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3rd PROVINCIAL JUDICIAL CONFERENCE 2018

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Report

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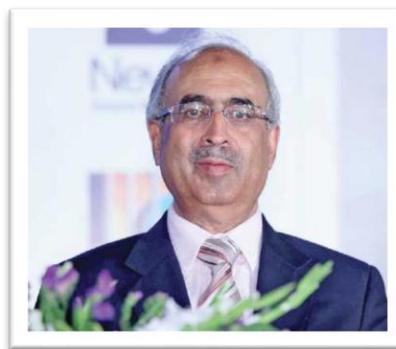
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MESSAGE OF DIRECTOR GENERAL

The 3rd Provincial Judicial Conference is an attempt to bring together stakeholders under one roof to discuss issues that are faced by end-users of justice. Access to justice and the expeditious disposal of cases are common concerns highlighted in public discourse. The judicial system of the country is progressing; however, it needs more attention at the policy and implementation levels. Contemporary challenges faced by the system demand partnerships from various stakeholders to find pathways to solutions which are citizen-centric therefore aimed to benefit communities and the ordinary people of Pakistan.



The Judiciary cannot work in isolation to respond to the expectations of citizens.

Inter-sectoral and multi-dimensional collaboration is the need of the hour. The Judicial system can only flourish when it has the requisite support and alliance from other sectors including social welfare and education sectors.

There are many issues which are interconnected with the provinces and therefore, si The Sindh Judicial Academy has attempted to coordinate with other academies with the objective of collectively improving the legal education system. There are many areas that may be explored by other stakeholders of the justice sector. The conference, by inviting imminent speakers from Punjab, KPK and Baluchistan has attempted to provide a unified platform to the provinces to work jointly on issues of common interest, in particular, emerging disputes that may arise due to economic and commercial activities of CPEC.

Regional partnerships are essential for formulating effective policies and legislation based on best practices and international standards. One of the areas that needs to be revisited with due caution is arbitration and mediation to strengthen the confidence of international investors. To this end the Conference shall facilitate the identification of gaps in Pakistan's legal system specifically as it interacts with the judicial component so that effective remedial actions can be formulated and put in place.

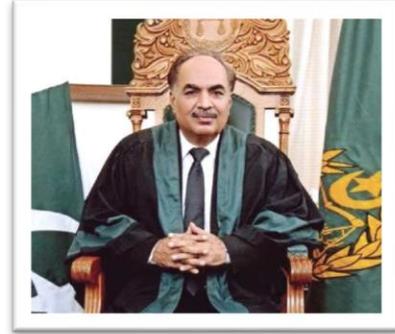
Mr. Justice Khilji Arif Hussain,

Former Judge Supreme Court of Pakistan

Director General, Sindh Judicial Academy

MESSAGE OF CHIEF JUSTICE

It is appreciated that Sindh Judicial Academy has decided to arrange the 3rd Provincial Judicial Conference in Sindh. I fully endorse the opinion of Mr. Justice Khilji Arif Hussain, Director General, Sindh Judicial Academy (former Judge Supreme Court of Pakistan). I believe this effort will be beneficial for the common man when approaching a court of law for the enforcement of his rights and the redressal of his grievances. To quote the words of Quaid-e-Azam, Muhammad Ali Jinnah:



“No man should lose his liberty or be deprived of this liberty, without a judicial trial in accordance with the accepted rules of evidence and procedure”

(6th February 1919 Quaid-e-Azam)

It is my firm belief that the efforts of the Sindh Judicial Academy would enable stakeholders to play their role effectively and provide reasonable and meaningful opportunity to all citizens.

I also believe that the Sindh Judicial Academy under the able leadership of the Director General shall create harmony among the justice sector stakeholders. I have had an opportunity to read papers of eminent speakers and laud their efforts towards strengthening Pakistan’s legal system. I am confident that the recommendations of this conference will be implemented in their true spirit.

Justice Ahmed Ali M. Sheikh

Chief Justice High Court of Sindh

CONCEPT NOTE

The prime purpose of the judicial system of any country is to ensure delivery of fair, timely, and effective justice to litigants. The state of dispensation of justice in the entire country seems unsatisfactory. The situation can be attributed to numerous issues that have become institutionalized, as well as ones that have risen out of societal advancement and are relatively new developments such as cyber-crime electronic evidence , societal challenges such as an increase in population and prevalent unemployment, an upward trend in violent crime, and sectarian and ethnic violence. Universal challenges include legislative and procedural gaps, capacity of judicial officers and other judicial staff, malpractices, an increase in the backlog of cases resulting in delays, which in turn adversely affects the faith in the justice system. The outcome is that the objective of the judicial system is sometimes defeated, and the litigant seeking relief is the one who suffers the most.

The situation with respect to the judicial system in the province of Sindh is not different then in their provinces. The judicial system has a backlog of about 93,403 caseS at the start of 2018 which does not paint an encouraging picture of the delivery of justice in the province.

With this problem context in mind the Sindh Judicial Academy introduced its flagship project namely the 'Vision for Justice: 2027'. The idea was formulated by the Director General, SJA Honorable Mr. Justice Khilji Arif Hussain (former Judge Supreme Court of Pakistan,) and stemmed from his deep rooted concern for the litigant - the abandoned 'Nobody'. The launch event for the 'Vision for Justice: 2027' project sought to bring together all the stakeholders of the justice sector in order to find ways to facilitate the end users - the litigants, and to alleviate the suffering caused to them in the litigation process. Prior to the generation of recommendations, the project commenced with holding discussions on thematic issues requiring immediate attention in an attempt to inform a research and reform agenda rooted in empirical evidence. The 'Vision for Justice: 2027' was unanimously adopted by stakeholders through a formal Declaration.

OBJECTIVE OF THE 3RD PROVINCIAL JUDICIAL CONFERENCE

The 3rd Provincial Judicial Conference is organized in collaboration with its partners Research Society of International Law, Pakistan and Legal Aid Society. The conference is intended to be a continuation of the previous consultation process which saw the 'Declaration 2017' being unanimously adopted by the stakeholders from within the justice sector. The Conference will seek to review the steps undertaken so far in furtherance of the Declaration and to chalk out strategies for a more coordinated effort towards achieving the 'Vision for Justice: 2027'. The Conference will invite active participation from its contributors and seek their involvement in furthering the reform process.

A few of the activities initiated by the Sindh Judicial Academy after the Declaration are as follows:

- ✚ Qualitative research has been initiated to identify causes of delay in disposal of cases in banking courts;
- ✚ Training and sensitization for all stakeholders including investigators, advocates, and law students has commenced;
- ✚ Preparation of structured skill-based training program manuals for trainers has commenced;
- ✚ Internship program for junior advocates has been launched;
- ✚ Mock Trial Training program for final year law students was launched; Prepared public awareness material in simplified language;
- ✚ Information technology in training process is being utilized to mainstream distance-learning practices;
- ✚ Collaborated with National and International Organizations have been entered into to upgrade the training process; Drafted a Bill [the Provincial Law & Justice Commission Bill, 2017] for the Law Department, Government of Sindh's for consideration;
- ✚ Drafted a Bill Suggesting amendments in Sec89-ACPC for the Law Department, Government of Sindh's consideration.
- ✚ Initiated research on prison laws and Sindh Rented Premises Ordinance, 1979 and proposed amendments in the legislation as well as framing rules thereunder.
- ✚ Trainings to the draftsman of Law Department of two provinces was provided (Sindh & Baluchistan)
- ✚ Visits conducted of District / Judges of Punjab to Sindh Judicial Academy & Like wise District & Sessions Judges of visited Punjab Judicial Academy.
- ✚ Writing and submission paper and presentation at International Forum (IOJT) International Organization for Judicial Training

Inauguration Session

The conference was started with the recitation of selected verses from The Holy Quran by Mr. Malik Akhter Awan, Additional District & Sessions Judge. The host of the first session Mr. Shah Rukh Shah Nawaz, Civil Judge and Judicial Magistrate, invited the Guests of Honorable to take the reserved seats on the stage.

The Honorable Director General, Sindh Judicial Academy, Mr. Justice Khilji Arif Hussain Former Judge Supreme Court of Pakistan in his address extended a very warm welcome to the August gathering of diversified assembly of professionals comprising of Honorable members of the apex judiciary, judges from the higher courts, members of the district judiciary, government representatives, lawyers, academics, activists, social workers, researchers and other concerned citizens. He also welcomed the invitees from non-judicial departments and branches of the state machinery such as prisons, home department, law department, prosecutions department, social welfare and police.

Recalling the Vision for Justice 2027 conference held on May 20, 2017, he said that the purpose of the conference was to convene a consultative dialogue engaging relevant stakeholders who would come together and contribute towards developing a 10 year road map for improving the judicial system for the end user of justice- who we labelled the ill-fated 'nobody'.

Mr. Justice Khilji Arif Hussain mentioned that the discussions were divided into thematic areas on

- I. Rethinking the Procedural Framework;
- II. Reforming Substantive Laws;
- III. Transforming Service Delivery;
- IV. Strengthening Performance and Excellence Management for delivery of justice; and
- V. Improving Coordination with other Justice Sector Actors.

He said that the ten year road map with action points was endorsed by the Chief Justice of Sindh, Justice Ahmed Ali Sheikh and the secretariat for the vision 2027 project was placed in the Sindh Judicial Academy and the Academy was tasked with leading its implementation in close coordination with other stakeholders.

He shared the achievements under the project to date which are as follows:

1. Under the stream of rethinking procedural frameworks:

- Amendments in the civil procedure code have been submitted to the Law Department, specifically amending the scope of Article 89-A so as to widen the scope of ADR mechanisms.
- Efforts are underway for establishment of a Court Annexed Mediation Center at the Academy. The appointment of judges as mediators is in process and it is expected in January.

- Sindh Judicial Academy is also working on developing SOP's for referral of cases to the mediation center.
- We are also working for new nominations of Saalis committee members so that more women and members of minority groups are included at the district level.
- On the criminal side, the Academy is drafting a sentencing bill which will propose the bifurcation of the guilt adjudication stage from the sentencing stage in criminal proceedings just as in India.

