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Visit of Hon'ble Chief Justice of Pakistan at Construction site
of Federal Judicial Academy, Islamabad

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VISIT OF HON'BLE CHIEF JUSTICE OF PAKISTAN AT CONSTRUCTION SITE OF FEDERAL JUDICIAL ACADEMY, ISLAMABAD



Hon'ble Chief Justice of Pakistan Mr. Justice Iftikhar Muhammad Chaudhry ordained that quality, durability and pace of construction work of the Project Phase-II of the FJA would not be compromised at any cost.

His Lordship observed this while visiting the Federal Judicial Academy, Islamabad, Phase-II construction work on Saturday (10-12-2011). During this visit the senior officers of the Pak PWD and NESPAK briefed the Hon'ble Chief Justice of Pakistan about the pace of work and other aspects of the project in point.

Keenly and closely inspecting each and everything and analyzing all the aspects, construction map, architecture, design and quality of construction material, the Chief Justice of Pakistan pointed out certain technical flaws in the construction work and directed the concerned, saying, "Complete this Project work without compromise

on quality and standards, well in time."

Expressing his concern over the quality and the pace of work, he directed the senior officers of the Pak PWD and NESPAK to uphold the quality, show meticulousness and vigilance in the construction work as well as in the quality of the material so that quality-oriented construction work could be carried out over a specified time period.

Honorable Mr. Justice Mian Shakirullah Jan, Judge Incharge of the FJA, Mr. Parvaiz Ali Chawla, Director General of the Academy, faculty members and senior officers of the Academy and those of the Pak PWD and NESPAK were also present during the visit of the Chief Justice of Pakistan, who is also Chairman, Board of Governors, FJA, to the site which is adjacent to the FJA main building in H-8/4.



Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan and Mr. Justice Mian Shakirullah Jan being briefed by the senior officers of Pak PWD & NESPAK about the pace of work & other aspects of the project.

CORRUPTION ELIMINATION A MUST TO SAVE COUNTRY

“Elimination of corruption is a must to save the country,” said Registrar Peshawar High Court Syed Mussaddiq Hussain Gillani in the certificate awarding ceremony on the conclusion of one week long course at Federal Judicial Academy, Islamabad, on Saturday. (01-10-2011)

Talking on topic, “How to be an effective Nazir” for Nazirs/Accountants from all over Pakistan including Azad Jammu and Kashmir and Gilgit Baltistan, he said that dealing with the menace of corruption was not an easy task, however, the elimination of cancer of corruption which was engulfing our country, was the need of the hour to save our institutions, the country and countrymen.

“ Even if we have to give stupendous sacrifices, we, at all costs, must proceed with concrete steps in dealing with the corruption,” he maintained. Shedding light on the steps which the Peshawar High Court, Peshawar, had taken so far to eliminate the corruption from the District Judiciary, he noted that a vigorous campaign had been launched to weed out corruption from the court officers and court supporting staff.

“ We have been successful in this struggle to a certain extent but we are strongly feeling, unless you people (court personnel including Nazirs/ Accountants) are not cooperating, we can't achieve the desired results,” he opined.

He emphatically asked the Nazirs/Accountants to supervise the working of subordinates and provide them moral and technical assistance and training and report immediately to the Judge Incharge if any of the court personnel were involved in corruption and malpractices. “Together we can eliminate the cancer of corruption and without collective and conscious efforts it is impossible to eradicate corruption,” he said.

He praised the content of the course for the Nazirs and opined that the Academy management had included very important topics, both professional and social in the designed course and also

about Morality and Ethics but still much might be included about Court Ethics and Judicial Moralism for court personnel in the upcoming courses and orientations.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy presented his welcome address and an overview of the course. He advised the Nazirs/ Accountants of the courts to play their effective and efficient role so that easy and expeditious justice may not remain elusive for the poor litigant public.

Muhammad Riaz, Nazir/ Accountant, Islamabad Court, presented views on behalf of the course participants and requested the management for more such courses for the capacity building of the court supporting staff.



Registrar Peshawar High Court Syed Mussaddiq Hussain Gillani addressing the course participants.



Participants of the course in a group photo with Syed Mussaddiq Hussain Gillani, Registrar Peshawar High Court & D.G FJA.

KNOWLEDGE TRANSMITS CONFIDENCE

HON'BLE MR. JUSTICE GHULAM RABBANI

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Ghulam Rabbani said, "Courage and confidence is found in knowledge and also in action, hence, it has to be learned and earned."

He expressed these views during the inaugural ceremony of one week refresher course on the "Orientation of New Laws" for Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan, held in the Federal Judicial Academy on Monday (10. 10. 2011).

He said, "Today, the world continues to witness development of various new laws such as, Intellectual Property Rights Laws, Environmental laws, and many other laws. However, young judicial officers need to gain maximum knowledge about these new laws and trends both in the legal and judicial domains in this rapidly changing world of ours. You will do better, when you know better."

He said, "Today, the world continues to witness development of various new laws such as, Intellectual Property Rights Laws, Environmental laws, and many other laws. However, young judicial officers need to gain maximum knowledge about these new laws and trends both in the legal and judicial domains in this rapidly changing world of ours. You will do better, when you know better."

He opined, "We can't underestimate the importance of continuing education, training and specialized knowledge for judicial officers, prosecutors, court supporting staff and others. Accordingly, we must also recognize that specific problems demand specific knowledge. Without knowledge of the law and the specific problems addressed by it, we cannot hope to achieve any meaningful application of the law."

Admiring the role of the FJA he said that the Academy was playing a laudable role in the capacity building of the judicial officers, prosecutors and court personnel and added that, "It has also recognized the urgent need to strengthen the capacity of young judges in new laws and emerging trends and for these achievements the

Academy and its management deserve handsome praise."

Earlier, Director General of the Academy, Mr. Parvaiz Ali Chawla presented his welcome speech and a detailed profile of the honorable chief guest.



Hon'ble Mr. Justice Ghulam Rabbani, addressing the course participants.



Course Participants in a group photo with Hon'ble Mr. Justice Ghulam Rabbani and D.G. (FJA).

JUDICIARY ENTRUSTED WITH A GREAT TASK

HON'BLE MR. JUSTICE MIAN SHAKIRULLAH JAN

Senior puisne Judge of Supreme Court of Pakistan, Hon'ble Mr. Justice Mian Shakirullah Jan said, "Judges are entrusted with a great task by the constitution for ensuring the fundamental rights of people."

Addressing the certificate awarding ceremony on the conclusion of one week course on "Orientation of new laws" for Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan held in the Federal Judicial Academy, Islamabad, on Saturday (15.10.2011), he said that since administration of justice was an attribute of God, hence, the judges must work with dedication and devotion so as to impart speedy and easy justice to the litigant public.

About the role of Additional District Judges, he said that the Additional District and Sessions Judges occupied a unique position in the hierarchy of district judiciary. "Being the higher tier of the district courts, Additional District & Sessions Judges have a special responsibility, as they face many daunting challenges including case and court management. Orientation programs will play a great role to update their information and enhance their insight so as to maintain quality and timeliness in delivering justice," he opined.

Speaking about the problems being faced by the district judiciary he said, "A number of problems such as acute shortage of judges, heavy work load and abysmal infrastructure are amongst those being faced by the judicial officer, but things would definitely improve," he hoped.

He said, "This great country came into being in the wake of stupendous efforts and heroic struggle of the masses; hence, it needs unity of purpose. It requires us all to work together to build this country stronger and prosperous. As the country faced problems and challenges in the formative phase and even now is facing multiple problems and challenges with a little difference of degrees, such problems and challenges come in the ways of nations, but I am confident that we will overcome these problems and challenges," he observed.

Earlier, D.G of the Academy, Pervaiz Ali Chawla, presented an overview of the course. He said that the noble aim of such refresher and orientation courses was to equip the judges with the latest information and skills and improve the administration of justice in the country so that "justice for all" becomes a reality.

