



# Sindh Judicial Academy

## Newsletter

October - December, 2018

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# Two-day advocacy skill program, Thatta

**SJA in collaboration with District Bar Association, Thatta and High Court Bar Association, Thatta arranged a 2-day training program for practicing advocates with years stand at Bar.**

The President, District Bar Association, Hyderabad welcomed to the team Sindh Judicial Academy. He also appreciated initiative of the Hon'ble Chief Justice, Mr. Justice Ahmed Ali M. Sheikh for approving the idea of the SJA to arrange training programs at district level for junior practicing advocates. He also welcomed the members of the Bar for participating in the program. He highlighted importance of continuous legal education. Traditional gifts were presented to Hon'ble Director General and team of SJA.



Mr. Justice Khilji Arif Hussain while discussing code of conduct and court mannerism explained that an advocate should reach court on time, sit in court room properly, dress formally, turn off mobile phone in court room, address to court respectfully and respect senior advocates, be cautious in body language, use plain English while addressing to court and do not speak out of context. He also discussed in detail attitude of advocate with his client. He advised to be fair with clients and always give reasonable legal advice based on the best of your knowledge. This would cause in developing strong professional relationship between advocate and the client.

Hon'ble Mr. Justice Syed Ali Aslam Jafri shared details of two-day training program and specifically

informed about the topics be discussed during the training.



Mr. M. Shahid Shafiq discussed family law and how to find case law.

Mr. Justice Syed Ali Aslam Jafri and Mr. Muhammad Shahid Shafiq discussed about the bail issues and qualities of a good advocate. They also discussed role of an accused while acting as commissioner by court order for site inspection, recording evidence and as receiver for administering a moveable or immovable property. The trainees were also shared how to find but relevant case law from the law books and by using different databases maintained electronically and accessible through websites. It was informed that PLD publisher have developed a portal and statute and case law may be accessed from the site. There are many websites of India which are also useful and accessible without cost.

In the concluding ceremony trainees were awarded certificates. Hon'ble Director General gave 'Shield of honor' to the Hon'ble Chief Guest and to District Bar Association, Thatta and High Court Bar Association, Thatta for their cooperation for arranging the training program followed by plantation.





## THE CERTIFIED TRAINING PROGRAMS FOR 'SAALIS'

Experienced experts of the field elaborated the following topics using interactive presentations and practical approaches:

- Introductions to the Course
- Approaches to Negotiation: Positions to Interests
- Introduction to Dispute Resolution Landscape
- Introduction to phases of Mediation
- Preparation and Opening Phase
- Introduction to Exploration, Positions and Interests
- Active Listening Verbal Skills to build rapport and explore
- Effective Questioning Exercise
- Practice session - Role play
- RPC - Essential Skills
- Active Listening Non-verbal Communication
- Exploration to Early Bargaining - Information Exchange / joint meetings
- Introduction to Bargaining Phase
- Level of Mediator Intervention
- Facilitating the making of offers
- Zone of Potential Agreement
- Reading of confidential briefs
- Managing Power Imbalances
- Managing Apparent Deadlock etc.

## SIX-DAY CERTIFIED TRAINING PROGRAMS FOR 'SAALIS'

Several studies and analyses done by the national and international institutes consistently pointed the complexity of litigation procedures. Among the several reasons including cost and duration of the process, the overburdened situation on the courts are affecting the overall system of our society.

All over the world, courts strongly emphasize the importance of trying to resolve disputes in mediation before pursuing it in the courts. This process may be defined as confidential facilitated negotiations substantially controlled by the parties themselves, procedurally controlled by neutral third parties but having no power and authority to impose an outcome. The mediator helps two or more than two contesting parties to negotiate voluntarily solution to their problems.

A Memorandum of Understanding was signed between SJA and Pakistan Mediators Association on 7th June, 2018. Both Parties were interested in developing a collaborative relationship with one another for the purpose of conducting Mediations, trainings and Accreditation courses to furthering Alternative Dispute Resolution Mechanisms in Pakistan and have a mutual interest in creating awareness of Mediation among public at large. This MoU was also signed to establish a mechanism for the Parties to plan cooperative Mediation and training activities as the Honorable Chief Justice of Sindh High Court

had already ordered to establish Court Annexed Mediation Centre at Sindh Judicial Academy.

