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Article:	Analysis of Judiciary's Role in Criminal Justice System in Pakistan
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ABSTRACT

The article examines the judiciary's function in Pakistan's Punjab Province's criminal justice system with a focus on the prompt and impartial conduct of trials. The study was carried out in the Faisalabad district, and 104 convicted criminals out of a total of 210 were interviewed using a multistage sample technique. The purpose of the study was to evaluate the judicial system's effectiveness and efficiency in delivering justice and facilitating a smooth legal process. The findings showed that convicts were sentenced in accordance with current legislation and in proportion to the crimes they committed. It also exposed serious flaws in the system, which had trouble effectively managing its workload. The institution had acceptable technical proficiency, but a number of roadblocks made it ineffective. These obstacles included widespread political influence and corruption, a high workload, outdated methods, a lack of expertise, and equipment limitations. A persistent culture of bribery, a lack of educational institutions, and a dearth of programmes for vocational training and rehabilitation were shown to make these obstacles worse. The study's conclusions show that these issues have severely impacted Pakistan's present criminal justice system. A thorough approach to systemic improvements is necessary to ensure that the criminal justice system is effective and capable of efficiently and impartially dispensing justice. It encourages anti-corruption measures, capacity training, significant investment in cutting-edge techniques, and rehabilitation programmes as a means of systemic reform.

Keywords: Role of Judiciary, Criminal Justice System, Pakistan, Trial, Legislation, Criminals

Introduction: Background of the Study

The criminal justice system (CJS) in Pakistan is well renowned for being unfair, exploitative, and defective. Unquestionably, some of these issues are to blame for the high crime rates. The severe dilemma of unusual delays is currently plaguing Pakistan's criminal justice system. Criminal case litigation is now infamous for its protracted nature. The issue is historical and widespread, not just in Pakistan. Any court system's innate ability to methodically defend against any injustice done to a person during a criminal investigation is a given. A fundamental tenet of the criminal justice system is that a accused should not be punished until his guilt has been established beyond a reasonable doubt. Justice also demands that a criminal trial's disagreement be settled strictly in line with the law and the ideals of justice, fairness, and fair play. These widely accepted and well-established values are also in line with Islamic teachings, which forbid Muslims from engaging in injustice, coercion, or repression. The CJS is described as a group of organizations and procedures set up by governments to manage crime and punish individuals who breach the law. To bring justice to both the guilty and the victim, this system's various components must cooperate and support one another (Ahmed, 2016).

The foundation of the system is justice, equality, fairness, and justice for everyone. It is a system for dealing with crime and criminal activity in order to uphold peace and order in society. Criminal justice is a system of governmental procedures and organizations that upholds social order, works to prevent and lessen crime or uses criminal penalties and other corrective measures to deal with offenders. The criminal justice system mainly consists of three divisions: (i) Police (executive); (ii) Court (trial/trial); (iii) Prison (correction/probation and parole) (Mayeux, 2018)

The British left behind the criminal justice system in Pakistan. The system seeks to lessen crime, prosecute more criminals, and boost public trust in the system's fairness and ability to uphold the rights of law-abiding citizens. The primary and significant flaws and weaknesses of the criminal justice system in Pakistan are accurate reporting of crimes to the police, improper conduct during court proceedings, late filing of complaints by prosecutors, and unbalanced trials where the accused is frequently regarded as the court's favorite child, overcrowding in prisons due to the large number of prisoners in the process management, and underdeveloped probation and parole systems (Shabbir, 2022)

The Criminal Procedure Code of 1898 (CrPC) and the Pakistan Penal Code (PPC) of 1860, which define the principles, practices, and duties of each system component beginning with the filing of a case, serve as the legal foundation for Pakistan's CJS to the police, their judicial trial, appeals, and incarceration for punishment. The fundamental structure of the laws hasn't changed, despite periodic updates to address evolving demands, Islamize the laws, and keep them current. The Apex Court noted that "people are losing faith in the delivery of criminal justice by ordinary criminal courts because they acquit the accused for technical reasons or have a lenient view when passing sentences" because Pakistan's system has sadly failed to achieve the system's larger goals (Ali, 2015).

Because of this, people are turning to street justice more frequently, and there have been multiple documented instances of people lynching offenders. The aforementioned flaws are the reason why the CJS as a whole is viewed as performing below par. Various attempts have been made in the past to change the legislative framework to enhance the system's efficacy and

efficiency, but they have generally been unsuccessful due to their fragmented and half-baked nature (Gul and Ali, 2020).

Due to the adversarial character of litigation, it is up to the parties to prepare and present their claims throughout the interlocutory phases of the trial. While the parties have complete authority over the issue of factual inquiry for that purpose, cases are determined on the basis of matters of fact and law that are presented before the court. This inescapably implies that the parties generally control the proceedings' speed and that the court's conventional function is to issue orders when needed (Ali, 2015).

Role of Judiciary

Criminal cases are heard by the magistrates and session courts. The Criminal Procedure Code of 1898 also gave rise to the judges and session courts, which are constitutional tribunals and have legal sway over the government. These courts place a strong emphasis on evidence. Magistrates oversee a number of police stations, and their job is just as important as that of the police stations. The police and courts are referred to as “twin co-justice” by Asif Saeed Khosa, the former Chief Justice of Pakistan for its applicability. Courts make decisions in criminal cases by carrying out judicial processes.

The courts and jails in Pakistan are overcrowded. The number of courts has to be at least quadrupled, according to police, attorneys, and judges. Even more important will be the challenge of staffing such courts. For a population of roughly 160 million, there are around 900 magistrates with criminal jurisdiction, and they handle about 75% of all criminal cases. While there have been significant advancements in hiring and pay, with the Punjab government, for instance, increasing the wages of judicial officers, the advantages have yet to be seen, and there remains a shortage of educated judges (Abbas, 2011).

