

**Minutes of Meeting of the Judiciary Committee on Sindh RoL (Rule of Law)
Roadmap, July 19, 2018, 3rd Meeting (2nd Draft)**

In Attendance:

From Sindh Judicial Academy:

1. Honorable Mr. Justice Khilji Arif Hussain, former Judge Supreme Court of Pakistan, Honorable Director General, Sindh Judicial Academy
2. Honorable Mr. Justice Ali Aslam Jafri, Consultant, Sindh Judicial Academy
3. Honorable Mr. Justice Ghulam Rabbani, Former Judge Supreme Court of Pakistan
4. Mr. Muhammad Shahid Shafiq, District & Sessions Judge, Senior Faculty Member, Sindh Judicial Academy
5. Mr. Mohammad Murtaza Khan, I.T Expert/Faculty Member, Sindh Judicial Academy

From GIZ:

1. Mr. Niaz Ahmed Siddiki, Former Inspector General Police
2. Mr. Tariq Khosa, Former Inspector General Police
3. Mr. Muhammad Ali Nekokara, Consultant
4. Mr. Rashid Kazmi
5. Mr. Muhammad Afzal Shaikh, Technical Advisor
6. Mr. Manzoor Hussain Memon
7. Mr. Adnan Awan

From High Court of Sindh:

1. Mr. Abdul Razzak, District & Sessions Judges, MIT-II High Court of Sindh
2. Mr. Juned Ahmed, Civil Judge/Judicial Magistrate attached with MIT-II High Court of Sindh

Agenda:

- How to Improve the working of Special Anti-Terrorism Courts
- Presentation of data collected so far by GIZ
- Data Collection of Needs from The Litigants About Their Satisfaction on Criminal Justice System
- To Consider and Identify requisite support in achieving the objectives of The Committee

The Proceedings:

- Honorable Mr. Justice Khilji Arif Hussain, Director General, Sindh Judicial Academy welcomed the participants and introduced the team members of Sindh Judicial Academy, and asked the delegate of GIZ to share the work so far done by the team till date.
- Mr. Niaz Siddiqui former Inspector General Police thanked former Judge Supreme Court of Pakistan Mr. Justice Khilji Arif Hussain and introduced the team, and shared that the views of Mr. Muhammad Ali Nekokara worked, in developing the roadmap in KPK.

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- Mr. Tariq Khosa shared his views that that the RoL (Rule of Law) depends on long-term plans and also shared the key factors, recommendations and proposal made by various Institutions guiding the development of the RoL Roadmap, including; LJCP (Law and Justice Commission of Pakistan), NACTA (National Counter Terrorism Authority), and the Government of Khyber Pakhtunkhwa IDS (Integrated Development Strategy), etc.
Mr. Khosa explained the core principles and objectives for cross-sector reforms in Baluchistan and KP and shared the views that the key pillar of reform strategy developed through the roadmap involved strengthening the Institutional capacity, for making infrastructure, human and financial resources of the Criminal Justice Institutions including Police, Prosecution, Judiciary, Prisons, Reclamation & Probation etc.
- He shared the views that though the development of roadmap started recently in Sindh but the positive aspect is that we can utilize the experiences of the provinces of KP, Baluchistan where RoL Roadmaps have been approved by their respective cabinets and even Punjab where the work on the development of the RoL Roadmap is in advanced stage. He suggested to utilize these experiences of the stakeholders to get their active feedback and the response in developing the roadmap.
- Mr. Tariq Khosa shared that the Honorable Chief Justice, Supreme Court of Pakistan constituted a Police Reforms Committee with an objective of, inter alia, improving the quality of investigation. He also shared that they were facing counter terrorism challenges and all the stakeholders need to strengthen the capacity to prosecute cases effectively. Mr. Khosa also highlighted the need for operational autonomy and accountability of the CJS institutions and the value of long-term planning.
- Former Judge Supreme Court of Pakistan Mr. Justice Ghulam Rabbani said that independence of judiciary was assured by the Constitution, and shared the views judiciary always decides the cases through judicial proceedings and if the investigation is faulty the whole process of prosecution suffers, and emphasized the need for functional specialization. He also suggested that a solid charge sheet report should be presented before the magistrate, and emphasized on the capacity building of Prosecutors and Investigation Officers for a smooth proceeding and instituting robust internal accountability systems. Honorable Mr. Justice Ghulam Rabbani, laid emphasis on efficiency and effectiveness, and also shared that the concern that Honorable Judges of Supreme Court and High Courts are overburdened with heavy case-load, and assured support and guidance to the development of the RoL Roadmap process.
- Mr. Muhammad Ali Nekokara, delivered a presentation on Data gathered from the CJS institutions so far and its analysis and the Honorable Judges provided guidance on the

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subject. Mr. Nekokara also made a presentation on the experiences and lessons learnt in the process of the (RoL) Roadmap development in the province of KP.

