

## **S P E E C H**

**OF HON'BLE MR. JUSTICE SYED JAMSHED ALI  
FORMER JUDGE SUPREME COURT OF PAKISTAN  
DIRECTOR GENERAL  
PUNJAB JUDICIAL ACADEMY**

ON THE EVE OF CERTIFICATES AWARDING CEREMONY TO THE ADDITIONAL DISTRICT & SESSION JUDGES AND QAZIS OF BALOCHISTAN AND ADDITIONAL DISTRICT & SESSION JUDGES OF PUNJAB HELD ON 15.06.2013.

**The Honourable Mr. Justice Iftikhar Muhammad Chaudhry**  
Chief Justice of Pakistan.

**The Hon'ble Mr. Justice Qazi Faez Isa,**  
Chief Justice,  
High Court of Balochistan, Quetta.

**The Hon'ble Mr. Justice Umar Ata Bandial**  
Chief Justice, Lahore High Court /  
Chairperson, Punjab Judicial Academy

**The Hon'ble Mr. Justice Muhammad Anwar Kasi,**  
Chief Justice,  
Islamabad High Court.

The Hon'ble Judges of the Supreme Court and High Court, the Members of the Board of Management of the Punjab Judicial Academy, the Resource Persons, the staff of the Lahore High Court, the Media, the Judicial Officers of the Districts, the trainee Judicial Officers of Balochistan and Punjab, Ladies and Gentlemen.

It is my honour to welcome the Hon'ble Chief Justice of Pakistan and other distinguished guests to this ceremony. On behalf of the Board of Management of the Punjab Judicial Academy, the staff of the Academy and on my behalf I am thankful that the Hon'ble Chief Justice of Pakistan and other distinguished guests particularly Hon'ble Mr. Justice Qazi Faez Isa, the Chief Justice of Balochistan High Court, found time for us. Sir your presence and a word of advice will be a source of inspiration for the judges of District Judiciary and will guide their future course of conduct. I am

also thankful to Honourable Mr. Justice Tassaduq Hussain Jillani, Mr. Andy Williams, Mr. Ahmar Bilal Sufi and Mr. Meesaq Arif, the honourable guest speakers who kindly accommodated our request to read a paper on short notice.

2. This Academy was constituted by the Punjab Judicial Academy Act (Pb. Act XV of 2007) promulgated on 30.10.2007. Mr. Justice Tanvir Ahmed Khan, a Former Judge of the Supreme Court, was its first Director General. Despite resource constraint such as the infrastructure, manpower, finance etc, due to his tireless efforts and that of Justice Khalil-ur-Rehman Khan who acted as Honorary Consultant with complete support of the Board of Management and Honourable Chief Justices, the Academy was able to take off by the 1<sup>st</sup>, Eight Weeks, Pre-service Training Programme for newly appointed Additional District and Sessions Judges and till 11<sup>th</sup> of May, 2013, in all, forty courses of different duration were undertaken for the District & Sessions Judges, Additional District & Sessions Judges and the Judicial Magistrates. The total male officers were 873 while female officers were 281. Thus, in all, 1154 judicial officers were imparted training of various durations. This ceremony of today involves Pre-Service Training of 31 Additional District & Sessions Judges of Punjab and 25 Additional District & Sessions Judges and Qazis of Baluchistan.

3. Apart from the judicial officers three one week courses were arranged for the court personnel of the High Court which included Additional Registrars, Deputy Registrars and Assistant Registrars of the said Court benefitting 165 officials. Two courses were held on the judges mediators skill and training on alternate dispute resolution for 50 officers, 20 capacity building orientation courses on DNA, Cyber Laws, Environmental Laws, Medical Jurisprudence, Consumer Protection Laws, Civil and Revenues Laws were also organized by the Academy in which 4550 lawyers participated. There were three seminars, one in 2011 and two in 2012, one on Judicial Independence, the second on Media Ethics and Court

Reporting and the third was a Post-budget Seminar. It involved benefit to 640 participants. There were seven workshops on “prisoners and persons”, child rights, juvenile justice, Mental Health and Mens-rea. The beneficiaries of the seven workshops were 830 persons connected with administration of justice. There were special lectures addressed one by Mr. Justice Sagheer Ahmad Qadri on courts delay reduction and the other was on the role and jurisdiction of courts under the laws governing private sector. The beneficiaries of the two lectures were 600 persons. The total number of beneficiaries of all the above programmes were 7830. The Academy has been receiving a number of local and foreign visitors the note-able being the Australian Parliamentary Delegation, a Judicial Delegation of Nepal headed by Honourable Chief Justice, Delegation of European Commission, Delegation of Bureau of International Narcotics Law Enforcement Affairs USA.