In addition to High Courts in every province and Sessions Courts in each district of the province presided over by Sessions Judges who handle criminal matters, there is the Supreme Court, which has its main location in Islamabad. Then there are more Sessions judges and judicial magistrates in more subordinate courts. Sessions judges preside over trials in criminal offences carrying the death penalty and life in prison as well as cases resulting from the use of the Hudood laws. Judicial magistrates preside over the trial of crimes that are not punished by death or life in prison. If the term of the sentence is up to four years, the appeal against a sentence dictated by a session judge is heard by the Superior Court; if not, the High Court hears the appeal against a sentence dictated by a judicial magistrate before the session judge.

Trial Stage: Trials are conducted at the district level, where the subordinate judiciary handles the same. Case decisions are frequently delayed, and it is these delays in the filing of charges, the gathering of evidence, the interrogation of witnesses, and other stalling strategies employed by attorneys for personal gain that thwart the due process to the advantage of the accused. In criminal trials, there is no set time limit on when the trial must be finished. In the Sindh District Courts, 29% of the cases were filed. KPK District Courts resolved the most cases, at 79.9%, followed by Baluchistan District Courts, at 79.8%. The Punjab district judiciary handled the least number of cases.

2014 saw a total of 2,160,752 cases brought before the courts of first instance. Of them, 592,964 had been submitted since 2013 alone. 1,495,783 cases were settled in total throughout the year, which is 35% of the total cases for the year 2014. 14% of the total cases were still pending. It is important to note that 37% of the cases, or the majority, are started during the

year. The close symmetry between the balance advanced and left at the end of the year demonstrates that the processing level is not declining but rather rising steadily. This is concerning and needs special consideration and action since, if left unchecked, it will continue to increase and substantially undermine the pace of eradication. This emphasizes the fact that cases are frequently delayed for over a year. The reason is that judges are overburdened (Jamshed et al., 2022).

Superior Courts: There are four Primary Superior Courts in the country, each of which has divisional level Circuit Courts and principal seats at all provincial seats. The Sindh High Court received the largest case filed since the prior year. As it had disposed nearly 63% of the cases, the Peshawar High Court was the most effective in handling assigned work, followed by the Lahore High Court with a disposition rate of 59.5% (Arshad, 2017).

Supreme Court: Not only is there an incredible backlog at the Supreme Court level, but it is also contributing to an ever-growing backlog. In a recent case involving the accused (namely Khawaja Mazhar Inayat), who had been found guilty of a murder by a lower court in 1997, was cleared of all accusations of perjury by the Apex Court after nearly 20 years after that conviction. Later, it was discovered that the aforementioned accused had passed away from a cardiac attack in the Jhelum District Jail two years prior (in 2014). 2014 saw a total of 10,730 criminal cases brought before Pakistan's Supreme Court. A total of 5,379 of these were started in 2014. In 2014, 5,320 cases were resolved, or around 49.5% of all cases, while 5210 cases remained unresolved, or roughly 48.55% of all cases. It is important to note that 49.8% of the processing was progressed. As a result, enhanced processing and disposal are nearly equal (Arshad, 2017).

Prosecutors: The prosecutor finally decides whether to proceed with a trial in a case. When compared to the courts, jails, and police, which serve as the public's first impression of the justice system, the comparatively tiny prosecution services require less sophisticated infrastructure. They do, however, make up the core of CJS, and the system's efficacy depends on how well they function. The prosecutor's offices were a division of the police up until 2002. Each provincial agency is led by an Attorney General who is chosen by the province. At the district level, there are Public District Attorneys, Deputy District Public Attorneys, and Deputy District Public Attorneys. It was time to split the prosecution from the police, but the newly formed department is having a lot of problems. It is still quite difficult to integrate new hires with experience in criminal law, especially when prosecution services have not yet established its institutional identity. According to a former IG from Punjab, the prosecutors with less than three or four years of experience work as district attorneys or deputy district attorneys. According to a previous Chief Justice, "prosecution has to be adequately supported and furnished with qualified lawyers in order to distinguish itself from the police. That has not taken place (Arshad, 2017).

No analysis of the assigned and deleted work for prosecutors, probation officers, and probation officers in a year was done since there was no information on the volume of work they received annually.

Objectives of the Study

The study is carried out with a number of general and specific objectives which are discussed as following:

- To assess the role of courts for speedy and fair trial

- To suggest policy measures for better performance of criminal justice system

Literature Review

A detailed assessment of the prior research conducted on a subject is called a "literature review." A review of the relevant academic papers, books, and other materials that are pertinent to a specific topic of inquiry is called a literature review. This earlier study must be enumerated, described, summarised, critically evaluated, and clarified throughout the review. It ought to provide a theoretical foundation for the investigation and assist you, as the author, in determining the scope of your study. The reader is given the confidence that your study has been properly conceived by the fact that the literature review gives credit to the work that has been done by other researchers in the past. When an author makes reference to a prior piece of work in their area of research, it is reasonable to believe that they have read, analyzed and incorporated that piece of work into their current work (Machi and McEvoy, 2016). The current chapter is divided into the following sub-section.

Analyzing the Criminal Justice System of Pakistan

According to PILDAT study from 2016, Pakistan looks to have an 8.66% conviction rate. The International Crisis Group, on the other hand, stated in their research (Crisis Group, 2010) that the conviction rate in Pakistan is at most 10%. The judicial system ought to be trustworthy, yet evidence suggests that this trust has been damaged. This has led to a crisis of public order throughout the nation. The public frequently demands courts to sentence offenders with harsh punishments, including public hangings to deter serious crimes, but severe punishment will not be effective until the justice system becomes effective. People are now turning to street justice, and there are reports of incidents involving people accused of committing crimes being killed in court ("three on trial"). It may be because the public is unaware of the flaws in the system (ICG Annual Report, 2010).

