

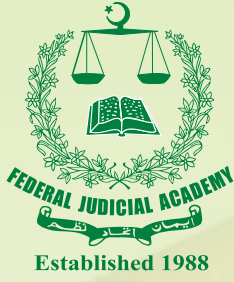


FEDERAL JUDICIAL ACADEMY BULLETIN

October - December, 2016



President Mr. Mamnoon Hussain administering the oath to Mr. Justice Mian Saqib Nisar as the Chief Justice of Pakistan in a ceremony held at the Aiwan-e-Sadr on December 31, 2016. Prime Minister, Mian Muhammad Nawaz Sharif also sitting on the stage.



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Contents

- ♦ Profile HCJP/Chairman, BoG 3
- ♦ Hon'ble Mr. Justice Mushir Alam underlines importance of employees –friendly initiatives, schemes for effective performance 4
- ♦ Hon'ble Mr. Justice Dost Muhammad Khan advises young judicial officers to become “Role Models” 6
- ♦ Justice possible only in a vigilant society: Honourable Mr. Justice Dr. Muhammad Al-Ghazali 8
- ♦ Chief Justice IHC presides over meeting of Judicial Education Coordination Committee at FJA 10
- ♦ Hon'ble Justice Mrs. Ashraf Jahan says reputation always travels faster than oneself 11
- ♦ Senior Civil Judges advised to make decisions timely, wisely, meticulously 13
- ♦ Good Laws always attract a good investment: Senior Consultant, Ministry of Law 15
- ♦ Management of Sessions Trial and Appreciation of Evidence Training 17
- ♦ Trainee Senior Civil Judges asked to exploit training opportunity to improve judicial knowledge, practice 18
- ♦ Importance of Case and Court Management, New Laws highlighted 20
- ♦ FJA builds capacity of Law officers 21
- ♦ Training is a source of learning, development: DG, FJA 22
- ♦ District Attorneys/ Deputy District Attorneys play a very important role in ensuring access to justice: DG 23
- ♦ District Attorneys/Deputy District Attorneys asked to work for promoting a new culture in their fields 25
- ♦ News in Brief 27
- ♦ Address by Hon'ble Mr. Justice Mian Saqib Nisar on the retirement of Hon'ble Mr. Justice Anwar Zaheer Jamali, Chief Justice of Pakistan 28
- ♦ HCJP's Speech (Urdu) 1

PROFILE OF MR. JUSTICE MIAN SAQIB NISAR



HON'BLE CHIEF JUSTICE OF PAKISTAN/ CHAIRMAN, BOG, FJA

Hon'ble Mr. Justice Mian Saqib Nisar was born on 18.01.1954 at Lahore; passed his Matriculation from Cathedral High School, Lahore and Graduation from Government College, Lahore, Bachelor of Law was done from the University of Punjab in the year 1979-80; joined legal profession as an Advocate on 02.05.1980, was enrolled as an Advocate of the High Court in 1982 and as Advocate of the Honorable Supreme Court of Pakistan in 1994, was elevated as the Judge of the High Court on 22.05.1998 and of the Supreme Court of Pakistan on 18.02.2010. His lordship was member of a delegation representing Pakistan in "International Youth Conference" held in Libya, Tripoli in 1973.

He had been practicing in Civil, Commercial, Tax and Constitutional Law; had appeared in large number of important constitutional cases both in the High Court and the Supreme Court. His lordship was elected as Secretary General of Lahore High Court Bar Association in the year 1991; was appointed

Federal Law Secretary on 29.03.1997 and it is for the first time in the history of the country that someone from the Bar had been appointed to this post.

Represented the Pakistan in International Conference held in Wilton Park, U.K on the subject of "Pakistan and India at Fifty". His lordship led Pakistan delegation to Manila, Philippines in a conference of the Minister level on the subject "Asia Region Transitional Crimes" and also led Pakistan delegation on Human Rights to Switzerland, besides in February, 2009 has participated in conference held in Oslo, Norway under the auspices of Pakistan community in collaboration with the Norwegian Ministry of Foreign Affairs on the subject of "Islam and Democracy" and read the paper on the "Role of the Courts in Islamic Democratic Society". His lordship also has been a part time lecturer at Punjab Law College and Pakistan College of Law, where he taught Civil Procedure Code and the Constitution.

HON'BLE MR. JUSTICE MUSHIR ALAM UNDERLINES IMPORTANCE OF EMPLOYEES - FRIENDLY INITIATIVES, SCHEMES FOR EFFECTIVE PERFORMANCE

*Promotion of human, professional values more important for effective service delivery:
Hon'ble Judge of Apex Court*

Hon'ble Mr. Justice Mushir Alam, Judge, Supreme Court of Pakistan, underlines the importance of the inculcation of soft skills and competencies such as values, attitudes, orientation, and respect for the litigants to provide effective service to the people.



He said, “A Nazir/ Budget and Accounts Examiner is a critical service arm to the court. A competent and effective Nazir/ Budget and Accounts Examiner is essential for effective fiscal management and other related matters in the court. Therefore, whatever training they are provided, it must combine all ingredients such as continuing education, research, new methods and innovations in the fiscal management and fiscal governance. I hope that this like institutionalized endeavours and trainings would be extremely helpful to build their capacity and improve behavioural competencies.”

Speaking about the innovations and newness in the courts, the honourable judge of the Apex Court enumerated and enlightened the



Hon'ble Mr. Justice Mushir Alam addressing Nazirs/ Budget and Accounts Examiners

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on “How to be an Effective Nazir/ Budget and Accounts Examiner “for Nazirs/ Budget and Accounts Examiners at the Federal Judicial Academy, Islamabad, on November 26, 2016 in which he was the chief guest.

participants with those employees-friendly schemes and projects such as Motorcycle Scheme, Insurance and others which he launched during his tenure as the Chief Justice of High Court of Sindh both in the High Court and at the district judiciary level for the welfare of the officers, court personnel, among others, within the available resources

for effective performance.

Mr. Fakhar Hayat, Director General, Federal

Judicial Academy, delivered his welcoming address and an overview of the training course.



Hon'ble Mr. Justice Mushir Alam awarding certificates to Nazirs/ Budget and Accounts.



Participants in group photo with Hon'ble Mr. Justice Mushir Alam and FJA Faculty members.

HON'BLE MR. JUSTICE DOST MUHAMMAD KHAN ADVISES YOUNG JUDICIAL OFFICERS TO BECOME “ROLE MODELS”

Hon'ble Judge of Apex Court laments “tedious” justice system

Advocating reforms in the administration of justice system, Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Dost Muhammad Khan has said that criminal justice reform was extremely urgent to save human lives and the society.



