



A MESSAGE FROM  
MR. JUSTICE ANWAR ZAHEER JAMALI  
THE HONOURABLE CHIEF JUSTICE OF PAKISTAN

70<sup>TH</sup> INDEPENDENCE DAY

1. On behalf of the Judiciary of the Islamic Republic of Pakistan, the Law & Justice Commission of Pakistan, the National Judicial (Policy-Making) Committee and the respective Provincial Justice Committees, I would like to extend my heartiest felicitations to the citizens of Pakistan on this the 70<sup>th</sup> Independence Day.

2. There is no doubt that the last many years have been particularly testing for both citizens, and the justice sector to respond effectively to rule of law challenges. Whilst we of course recognise that more needs to be done, I would like to share some of the key achievements and the efforts being made to respond to the challenges within the limitation of given resources.

3. In view of the challenges confronting the State and the justice sector, it is critical that there is a basic national consensus at the institutional level on vital issues that affect the stability and security of the State and citizens. The rule of law must be foremost amongst these considerations. In order to enable such inter-institutional dialogue, we took the initiative by inviting the Hon'ble Chairman of the Senate of Pakistan to the Supreme Court of Pakistan to talk at the First Jinnah Lecture on the importance of institutions, which the Hon'ble Chairman graciously accepted.

4. On 30<sup>th</sup> November 2015, as head of the Judicial Branch, I as Chief Justice of Pakistan responded to the Chairman of the Senate's invitation and

addressed the Senate's Committee of the Whole on justice reforms. These are historic events that set a new precedent, which we hope will translate into a positive convention of inter-institutional dialogue to develop a consensus on vital issues. It is also indicative of institutions becoming confident in implementing their mandates.

5. In order to affect change, we need to first move our institutional thinking to be more critical about our performance and be reform minded to devise and implement suitable solutions.

6. Like other public sector institutions, the Judiciary tended to focus narrowly on adjudication as its core function. But given the challenges and justice sector role in State and society, we are moving to appreciate our role and the law in the wider context. We are focusing on the need to be innovative and proactive to reach out to citizens. These are qualitative shifts.

7. For instance, we are beginning to take a much broader view to better understand the demand side to appreciate citizens' justice needs and thereby strengthen the justice supply chain accordingly, quality assuring justice services and being more strategic in our planning and service delivery. I am hopeful that these efforts will bring about much needed changes.

8. During the last twelve months, the Judiciary has tried to reach out to citizens to learn about their justice needs. On 3<sup>rd</sup> December 2015, we held an event in the Supreme Court of Pakistan to learn about the state of disability rights in Pakistan and to hear directly from the disabled persons about their personal experiences and difficulties. Similarly, on 10<sup>th</sup> December 2015, the Judiciary came forward to commemorate the international Human Rights Day by reminding the State and citizens about the importance of the Constitution in the development of State and society, focusing on the Preamble, Fundamental Rights and the Principles of Policy for protecting individual's interests and entitlement that are essential for life and dignity, and for informing public policy and legislation.

9. Moved by citizens' inability to have access to justice, we are committed to supporting the implementation of Sustainable Development Goal 2016 on access to justice and are supporting the development of the Rights Safety Net initiative that aims to provide real local support to citizens in distress by combining formal and informal capacities and mechanisms to ensure access to justice. The Rights Safety Net includes efforts to enhance citizens' awareness about their rights and complaint systems, and empowering citizens to assert their rights and claim their entitlements. To this end, the Law & Justice Commission of Pakistan is working with the Supreme Court of Pakistan's Human Rights Cell and the Higher Education Commission to focus on youth and children as well as Benazir Income Support Programme and Pakistan Poverty Alleviation Fund to focus on the poor and vulnerables' justice needs. It is our obligation, as State institutions, to proactively reach out to the citizens to deliver on the promise of Pakistan including the provision of "inexpensive and expeditious justice".