The cornerstone of the rule of law in a nation is a CJS. The CJS is described as "the type of customary procedure for redressing complaints and taking action against those accountable for crimes against society" in the World Justice Project's report. Without an efficient CJS, no nation or culture can endure for very long. The CJSP's three main pillars are judicial prosecution, police investigation, and trial. The roles that each of these elements play are specified by the legislation. To create a CJS that works these elements must be harmonised within their individual domains and roles. However, the current situation of the CJSP indicates that these components are not consistently carrying out their functions, which has rendered the CJSP debilitating and ineffectual. It is regrettable that, according to the 2021 Rule of Law Index, the CJSP is placed 108th out of 139 nations worldwide (WJPRLI, 2021). Also, Pakistan has an extremely low conviction rate. Although a high conviction rate is not the CJS's main objective and the courts are not solely there to record convictions, it "is a relatively decent measure of the efficiency and efficacy of the current CJS in a nation" (Rajput and Rajput, 2020).

The Attorney General of Pakistan has acknowledged the poor condition of the CJSP, joining the public in criticizing the efficacy of the CJSP. According to the Islamabad High Court, "the existing situation of the CJS does not seem to provide the fundamental right to a fair trial and justice for all people." Due to the system's basic failure to protect the victims and punish the guilty, and so ensure everyone is secure in society, it has become a classic illustration of a grave breach of the rights of every citizen provided by the Constitution (Jurisprudence:

Aftab Hussain against the State). The problem is set to get worse than ever, according to the High Court, which also noted that the deterioration of the CJSP is due to “the indifference, carelessness, and ill governance over the previous seven decades.” A backlog of 2.18 million cases awaits the courts. The police are unable to investigate and prosecute due to this load (Imtiaz, 2014).

This is mostly because weak and bogus cases are continuously introduced into the system without any oversight from prosecutors or judges, which causes the entire CJSP to become paralysed on the legal front. The then-Chief Justice of Pakistan, who was aware of this, also noted that the backlog could not be cleared even if all 4,000 judges in Pakistan's court worked round-the-clock (The Dawn, 2016). 65% of prison detainees are prisoners under trial (UTP), which is a sign of the "slowness of the judicial system," according to the Prime Minister's Prisoners Reform Committee (PPRC) report (Butt, 2021). The inability of the legal system to adequately administer justice is proof that this protracted pretrial imprisonment has become a human rights issue. In summary, the CJS is not functioning well at this time and seems to be about to collapse.

In highlighting the urgent need for change, the High Court noted that if immediate action is not done, future generations would never forgive those who are currently in a position to correct the mistakes that lead to ongoing injustices. International organizations have also raised concerns about the CJSP's current state of disrepair. The dysfunctional CJS in Pakistan poses major hazards to national, regional, and global security, according to a report by the organization International Crises (2010), which also stressed the importance of CJSP reform.

Numerous attempts to alter the legislation in the past to increase the efficiency of the system circled around the same antiquated rules, methods, and procedures, and failed to produce any beneficial outcomes (Jamshed, 2013). No system reform will be successful until the underlying causes of the issue are addressed. This chapter focuses on the system's issues and flaws as well as the best course of action for reforming it in a way that is quick and efficient. To demonstrate how comparable issues were handled in other locations and legal systems, a comparative approach is required.

Judiciary/Courts

One of the fundamental elements of every judicial system is the court system. Following CJS prosecution, it is the following stage. The trial is over and the presiding judge issues the verdict after the prosecutor has presented all the evidence against the alleged offender and the offender has presented his or her own evidence in defence. The verdict may be one of acquittal or punishment.

Structure and Functions of Courts in Pakistan

Three subordinate court divisions, three tiers of federal courts, and a Supreme Judicial Council make up Pakistan's judicial system. District courts, which have both civil and criminal jurisdiction but predominantly handle with civil disputes, exist in each district of each province. Civil and criminal appeals from lower courts within the provinces are heard by the High Court of each province. The Supreme Court is based in Islamabad, and has appellate jurisdiction over decisions of the High Court as well as exclusive jurisdiction over disagreements between the federal and provincial governments. Additionally, a Federal Shariat Court was formed on May 26, 1980, by Presidential Order. On the request of any individual, the federal or provincial governments, or ex officio, this Court has the exclusive authority to evaluate whether a law

complies with Islamic law. The Federal Shariat Court receives assistance in this role from an Islamic advisory board made up of ulama (religious scholars). The Islamabad High Court has recently been reinstated for the city's capital region. The subordinate judiciary, which consists of the district courts, session courts, and magistrates' courts, has the most significant function within the CJS (Sajid et al., 2020).

District Courts

The District Courts of Pakistan, which handle all civil and criminal cases, are the lowest tier of courts in the country. There is a Judge of Sessions in each district, and the Magistrates' Courts have the authority to consider criminal matters. Judges of the first instance adjudicate cases involving crimes that carry the death penalty and those that result from the application of Hudood (Islamic rules). Any sentence that is permitted by law may be imposed by the Court of Sessions Judge. Magistrate courts can try the cases involving crimes that have no capital punishment. There are three classes of magistrates: first class, second class, and third class. If the period of the sentence is up to 4 years, the magistrate's sentence may be appealed to the judge of sessions; otherwise, the Superior Court hears appeals from both types of sentences.

Session Courts

The entire district is under the Court of Session, a chosen session judge will preside over it, with the support of one or more other additional session judges. The session judge is the superior authority for all district magistrates. A session judge has a wide range of authority, including the ability to conduct trials for all serious offences, including robbery, murder, all varieties of manslaughter, serious thefts committed by habitual offenders, etc. The Supreme Court must confirm the execution of a death sentence before it may be carried out. The Court of Session hears appeals from magistrate courts. According to sections 54 and 55 of the CCP, all session judges have the authority of a justice of the peace and can use the same authority as police officers. A complaint regarding the non-registration of a criminal case, the transfer of an investigation from one police officer to another, or the negligence, omission, or excess committed by a police authority in relation to its function and duties may be addressed by an ex officio justice of the peace, who may issue the necessary instructions to the concerned police authorities (Munir et al., 2021).

