

National Judicial Conference

Introductory Remarks

by

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Hon Chief Justice of Pakistan;

Hon Judges of the Supreme Court;

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

Distinguished Office Bearers of the Bar Councils and Bar Associations;

Government Officers;

Delegates;

Ladies and Gentlemen!

It is my profound privilege to welcome you all to this inaugural session of the National Judicial Conference. As you know, the Conference has been convened under the auspices of National Judicial (Policy Making) Committee (NJPMC). This is the 3rd Conference in series, organized in as many years. The 1st Conference was held in February 2007 and the 2nd in July 2009. And those of you who have been attending these conferences would remember that the thrust of these events is to debate issues and problems confronted by the system of administration of justice. The purpose is to identify and cover gaps and remove irritants, which impede the process of smooth dispensation of justice.

Every system has potential to reform and improve. Improve it must, to keep pace with changing times and emerging realities. Human imagination to improve and develop, has no limits. This is done partly, through the process of exchanging views, sharing ideas and learning from each other's experiences. New and innovative methods and techniques can be evolved to improve the functioning of the justice system. It is precisely for this purpose, that we have invited you, the relevant professionals, experts, functionaries as well as stakeholders of the justice system, to get feedback and input on issues vital to the efficient functioning of the system.

This assemblage is a wholesome combination of wise judges and leaned members of the bar. Present here are also experienced professionals, connected with the system of administration of justice, in their capacity as law officers, prosecutors, investigators and custodians of undertrial prisoners. Included amongst you are also the knowledgeable professors of law and opinion makers representing the media, civil society and human rights organizations. It makes this assemblage a fairly representative gathering of all relevant stakeholders, with credentials to suggest reform and improvement of the justice system.

I need to stress the point that a common thread runs through this series of conferences. They are not a fora merely for interaction or debate and discussion. They are planned in a way to be purposive and result-oriented. They are geared towards debating and discussing the pertinent issues and problems, faced by the system with a view to finding solutions thereto.

Therefore, in between the inaugural and concluding sessions, the Conference participants break into groups for a thorough and indepth discussion on the given themes. The eight themes are:

1. Ways to Improve Implementation of the National Judicial Policy
2. Alternative Dispute Resolution
3. Legal Education
4. Use of Information Technology in Courts
5. Expeditious Disposal of Cases: Obstacles and Remedial Measures
6. Elimination of Corruption in Judiciary: Measures for Effective Supervision and Accountability
7. Simplification of Exhaustive and Cumbersome Procedures
8. Responsibility of Judges, Lawyers, Police, Prosecution and Litigant Public in Dispensation of Justice

Some of the topics were discussed in the earlier conferences also, but continue to pose a challenge to human ingenuity to discover new and

innovative methods of reform and modernization to helping the justice system to remain current, relevant and be able to deliver. The remaining themes are new to the Conference.

Another point I would like to stress, is that the work of the NJPMC does not come to an end with the conclusion of the conference. It continues. The conference recommendations and the papers presented therein, are published. Such publication is widely disseminated. The recommendations are also examined and scrutinized for implementation. The one's which are related to other institutions or departments are forwarded there for consideration, asking for report of compliance or otherwise. And wherever the NJPMC is competent to implement, it is done. An example is that the suggestions and recommendations of the July 2009 Conference have since been considered and appropriate changes brought in text of the National Judicial Policy. The revised edition of the Policy has since been published and forwarded to courts for implementation. Copies of the said Report have also been provided to you as part of the Conference material.

A brief account of the composition and functions of the NJPMC would be in order. It is a statutory body, established in 2002 and is the country's apex judicial forum, responsible for formulation of national judicial policy for courts at all level of judicial hierarchy. It is headed by Chief Justice of Pakistan, with Chief Justice, Federal Shariat Court and Chief Justices of High Courts as Members. The Secretary, Law and Justice Commission is designated as its Secretary. The Committee is required, *inter alia*, to prepare and implement judicial policy for courts as well as administrative courts and tribunals. The functions of the Committee are:

1. Improving the capacity and performance of the administration of justice;

2. Setting performance standards for judicial officers and persons associated with performance of judicial and quasi-judicial functions;
3. Improvement in the terms and conditions of service of judicial officers and court staff, to ensure skilled and efficient judiciary; and
4. Publication of the annual or periodic reports of the Supreme Court, Federal Shariat Court, High Courts, courts subordinate to High Courts, Administrative Courts and Tribunals.

The National Judicial Policy, launched from 1st June 2009 is a major initiative of the NJPMC. The Policy aims at achieving three goals:

First, strengthening judicial independence by ensuring its separation from the executive so as to dispense justice free, fairly and impartially. That is why the National Judicial (Policy Making) Committee decided that in future no Chief Justice will take oath as Governor and that is why Judges and Judicial Officers working on executive posts were withdrawn.

Second, the Policy aims at ensuring strict compliance with Code of Conduct prescribed for judges and eradication of corruption from judiciary. Justice and corruption are incompatible and cannot cohabit, but unfortunately do, and especially in the Kachehry (district judiciary). The Policy, therefore, has given a new mechanism to check corruption. The Honourable Chief Justice of Pakistan has announced, more than once, his zero-tolerance for corruption. The anti-corruption strategy is vigorously pursued.

