

CONCEPT NOTE

4th Provincial Judicial Conference

Judiciary: Aspirations, Reality and Future Needs

CONCEPT PAPER:

Organizing 4th Provincial Judicial Conference-2019 with the object that the justice sector actors to discover techniques to perform more proficiently and cost effectively aiming to satisfy public at large. In an age the increasingly demand more judicial interventions to solve the increasingly complex and sensitive issues, society leaves to be settled by the judiciary the need for these types of conference of all the stake holders is greater than ever. This conference of Sindh Judicial Academy is jointly organized by justice sector institutions viz Sindh Judicial Academy, High Court of Sindh, Home Department and Prosecution Department.

EXECUTIVE SUMMARY

This paper describes a two-days Provincial Judicial Conference, to be held in Karachi, Pakistan. The conference will consider several aspects of the academy's role and legacy over the past two decades, and over the years to come. There will be a focus on several key areas: the SJA's overall accomplishments and challenges its encounters; its contribution to the promotion of the rule of law in the province; judicial integrity and code of conduct for judges working for District Judiciary; the mechanisms of victim and witness protection and facilitation while appearing in courts; challenges facing due to defective investigation and prosecution; legislative initiatives in civil procedure code some other and Bar & Bench relation specific out comes such as better management and less costly litigation as well as greater confidence in the Judiciary viz a viz tolerance.

The conference will be attended by approximately 200 people, comprising senior SJA faculty members, justice sector stakeholders and international experts and academics. At least two-thirds of participants will be from the district judiciary. The goal of the conference is to facilitate dialogue, debate, and awareness about the judicial system's successes and the challenges it has faced. More concretely, the event is expected to provide the SJA a direct input from the communities about what then expectation from the judicial system. Other goals are to share the activities of SJA and soft reform proposals and to finalize it with the input of experts/technocrat. The conference will include panels for debate and analysis, as well as consultative/working meetings which will identify issues for discussion during the second day of the conference.

The conference will be an opportunity for policy makers to engage with a geographically and ideologically diverse cross-section of justice stakeholders actors and to strengthen working connections with each other.

INTRODUCTION

This occasion offers an opportunity for local and national stakeholders to apprise the achievement of SJA and High Court accomplishments, and to consider future role of judiciary in administration of justice. Participants will include justice sector senior officials, a group of litigants, private and official witnesses. Stakeholders involved in rule of law will include lawyers, judges, and representatives of civil society organizations. Such a diverse range of attendees means the conference will include both supporters and critics of the judicial system.

CONFERENCE COMPONENTS AND STRUCTURE

The conference will be held over two days, and its structure has been designed with the aim of ensuring both targeted deliberations and decision-making by the most active stakeholders, as well as a broader debate on key topics, encompassing everyone in attendance. The conference will also feature a number of opening speeches, as well as a keynote address. The keynote address will set the tone

for the conference, and lay some of the groundwork for all of its debates and deliberations. After Keynote speech six presenters will present their papers/studies. Each speaker will be given 20 minutes time to share points of his study. Finally, the conference will include two side events known as Consultative/working meetings, to facilitate informal exchange and discussion of the main conference topics. The consultative/working meetings will be covering the issues of-

- i. Identifying gap in justice system affecting end beneficiary and suggest corrective actions in particular to overcome white color crime connecting to terrorism;
- ii. Impact of defective investigation and prosecution on trial;
- iii. Victim and witness facilitation and cooperation system in investigation, prosecution and judicial departments of the province.
- iv. Role of judicial academies in improving criminal justice system in particular white color crime
- v. Setting up one window operation, e-court and e-archiving within district judiciary and special courts;
- vi. Judicial integrity and code of conduct for district judiciary and role of district judge as ‘leader’; and
- vii. Refining the scheme of Code of Civil Procedure, 1908.

SPEECHES

Opening Speeches- The conference will begin with brief welcoming speeches by SJA representative and co-host. The speeches will preview some of the main issues and questions of the conference. Four speakers will share their views. In this session and duration would be 20 minutes.

Keynote Speech- The conference will feature a keynote speech by the Director General, followed by a 15 minutes question and answer session. The keynote speech will explain the last year progress and challenges faced or cooperation received. The worthy Director General’s speech will delineate the key themes and questions of the conference, and will incorporate issues including the rule of law. Annual Report 2018 will be presented to the Chairman, Board of Governors, Sindh Judicial Academy.

The conference will feature two working/consultative meetings, which will be held on the first day of the event. Each meeting will be attended by a variety of relevant stakeholders, including local governmental and non-governmental representatives, international stakeholders, witness/victims' representatives, and relevant experts. The consultative meetings, followed by presentations, offer the possibility for targeted deliberation and decision-making with respect to some of the most pressing issues related to the judicial system. The conclusions reached at the consultative/working meetings will serve as a basis for the discussions to follow on the second day of the conference, during the panel sessions.

CONSULTATIVE MEETINGS

Consultative/working meeting 1: Depending upon the participants, the meeting may further be divided into three groups and each group will be assigned a task for deliberation and formulation of recommendation on each subject. This group will be discussing on following issues:

- a. Identifying gap in criminal justice system and impact of defective investigation and prosecution on trial;
- b. Victim and Witness facilitation and cooperation system in investigation, prosecution and judicial departments of the province;
and
- c. Role of judicial academies in improving criminal justice system in particular white color crime.