- Honorable Mr. Justice Khilji Arif Hussain suggested that the number of Prosecutors may be increased in the Courts, and also proposed that the cases in ATC Courts may be categorized on the basis of their types and the category-wise data of category offences in Criminal should be examined collected and analyzed. It was also recommended to find out the reasons of acquittal of cases.
- Former Judge Supreme Court of Pakistan, Mr. Justice Khilji shared that SJA is working on preparing new jail rules. He also proposed that there should be an automated system for Probation and Parole, that is, it should work on well-defined ToR's and merit without any bias and personal influences.
- Mr. Muhammad Shahid Shafiq proposed that there should be a system having well-defined protocols for jail inspections. Replying to the suggestion of Mr. Tariq Khosa of calling a meeting of all stakeholders, Mr. Shafiq requested that the data should be shared 3-4 days prior to the proposed meeting so that all the stakeholders may get prepared and the feedback may be submitted up to the mark.
- Mr. Niaz Ahmed Siddiki, former IG Police emphasized on the judicial independence and judicial superintendence.
- Mr. Tariq Khosa shared the data about the cases of bomb blast from 2005 to 2011. Mr. Khosa shared detailed analysis of the defects in the prosecution of ATC cases and details of ATC cases pending in Pakistan.
- Former Judge Supreme Court of Pakistan, Mr. Justice Khilji Arif Hussain emphasized on capacity development of ATC Judges, and shared the views that the Prosecutors are appointed without any proper training, they are sent to the ATC courts with no supporting facilities. He also shared that the Investigation Officers are also overburdened.
- Honorable Mr. Justice Ali Aslam Jafri proposed that there should be comprehensive trainings from scratch for Prosecutors and Investigation Officers, and also suggested that the induction of these officers should be on merits.
- Former Judge Supreme Court of Pakistan, Mr. Justice Khilji Arif Hussain, shared that the Academy has already prepared a questionnaire for data collection focusing on citizen's perspective and user experience, and this would be shared with the delegates for improving the roadmap, and proposed to work on pre-trial stage in which the problems faced by police should be defined, trial stage wherein the defects in the law are identified and post-trial stage where the rehabilitation process is defined.
- Mr. Tariq Khosa said that (RoL) Roadmap for Sindh is intended to serve as a guiding strategic document and measurable plan for the Government of Sindh, to introduce

qualitative and high impact sustainable reforms in the justice sector of the province. Mr. Khosa further said that an overarching aim of the roadmap is to plan, develop and implement institutional reforms in an integrated and collaborative manner to enable justice sector institutions to perform their functions and duties in a professional manner. Mr. Khosa presented six key features of the roadmap, mentioned herein after to the Committee for the approval;

1. A whole-of-government approach, entailing political ownership and collaborative strategic partnership of all the components of justice sector.
 2. Every component of the criminal justice and administration are vital and cannot be ignored at the cost of other linked institutions in the justice chain.
 3. The roadmap is based on the partnership of the state and society. All elements of national power are at the service of citizens. Their stakes and interests are reflected in this plan.
 4. Gender equality and women empowerment, including reflecting the rights of the disadvantaged sections of society, are the cross-cutting and enduring themes of this roadmap.
 5. The strategic framework is based on three Cs: coordination, collaboration and communication through a Delivery Unit in the Home Department and corresponding Technical Working Groups/Reform Units within each department and institutions of the Government of Sindh.
 6. Independence of judiciary has to be honored and recognized for the ultimate objective of justice for all; and for that all the government-related RoL institutions are bound to assist and support the mandate of the Provincial Justice Committee headed by Hon'ble Chief Justice of Sindh High Court.
- Mr. Abdul Razzak, MIT High Court of Sindh delivered a presentation on category-wise pendency of cases of ATC Sindh

Conclusion:

- Honorable Mr. Justice Khilji Arif Hussain thanked the Members of delegation and asked them to highlighted the issues of a common litigant in the development of the roadmap.
- All members agreed to have next meeting on August 18, 2018.

Sindh Judicial Academy:

1. Former Judge Supreme Court of Pakistan Mr. Justice Khilji Arif Hussain, , Honorable
Director General, Sindh Judicial Academy
2. Honorable Mr. Justice Ali Aslam Jafri, Consultant, Sindh Judicial Academy
3. Former Judge Supreme Court of Pakistan Mr. Justice Ghulam Rabbani, Former Judge
Supreme Court of Pakistan
4. Mr. Muhammad Shahid Shafiq, District & Sessions Judge, Senior Faculty Member, Sindh
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High Court of Sindh:

1. Mr. Abdul Razzak, District & Sessions Judges, MIT-II High Court of Sindh, Mr. Juned
Ahmed, Civil Judge/Judicial Magistrate