

Speech of the Hon'ble Chief Justice of Pakistan / Chairman Law & Justice Commission of Pakistan at the Inaugural Ceremony of the 8th Judicial Conference.

My brother Judges of the Supreme Court;

Hon'ble Chief Justices and Judges of the Federal Shariat Court and High Courts;

Eminent members of the District Judiciary;

Respectable Office Bearers of the Bar Councils and Bar Associations;

Learned members of the Bar;

Distinguished guests;

Ladies and Gentlemen!

Assalam-o-Alaikum!

It gives me great pleasure to welcome you all on behalf of the judiciary of Pakistan at the inaugural ceremony of the 8th Judicial Conference, 2018. It has been organized by the Law and Justice Commission of Pakistan under the auspices of the National Judicial (Policy Making) Committee (NJPMC). I feel honoured to address this august gathering, comprised of distinguished luminaries of the legal as well as other associated fields, both from within the country and abroad. We have a number of distinguished foreign delegates with us; I am happy that they have taken time out of their busy schedules and traveled considerable distances: allowing us to benefit from their knowledge, ideas and experience.

In August, 2006, to mark the 50th Anniversary of this Court, the Supreme Court of Pakistan organized an International Judicial Conference for the first time. Since then it has become a regular feature of our judicial calendar and a matter of pride for us all. This conference plays an important role towards achieving the goal of smooth administration of justice and establishing the rule of law in the country.

It primarily promotes interaction between various stakeholders from the legal profession, academia and other allied fields. It allows them all to share their views not only on different aspects of the law and its implementation but also the obstacles being faced in the administration of justice. It also becomes a breeding ground for new ideas and strategies to tackle such obstacles. Many of the issues of our country have been faced by other nations in the past. The presence of experts from foreign jurisdictions allows us to draw on their experience and enables us to benefit from the manner in which other countries have tackled the same. This Conference has been organized in an effort to bring together all the stakeholders to join hands and pool ideas for the reformation of the Judicial System and for devising ways and means for ensuring inexpensive and expeditious justice for all. This is one of the foremost duties of our State under Article 37 of the Constitution of Islamic Republic of Pakistan.

Our nation is striving for a better and more prosperous Pakistan. We too are determined to contribute our share towards the socio-economic growth and development of our beloved country. We can do this by ensuring an efficient, efficacious and expeditious justice delivery system. We believe that at the foundation of a prosperous nation lies the provision of equal opportunities and with strong underpinnings of rule of law. The NJPMC has carefully designed the themes of this Judicial Conference, to engage the maximum number of stakeholders. They will share their views for revamping the judicial system as per the dictates of the Constitution of the Islamic Republic of Pakistan. Discussions in this Conference will provide a chance to the participants to suggest ways for legal and economic integration at the regional level

for Socio-economic growth of the country which is expected as an outcome of the China Pakistan Economic Corridor (CPEC).

Ladies and Gentlemen!

Administration of justice plays a key role in the prosperity of a nation. It allows a nation and its citizens to enjoy the fruits of economic growth. We are about to achieve an economic milestone in the form of CPEC. While celebrating this step forward, we must also be fully equipped to deal with grey areas in the legal and administrative landscape which may hinder our country from taking full advantage of the numerous opportunities provided by CPEC. In this regard deliberation and serious dialogue is required to assess the pros and cons of the CPEC and its legal, social, cultural and economic aspects and suggest ways-forward to make the CPEC a win-win situation for both Pakistan and China.

Among other aspects, CPEC promises direct foreign investment. A thematic session regarding the uncharted territory of economic and social integration of the two countries is planned. Experts can deliberate on how we, as a nation, can maximize the benefits of Foreign Direct Investment that CPEC will bring with it. It will offer the participants a unique platform to explore the issues and possible measures to cater for any unforeseen and unaddressed problem areas. This forum will also provide an opportunity to the stakeholders to discuss issues relating to the environment which as a nation we have unfortunately been lax about in the past. We cannot overlook the impact of a project of this magnitude on the environment and ecology. In this regard, I would like to remind the distinguished participants that both the environment and the citizens must be kept in mind when we debate

matters involving investment, growth, progress, industrialization and development of infrastructure. The corporate social responsibilities of local and foreign corporations must be emphasized and ways to ensure adherence found.

As the famous Chinese proverb suggests, "***When the winds of change blow, some people build walls and others build windmills***". Ladies and Gentlemen, let me assure you we are here today, to build Windmills and not walls.

On this forum, for the first time the subject of Foreign Direct Investment has been selected for discussion by experts from the legal, banking and other technical relevant fields. Generally, Foreign Direct Investment has remained a subject about which the general public is seldom made aware; particularly, with regard to the untapped opportunities that they can benefit from, with Foreign Investment flowing into the country. This forum is designed to provide an opportunity to experts, in raising awareness about Foreign Investment and suggest ways to ensure that the fruits of economic activity and growth reach every citizen of our country.