Kamran Basharat Mufti, Additional District and Sessions

judge, spoke on behalf of the course participants. He lauded the efforts of the Academy both for the content of the course and selection of the resource persons.



Hon'ble Mr. Justice Mian Shakirullah Jan on the rostrum in the certificate awarding ceremony



Hon'ble Mr. Justice Mian Shakirullah Jan, gives away certificate to a course participant.



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan, and Mr. Parvaiz Ali Chawla, D.G FJA.

HON'BLE MR. JUSTICE MIAN SHAKIRULLAH JAN ASKS YOUNG JUDGES TO BE COMMITTED TO THEIR PROFESSION

Senior puisne judge of the Supreme Court, Honorable Mr. Justice Mian Shakirullah Jan asked the young judges to be loyal with the profession saying, "Honesty and loyalty are essential virtues and those are always rewarded." He expressed these views at the inaugural ceremony of a training course on "Case and Court Management" for civil judges at the Federal Judicial Academy, Islamabad, on Tuesday (25.10.2011)

Twenty-four civil judges from all over the country, Azad Jammu and Kashmir and Gilgit-Baltistan participated in one week long orientation course.

He said, "Integrity and professionalism paid dividends in all ages and at places, adding that we the Judges exhibited our loyalty with the exalted profession and chair of judgeship, of course, during that period we experienced troubles and tribulations, we faced the hardships but it was our loyalty and commitment with the profession that was honored."

"Be loyal with your profession and you will have respect and reward both in this world and in the world hereafter," he emphasized.

He asked the trainee judges to have the maximum use of time and share knowledge, information and experiences with each other. He assured the judges that the difficulties and problems they were facing would be lessened.

Earlier, Director General of the Academy, Mr. Parvaiz Ali Chawla said that efforts were being made to develop and design such

courses which might equip the trainees with latest information and skills along with conventional subjects and procedures.



Hon'ble Mr. Justice Mian Shakirullah Jan, delivering a speech at the eve of inaugural ceremony of the course at FJA.



Course participants in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan.

JUDGESHIP IS A TRUST HON'BLE MR. JUSTICE SARMAJ JALAL OSMANY

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Sarmad Jalal Osmany said that judgeship was not a profession but a trust of God adding, "Show compassion and mercy when dealing with various cases in the courtroom".

He expressed these views in the certificates awarding ceremony of one week orientation course on 'Case and Court Management' for Civil Judges from all over Pakistan including Azad Jammu and Kashmir at the Federal Judicial Academy, Islamabad, on Saturday (29.10.2011).

Regarding the virtues of compassion and mercy, he said, "Since we are followers of the Holy Prophet Muhammad (peace be upon him) and he was sent as the 'Mercy for the entire universe', hence, being his followers we must follow his noble teachings and show mercy and forgiveness not only in the courtrooms but also in all walks of life." "This is what the LORD ALMIGHTY says; "Administer true justice; show mercy and compassion to one another."

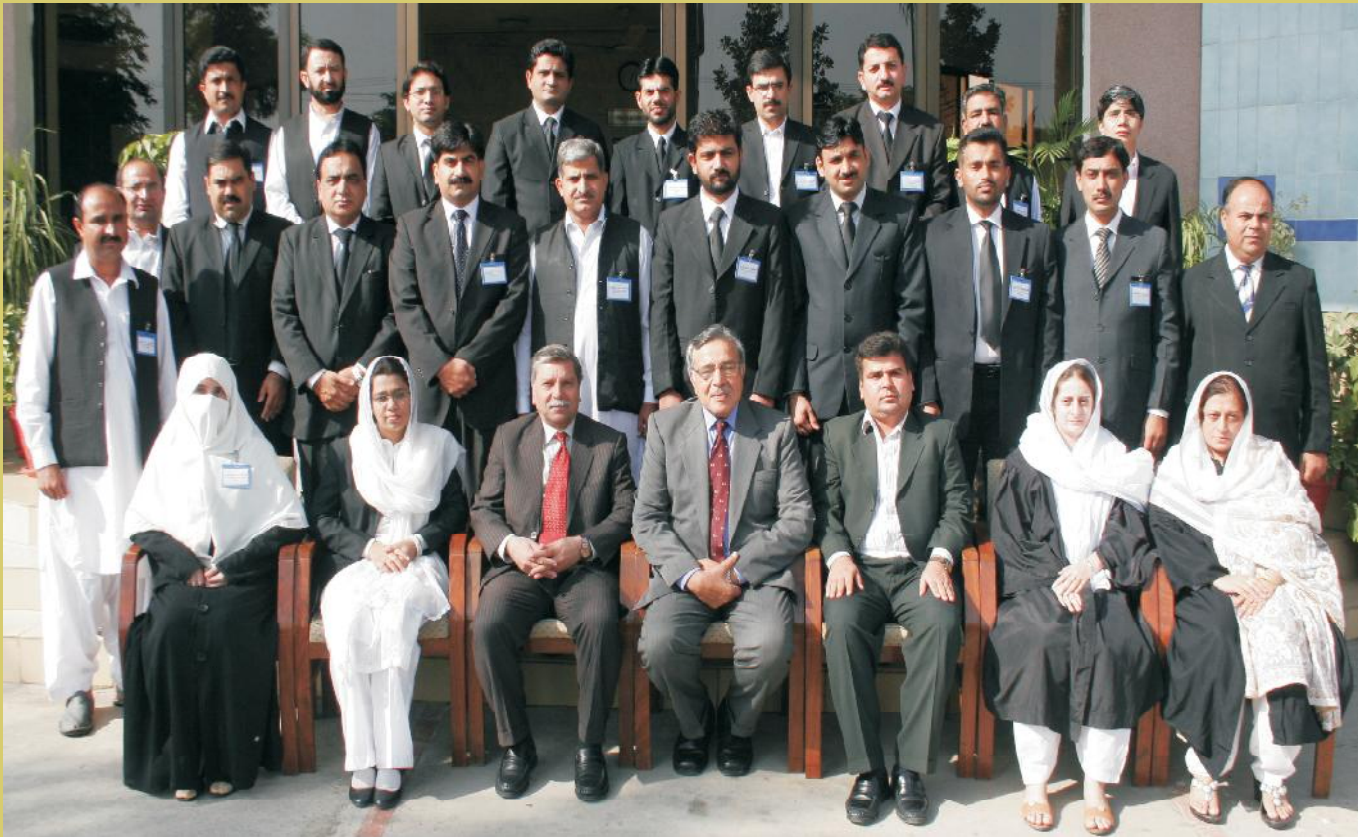
He urged the young judges to perform the duties of judicial office impartially and diligently. "A judge should act at all times in a manner that promotes public confidence with integrity and impartiality".

Earlier, Mr. Parvaiz Ali Chawla presented his welcome speech, a detailed profile of the honorable chief guest and also an overview of the course.

He opined: "The price of success is hard work, dedication to the job at hand, and the determination, we have applied the best of ourselves to the task at hand".



Hon'ble Mr. Justice Sarmad Jalal Osmany sharing Judicial Wisdom with the course participants.



Participants of the course in a group photo with Hon'ble Mr. Justice Sarmad Jalal Osmany.

DISTRICT ATTORNEYS ASKED TO PLAY PROACTIVE ROLE IN DISPENSATION OF JUSTICE

Director General of Human Rights Cell, Supreme Court of Pakistan, Mr. Saif-ur-Rehman Khan asked the District Attorneys to play proactive role in the administration of justice.

He was speaking at the inaugural ceremony of one week orientation course on “District Attorneys and management of Civil cases” for District Attorneys/ Deputy District Attorneys from all over the country including Azad Jammu and Kashmir, in the Federal Judicial Academy on Monday (14. 11.2011)

He said that as qualified and licensed lawyers, the attorneys could be an important safeguard against human rights violations. The District Courts and Attorneys themselves had to enhance the public confidence in the judiciary, by the quality of their work, “I am sure that if we work together in a spirit of cooperation and goodwill, we can be at the same time fulfilling our respective roles and responsibilities,” he maintained.