10. It is often noted, with ample justification, that many good laws on the Statute Book are not implemented; many law reform reports are gathering dust resting on shelves and promising initiatives have simply fizzled out due to weak implementation. Hence, we need to prioritise the crisis of weak implementation and enforcement that is resulting in untold violations of Fundamental Rights and needless suffering, which is less a matter of law reform and more about improving the quality of our organisations and service delivery.

11. The justice sector is a multi-organisational sector that needs the different organisations to work together effectively to deliver on their respective mandates. We have individual organisations such as the courts, police and prosecution with their departmental/organizational leaders but there is no justice sector leadership. At the provincial justice sector level also there was no institution to coordinate and focus on justice sector performance.

12. For this purpose, we have operationalised the Provincial Justice Committees that bring together the Judicial and Executive branches of the State to review performance and implement reforms to improve the quality of service delivery. Headed by the provincial Chief Justices with members including justice sector departmental and organizational heads who possess the necessary authority to take organizational and operational decisions and implement reforms. Citizens are therefore entitled to expect the sector and organisational leadership to deliver improvements in justice services. The first task for the Provincial Justice Committees is to develop their respective roadmaps for change, based on proper assessments.

13. By providing a provincial sector level body, these initiatives essentially strengthen inter-organisational dialogue and coordination, and thereby policy and planning functions to improve service delivery.

14. At the Judicial level, the Supreme Court of Pakistan directed the Executive in relevant cases relating to prisons and the police to take measures to reduce mal-administration in the system and notify transparency standards that will serve to improve the quality of justice services to enhance the enforcement of Fundamental Rights.

15. Whilst we cannot afford to be complacent, at the same, we need to critically reflect on our achievements, needs and directions for change. Over the past year, the modest steps taken reflect a significant change in our thinking and ambition to serve this nation. Whilst we are trying to strengthen our core functions, we are moving to take a more strategic view, thinking in the medium to long-term and focusing on improving the quality of our organisations, management and service delivery. In my view these are prerequisite for change as we continue to build on them.

16. As head of the Judicial Branch of the State, I hope that you will be able to appreciate these modest but significant initiatives as a promise for

more improvements to better meet citizens' justice needs. We must admit that there is much that we are learning about, for example, the concept of a justice supply chain and the demand side for justice services, improving our leadership and managerial capacities that creates opportunities for reform. I hope that you will take this as evidence of the urgency that we feel for strengthening our justice system and our willingness to share our efforts with the citizens' of Pakistan to respond to their justice needs.

17. Lastly, we would like to take this opportunity to share two recent reports with the citizens of Pakistan, which we hope the respective Provincial Justice Committees will implement: (i) Transforming the Criminal Justice System – First National Conference of the Provincial Justice Committees and (ii) Towards a National Policy and Strategy for the Application of Information technology in the Justice Sector – Situational Analysis and Discussion Paper.

18. Whilst these initiatives may not be unique, in that other countries have developed coordination mechanisms such as the United Kingdom's National Justice Crime Board and are employing information technology to improve service delivery, they are certainly innovative in our context. As we focus on strengthening our core institutional functions, we are keenly aware that our reforms must contribute to strengthening our overall system of administrative governance based on the supremacy of Constitution and the rule of law. As observed by the Hon'ble Chairman of the Senate, a missing part of our history is inter-institutional dialogue and it is from this point that we are making strenuous efforts to move forward. And indeed, we are hopeful that these efforts will result in change evidenced by improved justice services.

19. I shall close by wishing the citizens of Pakistan a happy 70<sup>th</sup> Azadi Mubarak with the words of Quaid-i-Azam, Muhammad Ali Jinnah [*Message to the Nation (24<sup>th</sup> October 1947)*]:

“My message to you all is of hope, courage and confidence. Let us mobilize all our resources in a systematic and organized way and tackle the grave issues that confront us with grim determination and discipline worthy of a great Nation.”

Pakistan zindabad.

Justice Anwar Zaheer Jamali

Chief Justice of Pakistan