Our governance is shoddy and our administration is ineffective. We all must re-evaluate the entire system and reform it. This society needs humane, fair and effective justice system both civil and criminal justice system. If cases in the courts consume lives and generations. If a person rots in prison unjustly our system has failed. If a thousand people rot in prison unjustly our society has failed. We must have to reflect and get rid of those drawbacks and pitfalls inherited in colonial legacy of justice system.”

Advising the young judicial officers, he said, “You have to be role models, both in your personal and professional life, for others. Every day you must have access to better and update your knowledge and information about the existing and developing national



Hon'ble Mr. Justice Dost Muhammad Khan addressing trainees. DG, FJA sitting on stage.

He expressed these view in the certificate awarding ceremony at the conclusion of a one-week training course on “ Case and Court Management and New Laws” for Civil Judges-cum- Magistrates from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan, at the Federal Judicial Academy, Islamabad, on October 22, 2016.

He said, “Our Justice system is incredibly expensive. Our judicial process is tedious.

and international laws, emerging trends and skills in the administration of justice system.”

In order to sensitize the young judicial officers about learning and professional excellence, the honourable judge also quoted the thought-provoking words of two leading international figures namely (late) Nelson Mandela and (late) A. K Brohi which read as,” Education is the most powerful weapon which you can use to change the world,' and “Never consider

yourself as Perfect jurist at any stage in life. If you thought so, then, your curiosity to learn more will die. Always consider yourself a humble disciple of law to learn more.”

Fakhar Hayat, Director General, Federal Judicial Academy, in which he said that this weeklong training would have provided a lot of knowledge, information and insight about different subjects and topics discussed in it.

The welcoming address and an overview of the training course was presented by Mr.



Hon'ble Mr. Justice Dost Muhammad Khan awarding certificates to trainees.



Participants in group photo with Hon'ble Mr. Justice Dost Muhammad Khan and FJA Faculty members.

JUSTICE POSSIBLE ONLY IN A VIGILANT SOCIETY: HON'BLE MR. JUSTICE DR. MUHAMMAD AL-GHAZALI

*“Whoever is appointed judge between the people, he has been slaughtered without a knife,”
says Holy Prophet (SAW)*

Hon'ble Mr. Justice Dr. Muhammad Al-Ghazali, Member, Shariat Appellate Bench, Supreme Court of Pakistan, says that in a vigilant, wakeful and conscious society, judiciary can function successfully, not in a unconscious, slumber and unfeeling society.



He said, “In the Holy Quran, the theme of justice is all embracing. It is universal. Justice is the foundation of this universe because this universe is “universe” and not “multiverse”. Since Dispensation of justice is an attribution of Allah, the judge should always feel that he is God's representative or in Allama Iqbal's words 'a co-worker with Allah in the dispensation of justice”, and that every judicial decision is a religious act. We must learn from our failures and experiences to reform the judicial system as advocated in the glorious Quran for promotion of justice and humanity in our system.”

He also enlightened and sensitized the audience with the Criminal Justice System in Islam and the Quranic injunctions about the



Hon'ble Mr. Justice Dr. Muhammad Al-Ghazali addressing the trainees.

He expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course titled, “Criminal Trial and Appreciation of Evidence” for Civil Judge-cum-Magistrates from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on December 10, 2016, in which he was the chief guest.

supremacy of Rule of law in the society.

Advising the young judicial officers, he said, “Those who crave power, pelf, publicity, pomp and show, those are not worthy of this office. The Holy Prophet (SAW) once said, “Whoever is appointed judge between the people, he has been slaughtered without a knife.” These holy words of the Holy Prophet

(SAW) amplify and elucidate the importance of the seat of a judge. You all must ponder over and dispense justice to the justice seekers.”

As per practice, Mr. Fakhar Hayat, Director General, Federal Judicial Academy, delivered his welcoming address and an overview of the training course.

“You are trained to apply your knowledge and

skills and share your knowledge with other colleagues for effective dispensation of justice”, he concluded.”

In the end, twenty-six Civil Judges –cum-Magistrates from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan and three Officers of Pakistan Air Force were awarded certificates in the ceremony at the Academy.



Hon'ble Mr. Justice Dr. Muhammad Al-Ghazali awarding certificates to trainees.



Participants in group photo with Hon'ble Mr. Justice Dost Muhammad Khan and FJA Faculty members.

CHIEF JUSTICE IHC PRESIDES OVER MEETING OF JUDICIAL EDUCATION COORDINATION COMMITTEE AT FJA

Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice of Islamabad High Court chaired the first ever meeting of Judicial Education Coordination Committee at the Federal Judicial Academy on October 29, 2016.

The meeting was attended by Mr. Fakhar Hayat, Director General, FJA, Mr. Amanullah Baloch, Director General, Balochistan Judicial Academy, Mrs. Uzma Akhtar Chughtai, Director General, Punjab Judicial Academy, Mr. Muhammad Shahid Shafiq, Senior Faculty Member/ a representative of Director General, Sindh Judicial Academy.

The meeting dwelt upon on these agenda items such as Annual and periodic review of training syllabi and teaching methods with view to reform and improve the quality of judicial education; preparing and implementing judicial education strategy for

future growth and development of judicial education; preparing plans and strategies for maximum utilisation of logistic and academic facilities of the academies; resolving the issue of overlapping/duplication of training programmes, if any; carrying out research on legal and judicial issues and publication of research Journal, dissertation, treatise and books, etc. holding seminars, conferences and workshops for improvement of law and judicial system; systematise the process of nomination of judicial officers, court staff and other professionals for pre and in-service training; suggesting measures for requirement of judicial training for confirmation/promotion of judicial officers/court staff, with suitable incentives for the trainee officers/officials; and improving the format of ACR/PER for judicial officers/court staff, in line with their stipulated role/functions.



Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice of Islamabad High Court chairs the first ever meeting of Judicial Education Coordination Committee at FJA. DG, FJA, two DGs of two provincial judicial academies and a representative of one provincial academy also seen in the picture.

HON'BLE JUSTICE MRS. ASHRAF JAHAN SAYS REPUTATION ALWAYS TRAVELS FASTER THAN ONESELF

Strong character is vital to success in career, life: Hon'ble Justice of FSC

Hon'ble Justice Mrs. Ashraf Jahan, Judge, Federal Shariat Court, says that the reputation of a man always travels faster than oneself, therefore, as a nation we all must produce individuals of good character and reputation for this society and country.

She expressed these views in the certificate awarding ceremony at the conclusion of a one-week training course on "Management of Sessions Trial and Appreciation of Evidence" at the Federal Judicial Academy, Islamabad, on November 12, 2016, in which she was the chief guest.