He also cited several verses from the Holy Quran for the sensitization of the participants.

Speaking on the occasion, Mr. Parvaiz Ali Chawla, DG of the Academy, advised the trainee attorneys to show their people-oriented approach in the pursuit of their profession and duties.



Mr. Saif-ur-Rehman Khan on the rostrum.



Course Participants posed for a group photo with Mr. Saif-ur-Rehman Khan, and D.G (FJA).

ATTORNEYS ASKED TO WORK WITH DEDICATION

Raja Jawad Abbas Hassan, District and Sessions Judge, Islamabad, said that virtues like, integrity, honesty and professionalism were always valued in the society.

He was speaking in the certificate awarding ceremony of one week orientation course on 'District Attorneys and management of Civil cases' for District Attorneys/ Deputy District Attorneys, from all over Pakistan including Azad Jammu and Kashmir in the Federal Judicial Academy, Islamabad, on Saturday (19.11.2011)

He said that since the role of District Attorneys was diverse and complex, hence, they need to work with devotion and dedication so that the cases pending against the state in the district courts might be disposed of expeditiously. “I am sure that this one week long training, which you have undertaken in this Academy, would further enhance your knowledge and sharpen your skills and now it is upto you to use that knowledge and share it with others to carry out professional duties more efficiently and effectively,” he opined.

He said that since we were living in a changing world; hence, it was essential for all the stakeholders of judicial and legal fraternity to update their knowledge, information and skills about the emerging new trends and mechanisms for efficient and effective dispensation of justice. “All of us will have to make committed efforts to overcome the slow pace and customary delays in the legal and judicial system,” he maintained.



Raja Jawad Abbas Hassan, District and Sessions Judge, Islamabad gives away a certificate to a course participant.

Earlier, Mr. Parvaiz Ali Chawla, D.G of the Academy presented an overview of the course and a profile of the chief guest. He said that the training was absolutely necessary for judicial officers, law officers, lawyers, law enforcement officers, prosecutors and court personnel. This Academy under its mandate was playing its part under the guidance of Hon'ble Chief Justice of Pakistan to impart much needed training to its subjects so as to achieve the long avowed goals of National Judicial Policy.



Participants of the course in a group photo with Raja Jawad Abbas Hassan, and faculty of the Academy.

HON'BLE MR. JUSTICE TARIQ PARVEZ WANTS JUDGES TO KEEP ON LEARNING

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Tariq Parvez asked the young judicial officers to apply judicial and legal knowledge and keep the facts of the case in mind and then render verdict according to law, facts and their conscience.

He expressed these views in the inaugural ceremony of one week orientation course on "Effective Financial Management and Control over Process Serving Agency" for Senior Civil Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan in the Federal Judicial Academy, Islamabad, on Monday (21. 11. 2011)

Hon'ble judge of the Apex Court said that a judge should not be biased or prejudiced to a case or against any party which had come for justice to the court adding; a judge should not fear or favour anyone and should always keep the record and the facts of the case in his mind while deciding a case.

Regarding the importance and scope of learning, Hon'ble Judge opined, "Learning is a continuous process, hence, one must keep on learning till his last breath. It is an established truth that there is no substitute of knowledge and experience and there is no short-cut to gain experience. Experience, itself is some sort of knowledge that never comes in a day or two but with the passage of time. Whatever knowledge and information you people have acquired here during the training, it must have added to your knowledge and information. You must apply that gained knowledge and information in the administration of justice so as to provide expeditious justice to the litigant public," he exhorted.

Earlier, Mr. Parvaiz Ali Chawla, Director General of the Academy, presented a welcome speech and a detailed profile, including academic and professional achievements of the chief

guest presented a welcome speech and a detailed profile, including academic and professional achievements of the chief guest.



Hon'ble Mr. Justice Tariq Parvez, addressing the course participants.



Participants of the course in a group photo with Mr. Justice Tariq Parvez and faculty of the Academy.

PEOPLE EXPECT JUSTICE AND RULE OF LAW FROM JUDICIARY

HON'BLE MR. JUSTICE IQBAL HAMEED-UR-REHMAN

Islamabad High Court Chief Justice, Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman said, "Judiciary plays a vital role in the affairs of any State, it is responsible to interpret the Constitution, laws, and guarantees the rule of law and administration of justice."

"All these factors are indispensable for maintaining balance in a social system; otherwise, the circumstances may pave way to revolutions."

He expressed these views on Saturday 26th November, 2011 in a certificate awarding ceremony at the Federal Judicial Academy on the conclusion of one week long orientation course on "Effective Financial Management and Control over Process serving Agency" for the senior civil judges from all over Pakistan.

"Hopes of people from an institution play an important role in its growth and strength. People are expecting justice, rule of law and protection of their fundamental rights from the judiciary. All this is possible if we are cognizant of knowledge, requirements of our rank and file because the cause of justice is extremely important for every judicial officer" he said.

"One must admit that miscarriage of justice may happen due to weaker legal knowledge and non application of procedural formalities. We should conceive the weaknesses in our rank and file which should be addressed through a comprehensive capacity-building process and well-organized system of judicial trainings," he added.

He said, "Knowledge is power". There can be no second opinion to the truth of this ages old quote. No doubt that all the judicial officers are highly qualified as the LLB degree, on the basis of which they are inducted in the service, is otherwise equivalent to any Master's Degree which, ordinarily, is considered as the highest educational qualification."

Earlier, Mr. Parvaiz Ali Chawla, presented welcome speech, detailed profile of the honorable chief guest and an overview of the training course.



Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman, Chief Justice, Islamabad High Court, addressing the course participants.



Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman gives away certificate to a course participant



Participants of the course in a group photo with Hon'ble Mr. Justice Iqbal Hameed-ur-Rehman and faculty of the Academy.

HON'BLE MR. JUSTICE MIAN SAQIB NISAR ASKS YOUNG JUDGES TO STRIVE FOR LEARNING

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Mian Saqib Nisar advised the young judges to strive for knowledge and learning, saying, "Knowledge and learning will open the doors for you to become better human beings and better judges."

He expressed these views in the inaugural ceremony of one-week training course on "Skill based ADR Training" for Civil Judges -cum- Judicial Magistrates from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on Monday (12.12.2011)

"Learning and knowledge will make you effective Judges and will also determine your future and the doorway to your success," he maintained.

Regarding the trainings and continuing education of young judicial officers he said that the trainings and continuing education in the Alternate Dispute Resolution (ADR) were essential for the judicial officers so that it became a meaningful reality in our district courts because without such trainings the desired results could not be achieved. "Throughout history every successful person or judge understood the importance of learning and library. I expect all of you young judges to develop your personal libraries at home, containing all the prerequisite books of law and enhance your information. One who has to develop his own and personal library, is to emerge as a successful judge and a person in his career and life," he opined.

Citing a few golden sayings of world's legendary figures of judiciary as also those of sages of ages from the Muslim History, he established the fact that competent, independent and impartial Judiciary was essential for the existence and overall development of the society. "Judges have to decide matters before them, impartially and wisely on the basis of facts and in accordance with law. All judges are expected to follow ethical standards requiring disinterested and unbiased opinions. We must have the courage to do what we know is legally and morally right," he concluded.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented his welcome speech and detailed profile of the chief guest. He advised the trainee participants to have maximum use of learning moments and take active participation in this discourse.



Hon'ble Mr. Justice Mian Saqib Nisar, on rostrum.



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Saqib Nisar and faculty of the Academy.

