

Detailed SUMMARY of “Great Expectations,” Basil Nabi Malik, Published on October 21, 2023

Chief Justice of Pakistan, Qazi Faez Isa, has taken quick actions to execute his judicial vision, holding a full-court meeting, constituting a full court to hear a contentious matter, and broadcasting its proceedings. However, the real evaluation of his tenure begins now. The judiciary faces pressing issues, with concerns about its image at the forefront. There’s a perception that senior judges’ personal preferences and political inclinations influence the Supreme Court’s decisions, damaging its credibility and impartiality. The process of case fixation and prioritization remains obscure, raising allegations of partisanship. Justice Isa championed transparent criteria for judges’ appointments, which should now be evolved in consultation with stakeholders. To manage the ongoing cases of political significance, a dedicated bench for constitutional issues is suggested. In polarizing times, the CJP should unite rather than divide the judiciary, bridging past divisions with fairness and transparency. The focus should be on responsible use of power and responsibilities, not just creating a legacy.

Easy/Short SUMMARY:

Chief Justice of Pakistan, Qazi Faez Isa, is set to tackle pressing judicial issues. Concerns surround the image and perceived partisanship of the judiciary. Justice Isa has advocated for transparent criteria for judges’ appointments, which should now be established in consultation with stakeholders. To manage political cases efficiently and clear pending case backlogs, a dedicated constitutional bench could be formed. The CJP should unite the judiciary in polarizing times, fostering fairness and transparency. Instead of creating legacies, focusing on responsible use of power and responsibilities is crucial.

SOLUTIONS of The Problem:

1. Transparency in Case Fixation

- Establish a transparent and well-explained method for case fixation to eliminate allegations of partisanship.
- Make the case fixation process more accountable and open to public scrutiny.

2. Criteria for Judges' Appointments

- Develop comprehensive and multi-factor criteria for judges' appointments in consultation with relevant stakeholders.
- Ensure transparency and fairness in the selection process, based on merit and experience.

3. Dedicated Constitutional Bench

- Create a permanent constitutional bench within the Supreme Court to efficiently handle cases of political importance.
- Ensure the bench's composition is based on seniority and expertise, including provisions for gender inclusivity.

4. Uniting Force

- The Chief Justice of Pakistan should focus on unifying the judiciary in polarizing times, promoting fairness and impartiality.
- Bridge past divisions within the judiciary and promote transparency in dealings.

5. Responsible Use of Power

- Prioritize responsible use of power and responsibilities, focusing on fairness and transparency.
- Ensure that the judiciary's actions align with the principles of justice and impartiality.

IMPORTANT Facts and Figures Given in the article:

- Chief Justice of Pakistan, Qazi Faez Isa, has initiated various steps to execute his judicial vision.
- Concerns exist regarding the perceived partisanship in the judiciary's decision-making process.
- Transparent criteria for judges' appointments have been advocated, but the process has not been finalized.

MCQs from the Article:

- 1. What actions has Chief Justice Qazi Faez Isa taken upon assuming his position at the Supreme Court of Pakistan?**
 - A. Reduced the number of full-court meetings
 - B. Held full-court meetings, established a full court, and broadcast proceedings**
 - C. Avoided controversial matters
 - D. Resigned from the position
- 2. What is the main concern discussed in the article regarding the judiciary's image?**
 - A. Lack of technological advancements
 - B. High backlog of pending cases
 - C. Perceived partisanship and influence of personal preferences**
 - D. Inefficient case prioritization
- 3. What is one of the solutions proposed for handling political cases efficiently in the Supreme Court?**
 - A. Establishing a dedicated tax bench
 - B. Creating a bench focused on environmental cases
 - C. Forming a permanent constitutional bench**
 - D. Eliminating all political cases from the Supreme Court's jurisdiction

4. **What is the focus of the Chief Justice of Pakistan in polarizing times, according to the article?**
 - A. Building a personal legacy
 - B. Uniting the judiciary and promoting fairness and transparency**
 - C. Exercising unchecked power
 - D. Avoiding controversial cases

5. **What does the article suggest as a crucial aspect for Chief Justices of Pakistan?**
 - A. Creating a personal legacy
 - B. Focusing on responsible use of power and responsibilities**
 - C. Accumulating more cases for backlog
 - D. Avoiding all political cases

VOCABULARY:

1. **Redressal** (noun) (تعمیر و ترمیم): The act of setting right something that is wrong.
2. **Partisanship** (noun) (پارٹسینشپ): Prejudice in favor of a particular cause or group.
3. **Impartiality** (noun) (غیر جانبداری): Treating all parties, viewpoints, or actions equally and fairly.
4. **Merit** (noun) (مہارت): The quality of being particularly good or worthy, especially with respect to ability or excellence.
5. **Credibility** (noun) (مقبولیت): The quality of being trusted and believed in.
6. **Inclusivity** (noun) (شمولیت): The practice or policy of providing equal access and opportunities for all, including those who are marginalized or excluded.
7. **Allegations** (noun) (تہمتیں): Claims or assertions, typically made without concrete proof.
8. **Inevitability** (noun) (جائزگی): The quality of being certain to happen or occur.
9. **Comprehensive** (adjective) (مکمل): Covering all aspects or elements; complete and including everything that is necessary.
10. **Legacy** (noun) (میراثہ): Something handed down or received from predecessors, often involving a significant impact or contribution.