Third, the Policy also aims at reducing and ultimately eliminating the huge backlog of cases that has accumulated over the past decades. It is a difficult goal, but I am confident that the commitment of the honourable Chief Justice of Pakistan and the determination of the National Judicial (Policy Making) Committee and with the cooperation of members of the bar, Insha Allah, the objectives would be achieved. Unnecessary delays in litigation would be eliminated. The practice of frequent adjournments being sought and liberally granted would be discarded. This will pave the way for bringing the justice sector in Pakistan coming closer to the justice sector in advanced countries, where trials are timely completed in a reasonably short period of time.

The operation of the Policy is closely monitored. I am happy to share with you the disposal figure of the past 10 months i.e. from 1st June 2009 until 31st March 2010.

Disposal Figure by Superior and Subordinate Courts					
	Pendency on 1-6-2009	Institution (1-6-2009 to 31-3-2010)	Total	Disposal (1-6-2009 to 31-3-2010)	Balance on 31-3-10
Supreme Court	18392	13779	32171	14761	17410
Federal Shariat Court	1993	828	2821	1066	1755
Lahore High Court	109833	93444	203277	88148	115129
High Court of Sindh	24044	20160	44204	13944	30924
Peshawar High Court	12470	13181	25651	10406	15245
High Court of Balochistan	4068	3624	7692	2514	5178
All High Courts	150415	130409	280824	115012	166476
Subordinate Courts-Punjab	1255755	1586413	2842168	1887614	954554
Subordinate Courts-Sindh	142084	183416	325500	219302	106472
Subordinate Courts-N.W.F.P.	157236	231930	389166	271955	117679
Subordinate Courts-Balochistan	9632	33188	42820	36589	6243
All Subordinate Courts	1564707	2034947	3599654	2415460	1184948
Grand Total	1735507	2179963	3915470	2546299	1370589

As is obvious from the quoted figures, the disposal rate of courts across the entire spectrum of judicial hierarchy has increased as compared to performance in the previous years. The disposal figure by the Subordinate Courts is unprecedented. These courts are, by and large, on the track in meeting the 1st Policy goal i.e. that all old cases (cases filed until 31st December 2008) shall be decided in one year. The courts in the Province of Balochistan have wiped out the entire backlog of old cases. The disposal rate is 96%, indeed the remaining 4% are held up on account of stay orders from higher forum or remand cases. In the Province of the Punjab, 69% of the cold cases have been decided, whereas in the Provinces of Sindh and the NWFP, the disposal rate is 64%. But there are still 2 months to go and we anticipate that all old cases in the subordinate courts would be decided by the end of June or July 2010.

This is an important achievement and would be a huge relief to the litigant parties, awaiting decisions of the pending civil and criminal cases. I

should also inform that 90% of the pending litigation is in the subordinate courts and only 10% in the Supreme Court, Federal Shariat Court and High Courts.

The same result could not be achieved at the level of superior courts, for the reason that as a result of the Supreme Court landmarked judgment in the case of Sindh High Court Bar Association v Federation of Pakistan (PLD 2009 SC 879), more than hundred judges of the Supreme Court and High Courts were laid off. The vacancies in the High Courts were not timely filled, thereby impacting negatively on the disposal rate. But still these courts worked hard to reduce the pendency. You will find benches of the superior courts working as late as until 4:00 or 5:00 or even 6:00 p.m. to maximize disposal. The Lahore High Court has disposed of 42% of the old cases, High Court of Balochistan 35%, Peshawar High Court 24% and High Court of Sindh 17%.

A point to remember is that the achievement has been by remaining under the given legal and procedural framework and utilizing the existing resources. I recall an observation by the Hon Chief Justice of Pakistan at the launch of the National Judicial Policy. He said, “we cannot wait for some ideal situation. We cannot wait for laws to be amended or funds to be made available. We should do what we have to, and can. And we will cover gaps, if any, with our sincere efforts, dedication and hard work.”

But this is not to say that no resources are required. As a matter of fact, the judiciary is always deficient of the funds and resources needed to manage the twin problems of backlog and delays in the justice sector. The Access to Justice Programme made some impact, as infrastructure of subordinate courts improved somewhat. But a great deal needs to be done. Litigation is increasing by the day and therefore the strength and capacity of the courts has to be augmented to face the challenge. The

judiciary - the third pillar of the State – is not getting its requisite share of funds. Total allocation to the justice sector is less than 1% of the expenditure of the Federal and provincial budgets.

The people have high expectations of the judiciary to resolve their disputes and redress their grievances. There is a pressing need for the courts to enforce fundamental rights, restore claims and punish the criminals so as to have a positive impact on law and order situation and maintenance of peace and security in the Society. This will in turn improve governance, increase trade and commercial activities and investment, so vital for economic growth and social development.

Before I conclude, let me thank once again the Hon Chief Justice of Pakistan and other distinguished legal and judicial luminaries for attending the Conference. I am sure that we all would be greatly benefited from the learned discourse and deliberations in the Conference. Thank you ladies and gentlemen, for your participation.