HON'BLE MR. JUSTICE NASIR-UL-MULK APPRECIATES COMMITMENT OF YOUNG JUDGES

Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Nasir-ul-Mulk has appreciated the approach and commitment of young judicial officers towards their work saying, "The commitment and dedication with which the young judicial officers approach their work and they are trying to achieve the goals of the National Judicial Policy is appreciable."

He expressed these views in the certificate awarding ceremony on the conclusion of one week orientation/ refresher course on "Skill based ADR Training" for Civil Judges -cum- Judicial Magistrates from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at the Federal Judicial Academy, Islamabad, on Friday (16. 12.2011)

Lamenting over the prevalent judicial system in the country he said that it had not been able to meet the expectations of the people.

"Our judicial system is slow. Its delays and expenses are frustrating the litigant public. Since you are young judicial officers, therefore, with your dedication and by giving speedy relief to the public you can make better the image of district judiciary.

Now it all depends upon you, how you manage the courts, how you manage your court work, how you behave with the advocates. However, make all humanly possible efforts within the defined parameters of law to protect the interests of the ordinary litigant public," he emphasized.

He also urged the young members of district judiciary to update their knowledge in various conventional and emerging subjects and trends in the judiciary and share that gained knowledge with others as well, so that it might be used to provide speedy justice to the litigant public.

Earlier, DG of the Academy presented his welcome speech and advised the judicial officers to apply their skills and information which they had gained from the Academy so that people might get speedy and easy justice.



Hon'ble Mr. Justice Nasir-ul-Mulk, addressing the course participants.



Hon'ble Mr. Justice Nasir-ul-Mulk, gives away a certificate to a participant.



Participants of the course in a group photo with Hon'ble Mr. Justice Nasir-ul-Mulk and faculty of the Academy.

HON'BLE MR. JUSTICE TASSADUQ HUSSAIN JILLANI ADVISES JUDGES TO BE ROLE MODELS

Advising the trainee judges, Mr. Justice Tassaduq Hussain Jillani, Hon'ble Judge Supreme Court, said, "Your conduct should be worthy of emulation. Your role should be role model in all respects."

Hon'ble Mr. Justice Tassaduq Hussain Jillani expressed these views in the inaugural ceremony of a one-week training course titled, "New Laws" for District and Sessions Judges/ Additional District and Sessions Judges, held at the Federal Judicial Academy, on Monday (19. 12.2011)

"You are the first impression of the judiciary because eighty percent of the litigation comes to the district judiciary. It is the first stage; it is the first field where the justice seekers come for justice. It is the district judiciary which can make or mar the image of the judiciary," he maintained.

He opined, "Judgeship is not a profession but a way of life and that judges are required to become "role models" in all respects."

He said that the edifice of the administration of justice rested on the shoulders of the district judiciary. They should play a role to build and improve the image of the entire judiciary.

He added that the role of a judge was not only important from national point of view but also from the religious point of view.

Quoting the famous glorious *Hadith* of the Holy Prophet Muhammad (PBUH) he said, "One day of doing justice was better than a thousand nights of worship."

He advised the judges to decide the cases not as politicians but on merit in the true perspective of our religion. In the end, he gave a topic titled, "Rule of law and Economic Development: Explain the Rule of Law Index prepared under the auspices of the World Justice Project and critically examine the country Report of Pakistan" to the participants for their intellectual input.



Hon'ble Mr. Justice Tassaduq Hussain Jillani, addressing the participants.



Hon'ble Mr. Justice Tassaduq Hussain Jillani is talking to the participants.



Participants of the course in a group photo with Hon'ble Mr. Justice Tassaduq Hussain Jillani and faculty of the Academy.

HON'BLE MR. JUSTICE MIAN SHAKIRULLAH JAN URGED JUDGES TO PERFORM THEIR DUTIES HONESTLY

Hon'ble Mr. Justice Mian Shakirullah Jan, Senior Most Judge of Supreme Court of Pakistan, urged the members of the district judiciary to perform their duties with full devotion, honesty and dedication, saying, "Dedication, devotion, integrity and service to humanity are always respected."

He was addressing the District and Sessions Judges and Additional District and Sessions Judges in the certificate awarding ceremony on the conclusion of one week training course on "New Laws" for District and Sessions Judges and Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan at Federal Judicial Academy, Islamabad on 23.12.2012.

Advising the participants he said: "You must perform your judicial duties with honesty, dignity, humility and respect, because administration of justice is a divine attribute, hence, it is a great honor for anyone to opt for the judiciary. The Judges should preserve the dignity and decorum of the post by their unique character in discharging their pious duties".



Hon'ble Mr. Justice Mian Shakirullah Jan addressing the course participants.

He expressed, "We are cognizant of the fact that the district judiciary is facing multiple problems, including non-availability of basic infrastructure, such as proper court rooms and accommodations etc".

"Efforts are under way to address these problems and the day is not far when the genuine problems being faced by the district judiciary would eliminate or at least lessened", he assured.

Hon'ble Judge said, "The urge for knowledge never comes to an end rather a person who gets extra knowledge feels eagerness to get more knowledge".

He said that the judges should keep themselves abreast of the latest trends in the judiciary and legal domain. The FJA was also trying hard to bring to them latest trends and developments of the judicial and legal education, he added.

He asked the trainee judges to have the maximum use of time and share knowledge, information and experiences with each other.

Earlier, Mr. Parvaiz Ali Chawla, DG of the Academy, presented an overview of the course and detailed profile of the chief guest. He said that efforts were being made to develop and design such courses which may equip the trainees with latest information and skills along with conventional subjects and procedures.

In the end, honourable chief guest distributed certificates among the twenty one trainee judges, hailing from all over Pakistan, upon successful completion of the course.



Hon'ble Mr. Justice Mian Shakirullah Jan, gives away a certificate to a course participant.



Participants of the course in a group photo with Hon'ble Mr. Justice Mian Shakirullah Jan and faculty of the Academy.

POSITION HOLDERS

1. Mr. Jehanzeb Shinwari, Additional District and Sessions Judge, Bannu, secured first position in the Essay Competition on the topic, "Define Alternate Dispute Resolution (ADR) in your own words" whereas Mr. Kamran Basharat Mufti, Additional District and Sessions Judge, Islamabad, clinched the second position, during the one week refresher course on "Orientation of New Laws" for Additional District and Sessions Judge from all over Pakistan including Azad Jammu and Kashmir and Gilgit- Baltistan (10th to 15th October, 2011). Hon'ble Mr. Justice Ghulam Rabbani, Judge, Supreme Court of Pakistan, gave the topic and Hon'ble Mr. Justice Asif Saeed Khan Khosa, Judge, Supreme Court of Pakistan, evaluated the intellectual output of the learned participants.

2. Mr. Rehman Elahi, Civil Judge-cum- Judicial Magistrate, Chiniot, secured first position in the Essay Competition on the topic "The Challenges/ Difficulties/ problems, you are experiencing as a judge and their solutions (by including You and Your Superiors)" whereas Mr. Zulfiqar Ali Kamboh, Civil Judge cum- Judicial Magistrate, Tando Bago, District Badin, secured the second position, during the one week Orientation course on "Case and Court Management" for Civil Judges-cum- Judicial Magistrate, from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan (24th to 29th October, 2011). Hon'ble Mr. Justice Mian Shakirullah Jan, Judge, Supreme Court of Pakistan, gave the topic and Hon'ble Mr. Justice Tassaduq Hussain Jillani, Judge, Supreme Court of Pakistan, evaluated the intellectual labor of the learned participants.

3. Ms Saima Hasnain, Civil Judge-cum- Judicial Magistrate, Bahawalnagar, and Mr. Muhammad Arif Rajput justly clinched first position in the Essay Competition on the topic "Importance of Procedural Laws in the Dispensation of Justice", whereas Mr. Afzaal Butt, Civil Judge cum- Judicial Magistrate, Sialkot, secured the second position, during the one week Orientation course on "Skilled-Based ADR Training" Civil Judges-cum- Judicial Magistrate, from all over Pakistan including Azad Jammu and Kashmir and Gilgit-Baltistan (12th to 17th December, 2011). Hon'ble Mr. Justice Tariq Parvez, Judge, Supreme Court of Pakistan, gave the topic and Hon'ble Mr. Justice Muhammad Ather Saeed, Judge, Supreme Court of Pakistan, evaluated the articles of the learned participants.

