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Press Release

Today, i.e. the 24th of June, 2019, a Meeting of the National Judicial (Policy Making) Committee (NJPMC) was held under the Chairmanship of Hon'ble Mr. Justice Asif Saeed Khan Khosa, Chief Justice of Pakistan/Chairman, NJPMC in the Committee Room of the Supreme Court of Pakistan, Islamabad.

The meeting was attended by the Hon'ble Members of the NJPMC including Hon'ble Chief Justice, Federal Shariat Court, Mr. Justice Muhammad Noor Meskanzai, Mr. Justice Waqar Ahmad Seth, Chief Justice, Peshawar High Court, Mr. Justice Athar Minallah, Chief Justice, Islamabad High Court, Mr. Justice Sardar Muhammad Shamim Khan, Chief Justice, Lahore High Court.

Further, on special invitation, the meeting was also attended by Hon'ble Mr. Justice Jamal Khan Mandokhail, Senior Puisne Judge, High Court of Balochistan, Mr. Justice Irfan Saadat Khan, Senior Puisne Judge, High Court of Sindh, Mr. Justice Mamoon Rashid Sheikh, Senior Puisne Judge, Mr. Justice Qaiser Rashid Khan, Senior Puisne Judge, Peshawar High Court, Mr. Justice Aamer Farooq, Senior Puisne Judge, Islamabad High Court, Mr. Justice Allama Dr. Fida Muhammad Khan, Alim Judge, Federal Shariat Court. Dr. Muhammad Raheem Awan, Secretary, National Judicial Policy Making Committee (NJPMC) convened the meeting.

The meeting was also attended by Mr. Sohail Nasir, Director General Monitoring Cell/District and Sessions Judge, Islamabad and Mr. Hayat Ali Shah, Director General, Federal Judicial Academy (FJA), Islamabad on special invitation. Moreover, Ms. Humaira Masihuddin, representative of the Asian Development Bank (ADB) Ms. Valerie Khan, Executive Director, Group Development Pakistan (GDP) alongwith team member Mr. Sharafat Ali Chaudhry, Advocate, also attended the meeting on special invitation.

The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC welcomed the participants and stated that the NJPMC being a statutory body has taken-up the task for reforming the justice sector and in this context, the Model Courts have also been established throughout the country, and which initiative has proven successful with respect to providing speedy disposal of cases. He further stated that no stone would be left unturned for providing expeditious justice to the general public which is also a constitutional requirement.

Mr. Hayat Ali Shah, Director General, FJA presented the Expeditious Justice Initiative-II (EJI-II) regarding strategy for establishment of the Model Civil Appellate Courts (MCAC)

and the Expeditious Justice Initiative-III (EJI-III) regarding strategy for establishment of the Model Trial Magistrate Courts (MTMC) before the Committee. He stated that under the EJI-II, it is proposed that the MCAC may be introduced in all District of Pakistan. In this regard, the respective High Courts may nominate the Presiding Officers/Additional District Judges. He further stated that initially, the MCAC would be entrusted with appeals against orders, civil revisions, appeals in rent and family cases. The nominated judicial officers would be entrusted with 100 old cases at a time.

The office would be responsible for scrutiny of the appeals at the time of institution for any deficiency moreover, the judges would conduct a preliminary hearing for settling all technical and legal issues. The Courts would effect service through modern devices and the scheduling conference will be held on the day respondent appears. No adjournment would be granted and Miscellaneous Application to be decided before the final decision except where the disposal merits in the final judgment. Record in appeals against orders and revisions will not be requisitioned and certified copies would be attached, moreover, judgement would be announced not later than three days after conclusion.

He further stated that under the EJI-III, the Model Trial Magistrate Courts (MTMC) are proposed to be established in all districts. He said that MTMCs would consist of pre-trial magistrate who would conduct all pre-trial proceedings and trial magistrates who would only conduct trial. The MTMC shall be presided by magistrate empowered under section 30 Cr. P.C in each district/ sub division according to work load. The MTMC would be assigned 100 cases at a time and initially only old hurt cases would be assigned although the District and Sessions Judge may allocate any category of cases. The MTMC would summarily announce judgment in case of plea of "No Contest" otherwise the trial scheduling would take place. Mr. Hayat Ali Shah sought the approval of EJI-II and EJI-III initiatives which was unanimously granted and it was approved that the respective High Court shall nominate judicial officers within two weeks for giving effect to the EJI-II and EJI-III. The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC emphasized that during training, the nominated judicial officers may be sensitized with respect to disposal of appeals in-limine which are not maintainable.

The Hon'ble Chief Justice, Lahore High Court stated that in every district of Punjab a Model Court is operational since 2017, while the Civil Appellate Model Courts are operating since 2018. The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC remarked that the other provinces may also follow the model of Punjab.

The Hon'ble Chief Justice, Peshawar High Court stated that for establishment of the MCACs more judicial officers would be require upon which the Hon'ble Chief Justice of Pakistan/Chairman, NJPMC remarked that although recruitment of new judicial officers is prerogative of the provincial government, however, the High Court could make administrative decisions for making MCACs operational for example in district where there are four or five Additional District Judges, one of them could be allocated as MCAC in the district which has low number of judicial officers.

The Secretary, NJPMC apprised the Committee in respect of its earlier directions regarding filling-up of vacant posts in the Administrative Tribunals and Special Courts. The Secretary, NJPMC presented statistics whereby it was informed that since 31-12-2018, a considerable number of vacancies are still lying vacant in the Administrative Tribunals and Special Courts causing impediment in the dispensation of justice. The Committee directed the Secretary, NJPMC to approach the Federal and Provincial Governments and convey its concern regarding non-implementation of earlier directions of NJPMC, which has statutory backing, with respect to filling-up of vacant posts in the Administrative Tribunals and Special Courts.

The Secretary, NJPMC briefed the Committee about the proposal of the ADB regarding establishment of Special Courts for Gender Based Violence Cases against Women and Children across the country. He briefed the Committee about the implementation plan of ADB for setting up of the aforementioned courts. The Committee deliberated upon the issue and resolved that the High Courts would be asked to nominate a judge of the High Court as focal person for Gender Based Violence Courts moreover, the High Courts may also be asked to nominate a District and Sessions Judge/Addl. District and Sessions Judge from each district for training at the Federal Judicial Academy in collaboration with the ADB. The Hon'ble Chief Justice, Islamabad High Court remarked that for the success of GBV Courts government ownership is necessary in the shape of requisite infrastructure.

The Secretary, NJPMC also briefed the Committee about the action plan submitted on behalf of the GDP regarding establishment of the Juvenile Justice and Child Courts in Pakistan. He briefed the Committee about the relevant juvenile and child related laws in Pakistan and informed that the Juvenile Courts are operational in Lahore and Peshawar and as per proposal of the GDP such courts require to be established in Pakistan. The representative of the GDP also made presentation regarding the need for establishment of Child Protection Courts and also submitted a work plan in this regard. The representative committed that the GDP would sponsor the infrastructure requirement of Child Courts at the Provincial Capitals, ICT, Mardan and Abbottabad, moreover, the GDP would also provide training to the nominated Judicial Officers in consonance with the issue.

The Committee deliberated upon the issue and agreed in principle that Gender Based Violence and Child Protection Courts, as per statutory requirements, may be established in every district however, keeping in view the paucity of judicial officers, in the first instance, the Child Courts may be established in the provincial headquarters and Islamabad. Moreover, the High Courts may nominate judicial officers for training by the GDP.

This press release can be down loaded from the website, i.e. www.ljcp.gov.pk.

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