

Expeditious Civil Justice in Pakistan: Problems and Prospects

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Abstract

Expeditious justice is one of the most pressing needs of all the nations, particularly of the developing countries including the Islamic Republic of Pakistan. Inaccessibility of expeditious justice in Pakistan has become the scholastic debate among all concerned in the realm of law. The prevalent justice system of Pakistan seems to be unresponsive to the imperative need of expeditious justice in spite of the constitutional assurance. Though the expeditious justice is influenced at all levels of jurisdictions in all types of cases, yet it appears to be more critical in civil cases. Delay in justice is endorsing distrust in the justice system, which has stimulated the intolerance, extremism and violence causing the destabilization of the state of Pakistan. The circumstances though convince for conducting a massive research project to find out the ways and means to overcome the prevalent dilemma of delay in justice, this paper is confined only to the debate of nature of problems, and their resolution for ensuring the expeditious civil justice in Pakistan. Among others, continuation of colonial legacy; centuries old adversarial justice system; complexity of laws including case-law, are the basic and major

LL.M (PU), PhD Student, (IIUI). Assistant Professor, Department of Law, reasons of delay in justice on civil side. Though, the efforts for speedy justice have reduced the average case processing- time in some courts of Pakistan, yet it is below the recognized standard of expeditious justice in civil cases. The expeditious justice may, indeed be ensured through the development of the legal and justice system in socio-political context of the country of the Islamic Republic of Pakistan.

Key Words: State; Constitution; Fundamental Rights; Principles of Policy; Speedy justice; Islamic Republic of Pakistan.

1. Introduction

State's primary responsibility among others, has been the administration of justice for the determination of rights and duties in all civilized legal system. The legal system however, must be well equipped with effective mechanism for delivering justice expeditiously. In this context Indian Supreme Court has observed¹ that the system of administration of justice must provide expeditious and effective instrument for realization of justice by all sections of the people irrespective of their social or economic position or their financial

¹ See, *Babu v. Raghunathji*, AIR 1976 SC 1734.

resources.

Ensuring the expeditious justice is the constitutional obligation all most in all contemporary democratic the systems². The non-availability of resources is no excuse for the delay in justice. The same has developed the judicial jurisprudence in constitutional democratic states as in India the Supreme Court³ observed that to ensure the expeditious justice is the constitutional obligation of the State and the scarcity of funds or resources is no defense to denial of right to justice originating from the preamble, fundamental rights and the principles policy. The similar was the ratio in another case,⁴ wherein the court held that the law does not permit any Government to deprive its citizens of constitutional rights on a plea of poverty, or administrative inability for improving the administrative and judicial apparatus with a view to ensuring speedy justice.

Expeditious justice is the imperative requirement, as well as the mandate of every civilized law, because it determines the rights of the parties and save them from unnecessary inconvenience⁵. The delay in justice, itself constitutes denial of justice.⁶

The courts are of view that the procedural laws laid down in the CPC must be strictly adhered to in order to ensure expeditious justice in civil matters.⁷ Expeditious justice mechanism for disposal of litigation should not be defeated while considering the rights and the procedure provided in the law⁸. However, the imperative of “speedy justice” does not include arbitrary disposal of the cases,⁹ and the speedy justice is meant reasonably expeditious disposal of cases for dispensation of justice.¹⁰

The same is the constitutional jurisprudence for the administration of justice in Pakistan. In this regard the provisions of Article 37(d) of the Constitution 1973 provides for the constitutional obligation of the government that, “The state shall..... ensure the expeditious justice.” Further, the

²See, Articles 37(d), 43 and Amendment 6 of the Constitutions of Pakistan, India, and USA respectively.

³See, *P. RamachandraRao v. State of Karnataka* (2002) 4 SCC 578.

⁴ See, *HussainaraKhatoon Case*, (1980) 1 SCC 93.

⁵ See, 2010 PTD 1104.

⁶ See, *HussainaraKhatoon v. State of Bihar* AIR 1979 SC 1364; *P. RamachandraRao v. State of Karnataka* (2002) 4 SCC 601-602.

⁷See, *Salem Advocate Bar Association, Tamil Nadu v. Union of India* (2005) 6 SCC 344; *P. RamachandraRao* (2002) 4 SCC 578; *Shambhu Nat* (2001) 4 SCC 667.

⁸ See, *Muhammad Shafiv. Habib Bank Ltd.*, 2011 CLD 373 Karachi.