Judicial Magistrate Courts

There are various civil and judicial courts in every town and city. If there is no death penalty for a crime, such as attempted murder, unlawful activity, robbery, or extortion, a magistrate with the authority granted by Article 30 of the Criminal Procedure Code may hear the case but may only impose a sentence of seven years or less. If the court determines that the accused deserves a sentence of longer than seven years, it must submit the case together with its recommendations to a higher court. Each judge of the peace is given a jurisdiction, which typically includes one or more local police stations. Trial courts hear and rule on bail applications as well as police remand notifications, accused releases, arrest and search warrants, and other non-bailable offences.

Judicial Reforms in Pakistan

With financial assistance from Asian Development Bank (ADB), a significant programme of judicial reforms was started in the beginning of 2001. The project cost \$350 million USD (P&D 2006). The program's four (4) key goals were to:

- give citizens, especially the impoverished, security and ensuring that they get equal protection under the law;
- 1. protecting and upholding rights to lessen the vulnerability of the poor;
- 2. bolster the credibility of government institutions; and
- 3. provide favourable conditions for growth that benefits the disadvantaged, particularly by boosting investor confidence.

However, none of the program's declared objectives were met.

Similar to that, the National Judicial Policy Development Committee's 2009 proposal, the National Judicial Policy, was a smart move. The goal of the policy is to deliver quick justice. The committee most recently updated the policy, which now includes the objective of “Justice at the grassroots level” policy (2011) (Munir et al., 2021).

Research on judicial reforms is currently of great interest in Pakistan. The research that is now accessible, however, is focused on the same policies, rules, and practices that haven't worked before. The researcher attempted to comprehend the CJSP's flaws and limitations in this chapter and attempted to briefly discuss those issues based on the adversarial judicial system. The review of the literature reveals that of the three primary components of the CJSP, police investigation is mostly to blame for Pakistan's crippling and dysfunctional justice system, which urgently need change. An in-depth qualitative comparison of the inquisitorial and accusatory justice systems, as well as their fusion, has been conducted, in contrast to the prior research and literature. This demonstrated how the practice of maintaining a single justice system is developing to include both an adversarial and an inquisitorial hybrid system in order to gain from both systems' finest attributes. Many countries, including Russia, Sweden, Portugal, Denmark, the Netherlands, Italy, Spain and China as well as international courts like the International Criminal Court, adhere to this (ICC). This chapter reaches the conclusion that the contradictory remainder of the CJSP procedure may be left in place, with the investigation phase of the inquisitorial system serving as a legal transplant, *mutatis mutandis*, to the investigation phase of the CJSP.. Plea bargaining for misdemeanors should be allowed under the CJSP, which would significantly lessen the strain on the legal system and jails. Similar to Italy, this negotiated punishment may also include rehabilitation, probation, and fines.

It is needed for legal reform to focus on the issues it must address. In the abstract, there is no best CJS. We must take into account both the country's legal culture and the issues that need to be resolved when deciding which system to use. For instance, the protection of human rights and system efficiency were the key issues in Latin America. The accusatory system's transparency was thought to be the finest means of safeguarding the rights of the accused. The case of Pakistan demonstrates how a combination of inquisitorial and accusatory qualities can be used to address the issues the legal system is currently facing.

The CJSP reform components cannot be covered in one chapter. It has just recommended a course of action to take in order to produce the intended outcomes and make the CJSP effective. The other parts of this system likewise require urgent change in order for the system to function under the borrowed norms. However, any revisions need to be backed by substantial research that takes into account societal issues, cultural norms, and CJSP's limitations. It is suggested that judges from the district judiciary up to the Supreme Court, prosecutors, lawyers, criminologists, law enforcement agencies, academia, especially judicial academies, researchers and policy makers public policies unite to successfully carry out the

reform in the CJSP. Based on their findings, recommendations should be sent to the Ministry of Law and Justice for the introduction of new laws, as well as for the refinement of existing ones.

Materials and methods

The purpose of writing this chapter is to describe that how the study progressed from starting to the end. What methods and what type of materials were used in the study. This chapter is further divided into subsequent parts i.e. conceptual framework of the research, population of the study, sample and sampling techniques, research design, instrumentation, data collecting procedure and data analysis techniques. The study used mixed method approach. In-depth interviews were conducted by using an interview guide to collect qualitative data and thematic analysis was made to analyze the qualitative data. The respondents for qualitative data collection were lawyers, and judges and they were recruited by using multistage sampling techniques and convenient sampling. There are three major regions of Punjab (southern, central and northern) one region were selected randomly at second stage one district of selected region was selected randomly. Twelve interviews were conducted with CJ officials in the Faisalabad district. For quantitative data collection sample was collected from the District Jail of the Faisalabad district of Punjab. The sample size was finalized by using the statistical formula Presented by Yamane (1967). The convicted persons were respondents and were recruited conveniently. The appropriate statistical techniques were used to analyze the quantitative data.

Population of the Study

The study had different types of infinite populations (Creswel, 2012). There are three major regions of Punjab (southern, central and northern) one region were selected randomly at second stage one district (Faisalabad) of selected region was selected randomly. All convicted prisoners imprisoned in the district jail Faisalabad was the population of the present study.

Research Design

Quantitative as well as qualitative research design was used in this research project (Terhan, 2003). So, it is mixed methods research. A mixed methods study is conducted when a single type of research (qualitative or quantitative) is not enough to address the research problem or answer the research questions. Furthermore, the convergent parallel design of mixed methods research was adopted in this study. The purpose of a convergent mixed methods design is to simultaneously collect both quantitative and qualitative data, analyze the data, and use the results to understand a research problem. The basic rationale for this design is to compare the results of quantitative data set with qualitative data set and make an interpretation as to whether the results support or contradict to each other (Creswell, 2012).

Instrumentation

To collect data about the criminal justice system of Punjab, a general survey scale was constructed which consisted 76 items.