A service agreement was also signed on 16th



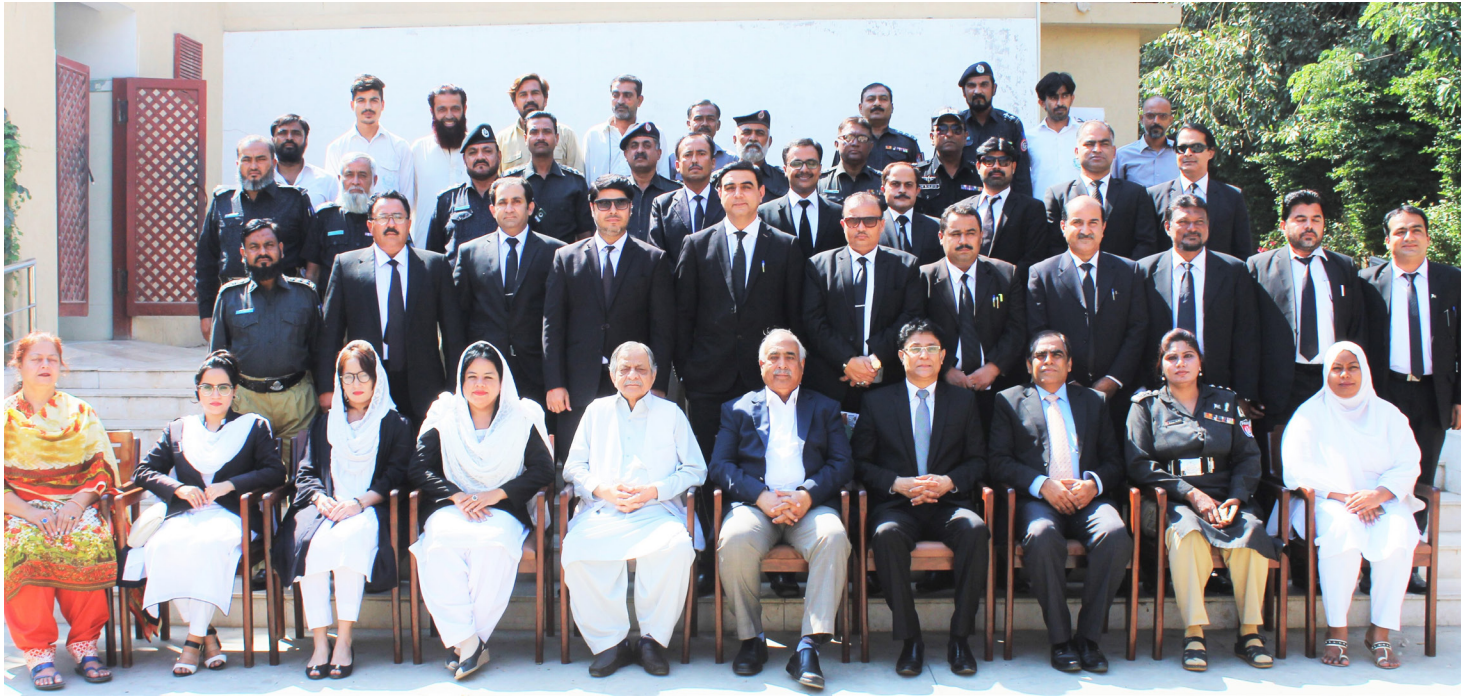
April 2018 Between SJA and Legal Aid Society for the training individuals appointed as "Saalis".

The objective of the Project was to build knowledge and capacity of judges and lawyers alike in conflict resolution and mediation fields through this training program and also to enable them to mediate between parties and resolve issues in a cost-effective manner and in a timely fashion.

The participants from the several districts of Sindh were trained in mediation skills. Four sessions were conducted during the last quarter of the year on the following dates:

04-10 October, 29 November 04 December, 06-12 December and 18-24 December 2018.





# Two-Week Police-Prosecutors Training Programs

Sindh Judicial Academy has been engaged intensively with introducing modern teaching methods, like practically engaging the trainees in mock-sessions, teaching through case studies, peer review, through collaborative teaching and inquiry-based learning etc. It was observed that the interest rate of learners increased manifold while practicing teaching through these techniques.

This specially designed program was a joint venture of Sindh Judicial Academy and UNODC. It was a skill-based training program. The training program was based on exercises, mock trial and presentation of trainees.

The pre-assessment and post-assessment of the trainees and the quality of training was the part of the training program. The trainees were taught how to assist and when to assist a Police investigator during a trial or during process of investigation. The Police investigators and Prosecutors were given exercises whereby an Investigation officer prepared and filed an application before magistrate and the prosecutor on his request assisting

him for a training remand in police custody.

***Two trainings were conducted, 15-10-2018 to 30-10-2018 and 12-11-2018 to 27-11-2018***

The prosecutors were taught how and when to assist Police investigation officer during investigation and trial. The investigators and Prosecutors were given exercises whereby an Investigation officer prepared an application for remand in police custody and filed before a court of Magistrate and the prosecutor on his request assisted him for obtaining remand in police custody. They also practiced for drafting and filing revision application. The training program was also assessed as a whole.