⁹ See, *P. RamachandraRao v. State of Karnataka*, (2002) 4 SCC 578, pp, 601-602; See, *HussainaraKhatoon v. State of Bihar* AIR 1979 SC 1364; See, *P. RamachandraRao v. State of Karnataka* (2002) 4 SCC 601-602.

¹⁰ See, *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

provisions of preamble along with the Article 2-A containing the Objective Resolution, 1949, guarantee the expeditious dispensation of justice.¹¹

The judiciary in Pakistan is determine to ensure the said constitutional obligation of expeditious justice for which it has been held that the constitutional jurisdiction can be exercised to curb the excess of jurisdiction with a view to provide the expeditious justice.¹² The Court has observed¹³ that preamble along with the Article 2-A containing the Objective Resolution guaranteed expeditious dispensation of justice, and for the enforcement of such constitutional provisions, direction may be given to the concerned authority for the expeditious disposal of cases.

For making the justice speedy, the court¹⁴ has upheld the procedural rules made to ensure expeditious disposal, and to avoid protracted litigation. However, it has been emphasized that technicalities had to be avoided unless it was essential to comply with them on the grounds of public policy.¹⁵ The similar was the view of the court in another case¹⁶ wherein the arbitration to do complete justice expeditiously without technicalities of procedural law was held to be correct in the eyes of law provided that the arbitrator followed the principle of natural justice.

Though, it has been observed¹⁷ that expeditious disposal of cases, is appreciable but it should not be at the cost of justice that indeed, requires the true pursuance of principle of natural justice. Therefore, the court has held in a case¹⁸ that the right of the counsel to be heard adequately is an indefeasible right having the basis in the principles of natural justice, which should not be transgressed in the name of expeditious justice.

In spite of the said constitutional mandate and judicial determination for expeditious justice, the prevalent justice system of Pakistan seems to be unresponsive to the imperative need of expeditious justice. The delay in justice particularly on civil side is more critical. Though, the circumstances convince to conduct a massive research project to find out the ways and means to overcome the prevalent dilemma of delay in justice, this paper is confined to identify the major problems causing the delay in civil justice in Pakistan.

2. Expeditious Justice: Facts and Figures

¹¹ See, *Philips Electrical Industries of Pakistan Ltd. Pakistan*, 2000 YLR 2724 Karachi.

¹² See, *Moulvi Shahzad Drehov. Syedkhursheed Ahmad Shah* PLD 2012 Karachi 158.

¹³ See, *Philips Electrical Industries of Pakistan Ltd. Pakistan* 2000 YLR 2724 Karachi.

¹⁴ See, *Sardar Talib Hussain Nakai v. Rana Muhammad Hayat*, PLD 2011 Lahore 2007.

¹⁵ See, *Iqbal M. Hamzav. Gillette Pakistan Ltd.* 2011 YLR 277 KARACHI.

¹⁶ See, *Chairman WAPDA v. Syed Bhais (PVT.) LTD* CLC 2011 Lahore 841.

¹⁷ See, *Cosy International (PTV.) Ltd., Faisalabad v. Collector of Sales Tax (RTO), Faisalabad*, 2011 PTD 726.

¹⁸ See, *Muhammad Jahangir v. Government of Punjab*, 1999 SCMR2051.

Expeditious justice is one of the most pressing needs of all the nations¹⁹, particularly of the developing countries.²⁰ The same has been the case of Pakistan since its earlier history.²¹ The scholars, researchers, judges, lawyers and all other concerned have expressed a critical concern regarding the inaccessibility of expeditious justice in Pakistan.²² The performance of civil justice system in Pakistan is not satisfactory.

According to the World Justice Project-Rule of Law Index 2012-13²³, among 97 assessed countries in the world, Pakistan stands at 91ST position in performance of administration of civil justice. The backlog of cases constantly has gone higher than earlier. The Judicial Statistics prepared by Justice Commission of Pakistan²⁴ shows that the docket of cases both in Superior as well as Subordinate judiciary was 1373219 and 1528245 in the year 2010 and 2011 respectively. Though the expeditious justice is influenced at all levels of jurisdictions in all types of cases,²⁵ yet it appears to be more critical in civil cases. Among these statistics, the number of civil cases is greater than that of the criminal at all levels of jurisdictions.²⁶ Rather, the criminal cases are given priority for earlier disposal than focusing the civil cases. The civil cases instituted since decades are still pending to be decided.²⁷

¹⁹ See Irshad Hasan Khan, "The Judicial System of Pakistan, Measures for Maintaining Independence and Enforcing Accountability, Proceedings of a Global Conference", *The World Bank Washington, D.C.*, (2000): 256; See, Danya Shocair Reda, "The Cost-and-Delay Narrative in Civil Justice Reform: Its Fallacies and Functions" *Oregon Law Review*, Vol. 90, (2012): 1087-1091.