2. Under the stream of reforming substantive laws:

- The Academy has submitted a draft bill for the establishment of the Sindh Law Justice Commission at the provincial level to the Law Department so that a viable think tank is available for the government.
- The Academy is working together with the Home, Prison and Law Department in reforming prison laws which beg reform since 1894. A first consultation round has been conducted with comparative analysis process having been completed and proposals for amendments have been shared.

3. Under the stream of transforming service delivery:

- The Academy is working in close collaboration with the IT department of the High Court of Sindh to explore gaps and areas for development of IT based tools which can improve the recording of evidence through e-devices, e-filing and is working on archiving judicial records. A first round of consultations has been conducted.
- Process of judicial appointments is being studied so that recommendations on improving current system can be made to the high court.
- The quality of judicial training and provision of continuing education is being improved. A pool of master trainers have been trained by international experts in December of 2017 so as to strengthen the faculty of the academy and ensure that interactive teaching methodologies are used with latest adult teaching techniques.
- We are working with the police department to introduce a category of 'legal experts' available inside police departments for guiding and assisting investigators along the lines of examples in Bosnia and Turkey.

4. Under the stream of Strengthening Performance and Excellence Management for delivery of justice

- Desk study on examining the research and MIT branches has been commenced and recommendations for reform will be shared with the High Court.
- Bench books for sessions courts and family courts have been finalized.
- 275 investigation officers, officers of law departments, advocates and judicial officers have been trained and sensitized by the academy in the last 6 months.
- Exchange visits were organized between Punjab and Sindh judicial academies.
- Law students from across the province were brought to Karachi for an extensive 2 month internship program.

- We have introduced distance learning programs by associating judicial officers of district Thatta and KPK remotely.

5. Under the stream of Improving Coordination with other Justice Sector Actors:

The academy has drafted with other partners and stakeholders SOPs for the juvenile justice system and has engaged actively with the probation and prison department to explore enhancement in uptake of diversion mechanisms.

Honorable Mr. Justice Khilji Arif Hussain concluded his speech and said that it's a very unique moment that we are collectively sitting for one purpose, that is, to identify the problems and find the solutions so that this 'Zainab' (pointing the picture of a girl shown in the banner) may get the justice.

In his short speech, Mr. Don Cavert, Resident and Legal Advisor of US Embassy Islamabad, shared his views on Efforts of International Organizations in Improving Legal System of Pakistan. He said that we are here to support the Pakistanis and it is certainly a great opportunity to participate and engage with you.

In his address the Honorable Chief Justice High Court of Sindh Mr. Justice Ahmed Ali M Shaikh recited lines from the great poet Shah Abdul Lateef relevant to the topic of Justice and its timely delivery. He said that he is very optimistic about this conference and hope that we would be able to bring positive changes to our judicial system on the basis of the findings of this event. He also mentioned the declaration of Vision for Justice 2027 and said that we started several initiatives on the basis of it so that we would be able to achieve the goals and purposes of that declaration.

Continuing the efforts with respect to the declaration, he said that we have prepared a draft for establishing provincial law commission and this is already sent to the Law Secretary of Sindh for presenting it to the Honorable Provincial Assembly for legislation. Honorable Chief Justice High Court of Sindh reposed his full confidence that the relevant authorities would take needful action actions about this important issue. Elaborating the role of Sindh Judicial Academy, he said that the Academy is not even playing its role for providing training to in-service/pre-service judicial officers but to advocates, students of law, investigation officers and the officers of law department of Sindh and Baluchistan. He happily announced that these students of three month's training secured 1st, 2nd and 6th positions in the exams through law gate. He also mentioned another achievement done by the Academy, that is, development of inter-academia relationship in the year 2017 and by this program the Judicial Officers from Punjab visited the Sindh Judicial Academy and from Sindh to Punjab. He said that the purpose of this exercise is to build a cooperation among the Academies and to carve a uniform curriculum and methodologies for dispensing the knowledge.

The Honorable Chief Justice High Court of Sindh announced that in 2017 another achievement was made by Sindh Judicial Academy, that is, a plot of 6000 square yards is handed over to the Honorable Director General of Sindh Judicial Academy for a new campus of Academy in Thatta

where the weather conditions are more pleasant than Karachi. He also added that in this place is starting as a new campus for Judicial Academy but soon we will establish a law university of an international standard. He congratulated Mr. Justice Khilji Arif Hussain for his efforts to make this dream come true and assured him that we will put our best efforts for the success of this project. He also acknowledged the publishing of basic knowledge based material for the common man in Urdu and Sindhi languages.

Honorable Mr. Justice Ahmed Ali M Shaikh presented the facts and figures regarding the performance of judiciary for the year 2017 and said that during last year 236,835 cases were decided whereas the backlog is reduced to 97,673 and we are trying to get it more reduced by this year.

Discussing the progress of modern world, the Honorable Chief Justice High Court of Sindh said that modern technology relies on Empirical Research Study therefore by using the modern techniques we can make our legal system more reliable, effective and expeditious. He added that by the grace of Al Mighty a lot of work has been done in this regard specially the MIT department IT department of High Court of Sindh are playing an active role. He informed that we are also working on modern e-Court technology and for this video links are in the process of installation between the Courts and Jails. He appreciated the adult training methodologies including training assessment adopted by Mr. Justice Khilji Arif Hussain and hoped this will improve the standard and capabilities of the Judicial Officers and the frivolous litigation shall be removed in the initial stage, moreover, if court annexed mediation center and alternate dispute resolution centers are included in family cases then it will reduce the breakups among the families.

The Honorable Chief Justice High Court of Sindh also suggested that the Sindh Judicial Academy should sensitize the probation officers regarding the Law of Probation as this will benefit the first offender which are either females or children. He acknowledged that the Judicial Officers are visiting jails through which the positive changes are seen in the prisons. He advised the Officers to have frequent visits to the prisons. He informed that along with their routine job the Judicial Officers are visiting the educational institutions and hospitals on periodic basis and due to this, noticeable betterment can be seen in the province.

The Honorable Chief Justice High Court of Sindh Mr. Justice Ahmed Ali M Shaikh said that Al Mighty Allah has blessed us with a great position and if we deliver our responsibilities with loyalty so we will accomplish the goals. He concluded his speech with a hope and prayer that a citizen seeking the justice at the doorstep of judiciary may not return without having it.

Introduction to conference theme and format was delivered by Mr. Javed Ahmed Kerrio, learned District & Sessions Judges and member of conference committee. On behalf of Sindh Judicial Academy, its Director General, faculty members and organizing committee of this conference, he warmly welcomed all to this 3rd Provincial Judicial Conference, 2018.

Elaborating the need of this conference, he said that in an age that increasingly demands more judicial intervention to solve the increasingly complex and sensitive issues, society leaves, to be

settled by litigations, the need for judicial conference and Judges training is greater than ever. He added that the value of Judicial training and conference can be related to specific outcomes such as better managed and less costly litigation, as well as greater public confidence in the judiciary.

Mr. Javed Ahmed Keerio appreciated participation of respectable guests in the conference at this large number. He said that this shows your keen interest and seriousness about capacity building of judicial officers which they will certainly get through judicial training arranged by the Sindh Judicial Academy.

He Explained the theme of this conference, that is, administration of justice, core value and future innovation. He said that the theme itself is enough to have an idea to the goal and designs of Judicial Academy for arranging training programs in future with a slogan "every Judge every year". He requested the honorable and distinguished guests to give valuable suggestions during this conference.

Mr. Shahid Shafiq and Mr. Saad Qureshi the learned District & Sessions Judges shared the findings of research study on "Causes of delay in disposal of cases in Banking Courts: Causes and Effects". The objectives of the study were:

- ✚ to identify cause of delay in disposal of cases, if any
- ✚ role of each stakeholder
- ✚ recommendations

Mr. Saad Qureshi explained the hypothesis of this study, that is, "Contested cases are not decided timely and Execution applications takes much time in disposal." He also explained the methodology of this study which was based on all the cases disposed of in the year 2015 in the 5 Banking Courts in Karachi. Mr. Shahid Shafiq explained the reasons of selecting the year 2015 which are as under:

- ✚ In 2016, FIO law was amended.
- ✚ SJA intends to conduct another Banking research along similar lines in 2018 to study the impact of these amendments in reduction of delay in disposal of cases.
- ✚ The instant study would yield latest pre-amendment data reflecting the current situation w.r.t delay being caused. These findings will be used as a basis for the subsequent research to ascertain expected changes.

They shared the statistics on:

- ✚ Total Court-Wise Disposal
- ✚ Total Disposal by Case Type
- ✚ Distribution of Case Types Over Banking Courts
- ✚ Courts Remained Vacant or Not in Sitting in Cases Where Leave to Defend Application was Filed
- ✚ Courts Remained Vacant or Not in Sitting in Cases of Private Complaint

- ✚ Distribution of Judge Remained On Leave On Date Fixed for Hearing
- ✚ Time of Hearing After Filing Replication
- ✚ Duration of Suits
- ✚ Duration of Complaint Cases
- ✚ Banking Courts and Case Duration-Execution Secured
- ✚ Banking Courts and Case Duration-Execution Unsecured
- ✚ Complaints Duration till Decision

They also explained the following general issues:

- ✚ Improper case diary.
- ✚ Distribution of work.
- ✚ Public interaction with each official.
- ✚ Unavailability of data.
- ✚ Re arguments/ Re fixing.
- ✚ Withdrawal rate is high.
- ✚ Ineffective procedure to find whereabouts of the J/D.

They shared and explained the data collected on:

- ✚ Complaints Disposed of On Merit
- ✚ Conviction Rate
- ✚ Private Complaints Time Consumed in Registration of Compliant
- ✚ Time Consumed in Supplying Copy & Reason of Delay.