She said, "We must instil noble traits like honesty, humility, responsibility, not only among our judicial officers through different capacity building trainings but also among other individuals of the society. Our society, training institutes and academies must renew their focus on character building and anything which trains individuals in strengthening their character needs to be done regularly. We should not be lazy, lethargic, selfish, and apathetic. We should not be unaware of Haqooq-Allah and Haqooq-al-Ibad (duties



Hon'ble Justice Mrs. Ashraf Jahan, Judge, Federal Shariat Court and DG, FJA in the certificate awarding ceremony.

owing to Allah and the Rights of the people). Our training institutes and academies can develop good virtues like empathy and resilience among the trainees. We must educate and enlighten our individuals that practical success depends on ones perservance, persistence and constant labour."

DG, Federal Judicial Academy, delivered his welcoming address and an overview of the training course.

Twenty-five Additional District and Sessions Judes from allover Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan were awarded certificates in the ceremony.



Hon'ble Justice Mrs. Ashraf Jahan awarding certificates to course participants.



Course participants in group photo with Hon'ble Justice Mrs. Ashraf Jahan.

***KNOWING YOURSELF IS THE
BEGINNING OF ALL WISDOM.”***

Aristotle

SENIOR CIVIL JUDGES ADVISED TO MAKE DECISIONS TIMELY, WISELY, METICULOUSLY

“Decision-making is one of the key responsibilities of every administrator, therefore, those who deal with the administration including our Senior Civil Judges, they should not shy away from making important decisions in a timely fashion because inordinate delay in decisions causes unrest among all concerned.” Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan, expressed these views in the certificate awarding ceremony at the conclusion of a one –week training course on “How to be an Effective Senior Civil Judge” for Senior Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on October 8, 2016.

He said, “It is an acknowledged fact that the Federal Judicial Academy is imparting judicial education and training in a better manner. I firmly believe that careful interpretation and application of laws at the district judiciary level would help provide relief to the people who are desperately in need of relief from injustice and pain and it can also curtail the increasing litigation before the superior courts. Our Senior Civil



A course participant speaking on behalf of participants. Registrar, SCP, DG, and Additional Director sitting on the stage.

Judges should be more careful in the interpretation and application of various laws to avoid the bludgeoning litigation in the higher courts.”

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, presented his welcome speech and an overview of the training course. “Knowledge increases by sharing, therefore, do share knowledge gained from here with others around you,” he concluded.

Twenty-six Senior Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan were awarded certificates in the ceremony at the Academy.



Registrar, SCP, awarding certificates to course participants.



Participants in group photo with Registrar, SCP, and Faculty members.

***KNOWLEDGE IS A TREASURE.
BUT PRACTICE IS THE KEY TO IT.”***

– Lao Tzu

GOOD LAWS ALWAYS ATTRACT A GOOD INVESTMENT: SENIOR CONSULTANT, MINISTRY OF LAW

To reform laws is to reform society because in the modern world the main aim of law is to reform the society and rehabilitate its offenders.



corruption-free.”

Regarding the training of law officers, he said, “Knowledge always helps and enriching the knowledge about the existing laws and updating it regarding the new laws is very crucial in this complicated world to cope with the legal challenges.’

A three-day Capacity Building Workshop/ Seminar for Enhancing Capacity of Law Officers was jointly arranged by the Ministry of Law, Justice and Human Rights and the Federal Judicial Academy, at the Academy.

Mr. Fakhar Hayat, Director General, Federal



Mr. Mohsin Abbas Syed, Senior Consultant, Ministry of Law addressing Law Officers.

These views were expressed by Mr. Mohsin Abbas Syed, Senior Consultant, Ministry of Law, Justice and Human Rights, in the certificate awarding ceremony at the conclusion of a three-day capacity building workshop/seminar at the Federal Judicial Academy, Islamabad, on October 26, 2016.

He said, “Good laws do not only attract foreign investment but also discourage the individuals from breaking the law and only good laws can keep the society crime and

Judicial Academy, delivered his welcoming address and an overview of the workshop in which he lauded the initiative of the Law Ministry and dedicated efforts of its relevant ministry officers for the actualisation of this capacity building course.

In the end, senior Consultant awarded certificates to thirty-five law officers from different ministries, divisions, corporations, among others.



After certificate awarding ceremony, Law Officers in group photo with Mr. Mohsin Abbas Syed, Senior Consultant, Ministry of Law and Faculty members.

MANAGEMENT OF SESSIONS TRIAL AND APPRECIATION OF EVIDENCE TRAINING

A one-week training course on “Management of Sessions Trial and Appreciation of Evidence” kicked off at the Federal Judicial Academy, Islamabad, on November 7, 2016.

Twenty-five Additional District and Sessions Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit- Baltistan benefited



DG, FJA sitting on the stage and Ms Saddaf Khokhar, Additional Director, conducting the stage.

from this weeklong training course at the Academy.

During training the trainees were enlightened about these subjects/topics such as Theories of Criminology, Sessions Trial, Use of Modern Technologies for Recording of Evidence, Concept of e-court, Trial of Lunatic, Appraisal of Evidence, Sentencing,

Juvenile Justice Laws, ADR- Disputes and Disputes Resolution System- Illegal Dispossession Act, New Dimensions in Medical Jurisprudence, Computer Literacy/ Orientation, among others.

Mr. Fakhar Hayat, DG Academy, delivered his welcoming address and shed light on the importance and scope of the training course.



Trainees in group photo with Faculty members.

TRAINEE SENIOR CIVIL JUDGES ASKED TO EXPLOIT TRAINING OPPORTUNITY TO IMPROVE JUDICIAL KNOWLEDGE, PRACTICE

The Federal Judicial Academy organises and conducts courses for judges and other stakeholders of the dispensation of justice system, with a view to improving the administration of justice in the country.

Mr. Fakhar Hayat, Director General, Federal



Mr. Fakhar Hayat, DG, FJA, addressing the course participants.

Judicial Academy, expressed these views in the inaugural ceremony of a one –week training course on “ How to be an Effective Senior Civil Judge” for Senior Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on October 3, 2016.

He said, “The Academy always strives to promote proficiency and ensure the maintenance of standards in the judiciary in the delivery of court services. A variety of subjects of utmost importance such as Time Management, Stress Management, Fundamental Rules and Supplementary Rules, Overview of General Financial Rules, Overview of Budget/ T.A/ Pension/ Leave Rules, Succession Certificate and letter of

Administration, Transparency through Public Procurement Rules, Service Laws: Efficiency and Discipline Rules, Court Fees, Suit Valuation and Stamp Act, Selected Provisions of Law of Limitation, Smalls Claims and Minor Offenses Courts Ordinance, Alternative Dispute Resolution Systems and Computer Orientation/ Literacy form the core and content this one week training to make our Senior Civil Judges effective in their performance. The trainees should exploit this opportunity to improve their judicial knowledge and practice.”