²⁰ See, Richard Blue, "Pakistan Rule of Law Assessment-Final Report", *Management Systems International* (2008): 16 accessed March 29, 2013, www.scribd.com/doc/54925080/PAKISTAN-RULE-OF-LAW-ASSESSMENT...

²¹ The establishing of a number of commissions since 1955 with the mandate to examine the reasons for the delays and recommend for the expeditious disposal of cases particularly in civil matters, is the evidence of the need of expeditious justice ever since the independence of Pakistan; See, Transparency International, "National Integrity Systems-Country Study Report Pakistan", (2003): 56-59 accessed May 4, 2013, www.transparency.org.pk/csr.pdf...

²² See, *Mehram Ali v. Federation of Pakistan*, PLD 1988 SC 1445; *Liaquat Hussain v. Federation of Pakistan*, PLD 1999, SC 596; See, Foqia Sadiq Khan, *Quest for Justice: Judicial System in Pakistan*, (Islamabad: The Network for Consumer Protection, 2004) preface; Jack Jacob, *The Reform of Civil Procedure Laws*, (London: Sweet & Maxwell Ltd, 1982), 92.

²³ See, "The World Justice Project /The Rule of Law Index", (2012-13): 124 accessed May 4, 2013 worldjusticeproject.org/...default/files/WJP_Index.....

²⁴ See, "Judicial Statistics of Pakistan, National Judicial (Policy Making)" (Islamabad: Secretariat Law and Justice Commission of Pakistan, 2011).

²⁵ See, *Ibid.* 3.

²⁶ See, *Ibid.*

²⁷ See, Blue, *Pakistan*, 16.

An empirical research conducted by Sindh Judicial Academy Karachi²⁸ argues that it would approximately take fifteen years to clear the same, even if new cases are not registered. Though the efforts for speedy justice have reduced the average case processing time from about 10-15 years to 4 - 5 years in some courts of Pakistan²⁹, yet it is below the recognized standard of expeditious justice for the civil cases.

3. Delay in Justice: Socio-Economic Implications

The above presented phenomenon of delay in dispensation of justice is causing the multidimensional implications. When the legal dispute is not disposed of within a reasonable time, it may be construed as the denial of the right in question. It is also the disregard of other ancillary rights including fundamental rights particularly the right of access to justice, fair trial and due process.³⁰

Promotion of social justice promised as principle of policy³¹ cannot be achieved without the expeditious disposal of cases³². The inaccessibility of expeditious justice results the environment of social enmity among the members of the society. Resultantly, a principle of policy, the social wellbeing³³ comes at stake. Furthermore, the uncertainty created by the legal posture in term of delay in justice disturbs³⁴ the economic wellbeing committed as principle of policy.³⁵

This state of affairs is also distressing public confidence in the justice system.³⁶ People hesitate to invoke courts' jurisdiction except under the legal compulsion.³⁷ This situation compels the people³⁸ either to pursue informal

²⁸ See, Saleem Akhtar, "Study on Informal Justice System in Pakistan Sindh Judicial Academy Karachi Pakistan-Funded Project, Evaluation Report", 16 accessed March 22, 2013 www.sja.gos.pk/.../...

²⁹ Blue, *Pakistan*, 16.

³⁰ The Constitution of Islamic Republic of Pakistan, 1973, Article 10-A speaks as, "For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process".

³¹ See, The Constitution of Islamic Republic of Pakistan, 1973, Article 37.

³² See, Syed Muhammad Kalim Ahmad Khurshid, "Some Proposed Amendments in the Civil Procedure Code", *Pakistan Law Journal*, Mag. (1998):118.

³³ See, The Constitution of Islamic Republic of Pakistan, 1973, Article 38.

³⁴ See, Khurshid, *Some Proposed*, 118; Blue, *Pakistan*, 16.

³⁵ See, The Constitution of Islamic Republic of Pakistan, 1973, Article 38.

