PARADIGM OF CRIMINAL JUSTICE SYSTEM: PROBLEMS AND SOCIO-LEGAL REFORMS IN PAKISTAN

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Abstract

The Criminal Justice System (CJS) provides the ultimate means to society for the protection of its individuals and rehabilitation of the criminals. Crime is an inevitable phenomenon in modern world. With the development of society new and complicated techniques have been applied by the criminals for the commission of offence and disturb the balance of the socio-economic fabric of a country. In this perspective, criminologists and sociologists have adopted individualistic and environmental approaches in order to explain the causation of crime worldwide. In the response of crime’s causation, punitive and therapeutic techniques and processes have been suggested. This paper elucidates various approaches regarding the causation of crimes and reaction to the crimes adopted by the state institutions. Moreover, this research elucidates the problems relating to the Criminal Justice System (CJS) and suggests the possible socio-legal reforms in the domain of Police, Courts and Prisons in Pakistan.

Key Words: CJS, Rehabilitation, Therapeutic Approach, Socio-legal reforms, Individualistic Approach

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I. Introduction

Crime is an inevitable phenomenon and has transformed into a complex shape in Globalized world and damaging the socio-economic fabric of the society. In this contextual perspective, one of the major elements of a society all over the world is considered as the Criminal Justice System which acts as a catalyst for the eradication and elimination of crimes. Criminal Justice System (CJS) as an institution eliminates the crime, upholds social control, awards punishment to those who violate laws and rehabilitates the criminals. “Effective criminal justice system is a prerequisite for uploading the rule of law that underpins political rights, civil liberties and mechanisms of accountability which in turn guarantees the right to equality of all individuals before Law” (UNODC, 2018). With due course of time, in technically developed countries, Criminologists and Detectives are adopting new methods to control the crime through modern Criminal Justice System and techniques, but in the country like Pakistan the methods and techniques to control the criminal behaviour are obsolete. There is a dire need to introduce the socio-legal reforms in the criminal justice system and for the rehabilitation of the criminals. In the criminal justice system all over the civilized societies of the world, Police department or investigating agencies play the major role in the enforcement of the law. They also maintain order for the prevention of crime by collecting evidence for conviction and to conduct the investigation of the offenders (Lawrence F. Travis III, 2012). As far as the responsibility of Police department is concerned under the Criminal Justice System they should protect the Human rights, including the life, liberty, and property of citizens. Police have the duty to make an arrest if the person is committing the crime and to preserve the crime scene for the collection of data and the evidence (Reiner, R., 2000). In Pakistan, courts are another important pillar of the criminal justice system for the elimination of crimes. Courts in Pakistan are
overburdened with the cases resultantly; delay in criminal litigation has become chronic and proverbial. A universal principle of Criminal Judicial System is that an accused must be punished after due process of law and beyond the reasonable doubt. It is pertinent to mention here that, the delay in disposal of criminal cases is due to the local, political, social and legal procedural lacunae both inside and outside the courts; hence, the justice delayed is justice denied which also hampers the socio-economic development of the society (Law and Justice Commission Report on Criminal Justice). In Adnan Prince vs The State Through P.G, Punjab and another, The Apex Court of Pakistan held that:

“It is a universal principle of law that to have a speedy trial is the right of every accused person, therefore, unnecessary delay in trial of such cases would amount to denial of justice, and the practical example of the speedy trial was seen in recent past in 2018 Zainab’s Qatal Case where Conducting the swiftest trial of Pakistan’s history, an anti-terrorism court (ATC) awarded four death penalties to the accused”.

Jails/Prisons are another pillar of criminal justice system which may play a positive role regarding the rehabilitation of the prisoners and eradication of the crimes through prisoner’s education in the form of “Fundamental Academic Education”, “Vocational Education”, “Health Education”, “Religious and Moral Education”, “Cultural Education” and “Social Education”. In this perspective the philosophy of reformation and rehabilitation of the prisoners through work training found support from the Supreme Court of India in case of Dha-rambir v. State of Utar Pardesh and observed that:
“We are told that the two prisoners are agriculturalists by profession. It is better, therefore, that they are put to use as agriculturalists, whether within or without the prison campus. Moreover, proper utilization of services of prisoners, whether as cultivator or as craftsmen or even in creative labour, will be good from the society angle as it reduces the burden on the public exchequer and the tension within”

