

Corresponding Author: Elina Khan (Advocate, District Bar Association, Dera Ismail Khan, KP, Pakistan.

Email: ellinakha123@gmail.com)

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Discrepancies in the Legal System of Pakistan



Elina Khan¹

Abstract: *Judiciary and the legal system of a country is the foundation of fairness and equality in a nation. In the absence of a fair and strong judiciary, the country cannot progress and the people, particularly the lower class, suffer. Pakistan's Judiciary has been facing various issues over the years. This academic research will provide insight into the status-quo legal predicaments that have reigned supreme in Pakistan for decades on end, by attempting to analyze the fundamental elements of this judicial incomprehension. Furthermore, this research has highlighted the issues of the justice system in Pakistan that includes the delays in case hearings for the local public and a discussion on the pending cases that have existed in the judicial system for years and years. The parameters of misinterpretation of laws in the system are also made part of the study. This misinterpretation and its impact on the judicial system is discussed. Lastly, the researcher is concluded with the recommendations that can help in improving the prevailing flaws of the judicial system of Pakistan.*

Keywords: Legal, judiciary, Pakistan, delays, misinterpretation, justice, corruption, activism, reforms, Ethics.

Introduction

The society can stand for a long time despite the infidelity, but not on injustice. Therefore, it is absolutely imperative that an efficacious system for the administration of justice be put in place. A legal system is believed to be the backbone of all progressive, developed and prosperous nations. It is the legal system, which has been and will keep on patronizing the norms of democracy and the relationship of a citizen to its state.

Keeping in view the essence of a legal system, we must need to look into the foundations of a strong and potent legal system. These days' various legal systems have dominated the standing procedure of different states, but the two most effective out of them are Civil and Common Law system. Different states have chosen or were supposed to choose one of them. And, the same was the case with Pakistan. Being a member of the Common wealth nations and one of the known figures of British imperialism approach, we were dragooned to adopt Common Law system. But unluckily the experts are still perplexed about the nature of this system in this state. In fact, the same has stirred a hot debate amongst the legal fraternity about the operating procedure and nature of this system. It has turned into a combination of Civil and Common Law system due to the unrestrained power of judiciary, the illusion of separation of power and the bossy attitude of the rest of the organs of state towards Judiciary. Also, the pile of law suits, ineffective and fragile judicial frame-up, retarded infrastructure and judicial activism in order to malign the legislators, are some traditional traits of our legal system, which have baffled the realm of the

¹ Advocate, District Bar Association, Dera Ismail Khan, KP, Pakistan

reforming society to overhaul the said system. It is absolutely imperative that these impediments to reaching an efficacious system of justice administration be redressed and eventually rectified before a corrective recourse becomes tiring, impractical and unachievable. Therefore, endeavoring to investigate the underlying factors of this legal befuddlement, this academic research shall render an insight into the status-quo legal predicaments that have been reigning supreme in Pakistan for years on end.

Aggravation of the Already Dilapidated and Inefficient Legal System of Pakistan

The Civil Courts Ordinance of 1962, which has been adopted, subject to certain modifications, in each of Pakistan's four provinces and the Islamabad Capital Territory, establishes a hierarchy of courts in descending order, including the district judge's court, the additional district judge's court, and the civil judge's court. A single judge presides over each civil court, hearing and deciding all cases in the court. Depending on the importance of the case, an appeal against a civil judge's decision can be brought to the district judge or the High Court. A decision of the court of appeals of the district judge might be appealed to the High Court. Judges are the sole arbiters of law and reality in Pakistan. Pakistan does not have a jury system. The Pakistani legal system is adversarial, as it is in other common law nations, and judges in Pakistan take a passive role when hearing cases. Before initiating a civil lawsuit in the courts, there is usually no need to take any action. All civil claims begin with the filing of a claim in the appropriate court, after which the court will issue summon to the counter party, requiring the counterparty to file a reply by a set deadline, usually not exceeding 30 days. If the claim is accompanied by an interlocutor y application, the court will hear that application.