On the basis of “Reasons of Delay in Recording Evidence of Complainant” and “Execution Application” following preliminary recommendations were given for:

✚ **PRESIDING OFFICERS:**

- Limit the number of adjournments without applications
- Adjournment may be subject to cost and legislative initiative is needed to this regard
- Capacity building of presiding officer on administrative (case & court management) and technical issues
- Should possess adequate understanding of commercial litigation preferably officer having commerce background may be offered to serve as Judge Banking Court
- Before joining court must undergo training on the subject
- Internal monitoring system and control of presiding officer over staff
- Make available procedure and steps of proceeding cases in simplified language
- Encourage parties to suggest court for improvement
- Develop coordination with Bar and representative of financial institutions and chamber of commerce to improve working of courts in general

- Encourage parties to opt formal mediation process by availing avenues available in the province
- Refer cases to Mediation center/court annexed mediation center

✚ STAFF:

- Proper job descriptions are to be articulated
- Training according to job/assignment
- Proper conduct towards litigants
- Training and capacity building over procedural laws
- Proper file management system is needed in system
- One window operation as to curb mal practices
- Effective role of Registrar and administrative judge over the staff of all courts
- Writing proper diary and developing effective procedure of depositing cost
- Effective performance evaluation process of staff by developing a new Performance Evaluation Report format
- Proper utilization of CFMS designed by the High Court of Sindh

✚ COUNSEL:

- Bar strike may be for a limited time instead of full day
- Adjournment may be sought on written request
- In case of unnecessary delay it may be opposed and should be subject to reasonable cost
- In case of adjournment without proceeding the case, date should not be more than 7 days
- Training program to be arranged by Bar for its junior members and all members may be informed CFMS and its utilization
- Advocates to ensure that on their appearance attendance is marked in daily diary
- Issuance of notices and summons by the parties and format may be made available in Bar office so that staff may not be burden and mal practices may be controlled

✚ Administrative authorities and policy makers:

Ministry of law & High Court

- Posting of presiding officers well in time so that process of reliving and joining may be at one and same time
- Selection of POs having commerce background
- Pre-joining training or consultation program for POs at SJA
- Administrative control of staff to POs
- Effective monitoring in the light of recent amendments in law [2016]
- Ongoing training and consultation sessions for stakeholders
- Conducting research studies and implementation of recommendations

State Bank and Registered bodies:

- Undertake research studies
- Set up committee for reviewing existing law and framing rules under FIO

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- Define procedure of execution in detail under the FIO and rules
- Conduct study for the effective use of Registrar Banking Court. He may act as liaison officer among stakeholders
- Arrange a policy making meeting at least in a year where achievement and future plan may be discussed.
- Set up Mediation centre/court annexed mediation centre
- State bank to cooperate with commercial banks with regard to trace out whereabouts of judgment debtors

Technical Session I (Hall A)

Sub-theme I: The Organization and Structure of District Courts

Sub-theme II: Delay in Disposal of Cases: Causes and effects

The session was Chaired by Honorable Mr. Justice Aqeel Ahmed Abbasi, Judge, High Court of Sindh. The Moderator was Mr. Khalid Hussain Shahani, Learned District & Sessions Judge, West. The Rapporteurs were Ms. Zainab Mustafa, Fellow, Research Society of International Law & Mr. Mukesh Kumar Civil Judge, West.

Following were the speakers:

- ✚ Mr. Abrar Hasan, Advocate, Supreme Court of Pakistan.
- ✚ Mr. Imdad Ali Keerio, Civil Judge, Sehwan.
- ✚ Mr. Zafar Ghouri Advocate & Mr. Shaikh Muhammad Farooq, Assistant Registrar, High Court of Sindh.
- ✚ Mr. Rana Sajid, Advocate, Supreme Court of Pakistan.
- ✚ Dr. Zafar Ahmed Khan Sherwani, Former Judge High Court of Sindh

Mr. Imdad Ali Keerio, Civil Judge, Sehwan, delivered his presentation on the subtheme “Delay in Disposal of Cases: Causes and effects”. He quoted that “delay in justice is no justice”. He pointed out the following reasons for the delays:

- ✚ Frequent adjournments because of Advocates
- ✚ False cases
- ✚ Remands
- ✚ Defective pleadings
- ✚ Ignorance of knowledge
- ✚ Incompetent staff
- ✚ Monthly docked cases
- ✚ Unavailability of transportation due to VIP protocols
- ✚ Strikes
- ✚ Backlogs
- ✚ Increase of litigation
- ✚ Loss of interest of the litigants
- ✚ Reverting to parallel system for dispute
- ✚ Expensive justice
- ✚ Increase of panic, misery & psychological stress of litigants
- ✚ Loss of hope

Mr. Zafar Ghouri Advocate & Mr. Shaikh Muhammad Farooq, Assistant Registrar, High Court of Sindh also delivered their presentation on the subtheme “Delay in Disposal of Cases: Causes and effects”.

Mr. Ghouri said that we are well aware that our judicial system is not delivering and with many causes foremost is the delay in disposal of cases. He added that this presentation an attempt to explore reasons of delay by considering previous research work on the topic and to look in the present scenario and then to adopt model techniques and introduce user friendly approaches to address the issue.

The abstract of the research is as follows:

“This article will help the stakeholder to understand the reasons of delay, their solutions in the prevailing system and to take up measures at policy level to deal with the issue such as zero tolerance against corruption, good governance, skill based training, proper implementation of laws, provincial autonomy, Urdu as language of the court and proper supervision and administration to provide inexpensive and speedy justice to our society as guaranteed by the constitution of Islamic Republic of Pakistan, 1973.”

They pointed out the following causes:

- ✚ Governance Issues
- ✚ Adversarial Judicial System
- ✚ Language Barrier
- ✚ Lack of Utilization of Modern Technology
- ✚ Lack of Proper Supervision
- ✚ Legal Issues
 - Conflict Perception of Judges
 - Variety of Laws and Repealment of Laws
 - Non-Evaluation of Law
 - Non-Implementation of SCP Verdicts
 - Non-Implementation Of 18th Amendment
 - Alternate Dispute Resolution
 - Witness Protection
- ✚ Inefficiency
- ✚ Financial Control of The Government
- ✚ Frequently Transfer
- ✚ Administrative/Time Frame Issues
- ✚ Corruption
- ✚ Centralization

They also explained the effects on society caused by these delays. Mr. Zafar Ghouri and Mr. Shaikh Muhammad Farooq concluded their presentation with the recommendations.

Mr. Rana Sajjad Ahmad Advocate, Member, New York Bar; Founder & President, CIICA; Fellow, the Chartered Institute of Arbitrators (FCIARB), delivered his presentation on “Institutional Arbitration”. He explained why one should choose institutional arbitration:

- ✚ Availability of pre-established rules/procedures
- ✚ Administrative assistance
- ✚ Assistance with appointment of arbitrator(s)
- ✚ Panel of arbitrators
- ✚ Oversight of the institution’s arbitration court/council

He also explained the advantages of arbitration:

- ✚ Cost and time efficient
- ✚ Choice of arbitrator(s)
- ✚ Confidentiality
- ✚ Limited right of judicial review
- ✚ Recognition and enforceability of arbitral awards

Mr. Rana Sajjad Ahmad also explained Domestic and international arbitration, Promotion of institutional arbitration and Institutional arbitration and access to justice.

Mr. Karam Ali Shah delivered his presentation on “Administration of Justice – Core Values and Future Innovations”. He shared the basic knowledge about:

- ✚ Justice
- ✚ Administration of justice
- ✚ Core values
- ✚ Innovation
- ✚ The Organization and Structure of District Court
- ✚ District Judiciary and Investigation

Highlighting access to justice for especially poor public, he said that “according to a report titled Understanding the Informal Justice System: Opportunities and Possibilities for Legal Pluralism in Pakistan (2015), 98.2% of respondents in a survey opined that the poor and lower classes do not have access to justice in the formal justice system. In the same survey, 42.8% felt that women and 25.2% that landless peasants and agricultural labourers similarly lack access.”

He elaborated the expectation of public from present judiciary. Mr. Shah also elaborated the departmental communication gap. He said that magisterial court is good but for nothing. He concluded his presentation with the words “judiciary is the pivot of distributing justice among the people. A man comes to the judiciary not to lose his rights but to establish it. When a man loses his rights, he tries to recover as well as establish it by any means. Judiciary is the last resort for establishing rights of an aggrieved person. But the judiciary is not proficient enough in delivering justice because of existing defective administration of justice due to procedural as well as practical loopholes. For, people often lost their trust upon the judiciary and such distrust

creates social disorganizations. Effective attention has not yet been drawn over the deteriorating backlogs of cases derived from such social disorganizations. Unless and administration of justice is not framed out of complications, people will remain getting injustice in the name of justice. The structure and organization are directly connected with society; it provides people to come into court and get the relief you deserve.”

In the Question/Answer session Syed Nasiruddin Shah, District & Sessions Judges asked about ADR, its possibility and implementation ADR in our country?

Mr. Rana Sajjad replied that the arbitration is a mutual agreement and it ideally happens before the arising of any disputes. He said that good lawyers always advise to stipulate arbitration obligation in the contract. He pointed out that when the dispute arises, parties do not tend to agree on anything. He said that always remember that arbitration should be done at the time of an agreement when all parties are agreed for a contract with mutual understanding.

Explaining the ADR in case of rent laws, Honorable Mr. Justice Aqeel Abbasi mentioned that Rent Controller has the special power to make reconciliation between the parties in default cases. He also mentioned the dilemma of our society of not accepting the decisions. He emphasized on proper nurturing, education and upbringing of every individual of our society so that the people may know the difference between good and evil and also become capable accept the truth and reality.

Honorable Mr. Justice Aqeel Abbasi informed that the ADR are prevailing in other civilized societies but the ratio is very low. He emphasized that ultimately, we have to improve our judicial system to have speedy, cost effective and impartial trials so that people start to repose their confidence on our institution. He said that enforcement of ADR does not exist in our law. He stressed that in banks, family disputes should not go to the courts but in ADR.

Mr. Muhammad Shahid Shafiq, the learned senior faculty member, Sindh Judicial Academy informed that in Punjab, 13 courts annexed mediation centers are established and the cases are referred there where a mediator judge decides/resolves the cases. Answering to a question by Honorable Mr. Justice Aqeel Abbasi, he said that 75% cases were successfully resolved through those mediation centers including Rent, Family and petty civil cases and hardly 25% cases are not resolved because of the stipulation of deciding the cases within 60 days, failing of which, the cases are sent back to the courts for further proceedings. He said that the commercial cases are not started yet in these centers. Mr. Shahid also informed that Sindh Judicial Academy in affiliation with other partners have already proposed amendment in 89-A.

