

CRIMINAL JUSTICE SYSTEM OF PAKISTAN

Mr. Ali Asghar*

Abstract

Every state enacts and publishes laws according to its peculiar socio-economic and cultural peculiarities. Pakistan inherited prevalent laws from the British Common Law. Pakistan Penal Code (1860) and Criminal Procedure Code (1898) govern dispensation of criminal justice system in Pakistan. Through reformation efforts have been ongoing to reform of the criminal justice system to accommodate socio-economic and cultural challenges, however, same has not been successful due to host of political, social and institutional issues. However, despite challenges, the system has delivered albeit at slow and selective pace. Apropos, there remain gaps in the system which are reflected though Pakistan's standing in international indices and a general dissatisfaction of masses. The inadequacy of the criminal justice system has been considered as manipulative, cumbersome, slow and inadequate. The inadequacies have impinged upon the governance and national security domains of the State causing negative outlook. Consequently, every stratum of the internal social order, socio-economic and human terrain of national security and principles of governance are witnessing a gradual decline. Consequent outcome is violation of citizen-state contract hence erosion of public trust in the system. This paper undertakes a comprehensive analysis of the Criminal Justice System of Pakistan, focused on reasons for non/ delayed dispensation of justice and its impact on governance & national security, leading to policy recommendation for reforms.

Keywords: Constitution, Governance, Judicial Reforms, Justice System, Laws, Pakistan Penal Code, Policy

Introduction

When the pillars erected by state to guard against crimes become the most corrupt, when judicial lifecycle is 15-20 years, when pendency of two million cases is dismissed as routine issue, when subjects of state become bankrupt in pursuit of justice, when names of Police, Courts and Kachehri becomes synonymous with corruption and coercion, then it is only a matter of time that society implodes in absence of justice. Challenges how high they are still surmountable and state is functioning albeit at a slow pace. History testifies the national resilience and victories in crisis. On its inception, Pakistan inherited a Criminal Justice System (CJS) which was immersed in colonial legacy. A plethora of internal and external factors have led to its impression of being a slow and unjust system. Consequently, it has compounded issues of governance, law & order thus affecting National Security. In this backdrop, this paper aims to undertake a comprehensive study to take an overview of CJS, its grey areas including both external and institutional factors and its impact on governance and national security to proffer radical policy reforms for its improvement. It is important to note that Pakistan's judicial system is ranked at 129 and Police as 13th most corrupt institution.¹ The pillars of CJS i.e., Police and Courts as two leading corrupt institutes of the country. In global crime index,

* Mr. Ali Asghar is an independent researcher based in Islamabad.

Pakistan is ranked in middle category signifying a functioning criminal justice system albeit its inadequacies.

Criminal Justice System in Pakistan

Prior to the establishment of the British Raj, a principality-based justice system largely enacted by the Mughals was in force. In order to bring uniformity, the “Indian Penal Code” was proposed by 1st Law Commission led by Lord Thomas Babington Macaulay in 1834 when so tasked by the then British Government. Enacted as law in 1860, this code facilitated the Raj to reign in the rebellious natives. Moreover, it offered immunity to the British from the district courts. In order to bring consistency in execution of substantive law, a uniform Criminal Procedure Code was introduced in 1898. In 1947, the Code was adopted by Pakistan as such. The same was later included in 1973 constitution of Pakistan. Except for a few amendments including Hadood and Qanoon-e-Shahadat Ordinances, the same laws hold good even today. Criminal laws in Pakistan are based on three legal instruments; 1973 Constitution of Pakistan, Pakistan Penal Code 1860 (Substantive Law) and Criminal Procedure Code of 1898 (procedural law). The Criminal Justice System is also regulated by service laws which govern its components, decisions by Courts and acts of the Parliament. Criminal Justice System of Pakistan comprises of five components: Police, Prosecution, Courts, Prisons and Correctional Services.

