

ADDRESS

BY

MR. JUSTICE MIAN SAQIB NISAR

CHIEF JUSTICE OF PAKISTAN

ON THE OPENING CEREMONY OF

THE JUDICIAL YEAR 2018-2019

OF

THE SUPREME COURT OF PAKISTAN

HELD ON 10TH SEPTEMBER, 2018

AT

THE SUPREME COURT OF PAKISTAN BUILDING, ISLAMABAD

Brother Judges; Mr. Anwar Mansoor Khan, Attorney General for Pakistan; Mr. Kamran Murtaza, Vice Chairman, Pakistan Bar Council; Pir Syed Kalim Ahmad Khurshid, President, Supreme Court Bar Association; Members of the Bar; ladies and gentlemen – Good morning and *Assalam-o-Alaikum!*

It is with great pleasure that I welcome you all to the commencement of the new judicial year. This occasion is significant for myriad reasons – it is a time for reflection on the year that has passed, for starting anew and building up on what we have achieved so far. It is also, I believe, a time to be hopeful, optimistic, idealistic and to set high aims for our legal community as a whole. Yes, idealistic and optimistic because it is only when we aim for the moon that we reach the stars. When first envisioned by Allama Iqbal, Pakistan was an unachievable goal translated into reality by the tireless efforts and countless sacrifices of our ancestors under the leadership of Quaid-e-Azam, Muhammad Ali Jinnah. There is no valor in being complacent, no wisdom in limiting our potential by aiming low and certainly no nobility in looking down on those who aim high despite the odds. You see, time has never favored the timid, it favors only the bold and courageous.

Unfortunately, Pakistan has deviated from Quaid's vision. Bad governance and injustices have plagued the society. This can be reversed and the vision of Quaid achieved by ensuring that rule of law, transparency and accountability prevails in the country. We tried, as the guardians of the Constitution, to play our part by involving ourselves in various constitutional and human rights matters either through the Court or the Human Rights Cell. To name a few, these matters of public importance included undisclosed foreign accounts of Pakistani nationals, dual nationality of government officials and judges, non-payment of salaries to media employees, killing of members of the minority Hazara community in Quetta, inadequate medical services at various hospitals, depletion of the water table at the Katas Raj Temple and the extraction of ground water for commercial usage without payment of charges,

revamping of medical, dental and law colleges, and practical implementation of Overseas Pakistanis' right to vote via Internet-Voting. To my mind, one of the biggest feats of the Supreme Court of Pakistan was the direction to the Government of Pakistan to immediately begin construction of the Diamer-Bhasha and Mohmand Dams in order to address the issue of water scarcity and security that Pakistan currently faces. We were overwhelmed by the nation's response in the form of generous donations for this national cause and the confidence the nation placed in the Supreme Court of Pakistan. The primary concern of all these initiatives was to ensure enforcement of the various fundamental rights guaranteed under the Constitution, and while we discharge this duty, let me remind the Bar that it shares the burden of this duty with us and must contribute as counsel and *amicus curiae* to ensure that the task of upholding the spirit of the Constitution is given utmost primacy. We have spent enough time being complacent, it is now time to proactively search inwards and rectify the wrongs within the legal system.

We began last year with the resolve to lessen the daunting backlog of cases that our Court faces. While last year two esteemed members of our team, Hon'ble Mr. Justice Dost Muhammad Khan and Hon'ble Mr. Justice Ejaz Afzal Khan laid down the robes of their office, Hon'ble Mr. Justice Syed Mansoor Ali Shah, Hon'ble Mr. Justice Munib Akhtar and Hon'ble Mr. Justice Yahya Afridi were elevated to this Court and they brought with them their legal wisdom and commitment to dispensation of justice. At the start of previous judicial year, a total of approximately 37000 cases were pending adjudication in this Court out of which near to 19000 cases were decided. While this year the rate of disposal was higher than the last five years, the number of pending cases nevertheless increased slightly. A major contributing factor to the backlog of cases is frivolous litigation. Furthermore, unnecessary adjournments and customary delay tactics severely hampers the process of clearing the backlog of cases. These menaces should be seen as nothing less than poison, and should be