It was a practice of the Academy to assist each trainer and trainee. Trainees and training assessment were made in a format prescribed by UNODC.

The following Trainers conducted these programs:

- Mr. Justice Khilji Arif, Former Judge Supreme Court of Pakistan, DG SJA
- Mr. Justice Ali Aslam Jafri, Former Judge High Court of Sindh, Consultant SJA
- Mr. Justice Iqbal Kalhor, Judge High Court of Sindh
- Ms. Nuzhat Ara Alvi, District & Sessions Judge, Sr. Faculty Member
- Mr. Muhammad Shahid Shafiq, District & Sessions Judge, Sr. Faculty Member
- Mr. Javed A. Keerio, District & Sessions Judge, ATC
- Mr. Khalid Hussain Shahani, District & Sessions Judge, West
- Mr. Ashok Kumar Dodeja, District & Sessions Judge
- Mr. Saleem Akhtar Burriro, Prosecutor General Sindh
- Mr. Ayaz Tunio, Prosecutor General Sindh
- Mr. M. Azmat Qazi, Secretary SJA
- Mr. Sharjeel Kharal, DIG Training
- Mr. Tariq Mughal, DSP



## NOVEMBER 5 - 7, 2018 AT SINDH JUDICIAL ACADEMY

The Sindh Judicial Academy in collaboration with The Asia Foundation conducted this program on advanced level techniques of mediation.

Sindh Judicial Academy is striving hard to set up Court Annexed Mediation Centers throughout province of Sindh and first Center has been established at Academy with the approval of Honorable Chief Justice.

**Honorable Mr. Justice Khilji Arif Hussain, Former Judge Supreme Court of Pakistan and DG, SJA supervised the training**

The Asia Foundation Islamabad is technically assisting the Punjab Judicial Academy and Lahore High Court where already 19 Courts Annexed mediation Centers are functioning successfully. The Foundation is providing training to the Judicial Officers at national and International level.

SJA and TAF agreed to provide the technical assistance for establishing three Mediation Centers in Sindh.



## Three-Day Training on Mediation for Sr. Civil Judges

Alternative dispute resolution includes dispute resolution processes and techniques that act as a means for disagreeing parties to come to an agreement short of litigation. It is a collective term for the ways that parties can settle disputes, with the help of a third party. It has gained widespread acceptance among both the general

Academy campus. The training entailed advanced level techniques of mediation. The participants were trained as Master Trainers. The idea was to create a cohort of distinctive human resource from within the judiciary who are able to work as mediators at The Asia Foundation's established three ADR Centers and train their fellow judges



public and the legal profession in recent years.

The rising popularity of ADR can be explained by the increasing caseload of traditional courts, the perception that ADR imposes fewer costs than litigation, a preference for confidentiality, and the desire of some parties to have greater control over the selection of the individual or individuals who would decide their dispute.

Sindh Judicial Academy and The Asia Foundation conducted a three-day training program at

on the importance of referring cases to ADR.

The judges, after going through the training session, was able to be equipped to run the court-annexed mediation centers and handle the cases referred to them by District Courts or the High Court for mediation under section 89 A of the Code of Civil Procedure.

This training program was a replica of TAF Punjab program where the Foundation trained judges and they are doing a great job at the ADR centers.





**HONORABLE  
MR. JUSTICE AHMED  
ALI M. SHAIKH,  
CHIEF JUSTICE  
HIGH COURT OF  
SINDH WAS PLEASED  
TO APPROVE THE  
TRAINING PROGRAM**

One-week skills-based training program was specially designed to broaden the exposure of newly appointed civil judges of Punjab.



## Civil Judges from Punjab Exposure Visit of SJA

**Twenty-one newly appointed Civil Judges/ Judicial Magistrate visited the Academy to enhance their professional skills and required judicial conduct.**

Mr. Justice Khilji Arif Hussain, Director General, SJA, in the opening session, delivered a brief introduction of Academy and this training program. Mr. Justice Ali Aslam Jaffri, Consultant, SJA delivered his presentation on "Writing Bail order in Non-bailable offences (Order writing exercise)".