Police forces are the first line of defence against crime. The criminal procedure gets activated as soon as a crime is committed within the jurisdiction of an entity like the police station. In addition to seven provincial police departments including ICT, GB and AJ&K there are several Federal LEAs performing concurrent law enforcement functions including Federal Investigation Agency (FIA), Anti-Narcotics Force (ANF) etc. Inspector General Police heads the police department in each provincial headquarters. He controls all the administrative, intelligence, training, discipline, recruitment, investigation and operational matters of provincial police through staff officers and field commanders which include regional police officers, CCPOs, RPOs, CPOs and DPOs. The federal government assists in inter-provincial coordination through the Ministry of Interior (MoI) as shared responsibilities of the Federation Provinces as in Article 142 & 143 of the Constitution. Police Act 1861 outlined police functions as collecting and communicating intelligence affecting the public peace and detecting and bringing offenders to justice. According to Police Order 2002, the police functions for the, “prevention and detection of crime, and maintenance of public order”.²

A public prosecutor is part of the judicial process and is considered as a court officer. He is responsible for ensuring the prosecution of the criminals as per law, however, a separate prosecution department, was established in each province through an act of the Parliament in 2006. The prosecution department includes Secretary Prosecution, Prosecutor General, Additional PG/ DPG, District Public Prosecutor/ District Attorney and Additional District Public Prosecutor. Prosecution remained a function of police until 2005. It was envisioned as an “independent, effective and efficient service for prosecution of criminal cases”.³ It is entrusted to evaluate the evidence collected by the

police, filter the quality and quantity of cases to be sent up for trial, and pursue cases in courts.

The courts entrusted with criminal matters are magisterial and session courts, also known as trial courts. Overall courts in Pakistan are classified into superior and subordinate tiers. The superior judiciary includes Supreme Court of Pakistan, Federal Sharia Court and High Courts. While subordinate judiciary include District and Sessions Court, Court of Civil Judge cum Judicial Magistrate (Class 1-3) and Courts of Executive Magistrates (Class 1-3). Moreover, the Special Judicial/ Executive Magistrates are those who hold charge of different police stations and their working is as important as of police stations. The courts of magistrates and additional sessions are present at the level of tehsil/ taluka in every district of the Country. Magistrate and session courts have legal roots in Code of Criminal Procedure 1898 (Sec 6) and Part-VII of the Constitution of Pakistan 1973. The courts adjudicate criminal matters by conducting trials in accordance with the law. Trial Courts are essentially responsible for bringing out the facts. All the accused individuals, when arrested, are produced before the court of jurisdiction within twenty-four hours. The court, therefore, follows an adversarial system of adjudication. Criminal cases are required to be proven beyond a reasonable doubt, and the accused is treated as innocent unless proven guilty.

Prison matters are dealt with by Provincial Home Departments. A separate department of CJS where the accused are held for duration of trial and convicted criminals serve their term of sentence. Prison Department functions under administrative control of Home Departments of the provinces. Respective Inspector General Prisons are assisted by Regional Deputies for execution of their task. (Prisons shall be classified into four kinds namely, Central Prisons, Special Prisons, District Prisons and Sub-Jails.) Not all districts and divisions have district and central jails as enshrined in the Constitution. Both accused and convicted persons are held in prisons. Responsibilities of the prisons department include administering the post-arrest judicial lock-ups for the under-trials, post adjudicatory care, custody and control of the offenders, and medical treatment of the ailing convicted criminals. Prison Department provides legal rights to prisoners which include parole during jail time, appeal on conviction in High Court (u/s 408), appeal in Supreme Court (U/s 410), bail after conviction (u/s 426 during pendency of appeal) and release as the case may be.