³⁶ See, Tassaduq Hussain Jilani, "How to be an effective Senior Civil Judge", accessed May 4, 2013 www.supremecourt.gov.pk/ijc/Articles/7/1.pdf...

³⁷ Blue, *Pakistan*, 16.

³⁸ See, Transparency International, "National Integrity Systems-Country Study Report Pakistan", (2003):56-59 accessed May 4, 2013 www.transparency.org.pk/csr.pdf...

dispute resolution mechanism³⁹ or to take the law in their own hands. Both of these modes of redressing grievances have serious implications on human rights. This situation of distrust in the justice system has stimulated the intolerance, extremism and violence⁴⁰ causing the destabilization of the state of Pakistan.

4. Ensuring of Expeditious Justice: State Responsibility

The state of Pakistan has attempted continuously to ensure the expeditious civil justice since its independence. All the constitutions have provided for ensuring the expeditious justice.⁴¹ The previous Federal Governments constituted different law commissions and committees⁴² with the mandate to examine the laws, and other factors, with a view to put the suggestions for expeditious justice. However, these bodies could not respond effectively because these were devoid of the feature of permanency.

On the recommendations of the HamoodurRehman Commission 1967, a permanent law commission was constituted through an Ordinance in 1979. This law commission was established to carry out the regular and systematic reforms in the justice system of the country.⁴³ The Ordinance 1979 was amended in 1994 with a view to develop and implement the schemes for reforms in the administration of justice⁴⁴. It was further amended in 2002 to strengthen the capacity of the said law commission. This law commission was also assigned some additional functions to develop human resources for efficient court administration and management of case flow.⁴⁵ Under the same amendment, "Law Commission" was renamed as "Law and Justice Commission of Pakistan (LJCP)". A Chief Justices Committee (CJC) was established under LJCP to coordinate and harmonize judicial policy within the court system. This Committee also performed the functions to improve the capacity and

³⁹ The *Jirga* system in NWFP and Baluchistan and the *Panchayats* in Punjab and, the *Fasilo* and *Sulh* in Sindh are well-known informal dispute resolution mechanisms for the settlement of disputes in Pakistan. (See, Akhtar, *Study*, 16.)

⁴⁰ Ibid.

⁴¹ See, Constitutions 1973, 1962 and 1956 of Islamic Republic of Pakistan, Articles 37, 8(4, 6, 7, 8, 13, 19, 20), 28 respectively.

⁴² The Commission on Marriage and Family Law, 1956; The Law Reform Commission, 1958; The Law Reform Commission, 1967; The High Powered Law Reform Committee, 1974; The Pakistan Women Right Committee, 1976; The Law Committee for Recommending Measure for Speedy Disposal of Civil Litigation, 1978 and Secretaries Committee 1979; The Slahuddin Ahmad Committee, 1980; The Commission on the Right of Women 1985; The Commission on Reform of Civil Law 1993; The Commission on Inquiry for Women 1996. accessed March 20, 2013 www.ljp.gov.pk.

⁴³ The Law Commission Ordinance 1979 (Ordinance XIV of 1979).

⁴⁴ The Law Commission (Amendment) Act, 1994, Section 6(1) Clause (vii).

⁴⁵ The Law Commission (Amendment) Ordinance, 2002, Section 6 (2).

performance of the administration of justice.⁴⁶In 2009, the CJC was replaced with the National Judicial (Policy Making) Committee that performs the same functions as that of the CJC.

These forums prepared Annual Law Reports 2001 to 2010, in addition to 113 research reports containing the proposals for the effective functioning of the justice system. The Civil Law Reforms Ordinances, 1993 and 1994 have also been passed in the same context of expeditious justice. Even the international funding agencies⁴⁷ attempted to reform the justice system, yet productive outcome could not have been yielded particularly for civil justice.⁴⁸In spite of all these developments, the constitutional obligation for expeditious justice⁴⁹ could not be ensured ever since. The USAID SJP⁵⁰ found that, "In spite of 13 different reform commissions devoted to improving the justice system and the assistance of the Asian Development Bank during the past, while some progress had been made, for the most part the judicial system did not function well, further undermining the faith in the Rule of Law."⁵¹

5. Delay in Justice: Diagnosing the Problems

The current critical situation of delay in dispensation of justice, instead of governmental efforts, has continued since the early history of the country. Regarding failure of governmental reforms, Osama Siddique has rightly observed that "The problem therefore, does not lie in any absence of a critical discourse. The problem.... emerges due to certain common fallacies that introduce serious flaws in both the diagnosis of the problem and indeed, in the prescription for its cure."⁵² In the light of such critical analysis, the problems of delay in justice are attempted to be identified along with the resolution thereof under these lines.

