

Chief Justice's counsel

*laws Justice
Nazim
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The learned Chief Justice of Pakistan, Mr Justice Nazim Hussain Siddiqi has said that while deciding the cases the courts should consider whether their decisions were settling disputes or were a mere disposal. He asked both the bench and the bar to work together to strengthen the judicial system by bringing in efficiency to eliminate the miseries of the litigant public. Provision of speedy justice should be our aim. Unfortunately, he observed, the decisions of the lower courts are not carried out, and by filing the case in the Supreme Court it is assumed that a stay order has been granted. Addressing the full reference on the retirement of Justice Syed Deedar Hussain Shah, he expressed his anxiety over the large number of cases pending in courts. Last year there were 19000 cases. Although a huge backlog was cleared, 25000 cases are still pending before the apex court, the Chief Justice said. According to the expert opinion of the Chief Justice, if the cases continued to increase like this, than within two to three years, their number can go up to 50,000. This is something that both the bench and bar should ponder together and find a way out for the litigants.

The tragedy of the provision of justice in Pakistan is that although there is no dearth of recommendations from the bench and bar on the subject, no action has been taken to

implement these recommendations. Similarly, shortage in the number of lower courts and judicial officers is emphasised each year and from various levels, but their number is never increased as needed. No effort is made to remove the intricacies of the laws of the country, both on the civil and criminal side. On the contrary, new barbed wire technicalities are introduced to further complicate the system. The ministry of law and justice is not given the time to look into anomalies, difficulties and contradictions and to sift these complications and bring reforms, so essential for giving a system that ensures speedy justice. On the other side of the spectrum, members of the Pakistan Bar Council, and the number of the bar associations that are spread all over the country, and whose members lay claim to an efficient, independent judicial system, in spite of their experience, have been unable to devise a system whereby the lawyers are dissuaded from prolonging cases that might result in pecuniary benefits to them. Is there any member of these associations who can swear that he is not aware of the usual delaying tactics used by the lawyers to prolong the cases? This is also a fact that in spite of tall claims by successive governments to increase the number of judges and improve the judicial system, there seems to be no visible improvement in the situation. The sad situation of the lower courts all over the country is amply reflected in the small number of lower courts in the port city of Karachi, a commercial, and trade and industrial hub of the country with more than 12 million people. Pakistan Bar Council has rejected setting up of special courts to be known as federal commercial courts on the basis that it would create a parallel judicial

system. The learned Chief Justice of Pakistan can suggest proper reforms in the system, and can direct the government that these should not result in creating complications. The need for this has been felt ever since the amendment in the Federal Services Tribunal Act 1973, which has glutted these tribunals with cases. Since according to the Chief Justice there is no other forum between the tribunals and the Supreme Court, this flood has also entered the Supreme Court.

It is always said that justice should not merely be done but should also been shown to have been done. In addition to the existing weakness of our judicial system, and the ones brought out by materialistic urges of this day and age, the provision of justice, especially speedy justice for the citizen, has become an excruciating, prolonged process in our country.

The need of the hour is to take effective steps, which make justice available on time, and the people genuinely feel its results.