

# Three-Day Advocacy Training Program for Young Lawyers of District Bar Association, Tando Muhammad Khan

FEBRUARY 01 – 03, 2021



Report by: **Mohammad Murtaza Khan**

Three-day advocacy training program for the members of Tando Muhammad Khan Bar Association was held at Sindh Judicial Academy. A batch of 24 members attended this training program. The best subject experts delivered the knowledge among the participants.

Mr. Aftab Ahmed Bajwa, Administrative Officer, SJA conducted the inauguration session including registration and attendance of participants, recitation, a brief on Code of Conduct & SOPs, introduction of the training program and conduct of pre-assessment.

In the successive session, Mr. Abdul Razzaq, Registrar, High Court of Sindh delivered a lecture on Criminal Trial. He shared a presentation on Principles in Granting Bail. Elaborating how to set a law in motion, he explained the FIR, Petition u/s 22-A Cr.P.C and Direct Complaint. He also explained the trial procedure involving Investigation, enquiry and trial.



Particularizing the topic Mr. Razzaq discussed several procedures involved in Criminal Trial. He also explained the different stages of the subject from FIR to the Judgement.

Mr. Muhammad Shahid Shafiq, DSJ / SFM, SJA conducted a skill-based session on Trial Before Rent Controller. He described 'How to deposit Rent in court?' and 'Principles followed in fixing fair Rent'. He also elaborated Ejectment under section 14 and 15 of the Sindh Rented Premises Ordinance, 1979. He also shared the relevant



law and case law followed by group exercises.

Mr. Ashraf Yar Khan, Advocate, High Court of Sindh, in the next session, delivered his presentation on Specific Relief Act. He explained how the specific relief is given? He also elaborated the principles for granting injunction. Mr. Khan also explained how to draft application /affidavit / counter Affidavit? The session was concluded with group exercises.

In the final session of the day, Hon'ble Mr. Justice Nadeem Azhar Siddiqui, Former Judge High Court of Sindh delivered a lecture on Civil Procedure Code, 1908 (CPC). He shared that without studying Civil Procedure Code one cannot be called a practicing lawyer. He elaborated the Jurisdiction of Civil Court described in the Code. He also explained Pleading and 'How and when to add or delete parties?'. The Hon'ble guest speaker unfolded the practice and procedures involved in CPC.

The first session of the second day was conducted by Mr. Zeeshan Manzoor, Additional Registrar, High Court of Sindh. He delivered his presentation on Family Law and its Enforcement. He explained the Jurisdiction of Court and Pre-Trial Proceedings. He also shared the procedure of drafting plaint with suitable examples.

Mr. Manzoor involved the participants in the practice of Recording Evidence. He also shared the knowledge on 'Applications for Interim Maintenance and Interim Custody'. He also taught the 'Art of Arguments'.

The second session of the day was conducted by Mr. Nazar Muhammad Laghari. He delivered a presentation on 'Introduction to Land Revenue Law'. Explaining the Relevant Laws on the subject, he also shared the appropriate case laws with the participants.

Barrister Syed Shahbal Ali conducted the third session of the day. He delivered a presentation on 'Trial in Court of Magistrate'. He discussed 'Supply of Documents to Accused'. He also shared knowledge on 'Access to Justice through Legal Aid'.



Finally, Barrister Ali divided the participants into the groups and conducted the Mock Trial with Exercises.

Mr. Aftab Ahmed Bajwa, Administrative Officer, SJA conducted the successive session on 'Introduction of Forensic

Evidence'. He shared the Importance of Forensic Science both in Criminal and Civil Laws. He shared that in criminal law, forensic science can help prove the guilt or innocence of the defendant whereas in civil actions, forensic science can help resolve a broad spectrum of legal issues through the identification,



analysis and evaluation of physical evidence. He also shared the Islamic, Chinese and other international perspectives of the subject.

Mr. Bajwa discussed the Laws Related to Forensic Evidence. He also discussed the procedures involved in Understanding the Applications of Forensic Science.

Mr. Moin Azhar Siddiqui, Principal Islamia Law College, Advocate, Supreme Court of Pakistan conducted the last session of the day-two. He



delivered a lecture on 'Salient Features of Contract Law'. He shared that "Every contract carries a tendency of breach and every breach carries with it a potential for dispute. In modern transactions, these breaches and disputes are quite complex and technical which end up in having various different views and authorities over the same points of law". He also added that "The general law of contract in Pakistan is contained in the Contract Act 1872 which is the main source of law regulating contracts in Pakistan."

In conclusion, Mr. Siddiqui also shared the Relevant Law and Case Laws of the subject.

The first session of third and final day was conducted by Mr. Muhammad Shahid Shafiq. He delivered his presentation on 'Law Related to Children and Child Rights'. He shared that Disposal of Cases through Diversion is an alternative process of determining the responsibility and treatment of a juveniles on the basis of their social, cultural, economic, psychological and educational background, without resorting to formal judicial proceedings. He also shared that Juvenile Justice System Act (JJSA) 2018 classifies the criminal offences into the three different categories: Minor, Major and Heinous.