The Honorable Mr. Justice Ali Aslam Jafri also commented on the discussion. He said that the question was raised on the basis of rent laws and we always keep the ground realities in mind. He mentioned that rent cases don not lie in civil litigation as we have a special law for them. He said that arbitration, mediation and reconciliation are the out of court methods of resolving issues.

“In this part of the world we have a system called ‘*Punchayat*’ where an elder, with or without knowledge of conventional laws, decides the case, and in case of refusal of accepting the decision, the person is expelled from the ‘*Bratheri*’ as a punishment”, Mr. Justice Ali Aslam Jafri added. He said that it should be mandatory to have a clause for arbitration in the contract otherwise if we keep on sending all the cases to the courts so the situation will remain as it is or even worst.

Mr. Tahir Malik appreciated the effort of arranging the such a nice conference on some essential issues by Sindh Judicial Academy under the kind supervision of Honorable Mr. Justice Khilji Arif Hussain. He suggested that the Sindh Judicial Academy should play an active role of sensitizing paralegal staff for their capacity building. He also suggested that the Judicial Officers should have international exposures specially of neighborhood countries and how they are doing the work? Honorable Mr. Justice Khilji Arif Hussain replying to the suggestions of Mr. Malik said that the Academy is already providing such trainings to the paralegal staff and recently the Nazirs and Superintendents were given a useful training for their capacity building. He said that as far as the international exposure for the Judicial Officers is concern, the Academy is also working on it and we are seeking monitory assistance from the other partners not even for trainings but for their Ph.D. as well. He also said that we have limited resource but we are scheduling to meet all the planning we have. He appreciated the Honorable Chief Justice High Court of Sindh for his prompt actions against our requests.

The Honorable Mr. Justice Aqeel Ahmed Abbasi concluded this session by acknowledging that some valuable suggestions are given. He expressed he worries on the less participation of advocates. He said that we are doing our level best efforts to overcome the backlog and old cases situations but unfortunately the lawyers’ contribution is predominant in this regard.

The Honorable Mr. Justice Aqeel Ahmed Abbasi and Honorable Mr. Justice Khilji Arif Hussain distributed the certificates among the speakers.

Technical Session II (Hall B)

Sub-themes III: Emerging Challenges to Judiciary in Administration of Criminal and Civil Justice System.

Sub-theme IV: Role of Formal and Informal Justice Institution

The session was Chaired by Honorable Mr. Justice Munib Akhtar, Judge, High Court of Sindh. The Moderator was Ms. Kousar Sultana, Learned District & Sessions Judge. The Rapporteurs were Ms. Aleena Alvi, Advocate & Mr. Ashfaq Awan Sr. Civil Judge, East.

Following were the speakers:

- ✚ Mr. I.A. Rehman, Advocate, Supreme Court of Pakistan
- ✚ Ms. Haya Emaan Zahid, Barrister, Executive Director- Legal Aid Society.
- ✚ Mr. Jawwad Sarwana, Barrister.
- ✚ Mr. Oves Anwar, Director, Research Society of International Law.

Mr. I.A. Rehman, Advocate, Supreme Court of Pakistan delivered a presentation on “Emerging Challenges to Judiciary in Administration of Criminal and Civil Justice System”. He emphasized on making a very detailed and extended study on how the indigenous system can be part of our judicial system? He asked that “what system we actually following? Is it engineered system? God belief-based system? Or based on some theory of justice system?”

He said that all the time reforms are concentrated on how the laws inherited from the British are implemented. He explained that we haven’t investigated that whether the system made by the colonial mindset is suitable for us or not. He said that we do not of the use of law at courts for the promotion of welfare of the people. He said that the time has come to think about the fact that we need a judicial system that can guarantee the human rights and meet the inspiration for majority of the people. He said that the constitution provides equal rights to all citizen but unfortunately it is not enforceable in Pakistan. He pointed out that we are having a biased judicial system. Mr. Rehman also asked that how come we have a proper judicial system based on the police which nobody respects. He said that the cases come to the courts after messed up by the police.

Mr. Rehman invited to consider the possibility to form a judicial system where all the people can enjoy the equal rights and this will require a great deal of concentrated efforts to device a system which answers the needs on the bases of:

What kind of culture are prevailing in our country?

What are the sources of our strength?

What are the causes of our weakness?

He concluded his speech by saying that we can seek the help from the advocates and other fraternities like the social society organizations which already have done a lot reforms including literature on judiciary, police, juvenile justice and women rights etc.

Mr. Sohaib Ahmed Rumi, the learned District & Sessions Judges of Punjab Judiciary delivered his presentation on “Causes of Failure of Policies & Importance of Human Resource Management”. He said that we are in the age in which the business organization are adopting modern techniques like BPR (Business Process Reengineering) so we also have to adopt these modern techniques for a better Judicial System.

He said that major causes of losing targets are:

- ✚ Manpower (Judicial Officers was not taken on board).
- ✚ Any mechanism of change management was ever thought to be adopted.
- ✚ Task was assigned without bringing into practice the motivational factors.

He elaborated the performance management as “Performance is about behavior or what employees do, not about what employees produce or the outcomes of their work. Performance management system includes the measurement of both behaviors (how the work is done) and the results (the outcomes of one’s work)”. He also elaborated the court performance management with its indicators.

Mr. Sohaib Ahmed Rumi concluded his presentation with a finding that “The best results in any organization are achieved when everyone is focused on the same goals. Application and enforcement of performance management system, performance appraisal system with the positive target to enhance the efficiency as well as to help out the judicial officers of the behavioral problems through introduction of organizational psychology, creating a positive court culture that is supportive of reform, service improvement and innovation is a critical first step in moving towards court excellence.”

Ms. Haya Zahid Eman, Barrister-at-Law Executive Director Legal Aid Society, delivered her presentation “Sentencing Theory and Practice: A Comparison of Pakistani Legislation and Case Law with Practice”. The theme of her research was:

“Theories of punishment and sentencing have shifted considerably over time. In the last century, there has been a move away from ‘punitive’ and ‘retributivist’ models of justice towards ‘therapeutic’ or ‘restorative’ models instead. The convict, once seen as a dysfunctional and malicious deviant to be punished, has transform2ed into a product of societal shortcomings and in need of rehabilitation. The latter approach is pragmatic; it is based on the belief that society as a whole benefit from law-abiding and economically productive citizens. Retributive and reformative responses to criminality have overlapping components and objectives. In both, judges are given wide ranging discretionary powers while also being expected to impose ‘judicious’ sentences that take into account the nature of the offence and the circumstances of the offender.³ Limits on judicial discretion are often imposed through statutory tariffs,

precedential judgments of higher courts, and in some jurisdictions, directives from sentencing guideline councils⁴. Although sentencing is widely recognized as an art rather than a precise science, guiding standards and principles are necessary to prevent inconsistent sentences between offenders with similar backgrounds who commit offences.”

The abstract of the research is as follows:

“Research shows that consistency in sentencing ensures fairer outcomes and greater accuracy in prison population projections. Amidst shifting global paradigms on sentencing policies, Pakistan has inherited a criminal justice system from Britain that emphasizes retribution over rehabilitation. The Pakistan Penal Code (“PPC”) of 1859 defines a majority of crimes and sanctions and the few amendments made have done little to reduce the Code’s retributivist overtones. The Criminal Procedure Code of 1860 (CrPC) consolidates laws relating to the criminal procedure, while numerous special laws tackle arms and ammunition⁶ terrorism,⁷ and narcotic substances,⁸ and also provide a range of penalties. Despite upper limits on imprisonment and monetary fines, the body of law still emphasizes punishment and control over reformation. This leads to an overreliance on custodial sentencing and remand sentences which commence at the pre-trial stage, and explains Pakistan’s exceptionally high pre-trial detention rates and prison occupancy rate which is currently estimated at 173 percent.⁹ Gross overpopulation is possibly one of the biggest human rights violations facing the criminal justice system of Pakistan today but law reform committee reports have focused on improvements at the guilt adjudication rather than the sentencing phase.

In light of the above, this paper seeks to shed light on the much-neglected area of sentencing jurisprudence in Pakistan. It summarizes Pakistani criminal procedure and then examines legislation and judicial decisions to determine courts’ awareness of theories of punishment. It then analyzes trial court judgments across the province of Sindh to determine whether principles of ‘fairness’ and ‘consistency’ are applied to sentencing decisions, and points to gaps in the current judicial practice.”

Ms. Haya Zahid Eman unfolded the existing landscape and context. She said “the research seeks to make an original contribution through analysis of judgments in 242 cases from trial courts. Those were selected on the basis of purposive sampling techniques from across Sindh and the accused in each case was provided legal representation by the Legal Aid Office -Committee for the Welfare of Prisoners (“LAO-CWP”). These cases concluded between December 2012 and December 2016, the explanatory findings should not be generalized beyond this timeline.”

She shared her analysis on the basis of the facts and figures collected through the key findings of the data.

Mr. Jawwad Sarwana Advocate, Supreme Court of Pakistan delivered his presentation on “Multi-modal Dispute Resolution in the OBOR World and Its Implication for Justice System in Pakistan”.

The abstract of his research was:

“There is a growing need of an alternative system. An alternative to both litigation and arbitration. This third force was meant to be mediation. From 1976 to the early part of this century dispute resolution systems have been trying to introduce mediation as the effective ADR system. However, this too appears to have not met with great success. The future of dispute resolution is MULTI-MODAL. The paper will discuss the future of multi-modal dispute resolution system and how justice can be served through re-designing and re-engineering the current system of dispute resolution in order to find a quick and effective mechanism of justice in a multi-polar world which is likely to be dominated by China which will be even more so in the case of Pakistan.”

He started his presentation by explaining the Range of Alternative Dispute Resolution Processes. He explained the single-track approach and multi-modal combination approach for dispute resolution. He also explained the economics of dispute resolution outcomes.

Mr. Sarwana provided the statistics of funds relating to OBOR (One Belt One Road) including The Silk Road Infrastructure Fund, Green Silk Road Fund, Asian Infra Investment Bank, New Development Bank (NDB), Chinese Policy Banks, China Development Bank, Export-Import Bank, Agricultural Development Bank of China and Bank of China.

