



# Minutes of Meeting

---

SECOND MEETING OF 'THINK TANK', SINDH JUDICIAL ACADEMY

Sindh Judicial Academy

JUDGES BUNGALOWS 1 & 2, FEROZENANA ROAD, BATH ISLAND, KARACHI.

# Minutes of Meeting

## Second Meeting of 'Think Tank', Sindh Judicial Academy

### In Attendance:

1. Honorable Mr. Justice Anwar Zaheer Jamali, former Chief Justice of Pakistan, Chairman 'Think Tank' Sindh Judicial Academy
2. Honorable Mr. Justice Khilji Arif Hussain, former Judge Supreme Court of Pakistan, Honorable Director General, Sindh Judicial Academy
3. Honorable Mr. Justice Abdul Ghani Sheikh, Former Judge High Court of Sindh
4. Honorable Mr. Justice S. Ahmed Sarwana, Former Judge High Court of Sindh
5. Honorable Mr. Justice Muhammad Mujibullah Siddiqui, Former Judge High Court of Sindh
6. Honorable Mr. Justice Muhammad Moosa K. Leghari, Former Judge High Court of Sindh
7. Honorable Mr. Justice Ali Aslam Jafri, Consultant, Sindh Judicial Academy
8. Honorable Mr. Justice Dr. Ghous Muhammad; former judge High Court of Sindh
9. Honorable Mr. Justice Ali Sain Dino Metlo, former judge High Court of Sindh
10. Dr. Zafar Ahmed Khan Sherwani, Former District and Sessions Judge
11. Dr. Hina Imran, Associate Professor, University of Karachi
12. Mr. Muhammad Shahid Shafiq, District & Sessions Judges, Senior Faculty Member, SJA

### Regrets:

1. Hon'ble Mr. Justice Nasir Aslam Zahid, Former Judge Supreme Court of Pakistan
2. Hon'ble Mr. Justice Rehmat Hussain Jafri, Former Judge Supreme Court of Pakistan
3. Hon'ble Mr. Justice Sadiq Hussain Bhatti, Former Judge High Court of Sindh
4. Honorable Mr. Justice Rasheed A. Rizvi, Former Judge High Court of Sindh

### Agenda:

1. Confirmation of the minutes of 1<sup>st</sup> Introductory Meeting of "Think Tank" held on 20th January 2018.
2. To consider the proposal sent by Justice Prof. Dr. Ghous Muhammad, former Judge High Court of Sindh, Honorable Member of the 'Think Tank'.
3. To consider the proposal sent by Dr. Zafar Ahmed Khan Sherwani, former District and Sessions Judge, Honorable Member of the 'Think Tank'.
4. Any other item with the permission of the Chair.

## Proceedings and Decisions:

---

### **Agenda Item I:**

- i. Welcome Note.**
- ii. Confirmation of the minutes of 1<sup>st</sup> Introductory Meeting of "Think Tank" held on 20th January 2018.**

---

- Honorable Mr. Justice Mujibullah Siddiqui, on the request of Honorable Mr. Justice Anwer Zaheer Jamali, the chairman of the think tank, recited the selected verses from The Holy Quran.
- Honorable Mr. Justice Anwer Zaheer Jamali expressed his deep hearted sentiments for the honorable participants.
- He requested the Honorable Members to go through the minutes of 1<sup>st</sup> Introductory Meeting of "Think Tank" held on 20<sup>th</sup> January 2018 and place their consent or any disagreement on any of the point or as a whole they deem.
- The Honorable Members unanimously confirmed the minutes of meeting

---

### **Agenda Item II:**

**To consider the proposal sent by Justice Prof. Dr. Ghous Muhammad, former Judge High Court of Sindh, Honorable Member of the 'Think Tank'.**

---

- The Honorable Chairman requested Justice Prof. Dr. Ghous Muhammad, former judge to share his proposal on 'Laws Delays' with the Honorable Participants.
- Dr. Ghous Muhammad shared that "The most prominent and deep rooted problem/drawback in the present justice delivery system is delay and the mounting of cases in all courts. In my humble view the only way left out is that the procedure for the disposal of cases be simplified so that the matters are disposed of quickly by the courts. It will please be appreciated that there is inseparable nexus or connection between justice and equality. The general principle governing rights and duties is that of equality. 'Injustice', said Aristotle (following Plato), arises when equals are treated unequally and also when unequal's are treated equally. Justice has to be administered by courts according to Law and procedure. In every civilized society there are two sets of Law; (1) Substantive Law and (2) Procedural Law. Unless the procedure is simple, expeditious and inexpensive, the substantive laws however, good, are bound to fail in their purpose and object. Therefore simplification of procedure (a) In sub-ordinate courts (b) Appellate courts as well as removal of bottle necks in the early disposal of

criminal cases by simplification of procedure may be given due consideration by the Think Tank because delay in the disposal of cases is incompatible with the democratic ideals enshrined in our Constitution and is also inconsistent with the Islamic concept of justice.”