4. Ms. Jazeela Aslam, Additional District and Sessions Judge, Gujranwala, got first position in the Essay Competition on the topic "Rule of law and Economic Development : Explain the Rule of Law Index Prepared under the auspices of the World Justice Project and critically examine the Country Report of Pakistan" whereas Mrs. Mahrukh Aziz, Additional District and Sessions Judge, Lahore, clinched the second position, during the one week refresher course on "Orientation of New Laws" for District and Sessions Judges/ Additional District and Sessions Judges from all over Pakistan including Azad Jammu and Kashmir and Gilgit- Baltistan (19th to 24th December, 2011). Hon'ble Mr. Justice Tassaduq Hussain Jillani, Judge, Supreme Court of Pakistan, gave the topic and Hon'ble Mr. Justice Asif Saeed Khan Khosa, Judge, Supreme Court of Pakistan, evaluated the intellectual output of the learned participants

ALTERNATE DISPUTE RESOLUTION

By

(JEHANZEB SHINWARI)

Additional District & Sessions Judge, Bannu



DEFINITION:

It is a method adopted by civil courts to resolve disputes amongst the parties by adequate and acceptable means, other than by the application of substantive as well as procedural law.

PURPOSE:

Purpose of framing of the law is expeditious disposal of cases, providing congenial and pleasant atmosphere to the parties, resolution of disputes amicably and on permanent basis and reducing burden on courts.

Insertion of Section 89-A in the Civil Procedure Code, 1908 has encouraged the courts to consider the adoption of the method with consent of parties in order to achieve the goal of expeditious disposal of cases. The relevant statute i.e. Section 89-A of the Civil Procedure Code reads as:

"A court may where it considers necessary, having regard to the facts and circumstances of the cases, with the object of expeditious disposal of a case, in or in relation to a suit, adopt with the consent of the parties, alternate dispute resolution methods, including mediation and conciliation."

BACKGROUND OF ADR IN PAKISTAN:

Before takeover by the British, "Jirga" and "Panchayat" used to settle the disputes and address the grievances of people. But, the British Rule misused the "Jirga" and "Panchayat" for their own

ends and influenced both the fora. The "Jirga" and "Panchayat" were made so powerful that they started ignoring the consent of contesting parties and imposing their own decisions on the parties. However, with the passage of time and introduction of laws rather legal system, the efficacy of both these fora got away, as the rulers themselves became the Judges. With further passage of time, when the sub-continent got freedom from the clutches of British Empire, still the legal system introduced by them remained in field and was even adopted. Further passage of time brought awareness that technicalities and complications of prevailing legal system cause hindrance and delay in the disposal of cases, therefore, people started losing trust in the judicial system. It was thought over that the old "Panchayat" and "Jirga" systems were very effective fora for the resolution of certain disputes, but they were misused by the alien empire to suppress the masses and to prolong their illegitimate rule, and a need was felt that these two fora should be reviewed, but with a limited scope i.e. with the consent of parties, so that they could come ahead to help out the courts in decreasing the backlog of cases, aid to the goal of expeditious disposal of cases. In this way the concept of ADR emerged, was adopted and necessary amendment in the law was made. It is, now an obvious and recognized fact that an effective law has been framed which is effectively achieving its purpose.

Courts, while dealing with the law (ADR) adopt the following two main modes/methods:

1. ARBITRATION

2. MEDIATION

ARBITRATION:

It is an effective mode of settlement of disputes amicably or with the consent of parties, and even without the consent of contesting parties. The proceedings adopted through this mode have a legal cover under the Arbitration Act. But, while adopting this mode in the perspective of ADR, the courts should seek the consent of parties, as the consent of parties would result in a perpetual settlement of the dispute. However, adoption of this mode without the consent of parties is not illegal too, and is an effective mode of the resolution of the disputes, as the decision of the arbitrator(s) is binding upon the parties.

MEDIATION:

It is also an effective mode of resolution of disputes. In this process the court appoint a neutral person with the consent of parties to help the parties to reach some settlement, after negotiation, consultation and deliberation. However, legally, the decision and finding of the mediator is not binding upon the parties and the court. Since, the decisions of mediators are not binding upon the parties; therefore, the matters are discussed and deliberated upon in a very friendly atmosphere and very often, are resolved. The rate of successes through this mode is very high.

ADR AND EXPEDITIOUS DISPOSAL OF CASES:

The term ADR when was first introduced in the legal circles, it was thought that the method was being introduced for expeditious disposal of pending cases, both criminal and civil. And, with the passage of time, civil cases have been provided with legal cover in the shape of insertion of section 89-A in the Civil Procedure Code. But, the impact of ADR on criminal cases is not material, so far. However, despite having no legal cover, in certain areas progress can be seen i.e. through the intervention of "Musalihat-e-Anjuman" and other "Islahi Committees". These committees have decided many petty nature criminal disputes amongst the parties and are doing well.

If a provision of the type of section 89-A of the

Civil Procedure Code is inserted in the Code of Criminal Procedure, broad and positive results can be expected

There are certain areas in the country, where there is greater tendency of compromises/conciliations because of the customs and traditions of the locals and a little effort can yield better results. And, if this suggestion is seen in the perspective of non-availability of proper provision in the law empowering courts to use the tool of ADR in criminal cases, it is felt that an amendment in criminal law is required.

Criminal cases are mostly of sensitive nature, contesting parties are often very enraged and charged, their level of expectation is very high, if court without having the mandate of law asks them to reconcile, or settle their dispute amicably or compromise the matter; they get offended and sometimes start feeling prejudiced and thereby, starts raising allegations against the court. In such situations, criminal courts always avoid persuasive approach. Therefore, if a proper law is framed, the criminal courts would at least ask the parties boldly to reconcile, settle or compromise the matters amicably, and the net result would be expeditious resolution of disputes, on permanent ground. However, the scope of such intervention in the criminal law should be limited to certain type of cases i.e. only compoundable offences should include the scope of such intervention.

In order to encourage the courts and speed up the process of ADR every district should have an exclusive court for the purpose of dealing with ADR cases, and all such cases should be transferred to that court. All the courts be bound down to ask the parties, as to whether they want amicable settlement of their dispute or not and when reply comes in positive, their statements should be recorded and the cases should be sent to the ADR (exclusive court) for adoption of the method. In this manner normal courts would get sufficient time for other proceedings. Nevertheless, the ADR courts may be equipped with adequate facilities such as transport, manpower, communication and sufficient funds for travelling within the respective jurisdictions and pursuing the parties to reconcile.

The committees formed by the locals and the Governments should be encouraged to get involved in the process of resolution of disputes and influencing the parties to get rid of the disputes.

THE CHALLENGES / DIFFICULTIES / PROBLEM EXPERIENCING AS A JUDGE AND THEIR SOLUTION

By

(Rehman Elahi) Civil Judge Class-III

Chiniot

While performing the duties of a judge one has to face many fold problems, broadly speaking we can categorize these difficulties into two main kinds.

1. Difficulties while performing official duties, related to court.
2. Difficulties other than related to court.

Though both these are inter related but I will discuss both separately

Difficulties related to court

a. Relationship with Bar.

As we know very well that good relationship with bars is very important for achieving the greatest goals of providing justice, but for so many reasons there is an impression in society that bar members can get the decision of their own choice by using the pressure of position held by them. While performing duties judges always try to

build a good working relationship but again there are a number of cases where the bar members have created hurdles in the court proceedings and some time they also use force. I feel no hesitation in saying that these acts on the part of bar can develop a sense of insecurity amongst the judges.