Correctional Services runs programmes aimed at correcting the conduct of the prisoners in order to rehabilitate and integrate them in the society. They not only reduce administrative load on prisons but also allow non-habitual offenders to integrate back into society as law abiding citizens. It is a provincial subject again and assigned to Home Departments. A Director General under Home Secretary or Additional Secretary is responsible for the correctional services. The regime of parole and probation that work as alternatives to imprisonment were introduced in 1927 through the Directorates of Parole and Probation under Home Department. After independence, such directorates were introduced in all provinces within the Home Department.

The fairness, effectiveness & efficiency of the Criminal Justice System can best be measured by its conviction rate. The overall conviction rate in Pakistan is around 50%. In comparison, the conviction rate in India is 57%, UK 82%, and in China 99%.⁴ Pakistan's conviction rate reveals that in heinous offences the national average of conviction rate is 15% and that in ATA cases 19%,⁵ which further decreases after appeals. This shows that significant time is taken by minor cases, impacting the quality of prosecution of heinous offences. The system operates in such a way that the onus cannot be placed on any single institution. There are individual gaps and collective failings in the process.

Conviction Rate in Pakistan

Province	Overall Conviction Rate	Conviction Rate of Heinous Cases	Conviction Rate of ATA Cases
Punjab	65%	20%	43%
Sindh	22%	10%	16%
KP	80%	12%	14%
Balochistan	46%	24%	30%
Total	50%	15%	19%

(Source: Author's compilation.)

Deficiencies in Criminal Justice System

Poor police investigation is the major cause of weak prosecution and low rate of conviction. Delay in registration of FIR, weakens the case from the outset. In the year 2021, out of 24,600 reported cases of robberies in Karachi, only 6362 (26%) FIRs were registered.⁶ Arrests are made arbitrarily, even before collecting any evidence. Police mostly rely on oral evidence and confessions, instead of forensic and scientific evidence. Investigation officers (IOs) falsify evidence, which hardly withstand scrutiny during trial. Investigation steps, reports by the experts, and scrutiny by prosecutor cause considerable delays in submission of challan. Last year complete challan in only 36% cases across the provinces could be submitted within 14 days.⁷ False FIR and criminal cases to settle civil matters are registered with or without police connivance. These frivolous cases choke the system.

The prosecutor's interaction with the IO starts after completion of the investigation, and it becomes difficult for the IO to rectify the defects pointed out at this stage. Slackness in the preparation of witnesses spoils the case during trial. Prosecutors rarely opt for dropping the case on account of deficient evidence. In year 2021, 24% of cases were discharged by KP prosecution being unfit for trial. This significantly improved the overall conviction rate and reduced the burden of cases on courts. As compared to this, the Sindh Prosecution Department discharged only 5 % of cases during the same period.⁸ Low-paid prosecutors are no match to the highly paid, seasoned defence lawyers.

The major delay in CJS occurs during the trial. The witnesses avoid attendance in the court due to the hostile environment, intimidation by the accused, long waiting hours, lack of basic facilities in the court and repeated adjournments. The defence counsels use delaying tactics and manage adjournment on flimsy grounds. Frequent strikes by lawyers also delay court proceedings. The defence counsels also frequently resort to delaying tactics in the first 8 months of year 2022, City Courts Karachi remained closed for 24 days due to strikes by lawyers.⁹ In Karachi, the average time of disposal of murder cases in 6 years, and robbery 2 year,¹⁰ as compared to 1 year stipulated in National Judicial Policy 2009. The Benazir Bhutto assassination case was decided after 9 years and 8 months.¹¹ On 4th Oct 2022, Sindh High Court decided a 39-year-old murder case. It took the trial court 17 years to complete the trial, and 22 years in appeal. Out of 32 nominated accused 13 died during the trial.¹² These delays pile up pending cases in the courts. By the end of 2021, 540,781 criminal cases were pending in lower courts.

Pending Cases in Provinces

Province	Pendency as on 31.12.2021
Punjab	397,796
Sindh	52,764
KP	82,425
Balochistan	7,796
Total	540,781

(Source: Author's compilation.)