Results and Discussion

The primary purpose of the study was to conduct an in-depth analysis of Pakistan's criminal justice and criminal prosecution systems and specially focused on the Judicial system with the end goal of identifying practical improvements and investigations that may be implemented to make Pakistan's justice system more approachable, productive and trustworthy. In addition, the purpose of this research is to investigate the difficulties associated with criminal

prosecution, exploitation by law enforcement agencies, and the extensive concerns that are present in Pakistan's judiciary. The data was collected through a self-administered questionnaire and was analyzed by using SPSS 22.0 v.

Univariate analysis

A number of statistical approaches, including univariate/descriptive, bivariate, and multivariate approaches, were used in the examination of quantitative data. In univariate analysis, descriptive statistics such as frequency and percentage as well as measures of central tendency (mean and standard deviation) were utilised to analyse and interpret the data.

Demographics of the Study Participants

The demographic, socio-economic, and crime rates do not have a long-term link; nonetheless, factors such as increasing incarceration rates, income disparity, alcohol use, and racial composition are short-term predictors of crime rates (Saridakis, 2004). In this section, the demographical data has been tabulated and interpreted which included age, gender, residential area, marital status, number of children, family structure, academic background, monthly household income, post-prison employment status, current employment status, type of crime which become the reason of confinement, imprisonment period and number of imprisonment of the respondents.

Table 1

Demographic attributes of study participants (n = 104)

Demographic attributes	Frequency	Percentage
Age		
Up to 30 Years	30	28.8
31 to 35 Years	22	21.2
Above 35 Years	52	50.0
Gender		
Male	104	100.0
Female	0	0
Residential area		
Rural	38	36.5
Urban	60	57.7
Peri-urban	6	5.8
Marital status		
Single	28	26.9
Married	66	63.5
Widower	10	9.6
Family structure		
Nuclear	26	25.0
Joint	76	73.1
Extended	2	1.9
Academic background		
Illiterate	38	36.5
Up to Matric	36	34.6
Above matric	30	28.8

Monthly household income (PKR)

Upto 50,000 PKR	64	61.5
50,001 to 100,000 PKR	22	21.2
100,001 and Above	18	17.3

Age: Table 4.1 portrays the age-wise distribution of the study participants. The results reveal that majority of the study participants i.e. 50.0% (n=52) were more than 35 years of age, while 21.2% (n=22) of the study participants were between 31 to 35 years of age and 28.8% (n=30) of the study participants were up to 30 years of age. Almost the same results were presented by Alam *et al.* (2012). They found that majority (56%) of the prisoners had 26-35 years of age. These results, however, were different from Ullah et al (2021). They discovered that 52.3% of criminals were between the ages of 19 and 22.

Gender: The table 4.1 portrays the gender wise distribution of the study participants. The results reveal that all 100% (n=104) of study participants were males. According to the Govt. of Punjab (2022), the percentage of male convicts in Punjab's prisons was 98.33%, while the percentage of female prisoners was 1.67%.

Residential area: The table 1 further shows the classification of the study participants according to their residential area. The results show that the majority of the study participants i.e. 57.7% (n=60) belonged to the urban areas, while 36.5% (n=38) belonged to the rural areas and only 5.8% (n=6) belonged to the pre-urban areas.

Marital statu: The table 1 also presents the classification of the study participants according to their marital status. The results shows that the majority of the study participants i.e. 63.5% (n=66) were married, while 26.9% (n=28) of the respondents were single and only 9.6% (n=10) were widower.

Family structure: The table 1 also show the classification of the study participants according to their family structure. The results display that majority of the study participants i.e. 73.1% (n=76) have a joint family structure, while 25.0% (n=26) have a nuclear family structure and only 1.9% (n=2) have an extended family structure. Almost the same results were presented by Ullah et al. (2021). They discovered that just 18.3 percent of criminals came from nuclear families, while the vast majority, 81.7 percent, were from joint families.

Academic background: Table 1 further depicts the classification of the study participants according to their academic background. The results shows that the majority was illiterate with a percentage of 36.5% (n=38), while with a very thin margin i.e. 34.6% (n=36) were only have an academic background up to matriculation, on the other hand, it was also found that a healthy percentage i.e. 28.8% (n=30) had above matric education level. The above-presented findings varied to Alam et al. (2012). They found that 46% of the prisoners were illiterate and ten percent of them had graduation and above education. Ullah et al. (2021) also found that 20.3% of the criminals had above 12 years of schooling. However, 23% had up to matric level education.

Monthly household income: The table 1 also shows the classification of the study participants according to their monthly household income. The results shows that the majority of the respondents i.e. 61.5% (n=64) have upto 50,000 PKR monthly household income, 21.2% (n=22) have their household monthly income from 50,001 to 100,000 PKR and 17.3% (n=18) have more than 100,001 PKR as their monthly household income. The results of the present

study were in line with Mills (2019). He found that most of the prisoners belonged to poor families.

Table 2

Distribution of study participants according to number of children

Number of children	Frequency	Percentage	Mean	S.D
No Children	34	32.7%		
One Child	26	25.0%		
Two Children	16	15.4%		
Three Children	10	9.6%	2.54	1.468
More than Three Children	18	17.3%		
Total	104	100%		

Table 2 shows the classification of the study participants according to number of children. The results shows that majority of the study participants i.e. 32.70% (n=34) don't have any child, while 25.0% (n=26) have 1 child, 17.3% (n=18) have more than 3 children, 15.4% (n=16) have 2 children and 9.6% (n=10) have 3 children. The results also reveal that the mean value was 2.54 and standard deviation value was 1.468.

Judiciary in Punjab

Judiciary plays an important role in the institutions of a state. Being the final mediator of the constitution and guardian of fundamental rights and civil liberties of the citizens, its role becomes vital for the development of a healthy nation and democratic society. Pakistan was inherited a vigorous judicial system from British India with reputation for integrity and competence. The people had trust in judiciary. But, with the passage of time, the morale of judiciary became weak. The credit of this weakness directly or indirectly goes to the rulers. Political and Executive pressure is put on the judges to get favorable decisions and to protect their unconstitutional and illegitimate acts when challenged in the superior courts. The judiciary surrendered to the pressure of the rulers. It never resisted against their unconstitutional acts, so today the nation is deprived of and courageous judiciary (Khan, 2017).

