

ONE-DAY ADVOCACY TRAINING PROGRAM ON ADMINISTRATION OF CRIMINAL JUSTICE FOR MEMBERS OF SINDH HIGH COURT BAR ASSOCIATION

(ON 12 MARCH 2021)



One-Day Advocacy Training Program on Administration of Criminal Justice for the Members of Sindh High Court Bar Association, was held at Sindh Judicial Academy on 12 March 2021. A batch of 26 members including 08 female participants attended this training program. The subject experts shared best of their knowledge and experiences with the participants.

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

Mr. Ashraf Yar Khan, Advocate, High Court of Sindh conducted the first session. He delivered a presentation on Witness Protection System. He apprised that the criminal justice system is constantly being revamped on a need basis and some areas

have improved more than others based on the collective efforts of a dedicated lot in the legal fraternity. He also shared that the criminal justice system plays the most important role in striking a balance between the fundamental protections of a person guaranteed under the constitution and the fundamental rights of others that they affect. Mr. Khan elaborated the salient features of witness protection system.

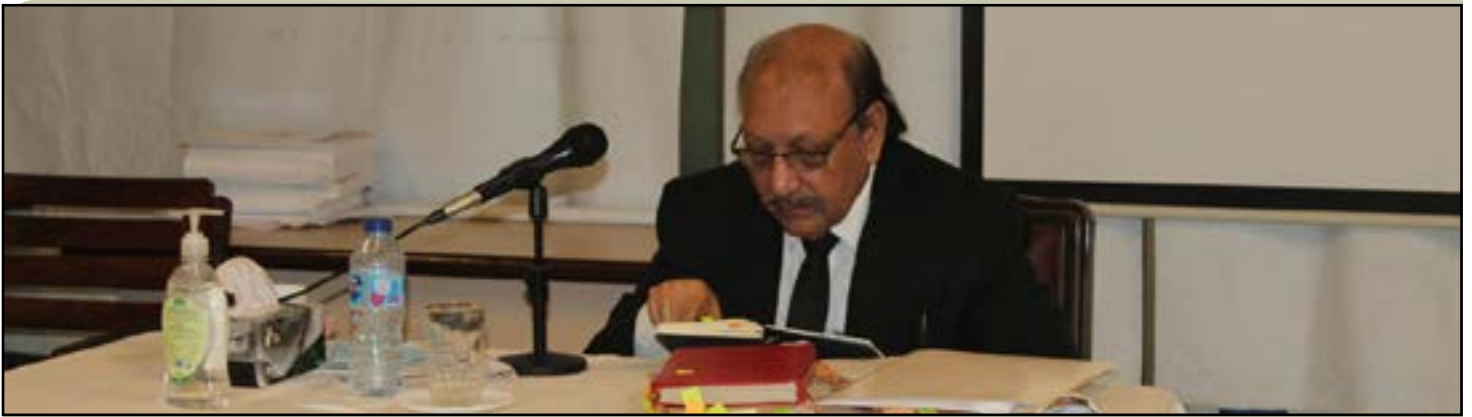
Advocate Khan shared the relevant structure of the topic and then explained the rights of accused and victim. He elaborated on the Rights of accused, in law, the rights and privileges of a person accused of a crime which if properly observed shall ultimately lead to guaranteeing him a fair trial. These rights were initially (generally from the 18th century onwards) confined primarily to the actual trial itself, but in the second half of the 20th century many countries began to extend the application of these rights the

periods before and after the trial. Finally, Mr. Ashraf Yar Khan apprised on some relevant case laws and demonstrated how to search a suitable case law.

Mr. Justice Hasan Feroze, Former Judge, High Court of Sindh conducted the second session on Law of Evidence. He shared that the purpose behind reproducing of "Law of Evidence Act, 1872" through an order called "Qanun-e-Shahadat, 1984" was to bring it in conformity with Injunctions of Holy Quran and Sunnah. He also briefed on the following kinds of Evidence:

- > Oral Evidence
- > Documentary Evidence
- > Primary Evidence
- > Secondary Evidence
- > Direct Evidence
- > Circumstantial Evidence/
Indirect Evidence
- > Real Evidence
- > Personal Evidence
- > Hearsay Evidence

Hon'ble Justice' shared that Article 73 of QSO discusses the "Primary



Evidence”, i-e, the evidence in which original documents are produced for the inspection of the court. He also shared that Article 74 of QSO discusses the “Secondary Evidence”, that means, the certified true copies made from the original record.