Twenty-six Senior Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan benefited from this weeklong training at the Academy.



Trainees in group photo with Faculty members.

***“STRENGTH DOES NOT COME FROM
PHYSICAL CAPACITY. IT COMES
FROM AN INDOMITABLE WILL.”***

– Mahatma Gandhi

IMPORTANCE OF CASE AND COURT MANAGEMENT, NEW LAWS HIGHLIGHTED

A one-week training course on “Case and Court Management and New Laws” for Civil Judges-cum-Judicial Magistrates from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan, commenced at the Federal Judicial Academy, Islamabad, on October 17, 2016.

Twenty-six Civil Judges from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan are benefiting from this

weeklong training at the Academy.

The opening and welcoming address was delivered by Mr. Fakhar Hayat, Director General, FJA, in which he highlighted the importance of Case and Court Management, New Laws and said “This is your own Academy. The Academy leaves no stone unturned to promote proficiency and ensure the maintenance of standards in the judiciary in the delivery of court services.”



DG, FJA addressing the course participants.



Participants in group photo with Faculty members.

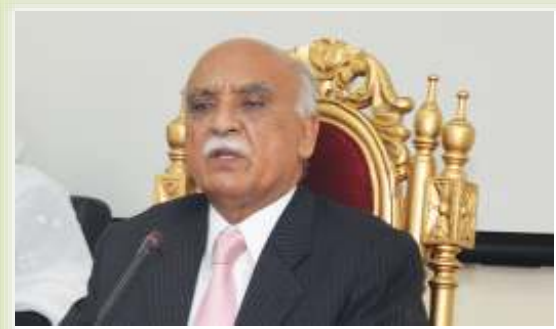
FJA BUILDS CAPACITY OF LAW OFFICERS

A three-day Capacity Building Workshop/ Seminar for Enhancing Capacity of Law Officers in collaboration with the Ministry of Law, Justice and Human Rights commenced at the Federal Judicial Academy, Islamabad, on October 24, 2016.

Twenty-four law officers from different ministries, divisions, corporations, among others, benefited from this three days capacity building workshop at the Academy.

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, delivered his welcoming address and shed light on the mandate and role of the Academy.

“Training develops skills and builds morale.



It is true investing in the organizations and employees. To build a professional team and fully trained, high achievers, the Academy always arranges properly devised and developed training courses and hires the right people who can make a difference. They can't teach you everything but whatever they will share with you that will be extremely beneficial for you in the effective service delivery in the field.'



Law Officers in group photo with Faculty members.

TRAINING IS A SOURCE OF LEARNING, DEVELOPMENT: DG

A one-week training course on “Criminal Trial and Appreciation of Evidence” commenced at the Federal Judicial Academy, Islamabad, on December 5, 2016.

Twenty-six Civil Judges –cum- Magistrates from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan and three



DG, FJA addressing the course participants.

Officers of Pakistan Air Force benefited from this one week training course at the Academy.

Mr. Fakhar Hayat, Director General, Federal Judicial Academy, delivered his welcoming address and sensitized the participants about the importance and scope of trainings at the FJA.

“Training is a source of professional

development and the essence of transformation. We at the Academy believe that learning is a continuous and lifelong process and it is necessary for the effective service performance of both the organization and individual, therefore, we always arrange the much desired training programs as per our Annual Judicial Training Calendar. This is a wonderful opportunity for all of you who are nominated for this training just try to seize the opportunity,” he concluded.



Participants in group photo with Faculty members.

DISTRICT ATTORNEYS/ DEPUTY DISTRICT ATTORNEYS PLAY A VERY IMPORTANT ROLE IN ENSURING ACCESS TO JUSTICE: DG

A one-week training course on “Management of Civil Cases” for District Attorneys/ Deputy District Attorneys kicked off at the Federal Judicial Academy, Islamabad, on December 13, 2016.

Twenty-three District Attorneys/ Deputy District Attorneys from all over Pakistan,



DG, addressing the District and Deputy District Attorneys, among others.

Gilgit-Baltistan and three Officers of Pakistan Air Force underwent this one week training course at the Academy.

Mr. Fakhar Hayat, Director General, FJA, delivered his welcoming address and said, “Training strengthens the skills. The Federal Judicial Academy offers diverse programmes

to suit various needs of the key players of justice sector in the country. District Attorneys/ Deputy District Attorneys play a very important role in ensuring access to justice. Thus, we simply cannot afford to neglect the capacity building of these stakeholders of administration of justice system.”



District Attorneys / Deputy District Attorneys in group photo with Faculty members.

***“I MEDITATE SO THAT MY MIND
CAN NOT COMPLICATE MY LIFE.”***

-Sri Chinmoy

DISTRICT ATTORNEYS/ DEPUTY DISTRICT ATTORNEYS ASKED TO WORK FOR PROMOTING A NEW CULTURE IN THEIR FIELD

KNOWLEDGE IS POWER: DG, FJA

Director General, Federal Judicial Academy, Mr. Fakhar Hayat has urged upon District Attorneys and Deputy District Attorneys to work with devotion and honesty for promoting a new culture in their field because attorneys are one of the main stakeholders of the administration of justice system.

He was speaking to District Attorneys, Deputy District Attorneys and Officers of Pakistan Air Force in the certificate awarding ceremony at the conclusion of a one-week training course on “Management of Civil Cases” for District Attorneys/ Deputy District Attorneys on December 17, 2016, in which he was the chief guest.

Sensitizing the participants about the

importance of various laws and sections which are often neglected or not read with due devotion and concentration, he said, “Knowledge is power and no one can outshine a knowledgeable person but knowledge comes when one reads the prescribed books for the field. I would like to ask you all to promote a reading habit among yourselves of different books, including books of laws such as the Code of Civil Procedure (CPC), General Clauses Act, Law of Arbitration, among others, to perform your duties effectively and efficiently.”



Two participants expressing views about the course on behalf of course participants. DG and Additional Director seen on the stage.



You Will See Me: Family Court Judges receiving certificates in the ceremony.



Participants in group photo with Faculty members.

علم شریف کی شرافت اور
کمینے کے کمینے پن میں اضافہ کرتا ہے۔
حضرت علیؑ

NEWS IN BRIEF

International Istanbul Law Congress



Mr. Justice Amir Hani Muslim, Hon'ble Judge, SCP (in centre) and Mr. Salam Farooq, Director, FJA (to his left) in group photo with the participants of International Istanbul Law Congress held in Istanbul, Turkey on 17-19 October, 2016.