The Conference will also provide a chance to the participants to identify and suggest ways to remove the potential hurdles which are considered part and parcel of Foreign Direct Investment of this nature and magnitude. Therefore, one of the topics of discussion is mechanisms of Alternate Dispute Resolution. These must be put in place before investment starts pouring in. The benefits of alternate dispute resolution have been lauded at many different platforms. We wish to identify the areas and fields in which it is most effective. The Conference will also provide a forum to deliberate upon the most effective methodology and

fora for dispute resolution through commercial arbitration with the aim of developing a workable mechanism for investment treaty arbitration in inter-state disputes. I would like to point out that small businesses are expected to receive a boost from the economic opportunities of CPEC. Therefore, effective ADR mechanisms must be developed and encouraged to optimize the utility of the same at all levels of the economy. It is often the small and medium level businesses which are attracted by the cost saving benefits of ADR not to mention the attraction of avoiding prolonged litigation.

Another important theme of this Conference is one that is close to my heart; the problem of delays and backlog of cases in our legal system. I use the words "legal system" instead of "judicial system" because I believe that the Bar and the Judiciary are equally responsible for the same. It is only when we join hands to eradicate such problems that we can rid the nation of this menace. We are all familiar with the issue of chronic delays in the dispensation of Justice. Being the head of the judiciary of Pakistan, I am committed to revamping the system through various modes including judicial reforms. However, this issue needs to be addressed by adopting a holistic and synchronized approach. It is vital for all relevant institutions to coordinate and work together for reducing delays in finalization of legal disputes. This thematic session is specifically designed to discuss the strategies for delay reduction and expeditious disposal of cases. The participants will also formulate workable solutions for identifying and eradicating the reasons for such delays. To this end we must find ways to enhance cooperation between the judiciary, the legal fraternity and the other related institutions.

Another unique theme is the topic of standard of legal education and selection and training of judicial officers. I consider this to be one of the main impediments in expeditious dispensation of justice. This thematic session will focus on developing uniform educational standards and introduction of a transparent criteria for merit based selection of judicial officers. I firmly believe that these steps will go a long way towards improving the justice delivery system. In today's world there are a wide variety of rights which need to be protected through Special Courts and Tribunals. Investor confidence and transfer of technology are directly proportionate to protection of intellectual property, the realm of intellectual property rights needs special attention. Our friend and CPEC partner China has one of the five largest Patent Registration Offices in the World. Pakistan is in the process of streamlining its legal regime and institutions in this area. But much needs to be done. We must ensure that adequate legal information is available to our citizens and business entities when it comes to venturing into business with citizens and corporations of other countries. Local businesses and individuals as well as foreign entities and individuals who have chosen Pakistan for their investment activities are entitled to security and effective dispute resolution mechanisms with respect to intellectual property as well as their investments.

Last, but not the least, is the theme designed to determine the relationship between political and economic stability and the revamping of the criminal justice system. This group will provide a unique opportunity to institutions to deliberate on developing policies and suggesting law reforms aimed at improving the criminal justice system. This will ensure that investors from other countries do not shy away from our country on account of lack of faith in the criminal justice

system. The political and economic conditions of a country have strong nexus with the rate of crime prevalent in a country. Law enforcement as well as implementation mechanisms go a long way in developing confidence in a judicial system. The implementation of law and guarantee of safety of person, business and property is essential for restoring the faith of investors in a country's economy. At the root of political and economic stability lies the criminal justice system, which provides the foundation for the state and the economy to thrive. For this, both the limbs of the criminal justice system must be revamped, i.e., the investigation agencies as well as the criminal courts. Previously formulated policies in this regard must be reexamined. All stakeholders and experts agree that we need structural and systemic reforms. This thematic group will provide a platform to debate and deliberate on ways to come up with pragmatic solutions for both short term and long term reform of the system. Particular focus must also be laid on modern-day criminal activity including money laundering, cybercrime and white-collar crime. The performance of our investigation agencies, their training and most importantly the equipment for investigation provided to these agencies need through evaluation and assessment. We hope that workable solutions will be suggested to reform and improve these areas.

We must ask ourselves; are we as a nation prepared to protect fundamental rights of citizens. Unless we revamp and reform our justice delivery system we will not be able to realize the dreams of our founders. I have always maintained that the right to Life, guaranteed in the Constitution does not merely mean the right to live, but in fact it is the right to live with dignity, and to enjoy a certain standard of living. We must make it our mission in our individual and collective capacities, to

ensure that Fundamental Rights guaranteed by our Constitution to each citizen of our Country are protected and enforced.

I hope that these carefully designed themes will provide a chance to the participants to discuss these issues and suggest effective measures and strategies for sustainable development in the country. I look forward to active, vigorous intellectually stimulating and heavily attended sessions. This Conference is an earnest effort on the part of the justice sector to develop and strengthen our legal system from within, in consultation with all stakeholders. This exercise will prepare us to meet future challenges with confidence and ease.

I once again thank all delegates for their participation in this Conference. I have no doubt in my mind that it will be a very successful, fruitful and productive Conference. I wish you every success in your efforts.

Thank you.