

TEST #02

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Hudda

THE PARALYSIS OF JUSTICE IN PAKISTAN

OUTLINE:

1- Introduction.

Thesis statement: Justice delayed, Justice denied fits well on the paralyzed justice in Pakistan. This deteriorated state is the result of inefficiency and functional barriers. However, justice can be made approachable to everyone by carrying out certain structural and functional reforms.

2- Paralysis of Justice : Pakistan.

3- Justice Delayed, Justice Denied: Situation in Pakistan:

a- Backlog of cases.

b- Multiple Categories of Courts

c- Compromised Independence of Judiciary.

d- Unequal Access to Justice.

e- Corrupt Practices.

4- How ~~the~~ Pakistan ^{has} Reached Here:

a- Excessive Bureaucratic Hurdles slow down the process.

b- Unconstitutional Interference in Judicial Matters.

c- Overbearing Role of Executive and Legislative Departments.

d- Discrepancies in Access linked to Socio-Economic status

e- Use of Corrupt Means in Recruitment and Beyond.

5- Way forward:

a- Restoring Independence of Judiciary.

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b- Efficient Bureaucracy and Updated Investigation Methods

c- Replacing Quantity with Quality in Justice System

d- Efforts to Make Justice accessible to all.

6- Conclusion

MAIN ESSAY

Francis Bacon eloquently said, "If we do not maintain justice, justice will not maintain us." Justice and human welfare are linked symbiotically. Both need each other for its survival. It is the honest will of the people that maintain justice and it is the justice that ensures a just social order. In absence of justice, the social and moral fabric of a society erodes. Same is being seen in Pakistan. In Pakistan, justice is a luxury that only few can afford. It is because of backlog of cases, hefty expenditures to pursue a case, different categories of courts, constricted independence of judiciary, unequal access and prevalent corrupt practices. The reasons behind such dismal state of affairs are include bureaucratic hurdles, overstepping of constitutional boundaries, discrepancies in the ability and capacity to access justice and recruitment of corrupt officials using corrupt means. These factors has paralyzed the Justice system of Pakistan, where it exists but cannot function properly. Still the direction of course can be set

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right by removing these inadequacy. This with overhaul will require restoring independence of Judiciary, appointment of honest officials through credible means and eliminating bureaucratic hurdles. Also, there is a need of mass public awareness about rules and regulations and an easy access for all. 'Justice delayed, Justice denied' fits well on the case of Pakistan. This deteriorated situation is the result of inefficiency and functional barrier. However, equal access to justice can be granted by carrying out certain structural and functional reforms.

Paralysis of justice means a system where justice is unable to function properly, resulting in the delay or denial of justice. It is not confined to the Judicial system only, but also involves inability of government to act in timely and appropriately to a contentious issue. A paralyzed justice is like a living breathing body on a stretcher that is present there but is unable to move and function properly. Likewise, in Pakistan, the justice system is based on a Supreme Court, High Courts, Sessions Courts, a highly qualified judiciary and an established statute to follow, still the state of justice is non-functional. It takes years for a common man to even settle a minor land dispute. Due to fear of being dragged in courts for nothing, mostly people do not register their cases, making it a handicapped

Justice. Those who have power and means can 'wake up' the justice from 'slumber' in few days. Moreover, The state of justice in Pakistan is so depressing that World Justice Project (2024) ranked Pakistan 130th out of 142 countries in Rule of Law Index. Hence, it is not wrong to say that Pakistan rank among one of the lowest countries in terms of Justice.

The depressing state of ill-functioning Justice system is the burden of piled up cases. Due to inadequate investigation, lack of evidence, insufficient judges and lack of resources cases are piling up at a greater speed. As in 2023, there were 2.26 million cases that were still pending in Pakistani courts. (Judicial Commission of Pakistan, 2024). Similarly, according to a report issued by Supreme Court in 2024, the backlog of cases in the apex court is increasing by 18 percent annually. It means the workload on already insufficient judiciary will increase, which will further delay the proceedings resulting in a more immobilized Justice system. It will decrease the speed of clearing of cases, and the pending ones will block the access of new, might be important, to wait for their turn. It will further create a situation like stalemate in attaining justice. Thus, black backlog of cases is strongly contributing to further paralyzing of Judiciary resulting in delayed justice. And as it

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known, delayed justice means no justice at all.

Besides backlog of cases, multiple categories of existing courts also make justice dysfunction. When there exists multiple courts, each having a special domain and category of cases to deal with, it takes time for all to decide in whose jurisdiction the case lies. It results in an environment of confusion and heightened tension to decide the jurisdiction of court pertaining a case ~~in which~~ having overlapping jurisdiction. This was seen in the case of May 9 riots. After the arrest of former Prime Minister, the public outrage led them to attack certain military ~~installments~~. This led to a strong and ~~coercive~~ response from the government. The debate to either test by the rioters in Military Courts known as Anti-terrorism courts or Civilian Courts like High Courts and Supreme Court has resulted in heightened stress and dragging of cases' hearings along with incapacitation for more than one year. Therefore, different types of courts present in Pakistan with overlapping jurisdiction further hampers the justice process.

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