Following topics were covered during the training program:

- Remand in Police custody (Exercise)
- Role of Magistrate under JJSA, 2018
- Order 17, Rule 3 C.P.C. (Order writing)
- Disposal of Cases under "A" "B" "C" Classes (Order writing exercise)
- Injunctive Order (Practice Session)
- Application Orders X, XI, XII, XIII & XVI C.P.C in Civil
- Proceeding and writing order sheet
- How to record confessional statement (Mock Trial)
- Use of Legal Language in Law



- Procedure followed by Family Courts.
- Judgment Writing
- Perjury
- Scrutiny of Civil cases & examination of its maintainability
- Recording evidence in criminal cases. (Mock Trial)
- Identification Test Parade (Practice Session)
- Recording evidence in civil cases (Practice Session)
- Execution Proceedings Transfer of decree
- Writing case diaries in civil cases/ proceedings
- Court Mannerism

The participants visited several historical and recreational places including Mazar-e-Quaid, Quaid-e-Azam House, Mohatta Palace, Hawks Bay, Sea View, Bahria Town, Port Grand etc.



**AGENDA:**

- **DEBRIEFING ON UK STUDY VISIT 14-20 OCTOBER, 2018**
- **ANY OTHER MATTER**

**In Attendance:****From Sindh Judicial Academy:**

- Mr. Justice Khilji Arif Hussain, former Judge Supreme Court of Pakistan, DG, SJA
- Mr. Justice Ghulam Rabbani, Former Judge Supreme Court of Pakistan
- Honorable Mr. Justice Ali Aslam Jafri, Former Judge High Court of Sindh & Consultant, SJA
- Ms. Nuzhat Ara Alvi, District & Sessions Judge, Senior Faculty Member, SJA
- Mr. Muhammad Shahid Shafiq, District & Sessions Judge, Senior Faculty Member, SJA
- Mr. Sharjil Kharal, DIG Training, Sindh Police
- Mr. Mohammad Murtaza Khan, I.T Expert/Faculty Member, SJA

**From GIZ:**

- Mr. Niaz Ahmed Siddiki, Former Inspector General Police Sindh
- Mr. Gahanwer Ali Laghari, Additional Secretary, Home Department
- Mr. Muhammad Ali Nekokara, Consultant GIZ
- Mr. Iqbal Ahmed Detho, Consultant GIZ
- Mr. Muhammad Afzal Shaikh, Technical Advisor

**From High Court of Sindh:**

- Mr. Abdul Razzak, District & Sessions Judges, MIT-II High Court of Sindh

# Judiciary Committee on Sindh Rule of Law Roadmap, 7th meeting



Mr. Niaz Ahmed Siddiki, Former Inspector General Police Sindh, delivered the presentation on the tour. He shared the objective of this tour.



He said that in this tour the CJS (Criminal Justice System), its performance management, use of data and evidence in strategic planning, how it works together to improve performance and the allocation of resources, its impact on the public were thoroughly studied etc. He also shared that a careful and studious inspection was also made on the modern techniques in investigation and prosecution and how criminal justice partners work together. Moreover, establishing sustainable relationships to assist future delivery

and how data is used to monitor and evaluate the performance and impact of the English Legal System were also studied during the tour. judicial officers for grooming their skills and knowledge?"

Honorable Mr. Justice Khilji Arif Hussain said that though every country/region has its own experiences with respect to their environment but we can adopt and implement the good things from them; let us identify these things. He appreciated the witness facility centers of UK and suggested that we should have this facility in our country. He also recommended that it should be mandatory by law that the Prosecutor should submit his/her opinion; this would help in fixing responsibilities. He also pointed out the dilemma that neither witnesses nor victims are provided any protection.

Honorable Mr. Justice Ghulam Rabbani emphasized on ownership and independence of the stakeholders to improve the responsibility of every element.

Honorable Mr. Justice Khilji Arif Hussain informed that Honorable Mr. Justice Ghulam Rabbani has completed almost 80% of the work assigned to Academy. He requested to expedite the work to meet the timeline.





**THE PARTICIPANTS  
LEARNT A  
GREAT DEAL OF  
INFORMATION  
BY VISITING THE  
FOLLOWING  
PLACES**

- Crown Prosecution Service
- Bedfordshire Police Headquarters
- Old Bailey, Crown Court, Central Criminal Court
- Witness Service
- HM Prison High Down
- Westminster Magistrate's Court
- Custody Suite
- Witness Servicetrainings to the batches and others.

## UK Study Visit 14-20 October, 2018

**In this tour, The Criminal Justice System, its performance management, use of data and evidence in strategic planning, how it works together to improve performance and the allocation of resources, its impact on the public were thoroughly studied etc.**

The information delivered by distinguished speakers in form of presentations and briefings on their relative subjects; these speakers include James Jenkins, Asker Hussain HMCPs Inspector, Dr. Jennifer Mailey Home Office, Stuart Martindale: Data Analyst DFID, Detective Chief Inspector Duncan Young, Chief Superintendent David Boyle, Superintendent Matt Thompson, Assistant Chief Constable Jackie Sabire, Adrian Foster Chief Crown Prosecutor, Derek Frame, Head of Extradition, David Cass, Performance



Management Unit Head, Senior Crown Prosecutor Mark Carroll, Judge Michael Topolski QC, Her Honour Judge Molyneux QC, Head Ms. Linda Harlow, Deputy Senior District Judge Tan Ikram (UK's second most senior Judge) etc.