treated as such: removing it from the body of the Bar and Bench is vital for survival of the justice system. In the past year, the Supreme Court has been the most stringent in this context with a zero tolerance policy to any form of unnecessary delay. The maximum possible cases were fixed and heard and the Judges and the judicial staff worked, and continue to work, tirelessly, sometimes even on all seven days of the week. No stone was left unturned to expedite the process of litigation in this ultimate forum for the redressal of the grievances of the litigant public. I am also proud to say that today the support of the Bar for the Judiciary has been exemplary in the past year as they extended their cooperation to curb such menaces and their continued support is required. We must remain hopeful and aim high, resolving that the courts of the country will become symbols of unfettered justice to all our citizens and our lawyer community will become a beacon of hope for them. The common man must not suffer at the hands of the justice system – the very institution from which it seeks justice.

Other practical initiatives taken in aid of lawyers and the litigant public included the issuance of proposed cause lists in advance to enable counsel to prepare briefs and make necessary arrangements for their appearance, simplification of the process of filing of applications and capacity building through training courses at the Federal and Provincial level. Here, I am reminded of the two-day Judicial Conference held under the auspices of the Law and Justice Commission of Pakistan where some of the brightest minds from within the country and abroad deliberated upon various pressing issues and proposed prudent steps forward to overcome obstacles being faced today and those we may face in the future, to better prepare ourselves for the world of opportunities that await our country and its citizens.

Being the Chairman of the Law and Justice Commission of Pakistan it has been my priority to make the most of this statutory forum to maximize communication between the Judiciary and the Executive to fill in, as much as

possible, the lacunae in various laws and to remedy the discrepancies prevalent in implementation of the law. I am delighted to announce that till date, the Commission has approved 138 law reform reports for consideration of the Legislature, out of which 74 legislative reforms are in the process of implementation. One of the initiatives taken through the Commission is that of police reform, whereby a Police Reform Committee was constituted comprising of serving and retired senior police officers which came up with a concrete proposal for a uniform model law with the primary objective of giving the police optimum independence, freeing it from the handcuffs of extraneous influences. Other reforms include the drafting of a bill by a committee formed to safeguard the rights of children and prohibit their employment at delicate ages. Another committee was formed to suggest legislative safeguards for the rights of trans-genders through the formulation of an inclusive policy framework. Furthermore, on the basis of deliberations of all the stakeholders, a comprehensive report has been prepared for the issuance of uniform guidelines for effective implementation of the Transplantation of Human Organs and Tissues Act, 2010 in the country. The three branches of Government owe it to the citizens of Pakistan to work together to appreciate our goals and objectives as provided in our Constitution, without stepping on each other's' toes and interfering in the functions of the other. However, it is imperative that we plan for the nation with some interaction so that no one branch of Government is unduly disadvantaged, unfairly affecting administration of justice to the common man.

In the end, I would like to once again thank all of you for coming to this event and reaffirming your faith in this institution for its efforts regarding dispensation of justice and establishing rule of law in the country. The purpose of this speech was certainly not to simply regurgitate the initiatives the Supreme Court of Pakistan has undertaken in all humility, but to remind every single one of us of our duty to the citizens of this nation and the possibilities

that lie ahead with respect to fulfilling those duties. This takes me back to the point I made in the beginning about having high hopes and being fearless and valiant. Therefore, let us free our minds from the preconceived notions of what is achievable. While we step into this new judicial year, let us resolve to overcome the obstacles we face today. Let us aim high and achieve the maximum. We come from a nation of brave-hearts. So let no mountain seem unsurmountable, for we, as a nation, have a history of succeeding despite the odds. *Pakistan zindabad!*