A draft prepared by SJA in consultation with the speakers to amend CPC would be shared with the meeting and their view will be noted. An attempt would be made to finalize a draft for submitting before the Rules Committee of High Court of Sindh for consideration. Presenter's presence would be necessary in the consultative meeting and he will be mainly responsible for incorporating suggestions of the group.

The ideology that no offender should go unpunished and no offence should go unchecked will also be discussed in first consultative meeting. The presenter shall prepare his paper with recommendations and the meeting shall after deliberations may propose some addition or deletion in the research paper presented by the speaker. Final product would be used by the Prosecutor General as policy document and guidelines for the prosecutors.

This meeting will also discuss the paper presented on Bar & Bench cooperation and coordination. Expectation of Bench from Bar and similarly expectation of Bar from Bench would be formally discussed. The recommendations would be used by the Bar and Bench as declaration.

CONSULTATIVE/WORKING MEETING 2: This meeting shall discuss following issues:

- i. Setting up one window operation, e-court and e-archiving within district judiciary and special courts;
- ii. Judicial integrity and code of conduct for district judiciary and role of district judge as ‘leader’; and
- iii. Refining the scheme of Code of Civil Procedure, 1908.

SJA will use the opportunity created by the gathering together of all the relevant regional and international stakeholders, to provide adequate time and space for them to discuss papers/studies, and to reach concrete conclusions about the ways to take the process further. The goal of the working meeting will be for the participants to create a mixed governmental/civil society working group, which would then move the process forward, possibly under the auspices of Provincial Committee of Law Commission of Pakistan working under the chairmanship of Hon’ble Chief Justice, High Court of Sindh.

PRESENTATION OF THE GROUPS

Each group's representative will present his recommendations on the topic of deliberation before the Guest of Honor. Each group will have 10 minutes to present group work and explicitly apprise that the idea of the presenter is or is not workable and if it is appropriate, how much changes are necessary in the original work of the speaker. The presenter shall justify the proposal as to how it would benefit the society in long run.

PENAL DISCUSSION

The conference will include a panel discussion which will be held on its second day. This will allow for the outcomes of the previous day's working meetings to be presented to, and discussed by, a wider audience. Panels will last for one and a half hours, including extensive time for questions and discussion. They will be chaired by experienced moderators, who will be prepared to actively facilitate discussion. Panel members will speak briefly (five to seven minutes each) and the remaining time will be open for discussion.

This panel will consider the SJA's role in strengthening the rule of law in the province. It will look at the SJA initiatives in the region, the example set by its jurisprudence, and its contributions to transitional justice. As well as assessing the SJA's impact panel members will consider ways in which the SJA can, through its legacy, continue to contribute to the development of the rule of law, in particular legal education. It will also consider what complementary activities or mechanisms could undertake in the future. Panelists will include the representatives of the High Court, Sindh Judicial Academy, Prosecution Department, Home Department (police and prison), representative of district judiciary, an international organization and an academic institution.

FILM SCREENING

The conference will include a screening of a documentary film, titled 'My Expectation' which has been produced specially for this event. The film will examine the crucial role of stakeholder while handling victims and witnesses.

INFORMAL NETWORKING AND DIALOGUE

Just as important as the structured aspects of the conference is a space for informal conversation and networking among conference participants. The conference will bring together a wide range of participants who may not have interacted before, including senior officials, lawyers and judges, and representatives of groups from across the country that may not usually attend law related events. The conference will therefore offer opportunities for dialogue between diverse participants who have a broad spectrum of perspectives and level of involvement with the work of the Academy.

BENEFITS OF THE CONFERENCE

The participation of senior officials in a local conference is a strong symbol of the SJA's focus on the impact of its work on the provincial issues. As the SJA prepares to complete its mandate, the conference will be an occasion to look back over the preceding twenty years of the SJA's work, and forward to the legacy the SJA leaves behind. The conference will be an opportunity to recall both the SJA's successes and its shortcomings from the perspective of individuals in the region. An important outcome of this conference will be the discussions, conclusions and recommendations, about the ways in which judicial bodies, both provincial and national, can continue to strengthen the rule of law throughout the country. Particular attention will be given to the issue of victim/witness protection and support, and the mechanisms to introduce in provincial court. Existing practice to this end will be examined and shall find more effective ways to replicate the idea.

The conference will create a forum for creatively planning further rule of law projects, and strengthening accountability mechanism. The event will draw attention to the SJA's commitment to engaging with all stakeholders, and to addressing the challenges that continue to face the province. Finally, and perhaps most importantly, the conference will bring a wide variety of stakeholders from across the country into contact with each other, thereby allowing for open dialogue and the forging of partnerships that may serve the SJA's goal of facilitating long-term stability and strengthening the rule of law in the country.

PARTICIPANTS

A total of 200 persons comprising of:

- Litigants and others indirectly involved in the judicial processes
- Hon'ble Judges of apex courts and Judicial Officers
- Leading lawyers
- National and international legal academics
- Dignitaries from the Government
- Members of legal education institutions
- Members of national and international NGOs
- Members of print and electronic media
- Members of Court staff

Proposed Venue: Pearl Continental, Karachi

Date and time of event: 09.00 a.m. to 05.30 p.m. on 17th January 2019.
09.00 a.m. to 2.00 p.m. on 18th January 2019