The constitutional, legal and political system of Pakistan since independence is indeed the continuation of colonial legacy in post-colonial

⁴⁶The Law Commission (Amendment) Ordinance, 2002, Section 6-C.

⁴⁷See, Asian Development Bank Report and Recommendations of the President to the Board of Directors on Proposed Loans and Technical Assistance Grant to the Islamic Republic of Pakistan for the Access to Justice Program (November, 2001) accessed March 23, 2013, http://www.adb.org/Documents/RRPS/PAK/rrp_32023.pdf; See, "Strengthening Justice with Pakistan", (USAID, RFP, 391-09-010)",⁶ accessed March 3, 2013 [https://www.fbo.gov/download/f825702026376a491b252180155ff40e/Pakistan Justice RFP Final.pdf](https://www.fbo.gov/download/f825702026376a491b252180155ff40e/Pakistan%20Justice%20RFP%20Final.pdf)

⁴⁸ See, Blue, *Pakistan*, iv.

⁴⁹ The Constitution of Islamic Republic of Pakistan, 1973, Article 37(d).

⁵⁰ Blue, *Pakistan*.

⁵¹ Ibid., v.

⁵² See, Osama Siddique, Approaches to Legal and Judicial Reform in Pakistan: Post-Colonial Inertia and the Paucity of Imagination in Times of Turmoil and Change, *Development Policy Research Centre, Lahore* (2011):5&16 accessed February 22, 2013 dprc.lums.edu.pk/components/com.../DPRC-WP4-Siddique.pdf

period.⁵³ This system is alleged for developing the arbitrary mindset governing the people of an independent state.⁵⁴ Subsequently, the constitutional and political crisis in term of abrogation and suspension of constitutions and imposition of Martial Laws thereof, and dissolution of assemblies' further affected the constitutional governance, particularly the justice system.

Over the sixty-six year history of the country, it hardly managed to have a representative government for twenty years. This intermittent democratic phenomenon seems to make the legal and judicial framework of the country confusing, inconsistent and incoherent.⁵⁵ In the absence of democratic representative character, the so-called governments could not address the 'underlying structural and societal dimensions of legal disputes'.⁵⁶ The laws made during such regimes could not have addressed the complex underlying reasons that create social discord and legal disputes in the society. The laws promulgated as such have no prospective to reduce the delay in legal adjudication, and address the issue of excessive litigation that has burdened the courts seriously.

Dispute resolution mechanism in the justice system of Pakistan has not been updated with the new techniques of delivering the justice. The centuries old adversarial judicial system involving the rigid formalities and technicalities of procedural nature is still the major mechanism of delivering the justice. The slow court proceedings resulting from such adversarial system have added the dilemma of delay in justice in Pakistan.⁵⁷ Even the provisions promulgated for the alternative mechanism (dispute resolution) since a decade could not have been operated yet.⁵⁸

⁵³ At the time of independence, the existing legal system of British India was made applicable to Pakistan under Section 18(3) of the Indian Independence Act, 1947 promulgated by the British Parliament. Accordingly, this legal system was adopted by the Government of Pakistan through the Adoption of Existing Laws Order, 1947 and the Adoption of Central Acts and Ordinances Order, 1949. All Constitutions of Pakistan, 1956, 1962, 1972 and 1973 under Articles 224(A), 225(1), 280(1) and 268 (1) respectively, provided for the continuation of pre-independence existing laws.

⁵⁴ See, FoqiaSadiq Khan, *Quest for Justice: Judicial System in Pakistan* (Islamabad: The Network for Consumer Protection, 2004).

⁵⁵ See, Blue, *Pakistan*, 8.

⁵⁶ *Ibid.*, 23.