Similarly, 6143 criminal appeals were pending in High Courts. Out of the total pending cases, 306 cases are pending for more than 10 years, and 861 for more than 5 years.¹³

Pending Cases in Provinces

Province	More than 10 Years	5-10 Years	2-5 Years	1-2 Years
Punjab	219	557	1173	1684
Sindh	87	298	644	1020
KP	-	6	62	142
Balochistan	-	-	248	3
Total	306	861	2127	2849

(Source: Author's compilation.)

The prisons are marred by overcrowding, maladministration, and lack of basic facilities. In Sindh, 15,998 (75%), and in Punjab 32,023 (62%) are Under-Trial Prisoners (UTPs).¹⁴ The colonial laws and rules are more punitive than reformative. Prisoners are segregated based on their social status rather than the nature of the offence. As a result, prisons become breeding grounds for criminals.

Prisons and Prisoners in Pakistan

Province	No of Prisons	Authorized Capacity	Prison Population
Punjab	41	27,979	51,684 (184%)
Sindh	23	13,538	21,414 (158%)
KP	38	12,326	13,818
Balochistan	11	2,664	2,676
Total	113	56,507	89,592

(Source: Author's compilation.)

The correction services are also inadequate and fail to perform their role. There are 133 probation officers across the country to deal with over 53,000 probationers.¹⁵ In UK 16,000 probation staff supervise 230,000 probationers.¹⁶

Probation Officers and Probationers in Pakistan

Province	Probation Officers			Probationers				
	Male	Female	Total	Male	Female	Male Juvenile	Female Juvenile	Total
Punjab	54	16	70	48,743	240	142	1	49,126
Sindh	04	00	04	1,210	37	38	03	1,288
KP	36	07	43	2,694	19	156	-	2,869
Balochistan	14	02	16	12	-	02	-	14
Total	108	15	133	52,659	296	338	04	53,297

(Source: Author's compilation.)

The colonial legal regime needs comprehensive reforms to cope with the evolving societal needs and modern-day challenges. Wide powers of arrest with police without any checks and balances are widely misused. The unrealistic timelines for the completion of the investigation in 14 days might work for simple cases but are unrealistic for complex ones. The statements recorded by police are inadmissible in court. The forensic and expert evidence is not admissible per se and the experts have to appear before court, causing delays.

The definition of terrorism in law is too broad, as a result, many cases end up in anti-terrorism courts. The adversarial trial is inherently tilted in favour of the rich and the powerful. Raymond Davis, Qandeel Baloch and Shahrukh Jatoi cases have brought into

focus the *Qisas* and *Diyat* law. The compromise in cases of *Fasad-ul-Arz* and honour killing is being widely questioned.

The protection of witnesses is also a serious issue. Witnesses of journalist Wali Khan Babar and Sabeen Mehmood cases were killed before testifying in the court.¹⁷ The Lyari Gang-war criminal Uzair Baloch was acquitted in 38 out of 60 cases by intimidating the witnesses.¹⁸ Provinces have promulgated witness protection laws; however, the laws are dysfunctional as the required rules have not been framed.

Informal justice systems play a vital role where formal justice systems are weak. In Pakistan, the traditional mechanisms of dispute resolution like *Jirga* or *Punchayat* have not been formalised in the justice system. KP Police Act 2017 introduced Dispute Resolution Committees. These committees have disposed 6700 cases out of which 76% were resolved after compromise.¹⁹

There are serious capacity issues with CJS institutions. Investigation officers lack scientific evidence-collecting procedures. In a survey of investigation officers conducted for this study, it was found that 86% IOs of Karachi Police did not attend any training in the last 3 years, and only 25% are computer literate. Only Punjab has a modern Forensic Lab. There is no specialised investigation cadre in police, and the training regime is outdated. New challenges, like money laundering, organized and cyber-crime require educated and qualified IOs. In international best practices, about 10% budget goes to training and capacity building. In Pakistan, less than 2% of police budget is allocated to training.²⁰

Policing Budget of Pakistan

Province	Total Police Budget	Training Budget	%
Punjab	132 Bn	2.9 Bn	2.19 %
Sindh	109 Bn	2.79 Bn	2.56%
KP	67 Bn	910 Mn	1.36%
Balochistan	30 Bn	466 Mn	1.55%

(Source: Author's compilation.)