جو شخص انتقام کے طریقوں پر غور کرتا رہتا ہے
اُس کے زخم ہمیشہ تازہ رہتے ہیں۔
(بوعلی سینا)

**Address by Hon'ble Mr. Justice Mian Saqib Nisar
on the retirement of
Hon'ble Mr. Justice Anwar Zaheer Jamali, Chief Justice of Pakistan**

Justice Anwar Zaheer Jamali, Chief Justice of Pakistan, my brother Judges, Mr. Ashtar Ausaf Ali, Attorney General for Pakistan, Mr. Farouq Naseem, Vice Chairman, Pakistan Bar Council, Mr. Rasheed A. Rizvi, President, Supreme Court Bar Association, members of the Bar, ladies and gentlemen.

As-salam-u-Alaikum.

Today, we are gathered here to bid farewell to Chief Justice Anwar Zaheer Jamali. In doing so, we acknowledge his Lordship's outstanding contribution to this Court and to the administration of justice in this country.

My brother is known for his unparalleled contribution and services to Pakistan and to the legal profession in Pakistan. Mr. Justice Anwar Jamali has led the judiciary through many challenges and obstacles in his endeavors to deliver justice. The post of Chief Justice is one that entails stress, difficulties, and predicaments, but being a man of remarkable abilities, patience and credence he has sailed through the gales.

His Lordship's time on the bench has been characterized by unstinting courtesy, fairness, compassion and, particularly, his dignified treatment of litigants.

His Lordship's brought to bear his acute sense of fairness and empathy for and understanding of the frailties of the human condition to the task of adjudication. In this job we see, sometimes the best, but more often the worst, of people. Their lives are exposed and played out in the glare of the courtroom. His Lordship was always conscious of this and his judgments speak to his efforts to reach just and right outcomes and his efforts to preserve the dignity of the litigants.

Justice Jamali comes from a family where his brother and sister and other family members

belong to the professions of doctors, lawyers, judges and educationists. His father migrated from India and his great grandfather was a disciple of Hazrat Baba Farid Ganj Shakar. After migration from India, Justice Jamali's father practiced for a while in Lahore and eventually settled in Hyderabad and was known as an outstanding advocate of his time in civil law. After completing his law studies, his Lordship joined his father's chamber and soon attained recognition as a very hardworking and conceptually clear headed lawyer in civil law. On account of his professional abilities and because of his polite and magnanimous personality, he was popular amongst the bar members. He was elected as President of the District Bar Association Hyderabad in the year 1983-84. He continued to be elected every year from 1995 to 1998. He was elected as Member of the Sindh Bar Council for two consecutive terms of five years in 1989 and 1994. This reflects his popularity and the recognition afforded him amongst the lawyer's community.

Justice Jamali was appointed a Judge of the High Court of Sindh in May, 1998. he was appointed as Chief Justice, High Court of Sindh on 27-08-2008 and then elevated to the Supreme Court on 03-08-2009 and subsequently became Chief Justice of this Court.

Justice Anwar Jamali has spoken on many occasions about the collegiate life of the Supreme Court. We are grateful for the way he has fostered the camaraderie amongst us. His well-known sense of humour, his charm and engaging personality have acted as steady foundation for this Court.

Sir, broadly speaking there are two kinds of countries in the world; developed countries and those aspiring to that position. What is the difference between these two? In my view the pivotal contrast is the rule of law. Dicey

defined the rule of law as **equality before law**, the supremacy of law and a process which puts limits on the arbitrary exercise of State power. To my mind this guarantees a fair and progressive system of governance in a State and this is what justice in a society means. here I am reminded of Earl Warren (*a former Chief Justice of USA*) Who stated **“It is the spirit and not the form of law that keeps the justice alive”**.

Lord Thomas Bingham said that a State may be divided by people of different race, colour, culture, religion and wealth But the rule of law is one of the great unifying factors, perhaps even the greatest. The judiciary, being the most important organ of the State, has to play its part to ensure that the rule of law be established. I am sure that this will be done in letter and spirit.

Sir, I also claim the privilege today to speak about the role of the judiciary in a democratic State which is governed by a written Constitution. One important function of the judicature is to act as a neutral and impartial arbiter in all civil and criminal issues. Another is the Constitutional obligation to enforce the fundamental rights of the citizens. These rights are placed on a very high pedestal. Once the breach of these rights is established before us, there should be no element of discretion left with the court to refuse their enforcement. In fact I believe that the courts are obliged and duty bound to enforce these rights. Though every single right enshrined in the Constitution is primordial yet they originate from three natural rights i.e. the right to person, the right to liberty and the right to property. The right to person means the right to live. This includes the right to a quality life and has a close nexus to health care and the basic education system in the country. These right are so foundational in nature that according to Article 8 of the Constitution any law or any custom or usage having the force of law which is inconsistent with these rights shall be void, an absolute nulity and non-est. The superior judiciary has been conferred with extra-ordinary jurisdiction for the

preservation, protection and enforcement of these rights. Article 199(1)(c) of the Constitution gives the High Court the power to pass appropriate orders and give directions to any person, authority or the government for the enforcement of these rights. Article 199(2) though subject to the other provisions of the Constitution in clear terms mandates that the right to approach the High Court for the enforcement of these fundamental rights shall not be abridged. Further, Article 184(3) provides an extra-ordinary jurisdiction to this Court for the enforcement of fundamental rights where the matter is of public importance. This Court has never shunned its duty to ass appropriate orders while exercising its jurisdiction in this regard. Cases such as Shehla Zia, Darshan Masih and the Eunuchs case are classic examples of the exercise of this jurisdiction. While exercising this jurisdiction the Court often examines the executive actions of State functionaries and passes effective orders. At times the legislative actions of Parliament, including subordinate legislation, have been examined and declared to be ultra vires. This is a very important role of the judiciary which has been performed in the past and shall Insha ALLAH be pursued with greater passion and vigilance in the times ahead.

Bona fide public interest litigation brought before the court for the purposes of alleviating the miseries of the down trodden class of society which is either unaware of its rights or more often doesn't have the resources to approach us, **including the rights of minorities**, shall be encouraged. I am deeply conscious of the fact that as the dominant Muslim majority and as per the Constitution and as per our conscience it is our moral and legal duty to fiercely uphold the rights of all minorities including religious minorities. As the custodian and the guardian of such rights, this Court will ensure their enforcement, including women's rights in a meaningful manner.