⁵⁷ See, "Strengthening Justice with Pakistan", (USAID, RFP, 391-09-010)", 6 accessed March 3, 2013 [https://www.fbo.gov/download/f825702026376a491b252180155ff40e/Pakistan Justice RFP Final.pdf](https://www.fbo.gov/download/f825702026376a491b252180155ff40e/Pakistan%20Justice%20RFP%20Final.pdf)

⁵⁸ In a meeting of the National Judicial (Policy Making) Committee, Dated, April 26, 2014, the then Chief Justice of Pakistan as Chairman NJPMC observed that since it has been more than ten years that section 89-A was introduced in the Civil Procedure Code (CPC) for early resolution of disputes by resorting to ADR techniques but regrettably rules have not been

Another critical problem confronting advocates and judges is the lack of clarity about the law. The uncertainty about the law including the case law actually has become one of the main factors for the delay in justice. It is possible to identify a number of judicial precedents on both sides of the issue pending before the court. This situation makes it difficult for judges to resolve contested issues of law within a reasonable time. The uncertainty and complexity of legal system had developed a general dissatisfaction of the people with the administration of justice.⁵⁹

Though in different laws certain legal provisions appear to be a legislative attempt to give effect to the command of Art.37 (d) of the Constitution, 1973 for ensuring the expeditious justice, these legal provisions particularly promulgated for making the justice speedy are not being followed in letter and spirit. It was observed in a case⁶⁰ that certain provisions of Civil Procedure Code and Specific Relief Act have the potential for expeditious justice but no attention appears to have been paid to these provisions that, indeed, need to be followed for expediting the adjudication.

The Islamization of laws, though is the constitutional obligation of the state of Pakistan⁶¹, appears to be attempted in a way that is causing somewhat implications for the proper functioning of the justice system.⁶² These circumstances as discussed above have created a complex justice system that seems not to be in social and political context of an independent and ideological state of Pakistan.

Conclusion and Suggestions

The above study leads to a conclusion that the prevalent justice system (laws and judicial structure) of Pakistan is inherited from British colonial system. Such system is not suitable to the socio-political context of an independent state having constitutional system of Islamic character. Moreover, the so-called democratic governments did not focus the rule of law while legislating for distributive justice. The adversarial justice mechanism has been continued without any change in procedural matters. Even, the

framed to trickle down the benefits of said provision. After deliberations, a committee was constituted under the Chairmanship of Justice Anwar Zaheer Jamali, Judge Supreme Court of Pakistan, comprising a Judge from each High Court to propose uniform rules to give effect to section 89-A of the CPC. See.....

⁵⁹See, Vik Kanwar, eds., "Justice without delay, Recommendations for Legal and Institutional Reforms in the Indian Courts", (2011):34-36, accessed October 10, 2014, <http://ssrn.com/abstract=1679350>

⁶⁰See, *Muhamad Sharif v. Nabi Baksh*, 2012 SCMR900.

⁶¹The Constitution of Pakistan, 1973, Article 227.

⁶²See, Siddique, *Approaches*, 35.

amendments made for alternative mechanism could not have been effected. For the resolution of the problems discussed and concluded above, following suggestions are tendered for developing the effective justice system to ensure the expeditious civil justice in Pakistan.

1. Pakistan Law Commission should review the existing civil laws and put the recommendations to the concerned legislature for making the necessary amendments particularly in substantive laws focusing the ‘underlying structural and societal dimensions of legal disputes’.⁶³

2. The recommendations of Islamic Ideology Council for making the laws in accordance with the injunctions of Islam should be given legislative effect after an exhaustive debate at the forum of concerned legislative authority.

3. A high profile committee should be established for the Restatements of Law including the case-law. Such committee will contribute for decisions making more consistently and efficiently in a number of legal contentions. This proposal is inspired by the successful example of the Restatements of Law that have been promulgated in the United States by the American Law Institute, a network of judges, academicians, and practitioners.⁶⁴ The same pattern was proposed by the Chief Justice of India in 2009 for the establishment of a committee to develop Restatements of Law in India⁶⁵.

4. Provisions providing for Alternative Dispute Resolution u/Section 89-A of Civil procedure Code should be made effective to reduce the load of cases in the ordinary judicial process as the Justice Tassaduq Hussain Jilani, the then Chief Justice of Pakistan, directed by in Meeting of the National Judicial (Policy Making) Committee, April 26, 2014.

5. Public Interest Litigation mechanisms should be extended and exercised at all level of jurisdiction through relaxing the formal procedural rules to speed up the decision making process.

In total sum of the above discussion, the suggestions seems to be reasonable and practicable to ensure the expeditious justice which will restore people’s confidence in the justice system necessary for the making the country an egalitarian society as committed in the Constitution 1973 of Islamic Republic of Pakistan.

⁶³ Ibid., 23.

⁶⁴ See, Kanwar, *Justice*, 34-36.

⁶⁵ See, Ibid.