Shortage of human resource is common to all Criminal Justice Institutions. Last year each IO of Lahore police handled an average of 300 cases.²¹ There are around 2,800 judges in lower courts against a pendency of 1.65 million cases.²² 85% of the police budget goes to pay and allowances, and only 15% budget is available for operational expenses.²³ In 2021-22, an amount of 248 million was allocated to Karachi Police, as cost of investigation for 81,356 registered cases. Thus, Rs. 3,053 per case was available for investigation expenditures.²⁴

Corruption is rampant in all the CJS institutions. IOs take money from the complainants on the pretext of cost of the investigation. In the survey, the IOs shared that

they have to pay bribes to the prosecutors, lower court staff, MLOs and the Chemical examinees. 70 % received just a part of cost of the investigation and 10% did not get any funds at all. Prisoners with means are facilitated in lieu of illegal gratification. Even those who are not paid are subjected to torture.²⁵ Chief Justice Islamabad High Court Athar Minallah also observed that jails have become “epicentres of crimes, corruption and corrupt practices for the elite.”²⁶

Interference in recruitment, transfer and postings affect the quality of human resource and erodes the command structure. In the survey, it was found that 93% IOs faced some form of interference in the investigation. Political appointees work as per the desires of their mentors and manage their postings using political clout. It is a common practice that criminal cases are registered to meet political ends and politically connected criminals are given relief.

Since independence, various efforts have been made to reform CJS. It includes around 2 dozen commissions on police reforms, a dozen on judicial reforms and 10 on Prison reforms. Police Order 2002 and NJP 2009 are the most significant initiatives. However, the recommendations were not fully implemented. Institutional resolve and political will to reform the system seemed missing.

CJS, Governance and Comprehensive National Security

A slow, manipulative and non-adaptive CJS adversely affects the vital state functions of both “national security” and “governance”. In security domain, instead of traditional threats to state sovereignty and physical territory, this ailment adversely affects internal domains of human and social territories. Similarly, efficient governance needs efficient law enforcement hence a weak law enforcement directly affects basic strand of state function i.e., governance. NSP-2022-26 is based on a citizen-centric approach with ultimate purpose to ensure safety, security, dignity and prosperity of our people.²⁷ It is thus imperative to establish the vital linkage between a weak, inadequate CJS and its impacts on governance and dimensions of national security. Moreover, as per UN Economic and Social Commission, concept of good governance has eight principles to include participation, rule of law, transparency, responsiveness, consensus oriented, equity/ inclusiveness, effectiveness/ efficiency and accountability. As per World Bank’s governance indicators, the key cause of bad governance is lack of accountability and voice followed by corruption and political instability.

The inadequate CJS allows criminals to go scot-free which adds to the miseries of the affectees and force them to run from pillar to post to seek justice. Shahrukh Jatoi, Nazim Jokhio and MPA Majeed Achakzai murder cases are few which have taken a lot of time from inception till conviction and as per conventional wisdom, “justice delayed is justice denied”. Judiciary takes the pretext of ‘justice hurried is justice buried’. This failure to achieve convictions has eroded public confidence in the state’s ability to respond which creates an atmosphere of unrest and notion of grievance against the state.

A weak and compromised CJS fails to check the illegal practices of religious fanatics in name of religion which has an extremely negative outlook on social order. Attacks on minorities and their religious places are a consequence of state's inability or failure to check and punish the culprits thus emboldening more practices of such nature.²⁸ Causing anarchy, damage to state property, blocking roads and attacking law enforcement agencies are displayed by these religious fanatics affecting societal outlook in an adverse manner.