Sir, the delay in expeditious disposal of cases is one of the very serious problems we face

today. It results in Public dissatisfaction and lack of confidence in our judicial system. It is a source of anxiety and indeed great concern for us. We believe that it is high time that appropriate positive steps be taken to overcome this situation. We believe that the causes and reasons must be clearly identified by involving all the stakeholders at all levels of the judicial hierarchy. We will need the help and support of the Bar which is an inseparable part of the judicial system. One of the solutions to this problem in civil litigation, used by other countries is to resort to Alternate Dispute Resolution (*ADR*). This has proved to be a very effective mechanism in those countries. If *ADR* cannot straightaway be installed for every kind of litigation, it may be gradually introduced into the system by creating an arrangement where a certain category of commercial matters be resolved through *ADR*. Likewise in the criminal justice system in order to provide effective and speedy justice it is expedient that the methods and mechanism of investigation must be improved by resorting to modern tools and techniques such as greater use of forensic science and DNA profiling. This is required on an urgent basis.

Sir one of the most important components of a democracy is independence of judiciary. This in turn is necessary for upholding the separation of powers, the rule of law and human rights. It is important that the judiciary of a country is impartial and free from all sorts of external pressures and influence, only then can the public have confidence that their cases will be decided in accordance with law. With the grace of God the Pakistani judiciary is truly independent and we will strive to maintain this independence.

Sir, corruption is one of the greatest vices of any society. A corrupt action is described as dishonesty of purpose. It taints the very fabric of society and the State. The act of corruption by State actions is a complete fraud on the exercise of their power including the executive or judicial limbs of the State. To end corruption very honest actions and

vigilance are required. The investigating mechanism and the tools in relation thereto have to be updated. The law pertaining to the standard of proof must be brought in line with those countries where corruption has been effectively combated. It should be very clearly understood that besides cleaning our own house of corruption, the judiciary shall play its role in the eradication of corruption from other limbs of the government. We owe this duty to our nation and posterity. Corruption has never been encouraged or tolerated by the judiciary. Again, let me be very clear: the judiciary will not tolerate corruption either within or outside. In this endeavor we need the continuing support of all of the people of Pakistan who must say NO! to corruption.

The preamble of the Constitution is the key to its interpretation. Its sentiments are reiterated in Article 2-A whereby the Objectives Resolution has been made a substantive part of the Constitution.

Both show that the people of Pakistan in clear and unequivocal terms have avowed to remain dedicated to the preservation of democracy, achieved through the unremitting struggle of the people against oppression and tyranny. This is one of the salient features of the Constitution. Judges of the superior courts have taken an oath to preserve, protect and defend the Constitution of the Islamic Republic of Pakistan and it is our promise on account of our sacred oath that the Constitution will be protected in letter and spirit and we shall ward off any challenge to democracy in our country.

Before parting, I may again commend my Lord the Chief Justice on his dedication, passion and devotion to the rule of law and the independence of the judiciary. He has always been a part of the judicial system of Pakistan and I am sure that after his retirement we shall continue to have the privilege of his guidance to revamp the judicial system. I wish the Hon'ble Chief Justice a happy and tranquil retired life.

کبھی اس کا شکوہ نہیں کیا۔ خاص طور پر میں اپنی شریکِ حیات اشرف جہاں کا تہہ دل سے مشکور ہوں جنہوں نے زندگی کے اُتار چڑھاؤ اور آزمائش کی ہر گھڑی میں میری بھرپور دل جوئی کی۔ میں اپنے بہن بھائیوں، دیگر عزیز واقارب اور دوستوں کا بھی دل کی گہرائیوں سے شکر یہ ادا کرتا ہوں جنہوں نے ہمیشہ میری پذیرائی کی اور نہ صرف ہر اچھے برے وقت میں میرے شانہ بشانہ رہے بلکہ بسا اوقات میری وجہ سے مشکلات کا بھی بغیر کسی شکوے شکایت کے سامنا کیا۔

اگر اس موقع پر میں اپنے والدین کا ذکر نہ کروں تو یہ میری کم عقلی اور احسان فراموشی ہوگی کیونکہ یہ اُن کی بہتر تربیت، محبت اور پر خلوص دعاؤں کا طفیل ہے کہ اللہ تعالیٰ نے مجھے اس ملک کی خدمت کے لئے اس اہم عہدے پر فائز کیا جہاں سے آج میں مکمل اطمینانِ قلب کے ساتھ رخصت ہو رہا ہوں۔

اس دعا کے ساتھ میں آپ سے رخصت چاہتا ہوں کہ اللہ تعالیٰ آپ سب کو اپنے حفظ و امان میں رکھے اور اس آئینی ادارے کو دوام اور استحکام بخشنے۔ آمین!

پاکستان پائندہ باد۔

نے اپنے ماضی کی فاش غلطیوں سے بھی کوئی سبق نہیں سیکھا جس کے سبب نہ صرف ہم نے اپنا آدھا وطن عزیز گنوا دیا بلکہ محبت کرنے والے اپنے کروڑوں بھائیوں کو بھی کھودیا۔ آج ملک میں ہر طرف افراتفری، تفرقہ بندی، اقرباء پروری، بدانتظامی اور معاشی ناانصافی کا دور دورہ ہے جس کی وجہ سے اس ملک کو اور اس کے عوام کو ناقابل تلافی نقصانات کا سامنا ہے۔ نتیجتاً عوام میں بے حسی اور ناامیدی کا احساس پروان چڑھ رہا ہے جو کسی بھی قوم کے لئے درحقیقت ایک تباہی کا سبب بن سکتا ہے۔ ملک میں آج ہر شخص اپنے حقوق کی بات کرتا ہے لیکن اپنی ذمہ داریوں کے ادراک اور فرائض کی ادائیگی سے بالکل بے بہرہ ہے۔ یہاں تک کہ اکثر سرکاری ادارے بھی اپنے فرائض کی ادائیگی میں مکمل طور پر ناکام نظر آتے ہیں اور وہاں اقرباء پروری و بدعنوانی کا بازار گرم ہے۔ جب تک ہم بحیثیت ایک قوم کے ان تمام برائیوں کا سدباب نہیں کرتے اور اپنی ذمہ داریوں کو پورا نہیں کرتے۔ آنے والے وقتوں میں بہتری کی کوئی امید نظر نہیں آتی۔ ان حالات میں میری آپ سے درخواست ہے کہ آئیں ہم سب مل کر اپنی تمام تر توانائی، صلاحیتیں، کوششیں اور ملکی وسائل اس مقصد کے لئے صرف کریں تاکہ ہماری آنے والی نسلیں ایک بہتر پاکستان میں رہ سکیں اور ہم اقوام عالم میں بحیثیت مسلمان اور بحیثیت پاکستانی سر اٹھا کے چل سکیں۔

