

FAREWELL ADDRESS

BY

**HON'BLE MR. JUSTICE FAISAL ARAB
JUDGE, SUPREME COURT OF PAKISTAN**

AT

FULL COURT REFERENCE

HELD ON 4TH NOVEMBER, 2020

ON THE EVE OF HIS RETIREMENT

Hon'ble Justice Gulzar Ahmed, the Chief Justice of Pakistan; Hon'ble Justice Mushir Alam, senior puisne judge; Hon'ble Justice Umar Ata Bandial; my brother judges on the bench; Mr. Khalid Javed Khan, Attorney General for Pakistan; Mr. Azam Nazeer Tarar, Chairman Executive Committee, Pakistan Bar Council; Syed Qalb-i-Hassan, President, Supreme Court Bar Association; members of the Bar; distinguished guests; ladies and gentlemen.

I feel extremely humbled that this Reference is being held today on the eve of my retirement.

My journey towards professional life started when after graduating in commerce in the year 1978, my uncle offered me a job in his shipping company in Jeddah. Before joining him, he arranged a six-month training course in Karachi with the erstwhile Pakistan Shipping Corporation. After completing my training in various departments, my father asked me that before I leave for Jeddah, I should first sort out managerial problems that our family's farming business was facing, which also included a civil suit that was pending adjudication since 1971. Though I was born and educated in Karachi, because of my family background, I had the privilege of experiencing both urban and rural life. I used to spend summer and winter holidays with the family in my mother's ancestral town, from where I also used to visit our agricultural farm near a village not very far away from the town. So, switching over from city life of Sindh to that of rural life was not of much difficulty for me.

To sort out matters on farm within the shortest possible time was not an easy task. Initially, the management was fraught with difficulties. On top of it, to get the civil suit decided expeditiously as well was just out of question. Stuck in the quagmire, I realized that I have to give up the prospects of having a career in shipping. I simply resigned to the

thought that my career lies in farming for the rest of my life, or so I then believed.

Come 1983 and I got married. Soon my wife realized that the farming business is not giving expected returns and is also having a toll on my health. Noticing not much prospects of growth in farming, she asked me to take some suitable job in Karachi and side by side study further in order to acquire post graduate degree for a better future in life. As I was then simply a commerce graduate, I was able to get a job in a private limited company owned by my father's friend. This was in the year 1984. As to the farming business, I continued to look after it on alternative weekends.

As regards the prospects of my studying further, I wanted to do Masters in Business Administration, so in 1985, I applied for admission in the Institute of Business Administration. I passed the written test but could not reach in time for my interview so lost the chance of getting admitted. At that time admissions for LLB degree in law colleges were still open. Sensing another avenue to study further, I applied for admission in S.M. Law College in January, 1986. Thus, choosing field of law was an instant and random decision. It was like choosing from a chocolate box. By then, I had already crossed my thirtieth birthday. On weekdays, after finishing my days-work in the company, I used to attend classes in the Law College.

After I finished my final year examinations, I resigned from the private company and in February, 1989 took internship with one of the leading lawyers of this country and a great personality, late Fakhruddin G. Ebrahim. As the destiny had its own plans, my fate pushed me towards the legal profession. Thus, squandering the chance of having a career in shipping, failing in my farming business on account of my inexperience and then failing in getting admission in

the prestigious Institute of Business Administration due to my own omission, I landed in the field of law. It reminds me of a quote '*Nothing is permanent in this world, not even your troubles.*' This was said by a person, which the world knows by the name of Charlie Chaplin.

In April, 1989 Late Fahkruddin G. Ebrahim became Governor of Sindh. While I was still in his office with not much work to do, I was offered a job in February 1990 in the law firm, Surridge & Beecheno, which I accepted. When late Fakhruddin G. Ebrahim resigned from governorship in August, 1990 and returned to his legal practice, he offered me to work for him again, which offer I gladly accepted. I resigned from Surridge and joined my mentor's office in October, 1990. To join him again was a big moment of my life. Though, I had joined the legal profession in 1989, after I had already crossed my thirty-third birthday, never for a moment I felt that I will not succeed. My mentor's advice to me was '*If you want to succeed in legal profession, all you need is a bit of hard work and passion for law*'. Following his advice to whatever extent I could, I gained experience and confidence. I started conducting cases in the High Court of Sindh from 1992. Those were the years of my transformation from a farmer to a lawyer.