He also explained the Context of Dispute Resolution under CHINA’S OBOR’s:

- ✚ Less Financial
- ✚ Role of the State
- ✚ Planning & Policy
- ✚ Strategy
- ✚ International Relations

Furthermore, Mr. Sarwana shared the facts and figures about cost of an investment state international arbitration at ICSID. Finally, he shared a hypothetical dispute of 30 years coal mining concession w/ license to build own operate 1,200 MW coal-fired power plant.

Mr. Oves Anwar, Director, Research Society of International Law delivered his presentation on “Emerging Challenges to the Judiciary in the Administration of Criminal Justice”. The abstract of his research was:

“Pakistan’s counter-terrorism legislative landscape is in need of significant reform to be able to effectively tackle the twin threats of terrorism and militancy. This includes reform of the Anti-Terrorism Act 1997 and a limiting of its scope to ensure that only genuine cases of terrorism are brought before the ATCs. Furthermore, with reforms in the Federally Administered Tribal Areas soon to commence, significant research will be required to assess the potential impact of such reforms on counter-terrorism/militancy measures in that region. This is all the more important as the civilian judiciary will gradually be introduced into the region under the FATA reforms package. To ensure a smooth transition and that Pakistan is able to continue its momentum

against the menace of terrorism, continuous assessment of the reforms package will be necessary.”

Technical Session III (Hall A)

Sub-themes V: Innovation of Justice Sector

The session was Chaired by Honorable Mr. Justice Syed Hasan Azhar Rizvi, Judge High Court of Sindh. The Moderator was Mr. Ubaidullah Khan, Learned District & Sessions Judge. The Rapporteurs were Mr. Oves Anwar, Director, RSIL & Ms. Hina Naz, Civil.

Following were the speakers:

- ✚ Ms. Marvi Qazi, Civil Judge & Judicial Magistrate, Karachi East.
- ✚ Mr. Zeeshan Manzoor, Senior Civil Judge, Karachi West.
- ✚ Mr. Javed Ahmed Keerio, District & Sessions Judge.
- ✚ Mr. Shoaib Elahi, Civil Judge East.

Mr. Javed Ahmed Keerio delivered his presentation on “One Window System”. He explained the “Mechanism to Curb Corrupt Practices Amongst Para Legal Staff”. He Identified the areas where corruption prevails. He talked about the core issues including date by readers or judge on leave, Photocopies of documents uncertified copies/certified copies, issuance of summons notices by the staff, inspection of files by Advocates/Parties, issuance of writ of attachments/stay orders/bail orders, release writs, publications of notices/charges, Bailiffs/process servers and “*chai pani*”. He also explained Indirect Corruption/ Court related corruption in details.

For his one window system, Mr. Keerio suggested to prefer preventive method first and in case of violation of preventive method, punitive method is to be adopted. He shared some circulars to reduce/eliminate the corrupt practices. He concluded his presentation and said “Thank you and hope that you would adopt the above procedure to leave a mark of your presence in the district with the change.”

Mr. Zeeshan Manzoor delivered his presentation on “Innovation in Justice Sector”. Purpose of the paper was:

- I. Understanding ‘concept of innovation in justice sector’.
- II. Evaluating as to how innovation in the justice sector can improve peoples’ access to, understanding of, and dealing with existing legal system while maintaining transparency at the same time.

He explained the key areas of criminal justice system that need innovation including:

- ✚ Legal aid
- ✚ Access to legal system
- ✚ Technology and transparency
- ✚ People-focused / friendly justice system
- ✚ First Information Report and Arrest scheme

- ✚ Investigation practices
- ✚ Restorative justice
- ✚ Fostering competition

Finally, Mr. Zeeshan Manzoor quoted Henry Wards Beecher words:

“Laws and institutions are constantly tending to gravitate. Like clocks, they must be occasionally cleansed, and wound up, and set to true time.”

Ms. Marvi Qazi also delivered her presentation on “Innovation in Justice Sector”. She shared some statistics about the current situation:

- ✚ Current Population of Pakistan: Approximately 208 million
- ✚ Number of registered Advocates across Country: 1,35,000
- ✚ There is one lawyer for every 1,500 people (approx.)
- ✚ Judge to Population Ratio: 1:1 lac (approx.)
- ✚ Cost of litigation: As low as Rs.17/- (and above)
- ✚ Expenses of litigation: Much higher than the income of an unskilled employee (i.e. Above Rs.15,000/-)
- ✚ Number of registered mobile phone subscribers: 143 million
- ✚ Access of Rural population: more than half population travel to cities to seek Justice

She shared the pendency, institution and disposal of cases the period of 1-30 November 2017 in the Supreme Court of Pakistan, Federal Sharia Courts, High Courts and District Judiciary. She also shared the number of prisoners confined to prisons during the same period.

Ms. Qazi pointed out the causes of low performance of justice system across the world and explained the need of why to explore emerging digital possibilities? She said that to encounter latest and increasing demands, and to protect the principles and integrity of society, it is important to innovate in Justice Administration System:

- ✚ Successful innovations in Justice Administration System can only be achieved under:
 - Effective leadership
 - By simplifying and introduction of laws by legislature to reduce case pendency in Courts
 - Independence of Justice Administration System
- ✚ Long term planning and creation of R&D department
- ✚ By creating innovation strategy
- ✚ Supported by Justice Administration Framework
- ✚ By creating an environment, where innovative ideas can:
 - Emerge
 - Developed
 - Adopted

- ✦ By taking feedback from stakeholders
- ✦ By introduction of advanced Court infrastructure
- ✦ Latest technological equipment
- ✦ Training of Judicial officers and Staff

Mr. Shoaib Elahi delivered his presentation on “Administration of Justice – Core Values and Future Innovations”. He gave the following suggestions for speedy and effective administration of Justice and future innovations:

- ✦ Amendments of traditional civil and criminal laws is very necessary to meet the challenge of twenty first century.
- ✦ Effective laws for frivolous litigations and Penalties need to be in acted by Assembly.
- ✦ Sufficient number of judges should be appointed for speedy disposal of cases.
- ✦ Separate department for the purpose of Alternative Dispute Resolution be created, which should be functioning under the supervision of Judicial Officers.
- ✦ Web-based information (including digital video), video-conferencing (including internet-based group video calls), teleconferencing and email can supplement, support and replace many face-to-face in court.
- ✦ Many sophisticated technologies exist that can organize paperwork and files in disputes to simplify and reduce the time necessary to review and analyze files
- ✦ Social Media is playing vital role in our existing society. Use of Social Media can help us, getting absconders into courts, as the old method of pasting and publication is no more effective.
- ✦ Newer technologies may enable options for resolution to be developed via technology and use artificial intelligence to develop alternatives and run processes. In this regard, some disruptive technologies are linked to Artificial Legal Intelligence (ALI) which can be viewed as a form of dispute resolution or a system that has the capacity to render expert advice or decision-making.
- ✦ Modern Software needs to be brought in. The prime purpose of the software should be to display whole profile and record of the accused persons when they appear in courts.
- ✦ One windows solutions along with the information desk should be installed in all districts for the purpose of facilitating litigants and their counsels.

Technical Session IV (Hall B)

Sub-theme VI: Fundamental Human Rights: Role of State Organizations.

Sub-theme VII: Legal Education & the Role of judicial academies.

The session was Chaired by Honorable Mr. Justice Muhammad Ali Mazhar, Judge High Court of Sindh. The Moderator was Mr. Abdul Naeem Memon, the learned District & Sessions Judge. The Rapporteurs were Mr. Haleem Ahmed, ADJ & Mr. Abdur Rehman, Civil Judge West.

Following were the speakers:

- ✚ Dr. Zafar Ahmed Khan Sherwani
- ✚ Mr. Shees Khoso, Civil Judge, Garhi Khairo.
- ✚ Mr. Faheem Hussain Rajper, Civil Judge, Kingri.
- ✚ Dr. Liaquat Ali Abro, Law Officer, Law Department, Govt. of Sindh
- ✚ Mr. Ahmer Bilal Soofi, Advocate, Supreme Court of Pakistan

Dr. Zafar Ahmed Khan Sherwani, a retired judge and member visiting faculty, Sindh Judicial Academy, delivered his presentation on “Distance learning and use of Social Media by judicial academies to meet growing challenges in judicial training”.

He said that we have old approach in our Academy for training and the standard of these trainings should be according to the requirement of Judicial Officers. He pointed that we don't have sufficient facilities in Academies. He said that the meagre resources of Sindh Judicial Academy handicap to hold face to face classes for more than 25 trainees at a time, whereas, Baluchistan Judicial Academy has no separate building to use as a campus.

Elaborating the topic, he said, “the growing use of information technology in all spheres of life has opened new vistas for our young generation. By the use of Learning Management System Universities and Colleges world over to manage their education programs to distance learners without any hindrance. Now there is no compulsory requirement for any campus or classroom as virtual universities and classrooms are a common feature in this sector.” He emphasized that distant learning should be introduced so that the Judicial Officers may get the training at the place of their posting.

Dr. Sherwani said that presently free social media platforms such as facebook, twitter and youtube are playing important role in learning management system and these networks can be effectively used to complement on-campus classes. He also said that these social media is fully capable of delivering asynchronous and mobile content and through these mediums live videos, the engagements between students and the institution can be sustained.

He mentioned that District Karachi East was the flagship district using online cash flow management system and online court monitoring as early as 2003 but it took about 13 long years to adapt the CFMS solutions at the provincial level by other District Courts.

He concluded that:

“Judicial academies in Pakistan, like other professional education institutions of adult learning, are required to expand their reach and increase the strength of their target audience by introducing formal distance learning and modernizing their teaching resources and style using available cloud infrastructure and the modern tools of Learning Management System and Social Media. This will not only meet the challenges on the subject of infrastructure and financial resources but will also create new horizons and dimensions in the collaborative learning outlook for the millennials of the judicial sector that is more than 50% of its total workforce.”

Ms. Nuzhat Ara Alvi, District & Sessions Judges and senior Faculty Member Sindh Judicial Academy delivered her presentation on “Legal Education and of Sindh Judicial Academy”.

She quoted the first revelation “*Iqra*”, that is, “read” and said that it is the first obligation/pillar of our religion. She also mentioned “*Sora-e-Nisa*” with respect to women and their rights. Talking about the gender equity, she quoted a Hadith “Man and Woman are clothing to each other”.

