

## **A Report on**

***2019 BILATERAL SEMINAR FOR JUDGES FROM PAKISTAN FROM  
18<sup>th</sup> June to 1<sup>st</sup> JULY 2019 AT National Judges College Beijing,  
CHINA.***



**Prepared by;**

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- The Seminar was held in the National Judges College, Beijing-China. The main purpose was to learn the Judicial system of China, its evolution and the present structure.
- I would like to pay my gratitude to the Vice-President and the Director International Affairs of the NJC who took us for a comprehensive visit of the NJC's facilities including academic block, library, dining halls, judges hostel and classrooms. It was a big training and education campus and we were told that almost 600 judges were getting training at that time. The classrooms were also large enough to take up large number of judges at one time. This is only due to the reason that China has a judiciary with thousands of judges and thus every time a large number of judges come to receive training at different campuses of the NJC.
- Overall, the visit was much fruitful and educative particularly in the wake of the China Pakistan Economic Corridor (CPEC) and the Belt and Road Project (BRP) of the Chinese Government where huge investment is made in Pakistan for developmental work, Pakistani judiciary also needs to understand the Chinese laws and their legal / judicial culture for better understanding of these hand-shakes. We have even heard that on account of huge Chinese investment in Pakistan under the CPEC, the two countries may be in need of a dispute resolution mechanism in case of any dispute arising out of these projects.
- The main objective of the Seminar was to familiarize the participants about the judicial system of China and the reforms made in it, besides sharing information on the overall national condition and governance of the country. The participants were given a detailed presentation of the judicial hierarchy inclusive of civil, criminal and administrative legal systems operational in China. The Seminar also provided a forum and afforded mutual opportunity to make a comparative analysis of their judicial systems inter se and with that of the China.

- It was heartening to see that the Judiciary in China, like ours, is comprised of four tiers, viz, (i) Supreme People's Court, (ii) Higher People's Court, (iii) Intermediate People's Court, and (iv) Local People's Court. There are also, in addition to it, Special People's Courts like Military Court, Maritime Court, Intellectual Property Court, Financial Court etc. Equality before law, use of native language in litigation, public trial, and two-tier trial are the basic principles of their justice system. The Supreme People's Court supervises the administration of justice by the local people's courts at various levels and by the special people's courts. The power of judicial interpretation also vests in the Supreme People's Court.
- Nevertheless, it appeared that in China the concepts of constitutional democracy, separation of powers, and judicial independence are not taken and applied, to the extent and with the scope as they are in western Common Law countries.
- A general introduction to China's National Condition and Chinese legal culture was presented by Justice Huyunteng. We were given a comparison about the history of the doctrine of rule of law in Chinese culture with that of the modern one being practiced in China. We were told that the death penalty was abolished in the period of Tang Dynasty.
- Wang Xiaofang beautifully explained the organization and system of Chinese Courts. We were told about the Financial Courts and Internet Courts. It was interesting to note that in an Internet Court the maximum time given for presentation of case was 25 minutes. Moreover the concept of Collegial Panel in the People's Court comprising at least 3 judges and People's assessors was a new concept for us. Presentation by Mr. HU Tianye regarding the features of Chinese Civil Trial and civil law was very insightful particularly with regard to Codification of all the civil laws.
- Jiang Huiling explained the reforms of diversified dispute resolution in China. It was enlightening to learn that reference to Arbitration was a prerequisite for the parties before coming to the Courts.

- Dr Yang Lixin gave a thorough presentation on the characteristics of China's Criminal Justice System. The Concept of Live Trials Online by the Supreme Court was also informative. The presence of Jury system in the trial system of China was a new thing for us.
- Chen Chenchen explained the risks and opportunities of economic Cooperation along the belt and road in particular the agricultural cooperation along the Belt and Road.
- I would also mention the presentation given by Zhang Xiaojin on Intellectual Property Legal System in China. The latest landmark I.P cases were discussed with the participants.
- Visits were also arranged, for the Participants, to different places i.e. Beijing Internet Court, Doudian Mosque, Hancunhe Village, Forbidden City, Pearl Shopping Market, the Great Wall of China, Beijing Huairou District People's Court, the Goochuang Academy (experience Chinese traditional calligraphy and tea art, the Command Centre of Beijing, Yinchuan City, Ningxia Autonomous Region, the Ningxia Coal Industry Group, Imperial Tombs of Western Xia Dynasty, Shahu Lake, Flora Country Outlets, Courtrooms of Supreme People's Court and Information Centre of the Supreme People's Court. These visits gave the Participants the first-hand knowledge of court proceedings, life style of the inhabitants, and social and economic developments.
- The discussions with the Judges of Chinese Courts and other people from different segments of their society familiarised the Participants with practical aspects of the knowledge dispersed to them in lecture-rooms. The hospitality of the Management of the Seminar and the other people met there was splendid. The Seminar, overall, proved very beneficial for all the Participants in understanding the judicial system of China, their living standards and concept of governance, the thoughts and goals of their political leadership, and their achievements and vision for social and economic development.
- The purpose of any educational seminar cannot be served if one has not learnt something to be taken back and applied with

necessary modifications. I feel that the Lahore High Court in collaboration with the Ministry of Finance (Economic Affairs Division) may establish linkages with foreign training and educational institutions for learning best practices and exchange of resources and undergoing joint-projects.

- Interactive learning methodology as adopted by the National Judges College are important for adult learning. Thus, pedagogical and andragogical sciences have to be studied and applied where relevant. This is to create interest in the trainees and to raise their level of involvement in learning skills, developing attitudes and adding knowledge to their existing stock.
- To make the classroom environment a place of real learning, it must be homely, peaceful, comfortable, interactive, spacious, and free from interference. We have to learn from the Chinese experience of Future Class Room where more than one multimedia screens are installed for convenience of the participants/trainees.
- China Pakistan Economic Corridor project requires that judiciaries of Pakistan and China have to work to understand the judicial systems of the two countries. Further, mutual cooperation in judicial education exchange programs between judges and lawyers of the two countries need to be organized on regular basis.
- There is a dire need to start thematic work by the judicial education bodies on establishing a dispute resolution body with respect to CPEC disputes that may arise in future.
- Learning of Chinese law and language is to be taken up on priority basis by the judiciary and the bar to meet the challenge of future interaction with Chinese lawyers, judges and law students.

***Pictorial;***



**SUPREME PEOPLE'S COURT, CHINA**



**GROUP DISCUSSION**



