

**ADDRESS**

**BY**

**MR. JUSTICE GULZAR AHMED  
SENIOR PUISNE/CHIEF JUSTICE DESIGNATE,  
SUPREME COURT OF PAKISTAN**

**IN THE**

**FULL COURT REFERENCE**

**HELD IN HONOUR OF**

**THE RETIRNG**

**CHIEF JUSTICE OF PAKISTAN  
MR. JUSTICE ASIF SAEED KHAN KHOSA**

**ON**

**20<sup>TH</sup> DECEMBER, 2019**

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Mr. Justice Asif Saeed Khan Khosa, the Honourable Chief Justice of Pakistan

My Honourable brother Judges of this Court.

Ch. Amir Rehman, Additional Attorney General for Pakistan

Syed Amjad Shah, Vice Chairman, Pakistan Bar Council

Syed Qalb-i-Hassan, President, Supreme Court Bar Association

Distinguished Members of the Bar

Other distinguished guests

Ladies and Gents

Asalaamalaikum,

We are all assembled here today to give reference to Mr. Justice Asif Saeed Khan Khosa, the Hon'ble Chief Justice of Pakistan, on his laying down robes of the office as a Judge of this Court, on attaining the age of retirement, as fixed by the Constitution of the Islamic Republic of Pakistan, 1973.

2. Mr. Justice Asif Saeed Khan Khosa, the Hon'ble Chief Justice of Pakistan does not need any introduction, for that, he is known all over Pakistan, so also in many other countries abroad,

as one of the distinguished and most learned scholar, who as a practicing advocate, so also as a Judge of the Lahore High Court, as a Judge of the Supreme Court and then as the Chief Justice of Pakistan, has made a deep impact in the jurisprudential growth of law in Pakistan. My Lord is a person of extraordinary intellect, unmatched integrity and outstanding erudition.

3. Today, the curtain falls on My Lord's distinguished career, as an advocate of eminence and a Judge par excellence. My Lord takes his place amongst his illustrious predecessors in the pantheon of this country's finest judges, many of whose portraits adorn the walls of this very Courtroom.

4. Born on 21.12.1954, Mr. Justice Asif Saeed Khan Khosa, the Hon'ble Chief Justice of Pakistan, graduated at the top of his class from the University of Punjab in 1973 and then went on to receive a Tripos and LLM from the University of Cambridge in 1977 and 1978,

respectively. He was then called to the Bar at the Honourable Society of Lincolns Inn in 1979, subsequently, he entered in practice as an advocate. My Lord, as an advocate, has mostly practiced on Constitutional and Criminal side, but has also vast experience in dealing with the cases on other subjects of law. In all these varied specialties in law, My Lord has excelled. Over 600 reported cases, in which My Lord has appeared as a counsel, is a testament of the excellence of His Lordship. Having excelled as a distinguished Advocate, soon My Lord was considered for elevation as a Judge of the Lahore High Court. My Lord was elevated as a Judge of the Lahore High Court on 21.05.1998 and then as a Judge of the Supreme Court on 18.02.2010.

5. What began in the Lahore High Court, all those years ago, has now evolved into a renowned judicial career spanning over nearly two decades. During which, His Lordship has not only decided

tens of thousands of cases but has also found time to write several books and teach.

6. A judge of uncommon literary and legal ability, the substance of My Lord's judgments is only matched by their incomparable style. Truly, never before, in the history of our Nation, have judicial opinions been incorporated, so fully, into the national vocabulary. Clear, lucid and often sprinkled with literary allusions, My Lord's decisions have been a delight to read, for both those, within the legal profession and those without. These decisions have served momentous additions to the tapestry of our national jurisprudential story.

7. Especially, in the realm of criminal law, My Lord has done the Nation, a great service, by clarifying once murky questions and ensuring that the criminal defendants have access to the procedural protections, necessary for justice to prevail.

8. Indeed, My Lord has always been a great proponent of the law and has always strived to decide cases, strictly in accordance with law. His Lordships' motto has always been that a judge is required to decide the case in accordance with law.

9. In Khizar Hayat case (PLD 2019 SC 527), My Lord has written a monumental opinion dealing with famous legal maxim "falsus in uno, falsus in omnibus". My Lord has explained that not adhering to this legal maxim, has created serious social conditions, where witnesses were given licence to tell lies or to mix truth with falsehood and burden shifted upon the Court of sifting grain from chaff. My Lord has empathetically held that telling lies and falsehood is a perjury and should be dealt with in accordance with law and that the Islamic principle as enjoined in the Holy Quraan, does not permit telling of lies and giving of false evidence in Court. Again, while heading a seven member Bench of

this Court in the case of Muhammad Yousaf (PLD 2019 SC 461), My Lord has dealt with a very burning issue prevalent in our criminal jurisprudence that who is the “Wali” in the cases of “Qisas” and who is the “Heir” in the cases of “Tazir” and thus, is entitled to compound the offence. Similarly, in the case of Ghulam Hussain (Criminal Appeal No.95 of 2019), where My Lord was heading a seven member Bench of this Court, revisited the definition of the term “Terrorism” as given in the Anti Terrorism Act, 1997 and while elaborately discussing it, has laid down as to what “Terrorism” will amount to under the said Anti Terrorism Act. In the case of Ameer Zeb (PLD 2012 SC 380), while heading a five member Bench of this Court, clearly laid down the law that as sentence in Narcotics cases is based upon quantum of recovery of Narcotics, there should be no room for doubt as to the exact quantity of Narcotic substance recovered. Sample taken of the recovered substance must be representative

sample of the entire substance recovered and if no sample is taken from any particular packet/cake/slab or if different samples taken from different packets/cake/slab are not kept separately for analysis by the Chemical Examiner than the sample would not be a representative sample and it would be unsafe to rely on mere word of mouth of prosecution witness.

