2019

at Hotel “Avari Towers” Karachi

27th & 28th April, 2019

PROGRAM AGENDA

DAY 1 | 27th April 2019

| Inaugural Session |

09:00 - 09:30

Registration

09:30 – 09:35

National Anthem

09:35 – 09:45

 **Recitation**

09:45 - 09:50

Welcome Note

Ms Nuzhat Ara Alvi, District & Sessions Judge /
Senior Faculty Member, Sindh Judicial Academy

09:50 – 10:00

Conference Aims, Objectives and Layout

Mr. Muhammad Shahid Shafiq,
District & Sessions Judge, Senior Faculty Member, SJA

10:00 - 10:10

**Activates of the Sindh Judicial Academy – in 2018
and Future Plans**

Mr. Justice Khilji Arif Hussain, Former Judge Supreme
Court of Pakistan, Director General, SJA

10:10 - 10:25

Hon’ble Chief Guest will announce opening of conference

10:25 - 11:00

 **Tea & Coffee**

Paper Sessions and Policy Roundtables

Session 1 Venue 'A'

Building Confidence of a common man on Criminal justice system

11:00 - 11:20 Identifying gaps in the justice system effecting the end user

11:20 - 11:40 Identifying gaps in the justice system effecting the end user

11:40 – 12:00 Impact of defective investigation and prosecution

12:00 - 12:20 Administration & management of Distirict Court

12.20 to 01.30 Question answer and formation of recommendations

01:30 - 02:30  **Lunch**

Session 2 Venue 'B'

Building Confidence of a common man on Criminal justice system

11:00 - 11:20 Advancing the Judicial System in 2027 with technology

11:20 - 11:40 Criminal Justice System international practices

11:40 – 12:00 Refining the Scheme of the Code of Criminal Procedure, 1898

12:00 - 12:20 Victim and witness facilitation mechanisms

12.20 to 01.30 Question answer and formation of recommendations

01:30 - 02:30  **Lunch**

DAY 1 | 27th April 2019

Session 3 Venue 'A'

✚ Building Confidence of a common man on Civil justice system

- 02:20 - 02:40** Amendments require in the Code of Civil Procedure
- 02:40 - 03:00** Alternative Dispute Resoulution, a step to curtail delay
- 03:00 – 03:20** Use of technology during Investigation & Trial.
- 03.20 to 04.30** Question answer and formation of recommendations

DAY 1 | 27th April 2019

Session 4: Venue 'B'

✚ The Judges: knowledge and efficiency two wheels of the chariot

- 02:20 - 02:40** Review of Criteria for Judicial Apointments ?
- 02:40 - 03:00** Effective Implementation of Juvenile Justice System.
- 03:00 – 03:20** Judicial Intergity & Code of Conduct
- 03:20 – 04:30** Question answer and formation of recommendations

✚ Presentations from Paper Sessions and Policy Roundtables

09:00 - 09:20	Recap	(Mr. Justice Khilji Arif Hussain, Director General, SJA), Former Judge Supreme Court of Pakistan
09:30 - 09:40	Group 1 Presentation	(By Group Representative)
09:40 - 09:50	Group 2 Presentation	(By Group Representative)
09:50 - 10:00	Group 3 Presentation	(By Group Representative)
10:00 - 10:10	Group 4 Presentation	(By Group Representative)
10:10 - 11:00	Questions & Answers and final remarks on presentation	
11:00 – 11:30	 Tea	

[PANEL DISCUSSION] Draft declaration of conference

[PANELISTS]

- i) Mr. Justice Khilji Arif Hussain, Former Judge Supreme Court of Pakistan
- ii) Mr. Justice Muhammad Athar Saeed, Former Judge Supreme Court of Pakistan
- iii) Mr. Justice Amir Hani Muslim, Former Judge Supreme Court of Pakistan
- iv) Mr. Justice Syed Ali Aslam Jaffri, Former Judge High Court of Sindh
- v) Mr. Akhtar Hussain, Advocate Supreme Court of Pakistan

11:30 – 12.30 Pakistan's low ranking in Rule of Law Index: Causes and Solution

Concluding Ceremony

12:30 – 12.45	Address of Hon. Chief Guest [concluding remarks]
12:45 – 01.00	Vote of Thanks by Director General
01.00 – 01.30	Certification and distribution of Shields followed by lunch