Mr. Justice Hasan Feroze also explained the Examination of Witness and shared that Article 132 of QSO discusses “Modes of Examination of Witness”. Furthermore, while discussing the Art of Cross-Examination, he exhorted that when working on a legal case, a wise strategy must be prepared before entering the courtroom. He also added that cross-examination is a method to not only ask questions and get the truth out of a witness, it can also control anything adverse that the witness might say during questioning. In essence, the conduct of cross-examination is such a delicate and sensitive a form of art which can only be learnt through training, practice and experience. He also shared the useful techniques of performing cross-examination during the trial. Mr. Muhammad Shahid Shafiq,

D&SJ/SFM, SJA conducted the next session on Laws Related to Child Rights. Describing ‘Why Child Rights?’ he mentioned: Children are physically and mentally vulnerable; Children need protection against harm; Children depend on others for their care and provisions; Children are undervalued, a part of family and not as independent human being; and Children do not have voice and voices not being valued, having no right to vote, representation in political affairs. He also elaborated the Child Rights Legal Framework in Pakistan:

- > Fundamental Rights Articles 8-28 and Principles of Policy 29-40
- > National Plan of Action and Policy for the Elimination of Child Labor, 2000 and rehabilitation of Bonded Labor ,2001
- > National Commission on the Rights of the Child Act, 2017
- > Zainab Alert, Response, Rehabilitation Act-2020

Mr. Shafiq briefly discussed the constitutional provision of the Child rights and then explained the Juvenile Justice System Act

(JJSA), 2018. He shared that Pakistan ratified United Nations Convention on the Rights of the Children (UNCRC) in November 1990 and the JJSA, 2018 was enacted in conformity with that ratification. He also shared the salient features of the Act.

Concluding his presentation, Mr. M Shahid Shafiq apprised on implementation mechanism of JJSA in Pakistan.

The final session was conducted by Mr. Shaukat Hayat, Advocate. He delivered his lecture on ‘Criminal Trial’. He shared that in general parlance, a criminal case has four stages: Pre-investigation stage, Investigation stage, Inquiry or Pre-trial stage and Trial stage. He also shared that First Information Report sets law in motion and it follows investigation. He also added that a report upon completion upon investigation is submitted before the court.

Mr. Shaukat Hayat mentioned that the Petition under Section 22-A Cr.P.C or a direct complaint may also set law in motion. He further elaborated on the Concepts of Bail, purpose of Bail and Bail Granting Authority. Furthermore, he defined





the Categories of Bailable offences and also explained the Bail in Non-Bailable Offences.

Mr. Hayat also explained Trial Procedure including Investigation, Inquiry and Trial. He also unfolded the Stages of Trial including: Framing of charge; Prosecution evidence; Defense evidence; Final Arguments; and Judgment.

In the successive session, a post assessment test was conducted in the successive session. The participants were also given a Training Evaluation Form for assessment of the training quality, reference and performance of trainers.

Upon the completion of the training program, a certificate distribution ceremony was held. The ceremony was formally started with the recitation of selected verses of the Holy Quran. Thereafter, Mr. Aftab Ahmed Bajwa, Administrative

Officer SJA briefly apprised the audience with the background, purpose and objectives of this training program. He mentioned salient topics which were covered with the gratefulness of worthy speakers.

Addressing on the occasion, Hon'ble Mr. Justice Muhammad Ali Mazhar, Judge High Court of Sindh and acting Director General, Sindh Judicial Academy firstly greeted the par participants and thanked the trainers. Thereafter, he expressed that they should consider this one-day training program as a refresher and an on-job training. He added that there is no age limit for learning as it is a continuous process.

Hon'ble DG shared the basic norms and ethics for the advocates. He urged that being an officer of the court, and advocate should wear a tidy uniform, switch-off the mobile

devices and present good behavior in the Courtroom. He advised them to prepare their case file properly with folio for saving the time of Honorable Judge and Court. He also emphasized to carrying along relevant books, e.g., C.P.C, Cr.P.C etc. and not to conceal the facts. He recommended them to learn the art of cross-examination as it is considered to be the most articulate art of the field.

The Hon'ble DG urged the lawyers to establish a good reputation and always maintain a higher level of decorum because they are the future of judiciary.

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