Flawed Social Justice System

Pakistan's current governing structure is unquestionably exploitative and authoritarian. It is exploitative because it lavishes misappropriated economic benefits on the wealthy at the expense of the poor, in direct opposition to Islamic injunctions and prosperity. Sate ideals, which call for wealth redeployment from the wealthy to the unfortunate. It is domineering because it repudiates impartiality to the scrawny in the face of the influential in culture's criminal excesses, who can almost get away with murder. The ruling class, particularly elder representatives, notable resident and military commanders, feudal landlords, and dishonest judicial officials, are to blame for the current condition of affairs.

According to Pakistan's Economic Survey for 2017-18, roughly 24.3 percent of the population lived below the poverty line in 2015-16, referred to as a monthly income of Rs.3030. According to reports, an officer in BPS-22, the uppermost rank in the Pakistan government service, earns roughly Rs.300,000 a month in total, which includes rudimentary income, payments, and other benefits and treats. There are also a number of covert methods in which Pakistan's elite profit themselves at the expense of the poor and oppressed. The brazen manner in which older public, armed, and legal officers are plundering the nation for their personal gain is demonstrated by the allocation of inhabited, marketable, and farming plots out of state land at throwaway prices.

Roughly 60% of Pakistan's population lives in poverty as a result of the country's underdevelopment, which is imitated in its tremendously low per capita revenue, as well as corrupt and unfair practices that lead to large inequities in income and wealth. Several managements and assemblies in the country have been unsuccessful to enact regulations and implement policies to promote monetary and communal righteousness for the country's citizens. Unfortunately, especially at the lowest levels, the enactment of our regulation implementation agencies, answerability organizations, and courts leaves a lot to be anticipated. The judiciary, as the final power accountable for provision of impartiality, is in desperate need of improvements to safeguard that plaintiffs receive uprightness in a fair, unbiased, and timely manner. Lower-level justice, in particular, is plagued by claims of pervasive corruption and inefficiency. There have been several examples of lower-level judges failing to apply their minds or engaging in unethical tactics when granting legally questionable stay orders, occasioning in unnecessary extended

litigation and adversity for those who are harmed.²

Delays in Legal System of Pakistan

Pakistan's legal system has a reputation for long wait times and ineffective case administration. According to a UNDP survey from 2012, 43 percent of the cases filed in Sindh's courts took 5 to 10 years to be resolved. When it comes to criminal cases, the situation becomes particularly serious, owing to the fact that defendants are frequently forced to languish in overcrowded jails for years before their case is heard and decided. As a result, the judiciary is overwhelmed, the jail system is drooping, and people have lost faith in the judicial system. Over the course of this time, the lawyers record data for 533 cases on average. They discovered that their case had a 58.65% chance of being adjourned on any given day. This, along with the fact that Pakistani courts do not hear cases on a daily basis, meant that a prisoner on trial would spend an additional few weeks in jail if his case was not heard on a specific date.

For an accused person, the frequent adjournments mean that they may spend many more months in jail simply because a witness failed to appear, the judge was on vacation, or there were insufficient prison vans to carry them to Court on their scheduled hearing date. This situation demonstrates significant flaws in the criminal justice system and places an unnecessary strain on the prison administration. When a judge is on leave, the case will be considered by an alternate judge. This procedure, however, is laden with ambiguity and frequently leads in an adjournment by the substitute judge. Strikes called by lawyers' bar group result in the loss of many working days, as the courts are unable to function without the striking lawyers.³

Pending Cases

According to the Law and Justice Commission of Pakistan's most recent data, there are 38,539 cases pending before the Supreme Court, 293,947 cases before the five high courts, and 1,869,886 cases before the subordinate judiciary of the four provinces and the federal capital. In most civil lawsuits, litigants must wait decades for a final verdict; in other situations, the third generation of petitioners receives the ultimate judgment in their petitions. The Supreme Court is hearing 38,539 cases, the LHC is hearing 147,542 cases, the Sindh High Court is hearing 93,335 cases, the Peshawar High Court is hearing 30,764 cases, the Baluchistan High Court is hearing 6,030 cases, and the Islamabad High Court is hearing 16,278 cases. Similarly, the district judiciary in Punjab has 1,184,551 cases pending, Sindh has 97,673, Khyber Pakhtunkhwa has 204,030 cases pending, Baluchistan has 12,826 cases pending, and Islamabad has 37,753 cases pending.

