

THREE-DAY ADVOCACY TRAINING PROGRAM FOR YOUNG LAWYERS OF DISTRICT BAR ASSOCIATION, MATIARI

(FROM 08 - 10 FEBRUARY 2021)



Three-day advocacy training programs for the members of Matiari Bar Association was held at Sindh Judicial Academy. A batch of 27 members 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.

In the successive session, Mr. Abdul Razzaq, Registrar, High Court of Sindh delivered a lecture on Criminal Trial. He delivered a presentation on Principles in Granting Bail. He apprised that the bail is a fundamental component in the administration of the criminal justice system of Pakistan. Elaborating how to set a law in motion, he explained the F.I.R, Petition u/s 22-A Cr.P.C and Direct Complaint. He also explained the trial procedure involving Investigation, enquiry and trial.

Particularizing the topic, Mr. Razzaq discussed several procedures involved in Criminal Trial and explained the different stages of the subject from F.I.R to the Judgement.

Mr. Aslam Shaikh, Additional District & Sessions Judge IX,

(Karachi East) conducted a skill-based session on Trial Before Rent Controller. He apprised on 'How to deposit Rent in court?' and 'Principles followed in fixing fair Rent'. He elaborated Ejectment under section 14 and 15 of the SRPO, 1979. He shared the relevant laws and Case Law followed by group exercises.

Mr. Ashraf Yar Khan, Advocate, High Court of Sindh, in the next session, delivered his presentation on Specific Relief Act. He explained how the specific relief is given? He also elaborated the principles for granting injunction. Mr. Khan also



explained how to draft application /affidavit / counter Affidavit? The session was concluded with group exercises.

In the final session of the day, Hon'ble Mr. Justice Nadeem Azhar Siddiqui, Former Judge High Court of Sindh delivered a lecture on Civil Procedure Code, 1908. He imparted that without studying Civil Procedure Code one cannot be called a practicing lawyer. He elaborated the Jurisdiction of Civil Court described in the Code. He also explained Pleading and

'How and when to add or delete parties?'. The Hon'ble guest speaker unfolded the practice and procedures involved in CPC.

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

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

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

In the successive session, Hon'ble Mr. Justice Ali Aslam Jafri, Former Judge High court of Sindh, Karachi delivered a lecture on Family Law and its Enforcement. He apprised that the legal system is based on English common law and Islamic law. He explained the Jurisdiction of Court and Pre-Trial Proceedings. He also shared the procedure of drafting plaint with suitable examples.

Hon'ble Justice involved the participants in the practice of Recording Evidence. He also shared the knowledge on 'Applications for

Interim Maintenance and Interim Custody' and imparted the 'Art of Arguments'.

Mr. Aftab Ahmed Bajwa, Administrative Officer, SJA conducted the successive session on 'Introduction of Forensic Evidence'. He shared the Importance of Forensic Science both in Criminal and Civil Laws. He shared that in criminal law, forensic science can help prove the guilt or innocence of the defendant whereas in civil actions, forensic science can help resolve a broad spectrum of legal issues through the identification, analysis and evaluation of physical evidence. He also shared the Islamic, Chinese and other international perspectives of the subject.

Mr. Bajwa discussed the Laws Related to Forensic Evidence. He also discussed the procedures involved in Understanding the Applications of Forensic Science. The final session of second day was conducted by Mr. Muhammad Shahid Shafiq. He delivered his presentation on 'Juvenile Justice System Act (JJSA), 2018'. He apprised that Disposal of Cases through Diversion is an alternative process of determining the responsibility and treatment of juveniles on the basis of their social, cultural, economic, psychological and educational background, without resorting to formal judicial proceedings. He also shared that Juvenile Justice System Act (JJSA) 2018 classifies the criminal offences into the three different categories: Minor, Major and Heinous.

