

TWO-DAY ADVOCACY TRAINING PROGRAM ON ADMINISTRATION OF CRIMINAL JUSTICE AND CIVIL LITIGATION FOR THE MEMBERS OF SINDH BAR COUNCIL (09 TO 10 MARCH 2021)



Two-Day Advocacy Training Program on Administration of Criminal Justice and Civil Litigation for the Members of Sindh Bar Council was held from 09 – 10 March 2021 at Sindh Judicial Academy. A batch of 26 members including 09 females 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 and introduction of the training program.

The first session was conducted by Mr. Saad Qureshi, District & Sessions Judge. He delivered his lecture on 'Execution Proceedings in Civil Court'. He apprised that procedure for execution of decree and orders is laid down in Part II containing 38 Sections (Section

36-74) and Order XXI containing 104 rules. He also shared that a decree can be executed against: Judgment-debtor; Legal representative; Assign; and Successor-in-interest.

Mr. Qureshi elaborated the 'Application for Execution' and procedure on receiving application for execution of decree. He also elaborated the execution in case of cross decrees and Mode of Execution.

Finally, Mr. Saad Qureshi apprised on some relevant case laws and appropriate examples.

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

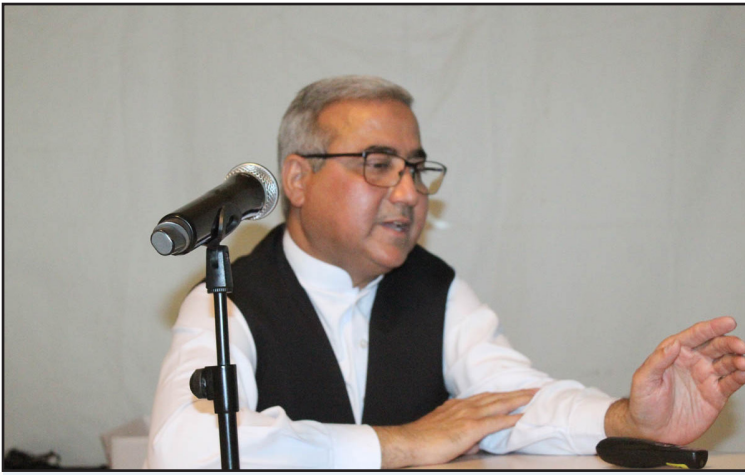
Mr. Khan apprised on how to draft application /affidavit / counter Affidavit? The session was

concluded with group exercises.

Hon'ble Mr. Justice Ali Aslam Jafri, former Judge High Court of Sindh, conducted the successive session on Contract Law. He shared that the general law of contract in Pakistan is contained in the Contract Act 1872 which is the main source of law regulating contracts in Pakistan. He also elaborated the essentials of a (valid) contract, including: Intention to create a contract; Offer and acceptance; Consideration; Capacity to enter into a contract; Free consent of the parties; and Lawful object of the agreement.

Hon'ble Mr. Justice Ali Aslam Jafri described the salient features of the law. He also shared the relevant law and case law.

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 shared that without studying



Civil Procedure Code, one cannot be called a practicing lawyer. He elaborated the jurisdiction of Civil Court described in the Code. He also explained 'Pleading' and 'How and when to add or delete parties?'. The Hon'ble guest speaker unfolded the practice and procedures involved in CPC.

Mr. Ashraf Yar Khan, Advocate, High Court of Sindh conducted the first session of the second day of the training program. 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 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 QS 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 QS 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 QS 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, Supreme Court. 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 of 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. The participants were also given a Training Evaluation Form for assessment of the training quality, reference and performance of trainers.

Upon 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 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 carry 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 to the participants. The session was concluded with a group photograph of the participants with Hon'ble DG and others.