II. Literature Review

Pakistan is experiencing an unequivocal auxiliary change with expanding populace thickness, expanding urbanization and developing youth. Urban bunches in urban communities and towns are thought to be imperative drivers of profitability and esteem creation (Cheema, Hamid, and Nasir, 2017). In any case, as to the criminal justice framework in Pakistan, Shahidullah and Das (2017) demonstrated the criminal justice framework in Pakistan falling behind the territorial nations including India and Sri Lanka. The investigation examined specifically the circumstance of the adolescent justice framework in Pakistan and thinks about that since the start of the 1990s, the idea of a different adolescent equity framework has risen as a worldwide development in all areas of the world with regards to the United Nations Convention on the Rights of the Child in 1989. The Human Rights Committee The United Nations offspring of the American model of adolescent equity, extended its extension inside the system of human rights and after that influenced it to some portion of a worldwide development for change and change in adolescent equity. This part investigates how enter nations in South Asia (India, Pakistan and Bangladesh) react to the Global Movement for the Modernization of Juvenile Justice and what advance has been made in the law and lawful structures for adolescent equity. Furthermore, the Juvenile Justice Act 2015; the
Bangladesh Children's Act 2013 demonstrates that India and Bangladesh have gained huge ground in blending the standards and standards of adolescent equity with the tenets of the American model, the Convention on the Rights of the Child and the idea of kid well disposed equity. The law on adolescent equity in Pakistan for the year 2000 has been to a great extent ineffectual to a limited extent due to its disavowal by a court testing its lawfulness and dependability. Braithwaite and Gohar (2014) have highlighted challenges of criminal justice system with its relevance to policing in emerging circumstances of infiltration and terrorism. The study has opined that law of Pakistan and the imposed concept of Shariah laws by Taliban’s are extremely antonyms to each other in terms of politico-legal spectrum. However, though at informal level, yet significant contribution in terms of out of court settlements is provided by traditional system of Panchayats or its formal form of CPLCs (Citizen’s Police Liaison Committees). These committees are potentially capable to assuage avengeful attitudes in society and douse the intensity of vendettas by providing socially monitored checks over crimes and pragmatic responses to injustice. Though there are frequent reports of injustice among these justice provision informal institutions, yet these agencies can be fruitful if comprehensive reform system is introduced to minimize its abuse. “These contributions are limited, but could be more significant with modest investment in human rights and gender awareness training to control abuses and increase accountability. The ruthless, murderous, divisive politics of policing and restorative justice in Pakistan seems a least likely case for deliberative democracy to work. In limited ways it does”. In continuation of the argument, Jackson et al (2014) have discussed legitimacy of police in Pakistan. The article views the legitimacy of police as an integral topic of research in the area of Criminology, however the study views that attention regarding exploring dimensions of police legitimacy are less prevalent among the societies where institutional strength of criminal justice agencies
is under question and flimsy owing to corruption in various avenues of law and order maintaining institutions. The recommendations of the study assert that apart from professional interaction between the police and the complainants, there is dire need of improving skills of the police department to effectively control the crime that otherwise shall lead to decreased legitimacy of police among the eyes of public.