Senior lawyers believe that the superior judiciary serves as an appeals forum for the district courts, but it appears that the high courts and the Supreme Court have been preoccupied with petitions relating to Articles 199 and 184/3 of the Constitution, which give them the authority to implement vital privileges. Other lawful practitioners, on the other hand, believe that the bar backs the accumulation of cases. Lawyers, according to the former president, are correspondingly accountable for the delayed development of law court cases. He claimed that legal representative sought after unnecessarily frequent adjournments and bar groups called strikes over minor problems, causing not only delays in court proceedings but also a backlog.⁴

Professional Dishonesty

Contributing to the Debilitating Situation of the Justice Administration: The legal system has been

² Hussain, J. (2018, June 19). Pakistan's flawed justice system. *The Nation*. <https://www.nation.com.pk/19-Jun-2018/pakistan-s-flawed-justice-system>

³ Editor. (2016, December 6). Delays and lapses in Pakistan's criminal justice system. *LSE South Asia Centre*. <https://blogs.lse.ac.uk/southasia/2016/12/06/delays-and-lapses-in-pakistans-criminal-justice-system/>

⁴ Asad, M. (2018, January 21). Over 1.8 million cases pending in Pakistan's courts. *Dawn*. <https://www.dawn.com/news/1384319>

undermined by disobedience with the code of conduct. On the basis that some practitioners are engaged in wrongdoing, Pakistan's legal community is frequently chastised for the decline of the profession. When bar associations show unwillingness to enforce the code of professional conduct for practitioners, this impression is reinforced, weakening the legal system. Pakistan is ranked 105th out of 113 countries in the "World Justice Project's 2017-2018 Rule of Law Index". As a result, developing professional ethics compliance is essential for the delivery of justice.

Lawyers' Professional Ethics

Different concepts are included in the professional ethics of lawyers. To begin, a lawyer must do all possible within the law for their customer, regardless of individual feelings regarding the customer's goals. According to this viewpoint, a lawyer should put their personal opinion aside for the sake of their customer. A lawyer hired by a corporation, for instance, should defend the corporation's interests notwithstanding the deaths caused by a product manufactured by it. As per this viewpoint, lawyers only have a commitment to their clients; they are not bound to regard the general public's or innocent third parties' concerns.

The second point of view is that lawyers are court officers. They are not morally reprehensible professionals. The administration of justice does not imply the suppression of personal morality, but instead the application of it. Lawyers cannot excuse their acts by claiming to be acting in the plaintiff's best interests. Instead, individuals must accept subjective ethical responsibility for the outcome of their acts. They must answer to community for the activities they conduct on behalf of clients. According to this viewpoint, practitioners should even refuse to offer legal assistance in cases where they believe the public good is being harmed. Supporters of this viewpoint claim that lawyers have a constitutional duty to use reflective judgment and discretion to determine what is morally right or wrong in a given situation.

A morally acceptable code of conduct will be followed by ethical professionals. Even if it means sacrificing money or relationships, they will follow the norms of conduct. Simultaneously, the argument is that the implementation of this code, in conjunction with an enabling organizational framework and production activities, will result in moral standards to some level. Individual lawyers' behavior is heavily influenced by the legal practice structure. Without broad reform of judicial systems, moral regeneration or enhancement of the legal industry is impossible, and this reform must begin with the court itself. Taimur⁵.

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Bar Council Laws

The bar council laws establish a code of behavior for lawyers, which the bar is responsible for enforcing. The Pakistan Bar Council is required under section 13(d) of the Legal Practitioners and Bar Councils Act, 1973, to "set down norms of professional behavior and etiquette for advocates." As a result, the PBC has authorized and endorsed the "Canons of Professional Conduct and Etiquette", and all advocates are urged to follow these canons in their interactions with colleagues, patrons, the court, and the public at large. "It is the obligation of every advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof," says Rule 134 of the Pakistan Legal Practitioners and Bar Councils Rules, 1976.