## ASIA FOUNDATION FACILITATED THE TRAINING AND GOT ARRANGEMENT AT ADR CENTRE ROME , ITALY

Sindh Judicial Academy in collaboration with Asia Foundation initiated ADR project with the object to introduce 'mediation' in Sindh province.

A Court Annexed Mediation Centre at Sindh Judicial Academy has been established and a few cases were referred to it. Now three judges have been have been trained and they can mediate cases if referred to them as Mediator. Initially the Academy proposed to set up three Mediation Centres in the districts where high pendency of civil cases is observed.

### *The It was 5 full-day training program*

Asia Foundation shall also technically assist in establishing three Mediation Centres. They will provide necessary furniture, fixture and equipment that may be needed to run a Mediation Centre. Once the Mediation Centres are declared in three districts of Sindh and they will provide infrastructure.

A legislative initiative to amend the law has already been submitted to law department by Sindh Judicial Academy and there is a possibility of amending relevant provisions of law in near future. According to proposed legislation, Court would have authority to analyse and assess possibility of resolving a dispute through mediation at an early stage. In case the Presiding Officer makes his mind that there is a possibility of amicable settlement, the matter shall be sent to the Court Annexed Mediation Centres.



# Mediation Training at ADR Center Rome, Italy

The trainees were welcomed by the Head of ADR Centre Rome. At this occasion Consulate General of Pakistan housed in Rome, Italy was also present. He formally invited the Hon'ble Director General and the trainees at his offices for Dinner.

As it was Training of Trainer (ToT) , detail discussions were made on effective adult learning techniques., teaching methodologies to be adopted for adult teaching were discussed in detail.

## Six mediation centres are working in Rome

The Academy, in the first phase, started training process. The matter was shared with the Hon'ble High Court of Sindh and His Lordship, Hon'ble Chief Justice appreciated the idea and nominated judges as trainees. In the first phase a group of 8 Civil Judges, selected by Hon'ble High Court, were trained at Sindh Judicial Academy and out of them 3 were selected for imparting training from international expert. A group of master trainer was also selected and in all 8 officials visited Italy for training purpose.

There were two sessions on each day. The morning session of first day was introductory in nature. Hon'ble Director General shared the progress so far made in Pakistan on the subject of ADR by showing a presentation.

A souvenir was presented to the ADR Centre and the trainer. During introductory session goals of the program and course agenda was discussed. Initial knowledge assessment test was conducted and thereafter main components of basic mediation training were discussed.



While returning from the Room the group stayed in Turkey for a few days and visited a reputed Mediation Centre of Turkey. Sindh Judicial Academy has observed working of two Mediation Centres and noticed their infrastructure which may be adopted while setting up a Mediation Centre here in Sindh.

A formal request is being sent to Hon'ble High Court for setting up mediation centres at District Hyderabad, Sukkur and Larkana and Sindh Judicial Academy shall provide necessary assist to the District Courts which may include further training and coordination between parties.



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## Intensive International Humanitarian Law Course for Humanitarian Practitioners and policy makers, Geneva, Switzerland



This course was organised by the International Committee of the Red Cross (ICRC), which was held at the ICRC in Geneva from 23rd to 28th September 2018. Mr. Muhammad Shahid Shafiq, District & Sessions Judge and Senior Faculty Member, Sindh Judicial Academy represented the Academy.



## 4th Provincial Judicial Conference 7th & 8th March-2019



The objective of this conference is that the justice sector actors to discover techniques to perform more proficiently and cost effectively aiming to satisfy public at large. In an age the increasingly demand more judicial interventions to solve the increasingly complex

and sensitive issues, society leaves to be settled by the judiciary the need for these types of conference of all the stake holders is greater than ever. This occasion offers an

opportunity for local and national stakeholders to apprise the achievement of SJA and High Court accomplishments, and to consider future role of judiciary in administration of justice.

Participants will include justice sector senior officials, a group of litigants, private

and official witnesses. Stakeholders involved in rule of law will include lawyers, judges, and representatives of civil society organizations.

**SHARE THE TALLENT!  
BE THE PART.  
SUBMIT THE ABSTRACT BEFORE JAN'30, 2019**