Ms. Nuzhat Ara Alvi said that in judicial process, the most important entity is “Nobody”, that is, the litigant who is the most ignored person. She pointed out that we are using century old law developed by the English Rulers. She also told the history of Sindh Judicial Academy and the day by day progress of this institution starting from Honorable Mr. Justice Z A Channa, the first Director General of Academy to Honorable Mr. Justice Khilji Arif Hussain the present the Director General.

In her speech, she mentioned the memorandum of understanding signed between Sindh Judicial Academy and other stakeholders including other Academies, reputable institutions, police etc. She also mentioned the other recent achievements like mock trials, booklets for common man with case laws and Q/A and the program on Vision for justice: 2027.

Mr. Ahmer Bilal Soofi, Advocate Supreme Court of Pakistan and President Research Society of International Law delivered his presentation on “Fundamental Human Rights: The Role of State Institutions”. The abstract of his research was:

“Significant strides have been made in enhancing the legal framework to protect fundamental human rights in Pakistan. Recent developments have spurred Pakistan’s progress in this regard. With Pakistan’s designation by the EU for GSP+ status, came renewed international focus on Pakistan’s human rights compliance. This was coupled with a massive devolution plan envisaged by the 18th Amendment to the Constitution of Pakistan. In the current scenario the Federal and Provincial Institutions are required to develop enhanced synergy to ensure compliance with Pakistan’s international human rights obligations. The establishment of Provincial Treaty Implementation Cells is one mechanisms by which this can be achieved and the role and

resources of these Cells needs to be enhanced. The Cells, in conjunction with other State Institutions, can help ensure Pakistan's continued progress towards human rights compliance."

Mr. Soofi said that like other entities, the judiciary is also an institution and whoever is working in Pakistan is a Pakistani. Appreciating the role of a judge he said that every judge is a scholar. He emphasized on capacity building and nowadays, like everyone, judges can improve their respective skills from Google to Harvard. He said that there is only one obstacle for a judge, that is, burden of work.

Mr. Ahmer Bilal Soofi stressed on providing ease to the judges so that they can use their level best effort for dispensing justice. He suggested that the treaty implementation cell should be there in all provinces.

DR. LIAQUAT ALI ABRO, PhD (Law) UOK, Law Officer(CPS), Law Department Govt. of Sindh, Karachi, delivered his presentation on "The Protection of Fundamental Human Rights: A Participatory Role of State Organizations in Pakistan". The theme of his presentation was:

"The primary duty of the state is to provide protection of fundamental human rights according to international obligations and the law of the land. Articles 8 to 28 of the Constitution of the Islamic Republic of Pakistan (1973) and Universal Declaration of Human Rights (1948) should be applied in letter and in spirit. If we focus on access to justice for all , it is indeed a very costly utopian state. However, the modes operandi is given in the procedural codes of Civil, Criminal and Constitutional laws. But a sense of dependency is perpetuated as ordinary folk need to engage a lawyer to access justice. In developed nations the thought of Suo Moto action is considered to be a failure of good governance. But in our landscape this practice continues despite several directions made by the Apex Courts, the institutions and organizations failed to comply with such orders."

The abstract of his research was:

"However, it is a mandate of the Superior Judiciary to exercise the powers under Articles 189,199 and 184(3) of the Constitution of Islamic Republic of Pakistan (1973). "Decisions of Supreme Court binding on other Courts" besides this all other institutions, organizations, departments of Federal and Provincial Governments are also under obligation to implement orders accordingly.

However, the Modes operandi is given in the procedural codes of Civil, Criminal and Constitutional laws. But no one have access to it except the hiring of Lawyer because of huge burden of consultation and litigation fees. In developed nations the thought of Suo Moto action is considered to be failure of good governance. It has not ended despite of several directions made by the Apex Courts, the institutions and organizations failed to comply such orders. However, it is a mandate of Superior Judiciary to exercise the powers under Articles 189,199 and 184(3) of the Constitution of Islamic Republic of Pakistan (1973). "Decisions of Supreme Court binding on other Courts" besides this all other institutions, organizations, departments of Federal and Provincial Governments are also under obligation to implement orders accordingly. The gross

violation of Fundamental and human rights in Pakistan is a practice of the segment of the society by ignorance of law, and deliberately breaking the laws of the land. 8For example, violation of environmental degradation, illegal constructions,9 corruption, terrorism, discrimination, demerit in appointments, promotions, seniority cases, discrimination among the pay scales and monetary benefits.”

In the question/answer session, Mr. Sadruddin Bohyo’s questioned about the violation of human right and suggested that there should be some severe punishment for that. the Honorable Mr. Justice Nasir Aslam Zahid in his reply said that raise the point, write in newspaper and make awareness among the people. He said that as you are young and might be a good user of recent technology so make blogs for that.

Dr. Chouhdry Wasim questioned about the effectiveness of distant learning and its feasibility. Dr. Zafar Ahmed Khan Sherwani replied that there is no replacement of face to face learning but as he discussed in his presentation, due to some constraints, this methodology would be appropriate for millennial generation.

Mr. Iqbal Khawaja, the learned District & Sessions Judges about the practicability of e-filing system in current situation. Dr. Sherwani told Mr. Khawaja that it is a parallel system and IT department of High Court of Sindh is already working on it.

Ms. Nuzhat Ara Alvi in reply to a question from Mr. Aleem Alvi about the possible interaction between Judicial Academy and the legislator said that the Sindh Judicial Academy is already doing it and recently we have trained the draftsman from Sindh and Baluchistan.

Final Session

Mr. Reto Stocker, Head of Delegation ICRC delivered a speech on ICRC Role in Rule of Law and future Collaboration with Sindh Judicial Academy. He congratulated the SJA and High Court of Sindh for arranging this conference. Introducing The ICRC, he said that “ICRC is proud to be the part of this event. The ICRC has been active since the creation of Pakistan on an invitation of the Father of this Nation. We were asked to come to address humanitarian consequences due to partition. As the guardian of Geneva Convention whenever there are any international conflicts, the ICRC has strong mandate to assist those who are directly affected. In this regard in 1965 and 1971 we played a crucial role.” He said that he is inspired with the concept and the theme of Vision for Justice 2027.

He said that it is good to see the Sindh Judicial Academy and Sindh Judiciary as a whole, committed to research for evidence based reforms and reform agenda. He said that we are promoting research at SJA on the applicable legal framework and judicial response to the world-wide growing phenomenon of urban violence.

He informed that after years ICRC visit of places of detention in Pakistan, we are, today working with NECTA to better understand and document over-crowding in prisons taking all criminal justice stakeholders onboard and come up with the policy recommendations as how to diminish this phenomenon sustainably.

Mr. Reto Stocker said that his institution is very interested in and committed to local sustainable solution on evidence based policy changes and enhanced legal protection. He concluded his speech by quoting “Prevention is better than a cure”.

Honorable Director General Sindh Judicial Academy Mr. Justice Khilji Arif Hussain welcomed the respectable and honorable guests and thanked saying that “it’s really a great honor to have your presence on this occasion. It is also a joyful moment that Chief Justices of all provinces are present here, so I am not going to take too much time and would briefly provide you the details of what the Sindh Judicial Academy really wants to do?”

He said that “when we sat together in the Academy for the solutions, we came across one point that is to see why the common man puts the blame on Courts? However, in Justice delivery system, Court is just one of its component along with prosecution, investigation officers etc. Keeping in view all these details and evolution of technology also the One Belt One Road of CPEC we believe that the litigation in the upcoming years would be completely different from what we have nowadays.” He asked the respectable audience are the Courts ready to cope the situation and face the challenges? We also have to identify the flaws in our system and law causing delays in delivering justice. For this, vision 2027 was developed in which several declarations were made and we already have taken positive steps on those declarations but it will definitely take time to materialize the thoughts. The purpose of today’s conference is to collectively see the problems faced by the District Judiciary as for any problem or disease the cause is identified so that it can be remedied. In today’s session from our District Judiciary, Civil Judges and District Judges

presented the papers and shared their experiences. This will be shared in the form of a declaration and on the basis of which we are going to carve the future policies. I personally believe that for the success of any institution a policy and a roadmap should be prepared. First I would request my colleagues from District Judiciary to listen to the Honorable Judges carefully through which you will come to know the guidelines for delivering timely and inexpensive justice.

With these words I once again thank the Honorable Judges for their presence.

Recommendations

Technical Session 1

(11:00 Am to 01:00 PM)

[Hall A]

Chair: Mr. Justice Aqeel Ahmed Abbasi, Judge, High Court of Sindh.

Moderator: Mr. Khalid Hussain Shahani, District & Sessions Judge, West.

Rapporteur: Ms. Zainab Mustafa, Research Fellow RSIL & Mr. Mukesh Kumar, Civil Judge, West.

Speakers: Mr. Imdad Ali Keerio, Civil Judge, Sindh.

Mr. Zafar Ghouri (Advocate) and Shaikh Muhammad Farooq (A. Registrar). Mr. Rana Sajjad Advocate High Court.

Mr. Karam Ali Shah, Civil Judge, Sindh.

Sub Theme I

The Organizational Structure of District Courts

Recommendations

1. **Provision of Court Rooms and Allied Facilities:** The non-availability of court rooms, insufficiency of court staff and other ancillary facilities also leads to delay in disposal of cases. This issue can be resolved by constructing further court rooms and providing other allied facilities involving financial implications, hence require financial assistance by the Government.
2. **Monitoring & Supervision of Construction of New Courts:** The progress of construction of new courts by Government of Sindh particularly courts' building in district Korangi should be supervised and monitored so that pending cases may be distributed to the newly constructed courts. The number of judges may also be increased keeping in mind the addition of new courts to avoid delay.
3. **Equipment of Courts with Modern Technologies:** All the courts and judicial magistrates

should be equipped with computer facilities, e-link, other modern technologies and attached paraphernalia. They should also be provided with the facility of using PakistanLawSite.