Independence of Judiciary in Punjab

In this section, the experiences of the study participants about independence of judiciary in Punjab have been discussed.

Table 3

Participants' opinions about the independence of Judiciary in Punjab

Statements	Agree		No opinion		Disagree		Mean	S.D.	Rank
	F	%	f	%	f	%			
The fear/ threats of the criminals influence the decisions of the judiciary	64	61.5	22	21.2	18	17.3	2.44	.77	1
The officials of the judiciary receive Bribes, and other personal benefits to favor offenders	66	63.5	16	15.4	22	21.2	2.42	.82	2
The judiciary deal with all the criminals equally	46	44.2	10	9.6	48	46.2	1.98	.95	3
The behavior of the officials in the judiciary system is influenced by political pressures.	48	46.2	4	3.8	52	50.0	1.96	.95	4

The above table represents the participants' opinions about the independence of the Judiciary in Punjab. It was observed that majority (61.5%) of the participants agreed that the fear/ threats of the criminals influence the decisions of the judiciary, 21.2 percent had no opinion and 17.3 percent disagreed with this opinion. Similarly, a large majority (63.5%) of the participants agreed that the officials of the judiciary received bribes, and other personal benefits to favor offenders. These statements were ranked 1st to 2nd, respectively on based on

the mean values. However, the judiciary deal with all criminals equally ($1.98 \pm .95$) and the behavior of the officials in the judiciary system is influenced by political pressures ($1.96 \pm .95$) were ranked as 3rd to 4th, respectively.

According to the results of the research, it was discovered that the fear or threats of the criminals affect the choices of the court, and the employees of the judiciary get bribes and other personal incentives to favour offenders. Transparency International (2013) also reported that Pakistan to be a country which suffers due to bribery in criminal justice system. A majority (81%) of the participants told that public officials and civil servants to be very corrupt. Almost 57 percent stated that they have paid a bribe to obtain for personal benefit.

Efficiency of Judiciary in Punjab

In this section, the experiences of the study participants about efficiency of judiciary in Punjab have been discussed.

Table 4

Participants' opinion about the efficiency of Judiciary in Punjab

Statements	Agree		No opinion		Disagree		Mean	S.D.	Rank
	F	%	f	%	f	%			
The judiciary deals with the victims on merit.	26	25.0	14	13.5	64	61.5	1.63	.86	1
The cost of justice is bearable for a layman	22	21.2	16	15.4	66	63.5	1.58	.82	2
The judiciary completes the trails in time	22	21.2	8	7.7	74	71.2	1.50	.82	3
The justice process is smooth and quick.	20	19.2	10	9.6	74	71.2	1.48	.80	4

Table 4 represents the participants' opinions about the efficiency of the Judiciary in Punjab. It was found that only one-fourth of the participants agreed that the judiciary deals with the victims on merit, 13.5 percent had no opinion and a majority (61.5%) disagreed with this opinion. However, around one-fifth (21.2%) agreed that the cost of justice is bearable for a layman, 15.4 percent had no opinion and 63.5 percent disagreed with this opinion. The mean values of these statements were ranked as 1st to 2nd, respectively.

Nevertheless, 21.2 percent of the participants agreed, 7.7 percent had no opinion and a huge majority (71.2%) disagreed that the judiciary completes the trials in time. Similarly, almost one-fifth (19.2%) of the participants agreed, 9.6 percent had no opinion and a massive proportion (71.2%) disagreed that the judiciary process is smooth and quick. The mean values of these statements were ranked as 3rd to 4th, respectively. According to Hussain (2015)'s findings, the judicial system deals with victims based on the merits of their cases, and the expense of justice is manageable for the layman.

Accessibility of Judiciary in Punjab

In this section, the experiences of the study participants about the accessibility of judiciary in Punjab have been discussed.

Table 5

Participants' views about the accessibility of Judiciary in Punjab

Statements	Agree		No opinion		Disagree		Mean	S.D.	Rank
	f	%	f	%	f	%			
Judiciary deals with all victims without any discrimination	22	21.2	18	17.3	64	61.5	1.60	.82	1
The process of approaching the judiciary is easy and simple	22	21.2	8	7.7	74	71.2	1.50	.82	2
A layman can easily approach the courts for justice	16	15.4	10	9.6	78	75.0	1.40	.74	3

Table 5 represents the participants' views about the accessibility of the Judiciary in Punjab. It was found that 21.2 percent of the participants agreed, 17.3 percent had no opinion and a majority (61.5%) disagreed that the Judiciary deals with all victims without any discrimination. Similarly, 21.2 percent of the participants agreed, 7.7 percent had no opinion and a large majority (71.2%) disagreed that the process of approaching the judiciary is easy and simple. Likewise, 15.4 percent of the participants agreed, 9.6 percent had no opinion and a huge majority (75.0%) disagreed that a layman can easily approach the courts for justice. Based on the mean values these statements were ranked as 1st to 3rd, respectively. Hussain (2015) recommended that the National Judicial Policy should be ensuring easy access to justice at the grassroots level.

Accountability of Judiciary in Punjab

In this section, the experiences of the study participants about accountability of judiciary in Punjab have been discussed.