10. In the office of the Chief Justice of Pakistan, My Lord has ventured upon many innovations to ensure effective and fast delivery of justice. Especially, in criminal cases, without making any amendments in law, My Lord has contrived establishment of Model Courts throughout Pakistan, for deciding the criminal cases on fast track basis and it is noted with delight that the establishment of Model Courts, for dispensation of criminal justice, have delivered miraculous results.

11. My lord has ventured establishment of Model Trial Magistrate Courts and Model Civil



Appellate Courts, throughout the Country. Further, My Lord has evolved mechanism for training of District & Sessions Judges and Additional District & Sessions Judges, funded by Asian Development Bank, for redressing and dealing with Gender-Based Violence cases, and in this regard, has established, with the aid of Asian Development Bank, special Courts for dealing with the Gender-Based Violence.

12. My Lord has embarked upon redressal of complaints in the criminal justice system and by empowering the Superintendent of Police of the relevant area, to deal with them, before the parties knock at the doors of the Sessions Court or the High Court. This complaint redressal system, has produced tremendous results, in that, thousands of complaints, which used to pile up in Courts and burden its docket have substantially been reduced. The complaint redressal mechanism has also expedited granting of relief to the complainants.

13. My Lord has also established a Police Reforms Committee, to ensure that the establishment of Police, all over Pakistan, establish law and order and redress the issues of the people of Pakistan, effectively, and to rebuild its image and inspire confidence in the people, to cooperate with and give effective assistance to the police, in dealing with the issues of crimes, etc.

14. In the Supreme Court, My Lord has ensured that no criminal appeal remains pending in this Court. This objective My Lord did achieve to the great relief of the parties, involved in criminal appeals.

15. My Lord has established a very comprehensive Research Centre, in this Court, which provides up-to date information on case laws, not only that of Pakistan but also from foreign jurisdictions. This Research Centre is a key addition to the Supreme Court and will go a long way in addressing the issue of research for

the judges, which is a very essential and delicate part of their functioning.

16. My Lord has also ventured in harnessing the power of Information Technology and by this, has gone on to connect the Supreme Court with the rest of the Country. We now have Video Linked Courtrooms, Supreme Court's Mobile Application, Telephonic Help Line and much improved Website. A kiosk providing upto date information of cases has also been installed for the assistance of advocates and litigants. These initiatives, by My Lord, have put the Court a step forward, to meet the requirements of the 21<sup>st</sup> Century.

17. The new traditions and tools, introduced by My Lord, for effective dispensation of justice and early resolution of disputes between the parties, are both admirable, laudable and has great amount of conviction. Such new traditions and tools, introduced by My Lord, which have delivered so much relief to the people, should not

only be continued but are more built upon, expanding their canvas to all branches of litigation, ensuring expeditious disposal of cases across the board.

Ladies and Gentlemen

18. Rule of law, protection of Constitution and independence of the judiciary, are the foremost tasks with which this Court is constantly confronted with. This Court has, in the past, addressed these challenges and shall continue to address these challenges with all due dignity and profoundness.

19. The Constitution of Pakistan, is a living document, based upon trichotomy of powers between the Executive, Legislature and Judiciary, and the system of checks and balances is well entrenched in our polity. The preamble to the Constitution, the fundamental rights and the principles of policy, as enshrined in the Constitution, are for the benefit and protection of the people of Pakistan, in all affairs of their life

and vocations, and the State is required, not only to ensure such protection to its people, but also to ensure that the people of Pakistan are given their share in the social and economic wellbeing, and avenues for it are constantly created, so as to make their lives more better day by day.

20. The most essential need of the time is that the State should build and provide for civic infrastructure so also the civil infrastructure, and such should be done and achieved, keeping in line the time and pace of the ever-progressing world. Humanistic approach, needs and has to be adopted, at all levels, not only by the State, in performance of its functions, but such humanistic approach also needs to be inculcated at all levels of the society for the healthy growth of the Nation. All State functionaries are required to focus on the above counts and ensure deliverance to the people. Corruption and illegalities, in all the departments of the State, need to be seriously addressed and eliminated, and the persons

involved in such activities, are dealt with deterrence for this is the most basic and fundamental scrooge that does not allow the Country to grow and prosper.

Ladies and Gentlemen

21. Bench and the Bar are considered as co-extensive bodies, and to me, there is no gain in saying that there should not be any difference or misunderstanding in them nor should such thing be visualized. Both, the Bench and the Bar, need to be restricted and respect to their respective functions and show restraints in their mutual dealings, so as not to cause obstruction for the smooth functioning of justice delivery system.

22. My Lord, you have always been an inspiration for this Court, you are a soft spoken and cool person, and a good friend and colleague. All of us, on the Bench, thank you for the unforgettable marks, you have left in our hearts and minds, to be cherished. My Lord, your presence on the Bench, will be sorely missed, as

even the best of things must end, “passing through nature to eternity” (Hamlet). I wish you and your family, the best for your future endeavors, and pray that the years ahead, will bring you even more joy and success.

Thank You.

Pakistan Zindabad