یہاں پر میں تمام رفقاء حج صاحبان کا بھی شکریہ ادا کرتا ہوں جنہوں نے فراہمی انصاف کے سلسلے میں میرے ساتھ بھرپور تعاون کیا۔ ان کی انتھک محنت، لگن اور حمایت کے بغیر شاید میں اپنی ذمہ داریوں سے بہتر انداز میں عہدہ برائے نہیں ہو سکتا تھا۔ اس کے علاوہ میں ان تمام معزز حج صاحبان جو کہ مجھ سے سینئر تھے اور جنہیں دیکھ کر اور جن کے فیصلوں کو پڑھ کر مجھے بہت کچھ سیکھنے کا موقع ملا ان کا بھی شکر گزار ہوں۔

میں سپریم کورٹ کے تمام ملازمین کا جن میں نائب قاصد سے لیکر رجسٹرار جناب ارباب عارف صاحب تک سب شامل ہیں کا بھی شکریہ ادا کرتا ہوں۔ فراہمی انصاف کے سلسلے میں ان کی خدمات کو نظر انداز نہیں کیا جاسکتا۔ میں اپنے دفتر کے عملے کا بھی خصوصی طور پر شکریہ ادا کرنا چاہتا ہوں جنہوں نے محنت، لگن اور جاں فشانی سے اپنی ذمہ داریاں ادا کیں۔ میرے سیکریٹری ریاض احمد، پرائیویٹ سیکریٹری صداقت حسین، مدثر خان، ریسرچ آفیسر سبط حسن اور کورٹ ایسوسی ایٹ نے اس عرصے کے دوران قابل قدر معاونت فراہم کی۔ علاوہ ازیں میرے ڈرائیور محمد فاروق، فرحت، قاصد پرویز اختر، گن مین رفیع الدین نے بھی اپنی خدمات بطریق احسن انجام دیں۔ مختصراً میں عدالت عظمیٰ کے تمام ملازمین اور عملہ کا مشکور ہوں کہ انہوں نے اپنے اپنے طور پر میرے فرائض کی انجام دہی میں میری بھرپور مدد کی۔ آپ سب کا بہت بہت شکریہ۔ اگر میری طرف سے کسی کے ساتھ کوئی زیادتی ہوئی ہو تو اس کے لئے میں ان سے معافی کا خواست گار ہوں۔

میں اپنے خاندان کے تمام افراد کا بھی شکریہ ادا کرتا ہوں جنہوں نے اس تمام عرصے میں میرا بھرپور ساتھ دیا۔ میں سمجھتا ہوں کہ میں اپنے پیشہ ورانہ امور کی انجام دہی کے سلسلے میں اپنے بچوں اور شریک حیات کو مناسب وقت نہیں دے سکا لیکن انہوں نے

کچھ غلطیاں سرزد ہوئی ہوں گی لیکن میرا ضمیر مطمئن ہے کہ میں نے ہر مقدمہ کا فیصلہ کرتے وقت اس بات کو یقینی بنایا ہے کہ اللہ کو حاضر و ناظر جان کر نیک نیتی سے آئین و قانون کے مطابق فیصلہ کروں تاکہ نہ صرف انصاف کے تقاضے پورے کر سکوں بلکہ حقدار کو اس کا حق بھی مل سکے۔ اس سلسلے میں میرے فیصلے آپ لوگوں کے سامنے موجود ہیں اور آپ لوگ ان سے اس امر کا بخوبی اندازہ لگا سکتے ہیں۔

میں نے ہمیشہ یہ کوشش کی ہے کہ ملک کے اندر جاری ناانصافی، اقرباء پروری اور بدعنوانی کے تدارک کے سلسلے میں اپنا کردار بہتر طور پر ادا کر سکوں۔ آئین کی بالادستی اور قانون کی حکمرانی کے لئے ضروری ہے کہ ادارے نا صرف مضبوط ہوں بلکہ ان میں مکمل ہم آہنگی ہو۔ لہذا میں نے اپنی استطاعت کے مطابق نہ صرف عدلیہ کو بلکہ دیگر حکومتی اداروں کو مضبوط کرنے اور ان میں مکمل ہم آہنگی پیدا کرنے کی ہر ممکن کوشش کی ہے۔ ان تمام کاوشوں سے آپ لوگ بخوبی واقف ہیں۔ اب آنے والا وقت ہی بتائے گا کہ میں اپنی کوششوں میں کس حد تک کامیاب ہو سکا ہوں۔

فراہمی انصاف میں بار کے کردار کی اہمیت سے انکار نہیں کیا جاسکتا۔ یہی وجہ ہے کہ میں نے ہمیشہ بیچ اور بار کے مابین تعلقات کو بہتر کرنے کے سلسلے میں ہر ممکن کوشش کی ہے۔ یہاں مجھے یہ کہتے ہوئے خوشی محسوس ہوتی ہے کہ اصولوں پر بغیر کسی سمجھوتے کے اس سلسلے میں مجھے ہمیشہ باریک جان سے مکمل تعاون اور حمایت حاصل رہی ہے جس پر میں بار کے نمائندگان اور ممبران کا مشکور ہوں۔ میں امید رکھتا ہوں کہ مستقبل میں بھی بار فراہمی انصاف کو یقینی بنانے کے لیے عدلیہ کے شانہ بشانہ کھڑی ہوگی اور مسائل ان کو درپیش مسائل کے حل کے لیے اپنا مثبت کردار بھرپور انداز میں ادا کرے گی۔

اس موقع پر ایک اور بات جو میں اپنے اہل وطن سے گوش گزار کرنا چاہتا ہوں وہ یہ ہے کہ تقسیم برصغیر، قیام پاکستان اور اس ملک کے اسلامی تشخص کے حوالے سے میرے اپنے کچھ خیالات اور نظریات ہیں جن کا میں ماضی میں اپنی تقاریر میں کئی بار ذکر کر چکا ہوں۔ اسلام درحقیقت اس دنیا کے مذاہب میں سب سے زیادہ جدید، سہل، انسانیت کا علمبردار، محبت، اخوت اور امن کا مذہب ہے جسے بد قسمتی سے ہم نے اپنے باہمی اختلافات، تنگ نظری، تفرقہ بندی اور عدم برداشت کی بناء پر اور بیرونی سازشوں کا حصہ بن کر پوری دنیا میں بدنام کر دیا ہے۔ یہ وہ مذہب ہے جس نے سب سے پہلے فتح مکہ کے موقع پر حضور ﷺ کے خطاب کی شکل میں انسانیت کا پہلا مکمل منشور اور قرآن اور سنت کی صورت میں ایک مکمل ضابطہ حیات دیا ہے۔

خواتین و حضرات!

