

3

## The Paralysis of Justice

### In Pakistan

#### Outline

##### 1- Introduction

Thesis statement: An inefficient justice system of Pakistan is an ongoing issue of the country, which is due to factors ranging from social, political, economic, structural, and so on. The consequences/impacts of the same are grave, which need there is a need of structured initiatives to improve justice system of Pakistan.

##### 2- Justice in Pakistan: An overview.

##### 3- Factors leading to Paralysis of Justice in Pakistan.

a- Judiciary's Priority: Institutional survival over upholding of law.

- Doctrine of necessity.

b- Low economic support leads to structural issues

c- Social factors leading to paralysis of justice.

- Tribal feudal systems.

d- Lack of accountability in justice system

e- An overly burdened institute: Justice delayed is justice denied.

f- Dependence over old laws and

### Complex Procedures.

- g- Shortcomings of other connected institutions
  - Police department's failure in investigation.

#### 4- The impacts of Paralysis of justice in Pakistan on Pakistan.

- a- Erosion of public trust on justice system
- b- Weakened social fabric; State under threat of non-state actors.
- c- Leads to more criminal activities.
- d- Hampers international image of state.
- e- Adds on economic crisis in already fragile economy.

#### 5- Strategies to eliminate inefficiencies of justice in Pakistan.

- a- Establishment of an institutional framework.
  - Information Technology in judicial and legal system
- b- Establish center of excellence in this area.
  - Human Capacity enhancement
- c- Ensuring separation of power.
- d- Broadening and sharpening the idea of "access to justice".

#### 6- Conclusion.



# The Essay

A report published by World Justice Project, Pakistan ranked on 129 out of 139 states on Rule of Law Index. This report shows crisis of justice system in Pakistan and how poorly it is performing. The inefficiencies of Pakistan's justice system are due to reasons such as inclination of judiciary towards institutional survival rather than law, lack of accountability, and overly burdened institution as well as low performance of connected departments and economic and social elements of the country. Collectively they bring justice in Pakistan to a paralysis state. These contributing factors of inefficient justice system leads to impacts like eroding public trust, social issues, increased crime rate, ~~and~~ which negatively impacts states international image due to which economic activities slower down. Specifically in a state Pakistan where economy is already under threat of default. There is an increasing need to mend these factors which lead to an inefficient ~~etc~~ justice system in Pakistan which can only be possible through implementation of strategies on structural levels. Like reforming the system and capacity enhancement. As an inefficient justice system of Pakistan is an ongoing



issue of the country which is due to factors ranging from social, political, economic, structural and so on. The impacts of the same are grave. Thus, there is a need of structured initiatives to improve justice system of Pakistan.

Body Paragraphs: 3(a)

There are multiple factors which contribute to paralysis of justice in Pakistan. One of them is judiciary's priority of institutional ~~prior~~ survival over upholding of law. As after ~~the~~ inception of Pakistan, due to weak political culture, military got a chance to intervene in administration of the state. Judiciary in that scenario instead of upholding the spirit of law tried to safeguard its own institution and legitimised the military intervention under the name of doctrine of necessity. The classic example of the same is judicial judgement under ~~to~~ Molvi Tamizuddin case after abolition of Constitutional Assembly ~~led~~ by General Ayub Khan followed by first martial law in the country. In that scenario the Supreme Court (defunct Federal Court) ~~top~~ justified this military and unconstitutional move of military under the name of doctrine of necessity and substantiate it to



be in favour a way that people would accept it. In that situation when judiciary was needed to support and uphold the spirit of law, instead of doing that judiciary safeguarded its own institutional survival by pleasing the dictatorship. Thus it can be said that one of the factors which contributes to paralysis of justice in Pakistan is judiciary itself which prioritised institutional survival when there was a need to uphold law.

Body Paragraph: (46)

Another impact of inefficient justice system is it weakens the social fabric which provides opportunities to non-state actors to exploit these social fault lines and further weaken social structure and social integrity of the state. ~~Part~~ In a state like Pakistan where there are already many social fault lines as it is a country of multiple ethnicities, if the justice system is inefficient the same will give rise to ethnic crisis which as there will be a sense of insecurity and marginalisation on the hands of state institutions. These circumstances give rise to non-state actors and foreign proxies to exploit people's sentiments. For example: missing persons in Balochistan is an ongoing issue



of Balochistan, on which state is unable to provide justice to Balochs. The same creates a social fault line in Balochistan and give opportunity to non-state actors and their proxies to utilize to break social integrity. such as if anyone search on Youtube over Balochistan issues - the maximum videos are of Indian originated accounts. Moreover, EU Lab report has confirmed that there are thousands of Indian accounts which are used ~~for~~ against other states and Pakistan is a major target of them. Therefore, it can be said that ~~even~~ there is an inefficient justice system of Pakistan give ~~the~~ opportunity to foreign proxies like P. India to attack on social integrity.

### Body Paragraph # (5a)

Although there are multiple factors which contribute to paralysis of justice in Pakistan which put grave impact as well. But through effective strategies this paralysis can be cured. one of these initiatives is an establishment of an institutional framework in judicial and legal system by digitizing it through incorporation of information technology. Here Pakistan can take example of Estonia's e-justice system. Estonia has integrated its judicial system with information technology with aspects of electronic filing, digital court records,

