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Criminal Justice System in Pakistan

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Abstract

Criminal Justice System is one of the most important ingredients of any society of the world. Criminal Justice System describes the offences, punishments, procedures and ways to punish those who break laws of the society. It is the Criminal Justice System which creates deterrence in society. Without effective Criminal Justice System, a society or country cannot survive for long. In today's modern world the Criminal Justice System comprises of three main institutions i.e. Police, Prosecution and Judiciary. In almost all countries of the world, the system consists of these three main institutions although their names may vary from country to country.

Criminal Justice System in Pakistan also comprises of three basic institutions i.e. Police, Prosecution and Judiciary. Before 2007, there were only two institutions in Criminal Justice System i.e. Police and Judiciary and there was no concept of independent Prosecution Department in Pakistan. It was only after 2007 when all Provinces established independent and specialized Prosecution Departments. Due to its short life and other reasons, Prosecution is still not independent and fully functional in Pakistan's Criminal Justice System.

Problems in Pakistan's Criminal Justice System

The Criminal Justice System in Pakistan is outdated and in dismal condition. There are many reasons for this which I will explain later in this essay. The system in Pakistan is so much ineffective and outdated that it is very easy for any influential and wealthy person to get himself acquitted after committing any sort of offence. There are so many loopholes in Pakistan's Criminal Justice System that it becomes very easy for any offender to get clean chit from courts. For this reason the system also lost the confidence of people, especially educated strata of society who always try to resolve their disputes outside the Criminal Justice System.

In following lines I will explain the basic problems associated with the Criminal Justice System of Pakistan. As I mentioned earlier that it consists of three departments/institutions, so I will explain the problems in all three departments one by one.

Police in Pakistan's Criminal Justice System

Criminal Justice System starts with the Police or Investigating agency in almost all civilized societies of the world. In Pakistan it also starts with the investigation of Police. The basic root cause of failure of Pakistan's Criminal Justice System lies with the Police. Police in Pakistan is

the most corrupt institution of the country and corruption in Pakistan Police is beyond imaginations. Although basic purpose of Police Force is to protect the citizen but in Pakistan an ordinary citizen not only hates Police but always try to avoid the Police and all matters related with Police. Police Station is not a place for gentleman and every gentleman in Pakistan is afraid of going to Police Station even to register his genuine complaint.

Criminal Justice System comes into motion with investigation of Police and in Pakistan it is the very stage when most of cases are destroyed due to non-professional and corrupt investigation Officers. Any influential and wealthy accused can easily get the clean chit from police during investigation. When the case is so strong even then the accused can easily bribe the Investigation Officer and destroy the evidence which ultimately results in acquittal of accused in courts.

Unfortunately there is no distinction of Policing and Investigation in Pakistan. There is no specialized unit or force within police who is trained in investigation. It means in Pakistan even the cases of homicide are regularly being investigated by the low ranked, non-professional, non-trained, low-paid and corrupt police officers. As a result, the case is being destroyed at the beginning by the IO or Investigating Officer.

Prosecution in Pakistan Criminal Justice System

As I mentioned earlier the Separate and Independent Prosecution Departments are established after 2006/07 in different provinces of Pakistan. Previously there was separate branch in Police known as Prosecution Branch and that Branch was responsible for the prosecution on behalf of state. Although Provincial Governments established Prosecution Departments but they are toothless and have no powers in practice. Provincial Governments in Pakistan's provinces so far fail to provide Prosecution with adequate resources and essential legislation which is essential for the working of modern day Criminal Justice System.

Prosecutor is powerless in Pakistan who is sandwiched between the two most powerful, authoritative and corrupt institutions of Pakistan i.e. Police and Judiciary. Prosecutor cannot direct Investigation Officer to properly collect the evidence during investigation, he is only authorized to scrutinize the investigation report after its completion and till that time, IO's almost destroyed all important pieces of evidence. A Prosecutor can even not direct the Police Investigator to apply the correct section of law during investigation. Further even in case of no evidence, Prosecutor has no power to return the case back to police or drop the case but he has to forward it to the Magistrate after recording his opinion (that opinion is also worthless because it is not binding on court). Hence in practice Prosecutor in Pakistan only works as postman between Police and Judiciary.

The condition of Prosecution Departments is so disappointing that at most of the stations they don't have their proper offices to work. So without any resources, proper legislation, government attention and spirit to work, the Prosecution Departments are only rubber stamps in Pakistan.

Judiciary in Pakistan Criminal Justice System

Although Government invested lot of money and resources in the Judiciary in last decade yet the institution is in bad shape and fails to deliver. In Criminal Justice System of Pakistan, judges are highly paid and have more resources than Police and Prosecution but their performance is disappointed. The acquittal rate in Pakistan's courts is almost over 80 percent which means if a person commits crime in Pakistan he got 80 percent chances of acquittal in this system. Another major problem is the delayed justice as criminal cases are decided not in months but in years in Pakistani Courts.

There are many reasons for inefficiency of Courts in Pakistan's Criminal Justice System. First of all the case is being destroyed by the Police Investigator at investigation stage which means it always lacks the required level of evidence which is necessary for the conviction. In Pakistan, Lawyer Bar Councils are very powerful and influential bodies who virtually dictate their terms on courts and if lawyer want to prolong a case for months or even years, judge cannot stop him. This is also the main cause of delay in decision of cases. There is also rampant corruption in judiciary and a wealthy person can easily get clean chit from the courts with different tactics. Due to increasing perks and privileges in judiciary the levels of corruption are decreased in last one decade but there is still lot of room for the improvement.

Overall the Criminal Justice System in Pakistan is losing confidence of people due to its inefficiency. Government needs to pay special attention towards the Criminal Justice System in Pakistan because a country can live without resources but cannot survive when it lacks justice.

Conclusion

Overall the Criminal Justice System in Pakistan is in abysmal condition. All the component of Criminal Justice System i.e. Police, Prosecution & Judiciary needs reforms. Especially the out-dated and colonial era Police Department needs urgent attention of policy makers.