In legal jargon, an advocate is a person who is involved in the practice of law. When a person had left the field, he could no longer claim to be an advocate simply because his name was still on the Bar Council's rolls. Advocates should be respected, but they must stay within the bounds of the law and justice domains, and courts should respectfully, if not frankly, refuse to bow to their requests and further their selfish interests at the expense of others who are likely to suffer immediate and irreversible harm.⁷

⁵ Malik, T. (2018, November 22). Improving access to justice. *The News*. <https://www.thenews.com.pk/print/395567-improving-access-to-justice>

⁶ Ranjha, Z. U. (2018, December 22). Ethical lawyering. *Dawn*. <https://www.dawn.com/news/1453108>

⁷ Niazi, H. (2018, February 13). Vigilante justice. *The News*. <https://www.thenews.com.pk/print/281119->

Failure in Following the Appropriate Code of Conduct

Despite the considerations made in the preceding section, there is a sense that some lawyers believe they are above the law, and bar councils have been unable to dispel this belief. Legal proceedings against individuals accused of malicious prosecution appears to be ineffectual or sluggish. The number of complaints received and the resolution of those complaints are not made public. Lawyers and even many judges have credibility and trust that resemble those of the Dark Triad, a case that was highlighted due to unethical code of conduct; it's not unusual for some attorneys to present themselves as genuinely concerned about the best possible result for their client, when their main goal is to deceive, defraud, and manipulate others to accomplish their objectives.

The term "professional misconduct" is difficult to define and can refer to any actions or behavior by a lawyer that is detrimental to good condition or unprofessional of an advocacy organization. These terms must be described in terms of our changing social belief structures, which require more genuineness, aristocracy, and optimistic approaches from lawyers. Professional misconduct is not a static concept; it evolves in response to the conditions in which a misbehaving lawyer has become engaged, necessitating legal action. Bar Associations have traditionally held significant positions, and the sub misleading of their presence has never been questioned. Bar Associations' numerous activities and responsibilities necessitate the most significant repositioning, which are obviously lacking in today's times.⁸

Promotion of Compliance

To encourage the obedience of the professional code of conduct, "Sections 11(b), disqualifications for membership of the PBC"; "11(c), cessation of membership of the PBC"; "28(a), person disqualified to be enrolled as advocate"; "41, punishment of advocates for misconduct"; "46, disciplinary powers of the PBC"; "54, power of the Supreme Court and high court to suspend advocates from practice"; "58, penalty for illegal practice"; "59, power to frame and publish lists of touts of the 1973 act", and related sections pertaining to provincial bar councils, should be executed to normalize the lawful occupation more successfully. Furthermore, to promote ethical litigators and assist to the rehabilitation of our judicial system, bar committees should evaluate bar licenses on a constant schedule based on the approved "Canons of Professional Conduct and Etiquette".

The Legal Practitioners and Bar Councils Act of 1973, as well as various provincial Acts, regulate the legal industry as well as provide a process for an advocate's inclusion and expulsion from the roll on the basis of the law. The parent legislature's guidelines serve as a complement to the statute. The Code of Civil Procedure and the Lahore High Court (Rules and Orders) provide remedies and enforcement tools in such instances. Superior courts have traditionally respected an advocate's locus stand in public interest litigation; we can criticize public policy on sufficient basis, and we can ask for legal actions when any state organ oversteps its bounds. This is not because lawyers are better compared to other humans, but because their career path has basic tenets that the justice process cannot function without, they are recognized as expert witnesses, and the committee chairman expects substantial support from them regardless of his judicial approach, and any treachery of that trust not only harms the legal industry, but also the application of law.⁹

Worsening of the Justice Administration Mechanisms in Pakistan

Individual legal problems are resolved by courts. A court's interpretation of a positive law, such as a legislation or regulation, or any kind of reasoning from a previous judicial order, is based on a body of

vigilante-justice

⁸ Sheikh, Z. I. (2012). Legal ethics: Lawyer's perceptions. <https://www.pljlawsite.com/2011art46.htm>