How to maintain good relation with Bar:

The solution is very simple the Judges should pronounce judgments in accordance with law and without any fear. With the passage of time the Bars will start accepting the decisions even against their wills. But in this regard it is very important to protect the judges from reaction of Bars and the Honorable Superior judiciary can play a very important role by giving impression to Bars that they should not exploit the noble cause of movement of independence of judiciary. The District & Sessions Judges can also play a role of bridge between civil judges and bar for developing good relationship.



Difficulties in disposal of case:

In disposal of cases, again multi dimensional aspects are involved, being honest and analyzing the situation according to ground realities I think mainly in our judicial system we can categorize the cases into two main categories.

Civil Cases

Criminal Cases

Now I will discuss these separately.

Difficulties in disposal of civil cases

Broadly speaking while performing the duties of judge, following types of difficulties a judge faces:

Related procedure

Related to litigants and lawyers

Since the CPC, 1908 is the basic procedure we follow in the court and this procedure has its own formalities which causes delay in proceedings. Submission of miscellaneous applications without any reason is also a difficulty.

Criminal Cases

In Criminal side, a judge has to face not only the problems at the end of parties and lawyers but also at the end of police department. In this regard the role of District & Sessions Judges and Prosecution Department is very important. The Sessions Judges should encourage the judicial Magistrate to adopt any legal method for disposal of case.

Difficulties regarding court staff

The judges face this problem when staff i.e. reader, ahlmads are new and untrained. This problem can be solved with little attention of judge towards the training of staff with a positive approach. In this regard I would like to share the following suggestion.

1. There should be a comprehensive program for the training of supportive staff at district level.
2. The federal as well as provincial judicial academies should train the judges for the further training of court staff.

By adopting these we can achieve very good results but it is also very important that the judges should train their respective staff at their own level.

Difficulties due to less number of staff

In many districts the judges are working without stenographers and the ahlmads. In this regard with due respect I like to suggest the recruitment of supported staff be made at the earliest.

Difficulties due to short fall of electricity

This problem has affected the whole country but it has a direct bad impact on the court work. It is pertinent to mention that most of the court work is done through computers but due to electricity load shedding judges face difficulty in disposal of cases. In most of districts we have generators but due to load shedding of sui gas some time they are also not available for generation of electricity therefore, it is respectfully suggested that the UPS be also provided in the court for the functioning of at least computers and printers.

Difficulties regarding infrastructure

For a better performance we need to have good and healthy working environment and for that purpose we must have good infrastructure which includes good court rooms, retiring room and waiting place for litigants. In many districts the district judiciary has judicial complex but in many places judges are working in

pathetic condition with broken court room and old walls which of course create a burden and unhealthy effect on the performance of a judge. We are living in a modern age and for better performance we need to have better infrastructure. In this regard with due respect I would like few suggestions.

- A. There should be a final independence of judiciary in the direct supervision of honorable High Court.
- B. Steps should be taken by government for the better infrastructure of court.

Difficulties regarding the information technology

As we are the judges of 21st century and in this era of IT a judge should have the tools of IT and through this medium the judge can have a quick access of case laws and amendments. In this regard I would respectfully like to suggest that in all the courts in Pakistan the facility of internet be provided to the judges.

Difficulties in maintaining data of cases

In our judicial system Ahlmads maintain the case files and also maintain the register but due to huge number of cases there is always a chance of mistake regarding number of cases even during the physical inspection of cases a difference in number of cases has been observed. To overcome the difficulty I respectfully suggest.

- A. There should be computerized system of finding of cases.
- B. There should be a separate branch of counting of filing and disposal of cases.
- C. There should be a central database system of every District.

Difficulties other than official work

Apart from above mentioned problems there are other difficulties faced by a Judge like problems related to transfer / posting.

Transfer and posting is beauty of judicial service but there are some difficulties attached to the process of transfer. The judges who are living with family and their children are school going, suffer a lot due to a change of setup. This problem can be solved by providing options to the judicial officers for the place of posting.

Problem of non availability of government residences

Non availability of government residence is another problem for a judge. In many districts there are no residential accommodations for judicial officers and they have to get private houses on rent, which has its own draw backs. It is also worth mentioning that the merit should strictly be observed in the allotment of residences and those who have already transferred should vacate the houses at earliest for the new comers.

Lack of communication with worthy District judges

This is a very basic problem of our judges, due to lack of communication between the District judges and civil judge at a district, a series of new problems start. In this regard with all my respect I would like to suggest that the superior judiciary may direct the Distinct Judges to decrease the communication gap with the civil judges.

False complaints

A false complaint is another problem for judges throughout the country. In this regard with due respect I would like to suggest that the worthy District judges should dispose of the oral complain at their own end without calling the concerned judge in person.

Lack of appreciation

A judge always work for the will of Almighty ALLAH and not for the material award from anyone but it is a human nature that the due appreciation improves the working capacity of person therefore, the worthy district judges as well as Honorable superior court should appreciate the good work of district judiciary.

Slow promotion and limited opportunity of higher education

This is also a problem faced by judges with due respect I am taking this liberty to say that the process of promotion for the right people be sped up and the civil judges should participate in the exam of additional district and sessions judges. Opportunity of higher

studies inside as well as outside of country be also provided to judges. In this regard with due respect I would like to suggest that distance learning program be also started for the judges.

Last note I am not hopeless

In the end I would like to say that despite all these problems I am proud of myself being a part of judiciary and I can proudly say that despite these entire problems the judges are working with full devotion, dedication, honesty and positive approach towards the litigants. The problems mentioned above cannot de- track judges from the right path of providing justice. I would like to add that the judiciary is the last hope of people of Pakistan and as a judge I will never let my institution down (INSHAALLAH).

IMPORTANCE OF PROCEDURAL LAW IN THE DISPENSATION OF JUSTICE

By

**Mrs Saima Husnain (Civil Judge First Class)
Bhawalnagar**

A civilized system of governance requires that state make available to its citizen appropriate means of just redress of grievances and settlement of disputes. The means provided are the legal system and judicial administration. The courts must be accessible and dispense justice freely, fairly, impartially and expeditiously.

The Holy Quran ordains that Muslims must eschew injustice, coercion and suppression. It is the high time to learn lesson from history that a society can survive without sufficient, proper and convenient means of life but cannot flourish without administration of justice.

To administer justice in a just evenhanded equitable and fair play manner, of course some procedural mechanism needs to be evolved. Procedures are means to provide justice and the State is obliged to ensure that its legal system should not leave any room, space and scope for practices or processes likely to hinder or defeat justice. Therefore, procedure should always be in a veil of reforms. Sometimes back Lord Kilbrandon observed that

“The ship is well designed, fundamentally sound and is for most of time on a correct course; what is wanted is an overhaul and modernization of the navigational instruments, so that she is more easily kept on that course”.

Our procedural laws both civil and criminal are no doubt well designed and also fundamentally sound. They however need to be reviewed/revisited to make them attuned to present day developments. The effective enforcement of law and procedure is also required.

Here are some suggestions to expedite trial proceedings:

- (i) With a view to cope with the problems of increasing litigation in society and rising graph of crimes, it is essential that the courts should make a vigilant effort as the pre-trial hearing to dismiss /reject false, fictitious, frivolous and phony claims.
- (ii) Reports u/s 173 Cr.P.C should be stressed to be furnished in court within prescribed period of fourteen days.
- (iii) Necessary amendments should be made in the procedural laws with a view to reduce number of appeals, revisions etc especially against interlocutory orders.
- (iv) The courts should make use of existing provisions in the C.P.C for providing resolution of disputes through use of alternate methods of conflict resolution i.e.ADR, including



conciliation, mediation and arbitration or any such other appropriate mode. Amicable settlement of disputes is recommended under the injunctions of Islam and is embodied in our culture too. ADR in small causes and minor offences are successfully working in several advance countries. We should also attempt to introduce and use/apply this method in civil/criminal cases in particular resolution of minor cases and petty disputes, thereby seeking to resolve conflicts/disputes with the consent of parties to reduce confrontation and tension. The courts should make use of newly added section of 89.A of C.P.C. In this regard, Government /concerned authorities should designate some courts especially as ADR courts.