Elaborating the first category "Minor", Mr. Shafiq said that it means an offence for which maximum punishment under the Pakistan Penal Code, 1860 is imprisonment for up to three years with or without fine. He also shared that a juvenile is entitled to bail in minor offences, with or without surety bonds by



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Juvenile court.

Describing the second category “Major”, Mr. Shafiq shared that an offence for which punishment under the Pakistan Penal Code, 1860 is imprisonment of more than three years and up to seven years with or without fine. He also elaborated that the bail shall also be granted in major offences with or without surety bonds by juvenile court.

Discussing the third category “Heinous”, Mr. Muhammad Shahid Shafiq, D&SJ/SFM, SJA said that an offence which is serious, brutal, or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 with death or imprisonment for life or imprisonment for more than seven years with or without fine. He also added that a juvenile of less than sixteen years of age is entitled to bail in heinous offences, but a bail is on discretion of court if juvenile is more than sixteen years of age.

Furthermore, Mr. Shafiq shared that this JJSA 2018 is very different from JJSO 2000. He also explained the implementation mechanism of the Act.

In the successive session, Mr. Justice Hasan Feroz, former Judge High Court of Sindh delivered a lecture on Qanun-e-Shahadat, 1984. He shared that the purpose behind reproducing of “Law of Evidence Act, 1872” into “Qanun-e-Shahadat (QS), 1984” was to bring it in conformity with Injunctions of Holy Quran and Sunnah.

Hon’ble Justice explained the difference between Primary and Secondary Evidence. He shared that Article 73 of QS discusses the “Primary Evidence”, meaning thereby that Evidence in which original documents itself produced for the inspection of the court. He also shared that Article 74 of QS discusses the “Secondary Evidence”, meaning thereby that certified true copies made from the original record.

Mr. Justice Hasan Feroz also explained the Relevant Facts of QS. He also unveiled the Impeachment of witnesses followed by Burden of Proof. He shared that Article 117 of QS defines what burden of proof actually means or on whom it lies. He also added that according to the article; Whoever desires any court to give judgment as to any legal right or liability dependent on facts, which he asserts, must prove that those facts exist.

Mr. Ashraf Yar Khan, Advocate, High Court of Sindh conducted the third session of the day on ‘Introduction to Mediation Law’. He explained the difference between conciliation and mediation. He also elaborated the Purpose and Importance of the topic.



He also explained the Relevant Provisions of Law.

Mr. Khan elaborated the Procedure of Referring Cases by Courts and its stages and procedure of identifying cases to be referred to Mediator. He also explained procedures of handling applications under Section 89-B CPC. He also shared the knowledge on procedure of selection of Mediator and introduction of mediation facilities available in Sindh Judicial Academy.

Mr. Ashraf Yar Khan also explained the latest Amendments, that is, Section-89, CPC followed by some exercises.

Barrister Salahuddin Ahmed, President, High Court Bar Association, Karachi conducted the final session of the training. He shared his experiences by delivering his presentation on ‘The Role of Advocate as an Officer of the Court’. He described that Advocate has duties which are to be performed towards himself, his clients, opponents, colleagues, court etc.; it is the duty of the advocate to maintain the decorum of the court and act properly with his opponents or colleagues. He also added that as an officer of the court, the Advocate must maintain the dignity of the legal profession as well as the dignity of the court also the decorum of the court.

Barrister Ahmed also shared the ‘Relevant Provisions of Legal Practitioners & Bar Councils Act, 1973 (Code of Conduct)’. He also talked about the moral and discussed the role of an Advocate as a member of Civil Society.

A post assessment test was

conducted in the successive session. The participants were also given a Trainers Evaluation Form for assessing the performance of honorable trainers.

Addressing to the certificate distribution ceremony, Hon’ble Mr. Justice Muhammad Ali Mazhar, Judge High Court of Sindh and acting Director General, Sindh Judicial Academy welcomed the participants and shared that it was the first time in the history of this Academy when several batches of Advocates of different Bar Associations provided on job trainings by the experienced professionals of the field. He also briefed the participants on the previous

their mobile devices and present good behavior in the Courtroom. He also guided them to prepare their case file properly with pagination for saving the time of Honorable Judge and Court. He also emphasized on carrying relevant books, e.g., CPC, Cr.PC etc. and do not conceal the facts.

The Hon’ble Judge urged the lawyers to establish a good reputation and maintain higher decorum. He also urged them to study the past experiences of great lawyers if they want to intuit the future. He also mentioned that though Respectable Advocate A.K Barohi is not among us but his name is always taken as a sign of pride and dignity due to his professional dedication. The



batches of Advocates’ trainings.

Hon’ble Director General SJA said that it was very difficult to teach several topics in only three days but they should consider this training program as a refresher. He also added that there is no age limit for learning as it is a continuous process.

Hon’ble Judge also shared the basic norms and ethics for the advocates and said that being an officer of the court, they should wear a tidy uniform, switch-off

Hon’ble Judge also said that they are the future of judiciary and they should do the research as it is a tool of creating new knowledge.

Later, Hon’ble Director General SJA, distributed the certificates among the participants. The session was concluded with a traditional group photograph of the participants with Hon’ble DG, the guest and others.