4. **Setting Up of Special Benches for Disposal of Old Cases:** Judicial work shall be assigned proportionately, according to uniform policy, whereas, special assignments may be given to particular judges, courts, for disposal of old cases to reduce deadlock of old cases.
5. **Increase in Number of Judges:** Keeping in view the large number of cases pending before judicial magistrates and civil courts, the strength of judicial officers is required to be increased proportionately. The Units policy for disposal of cases should also be revisited accordingly.
6. **Training:** Auxiliary staff attached with the judges and courts shall be given proper training to meet with the requirements of modern technologies. Particularly induction of qualified stenographers should be carried out to avoid a delay in proceedings, and furthermore in writing case diaries and judgments which will reduce the burden of the judges in subordinate courts.

Moreover, training shall be imparted through Sindh Judicial Academy of newly inducted civil judges as well as at the time of promotion as senior civil judge, additional sessions judge and district judge in order to improve the judicial capacity of the learned judges of the subordinate court.

Additionally, various courses may be offered to the judicial staff which may be considered at the time of their promotion through the Sindh Judicial Academy. To eliminate corruption in the subordinate judiciary as well as in the judicial staff transparent continued performance evaluation with regard to quality and quantity of work shall be made by all the District and Sessions judges and may be reported to the High Court through MIT. District Judges shall liaison with subordinate judicial officers for the purposes of counselling in order to improve the quality of judgements on a monthly or quarterly basis.

7. **Process serving in Criminal Cases:** The Government should review the terms and conditions of process servers with a view to bringing about some improvement in the salary structure and other terms and conditions of service. They should be held responsible and accountable for deliberate default/delay or inefficient performance.
8. **Process serving in Civil matters:** The bailiffs branch shall be supervised and monitored by the respective District & Sessions Judge or any other Senior Judge to ensure that all court processes of notices are promptly served on the parties to avoid delay in hearing of the cases in courts. In case of any default by the process server, disciplinary action shall be carried out in accordance with law.

Sub-Theme II

Delay in Disposal of Cases; Causes and Effects

Recommendations

9. **Increase in number of courts & judges:** The number of courts and judges, along with court staff shall be increased keeping in view the population of province of Sindh and the appointments shall be made strictly on merit, in a transparent manner from time to time so that each judge may be entrusted an appropriate number of cases, which may be disposed of without delay, however, while maintaining the quality of judgments.
10. **Reduce Frivolous Litigation:** All the judges shall examine each case at an initial stage of the proceedings to the effect as to whether it lacks jurisdiction, is without valid cause of action or is barred by any law, so that the parties may be put to notice to satisfy the maintainability of the case and in case of no reasonable explanation, the matter may be dismissed at initial stage in accordance with law.
11. **Discourage Unnecessary Adjournments/Frivolous Applications:** Liaison with the Bar Council and Bar Associations should be enhanced to ensure that no unnecessary adjournments shall be made by the counsels or allowed by the courts and the matters may be proceeded and concluded within the mandate of law to avoid delay in disposal of cases, as in most of cases

delay in disposal of cases occurs in view of unnecessary adjournments sought by counsel or on account of filing frivolous applications, and appeals thereto during pendency of the case which will certainly reduce the burden of the courts and the matters will be decided expeditiously.

12. **Imposition of Cost:** To avoid filing of false cases and frivolous applications in cases, the judges may impose cost and in appropriate cases, exemplary cost, while dismissing such cases and applications, so that tendency of filing false cases and frivolous case be curtailed reasonably.
13. **Uniform Policy in Distribution of Cases:** The cases may be equally distributed between judges of the subordinate courts so that one court may not be unnecessarily burdened which results in delay of disposal of cases.

However, as and when the situation arises old cases may be assigned to some particular senior judges entrusted with the task to dispose of old cases on urgent basis so that the burden of the courts in respect of old cases may be reduced and the judges may be entrusted with fresh cases for disposal accordingly.

14. **Non production of under trial prisoners:** The relevant department of the government shall be directed to ensure to provide sufficient paraphernalia and to provide appropriate number of vehicles for the purpose of transportation of the under-trial prisoners to the courts on each and every date without fail, as their non-production in courts is one of the major reasons for delay in disposal of criminal cases.
15. **Accountability of judges:** The High Court and District & Session Judges shall monitor the performance of the judges of subordinate courts on continuous basis. Whereas, due care and caution will be shown while writing the ACRs which shall reflect the true character and performance of the judge so that any corrupt or incompetent judge shall not be allowed to remain in the judiciary or to be promoted unnecessarily.
16. **Accountability of advocates:** It is crucial that an accountability mechanism for advocates be present. An advocate should be reprimanded, suspended or removed from practice if he is found guilty of professional misconduct, and the Bar Council may refer such an allegation of

misconduct to the Tribunal constituted by it.

17. **To Recommend Disciplinary action against Maladministration by a Public Functionary:** In appropriate cases where the cause of litigation relates to some act or omission on the part of a public functionary, appropriate Orders may be passed in accordance with law, recommending disciplinary/ departmental action against such delinquent officials, so that unnecessary litigation in view of maladministration of the executive can be reduced.

18. **Promotion of Alternate Dispute Resolution:** In appropriate cases particularly family matters, administration suits or disputes between close relatives, efforts shall be made to reconcile their dispute at the initial stage of the proceedings or convince the parties to get their dispute resolved through alternate dispute resolution, arbitration, mediation etc., which will also reduce the burden of courts and reduce court litigation.

Technical Session 2

Honorable Chief Justice of Pakistan, Mr. Saqib Nisar, Honorable Chief Justice of Sindh High Court, Mr. Justice Ahmed Ali M. Sheikh, Mr. Justice Aqeel Ahmed Abbassi, Senior Judge High Court of Sindh, Mr. Justice (Retired) Khilji Arif Hussain, Director General Sindh Judicial Academy, Other brother Judges of the High Court, learned Judges of District Judiciary, Distinguished Guests, Ladies & Gentlemen,
Assala-o-Alaikum!

I had the pleasure of chairing the Session on Emerging challenges to Judiciary in Administration of Criminal and Civil Justice System and the role of formal and informal justice institutions.

The first sub-theme discussed the challenges that the judiciary faces every day including the burden of an evolving modern society which is an exceptionally complex situation when it comes to balancing between human rights and national security. The learned speakers focused on the reforms that can be introduced to overcome the crime rate and introduce an effective management and administrative culture for the disposal of cases in the interest of justice. The recommendation proposed are as follows:

Recommendations:

1. **Deterrence Approach:** In order to overcome the crime rate, adding to the severity of punishments, is not a good deterrent to curb the menace that our society faces. It is essential that we should invest in research and evaluation on the implementation of law to review the effectiveness of new legislation.
2. **Sentencing legislation:** There should be sentencing legislation which codifies the sentencing purposes and its objectives. In addition to mentioning the sentencing provisions that already exist in Pakistan Penal Code, we need to further add non-custodial sentences like community services, rehabilitation etc. Further, a statutory body should be established to gather the data for the assistance of learned judges and other essential sectors in respect of rehabilitation of prisoners. In the recent past, sentencing policy has been formulated by superior courts in the cases of the Control of Narcotics Substances Act 1997.
3. **Rehabilitating the Offender:** We need to change our sentencing methodology to

community based sentencing which focuses on reformatory treatment of the offender rather than punishing him. This remains an effective way of dealing with the criminals and curbing the crime rate in other jurisdictions.

4. **Admissibility of Intelligence Evidence in Terrorism Cases:** For effective prosecution in terrorism cases, the courts should consider the admissibility of intelligence evidence through use of Fair Trial Act 2013 and/provisions of Anti-Terrorism Act, 1997.
5. Our court system needs to reflect on its approach of giving targets for disposing cases to judges and rather should focus on the provision of justice to the aggrieved person on merits.
6. **Introduction of Performance Management System:** In order to make procedural changes effective in the administration of the judicial system, we need to have a national judicial policy which should focus on the accountability and a performance management system. This performance management system reflects the performance of the judges and helps to focus on their strengths and weaknesses.

Role of formal and informal justice institution

The second sub-theme was related to the role of formal and informal justice institution. The speaker focused on the concept of dispute resolution which will further change after the CPEC project. Pakistan's dispute resolution currently consists of negotiations, mediation, conciliation and arbitration. The recommendations proposed under this sub-theme are as follows:

Recommendations:

1. Strengthening Alternate Dispute Resolution Centers which would reduce the burden of the courts
2. Need to rebuilding informal institutions at union levels
3. Improving co-ordination to inline legal conformity at all levels
4. Guidelines and policy for informal institution under the supervision of courts

5. Liaison between law enforcement agencies and role of NGO's for effective implementation
6. Training for judges, lawyers and para-legal staff on mediation
7. Legal Education at the grass root level

I am thankful to all the resource persons, who addressed the core issues in their weighty representation. I am also thankful to Moderator Mrs. Kausar Sultana Hussain, Miss. Alvena Alvi & Ashfaq Awan as Rapporteurs as well as the audience for their keen interest in the Session.

THANKYOU VERY MUCH.

Technical Session 3

Sub-theme: Innovation of Justice Sector

Hall 'A'

Chair: HONOURABLE MR. JUSTICE SYED HASAN AZHAR RIZVI,
Judge High Court of Sindh

Moderator: Learned Mr. Ubaidullah Khan, District and Sessions Judge

Rapporteurs: Mr. Oves Anwar, Director, Research Society of International Law
Ms. Hina Naz, Civil Judge, Central

Mr. Javed Ahmed Keerio, District and Sessions Judge:

Suggested some potent and implementable steps to root out corruption from the judicial system especially the involvement of court staff, judges, and paralegal staff of the various courts. He gave the following recommendations:

- 1) Mr. Keerio recommended the establishment of a 'One Window System' which would create a barrier between litigants, advocates, or any other parties from the court or paralegal staff.
 - a. The One Window would have to be manned by a few honest staff members
 - b. The One Window would allow all outside persons to approach one venue to conduct all their legal activities which are related to the court process.
 - c. Once an application for notices, charges, release writs, stay orders, bail orders, etc. is made then the staff members of the One Window would take over and

ensure a successful result without the need for the applicant meeting with any rent-seeker or corrupt staffers, etc.

- d. To ensure such a mechanism the court staff must be motivated to ensure accountable processes. This extends also to judges and prosecutors.
 - e. Secondly, the Bar Representatives must be taken on board to sensitive them regarding the new process and how it is to be used. Effective action should be taken against people who violate the established procedure.
- 2) This system would be supplemented by standing orders issued for ensuring compliance by all parties.