- (v) Police should oblige to effect service of witnesses.
- (vi) Further, with a view to empowering for ensuring the attendance of official witness and production of record / reports, appropriate amendments should be made in Cr.P.C. for the purpose of bringing S.195(1)(a) within scope of S.476(1)..
- (i) Heavy costs u/s 35-A of C.P.C. should be imposed in appropriate cases where suit is dismissed being false, frivolous or is withdrawn on being judged as such.

Here I would like to mention some of very important crucial, pivotal and significant amendments which have been made by Hon'ble Lahore High Court, Lahore in C.P.C. as the application of these amendments by courts will be helpful to eradicate delay on disposal of suits in more effective, forceful, just and convenient manner .Those amendments are hereby given under, with a bird's eye view.

- (i) Rule 10-A of order 5 C.P.C :

This rule provides another mode of effective, speedy and reliable mechanism/mode of service i.e. through courier messenger.

- (ii) Further provision of Order 8 Rule 10 C.P.C:

Not more than two adjournments should be granted for presenting written statements.

- (iii) Rule 4(2) of Order 9 C.P.C:

Through this addition, the provision of A.5 of Limitation Act has been enabled to apply to applications under Rule 1

of Order *ibid*. This amendment has saved the parties from bringing fresh suit on same cause of action.

(iv) Order 9-A of C.P.C.

By addition of this order in code , a new and very important concept of case management has been introduced which is generally followed in modern/developed countries to check belated complications of suits and to rectify faults at initial stage of hearing as under i.e. fixation of intermediate dates after the closure of proceedings as court shall fix ;

- (a) A day by which parties shall apply for orders of the court with regard to any of the following matters namely pleadings, further and better particulars ,admissions ,discoveries ,inspection of documents or of a moveable or immovable property and the modes by which a particular fact can be proved.
- (b) Another day by which parties may reply such application ; and
- (c) A third day on which unless the hearing as adjourned, the application shall be disposed of.
- (d) No opportunity should be given to any party for making any miscellaneous applications as aforesaid or submitting its reply thereto after expiry of the , day fixed for such purpose , unless the time is enlarged , but nothing here in shall affect the Rights of the parties to

Make such applications before closing of pleadings.

(v) Rule 4 A of Order 12 C.P.C.

This addition has increased the power of a court to call any party without being asked by plaintiff/defendant This new addition has given suo moto jurisdiction to the courts to record admission of documents or facts .In fact, the Rule 4 was aimed at to resolve facts based on documents to save precious time of courts but is seldom applied by parties primarily on account of their vested interests. But now the courts may invoke this jurisdiction hopefully giving required results.

(vi) Rule 1 Order 16 C.P.C.

Summoning of witness and presenting a witness in court is yet another cause often abused to prolong a case. The forum of summoning of witness has further been improved by amending this rule as under:

“Not later than seven days after settlement of issues, the parties shall present in court of certificate of readiness to produce evidence along with the list of witnesses whom they propose to call either to give evidence or to produce documents.”

These amendments have far-reaching effects for speedy disposal of cases and to eliminate delay on technical grounds and also help in quick processing and expeditious dispensation of justice.

IMPORTANCE OF PROCEDURAL LAW IN DISPENSATION OF JUSTICE

By
(Muhammad Arif Rajput) CIVIL JUDGE & JUDICIAL MAGISTRATE-I
UMERKOT (SINDH)



Before dilating upon the importance of procedural law in the dispensation of justice, it would be advantageous to ponder over the procedural law itself. It will help in assessing the importance of the procedural law. Procedural law determines how the substantive laws will be enforced. The function of the procedural law is to streamline, channelize and facilitate the smooth running of the judicial system for dispensation of justice. Principally, the procedural law is an adjective law. It provides rules of procedure to simplify and shorten proceedings. Its main object is to ensure a fair trial in accordance with the principles of natural justice and fair play.

Procedural law deals with the way, the court works and it provides mechanism to foster the cause of justice. According to Sir John Salmond: “the law of procedure may be defined as that branch of law, which governs the process of litigation.”. It regulates the conduct and relation in respect of the litigation itself. It regulates the conduct of affairs in the course of judicial proceedings.

Procedural law plays an important role in the dispensation of justice as the main purpose of procedural law is to ensure the fair and consistent application of the judicial process and to serve justice. Justice is best served when rules and rights are clearly stated and adhered to. Procedural laws are written and enacted and help to promote a regularity within the judicial process. This regularity helps to promote the image of fairness. It simplifies the process of litigation. It provides a machinery to achieve the ends of justice and courts has to administer the machinery for enforcing rights and duties recognized by the substantive law. As the procedural law is written therefore, it decides the domain of each stake holder. Judge is not at liberty to perform his job according to his own whims and choice but he has to perform his job within the four corners of the law. Likewise, it provides the role of advocate, prosecutor etc. It provides a particular procedure for doing a certain thing and that thing has to be done according to that procedure.

A note on the Rule of Law and Economic Development . Explain the Rule of Law Index prepared under the auspices of the World Justice Project and critically examine the Country Report on Pakistan.

By
(Jazeela Aslam) Additional District and Sessions Judge
Gujranwala



“The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.”

Anatole France, “Le Lys Rouge” (1894)

The rule of law is a fundamental ideological principle of almost all the established world democracies. The very idea of the "rule of law" is that of a state in which determinate and pre-determined rules govern and restrict the exercise of power and regulate the affairs of citizens. Primarily, as most of the jurists agree, the rule of law principle requires that the legal system of a state comply with minimum standards of certainty, generality and equality. The hallmarks to the adherence of the rule of law commonly include a clear separation of powers, legal certainty, and the principle of legitimate expectation and equality of all before law. Legal equality, however requires that not only should like cases be treated alike but also that different cases should be treated differently. According to Aristotle's "Politics" the rule of law implies both obedience to positive law and formal checks and balances on rulers and judges.

Being a basic component of almost all the Constitutions world over, the significance of rule of law cannot be undermined. The Constitution of Islamic Republic of Pakistan enshrines and guarantees the rule of law. The powers of High Courts (under Article 199) for example are designed to ensure that each and every authority in the state, including the government acts bona fide and in accordance with law. Indeed the courts are perforce made to intervene and call upon the executive to perform duties and that too without fear or favour. Such intervention can, at times be extended to legislature, notwithstanding that all the three organs of state, judiciary, legislature and executive have to perform their duties within the areas assigned to them. The scope and extent of their powers may, however, be over-lapping at one stage of history of a state and separate and distinct at another, depending upon several related factors, including socio-economic and political circumstances as well as geographical location. The problem before the courts nevertheless remains to strike the right balance between efficient government on the one hand and the protection of the citizen against mis-government on the other. A careful study of the modern history of western democracies reveals that rule of law was not able to prevent some of the worst behaviour of states or individuals within the state. The rule of law also paints over the fundamental contradictions of modern life, including the tension between the need to be free and the desire to live in community the community in a state where resources are limited in relation to human wants.

"Laws," Rousseau said, "are always useful to those who have possessions, and harmful to those who have nothing". The economic condition of the masses may also play a vital role in the formation of an undesirable legislature although duly elected. Resultantly the laws framed by such a legislature and their enforcement and implementation by the other organs of the state may not conform to the universal and generally accepted standards of rule of law. The quality of justice, to be dispensed to the public may also be affected by the scales of economic disparities. Thus all

Organs may become part of a vicious circle, each blaming the other. "Economics, most of the time, however, can provide value clarification by showing the society what it must give up to achieve a non economical ideal of justice. The demand for justice is therefore not independent of its price." (Economic Analysis of Law Richard A. Posner).