⁹ Braithwaite, J., & Gohar, A. (2014). Restorative Justice, Policing and Insurgency: Learning from Pakistan. *Law & Society Review*, 48(3), 531–561. <https://doi.org/10.1111/lasr.12091>

law known as common law. In the common-law tradition of making law through court cases, a court explains by example, applying basic "principles of equity, natural justice, and... public policy" to the unusual circumstances before it. On a particular circumstance basis, a common-law court considers whether each combination of events must follow the rule of a previous judgment. When it comes to deciding a statutory question, however, courts don't always assess what might have been a sensible course of action under the conditions based on equity or procedural fairness. Instead, the court must "determine the meaning of the statute" and resolve the dispute using statutory law. "Legislative supremacy" is the most frequent concept of a judge's proper role in statutory interpretation.

In their book, DC Pearce and RS Geddes stated on statutory interpretation: "Legislation is, at its heart, an instrument of communication. For this reason, many of the so-called rules or principles of interpretation are no more than common-sense and grammatical aids that are applicable to any document by which one-person endeavors to convey a message to another. Any inquiry into the meaning of an Act should therefore start with the question: 'What message is the legislature trying to convey in this communication?'"

Judges rely on a range of interpretive resources to assist them read statutes, the most common of which are statutory context, ordinary meaning, legislative history, canons of construction, and evidence of how a statute is applied. These instruments frequently overlay. A judge might, for example, rely on evidence showing an agency's execution of a statute to back up her own interpretation of a word's common meaning. Basic principles for comprehending statutory context are frequently referred to as construction canons. Teetotalism, for example, suggests that courts should only resort to legislative history on rare occasions, according to some theories of statutory interpretation. As a result, the instruments used by a judge may be influenced by his interpretive theory. As a consequence, appeals courts may unearth different evidence about a statute's meaning, and even if they uncover the same information, they may evaluate it accordingly. In fact, judges will frequently use whatever materials they have at their disposal to assist them in comprehending the meaning of the statute at hand.

Ambiguity in Judicial Management

There are two definitions of "ambiguity". The term ambiguity can be interpreted in two ways: in a broad sense that refers to language use, and in a narrower sense that refers to some underlying features of language. For a broader understanding, read up the definitions of the phrases "ambiguity" and "ambiguous" in the legal lexicon Words and Phrases. The terms "ambiguous" and "ambiguity" are frequently used to describe a language's lack of clarity. The word "ambiguous" denotes doubtful or uncertain. A more limited interpretation of ambiguity stands in opposition to this broad perspective of ambiguity. This constrained sense is frequently expressed in grammatical treatises and the subject of linguistics. Linguistics is the study of the qualities of human language as a discipline. The possibility of ambiguity is one of the most exciting characteristics of language.

There are two sorts of ambiguity: lexical and syntactic or structural ambiguity. When a word has more than one objective or dictionary meaning, lexical ambiguity can emerge. Because more than one of the meanings may be viable in some settings, the ambiguity is prospective.

The other prevalent type is syntactic ambiguity. It has to do with the structure of the language. Words appear in a specific order, and these orderings determine grammatical relationships. When a given order of words allows for more than one grammatical relationship, there is the possibility of syntactic ambiguity. This type of ambiguity frequently involves scope of alteration, as defined by linguists. The law hasn't completely ignored the limited meaning of "ambiguity." Another definition can be found in Words and Phrases. Only when language is vulnerable to more than one meaning can "ambiguity" exist in a written document.

The author of this remark speaks specifically about language. A document is ambiguous not because it is obscure or questionable, but because something inside the language of the document provides many meanings. Furthermore, this concept allows for lexical as well as syntactic ambiguity. Language is like

a coin with two faces—lexicon and grammar, and both are essential features as sources of ambiguity.¹⁰

Issues with Pakistan's Criminal Justice System

The main difficulty with Pakistan's criminal justice system, as in many other countries, is that the courts and jails are overwhelmed. The overcrowding appears to be caused by several interconnected problems, including a lack of resources spent on system maintenance, a shortage of courts and judges, and the sheer volume of civil and criminal cases brought into the system. A large portion of the "mountain of cases" is frivolous (familial or clan feuds) or stems from land disputes. Every year, around two million civil and criminal cases are pending in Pakistan's lower and higher courts. The 200,000 cases in the appellate courts (which consist of the provincial high courts, the Federal Shariat Court, and the Supreme Court of Pakistan) are included in this figure.