Mr. Zeeshan Manzoor. Senior Civil Judge, Karachi West

Mr. Zeeshan Manzoor, Senior Civil Judge, Karachi West discussed the issue of innovative mechanisms that could be introduced into the legal system. He listed a variety of very important steps that would indeed bring much positive innovation in the judicial system.

- 1) Mr. Manzoor recommended that in cases of indigent persons the concerned judge should be given a role to help find appropriate legal representation. The District Legal Empowerment Committee Rules 2011 should be relaxed. In this regard, he also recommended that the monetary cap of Rs. 20,000/- should be increased to ensure the best representation is found.
- 2) Mr. Manzoor also suggested the extensive use of technology to ensure the digitalization of the courts. This would include mechanisms for electronic submission of necessary court documents or the use of video-conferencing for the purposes of recording testimony. This would be a positive step towards paperless courts.
- 3) A free legal search engine should be introduced to allow greater access to justice, especially for lay persons.
- 4) Computer literacy should be strongly encouraged.
- 5) Guides or Manuals of important statutes should be provided to judges for the correct

interpretation and application of the statute.

- 6) Mr. Manzoor also said that a major focus of the court system should be the common man. Common man friendly court policies would bring about the most effective improvement.

Marvi Qazi, Civil Judge/Judicial Magistrate, East:

Ms. Marvi Qazi noted how innovation could bring about immense change through out the criminal justice system. From the issue of overpopulation of prisons to the issue of changing crime patterns, innovation in the judicial sector would be able to tackle current and emerging problems.

- 1) She recommended the wider use of technology to relieve the problems related to delays in cases.
- 2) She noted, that one solution to the scarcity of resources in the judicial system was to evolve new forms of service delivery which included the private sector and civil society.
- 3) Furthermore, Ms. Qazi noted the need to challenge the existing system of working and the key role played by Justice Leaders in this regard.
- 4) Ms. Qazi also spoke on the need to simplify legal processes for the benefit of the common man who is not well-versed in field of law. This would require a review of the language used in court documentation as well as a reduction in the overly formal system of proceedings.
- 5) Ms. Qazi spoke of how three forms of technology could be integrated into our legal system. This included:
 - a. Support technology which provided additional services which facilitated court interaction.
 - b. Replacement Technology: Which includes means of communication which have replaced existing technologies. These would include video conferencing, tele-

conferencing, and email.

- c. Disruptive Technology: or technologies which can completely change the way justice is delivered in Pakistan. These need to be gradually inducted as they are discovered.
- 6) Finally, Ms. Qazi recommended that a dedicated Research and Development department be established to ensure that the latest technology bringing the most benefit to the Judicial Sector should be established with long-term budgetary allocations.

Mr. Shoaib Elahi, Civil/Judicial Magistrate East

Mr. Shoaib Elahi spoke on the issue of Core Values of the Judiciary in Pakistan and how innovation in the future could be achieved through various different means. done through the judgments of the Superior Judiciary as well. He suggested the following recommendations:

- 1) He noted how in several areas of law, the jurisprudence was yet underdeveloped and this could be resolved by detailed judgements which could add certainty and clarity to the law. Such authoritative judgments would also resolve the matter of conflict of judgements on a particular matter which adds confusion.
- 2) He discussed the greater use of technology like previous speakers.
- 3) Interestingly, Mr. Elahi, stated that social media could be better utilized to ensure the arrest of absconders.
- 4) Finally, he noted that with emerging technologies being used in crime and other areas there was a need to ensure a high caliber of experts to give their expert opinion in the courts in fields such as new weapons, cyber-crime, etc.

Shahid Anwar Bajwa, Former Justice of the Supreme Court of Pakistan

Justice Bajwa eloquently discussed the historical context of the Constitution and how it

impacted the judiciary. We are grateful for his contribution to the debate.

Technical Session 4

His lordship Hon'ble Chief Justice of Pakistan, Mr. Justice Saqib Nisar,
His lordship Chief Justice of High Court of Sindh, Mr. Justice Ahmed Ali M. Sheikh,
My learned judge's brothers,
Mr. Justice Khilji Arif Hussain, Director General Sindh Judicial Academy,
Faculty member of Sindh Judicial Academy, Mr. Justice Ali Aslam Jafri,
Members of District Judiciary,
Speakers and ladies and gentlemen,
Asalam o alikum

It is a great opportunity for me to preside over 4th technical session of 3rd Provincial Judicial conference 2018 on the two sub-themes.

1. Fundamental Human Rights: Role of State Organizations
2. Legal Education & the role of Judicial Academies

The promotion and production of human rights is the responsibility of the state as it has been provided in the constitution of Pakistan, by making available resources by a higher enjoyment of certain socio-economic rights. It is emphasized that effective domestic protection and the success of international standards ultimately lay in the power of the state. We have confined ourselves within the ambit of the theme of the conference held by the judicial academy and have examined the role of the state with regard to the criminal justice system and civil justice system of the country. It is the right of the complainant to have his/her case disposed off expeditiously for which the police is very much important component where the complaint is entertained and the evidence is collected. Then, evidence is produced in the court where it is examined in the light of the law. Due to poor investigations, many important cases are failed due to non-production of the witness, many witnesses have been murdered before they could speak in the witness box of the court. After due deliberations we would like to table following recommendations:

- > That there should be a comprehensive program to enhance the capability of the investigation officers and medico-legal. In order to improve the quality of the investigation, forensic laboratories should be established at district level.

- > Regular training programs should be held for the public prosecutors also.
- > Though a law providing protection to the witness has been enacted in Sindh, but it has not been implemented. We recommend that the law of protection of the witnesses should be implemented especially including in the ATC courts, where various high profile cases are pending.
- > That judicial academy should hold workshops for judicial officers regularly through evening classes, in order to enhance their skills and capacity building.
- > Some legislation is also required to be made for relation of master and servant. The managerial staff/ officer in the private establishment cannot approach in the NIRC and labour Courts and in case of their termination the only remedy is case of damages. The suit for damages takes much time to decide. Due to prolong litigation entire claim is frustrated. Sometimes before judgment the employee dies and ultimately the suit is abated. We also recommend that some amendment be made in civil servant laws in relation to filling their appeal in the Service tribunal, as without filling their representation and departmental appeal, they cannot approach to service tribunals. This particular aspect was taken into consideration in civil Review No.193/2013 filed by Ali Azhar Khan Bloch. The Judgment is reported in 2015 SCMR 450. In paragraph 253 the apex court held the issue involve the public importance and have far reaching effect on the service structure of civil servant in Federation and Province.
- > The Judicial academies in Pakistan like other professional institution of adult learning, are required to expand their reach and increase the strength of their target audience by introducing formal distance learning and modernizing their teaching resources and style using available cloud infrastructure and the modern tools of learning management system and social media. This will not only meet the challenges on the subject of infrastructure and financial resources but will also create horizons and dimensions in the collaborative leaning outlook for the millennials of judicial sector that is more than 50% of its total workforce.
- > Treaty implementation cell in each Province be strengthened.
- > Judges should make efforts to build their own capacity apart from participation in

training in judicial academy.

The Honorable Chief Justice Supreme Court of Pakistan Speech

Addressing the participants of the 3rd Sindh Judicial Conference, Chief Justice of Pakistan Mian Saqib Nisar said that unfortunately orders being announced at present were based on choices, instead of law, and added that the judges had the responsibility to provide justice on time and in accordance with the law. He urged the judges of higher and subordinate courts to give judgements in accordance with the law on time to ensure speedy justice to people.

The chief justice said that access to justice is the fundamental right of the citizens and it is the duty of the courts to provide justice to the litigants without any delay. He said that there is no difference in the judge of the Supreme Court and the civil court judge and both are bound to provide justice to the litigants in accordance with the law. He said that the judicial forum was being criticized for delay in disposal of the cases as people complained of not being delivered justice on time. "I take the responsibility of the delay, but there are several other reasons for this," he added.

The chief justice said that the judiciary could not be blamed alone for delay in the dispensation of the justice and people could not get speedy justice until centuries old laws are updated and amended by the Parliament. He informed that one civil judge has to deal with an average of 150 cases daily and he has only 2.4 minutes for each case. He said the Parliament is the supreme institution and it is the responsibility of the legislature to reform laws for providing effective justice system. He said that he will interact with the legislature for legal reforms in the country. He said that judiciary has no power to legislate on the laws as the responsibility rests with the Parliament, but judges will have to dispense justice within the available resources and the existing laws. The chief justice urged the chief justices of all provinces to update the judicial academies for better and effective training of judicial officers.

The CJP said that lack of infrastructural facilities and shortage of judicial officers were the two main reasons behind the delay in disposal of cases.

He said that judicial officers were overburdened as around 150 cases were referred to a judge on a day-today basis, and it was humanly impossible to proceed with all cases in six working hours of a day. "Does the institution meant to provide justice not have the right that it should be provided things to facilitate it," the Honorable Chief Justice Supreme Court of Pakistan questioned.

The Honorable CJP said it was parliament's job to make legislation. "Who is to bring reforms in laws?" It was the responsibility of judges to give decisions solely in accordance with the law, he added.

He said that the judges did not have the authority to give verdicts as per their will and sideline the law.

He stressed that the judicial system in the country needed a major overhaul.

The Honorable Chief Justice Supreme Court of Pakistan said that many old laws, including those of colonial era, had not been amended or updated, terming it one of the hurdles in ensuring a healthy justice system.

“We accept the supremacy of parliament, and it is very important in a democracy that institutions do not encroach upon each other’s jurisdiction. But has the parliament updated these laws. This is a question I can’t answer,” he said.

He said the list of pending cases included those in which the person booked was not guilty of any crime. He added that people spent years in jail but when the case was brought to the court it turned out the person concerned was innocent.

CJP Nisar said that in certain cases there was also a need to improve the law, which the authorities concerned should focus on. Therefore, he said, a major overhaul was needed to ensure provision of inexpensive and speedy justice to the people.

He said that the judiciary in Punjab saw the best reforms in the country, and used technology and better organization to reduce the frequency of pending cases.