Elaborating the first category "Minor", Mr. Shafiq said that it means an offence for which maximum punishment under the

Pakistan Penal Code, 1860 is imprisonment for up to three years with or without fine. He also shared that a juvenile is entitled to bail in minor offences, with or without surety bonds by Juvenile court.

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

Discussing the third category "Heinous", Mr. Muhammad Shahid Shafiq, D&SJ/SFM, SJA said that an offence which is serious, brutal, or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 with death or imprisonment for life or imprisonment for more than seven years with or without fine. He also added that a juvenile of less than sixteen years of age is entitled to bail in heinous offences, but a bail is on discretion of court if juvenile is more than sixteen years of age. Furthermore, Mr. Shafiq shared that this JJSA 2018 is very different



from JJSO 2000. He also explained the implementation mechanism of the Act.

The first session of the third and final day was conducted by Ms. Maliha Zia, Associate Director, Legal Aid Society & Manager Law

& Gender, Aurat Foundation. She delivered a presentation on 'Laws Related to Children and Child Rights'. Beginning from Juvenile Justice System Act, 2018, Ms. Zia discussed the implementation mechanism Gender Based Violence Courts.

In the successive session, Mr. Justice Hasan Feroz, former Judge High Court of Sindh delivered a lecture on Qanun-e-Shahadat, 1984. He apprised that the purpose behind reproducing of "Law of Evidence Act, 1872" into "Qanun-e-Shahadat Order (QSO),



1984" was to bring it in conformity with Injunctions of Holy Quran and Sunnah.

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

Mr. Justice Hasan Feroz explained the Relevant Facts of QSO. He also unveiled the Impeachment of witnesses followed by Burden of Proof. He shared that Article 117 of QSO defines what burden of proof actually means or on whom it lies. He also added that according to the article; Whoever desires any court to give judgment as to any



legal right or liability dependent on facts, which he asserts, must prove that those facts exist.

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

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

Furthermore, Mr. Ashraf Yar Khan explained the latest Amendments, i.e., Section-89, CPC followed by some exercises.

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

Barrister Ahmed apprised that as an officer of the court, the Advocate must maintain the dignity of the legal profession as well as the dignity of the court also the decorum of the court.

Barrister Salahuddin Ahmed shared the 'Relevant Provisions of Legal Practitioners & Bar Councils Act, 1973 (Code of Conduct)'. He also talked about the moral and discussed the role of an Advocate

as a member of Civil Society.

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 welcomed the participants and shared this training was done on the request of DBA Matiari and we are trying to accommodate the Advocates from all over the province. He appreciated the participation of



female Advocates in this session. Hon'ble Director General SJA said that it was very difficult to teach several topics in only three days but they should consider this training program as a refresher. He also added that there is no age limit for learning as it is a continuous process. He also briefed the participants on the previous batches of Advocates' trainings.

Hon'ble DG also shared the basic norms and ethics for the advocates and said that being an

officer of the court, they should wear a tidy uniform, switch-off their mobile devices and present good behavior in the Courtroom. He also guided them to prepare their case file properly with pagination for saving the time of Honorable Judge and Court. He also emphasized on carrying relevant books, e.g., C.P.C, Cr.P.C etc. and do not conceal the facts. He also recommended them to



learn the cross-examination as it is considered to be an art of the field.

The Hon'ble Director General urged the lawyers to establish a good reputation and maintain higher decorum because they are the future of judiciary. He also urged them to study the past experiences of great lawyers if they want to intuit the future. He also shared that, in his time of practice, the young lawyers were used to sit in the proceedings of their seniors for the learning purpose. He also advised them to do the research continuously as it is a tool of creating new knowledge. By doing so, soon they would be well equipped with the adequate case law of their respective field.

On the occasion, the participants presented the traditional gift of Lungi and Ajrak to the Hon'ble DG, Mr. Muhammad Shahid Shafiq, Mr. Ashraf Yar Khan and Mr. Mohammad Murtaza Khan as a remembrance of the event.

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