Hassan (2015) talked about obstructions to access to criminal equity framework organizations in a sexual orientation viewpoint and attempted to feature ladies' issues in getting to equity. This paper gives a diagram of the hindrances to ladies' equity and the issues ladies look in seeking after their cases in police headquarters. The aftereffects of the investigation uncovered that the larger part of respondents confronted an obstruction mentality from the police amid the announcing of the wrongdoing or the arrangement of flight data. The examination reasoned that a huge behavioral change was expected to make the police framework viable with the goal that complainants would not waver to report their occurrences to the police. The examination prescribes the requirement for limit working for cops, conduct change, sex preparing and the utilization of current hardware and data and correspondence innovation. Enhancing working conditions and changing authoritative culture would encourage the foundation of a division that people in general regarded. The discussion leads to infer that there is huge dearth of policy formation and rules implementation in the area of criminal justice system of Pakistan to make it accessible and reliable that could other ignite the flames of vigilantism in society. Ali (2015) has described chronological history of criminal justice reforms in Pakistan. The criminal equity framework embraced by Pakistan in 1947 was particularly composed by the British rulers that addressed their issues and suit their colonial outlines. The Criminal Code of Pakistan of 1860 and different laws that characterize offenses and indicate punishments (substantive criminal law) and the Code of
Criminal Procedure of 1898 and the laws of different attributes, including the law of evidence, are customary cases of British inheritance in Subcontinent. The procedure of development has united the general public with numerous complexities. The general public of the twenty-first century is strikingly not the same as nineteenth-century society. Innovation, data blast, quick financial and logical changes, has made social and social models all the while multi-layered. This is the thing that made P.P.C. Also, Cr.P.C. deficient, here and there out of date, and as a rule pointless. It has rendered the change being inescapable. President Zia issued announces in 1979 and requested Hudood and Qisas law in 1984. That was a decent exertion. The inadequacies of P.P.C what’s more, Cr.P.C. are more than meeting procedural practices from everyday need. Despite the fact that the Criminal Procedure Act of 1898 is Pakistan's principle criminal method code, we discover a few arrangements on the criminal shields gave by the blamed in our Constitution for 1973 as different articles, for example, the privilege to life and freedom (Article 9), security against capture and detainment (Art. 10), retroactive insurance (Article. 12), insurance against twofold guiltiness and self-implication (Article. 13). After the Eighteenth Amendment a new amendment in Article 10-A has been inserted in Constitution of Pakistan, 1973 for fair trial. In spite of all the extraordinary changes that are expected to change the current criminal equity framework in Pakistan. In such manner the investigation must move the arrangement of changes from procedural practices to enhance those optional forces that offer ascent to defilement, bias and bad form. The unforgiving optional forces must be under solid watchfulness. Notwithstanding acquainting new revisions with the old laws to address the issues of great importance, the time has come to consider each modification required in down to earth terms, so a powerful, comes about arranged framework must be built up where no criminal should escape free discipline or scout. The intense deficiency of our framework is the scarcity of wrongdoing
information on the grounds that the vast majority of the violations were not revealed due to the safeguarding of their respect or not detailed on account of the mentality of our police. The genuine photo of the wrongdoing rate is positively a decent expansion to the information investigation. A precise examination of information would go far in proposing reasonable cures and opening the way to change of the framework. To wrap things up, the weakening condition of investigative staff does not sufficiently and effectively examine cases as a result of their low level of training, poor abilities, learning handicaps, weights of obligations and political impedance. To upgrade their capacities, it is critical that cutting edge States in the specialized courses in criminology are fundamental for them. The part of elective debate determination (ADR) should be fortified in question settlement strategies. The framework for the settlement of elective question in Western majority rules systems is effectively being actualized. It lessens abandonment on the legal framework and disheartens claims/inconsequential issues at the underlying level. Propelled procedures that are connected in the examination going from the use of criminal science to the most developed mental strategies must discover routes in our framework to gather confirm. This will unquestionably go far towards enhancing our criminal equity framework. Without a doubt incomplete contrasts of procedural or substantive laws, affectability of wrongdoing and legitimate exchanges of lawful discernment remain posts separated, as long as they don't meet with genuine practice and officers' duties. The time has come to put each push to make the framework workable and comes about arranged.

III. Discussion

In modern era, there is no society in the world without the existence of crime. TheEmile Durkheim discussed the unavoidability and Generality of crime in these words (Siddique, 2005):
“There is no society that is not confronted with the problem of criminality. Its form changes, the acts thus characterized are not the same everywhere but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repression”

In the earlier history, man redressed his problems and complaints through forceful means and revenged himself. Therefore, with the passage of time to keep the peace and tranquility in society the administration of justice invoked and developed the various techniques in the substitution of the earlier practice of revenge and punishment and now a days it has become a primary duty of the state to provide justice through effective criminal justice System (CJS) (Krishna Kumar, 2007). There are various approaches expounded by the criminologists and sociologists to explain the causation of crimes in society these are called ‘individualistic’ and ‘environmental’ approaches. “The individualistic approach concentrates on the biological, mental, and other characteristics of the offender to explain the cause of his delinquent behaviour, whereas, the environmental approach seeks to explain the phenomenon of criminal behaviour with reference to factors outside the personality of the delinquent”. This approach further elucidates that the criminal behavior changes when the human being interacts with the community, social institutions [family influence, neighborhood, religious and education institutions, media and criminal justice institutions Police, Courts, Jails/prisons]. This approach does not subscribe to the view that offenders are generally abnormal, biologically or psychologically patients. In Islamic point of view human being is not a criminal by birth and there is a cliché that “mother is the first learning source for a child as a social institution” and the more prominent view is that “a man is known by the company he keeps”. In the opinion of the authors that social
Institutions are key factors for the causation and the elimination of the crime in a society. In the response of these theorists argued various approaches towards the elimination of crime in society which is termed as (a) Punitive Approach (b) Therapeutic Approach (c) Preventive Approach.