Economic development at the same time may not necessarily ensure smooth working and cohesion of all the three organs of state nor it is, in my opinion, likely to guarantee strict adherence to rule of law. Economic growth may be accompanied by rising disparities, in personal as well as regional incomes and may not even touch the ordinary lives of the masses. Very often economic growth has met very little social justice. It has been accompanied by rising unemployment, worsening social services and increasing absolute and relative poverty. The harsh realities that continue to afflict our national existence are that we have an over-sized population of more than 187 million being the world's 6th most populated nation, our rate of literacy is less than 25%, we lag far

behind in providing education and health facilities, more than 80% population has no access to potable water, housing and planning sectors are almost non-functional and we suffer from acute crisis of energy and power. The woeful list can be multiplied ad nauseam all to show that the quality of life remains our elusive dream. In such a scenario enforcement of civil rights, abuse and misuse of authority or precisely rule of law hardly makes sense to the common man.

The need to rejuvenate the existing legal and judicial systems in the context of economic development cannot be over emphasised.

A fact-based statistical data 'to assess a nation's adherence to the rule of law in practice, to identify a nation's strength and weaknesses in comparison to similarly situated countries and to track changes over time', is certainly likely to provide food for thought in all the relevant spheres. It may also pave the way to improvement and reforms. The Rule of Law Index 2011 prepared under the auspices of the World Justice Project, therefore, can be fairly eulogised as a report card of 66 countries in terms of their performance in observing and practising rule of law.

The computation of the index has been made on the basis of following 9 factors that determine the score of the 66 selected countries including Pakistan.

1. Limited Government Powers

The Index does not depict the first sub-factor i.e. the data of any country showing the extent to which Government powers are defined in the fundamental law, for the reason perhaps that it required a study of the constitutions of all the 66 countries. The other sub-factors are intended to assess whether the powers of government are subject to checks and balances, audit and review. It is also meant to disclose whether or not the administrative actions of government officials are open to judicial review, also whether the transfer of power occurs in accordance with law.

Pakistan scores poorly when it comes to assessing the accountability of government officials. The graph shows that the score is so close to the lowest value that it appears that no government official ever got punished for misconduct! The data collected probably relates to government officials (or officers in bureaucracy) in the higher echelon of service.

As regards transfer of power in accordance with law, the score is surprisingly on a higher side. It may be with reference to only the recent transitions of power otherwise political history of our country, if taken into account, would not provide so many instances of transfer of power in accordance with law.

1. Absence of Corruption

2. This assessment is based on the criteria whether there is corruption in executive and judicial officers and whether the police, military and officials in the legislature misuse their office for private gain.

In Pakistan as the Index shows the officials in executive branch are comparatively less corrupt than those in the judicial branch, police and military. The Index does not show the extent to which our parliamentarians are corrupt.

3. Order and Security

This factor is intended to assess the law and order situation of a country. The touchstones are whether crime is effectively controlled, whether civil conflicts are limited and whether people resort to violence to redress personal grievances.

In Pakistan according to the Index civil conflicts are unlimited, the score being absolute zero. Rate of crime however is not so high when compared with civil conflicts. The country is at the lowest rank in all the 66 countries in providing security to the ordinary man.

4. Fundamental Rights

Equal treatment, absence of discrimination right to life and security of the person are included in the scale of fundamental rights. The right of an accused, due process of law, freedom of opinion and expression, of belief and religion, freedom to enjoy privacy, right of assembly and association and labour rights also constitute the list.

The profile of Pakistan in this graph depicts a poor score in arbitrary interference of privacy and a lower score in right to life and security. Fundamental labour rights are also not effectively guaranteed.

5. Open Government

The index here intends to show whether the laws are clear to public, whether they are publicised, and are stable, also if the right to question the government and public participation in the making of laws is guaranteed and whether or not the laws are available to the public.

Pakistan's ranking here is again extremely poor. The Index reveals that laws are not at all clear. It is obvious that having so many parallel legal systems, the two basic being Islamic and colonial, our country's score is expected to touch the lowest edge in this graph. Also laws here are rarely publicised and are hardly stable.

6. Effective Regulatory Enforcement

This factor includes the sub factors of effective enforcement of government regulations, and at the same time whether those are applied without improper influence, and proceedings conducted without unreasonable delay, also whether or not government acquires property without adequate compensation.

Pakistan's profile shows average ranking in observance of due process in administrative proceedings and also that those are conducted without unreasonable delay.

7. Access to Civil Justice

The sub factors here are whether people are aware of available remedies, access to legal services and civil courts, whether civil justice is free of discrimination and corruption and government influence and whether effectively enforced. It also includes whether ADR systems are accessible impartial and effective.

Pakistan's ranking here is again extremely poor. As depicted in the graph, civil justice is rampant with corruption, unreasonably delayed, hardly ever enforced. It is however relatively free from improper government influence.

8. Effective Criminal Justice

The sub factors here are whether crimes are effectively and timely investigated, whether correctional system is possible, is impartial, free of corruption, of improper government influence and whether due process of law and rights of accused guaranteed.

Pakistan's picture here is slightly better than at civil justice.

9. Informal Justice

This ranking is meant to examine whether informal justice is timely, effective, impartial, free of improper influence, and whether respects and protects fundamental rights.

This factor has not been represented in the Index.

Pakistan's picture here might have been interesting to ascertain the extent to which the country is assessed in this area. There is however ranking only in the subfactor 7.8

Critical Analysis

The country report on Pakistan is based on the data collected from three cities, Faisalabad, Karachi and Lahore. The question is whether the population of these 3 districts, although 14% of the 167 million, truly represents the opinion of the remaining population. Any student of anthropology of this region would not agree. The quality and quantity of civil litigation, for example, in these cities is entirely different from that of the other, mostly rural areas. While crime rate may be higher in some other parts of the country, the pace of dispensation of civil justice may also be faster than the selected 3 cities. Further a greater number of populations in other cities may be resorting to ADR systems than that of the selected 3 divisions.

The preparation of the Index being limited to the 3 cities the representation of population belonging to the rural areas and remote districts seems to have been materially affected. The polling further seems to have been conducted through a specific section of society and as such the authenticity thereof may be subject to doubt. As the respondents are anonymous, it can be hardly verified whether the data was actually collected from the common man. Keeping in view the literacy rate of the 3 urban cities, the data of other cities can be possibly skewed in all factors. If corruption is so rampant, as stated in the report, the truthfulness of the surveyors can also be open to challenge. Questions can be raised to the impartiality of not only the polling agency but also of the respondents. Even possibility of certain biases and prejudices against government servants, judges, military personnel and police cannot be ruled out. There being a variety of conflicting views, for example, relating to clarity of laws, there are chances of errors in the scale.

Also extreme variance in thinking of rural and urban population is quite probable. As the geographical location of other cities plays its own part, the administration and governance of the three selected cities may be different. Most importantly, there is no representation at all of the two entire provinces. Their grievances may be entirely distinct and different in the context of adherence to rule of law.

Geographical location, diverse cultural values, various traditions....ethnic issues, role of tribal leaders...and many other factors if considered in proper context, may give an entirely different colour to the perception of rule of law in Pakistan.

The possibility of errors, bias and non-representation of a considerable section of population, notwithstanding, the profile of Pakistan displays a grim and bleak image of our country's assessment in adherence to rule of law in practice. It is painful to see that we stand on the lowest rank in all spheres when compared to the two countries India and Bangladesh of our region. Globally too, in the comity of 66 nations our performance is poorest in matters of "Order and Security" and "Access to Civil Justice". Identifying and focusing the areas where improvements and reforms are immediately required and then working consciously and conscientiously at every level may provide opportunities to common man to reap the benefits of rule of law and may consequently reduce the suffering and miseries of public in general.



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