

SPEECH

BY

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PAKISTAN

AT

THE CONCLUDING SESSION OF  
THE NATIONAL JUDICIAL CONFERENCE 2010

HELD AT

THE SUPREME COURT AUDITORIUM ISLAMABAD

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My brother Judges of the Supreme Court;

Hon'ble Chief Justices and Judges of the Federal Shariat Court and  
High Courts;

Distinguished members of the District Judiciary;

Learned office bearers and members of the Bar Councils and the Bar  
Associations;

Learned members of the bar;

Ladies and Gentlemen:

Assalam-o-Alaikum!

I thank you all for your participation in this three-day National Judicial  
Conference 2010 and making it a success, which is borne out from the  
continued presence amongst us of the Chief Justices and Judges of the  
superior Courts, the Judges of the District Courts, members of the bar,  
intellectuals, scholars, academicians, members of the civil society,  
executives and the media personnel.

We are living in a fast changing world, where each and every moment  
is crucial. The big strides in the field of information technology have  
already reduced the world into a global village and made instant  
interaction among individuals and communities in different locations  
possible. Interaction, whether actual or virtual, for dialogue to address

issues is always beneficial. The developed world has usefully exploited such opportunities to their great advantage. The holding of the National Judicial Conference is now a regular annual event. Given the benefits in terms of exchange and sharing of experiences and knowledge by the participants who gather together from the length and breadth of the country at one platform, the need of organizing such events at periodical intervals cannot be overstated in the contemporary age. Such a realization was given practical shape after the National Judicial (Policymaking) Committee (NJPMC) was established under the National Judicial (Policymaking) Committee Ordinance, 2002. The NJPMC is mandated, *inter alia*, to improve the capacity and performance of the administration of justice and to set performance standards for judicial officers and persons associated with performance of judicial and quasi – judicial functions. I am happy that the Judges of the superior Courts and other stakeholders have, at the platform of the National Judicial Conference, held thorough discussions and deliberations on the topics chosen for this year's Conference and have formulated their recommendations, which will go a long way in bringing about the much needed improvements in the system of administration of justice. These recommendations will be placed before the NJPMC in its next meeting for a follow up action and will also be published for information of the general public.

Litigation is a last resort. It is resorted to out of compulsion for vindication of rights and redress of grievances. Litigation is a costly proposition. It eats up time and money of the litigants, which could be utilized elsewhere more beneficially for the welfare and well being of mankind. The litigants are of two types: the wrongdoers and the wronged ones. The former enter litigation with ulterior motives and illegal and unscrupulous gains while the latter are dragged into it on account of being weak and vulnerable. It is the burden of the judicial system to administer evenhanded justice to all. It has to ensure that the mighty and the resourceful do not get along at all costs on the strength of his resources and manoeuvrings and the weak and the downtrodden do not suffer on account of lack of resources, illiteracy, ignorance and innocence. The judiciary has to hold the scales even.

The judiciary is a pivotal pillar of the State. It has to be strong enough to shoulder the structure of the State not only from its own location, but it has to provide strength to the other pillars as well. The question is from where will it get the requisite strength – from outside or from within? To me, the inner strength of the judiciary will enable it to play its role in the governance of the country. The inner strength, in turn, lies in the strength of character and professionalism of the persons manning the judiciary. In saying so, I do not differentiate between the members of the bench and the bar. It is to this end that all our efforts and all our resources must be directed to.

By the Grace of Allah Almighty, in the successful holding of the three-day National Judicial Conference 2010, we have achieved the primary objective of sharing of knowledge and experiences and close interaction among the judges of the superior judiciary as well as the district judiciary, the members of the bar and other stakeholders of the system of administration of justice, so as to be able to formulate new strategies to meet the challenges facing the system. The effort is to enhance performance and obtain maximum output from the judicial officers. With the launching of Judicial Policy, we have already initiated all necessary steps and measures for bringing about an overall improvement in the system. Adherence to norms of judicial propriety and code of conduct is a key objective of the Policy. In exercise of the powers vested in them under Article 203 of the Constitution, the High Courts are having effective and meaningful control and supervision of the subordinate courts. Various incentives have been provided for exemplary performance by the judicial officers. Simultaneously, the High Courts should be prompt to initiate disciplinary actions against the delinquents whose cases should also be dealt with expeditiously, both at the inquiry process as well as the appeal stage. Just as we lay stress on quick justice for litigant parties, we should equally be conscious of the need for prompt decisions in the cases of judicial officers involved in disciplinary proceedings or proceedings with Judicial Service Tribunals. At the same time, the judicial officers should also be protected against false accusations, considering that while deciding cases, a judge makes many enemies. The party losing the case may nurture ill-will against the judge and this at times may lead to accusations. The requirement is to administer even-handed justice.