The ten-year period from 1990 to 2000 that I worked for Late Fakhruddin G. Ebrahim, was the best time of my professional life. I can term those ten years as years of my real legal education. Sometime in the middle of the year 2000 I sought his permission to allow me to branch out which he reluctantly granted and with his blessings I established my own law firm in November, 2000. I owe him a lot for what I have achieved in the legal profession. Being a late entrant in the field of law, I worked hard as I could and my bootstrapped endeavor as a lawyer made me quite a busy advocate. With the passage of time I gained experience in my legal practice.

Eventually my performance in court caught the eye of late Justice Sabihuddin Ahmed, the then Chief Justice of the Sindh High Court, who asked me as to whether I would like to be elevated as a judge of the High Court, which offer I proudly accepted.

My thirty-year stint in the legal profession is equally divided, fifteen years as an advocate (1990-2005) and fifteen as a judge (2005-2020). When I look back at the bygone years, it looks quite strange that after graduating in commerce and remaining content with farming with no desire to study any further, yet after a break of eight years since I obtained a degree in commerce, I studied law, became a lawyer, then after fifteen years of legal practice was given the honour, first to serve the judiciary of Sindh as a judge of the High Court and then as its Chief Justice. Finally, in 2015, I was given the opportunity to serve the people of Pakistan as a judge of the Supreme Court which period lasted almost five years.

Nothing can be nobler than the act of dispensing justice. Justice maintains the equilibrium of the society. It is said that it was the judiciary which civilized Europe. Take away justice and you take away civilized behavior from the society. How I fared as a judge is not for me to state. I have read somewhere that one should not take himself too seriously as no one has monopoly over wisdom. How true is the metaphor that whatever knowledge one gains is miniscule as compared to his ignorance which is boundless. So, while deciding a particular case, I never worked with the mindset that I possess unsurpassed wisdom. Not being an erudite jurist, wherever I thought necessary, I took guidance from my senior judges and the judgments that have been delivered in the past. No individual is larger than the institution to which he belongs and the workings of the judicial institution are regulated by law and the Constitution. It is therefore said that

hands of the judges are tied by the letter of the law and the Constitution. One of the manifestations of Independence of judiciary is that judges decide cases on the basis of what the law and the Constitution command them to do, without having any extraneous considerations in mind. In a court of justice person wronged should not be a victim and the wrongdoer should not be beneficiary.

This country is not a product of mere history but of great struggle and immense sacrifices. I, apart from having initial setbacks in finding right direction in life, rose to this level. My family and I should be proud of our country where one can get so many opportunities to succeed therefore this Country needs to be served well in whichever field one is working.

In the last five years, I sat on different benches with Hon'ble Senior Judges, particularly with former Chief Justice Mian Saqib Nisar, Chief Justice Gulzar Ahmed, Justice Mushir Alam, and Justice Umer Ata Bandial. They always encouraged me and appreciated my work. I thank them for their warmth and kindness. Surely, I will miss the funny anecdotes of Justice Mushir Alam. I will also miss my lunches and evening walks with my batch mate, Justice Sajjad Ali Shah, which we had together in the past fifteen years. I will also miss my evening walks with Justice Ijaz-ul-Ahsan in whose company I felt as if we know each other from ages. I am thankful to all the judges, who are senior to me and those who were elevated to this Court after me, for their warmth and respect for me in all these years. I value their feelings and wish them well in life.

My wife, my son, my two daughters, my son-in-law, my daughter-in-law and my grandchildren are all here to attend this occasion. My three children, Ramlah, Altamash and Ridah, with full attention of my wife, studied well and are

good human being and I love all three of them. My wife must take all the credit for what I have been blessed with in my career and why not. Some people come into your life and make it better. I must acknowledge that she is the best thing that ever happened to me.

I have read somewhere that there are two lives to live. One before retirement and the other after retirement but soon one realizes that there is only one. Keeping aside the apprehension of such a feeling, to live for three scores and five and see the day of retirement is in itself a blessing from God. When the time to unwire and return to my ordinary life has arrived, what I cherish the most are my five years in the highest court of this land. As I ride off into the sunset of my professional career, I am proud to be buried in the history of this great Institution.

Before I conclude I would also like to thank the Attorney General for Pakistan, Chairman Executive Committee, Pakistan Bar Council, President Supreme Court Bar Association for the kind and generous words they spoke about me. It feels great to be acknowledged. I also thank the members of the bar, young and senior lawyers who are present today for honoring me on my retirement. I must also thank Mr. Khurram Shahzad and Mr. Waqas Naseer, my private secretaries, Ms. Qubra Ali, my Law Clerk, Mr. Javed Altaf Keyani and Mr. Moazzam Hussain, my security incharge, Mr. Abdul Rauf, driver and Mr. Babar Hayat Siddiqui, my Qasid for their help and co-operation which I got from them in the past five years in discharge of my official duties.

Thank you.