Over 800,000 civil and criminal cases are currently outstanding in Punjab's magistrate, district, and sessions courts. 75 percent of all criminal matters are handled by around 900 magistrates who have both civil and criminal jurisdiction. This burden is greater than the capacity to investigate and prosecute, resulting in court inaction. Prisons are overcrowded, with ever-increasing numbers of inmates pushed into little space. For example, the Kot Lakhpat Jail, where Davis is being kept, has more than four times its four-thousand-prisoner capacity. Under-trial inmates make up most of the country's prison population.

It can take several years for a case to reach trial if there is no fast-trial law in place. Even if a case is finally scheduled for trial, it may consist of several short sessions spread out over months or even years. There is no provision in the Pakistani Criminal Procedure Code that recognizes, let alone authorizes, plea bargaining. Even though the courts and prisons are overcrowded with pending criminal cases that threaten the system's foundations, this measure to reduce caseloads is not being considered due to concerns over plea bargaining's perceived negative ethical and legal implications.

Prisoners are rarely carried to court on the day of their hearing due to a scarcity of prison vans. Hundreds of cases are often included on daily court dockets, making it impossible for parties to predict which cases will be heard on any given day. Because lawyers are unable to thoroughly prepare, they frequently request that their cases be postponed for no apparent reason. To assure a client's acquittal, defence attorneys can simply postpone the case until the evidence is lost or the witnesses become unavailable. As a result of the judges' agreement, the lawyers virtually control the courts' calendars. As a result, trials typically take years to complete.

To make matters worse, militants and other serious criminals who can afford to pay first- or second-tier attorneys are routinely released on bond or have their trials delayed for years, even though they appear to organise operations from prison. Between 2003 and 2012, suicide bombers and bomb blasts are thought to have murdered over 40,000 people. Although each province has established a unique court system for antiterrorism cases, those courts' dockets are similarly overburdened and suffer from the same institutional issues as normal sessions courts.¹¹

Need of an Effective Criminal Justice System

An effective criminal justice system is a precondition for establishing the rule of law, which underlies political rights, civil liberties, and accountability procedures, ensuring the right to equality before the law for all people. Sub-Program 11 (SPII) aims to strengthen Pakistan's criminal justice system, including assisting police reform and improving investigative processes, strengthening prosecution and judiciary services, and addressing challenges to prison management reform and alternatives to imprisonment, all while respecting cross-cutting areas in human rights protection for vulnerable groups. In addition, SPII

¹⁰ Schane, S. (2002). Ambiguity and misunderstanding in the law. *Thomas Jefferson Law Review*, 25(2), 167-206. <https://idiom.ucsd.edu/~schane/law/ambiguity.pdf>

¹¹ Strasser, P. G. (2014). The evolving Pakistani criminal justice system: A study of the Raymond David matter. *Tulane Journal of International and Comparative Law*, 23, 107.

works with the Pakistani government to strengthen accountability and openness in the justice system by preventing and combating corruption.

Building upon the pastiche results from the previous Country Program, the areas of priority of SPII are:

Alignment of legal and regulatory frameworks with international standards and norms across the criminal justice chain's law enforcement agencies • Individuals, institutions, and training academies' capacity building is targeted. • Improvements in criminal justice actors' coordination and cooperation, • As well as public understanding of their rights in the criminal justice system

SPII aspires to fulfill its promise and help to the Pakistani government in establishing a secure, safe, and prosperous society in which all people's rights are safeguarded and guaranteed by a fair, efficient, and responsive criminal justice system. Simultaneously, SPII works with the government to help them implant a culture of transparency and accountability throughout its organizations and agencies, with zero tolerance for corruption. SPII's complete strategy is closely matched with Pakistan's vision 2025 and will ultimately contribute to the achievement of Sustainable Development Goal 16 on peace, justice, and institutions.