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dawn.com
Great expectations
Basil Nabi Malik
6-7 minutes

UPON assuming his new position as the top judge of the Supreme Court, Chief Justice of Pakistan Qazi Faez Isa has set out at a rapid pace to execute his judicial

vision. He called for a full-court meeting, constituted a full court to hear a contentious matter, and with the support of his fellow judges, had its proceedings telecast live. In the meantime, CJP Isa also began consultations with the two senior-most judges after him, in relation to bench formations. Eventually, and subject to certain caveats, the law requiring such consultation was declared lawful.

However, despite the swiftness with which these steps were taken, it may be appropriate to observe that the CJP's tenure, in fact, begins now. With the full court hearings out of the way, many will be evaluating how the CJP handles the various challenges afflicting the judiciary.

Undoubtedly, the CJP's seat has always faced challenges, with expectations of straightforward redressal of pressing judicial issues on the one hand, and calls for judicial restraint on the other. But what are these pressing issues? There are many, of course, but a few come to mind as particularly urgent.

The first of these relates to the very image of the judiciary itself. On account of the controversial manner in which the Supreme Court has handled matters in the past, there is a perception that the Supreme Court shall always be beholden to the personal likes and dislikes of certain senior judges. In essence, the perception is that the ideology and political inclinations of senior judges may influence the business of the Supreme Court in a way that favours a particular outcome, result, or scenario. Such perceived partisan conduct would not only damage the credibility of the judiciary, it would also remove any semblance of impartiality or neutrality in the institution.

In these polarising times, the CJP should be a uniting force for the judiciary.

Many may recall how cases related to Nawaz Sharif or Imran Khan would coincidentally, it seems, find themselves fixed in court and even decided in record time, whereas others were not. In fact, many have questioned as to what criteria had allowed certain political cases to be fixed and decided first, whilst cases in relation to the constitutionality of the law relating to DHA Quetta, or the legality of the Army Act trials, amongst others, were not. It is also pertinent to ask about the basis of Aasiya Bibi's case fixation and decision, whilst similar cases, including that of Junaid Hafeez, are yet to be decided.

The science around case fixation has not been well explained, and it is precisely on account of this that repeated allegations of partisanship have been raised. Therefore, either the method should be disclosed, and thus made more transparent, or if the mechanism itself is flawed, then the processes involved must be overhauled, improved, or replaced in a manner in which they are not beholden, or seen to be beholden, to any one or another individual.

Secondly, one hopes the chief justice will seek to finally settle the controversy surrounding the mode and method of appointing judges to the Supreme Court. Throughout the appointment process, Justice Isa, as he was then, had championed the formulation of criteria for appointments, and in its absence, for the seniority principle to be followed. With him now at the helm, it is time to finally evolve those criteria, preferably containing multiple factors, and with consultations with all stakeholders, so as to put this issue to rest.

Thirdly, in the context of the ever-tumultuous times we live in, it is evident that cases of political importance will continue to land in the Supreme Court for years, if not decades. In light of this inevitability, it is important to implement a mechanism where such cases could be tackled efficiently whilst also ensuring that the existing backlog of pending cases is not affected adversely.

One suggestion that may merit consideration, although not foolproof, involves constituting a formal bench in the Supreme Court that is dedicated solely to constitutional issues. Such a bench, to whatever extent possible, if at all, may be fixed in composition and be permanent in tenure. In doing this, it would perhaps be possible to free up the remaining judges to tackle the backlog of cases pending in the apex court.

Such a bench should not be person-specific, but rather designation-specific, ie, it should be composed of a certain number of judges in terms of their ranking in seniority and expertise in the Supreme Court, and if needed, may also include additional judges in view of gender inclusivity.

Other than the above, it cannot be emphasised enough that in these polarising times the CJP should be a uniting force for the judiciary as opposed to a dividing one. Irrespective of dissent in judgements or differing opinions, the CJP must be seen to be fair, equitable, and transparent in his dealings within, with no preferences in terms of one or the other. The divisions of the past require



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healing, and only a compassionate and understanding CJP can close the chasm.

In relation to this, I could perhaps speak of how doing all this would create a legacy for the incumbent CJP. But, to be frank, by the time a judge becomes the top judge, legacies in most cases have already been made. Those final years don't do much for the creation of a legacy, but can certainly be the undoing of one.

On account of this, I feel that all incoming chief justices should be least concerned about the legacies they may leave, and more concerned about preserving the legacies they already have. And if they are able to wield responsibly the powers and responsibilities that come with the office of the chief justice of Pakistan, then, in any case, it will become the stuff of legends, not that of legacy.

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