Table 6

Participants' views about the accountability of judiciary in Punjab

Statements	Agree		No opinion		Disagree		Mean	S.D.	Rank
	<i>f</i>	%	<i>f</i>	%	<i>f</i>	%			
The judges are accountable for their misdeeds regarding misuse of authorities	36	34.6	12	11.5	56	53.8	1.81	.93	1
The criminal justice system takes quick actions against the corrupt officials of judiciary.	34	32.7	12	11.5	58	55.8	1.77	.92	2
The process of accountability of judges is fair and smooth	28	26.9	18	17.3	58	55.8	1.71	.87	3
The accountability process of judiciary is transparent and easy	30	28.8	14	13.5	60	57.7	1.71	.89	4

Table 6 represents the participants' views about the accountability of the judiciary in Punjab. It was observed that around one-third (34.6%) of the participants agreed, 11.5 percent had no opinion and a majority (53.8%) disagreed that the judges are accountable for their misdeeds regarding misuse of authorities. Similarly, almost one-third (32.7%) of the participants agreed, 11.5 percent had no opinion and a majority (55.8%) disagreed that the criminal justice system takes quick actions against the corrupt officials of the judiciary. However, almost 27 percent of the participants agreed, 17.3 percent had no opinion and a majority (55.8%) disagreed that the process of accountability of judges is fair and smooth. While 28.8 percent of the participants agreed, 13.5 percent had no opinion and a majority (57.78%) disagreed that the accountability process of the judiciary is transparent and easy. Based on the mean values these statements were ranked as 1st to 4th, respectively. According to ADB (2009), the judicial administration suffers from a lack of accountability, transparency, inefficient delay reduction, poor management, manual methods, restricted court information systems, poor human resource management, and decaying and insufficient infrastructure.

Effectiveness of Judiciary in Punjab

In this section, the experiences of the study participants about effectiveness of judiciary in Punjab have been discussed.

Table 7

Participants opinion regarding the effectiveness of the judiciary to cope with crime

Statements	Agree		No opinion		Disagree		Mean	S.D.	Rank
	<i>f</i>	%	<i>f</i>	%	<i>f</i>	%			
The punishments are sentences according to the nature of crimes and as guided by the law	52	50.0	10	9.6	42	40.4	2.10	.95	1
The punishments are sentences as guided by law rather than focusing on consequences	36	34.6	10	9.6	54	51.9	1.75	.92	2
The capacity of the judiciary is fair enough to deal the workload in time	30	28.8	12	11.5	62	59.6	1.69	.89	3
The trail system is good and smooth	20	19.2	20	19.2	64	61.5	1.58	.80	4

Table 7 represents the participants' views about the effectiveness of the judiciary to cope with crime. It was observed that half (50%) of the participants agreed, 9.6 percent had no opinion and 40.4 percent disagreed that the punishments are sentences according to the nature of crimes and as guided by the law. However, almost one-third (34.6%) of the participants agreed, 9.6 percent had no opinion and 51.9 percent disagreed that the punishments are sentences as guided by law rather than focusing on consequences. Nevertheless, 28.8 percent of the participants agreed, 11.5 percent had no opinion and 59.6 percent disagreed that the capacity of the judiciary is fair enough to deal with the workload in time. Around 19% of the participants agreed, 19.2 percent had no opinion and 61.5 percent disagreed that the trail system is good and smooth. Based on the mean values these statements were ranked as 1st to 4th, respectively. Study findings declared that participants agreed that the punishments are sentences according to the nature of crimes and as guided by the law.

Testing Of Hypotheses

Hypothesis 1: The role of the judiciary would influence the provision of justice

Table 8: Association among respondents' perceptions about the role of the judiciary and their thinking about the provision of justice

Role of judiciary	Provision of justice			Total
	Low	Medium	High	
Low	14	6	6	26
	53.8%	23.1%	23.1%	100.0%
Medium	22	22	6	50
	44.0%	44.0%	12.0%	100.0%
High	6	8	14	28
	21.4%	28.6%	50.0%	100.0%
Total	42	36	26	104
	40.4%	34.6%	25.0%	100.0%
<hr/>				
Chi-square = 16.81		d.f. = 4	P-value = .002**	
Gamma (λ) = 0.375			P-value = .007**	

Table 8 represents the relationship between respondents' perceptions about the role of the judiciary and their thinking about the provision of justice. Statistics (χ^2) display a significant ($\chi^2 = 16.81, p = .002$) association between the respondents' perceptions about the role of the judiciary and their thinking about the provision of justice in Pakistani courts. Gamma statistic ($\lambda = 0.375, p = .007$) also show a significant and positive relation among the variables. It means majority of the prisoners had thought that the role of the judiciary had an impact on the provision of justice in the Pakistani courts. So, the hypothesis "The role of the judiciary would influence the provision of justice" is accepted.

In the modern world, criminal justice system has three main mechanisms i.e. police, prosecution and judiciary (Rakoff, 2016). Abbas (2011) reported that judicial courts and courts of session are involved in criminal proceedings. In addition, the magistrates and the sessions courts, which are constitutional courts and have a legal influence on the government, are the result of the Code of Criminal Procedure 1898 and evaluate mainly evidence.

Thematic Analysis

The current section consisted of the findings of thematic analysis. The researcher has approached twelve (12) conveniently selected respondents from Judiciary. The researcher has relied upon three respondents from each department. The researcher used an interview guide to collect their views about the above mentioned departments. During the course of the collection of data, the researcher realized that no new views are emerging from the respondents. The researcher has bifurcated views of the respondents into themes, sub-themes and leading opinions of respondents. Such systematical bifurcation is given in the Table.

Judiciary

Sr. No.	Themes	Sub-themes	Words respondents used to describe
1	Corruption	Poor compensation packages High inflation Bribery Accountability	Burden of litigation. Biased judgment. The cases are not dealt with upon merits in sometimes. Malpractices.
2	Political influences	Transfer and posting Influence of high judiciary on subordinate	Political influence and pressure of politicians and higher authority.
3	Over workload	Unnecessary adjournment Lethargic judicial process Adjudication of various matters at a snail's pace. Absence of arbitration system. Incompetent staff	The courts are overburdened due to the unlimited cases. A slow process of courts. Absentees of witnesses. Non-cooperative behavior of lawyers with judges. Unprofessional behavior of the procurators. Absence of 'panchati system. Incompetent staff.
4	Modern technique	Lack of modern technique	Lack of modern techniques. Shortage of modern equipment, lack of experts

Conclusions

Theoretically, the study of crime is known as criminology, and the study of criminal justice (CJ) is the study of the institutions that control or respond to crime. Each component of CJS has its own unique functions, structures, budget, operating model, and legal system. Police and jail operations are governed by the CJ, which is overseen by the province Ministry of the Interior. The following provided a brief overview of each element. This study's goal was to examine how the various parts of Punjab's criminal justice system—the police, the prosecution, the judiciary, the prison system, and probation—work together and interact. In addition to attempting to evaluate the CJS in Pakistan, this study looked for practical ways to develop a police system that is both accessible and successful in Punjab, Pakistan.

