**Effective governance and judicial system: the way forward**

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Foundation of the state of Medina was also based upon rule of law and provision of speedy administrative justice which made it a great emerging state of that time. Even in the modern world, no state can survive and prosper without having an effective and speedy governance and judicial system. No state can progress and prosper without having speedy, inexpensive and timely administrative and legal justice. However, Pakistan had inherited British Colonial governance and judicial system, and from day one it is continuing in one or other way, and no concrete effort has made since independence to completely overhaul this old and outdated governance & judicial system which actually designed and implemented for the Sub-Continent slaves and not for the free citizen as proved through history.

It is always as well very important that the governance and courts system should work in a way that when the citizens interact with govt departments or officials for their public matters or relating to grievances they must also feel satisfied when their legal matters reach in courts of law for adjudication and on merits through maintaining rule of law in shortest possible timeline. However, this is not coming to reality and happening in Pakistan, despite our forefathers who dreamed and struggled for independence for the people of this region. There is a general perception growing among citizens that they are fed up with the present system of governance and they want change as a whole with speedy deliverance. Moreover, citizens have been in frustration and even spent almost all their lives seeking justice from government departments and from one court to another court.

Pakistan is among the low rating countries in the world in the areas of Governance & Judicial Deliverance and the fourth position out of other six countries in South Asia in a recent published report in the area of civil & criminal justice, open government and constraints of govt powers. Every year, Pakistan’s rating in these areas has been downgraded not as whole among world states but in South Asia as well. This state of affairs should be alarming for policy makers and legislatures and require urgent serious action for its rectification from lower to the top system. This is the Constitutional and legal obligation of a state to take lead for overhauling/ improving the governance and judicial system for its bright and confident future.

Present governance system is so complex, overlapped, inefficient and outdated, that years and years have been spent seeking administrative and judicial justice for the common man. It has generally lost the citizen’s trust and confidence over state institutions and simultaneously at the same time IT portrays the symbol of delay, compromising in law, unbridled discretion and creating opportunities for continuing mal-practices in governance. Being that, mafias are protected against the supremacy of law, Pakistan has ranked poorly in many areas of governance, enforcement of rights, economic and investment opportunities. The present governance and judicial system has further weaken our ranking of governance and legal credibility that in almost every international contract relating to investment in Pakistan, exclusion clauses relating to Pakistani jurisdiction and application of local laws has been incorporated and even no one is there to counter legally, resultantly paying heavy monetary price to the country before the international arbitration and adjudication forums.

Pakistan unfortunately, are among the low rating countries in the world in the areas of Governance and Judicial Deliverance, which needs to be improved on a war footing basis and in the larger interest of Pakistan and most importantly for its vibrant existence on the map of the world. The perception of Pakistan in areas of government accountability on governance, bribery victimization, crime victimization, criminal justice, and access to legal justice are also not good in standing among the world. It is now important that both good governance and speedy / inexpensive justice be treated on priority by our policy makers and legislatures being most important and vital for the survival, security and prosperity of our beloved country. Article 37 of the Constitution of Pakistan 1973 also gives assurance for speedy and inexpensive justice through Principles of policy but we are lacking in this area of implementation.

Administrative and legal justice reforms should be immediately initiated for curbing delay in provision of justice for a common man as needed. It is also very important to have effective governance and judicial system for a welfare and prosperous country and that the process to deal with govt departments and courts by its citizens to be dealt through such mechanism which based on easy accessible, simple, less lengthy, time bounded, hassle free and to have strong external oversight mechanism of accountability through public bodies comprising professionals having rich practical experience in the relevant discipline. Present administrative and judicial system should not be rectified through a patchwork process but sincere legal efforts should be started immediately to overhaul our administrative and legal system both in govt procedure/rules of business and in substantive laws.

It is also recommended for efficient and credible administrative and judicial system in Pakistan to establish an institution like National Governance & Judicial Deliverance Bureau (NGJDB) at federal level with the mandate to suggest legislative measures for improving governance and judicial system with modern administrative and legal justice input under a new strategy naming for instant “Dispensation of Justice” covering, administrative, Civil and Criminal Justice system. This institution should also conduct a forensic study first for the whole of our administrative & judicial system in every aspect for its improvement and to interact with all stakeholders including bar association and academia for further improvement. Decisions taken by the proposed institution should be monitored and implemented by the top level. Its suggestions and recommendations as model draft legislation to be forwarded to the Parliament and to Superior Courts for their perusal and final input. It is also important that delivery of new administrative & judicial systems be monitored and addressed on every six month basis under the umbrella of this very institution and with coordination of other stakeholders for further improvement in the interest of citizens.

There is also a dire need for strengthening the Alternate Dispute Resolution mechanism as well in Pakistan both on quasi judicial and civil justice sides. The people of Pakistan cannot leave more at the mercy of this outdated governance and justice system based on whims of govt functionaries. These efforts can also be directed for reduction of huge backlog of cases, resolution of complaints within 60 days, promotion of Alternate Dispute Resolution (ADR) through mediation, shortening of time spent in litigation and strengthening of the role of the Ombudsman for speedy and inexpensive relief in respect of public complaints regarding maladministration of government agencies. The caseload before the courts is already too large, and many of the complaints that are brought before the ombudsman need not turn into a legal dispute. Such a mechanism can be introduced in the rural areas too, and extended down to the district and union council level. We can pray as well for such initiation of administrative and justice reforms in Pakistan at earliest in the larger public interest, and this is the only way to have rule of law, progress, prosperity and respectable ranking among communities of the world.

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