In *T.K Gopal v. State Karnataka* the Indian Apex Court observed that:

>“In the matter of punishment for offence committed by a person, there are many approaches to the problem. On the commission of crime, three types of reactions may generate, the traditional reaction of universal nature which is termed as punitive approach. It regards the criminals as notoriously dangerous persons, who must be inflicted severe punishment to protect the society from his criminal assaults. The other approach is the Therapeutic Approach it regards the criminal as sick person requiring treatment. The third is the Preventive Approach which seeks to eliminate those conditions from the society which were responsible for crime causation”

(a) **Punitive Approach**-this approach has its focus on the impact of crime on the victim and society, and it regards the criminal as a bad and dangerous, and the object under this approach is to inflict punishment on the offender in order to prevent society from his onslaughts. Various forms of punishments have been evolved and applied in different societies through the age’s namely corporal punishment, fines, forfeiture and confiscation of property, Banishment, Imprisonment and capital punishment. Under this approach mainly there are four different theories of punishments were evolved. **Deterrent Theory**-“according to this
theory, the object of criminal justice in awarding punishment to deter people from committing a crime. The infliction of punishment serves as a check on other who is evil minded”. In Paras Ram v. State of Punjab Paras Ram killed his four year son in order to please the god. The Supreme Court of India awarded death sentence to him. In this case the court observed “such primitive an inhuman action must be punished severely to deter such cruel behaviour”

Retributive Theory- according to this theory, the offender should be made to suffer in proportion to the injury caused to the victim. The advocates of this theory view that the punishment satisfies the feeling of revenge. Preventive Theory- prevention of the crime is the paramount and universally admitted object of criminal justice, according to this theory the object of the punishment is to deprive the offender either temporarily or permanently of the power to repeat the offence. Hence, this theory asserts that prevention is better than cure. Reformative Theory-“the object of the punishment is the reform of criminals. The criminals must be educated and taught up some art, craft or industry during the time of imprisonment, so that he may be able to lead a good life and become a respectable citizen after his release from the jail”.

(b) Therapeutic Approach- various techniques of individualized action have been developed based on the idea that not all offenders are of the same kind. Not only do offenders differ from each other in the sense of having committed different varieties of crime. Therefore, “Therapeutic approach” is effective and meaningful with respect to adult and juvenile criminals for their rehabilitation and reformation in the society. Therefore, in this regard, cognitive behavioral therapies programs may be introduced which may develop the social skills of the offenders.”

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(c) **Preventive Approach** - Prevention of crime can be achieved in a number of ways and contexts. When an offender is sent behind bars or is given capital punishment, he is prevented from committing further crime during his period of incarceration or forever, as the case may be. In fact, the idea inherent in any form of punishment is to prevent the commission of crimes by the actual as well as the potential offender. It is worthwhile to note that the preventive approach aimed at preventing both the actual offenders and potential offenders from commission of crime through various programs like psychiatric clinics, educational programs, community programs, attendance centers and vagrancy laws and through other coercive measures [reporting by habitual offenders, reporting about residence, domiciliary visits, externment] and corrective measures [security bound, situational prevention].

