



F.1/2/JS/NJPMC/LJCP
March 11, 2019

Qasim Aslam Minhas
Research Officer
Law and Justice Commission of Pakistan
Government of Pakistan

Press Release

Today, i.e. the 11th of March, 2019, a Meeting of the National Judicial (Policy Making) Committee (NJPMC) was held under the Chairmanship of Hon'ble Mr. Justice Asif Saeed Khan Khosa, Chief Justice of Pakistan/Chairman, NJPMC in the Committee Room of the Supreme Court of Pakistan, Islamabad.

The meeting was attended by the Hon'ble Mr. Justice Gulzar Ahmed, Senior Puisne Judge Supreme Court of Pakistan on special invitation. The meeting was also attended by the Hon'ble Members of the NJPMC including Hon'ble Chief Justice, Federal Shariat Court Mr. Justice Sheikh Najam-ul-Hassan, Hon'ble Chief Justices of the Provincial High Courts including Mr. Justice Ahmed Ali M. Sheikh, Chief Justice High Court of Sindh, Mrs. Justice Tahira Safdar, Chief Justice High Court of Balochistan, Mr. Justice Waqar Ahmad Seth, Chief Justice Peshawar High Court, Mr. Justice Mr. Justice Sardar Muhammad Shamim Khan, Chief Justice Lahore High Court and Mr. Justice Athar Minallah, Chief Justice Islamabad High Court. The meeting was also attended by Mr. Sohail Nasir, District and Sessions Judge, Islamabad and Mr. Hayat Ali Shah, Director General Federal Judicial Academy, Islamabad. Dr. Muhammad Raheem Awan, Secretary, Law and Justice Commission of Pakistan (LJCP) convened the meeting.

The meeting started with the recitation from the Holy Quran. The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC, welcomed all the participants, specially Hon'ble Mr. Justice Gulzar Ahmed, Senior Puisne Judge Supreme Court.

The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC, stated that under Article 37 (d) of the Constitution of Islamic Republic of Pakistan, the provision of expeditious and inexpensive justice is ensured, therefore, in-line with the said Constitutional mandate 'Expeditious Justice Initiative' model courts would be established at district level throughout the Country which would conduct the trials on day to day and continuous basis. He informed that no adjournments would be granted by the Model Courts and a trial schedule would be issued for observance of lawyers and prosecutors, who would also give details of their juniors/replacements so that the trial may be concluded with in time frame. The attendance of witnesses would be ensured through special process servers. The SP-Investigation of each district shall act as focal person for the Police Department at district level, who shall liaise with the process cell. The In-charge of the investigation of each Police Station shall be responsible for production of all witnesses (except medical witnesses) and case property. For timely production of medical witnesses, the Secretaries of the relevant Health Departments would be approached.

Moreover, in case the lawyers engaged in the trials before the Model Courts are to appear in the Superior Courts on the same day, then the said Superior Courts upon production of certificate by the lawyer to appear before the Model Court on the same day would be spared by the Superior Courts. It was further stated that the initiative aims to achieve its object within the existing legal frame-work and available resources.

Furthermore, the initiative is likely to be extended to all criminal courts in the Provinces and Islamabad Capital Territory under the supervision of the Chief Justices of the High Courts. Furthermore, it was informed that a monitoring and evaluation cell under the supervision of the Hon'ble Chief Justice of Pakistan/Chairman, NJPMC to oversee the execution of the initiative would be set-up. He further stated that the progress of the said initiative would be reviewed after every two months.

It was further informed that initially old murder/narcotics cases would be assigned to the Model Courts and qualified and dedicated staff would be provided to the Model Courts.

Prior to this, Mr. Sohail Nasir, District and Sessions Judge, Islamabad and Mr. Hayat Ali Shah, Director General, Federal Judicial Academy, Islamabad briefed the Committee regarding the inception of Model Courts in Punjab in 2017 and informed that initially a few courts were designated as model courts with Criminal work, which was proven to be a successful initiative of judiciary. It was also briefed that under the patronage of the Hon'ble Chief Justice of Pakistan/Chairman, NJPMC an 'Expeditious Justice Initiative' has been drawn. The basic purpose of the initiative is to introduce a time bound mechanism for trial of case in line with the Constitutional requirement of dispensation of expeditious and inexpensive justice.

The Hon'ble Chief Justice stated that the concept of model courts was earlier introduced in Punjab with successful results and which model could be adopted throughout the Country and through which trials may be concluded with in few days.

The Hon'ble Chief Justice of Pakistan/Chairman, NJPMC stated that currently courts of the Sessions Judges and Additional Sessions Judges, under the Code of Criminal Procedure, 1898, are burdened with cases relating to giving directions to the Police Authorities for registration of case. His-lordship stated that the above referred jurisdiction tantamount to involvement of judiciary in executive functions and is in-collision with the principle of separation of powers. The Secretary, NJPMC briefed the Committee that from 01-01-2017 to 28-02-2019, a total number of 614307 cases under section 22 A/22 B Cr.P.C., were filed in the District Judiciary throughout the Country, while during the same period 47029 cases under the said provisions were filed in the High Courts.

The Committee also resolved that since a Police Complaint Redressal Mechanism, as per recommendations of the Police Reforms Committee, has been operationalized at district level in all over Pakistan, which is headed by SP Complaints, therefore, applications under section 22 A Cr.P.C., may not be entertained by the Courts unless accompanied by decision of the relevant district SP Complaints. The Secretary, NJPMC briefed the Committee that during January, 2019 till date, a total number of 25426 complaints have been disposed of by the Complaint Redressal Centers of Police Department.

The Committee also considered issue of vacant posts in the Administrative Tribunals and Special Courts working under the Federal and Provincial Jurisdictions. Dr. Muhammad Raheem Awan, Secretary, LJCP briefed the Committee that despite directions of the NJPMC from time to time, a large number of vacancies of presiding officers and other staff are still existing in the aforementioned Tribunal and Courts. He informed that a total of 438 posts are lying vacant in the Administrative Tribunals and Special Courts working under Federal jurisdiction consisting of 33 Presiding Officers and 405 other officers/staff. Moreover, 950 posts are lying vacant in the Administrative Tribunals and Special Courts working under Provincial jurisdiction consisting of 21 Presiding Officers and 929 other officers/staff, which is causing delay in expeditious disposal of the case on one hand whereas on other it is adding in the backlog of the cases for which the judiciary could not be held responsible. The Hon'ble Chief Justice

of Pakistan appreciated the subordinate judiciary for its last year performance whereby it decided 3486606 cases reducing the backlog from 1.9 million to 1.7 million with just 75 percent working strength of the judiciary, therefore, the Committee resolved that the Federal and Provincial Governments should immediately implement the directions of the NJPMC in letter and spirit without further delay and fill-up the vacant posts in the Federal and Provincial Administrative Tribunals and Special Courts.

The Hon'ble Chief Justices of High Courts shared their concerns on non-implementation of the directions of the NJPMC and keeping the nominations pending unnecessarily which were sent by the respective High Courts under their statutory mandate by the Federal and Provincial Government

The Committee also considered issue of vacant posts in the Superior and District Judiciary and unanimously resolved that all the vacant posts (around 20 percent in Superior Judiciary and 25 percent in the District Judiciary) may be filled by the Courts expeditiously.

This press release can be down loaded from the website, i.e., www.ljcp.gov.pk.

Sd/-
Research Officer-NJPMC