There has been a consensus that the number of judicial officers at the level of the district judiciary in particular is not commensurate with the amount of litigation at that level. We will be examining in detail this aspect of the matter in next meetings of the National Judicial (Policymaking) Committee in the light of the recommendations of the Law Commission Reports as well as the deliberations of NJPMC and other bodies on this issue. While timeframe for the disposal of different categories of cases has already been provided in the National Judicial Policy, there is a need to allocate a certain number of cases to each court and rationalize the cause lists of the courts. Cause lists spreading over pages and pages and the long queues of litigants in and outside the courtrooms complicate matters and waste the court time. It also creates a setting for the unscrupulous elements (touts) to exploit the situation, and frustrate the litigants because the vast majority of cases would be adjourned to another date. A mechanism is required to be put in place whereby cases may be transferred from a court entrusted with a large number of cases to a court having smaller number of cases subject to the provisions of the relevant laws. Alternatively, the strength of Judges at stations with heavy pendency can also be augmented. Dispensation of justice is the most serious affair. The process has to be undertaken in a conducive environment. We have to pay attention to the quantitative performance, but at the same time, we cannot lose sight of the qualitative aspect because after all, the rights and entitlements of the people are at issue before the Courts, which have to be determined in accordance with the mandate of the Constitution and the law with utmost care and caution.

The function of the Judge is to decide cases brought before him according to law and in a just and fair manner. It is the concern of the Judge to find out truth, which can successfully be done by a competent and a professional Judge alone. In the modern times, sound legal education, effective training, provision of adequate infrastructure in terms of courtrooms, libraries, trained staff, use of computers, internet facility together with adequate living standards, etc., are the factors conducive to making the judges competent and professional, reduce delays and quicken the process and pace of trial of cases. However, I must add here that there is a difference in bare necessities of life and

greed. While it is possible to meet the former, it is impossible to satisfy the latter. On the one hand, the State is obliged to ensure reasonable standards of living in the society, and on the other, to provide mechanism to eliminate corruption, it is primarily for the individual concerned to develop a habit of self-evaluation and self-accountability. Only then he would be able to safeguard himself from the evils of corruption, nepotism and greed, which exist, not in any particular institution, organ or country, but the entire globe is afflicted with them. The difference is only of degree. Corruption is inhuman; it is against one's honour, it is against one's dignity and it should be against the ego of an honourable and a respectable man. Let us make it a matter of prestige, honour and ego, and finally a national challenge to combat corruption, uproot it from our soil and disband it from our ranks. We need to have around us men and women who are incorruptible. All the stakeholders of the system must take responsibility for this, and I am glad to see that all of them are present here showing that they are committed to eradicating the problems of delays, mismanagement and corruption. Poverty and ignorance abound in the less developed world. The people are not destined to live in it for ever. The status quo, which negatively operates against the poor and in favour of the powerful ones, must be broken. Fortunately, the Constitution is in force and there is a flourishing democracy in the country, so there are prospects to improve things and reform the system in a way to put the State and the society on the path of progress and development. Every individual and every institution must play its due role in the process. All the State institutions, i.e. Legislature, the Executive and the Judiciary have to play their collaborative role effectively, strengthen each other rather than hampering the functioning of the other and come up with plans and policies to end disparity, discrimination, exploitation and injustice. The judicial system must work independently and in an impartial manner so as to meet the expectations of the people that their disputes are resolved timely and fairly, their grievances are redressed and their rights are secured wherever the issue of their determination arises, be it before a judicial forum or any other authority or functionary of the State.

Human resources, capital, means of production including modern technologies in the different fields are the factors responsible for economic development in any society. However, the economists have pinpointed various other factors, e.g. investment in infrastructure, education coupled with skill development, research and innovation, consistency in industrial/labour policies, congenial working environment, political stability and efficient administration of justice, equally contributing to economic growth and development. Thus, a reformed legal system and independent judiciary has always been the hallmark of industrial revolution and economic development. Lord James Bryce in his book *Modern Democracies*, said,

“There is no better test of the excellence of a government than the efficiency of its judicial system, for nothing more nearly touches the welfare and security of the average citizen than his sense that he can rely on the certain and prompt administration of justice.”

Back to the proceedings of the Conference, let me state here that as a result of the discussions and deliberations of the different working groups of the Conference, certain recommendations have been formulated, the gist of which is reflected in a Declaration. I am pleased to read the Declaration: -

Ladies and Gentlemen: we are passing through a transformative phase. There are difficulties and problems of great magnitude, but certainly they are not insurmountable. The destination of peace and progress lies in front of us – not much ahead of or away from us. We have to stick to our struggle and hold our ground. Insha' Allah, we will definitely succeed.

Before I conclude, I must appreciate the dedication and commitment of the organizers of the National Judicial Conference 2010, the members of the Law & Justice Commission and the Supreme Court of Pakistan, rapporteurs, volunteers, law students and internees, who worked day and night to make this mega event successful. I extend my heartiest congratulations to all of them. I am sure, they will be making similar contribution in the other activities that may be organized in the future with a view to strengthen the system of administration of justice in the country.

In the end, I would like to thank you all once again for your participation in the National Judicial Conference, 2010. I wish you safe journey home and success in all your endeavours. Thank you very much.

Pakistan Painsa'bad!