دیکھا جائے تو یہی کچھ صورت حال آج ہمارے وطن عزیز کی ہے جس میں دہشت گردی اور امن کو تہہ بالا کرنے میں ہماری اپنی کوتاہیوں کا دخل اور بہت سی بین الاقوامی قوتوں کا نہ صرف ہاتھ ہے بلکہ عملی مداخلت ہے۔ نتیجتاً آج کا پاکستان وہ پاکستان نہیں ہے جس کی جستجو اور جس کے لئے اس برصغیر کے مسلمانوں نے بے پناہ قربانیاں دی تھیں جس کا خواب علامہ اقبال نے دیکھا تھا اور اپنے اشعار میں قلمبند کیا تھا اور حضرت قائد اعظم اور دیگر بے لوث رہنماؤں نے اسے عملی جامع پہنایا تھا۔ یہ بڑے افسوس کی بات ہے کہ ہم

عزت مآب جناب جسٹس میاں ثاقب نثار، نامزد چیف جسٹس، عدالتِ عظمیٰ پاکستان

قابل احترام رفقاء جج صاحبان، عدالتِ عظمیٰ پاکستان

فاضل اٹارنی جنرل پاکستان

فاضل چیئر مین، ایگزیکٹو کمیٹی پاکستان بار کونسل

فاضل صدر، سپریم کورٹ بار ایسوسی ایشن

قابل احترام عہدیداران و اراکین بار

قابل احترام سینئر و کلاء حضرات

دیگر شعبہ ہائے زندگی سے تعلق رکھنے والے معزز مہمانانِ گرامی

خواتین و حضرات!

السلام علیکم!

آج سے پہلے ہم کئی مرتبہ ایسی تقریبات میں شرکت کر چکے ہیں جو کہ عدالتِ عظمیٰ کے کسی قابلِ احترام جج یا چیف جسٹس صاحب کی مدت منصبی کی تکمیل کے موقع پر منعقد کی جاتی رہی ہیں۔ آج کی یہ تقریب بھی اسی سلسلے کی ایک کڑی ہے۔ آج میں رسمی طور پر آخری بار فل کورٹ ریفرنس میں آپ لوگوں سے مخاطب ہو رہا ہوں۔ اس پر وقار تقریب سے خطاب کرنا، جہاں قانون و انصاف کے شعبے سے وابستہ گرامی قدر شخصیات موجود ہیں، میرے لیے باعثِ افتخار ہے۔ میں اس موقع پر اللہ ذوالجلال یعنی خالق کائنات کا جتنا بھی شکر ادا کروں وہ کم ہے۔ درحقیقت میرے پاس وہ الفاظ نہیں ہیں جس سے میں رب العزت کی ثناء بیان کر سکوں کہ اُس نے مجھ ناچیز کو دنیاوی لحاظ سے اتنا نوازا ہے۔

میں اس تقریب کے تمام شرکاء کا تہہ دل سے مشکور ہوں کہ آپ نے اتنی بڑی تعداد میں یہاں تشریف لا کر اس تقریب کو رونق بخشی۔ آپ لوگوں کی آمد میرے لیے طمانیت بخش ہے۔ میں اپنے سے پہلے آنے والے تمام قابلِ احترام مقررین کا بھی شکر یہ ادا کرتا ہوں جنہوں نے میرے بارے میں ایسے تعریفی کلمات ادا کئے جن کا میں اپنے آپ کو حقدار بھی نہیں سمجھتا۔ البتہ ان خیالات کے اظہار سے اُن کے دل میں میرے لیے جو محبت اور احترام ہے اس کی عکاسی ضرور ہوتی ہے۔

جیسا کہ آپ سب لوگ بخوبی واقف ہیں کہ قانون و انصاف کے شعبے سے میری وابستگی چار دہائیوں سے بھی زیادہ عرصہ پر محیط ہے۔ جس میں ۲۴ سال سے زائد عرصہ تک میں نے بطور وکیل اور ۱۸ سال سے زیادہ عرصہ تک اعلیٰ عدلیہ میں بطور جج اپنے فرائض سرانجام دیئے ہیں۔ اس تمام عرصہ کے دوران فراہمی انصاف کے سلسلے میں کی گئی میری کاوشیں آپ لوگوں کے سامنے ہیں۔ یہاں میں یہ کہنا چاہتا ہوں کہ غلطی تقاضہ بشر ہے۔ کوئی بھی شخص نہ تو عقلِ کل ہے اور نہ ہی غلطیوں سے مبرا ہوتا ہے۔ لہذا مجھ سے بھی یقیناً

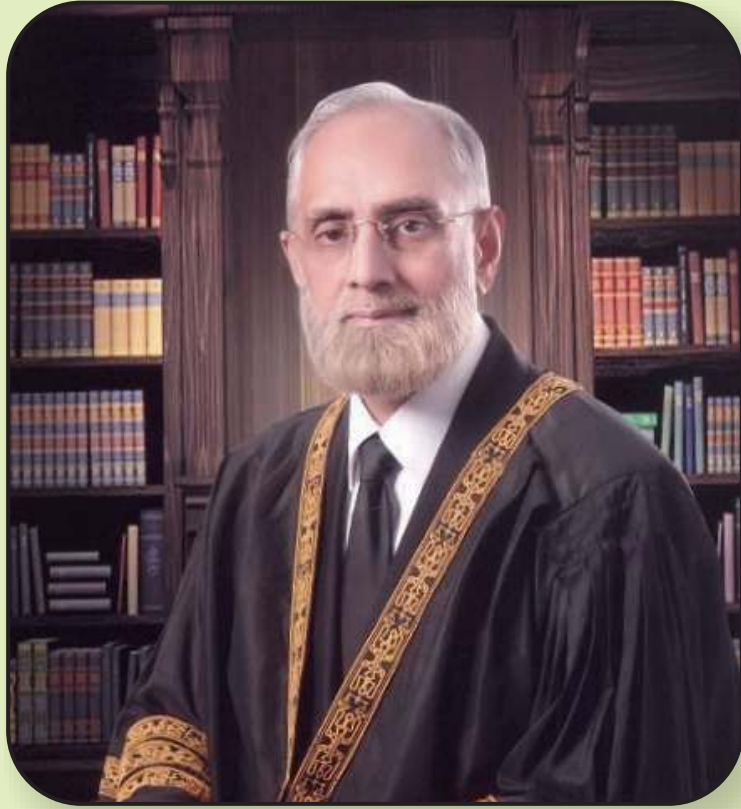
خطاب

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فل کورٹ ریفرنس



بموقع

تکمیل آئینی مدت منجی

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