Unarguably, the economy is a function of social stability. An unstable, violent, and insecure society cannot breed financial growth let alone sustain it. Some of the effects having impacts on economic instability are money laundering, terror financing and lack of foreign investment. Moreover, weak prosecution, corrupt legal regime and weak witness protection result in lacunae which benefit terrorists and criminals in courts to run away scot-free. CJS failed to deliver on open cases of terrorism either through intimidation, coercion or due to legal cleavages in CJS. Swat remains a big example of such radicalization which was product of inadequate justice system. Also, ineffective CJS contributes to tax evasion, human trafficking, black marketing, counterfeiting, and smuggling of goods. These are not victimless crimes as they contribute to the black or underground economy. Pakistan loses approximately 300 billion rupees due to tax evasion in just 5 sectors as quoted by the report issued by IPSOS in 2021.²⁹

Reforming CJS: Way Forward

The critical question of reformation centred around two options. Either adopt a radical shift altogether or adopt a comprehensive overhaul and optimize effects by placement of key enablers and applying institutional corrections. Later option appears viable owing to prevalent political, social, economic, and administrative environments viz existing hierarchy in CJS. This paper recommends short, medium and long-term measures in ends, ways and means model. For this, it is important to understand the fundamental aspects which are named as key enablers and without placement of these, any reforms to criminal justice system will be impractical and impossible. These factors include political will, external interference, governance, economic outlook, and awareness. These fundamentals will ensure autonomy and efficiency of criminal justice system for radical improvement.

Political will alone remain the fundamental to whole system. The-political elite must come together in the larger national interest to develop consensus and take tough decisions to legislate and implement the reforms. Police, courts, prosecutions, and corrections all require political ownership rather than manipulation to enhance credibility and efficiency. Stopping external interference and use of Police as a manipulative tool must stop, for Police to be efficient and responsive. This will need tough decisions, persistence and a cultural shift in social elite and is recommended as a first step before any other in reforming our ailing CJS. Postings/ transfers, promotions and incentives must be dealt exclusively by Police heads to bring in the much-needed job security, tenure stability and sense of ownership. This will enable Police to become apolitical and public force. As already explained, weak governance erodes trust and contributes in increasing

crime rate. Economic fragility is an important factor in societal stability. Rising inflation, unemployment, weak economy, corruption, and injustice conjure to breed criminals. An extremely important cultural cardinal is self-awareness to rule of law. This enables a society to stay at its course and not fall victim to sensationalism and propaganda. Pakistani society is declining thus contributing to an overall cultural decline of transparency and moral uprightness. Out of these key enablers, political will and external interference affect CJS the most.

Institutional reforms have common and specific features. Legalisation, capacity building, institutional autonomy and accountability are four vital aspects in this regard. The paper suggests seventeen legal provisions for amendment and updation. Pakistan's legal regimes being old and non-adaptive require immediate overhaul. In legal domain, rules about Information of arrest and access to lawyer, access of IO to cell phone CDR, geo fencing, witness statement and most importantly uniform police law to ensure uniformity. At same time, rules of evidence collection and incorporation of modern means, sentencing guidelines for training of judges, and witness protection also recommended for updation. Importantly, rules are required for mandatory Police-Prosecutor coordination, probation and parole, honour killings, defence counsel to poor citizens and ADR.

Reformation will require requisite capacity building from Police to prosecution and courts to corrections to accrue the desired results from CJS. Resources specially to investigation and prosecution department assume key role given their existing deficiencies. With current status of allowances and pay perks, it is must to revitalize it in order to curb corrupt practices in CJS. Also, the institutions need to develop mechanisms of performance review to adjust their course. External oversight mechanisms, meritocracy, incentives and awards are to be ensured through existing regulations and reviving the National Public Safety Commission. Moreover, the condition to ensure institutional autonomy is political will and minimum external interference. It is recommended to grant complete independence to institutional heads with respect to postings, promotions, incentives, and punishment. Specific departmental recommendations are given below.

