* [The face making violations of law](https://nation.com.pk/03-Aug-2019/the-face-making-violations-of-law" \t "_new)

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The Shakespearean quotation is too apt to deny: ‘desperate diseases need desperate remedies’. When exploitation, corruption and nepotism become rampant and start making face, common measures cannot provide the required remedy. It is not a philosophy; it is the history of man. France, Iran, China and many others had to do it we know. We the Muslims can trace it back in our own history. We are harsher even, to the point and focusing on the ends not means. On the other hand, trying to achieve ends through the conventional and common ways enhances problems of the common people only. Then, the godfather like characters succeed to escape through some way or the other. Although, revolution is out of question in the current scenario but revolutionary method is awfully needed for the genuine change. Otherwise, we will be defeated by the law, by the court and by the propaganda of the media who are hands in glove with the enemies. For such a virtual performance I am hinting, I think only one thing is required to win the trust of the people or say, to keep the face of the democracy intact. It is that the deliverers should use every power; source and resource for the interest of the state and its people to get them rid of the system that has been sucking their blood, not for themselves. People must know and see it.

Actually, the tragedy of ours has been that the enabling provisions of law were ever let dormant, by the judiciary and the executive both. The higher judiciary that started indulging in in politics and introduced the law of necessity could not redeem itself from ills so far. Then how the executive could remain aloof from being a tool? Resultantly, both of the departments were derailed till today; unable to perform their respective sanctimonious function. The provisions like sections 54 and 55 of Criminal Procedure and many others could not move our police and who remained only to the extent of the few reported cases of FIRs. These and the other relevant provisions fully empower even a common police officer to arrest without warrant of happen to find someone living beyond ostensible means. Were the laws implemented in true sense, how our police could ask any corrupt investigate into and get one punished for theft, misappropriation of property or breach of trust etc. contrary to it, the corrupt among the public remained earning by hook or by crook and the public kept wondering at the sight of becoming powerful and rich of the few around them. Power corrupted and corruption empowered the corrupt more and more. Lands were allotted, accounts were filled but no one asked till the plant grew into a gigantic tree. Had people known that they would be held answerable if they started to live beyond their ostensible means, the corrupt trend could not flourish in our society and the laws like the notorious NAB Ordinance must not have been introduced. We must understand that law is only a cudgel in the hands of a right man who holds it. It only helps the man, say the policeman or the judge whosoever. But it is irony of fate that laws have proved here only a hindering tool in the way of justice and fair play. In other words: in the hands of the law, men became puppets. It is not roundabout of the theory that either law is superior or its upholder. Yes, law is superior but, what for? Instead of indulging in this purely academic debate, I would like to highlight further glaring illegalities in few quarters that I know. By this, we will be perorating also that only laws have been misused here or, kept unused with mala fide and for ulterior motives.

  I cannot put into oblivion the illegalities of our judicial system which is pivotal for the integrity of a state. Doubtlessly, the few erroneous views have badly affected the performance of the system. For example, our apex court is in the habit of holding in their day to day judgments that Supreme Court has power to do complete justice. It means that keeping aside the technical requirements of law, the court can jump to do justice. This is very good thought and an apt principle. But, what is the other side to it?  It is horrible. We the lawyers perceive its other side that does mean that subordinate judiciary cannot do complete justice. Now, is the whole lower judiciary a mockery of law and justice if it cannot or should not do complete justice? Of course the judiciary has been let loose to mock at law, not only owing to such verdict of the higher judiciary but owing to its mindset and culture that has become in vogue. We see every day how technically laws are followed here. An example I would like to put before the readers in this regard. A bus crew and a passenger came to blows over some issue in 2004 in the city of Lahore. Neither severe injury was sustained to anyone nor did any other loss occur but the passenger got lodged the FIR regarding the occurrence. Now, neither it had to be pursued practically not it was done. Exactly after eleven years, i.e. in2015, the police, ‘with full force’ raided the house of the accused and arrested him. After keeping in illegal confinement for a week, the police had to present him before the magistrate where remand was sought only for recovery of Rs.300 which was ‘granted’. Later, bail was granted and after facing the agony of trial for one year the, the accused was not acquitted but the file was consigned to the record room for not turning up of the complainant. Do you know why it happened and why the magistrate did not discharge the accused forthwith on knowing that the complainant was not on the scene and that the matter was old and petty, rather ridiculous? It is because only Supreme Court can do complete justice, not the lower judiciary. Such funny examples of cases are not in hundreds; it is in thousands.

Secondly, we cry of delay in justice. It is only for the bad performance of judges; nothing more, nothing less, nothing else. The flat, irresponsible and blind interim orders are the reason of it. Had it not been there, no need of the ‘things’ like Model Courts and Compromise Centers have been there .Over and above, when we see that in ‘higher courts’, cases worthy of disposal in days but lingering for years, why the lower judiciary should take the work seriously. Thirdly, delay is noticed but unjust decisions are totally ignored. It is therefore that whoever comes, starts issuing the directions of disposal. On the other hand, the implementation of even the specific directions given by the higher judiciary to the subordinate courts is also shameless except exceptions. What to say of general policy of disposal then?  The whole emphasis on disposal, not justice has given undue justification to give arbitrary judgments. It has harbored corruption and blindness of the judgments. Minds of the judges in making decisions must not vary in every second case as we find. Difference of juristic view is very rare and that should remain rare. Otherwise, the judgments will be bound to be too puzzling as these have gone.

The wrong doers especially having some portfolio or post which is socially and administratively important too, must be taken to account within as minimum time as possible and with as much severity as possible.  Petitions against judges are taken up at too a sloth speed. It is open secret even of our Supreme Judicial Council that their, mostly petitions become infructuous for being retired of the officers complained against.

 Over and above, I hope the friends will spare me saying that meals served by the candidates in the elections of Bar is another proof of corruption in judiciary. Just imagine, were there been no the dimmest hope of having favor of any kind from courts on the basis of being a cabinet member of the bar, would anybody have dared to address to the stomachs of the voters? The trend is indicative to the fact that the whole system is hijacked in the hands of the few which has further aired mean trends of flattery and nepotism. We should not forget that real justice not only snubs corruption and cruelty but it is also a safety valve against the psychological ailments of greed, frustration and lust for power etc.

The chief miscalculation of this government is that they think the topmost problem they are facing is the weakest economy and how to fill it up. It is therefore that everyone is being taxed today. It looks to be a too secular approach and blind too. Whereas, the dire need of the time is to curb and control maladministration and injustice. This is the only way to deliver and to win confidence in of the people. Only then we can see people to go through any sacrifice. But the ongoing facts tell that the government did not carefully and correctly work and judge the extent of wrongs, their order to address and magnitude, the would-be measures thereof, the expected reaction and its sides etc. basharat100pk@gmail.com