

**SPEECH BY**

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**CHIEF JUSTICE OF PAKISTAN**

**ON THE OCCASION OF**

**LAUNCHING OF Official WEBSITE OF**

**THE High Court of Balochistan**

My brother Judge of the Supreme Court of Pakistan;

Learned Chief Justice and Judges of the High Court of Balochistan;

Learned judges of the District Courts;

President and Office Bearers of the Balochistan High Court Bar Associations;

Members of the Bar;

Distinguished Guests;

Ladies and Gentlemen;

Assalam-o-Alaikum!

It is a matter of immense pleasure and satisfaction for me to participate in the ceremony of launching of official website of the High Court of Balochistan. The present era of development in information technology has turned the whole world a global village. It has resulted in enhancing efficiency, productivity and quality of output. It is a turning point in the history of human civilization. The advancement in

technology has had a prevalent impact on all walks of life including the judicial system.

There has been immense need for exposing court management to the latest information technology so as to enable the judicial fraternity to render speedy justice with better legal outputs. The electronic filing provides the lawyers as well as litigant public to file cases conveniently and inexpensively within the stipulated time. The use of computer-generated demonstrations can result in enhancing quality of presentation of case in a clearer and well-organized manner. Electronic communication devices including electronic mail and video conferencing has made it possible to transfer data with speed and exchange useful information from different locations. It can result in enhanced productivity and reduction of delays by establishing Legal Information Data Bases; providing online query system for precedents, citations, codes, statutes; publishing of Cause Lists and on line statistical reports; and uploading of orders and judgments on the official websites.

These days litigation is a costly proposition. It consumes time and money of the litigants which could be utilized elsewhere more beneficially for the welfare and well being of mankind. Therefore, it is resorted to out of compulsion for protection of rights and redress of grievances. The judiciary is bound to administer justice to all by ensuring that the mighty and the resourceful do not get along at all costs on the strength of his resources and the weak and the downtrodden do not suffer on account of lack of resources and innocence.

Though the information technology has been adopted in our country, yet information is still hard to come by. There are some websites which provide legal information as well as judgments, statutes, etc., but being managed by private companies, one has to pay handsome amount to utilize the same. For that reason, the law students, young lawyers and the litigant public are not be in a position to avail such facility. In such a situation, there is immense need to make available key information and legal data on freely accessible public domain. The launch of official website of the High Court of Balochistan would certainly contribute greatly to overcome this problem.

In the present age, all the nations are striving to make accelerated progress in the socio-economic, cultural and political fields. In order to cope with other nations, we have to make progress in these fields. It can only be possible if each organ of the State as well as every government functionary makes sincere and dedicated efforts in this regard. The establishment of strong and stable democratic system and prevalence of good governance in the country are *sine quo non* for achieving such goal. The sustenance of democracy in a country depends on the courts enforcing what the parliament intends, through legislation and not merely on the unfettered whims of the executive.

The citizens' Right to Know has been explicitly acknowledged in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. Pakistan is a signatory to both the instruments. The Parliament of Pakistan, by means of Eighteenth Constitutional Amendment, has inserted Article 19A in the Constitution whereby right to information has been made as one of the

Fundamental Rights of the citizens of Pakistan. This Article provides that *every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law*. Ever since the insertion of Article 19A, it is obligatory upon the Federal as well as Provincial Governments, Semi-government Departments and Autonomous Bodies to provide access to general public to their record. The citizens can ask for providing record in matters of public importance, such as contracts, leases and awards involving public money. The right to have access to information ensures the transparency and public confidence in the functioning of the state institutions. However, it is noteworthy that the insertion of Article 19A has not brought any impact on the working of the judiciary because the Court proceedings are always held in open and the general public have access not only to the proceedings but also to the judgments and orders of the Courts. Once released, the judgments and orders of the Courts become public property. Previously, the judgments of Superior Courts were available in law journals and any person could approach the Courts for obtaining copies of the same, but with the advancement in the information technology, access to judicial records has become easy. All the Superior Courts of Pakistan have launched their official websites, and almost all important judgments and other data concerning litigant public, such as cause lists, case status and notifications are available on these websites.

The judiciary being a pivotal pillar of the State has not only to be strong enough to shoulder the structure of the State but also to provide strength to the other pillars as well. It can be able to play its due role only if it is strong inside. The inner strength lies in the

strength of character and professionalism of the persons manning the judiciary. It includes the members of the bench and the bar. We all must be on the same wavelength and all our efforts and all our resources must be directed to this end.

There is no doubt that society cannot be governed by the rule of law unless there is an institutionalized arrangement for the independence of judiciary. The efforts of lawyers for the rule of law and independence of judiciary can not be ignored. The Bench can not fulfill its obligation of delivering administration of justice effectively without the cooperation and support of the Bar. The untiring efforts of lawyers and Bar Associations for the supremacy of the Constitution have led to landmark judgments of the Supreme Court such as in Sindh High Court Bar Association' case<sup>1</sup> and many others. I must admit here that the Balochistan High Court Bar has always played a pivotal part for improving the Bench-Bar relationship and providing support to the Bench enabling it to play its role.

It is the primary duty of the Provincial as well as Federal Governments to provide protection to the life, liberty and property of the citizens in terms of Articles 9, 14 to 20 and 24 of the Constitution. The judiciary has always performed its duty to protect the fundamental rights of the public. It will continue to strive to perform its Constitutional role in the maintenance of law and order for peace and stability in the country within the contours of the law. Lawyers are part of a highly able and responsible segment of society. They are bound to raise their voice against atrocities being perpetrated in society around them. The Bar

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<sup>1</sup> *Sindh High Court Bar Association v. Federation of Pakistan* (PLD 2009 SC 879)

played its due role when the President of Balochistan High Court Bar Association through a Constitution Petition brought the matter of law and order situation in the Province before the Supreme Court. The Court after hearing the parties as well as Federal and Provincial Governments, vide order dated 12<sup>th</sup> October, 2012<sup>2</sup>, issued certain directions to the concerned authorities for bringing the peace and harmony in the Province but such directions were not complied with. Since then the new governments at the Federal and Provincial level have been established after the General Elections of May, 2013, therefore, they are also bound to follow the said directions as well as the latest directions passed in the later orders.

In the end, I congratulate the Chief Justice, Judges and the IT department of High Court of Balochistan for creating this useful website. I hope this website will prove to be very useful for the administration of justice.

Thank you very much!

Allah Hafiz to all of you!

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<sup>2</sup> *President Balochistan High Court Bar Association v. Federation of Pakistan* (2012 SCMR 1958)