It is unwise to give a definitive answer to the policy question of the appropriateness of restorative justice under police supervision. Restorative justice in Pakistani police stations exemplifies why a contextual response is required. Based on purely qualitative evidence, it is argued that this restorative justice program reduces revenge violence in a sustainable manner, contributes to preventing Pakistan from devolving into civil war, and aids a police force with low legitimacy in becoming more accountable to local civil society. These contributions are tiny, but with moderate donor assistance, they may be considerably more substantial. Increased accountability can also assist control the abuses that have happened under this program by investing in human rights and gender awareness training. Pakistan's brutal, divided policing and restorative justice politics appear to be the least probable case for deliberative democracy to succeed.

Recommendations and Suggestions to Ameliorate the Aggravated Situation in Pakistan

For the majority of Pakistanis, access to justice remains an elusive ideal. As part of its 100-day strategy, the current administration has outlined a number of legislative proposals aimed at improving the country's justice system, and the political parties are supposed to maintain these goals without regard for political point scoring. For much-needed changes in litigation procedure, as well as the removal of obsolete and outmoded legal provisions, a complete legal reform package is required. There are, nonetheless, a number of actions that may be implemented without a lengthy parliamentary debate and that can significantly help solve the problem in a short period of time. The efforts that must really be taken to increase admittance to the courts, diminish the litigation, and make the law management more reliable, open, and transparent are outlined below. Many of these suggestions have previously been made by the judges, and they can be adopted by the judicial system with government sustenance.

The Peshawar High Court, for example, has announced a Judicial Reforms Strategy for 2018-22. The 244-page strategy plan outlines the operational, legal, and technological initiatives that must be designed to improve the provincial government justice process and admission to the courts. Many of the proposals in this text can also be implemented in further provinces. In 2017, the Punjab District Judiciary received a Case & Court Management Handbook from the Lahore High Court. The 74-page guidebook, written under the direction of the then-chief justice of the Lahore High Court, lays out a practical plan for quicker case resolution in the province, including the establishment of model courts, ADR centers, and specialized courts. It is critical that the administration and the judiciary take measures to ensure that the National Judicial Policy is properly implemented. The supreme bench, the "Pakistan Law and Justice Commission", and the "National Judicial Committee" would be responsible for driving and monitoring the detailed step by step items, and should be made responsible to the nation for any progress that has been

made or lack thereof.

The term "alternative dispute resolution" is leading to the attainment of traction in Pakistan, and many representatives of the higher court, counting the country's present chief justice, are enthusiastic supporters. The National Judicial Policy, as well as the Punjab and KP policy papers, all mention ADR methods as a way to improve access to justice. ADR programs have been developed at the district judicial level in all districts of Punjab since 2017. The achievement of Punjab's ADR facilities in each district should be reproduced throughout Pakistan, and the quantity and breadth of ADR centers in Punjab must be expanded. In the same way, the idea of constructing unlawful and later public model courts, which began in four Punjab districts in 2017, must be maintained and copied throughout Pakistan. We've tried model police stations, and now it's time to build centers of excellence at the subordinate judiciary initiatives to enhance judges' and lawyers' working circumstances.

To optimize the effectiveness with which cases can be resolved, it is now necessary to determine dedicated courts for ordinary lawful concerns at the district bench level. Specialization is increasingly normal amid attorneys, but there is no explanation why judges mustn't follow suit. As a result, cases should be assigned to current judges depending on categories (i.e. environment related cases, rent cases, land-related mailers, and cases against government departments). As a result, the more common types of circumstances must be handled by magistrates who are experts in the field. The adjudicators ought to be trained on a regular basis in respective areas of expertise. Pakistan also needs to establish commercial arbitration and mediation centers. Indigenous cavities of business, the stock exchange, and certain general practitioner working have made some efforts in this regard. Nevertheless, to normalize the utilization of mediation and arbitration as an argument determination tool, a more systematic energy is needed. This will necessitate legislation changes to make obligatory arbitration and adjudication in specific cases, as well as lawyer preparation to act as moderators and judges.

