

Minutes of Meeting of the Judiciary Committee on Sindh RoL (Rule of Law)
Roadmap, September 13, 2018, 5th Meeting

In Attendance:

From Sindh Judicial Academy:

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

From GIZ:

1. Mr. Niaz Ahmed Siddiki, Former Inspector General Police Sindh
2. Mr. Muhammad Ali Nekokara, Consultant GIZ
3. Mr. Iqbal Ahmed Detho, Consultant GIZ
4. Mr. Muhammad Afzal Shaikh, Technical Advisor
5. Mr. Rashid Kazmi,
6. Mr. Manzoor Hussain Memon, Consultant GIZ
7. Mr. Usama Ahmed, Consultant GIZ

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

From Legal Aid Society:

1. Ms. Haya Emaan Zahid, Executive Director
2. Ms. Menaal Munshey, Consultant

Agenda:

- To review the progress made so far in designing the Roadmap
- To review the first draft of the Roadmap prepared so far prepared
- Any other matter

The Proceedings:

- Mr. Muhammad Shahid Shafiq, District & Sessions Judge, Senior Faculty Member, Sindh Judicial Academy, requested Mr. Niaz Ahmed Siddiki to share the outline of the first draft.
- Mr. Niaz Ahmed Siddiki, Former Inspector General Police Sindh, gave the presentation on the outline of the first draft, describing Performance Assessment & Human Resource Capacity, shared the graphical representation of Volume of Litigation, Disposal and Case Load & Disposal Per Judge at District & Session Courts and High Court Judge at all the tiers and discussed about Case Trends of all cases at District & Session Courts including pending cases & fresh Institutions. He also shared the data regarding the criminal cases.
- Honorable Mr. Justice Ghulam Rabbani, former Judge Supreme Court of Pakistan pointed out that there should be 17 days instead of 15 days for presenting the challan. He also

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shared that producing the witnesses is one of the core responsibilities of Police. Mr. Justice Rabbani also requested to include the best practices from the past in RoL.

- Honorable Mr. Justice Khilji Arif Hussain shared that the Prosecutors were devoid of offices, libraries and other basic necessary infrastructure. He also stressed on providing tailor-made training to them.
- Honorable Mr. Justice Ali Aslam Jafri, former Judge High Court of Sindh, enquired about the methodology of recording of evidence. He suggested to have day-wise proceedings of cases and to make procedures for discouraging unnecessary adjournments.
- Mr. Niaz Ahmed Siddiki continuing his presentation, discussed the issues on Trials and Analysis. He elaborated delays attributable to the police and prosecution. He also elaborated problems affecting broader dispensation of justice.
- Honorable Mr. Justice Khilji Arif Hussain requested Mr. Abdul Razzak, District & Sessions Judge, MIT-II High Court of Sindh, to look into the matter of non-availability of presiding officers discussed by Mr. Siddiki. He requested GIZ team to set the Human Rights on the top most priority while framing the policies. He stressed that the judges should keep the basic Human Rights in their mind and they have to make bold decisions at the early stage of the trial; if the acquittal is due, avoid any delays.
- Mr. Justice Ali Aslam Jafri stressed on changing the mindset of a judge and said that a judge is there for dispensing justice and not for punishing for the sake of teaching a lesson to accused.
- Honorable Mr. Justice Ghulam Rabbani suggested that the writing of FIR should be up to the standard and the Police should remove the anomalies at this vital stage and also in the process of investigation.
- Replying to the point raised by Mr. Nekokara about increasing percentage of minor offences, Honorable Mr. Justice Khilji Arif Hussain appreciated the performance of LAS (Legal Aid Society) in respect of resolving the minor offences. He shared that the mediation center is already established in SJA and the Academy would like to seek the support from the Judiciary by referring the case to this mediation center. He also shared that the Judges are empowered. If a case is resolved through ADR, it would be sent to the Court for legalizing the decision. He emphasized on changing the mindset of Judicial Officers and shared that that was the core objective of the Academy. He also shared that the SJA had formed Think Tank chaired by former Chief Justice Supreme Court of Pakistan, Honorable Mr. Justice Anwer Zaheer Jamali and one of the core objectives of the Think Tank was to define the methodology for dispensing timely justice to the common man of the society.
- Ms. Haya shared that there were 315 notified *Saalis* in Sindh.

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- Referring to Section 260 Cr.P.C, Mr. Muhammad Shahid Shafiq shared that the petty cases might be disposed off without producing evidence.
- Mr. Abdul Razzak, District & Sessions Judges, MIT-II High Court of Sindh shared that the District & Sessions Judge managed the cases among the Judicial Officers for legal proceedings. He suggested to promote the ADR so that the load on Courts might be reduced and the resources might be utilized on other important proceedings. He also shared that the infrastructure was in developing stage. He also proposed that there should be proper arrangements for the recurring expenses for the infrastructure.
- Continuing the presentation on the outline of the first draft, Mr. Niaz Ahmed Siddiki shared Institutional Collaboration, Training & Research, Judiciary's Role for Oversight of the CJS, Performance Management & Accountability etc.
- Mr. Muhammad Ali Nekokara, Consultant GIZ shared the Statistics about Financial Resources: Global and National Comparison. He also shared the data about spending at district courts level: Annual Trends.
- Honorable Mr. Justice Khilji Arif Hussain proposed that if there is a problem in submitting challan in 15 days, a law could be developed for increasing the days. He also shared that the Academy had already prepared a comprehensive law for prison.
- Mr. Niaz Ahmed Siddiki shared the core features of Solutions & Recommendations: Policy Framework. He also highlighted the features of Solutions & Recommendations: Institutional Issues. Furthermore, he emphasized on the need for mapping Accessibility and Affordability. Mr. Siddiki also shared the Right to Legal Aid under Article 4 (Due Process) and Article 10-A (Right to Fair Trial) of the Constitution of Pakistan.
- Ms. Haya Zahid delivered a survey-based presentation on Assessing User Needs and Issues of Criminal Justice System, Input from Beneficiaries. She defined the objectives and the sampling criteria of the survey. She shared the data regarding demographics including gender, marital status, location, education, occupation, age etc. She also shared the Statistics of people interfacing with the stakeholders of the State, including: Police, Courts, Prisons, etc.
Finally, Ms. Zahid shared the qualitative analysis of the survey.
- Mr. Abdul Razzak suggested the honorable Forum to redefine the term 'Terrorism' with respect to its literal meaning for our society. He also suggested to form speedy trial courts.
- Honorable Mr. Justice Khilji Arif Hussain proposed to carve some procedures that may improve the level of trust and the capacity of any institution.

Conclusion:

- Honorable Mr. Justice Khilji Arif Hussain requested to expedite the process and to bring it into more tangible format.
- It was decided that the 6th meeting will be held on October 11, 2018 in SJA.