

The Paralysis of Justice System in Pakistan

The breakdown of justice system in Pakistan requires immediate and sustained attention. Reforms are critical to meet imposing challenges.

① Introduction

② Manifestation of the paralysis of justice system.

- (i) Burgeoning backlog of cases at all tiers of judiciary.
- (ii) Susceptibility of judges to graft.
- (iii) Raging internecine conflicts within top leadership.
- (iv) Increasing presence of jirga culture.
- (v) Tendency within the executive arm of the State to fly in the face of justice system.

③ Severe repercussions of the dynamics at play

- (i) Legitimacy of the justice system at risk.
- (ii) Growing threats to fundamental rights guaranteed in the Constitution of Pakistan.

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- (iii) Glaringly apparent threats to democracy.
- (iv) Judicial failure inviting a vacuum filled by religiously motivated militancy and ethno-nationalism.
- (v) The dysfunction serving only the vendal elite, denting the society to suffer at large.

(4) Few recommendations for restoring the judicial order in a paralysed justice system:

- (i) Political patronage of the judiciary must come to a halt
- (ii) Justice system should be aligned with ideals of rule of law.
- (iii) Strict observation of trichotomy of power
- (iv) The system should be digitized to expand its reach.
- (v) Meddling of coercive apparatus requires to be addressed

(5) Conclusion.

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Muhammad Ali Jinnah, the father of Pakistani nation, was an illustrious constitutionalist, having a strong penchant for rule of law. Justice to him was imperative and its administration fundamentally critical. His lofty ideals of swift dispensation of justice would find expression in the nascent state of Pakistan, he declared on the eve of partition in 1947. Almost eight decades on, the state of justice in Pakistan is grim to put in simple terms.

A paralysis of the justice system could define it aptly. The rapidly growing backlog of cases and prolonged delays in justice bear witness to it.

The loopholes in the system, enabling space to perpetrators to get away with legal codes reveals as much. Then there are factional and palace intrigues forcing the system to collapse under its dubious contradictions. No wonder, such a backdrop would only spark grave strategic ramifications, evident already in various shades.

The legitimacy of justice system in the country has seen sharp erosion, with democracy and rule of law caught within the crosshairs of unconstitutional forces. The biggest

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lessers are perhaps the citizen of the nation, having almost no avenue to articulate their genuine grievances. For Pakistan to succeed and earn respect within the comity of nations, the urgency of bringing breathing changes in the justice system of Pakistan should be underscored in letter and spirit. Aligning it with lofty claims of democracy, rule of law, constitutionalism and modern of criminal justice system is the way forward. Sanity should prevail for the uninterrupted dispensation of justice. Succinctly, the breakdown of Pakistan's justice system requires immediate and sustained attention. Reforms are critical to meet the imposing challenges.

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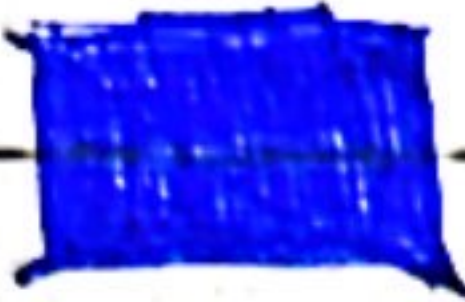
To begin with, the growing backlog at all tiers of judiciary represents the paralysis of justice system in Pakistan. Over the years, cases have accumulated to draw alarming concerns, with legal experts suggesting a wider and deeper problem plaguing the smooth administration of justice in the country. The Law and Justice Commission of Pakistan confirms that the case pendency has touched 2 million - a bloated number indicating a failure of justice system. However, these statistics have done little to invite scrutiny in the ranks of authorities, who are content with the below par performance of the justice system. Against this backdrop, a breakdown of the justice system in Pakistan is conspicuous.

If the mounting accumulation of the cases were not a major obstacle, hindering progress of justice, the susceptibility of judges to

Corrupt practices will drive anyone to conclude that the justice system of Pakistan is replete with string of contradictions. Poor largely face the rough end of the stick and the privileged ones are guarded and protected by honourable judges. In his scathing dissent note in *Azhar Abbas v/s State of Pakistan*, then Supreme Court Judge Justice Baghiz Magbool notes that the presence of black sheeps in Pakistan's judiciary is a major concern long ignored. To him, the socialization of judges to woo managers of the state dents the justice system in numerous ways. Thus, the growing corruption manifests a breakdown something that should spring authorities to action.

Another factor pointing a dysfunctional state of justice system in Pakistan is raging factional conflicts within the top leadership.

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Last  few years have seen the internal frictions between judges reaching biblical proportions, albeit no way out has yet been mapped. The public spectacle of internecine struggles does not auger well for rule of law and dispensation of judges. And yet, things remain as bleak as one would hard to believe. In his dissent to Election Commission of Pakistan v/s Political Parties, honourable justice Naeem Akhtar Afghan notes that the major opinion of his colleagues stand no lawful authority, and the executive are not bound to implement the rule of law. It was first dissent of its kind where an honourable judge instructed executive to defy apex court order, revealing the depth of crisis plaguing the justice system in Pakistan.