

The Paralysis of Justice in Pakistan

Outline:

a) Introduction:

Achieving justice in Pakistan has become near to impossible due to poor governance, corruption, political activism and economic inequalities.

b) Why justice system is paralyzed in Pakistan

c) Problems that make justice unachievable:

i) Politicization of Judiciary

ii) Increasing economic inequalities

iii) Normalization of bribery culture

iv) Inter-organizational interventions

v) Non regulated fee structure of prosecutors.

vi) Parallel justice institutions (Jirga system)

d) Solutions for reviving justice system:

- i) Letting the judicial sector to remain sovereign.
- ii) Building an independent anti-corruption department
- iii) Increasing the number of courts
- iv) Decreasing the economic and security concerns of the jury.
- v) Promoting the culture of reporting concerns in police stations
- vi) Increasing the confidence among citizens through media.

e) Conclusion

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A woman was gang raped and then herded like a sheep in whole village on the decision of local jirga in Sindh, Pakistan. Incidents like these depict the paralysis of justice in Pakistan. Unjust act like these are only possible in that society where institution of governance is weaker than an elite individual. The economic gap between rich and poor is increasing constantly and the society is shaping into one famous saying "The might is always right". The sovereignty of all basic and fundamental institutions are being compromised majority. Amending policies, acts and constitution for one's personal will or benefit reflects the damage of trichotomy of power that a state possess. Pakistan's history mirrors the paralysis of justice

system. In this essay reader will explore about the paralysis of justice in Pakistan due to weak governance, corruption, political activism and economic inequalities. The later part of essay will emphasize on some pragmatic measures to revive the justice system of Pakistan.

The justice system of Pakistan is polarized primarily due to political influence and corruption. The bribe culture in Pakistan has become a necessary part of many institutions. One with less economic power face difficulties even in utilization of ones fundamental basic rights. lesser accountability of powerful institutions of Pakistan creating constant vacuum for those who are capable of doing misconducts with the system. Existence of parallel justice system adding more in attack of paralysis on the justice system of Pakistan.

The democracy of a state is highly dependent on its three main institutions of executive, legislature and judiciary. Pakistan has managed to empower one institution over another from day one of its existence. The three eras of dictatorships are the historical examples of the inter-institutional interventions. Pre 18th amendment- era was very easy for turning the status quo of Pakistan due to the loophole of Article 58(2b) in constitution of Pakistan. It was excessively used in the last decade of 20th century. Post 18th amendment- was relatively not easy for marginalizing the democracy until 21st October 2024. The 26th amendment opened the door for the executives of Pakistan to make the whole judicial system a puppet-attached to some strings. Eventually contributing in more politicization of judiciary ultimately to the justice system.

Furthermore, achieving justice in Pakistan is costly too. The rich in this country are more competent for winning a judicial case as compared to the poor. The expenses, challans, fee and charges to run a case in court are so costly that the lower class mostly avoids raising voice for their fundamental right if exploited. The recent incident of Karsaz, Karachi is the perfect example of might is right. The economically higher class is permitted to even kill the lower class and then utilize their resources to submerge the issue. In contrast, the sovereignty of an individual in western developed countries is so secure that for one individual the Justin Trudeau, PM of Canada raised voice and even created democratic conflict with India by removing embassy of India from the land of Canada.

The culture of bribery further aid in the supremacy of economical elite. Majority of the institutions including all the sectors of education, security, legal health and many more are relying on the virus of bribery. The tilt of all these sectors remain on the side of the one who is economically strong. This add more damage to the system of justice in Pakistan. A poor individual can not even report a case or complaint in Police station because the poor is not able to fulfill the under the table requirement of the station. National Perception of Corruption Survey Reports Police as number one most corrupt sector of Pakistan. Winning justice in these conditions seems impossible for common individual of the country.