

Title: The Paralysis of Justice in Pakistan

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1. Introduction

Thesis statement: The paralysis of justice in Pakistan is a complex phenomenon. There are several contributing factors that paralyze justice in Pakistan, each having certain impacts. To mitigate the impacts, it is necessary to address the factors contributing to the paralysis of justice in Pakistan.

2. Factors contributing in the paralysis of justice in Pakistan

a) State institutions' intervention in the judiciary

Case in study: Dismissal of

Chief Justice Iftikhar M. Chaudhry
by executive in 2007

ii) Zafar Ali Shah case 2000

b) Political influence on the
justice system

Case in point: The controversial
ruling on the 2018 General
Election

c) Corruption in the judiciary -
bribery and favoritism

Case study: The 'Lahore Model
Town Incident' and alleged
judicial corruption

d) Excessive delays and slow
legal processes

Case study: The case of Dr.
Shakil Afridi facing legal
delays due to helping the
CIA locate Osama Bin Laden

e) Lack of adequate legal education and resources
case in point: Low standard of legal education in Pak

f) Weakened judiciary and lack of accountability
case study: The Panama Papers case and judicial accountability

3. Root causes of the paralysis of justice in Pakistan

a) Inadequate training and professionalism within the judiciary
Case study: The Multan Model Case of 2015

b) Weak rule of law and inconsistent enforcement
Case study: The Quetta attack

of 2016

c) Political victimization and coercion of the judiciary

i) case in point: The case of Justice Shaukat Aziz Siddiqui (2018)

ii) Maulvi Tamizuddin Khan case 1954

4. Impacts of the paralysis of justice in Pakistan

a) Undermining rule of law and legal authority

Case study: The 2013 Quetta

Bombing and judicial accountability,

ii) The Dosso Case 1958

b) Loss of public confidence

Case study: The 2012 Shazeb

Khan murder case and

judicial controversy

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c) Increase in crimes and
corruption, creating ^{social} unrest
Case study: The Karachi target
killing and judicial failure

5. Way forward to address the paralysis of justice in Pakistan

a) Ensuring separation of
powers

Case in point: United States -

Separation of powers and
Checks and Balances in the
judiciary

b) Bringing judicial reforms
and ensuring accountability

Case in point: India - Judicial
reforms and the National Judicial
Appointments Commission

c) Investing in adequate

legal education
case study: Germany investing
in legal education

6. Conclusion

The 26th Constitutional Amendment also called Constitutional Package, passed in October 2024, was initially presented as a measure to bring reforms to Pakistan's judicial system. In practice, it has been widely criticized for undermining the independence of the judiciary rather than strengthening it. While the amendment aimed to bring reforms in judiciary, it has been viewed as a step that increased political influence over judicial decisions, potentially

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compromising the judiciary's impartiality. The paralysis of justice in Pakistan continues to be fueled by factors like state-institutions' intervention, corruption in judiciary, excessive delays, and weakened judiciary. There ^{are} also some root causes behind this paralysis, each having certain impacts. So, the need of hour is to improve justice system of Pakistan. In short, the paralysis of justice in Pakistan is a complex phenomenon. There are multiple factors that paralyze justice in Pakistan which have impacts also. To mitigate the impacts, it is necessary to address the factors which are responsible in the paralysis of justice in Pakistan.

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To begin with, there are some factors contributing in the paralysis of justice in Pakistan. First among them is state institution's intervention in the judiciary. It has been a long history that state institutions intervened in the judiciary of Pakistan making it ^{an} ineffective institution. State institutions including military and executive, often intervene in judicial matters, undermining the independence of the judiciary and interfering with its function of delivering impartial justice. **For instance,** the intervention of the executive in judicial matters reached at a peak in 2007 when President Pervez Musharraf dismissed Iftikhar

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Muhammad Chaudary, citing corruption charges. This led to widespread and a historic movement, the lawyers' movement

Another example, in 2000, after General Pervez Musharraf's military coup, the supreme court of Pakistan was tasked with reviewing the legality of the takeover in the Zafar Ali Shah case. The court upheld the coup, citing the doctrine of necessity, despite the military's intervention to ensure a favorable ruling.

Thus, intervention of state-institutions in judiciary makes the justice paralyzed.

Next to state institutions' intervention in the judiciary, political influence on the justice system make judiciary

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vulnerable. Politicians often exert undue influence on judicial appointments and decisions, using the legal system to further political agendas. A prominent example in this regard is recently passed **26th Constitutional Amendment** in which judiciary has been used as a tool to leverage political interests as the cost of independence of the judiciary. **Another example** is the Election Tribunal and Supreme Court of Pakistan in 2018 issued ruling that were widely seen as politically motivated in favor of the ruling party. Critics argued that the judiciary played a role in influencing the political landscape through

Selective ruling on election disputes. Thus, politician have always used judiciary for their own interest.