**Judicial corrections**

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The higher judiciary at one time provided much-needed relief to the public through writ jurisdiction; not anymore. After the lawyers’ movement of 2007 and the appointments that followed, serious concerns have come to the surface. Historically, a mix of direct appointees to the bench and those promoted from the lower benches was maintained for a balance between experience and legal flair. Those who came through the ranks starting as civil judges understood the nuts and bolts of the system. Those who managed to reach the ranks of session judges were then elevated to the higher judiciary based on merit, and performed well in their higher assignment. Certain ratios were always maintained (2/3 VS 1/3). Several famous lawgivers emerged from the subservient judiciary, some of them even came from the civil administration; Justices A.R. Cornelius, M. R. Kiani, K.M.A. Samdani and M. Anwar-ul-Haq, to name a few. On the other hand, one of the most brilliant lawyers of his time Manzur Qadir, could not survive on the bench and stepped down, while M. Anwar declined the offer and spent his entire career with the bar. He had a very powerful and aggressive style of advocacy which remains unmatched.

When Justice Malik Muhammad Akram, father of Justice Malik Muhammad Qayyum was invited to join the higher judiciary, he called his extended family (Baradari) for consultation. The approval was unanimous for accepting the elevation to the bar. Malik Sahib thanked them for the support but imposed a conditional acceptance. His words were; “You will never approach me for any favour”. After a brief silence he got a nod. The higher judiciary remained above board and neutral till the decade of the eighties. Conflict of interest and recusal were blatantly ignored. Maulvi Mushtaq Ahmed as Chief Justice of the Lahore High Court (LHC) continued to preside over the trial of Zulfiqar Ali Bhutto (ZAB) despite his written objections. The judicial murder of ZAB continues to be a major blot on the higher judiciary.

The restored Chief Justice of Pakistan (CJP) wreaked havoc with the entire system. He unilaterally raised the salary, perks and pensions of fellow judges much beyond the top grade of service (Grade 22). Through the Judicial Commission that he headed, several loyalists and activists were elevated to the bench. The performance divide between the higher and subservient judiciary has never been so stark before. The backlog of cases continues to rise with no relief in sight. The ‘Colonial Era’ summer vacation calendar is followed by the higher judiciary.

The onslaught of the eighties and the Lawyers Movement of 2007 has caused irreparable damage to the system of justice in the land of the pure which needs to be addressed without delay. The Supreme Judicial Council (SJC) has responsibility for internal accountability of the judiciary. Some senior judges have written letters to the CJP about the need for reforms in the selection process. Justice is not being dispensed as it used to be. In the past, bureaucratic abuse was contained by the judges to a great extent but not anymore; the system is sluggish and choked, calling for major reforms.

With the mushroom growth of private law colleges, the standard of legal education has also declined. The diploma mills are working overtime while the standard of advocacy continues to be marginalised. There has been an overproduction of lawyers with an emphasis on quantity instead of quality. Professional conduct leaves a lot to be desired. I remember, a few years back, the CJ of LHC decided to renovate the historic court building despite the fact that it is on the top of the list of the protected structures on the Mall Road. No civilised society can survive without expeditious justice. As the popular saying goes “Justice delayed is justice denied” and “Justice hurried is justice buried”. Unfortunately, both ills are being currently practised in the land of the pure—for a few it is being hurried, while for the many it is being buried. Such a system definitely needs a major clean-up.

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