In the Police Department, there is a need to establish a specialised investigation regime, national police selection board, uniform police order and specialised training institutes. To establish specialized investigation regime, separating investigation cadre for focussed execution, incentivizing investigation process, and provision of financial support for forensics & technological requirements is recommended with Police as lead agency. Cross attachments of IOs and prosecutors for six months be done to enhance coordination and interoperability. National Police Selection Board (NPSB) will help in quality induction and meritocracy. It should also develop National Police Selection Units (NPSU) on lines ISSB with reduced age limit for comprehensive training and commission of junior/ lower cadre of Police by Police & Legislature. This long-term measure is cardinal to developing force culture in Police. Minimum allocated training budget to be increased from 2 percent to 5 percent. Foreign training collaboration for training exchange programs for specialized tasks be executed. Also, establishment of specialized schools of instructions in four major domains of investigation, riot control, explosive handling,

intelligence be completed in medium term. Uniform police order remains a key component of reformation to address issues of employment disparities and coherence in Police department. Police Order 2002 be revitalized for its application to all provinces.

Courts in Pakistan need to ensure minimum adjournments, adherence to timelines and review conviction regime to reduce workload. There is also a need to legalize ADR and parallel dispute resolution committees. The judiciary should ensure implementation of National Judicial Policy 2009 and introduce sentencing guidelines for coherence in judgement. To ensure better protection, the admissibility of evidence rules be revisited to incorporate modern evidence means. Timely disposal of cases is critical thus reducing exposure of witnesses, by judiciary and police. Recording evidence via video-link, skype, video conferencing, and use of screen or curtains to hide identity must be ensured. For accountability, no external oversight is recommended with courts being independent as per the constitution, however, sentencing guidelines be introduced. No promotion be done without exams/ compatible criterion.

Integrated prosecution regime with Police is imperative for quality and timely prosecution. Cross attachments are a workable option to develop cohesiveness in CJS. There should be provisions to ensure IOs and prosecutor meet during investigation as it is being done in KP. Improvement of evidence examination processes for quick disposal through training, coordination, and technical support is also needed. Training and competitive exposure / exchange programs will help in this aspect. Induction of quality prosecutors and female prosecutors be ensured to address existing deficiencies in medium term by judiciary.

Prisons department needs to ensure a beneficial corrections regime. Segregation of prisoners by capacity building be completed in medium term. To reduce crowd, it is must to reduce / manage number of UTPs (under trial prisoners) and implement non-custodial punishments for low level peddlers and stray youth. Diagnostic centres should be established not only for segregation of habitual criminals from ordinary criminals as well as classification of prisoners based on established criteria. Vocational training / skill development is important to ensure management of prisoners to a positive social trend.

Strict supervision and monitoring of parolees and probationers for reporting breach of the conditions is required. The technology can be used for monitoring of probationers, geo tagging etc. Engaging with probationer families and encouraging community involvement in their rehabilitation and reintegration is key to ensuring smooth rehabilitation. The probation and parole officers should be activated and asked to visit jails frequently to conduct inquiries and submission of reports to facilitate the courts and provincial governments to consider the cases of deserving convicts. The creation of new posts of parole officers, probation officers, and assistant probation officers in each district commensurate with workload is extremely important for the efficient management of CJS.

Conclusion

The criminal justice system is closely linked with governance and comprehensive national security. In case of Pakistan, there is a need to reform the ailing criminal justice system to ensure maintenance of public trust in the state. The reformation cannot be done until there is a strong political will. Thereafter, the outdated colonial laws should be revised as per the requirements of contemporary times. The updated legal cover will help in the capacity building of state institutions which are considered as organs of criminal justice system in Pakistan. It is to be understood that reforming the system is a lengthy and difficult task and requires consistent efforts in short, medium, and long term.

Endnotes

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