

TEST-02

Topic:

The Paralysis of Justice in Pakistan.

Outline

- 1) Introduction
- 2) Judicial System of Pakistan: An Overview
- 3) How Justice is paralyzed in Pakistan?

(i) Looming numbers of backlogged cases and delays

Case in Point: pending cases before Supreme and High Courts

(ii) Politicization of judicial appointments and political interference

Case in Point: 26th Amendment

(iii) Outdated legal framework to deal with evolving crimes

Case in Point: Indian Penal Code, 1860
Code of Criminal Procedure CrCP, 1898

(iv) Looming constitutional crisis in country

Case in Point: Delayed elections and hanging parliament

(v) Partiality in resolving the legal disputes.

(vi) Lack of accountability and corruption undermining integrity of judiciary

4) Impact of paralysis of justice on society

(i) Eroding trust of public on judicial system

(ii) Increasing political instability in the country

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(iii) Enhancing crime rate in all provinces of Pakistan

Case in Point: PBS crime rate report of 2024

(iv) Fostering inequality and discrimination among people

Case in Point: Gender Inequality and Income Inequality

(v) Rapidly increasing rate of poverty in Pakistan

Case in Point: 32pc rate of poverty in country

5) Ways forward to eliminate the paralysis of Justice from Pakistan

(i) Introducing the doctrine of separation of Powers in country

Case in Point: Judicial system of the USA

(ii) Overcoming the delays in displaying the results of legal cases

Case in Point: e-courts and electronic case management system

(iii) Introducing updated legal framework to deal with tech crimes

(iv) Ensuring independence of judiciary through independent judicial commission

(v) Evaluating the performance of judges and judicial system

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(vi) Raising legal and civil awareness among masses

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The Paralysis of Justice in Pakistan

Since the inception of Pakistan in 1947, the country is struggling with numerous crisis, the paralysis of justice is one of them. The judicial system of the country is inactive in all domains ranging from upholding the constitution to providing justice to the citizens in criminal cases. The number of factors are responsible for paralyzing the judicial system in Pakistan including, undue political interference, outdated legal framework, lack of accountability, and partiality in dealing with legal disputes. The paralysis of justice in Pakistan is responsible for damaging the social fabric of the country. It is resulting in eroding public trust in the judicial system, increasing crime rate, political instability, and the inequality. In order to restore the stability in the country, a robust judicial system

based on the constitutional principles, doctrine of separation of powers, and rule of law is the need of the hour.

It is necessary to ensure the independence of judiciary along with revised legal framework as per the rapidly changing nature of crimes to save the justice from getting paralyzed in Pakistan.

The judicial system of Pakistan is based on civil, sharia, and customary laws. Even the idea of Pakistan is based on justice and it came from the political and social injustices of British rule and Indians with the Muslims of the sub-continent. Pakistan inherited its judicial laws from Indian Penal code 1860 and Code of Criminal Procedure 1898. The judicial system of Pakistan comprised supreme court, High Courts, and District Courts. Judiciary is responsible for interpreting and upholding the constitution, resolving legal disputes, and ensuring fair

Treatment for all citizens of Pakistan. It is based on both Islamic and secular segments maintaining social order in the country.

Despite the strong foundation of judicial system in Pakistan, the country is struggling with paralysis of justice. There are numerous reasons responsible for the judicial crisis in Pakistan. One of the main reasons is the looming number of backlogged cases and delays. As per the judicial survey, there are around 53861 cases pending before Supreme Court, 350495 cases pending before the High Courts of all provinces collectively, and 1773171 cases are pending before the District Courts of the country. According to William Gladstone, "Justice delayed is justice denied". The lack of justice in Pakistan is eroding the public trust in the judicial system of Pakistan. This

scenario showed the paralysis of justice in Pakistan.

Similarly, the judicial system of Pakistan is dependent on the political and military cues. The judiciary face the constant interference from the different sections of the society including, political influence, elite class influence, and military influence. The politicization of judicial appointments is an example. Recently, the amendment in the Article 175A was introduced that made it compulsory for the members of the parliament to cast vote or play role in the selection of the senior-most judges in Pakistan. The undue political interference in the judicial appointments is another reason responsible for the paralysis of justice in Pakistan.

In conclusion, there is a need to restore the judicial independence in the country to prevent the social fabric from getting damaged. There is a need to introduce the doctrine of separation of power in the country so that all institutions work in their own limits without interfering in the working of another institution. The delays in addressing legal disputes must be overcome by introducing e-courts in the country so that the process of justice can be improved without getting delayed. Pakistan must introduce the updated legal framework to deal with changing nature of crime that ranges from cybercrimes to the crimes against environment. Moreover, the loopholes in the judicial system must be addressed including, evaluation of the performance of judges, courts and their staff. An independent judicial commission must come into force in

order to make judicial system robust
serving the people of Pakistan and
upholding the constitutional principles
along with rule of law so that people
can trust the system of justice and
resolve their disputes without the use of
force.