One of the most pressing challenges concerning access to justice has nothing to do with the government or the courts, but rather with the legal profession as a whole. Instead of being exploited as a national agenda for particular organizations, bar organizations should be depoliticized and employed as disciplinary entities that focus on continued professional growth. In the short term, existing regulatory mechanisms at bar associations should be reinforced to guarantee that those who harm the practice's prestige by noisy attitude, fraudulent degrees, or corrupt activities are dealt with effectively and efficiently. It is critical that technology be used effectively in the court system to promote visibility, eliminate human participation in areas such as case setting before judges, and follow case development throughout the lawsuit cycle. There ought to be a shift in legal education, as current law courses are outdated and cannot satisfy today's legal standards. The administration should also establish a legal research facility or cell to conduct such a study, but the cell should be made up of legal professionals capable of advocating improvements to the legislative and political systems, rather than bureaucrats. To reestablish the rule of law in the nation, the legal profession should work together. In response to the request that punishments for various offences be increased, it should be noted that crimes can only be prevented by strictly implementing current laws in accordance with the provisions. The system must ensure that the laws are followed.

Conclusion

All progressive, developed, and affluent countries are thought to have a legal system at their core. It is the legal system that has favored democratic norms and the citizen-state relationship in the past and will continue to do so in the future. We were forced to embrace the Common Law system since we were a member of the Common Wealth nations and one of the most well-known figures in the British Empire strategy. Unfortunately, specialists are still baffled as to the nature of this system in its current state. In fact, the same has sparked a heated dispute among the legal community over the system's operation and character. The Civil Courts Ordinance of 1962, which has been adopted, with some modifications, in each of Pakistan's four provinces and the Islamabad Capital Territory, establishes a descending hierarchy of courts, with the district judge's court, the additional district judge's court, and the civil judge's court at the

top. Pakistan's existing political system is clearly manipulative and totalitarian. It is manipulative because it gives the wealthy disproportionate monetary gains at the disbursement of the underprivileged, in direct contradiction to Islamic injunctions and prosperity national ideas, which call for wealth reallocation from the wealthy to the poor. According to a UNDP survey conducted in 2012, 43% of cases filed in Sindh's courts took 5 to 10 years to resolve. When it comes to criminal trials, the situation is exacerbated by the fact that defendants are routinely forced to wait years in overcrowded jails before their case is heard and decided.

Disobedience to the rule of conduct has put the justice system in jeopardy. Pakistan's legal community is frequently criticized for the profession's downfall on the assumption that some practitioners are involved in crime. Ethical professionals will adhere to a morally acceptable code of conduct. They will obey the rules of conduct even if it means sacrificing money or relationships. The law establishing the bar council establishes a code of conduct for lawyers, which the bar is responsible for implementing. The Pakistan Bar Council is obligated to "lay down rules of professional behavior and etiquette for advocates" under section 13(d) of the Legal Practitioners and Bar Councils Act, 1973. Despite the points given in the preceding section, there is a perception that some attorneys believe they are above the law, which bar councils have been unable to dispel. The legal system appears to be ineffective or sluggish in dealing with people accused of malicious prosecution. The amount of complaints received and how they were resolved aren't made public. Ordinary meaning, canons of construction, statutory context, evidence of how a legislation is applied, and legislative history are among the interpretive tools used by judges to help them read statutes. These instruments commonly interact with one another. The fundamental issue with Courts and jails are congested in Pakistan's criminal justice system, as they are in several others. The main causes of the congestion seem to be a lack of funds spent on institution management, a paucity of prosecutors and laws, and the enormous volume of criminal and civil cases filed into the institution.

A fruitful felonious impartiality organization is a criterion for the establishment of the rule of law, which reinforces radical moralities, public freedoms, and answerability measures, assuring everyone's right to fair treatment under the law. A complete lawful reform set is essential to make much-needed modifications in litigation procedure as well as to eliminate obsolete and archaic legal provisions. There are a number of phases that can be taken deprived of a protracted parliamentary debate and can considerably aid in the resolution of the condition in a little period of time. In a nutshell, the judicial system can only work efficiently if the laws are equally applied on both, the judicial officers as well as the general public. Further, effective implementation of the recommendations and constant monitoring is a key towards betterment of the system particularly in Pakistan.