

# One-Day Online Training Program on “Alternative Dispute Resolution: Referral Mechanism” (ON 18 FEBRUARY 2023)



## **Background Context**

❖ Law & Justice Commission of Pakistan, Islamabad issued Notification No.56/IMP of Legal Framework of ADR/JS/(Res)/2022/LJCP dated 26-09-2022 whereby an Alternative Dispute Resolution Committee was constituted for implementing the legal framework of ADR in Pakistan. Hon'ble Mr. Justice Ejaz ul Ahsan is the Chairman of the Committee whereas a Judge of each High Court is its Member. Hon'ble Mr. Justice Adnan Iqbal Choudhry represents Sindh High Court in the Committee. Terms of Reference of the Committee are as under:

- to make and forward recommendations to the Federal and Provincial Governments to expedite subordinate legislation under their respective laws. In addition, the progress on the recommendations shall be placed before the National Judicial (Policy Making) Committee and the Provincial Justice Committees for consideration;
- to sensitize the Federal and Provincial Governments to expeditiously fulfill their responsibilities under respective ADR laws, *inter alia*, establishments of the ADR centers, nominations of accreditation and certification authority, and notification of panels of neutrals, mediators, conciliators, arbitrators, and experts and to cater for other infrastructural and human resource requirements;
- to urge High Courts to invoke the provisions of ADR laws and mechanisms

wherever applicable in respective jurisdictions;

- to arrange training sessions through the Federal Judicial Academy and the Provincial Judicial Academies in collaboration with LJCP on ADR for Judges and other stakeholders including lawyers, experts professionals, etc.;
- to sensitize the Pakistan Bar Council, Provincial Bar Councils, and the District Bar Associations to create awareness about ADR mechanisms and also encourage and arrange training of lawyers;
- to create awareness amongst the general public about the legislative and structural framework of ADR and its benefits. For this, LJCP shall conduct workshops and other advocacy campaigns in collaboration with other stakeholders; and
- any other initiative required to meet the objectives of the ADR legislative framework.

❖ After the constitution of the Committee a Working Group was notified vide Notification No.06(1)/2022/WGADR/JS-A/LJCP dated 11-01-2023, Mr. Hayat Ali Shah, Director General, Federal Judicial Academy is the Chairman of the 'Working Group' whereas Mr. Fakhar Zaman was nominated as its Secretary, Mr. Muhammad Shahid Shafiq, Senior Faculty Member, Sindh Judicial Academy was nominated one of its Members. Every Academy has representation in the

Committee whereas Mr. Nasarullah Khan, Joint Secretary, Law & Justice Commission is also a Member of the Working Group. The Mandate of the Working Group is:

1. Development of comprehensive & uniform curricula on ADR legal framework in Pakistan.
2. Development of training modules in a coordinated manner to avoid overlapping activities.
3. Identification of pool of experts/trainers.
4. Development of bench book on ADR for Judges.
5. Development of a handbook for lawyers, mediators & judges.

❖ The Hon'ble Chairman of the ADR Committee convened a meeting of Federal and Provincial Judicial Academies. It was scheduled on 14-12-2022 in the Conference Room of the Supreme Court of Pakistan. The Working Group was assigned the following Timelines for the completion of its task:

S. No.	Activity	Timeline
1)	Development of Training Module/Content on ADR Framework	2 <sup>nd</sup> Week of January 2023
2)	(i) Identification of ADR Experts (certified) (ii) List of Participants/groups for ADR Training	3 <sup>rd</sup> Week of January 2023
3)	Training Proposals	4 <sup>th</sup> Week of January 2023
4)	Launch of Training	February 2023

❖ A meeting of the Working Group was held on 02-01-2023 to discuss the single-point agenda "Finalizing Comprehensive Curriculum and Module for Training on Alternative Dispute Mechanism". Sindh Judicial Academy was assigned to prepare the first draft of the proposed curriculum and module. It was submitted a timeline and after deliberation and suggestion, it was revised. ADR Committee meeting was held on 02-02-

2023 and every Academy submitted a progress report they made in January 2023. The meeting was attended by Hon'ble Mr. Justice Adnan Iqbal Choudhry and Mr. Muhammad Shahid Shafiq. It was informed to the Committee that two ADR Centres will be set up in Sindh and out of them one will be used in Singh High Court premises whereas the other will be set up in City Court Building. Their refurbishment work is in progress. It was also informed that 12 Judges from the District Judiciary and 12 Advocates from the Bar have been trained and their services would be used to act as mediators in the Court Annexed Mediation Centres. During the meeting, the Hon'ble Chairman advised planning & imparting an online training program for the District Judiciary Judges so that they may know the importance of mediation and would be able to identify appropriate cases that may be referred to Court Annexed Mediation Centres or any other trained mediator. On such directions, a request was made to the learned Registrar, Hon'ble High Court of Sindh whereby online pieces of training were proposed for all Senior Civil Judges and Civil Judges and judicial Magistrates. Sindh Judicial Academy intends to conduct all online pieces of training during February 2023.

### **Brief Introduction to Training**

❖ In the context above, the Sindh Judicial Academy arranged a "One-Day Online Training Program on Alternative Dispute Resolution: Referral Mechanism" on 18 February 2023 at Sindh Judicial Academy (SJA). In this interactive/practical session, 29 Senior Civil Judges attended.

### **Salient Proceedings**

❖ In the Introductory Session, Mr. Muhammad Shahid Shafiq and Mrs. Munawwar Sultana (District & Sessions Judges/Senior Faculty Members, SJA) jointly introduced/conducted the following topics/activities:

- Why this course/session?
- Decisions of 'ADR Committee' headed by Hon'ble Mr. Justice Aijaz ul Hassan, Judge Supreme Court of Pakistan.
- Trainees introduction.

❖ In the First Technical Session (Alternative Dispute Resolution Mechanism), **Mr. Muhammad Shahid Shafiq** and **Mrs. Munawwar Sultana** (District & Sessions Judges/Senior Faculty Members, SJA) jointly discussed the following topics:

- Concept of Mediation.
- Procedure and stages of Mediation.
- Question Answer Session.
- Post-Assessment.

❖ In the Second Technical Session (Provincial Legislation), **Mr. Muhammad Shahid Shafiq** and **Mrs. Munawwar Sultana** (District & Sessions Judges/Senior Faculty Members, SJA) jointly discussed the following topics:

- Introduction to existing law.
- Question Answer Session.
- Post-Assessment.

❖ At the end, of the Third Technical Session, **Mr. Muhammad Shahid Shafiq** and **Mrs. Munawwar Sultana** (District & Sessions Judges/Senior Faculty Members, SJA) also jointly discussed the following topics with role play video:

- Stage of referral.
- How to identify cases appropriate for mediation?
- Relevant orders and case diaries.
- Post-Assessment.