Bribes and other personal perks were given to officials in the court in exchange for favouritism toward criminals. The choices made by the judge are influenced by the fear and threats that come from criminals. The justice system in Punjab was clumsy and time-consuming, and the judges seldom considered the victims' circumstances while making decisions. Therefore, the judicial system was unable to finish the trials on time. The method of contacting the judiciary was not easy and straightforward, and it was difficult for a layperson to simply seek justice via the judicial system.

It was determined that the penalties were appropriate punishments in light of the nature of the offences committed and in accordance with the law. The trial network was neither nice nor smooth in any way. The judicial system did not have the ability to cope with the caseload in a timely manner. The level of technical expertise taught at the institution met acceptable standards.

Based on the overall results of the qualitative study, it can be concluded that the criminal justice system of Pakistan is not working well due to corruption, political influence, over workload, lack of modern techniques, shortage of modern equipment and lack of experts. It was also noted that the criminal justice system is hindered by a culture of bribery, a dearth of educational institutions, and a lack of vocational training and rehabilitation programmes.

Suggestions/Recommendations

1. Bail should be awarded at an appropriate stage.
2. The conviction rate should be enhanced to reduce crimes on merit.
3. The appointment of judges in the higher courts and the supreme courts should be carried out purely on merits instead of political baseness.
4. The conventional and customary processes and mechanisms conducted are not up to the mark and exaggerate the pain and agony of litigants.
5. It was observed that the justice process is not smooth and quick. So, a new mechanism should be introduced for the disposal of cases at an appropriate time.
6. Unnecessary adjournments and frequent so call strikes are a big hurdle in the way of justice. It should be discouraged in a proper way.
7. It was found that the judiciary does not deal with the victims on merit. Nepotism, bribery and political interference should be routed out in this regard.
8. Under article 10-A of the constitution of 1973 fair trial is the soul of the administration of justice. The court should uphold the principle of rule of law and natural justice while adjudicating various matters under its nose.

References

- Abbas, H. (2011). *Reforming Pakistan's Police and Law Enforcement Infrastructure*. Washington, DC: US Institute of Peace.
- Ali, S. H. (2015). An Analytical Study of Criminal Justice System of Pakistan (with special reference to the Province of Punjab). *Journal of Political Studies*, 22(1), 17.
- Ahmed, N. (2016). The Legitimacy of Forensic Evidence in Criminal Justice System of
- Arshad, S. J. (2017). Criminal justice system in Pakistan: A critical analysis. *Courting the law*, 15.
- Arshad, S.J. (2017). Criminal Justice System In Pakistan: A Critical Analysis. *Courting the Law*, February 15, 2017.
- Butt, Waseem Ashraf, "Three under-trial prisoners shot dead in courtroom", (2021, September 5). *The Dawn*., Available at <https://www.dawn.com/news/1644610>
- Gul, P., & Ali, B. (2020). The Criminal Justice System in Pakistan. *JL & Soc. Pol'y*, 97.
- International Crises Group Annual Report, 2010, Available at <https://reliefweb.int/report/world/international-crisis-group-annual-report-2010>>
- Imtiaz, G. 2014. "Terror, Crime and the Tardy Justice System", Express Tribune, (2014, July 1), Available at <https://tribune.com.pk/story/729778/terror-crime-and-the-tardy-justice-system>
- Jamshed, H.H.K. (2013). *A Study of Criminal Law & Prosecution System in Pakistan*, Lahore: Manzil Pakistan, p. 250.
- Jamshed, J., Rafique, W., Baig, K., & Ahmad, W. (2022). Critical Analysis of Cybercrimes in Pakistan: Legislative Measures and Reforms. *International Journal of Business and Economic Affairs*, 7(1), 10-22.
- Jamshed, J., Rafique, W., Baig, K., & Ahmad, W. (2022). Critical Analysis of Cybercrimes in Pakistan: Legislative Measures and Reforms. *International Journal of Business and Economic Affairs*, 7(1), 10-22.
- Khan, A. Q. (2017). Local government and judiciary in Pakistan after 2010. *Pakistan Perspective*, 22(1).
- Machi, L.A. and B.T. McEvoy. 2016. *The Literature Review*. Bloomsburg University of Pennsylvania.
- Munir, R., Abbas, R. Z., & Arshed, N. (2021). DNA profiling and databasing: An analysis of issues and challenges in the criminal justice system of Pakistan. *Medicine, Science and the Law*, 61(1), 27-33.
- Pakistan. *J. Islamic St. Prac. Int'l L.*, 12, 73.
- Rajput, M. A., & Rajput, M. R. (2020). Impact of Defective Investigation and Prosecution on Trial. *Social Sciences*, 9(6), 265-268.
- Sajid, I. A., Asad, A. Z., & Ashiq, U. (2020). Juvenile Courts in Pakistan: Structure, Processes, and Issues. *Pakistan Journal of Criminology*, 12(1).
- Shabbir, S. S. (2022). Delay Defeats Criminal Justice in Pakistan. Available at SSRN 4097930.
- Ullah, A., Shakir, M., Ahmad, N. and Shakir, G. (2021). The nexus of family environment with youth street criminal behavior in Khyber Pakhtunkhwa Pakistan. *Heliyon*, 7(12): 1-8.