- The Honorable Chairman opened the forum for discussion.
- Honorable Mr. Justice Khilji Arif Hussain appreciated the concern and said that nobody denies the facts conferred by Dr. Ghous. He suggested to specify any procedural law with some flaws so that the discussion may be made for a possible solution.
- Honorable Mr. Justice Ali Aslam Jafri shared that the purpose of this Think Tank is to utilize the experiences of Honorable Members and to find out the solution of such problems.
- Honorable Mr. Justice Abdul Ghani Sheikh, Former Judge High Court of Sindh also suggested to choose any specific law for discussion whether it is the family law, or any other, instead of considering the entire law.
- Dr. Zafar Ahmed Khan Sherwani said that in his opinion it is not the procedural laws causing delays but it is not following the rules and regulations/instructions. He suggested that the Academy may play a great role by providing the training on CFMS (Case Flow Management System).
- Mr. Justice Ali Sain Dino Metlo shared that it is not in our jurisdiction to make amendments in any procedural law but we may define some amendments in the procedures we follow in the proceedings. He emphasized that it is the judges who can take initiative for expediting the legal process. He suggested to form a committee that may notify the precedence. He invited the respectable members to ponder on how we can make the judges more efficient by utilizing this Academy.
- Honorable Mr. Justice Mujibullah Siddiqui shared that the point under-consideration is a universal problem. He said that just because the law is old does not mean that it has some flaws. He also said that, in his opinion, the problem is in fact with the implementation of procedures and not following the rules and regulations. Elaborating his view point, the Honorable Judge shared an example of CPC regarding the stipulation of timeframe for written statement. He said that generally this rule is not followed by our judicial officers. He also shared that there is a law that binds the district judiciary to conduct an annual judicial conference where the judges and members of Bar should sit together to sort the problems; no such activity is conducted anywhere. He suggested to form a sub-committee that may notify the rules which are neither implemented nor followed. For this, he nominated Honorable Mr. Justice Ali Aslam Jafri to head this committee as he holds the experience of Bar along with judiciary. He also mentioned that frequent adjournments are also one of the reasons of delays in dispensing justice and proposed to develop a mechanism that may put a

- check on it. He also said that judges should have the courage and confidence to implement the law.
- Honorable Mr. Justice Muhammad Moosa K. Leghari, former Judge High Court of Sindh proposed a psychological test to be included in the recruitment process of judicial officers. He said that instead being diversified, our first priority is to dispense the justice.
  - Dr. Hina Imran, Associate Professor, University of Karachi shared that psychological analysis is essential everywhere in the world. She also shared that her department evaluate the same on annual basis. She proposed that this along with emotional quotient tests should be there for judges too.
  - Honorable Mr. Justice Khilji Arif Hussain summarized the suggestions given by the Honorable Members and shared that in Punjab, there is a psychiatrist as a member in the selection committee.

---

## Comments by the Chairman:

---

- Honorable Mr. Justice Anwer Zaheer Jamali endorsed the suggestions given by Honorable Mr. Justice Ali Saeen Dino Metlo and Honorable Mr. Justice Mujibullah Siddiqui. Discussing the advancement in judicial system, he shared that in UK the e-Courts service has started where one does not need to come to the courts several times. He also mentioned that superior courts do not repose confidence on lower courts. He also endorsed the statement of Honorable Mr. Justice Muhammad Moosa K. Leghari 'our first priority is to dispense the timely justice' and emphasized on not to intervene in other matters. He said that we have to work out to list the provisions followed by the courts.

---

## Agenda Item III: **To consider the proposal sent by Dr. Zafar Ahmed Khan Sherwani, former District & Sessions Judge and Member Think Tank.**

---

- The Honorable Chairman requested Dr. Zafar Ahmed Khan Sherwani to share his proposal on 'A framework of judicial abilities and qualities'.
- Dr. Sherwani shared that "Sindh subordinate judiciary (District Judiciary) is an important institution engaged in the administration of justice at the grassroots level. The members of this institution are required to perform their functions to the highest professional standards. They should have knowledge of the law, technical skills and such abilities and qualities of the highest standards that fulfill the aspiration of the

general public. Such abilities and qualities must be demonstrated by them not only during performance of their functions in courts but also in the public life.

At present, there is no articulated framework of these abilities and qualities and the judges do not know what is expected from them by the public and what inherent characteristic deficiencies require attention by the particular judge. At present, the performance of the judges of the district judiciary is measured by individual's standards which vary from person to person at the helm of affairs. The judges also have no defined framework of abilities and qualities before them to know what is expected of themselves by the institution as well as general public in respect of their conduct, integrity and performance. Besides this Sindh Judicial Academy which, is a premier institution providing judicial education and imparting in-service training to the judges of subordinate courts providing legal knowledge and inculcating Skills and Attitudes. It needs to take help of such framework while preparing programs and modules and to gauge the training outcome.

In the United Kingdom, the Judicial Studies Board (JSB) has, in 2008, prepared the attached framework of judicial abilities and qualities on six headings, i.e. Knowledge and Technical skill, 2) Communication and Authority, 3) Decision Making, 4) Professionalism and Integrity, 5) Efficiency and 6) Leadership and Management, [https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Training/framework\\_AandQ\\_081008.pdf](https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Training/framework_AandQ_081008.pdf)

This Framework has been adapted in other jurisdictions also such as Judicial College of Victoria, Australia. [www.judicialcollege.vic.edu.au](http://www.judicialcollege.vic.edu.au).

It is, therefore, proposed the idea to articulate such framework may be deliberated upon in detail by the Academy at a proper forum.”

- Honorable Mr. Justice Abdul Ghani Sheikh suggested to make criteria for selection/induction of judges. He also suggested that this should be added as an agenda for the next meeting.
- Honorable Mr. Justice Ali Saeen Dino Metlo also proposed ‘how to educate the inductees in Academy?’ to be included in the agenda in the 3<sup>rd</sup> Meeting of the ‘Think Tank’.

---

## Conclusion:

---

- Honorable Mr. Justice Anwer Zaheer Jamali, former Chief Justice Supreme Court of Pakistan and the Chairman of the ‘Think Tank’, Sindh Judicial Academy closed the meeting by expressing his gratitude on the active participation of each Honorable Members.
- He said that the next meeting should not be delayed and suggested June 2, 2018.
- Meeting ended with a vote of thanks from the Chair and the Members.