4. The feedback has been that the training in the Academy was useful and the disposal of the cases immediately after the training was larger than the disposal immediately preceding. In fact the entire system is focused on the litigant and delay is the principle source of discontent although considerably reduced, yet not eliminated, for which sustained effort is required. One is reminded of Mr. Justice M. R. Kayani narrating a tale in of his speech “Political Rabbits and Whimsical Kings” at the inaugural faction of the Punjab University Political Science Society, Lahore. He said, I quote,

*“We once saw a rabbit was running hard for his life but we did not see any hunter or herd chasing him. We stopped the rabbit and asked him why he was running. He said that the king has issued an Ordinance that every camel in the land should be seized for compulsory service. “But you are not a camel”, we tried to assure him. He was not assured; he said that if he was once seized on the assumption that he was a camel, it would take him years to prove that he was a rabbit”.*

5. You as judges of the District Judiciary are backbone of the system and in the changed face of the judiciary there is a heavier

burden on you to discharge. This is possible only by your un-melted determination to work hard by eliminating repetition of stories from Arabian nights in your court. If we have to live as a freeman on our land the stream of justice must flow unpolluted. It brings peace, progress and prosperity.

6. I still feel that the Academy is in infancy because we do not have adequate infrastructure and the manpower. However, on 25<sup>th</sup> May, 2013, foundation stone for new building of the Academy was laid by Hon'ble Mr. Justice Umar Ata Bandial, Chairperson of this Academy. The first phase is to be completed within two years covering an area of about 129,000 square feet. It will have the Administration Block, Teaching Block, the library, hostel facilities and eventually in three phases the total covered area is going to be more than three hundred thousand square feet.

7. This Academy has so far been imparting instructions primarily to the judicial officers. However, my vision is that simultaneously with the programme of training of the judges the Academy should consider taking up specialized instructions in the fields of labour and service laws, banking and commercial laws, Consumer Protection Laws, intellectual property laws, environment protection laws, legislative drafting (a totally neglected department) valuation of land, building and machinery followed by a diploma to be issued by the Academy which should turn into a Post-graduate Decree Awarding Institution in the specialized branches of law in due course of time.

8. My wish list is a bit extravagant, I am also of the considered view that the Research Wing of this Academy should be properly staffed with the mandate to keep in constant touch with judicial officers of both levels, i.e., the Civil Judges and Appellate Judges, to find out the irritants to justice and suggest remedial measures. This may include the procedural laws as well as the substantive laws. I am of the view that with a careful examination of all the laws we will be able to find many provisions which are offensive to reason or

otherwise unjust and may not be retained. Just to illustrate my view point, there is no justification for limitation of three years for a suit for specific performance particularly relating to immovable properties. I am also of the view that to test good faith of a plaintiff in a suit for specific performance, there should be a pre-condition that at least the admitted balance sale money should be deposited in the court by the plaintiff, the provision of remand under section 23-A of the CPC, to my mind, is absolutely unnecessary which gives wide unguided powers to appellate court to remand a case thereby multiplying litigation. Sections 15 and 16 of Specific Relief Act are apparently unjust and even protect fraud and misrepresentation.

9. I am also of the considered view that as far as the Judicial Magistrates are concerned, after they have left the Academy, they should watch the proceedings of the court of the Judicial Magistrates for at least four weeks and thereafter watch the proceedings of the learned Additional Sessions Judges and Sessions Judges for four weeks so that they should know the errors which have to be avoided

10. As far as the Additional District and Sessions Judges are concerned, they should watch the proceedings of their senior colleagues for four weeks and thereafter watch the proceedings of the High Court for another four weeks so as to have the first hand knowledge of what are the mistakes frequently committed by them which are agitated in the higher courts. I am sure, despite resource constraint of manpower, the time invested on practical training of the Judicial Magistrates and the Additional Sessions Judges and Sessions Judges will be worth the time spent because I am quite confident that this will enhance the output and quality of administration of justice of the district judiciary.

11. The Judicial Officers for whom this ceremony is being held in this Academy will be taking up their jobs. This is just to remind them that the course they have chosen is pious and prestigious and they

are themselves the custodians of these virtues. However, you have to be extremely careful because power and undue praise inflates the ego, which unless guarded against, takes away many virtues required of a human being, particularly of a judge, such as, the patience, tolerance, grace and being open to conviction. As said it is better to be inconsistent in the matter of truth than to be consistent in falsehood. In a speech Lord Sha-Crass, a contemporary parliamentarian, said that Denning is an ass. Action in contempt was proposed but Denning said I will disprove it by my judgments. I may also like to remind you that fear is the product of your own mind and you can defeat it by your strength of character and principles. If you hold the scale of justice, even, your mind travels in a state furrow and extraneous matters are shutout from consideration, you will find that strength automatically flows into you and you will be able to say no to any attempt to deflect the course of justice. You have to ensure that rule of law is the rule of life and the stream of justice flows unpolluted. Administration of justice and sense of justice are virtues that ensure freedom of mind and that would be possible by your contribution at your level. As judicial officers you have to behave with grace and dignity towards even to the “smallest microbe in the mighty state organism”. Don’t be in a hurry to dismiss a case and earn a unit or two. One of the greatest *Munsifs*, *Hazrat Ali Karam Allah Wajho*, emphasized, in one of his *Khutbas* to the *Qazis* that “do not decide cases unless your conscience is satisfied to the best of your knowledge and belief that you have reached a fair decision”.

12. One evil which has crept in our society is the culture of *Sifarish* even in the judicial matters. It is an unpardonable sin. However, if you yourself avoid, have the reputation of being a straightforward and honest officer and have the courage to say no to any person howsoever high he may be, I am sure you will not be bothered. I wish you best of luck.

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