**IV. PROBLEMS RELATING TO CRIMINAL JUSTICE SYSTEM IN PAKISTAN**

**Problems of Police as an Institution of CJS:**

The traditional function of the Police in the world of today is to deal with the criminals in action and to cooperate with courts. In this connection, the police requires to detect and investigate crime, arrest offender and to collect the evidence against those who are prosecuted in courts of law. In Pakistan, police is facing many problems, “Police is duty bound to conduct investigation justly and fairly without having influenced from the endorsement of higher officers”. Police stations are inadequately equipped, even sometimes lacking proper infrastructure. Administrative staff, vehicles, number of personnel required, stationary and investigation kits all are in shortage. According to Police Act 1861, there should be one policeman for every four hundred people but in current situation there is no observance of this rule” (N.Khan, et.al 2017).“Section 54 of Code of
Criminal Procedure (Cr.P.C.) confers wide powers to the police for the prevention of a cognizable offence without going through the formality of magisterial orders. Actual purpose of investigation is the collection of evidence and police is responsible for proper collection and preservation of evidence. Unfortunately, in Pakistan, Police Officers firstly arrest the suspects and torture them and then collect evidence which is against the fundamental norms of international and constitutional law of the land. Another serious issue is the lack of modern technology and lack of interaction among the law enforcement agencies. Nowadays, Police comes across crimes like terrorism. For investigating cases of such nature, it requires modern facilities/technology and cooperation from the other agencies.

However, due to shortage of modern facilities like mobile tracking units and other devices which are useful in tracing the suspect, proper collection of evidence is greatly hindered. Police has to depend on Intelligence Bureau (IB) and Military Intelligence (MI) for call data records. Police in Pakistan unfortunately lacks the required resources to conduct investigation and the staff is poorly trained for conducting a thorough and adequate investigation. In most of the cases police depends upon conventional means of preservation of evidence in which evidence is normally destroyed. The focus of our police schools is on preparation of documents rather than collection of evidence. The observance of law to penalize people who lodge false FIRs is very rare. About fifty percent of the FIRs that are registered as false/bogus, normally there is no evidence in these complaints and the purpose of this exercise is nothing but to delay and complicate the cases by frivolous proceedings. Police is equally involved in registration of false cases. The dishonest intention of police officer caused serious apprehension for innocent civilians and these naive person faced difficulties.

(N. Khan, et al 2017)
Problems of Courts as an Institution of CJS:

Expeditious and inexpensive justice is the cornerstone of the criminal justice system. In the context of the administration of criminal justice it has a dual significance. Viewed from the angle of the accused person it is in his interest that there should be a speedy trial so that there may be an early end to the proceeding against him resulting in acquittal or conviction. The accused may have to spend long periods full of uncertainty and mental anxiety possibly in jail or police lock up if the proceedings against him are not expedited. Speedy trial also limits the possibility of long delay impairing the ability of the accused person to defend him effectively or handicapping the prosecution in the trial. Either of the two sides may suffer because witnesses may die, their memories may fade and testing may become more vulnerable to cross-examination. Besides the interest of the accused, it is also in the public interest that the criminal proceedings come to a reasonably quick end since promptness of criminal sanction is one of the requisites of the deterrent aspects of punishment. In Pakistan there is a shortage of judicial officers in relation to the huge number of cases they are required to deal with. It is pertinent to mention here that there are some other factors which are responsible for the inordinate delays in the administration of criminal justice, such as frequent adjournments by the courts due to compelling factors, shortage of the prosecutors and their unfavorable working conditions, non appearance of accused persons, inability of the official witnesses such as investigating officers and medical experts to appear on the dates summoned to appear as witnesses, because of being transferred or engaged elsewhere, is also important factor in the dispensation of justice in criminal matters, sometime non service on time or the delay in the issue of summons of service by the ahlamad, there is also delay in the return of the process from the police station, cross examination of each and every witness is sometimes unnecessary and time-
consuming. Moreover, there is inadequacy and deficiency of record rooms and copying facilities in the courts.

**Problems in Jails/Prisons as institution of CJS:**

In Modern Criminal Justice System, jails should serve as an institution for the reformation of the criminals along with being places of punishment. Therefore, Jails, prisons, probation and also the parole having the basic purpose to separate the innocent individuals from the criminals by keeping the society safe. In correction system, criminals incarcerated in the jail or prison to face the sentences or punishments due to their cruelty, offenses, and penal system (*Friedman, Lawrence M, 1993*). An integral part of the phenomenon of the criminal justice system is a prison that is playing a crucial role and can be seen in almost every country all over the world ensuring the rule of law. Jails or prisons are providing the alleged offenders to the ends of justice and also giving them assistance for the rehabilitation by giving them opportunities. But in certain cases, it can be seen that prisons have lack of proper management, maladministration, overcrowding and inadequate health facilities, staff and buildings. So for the betterment of jail systems and prisons in the criminal justice system, there is a dire need of development of policy systems, allocation of appropriate resources, infrastructure and suitable specialized services for the advancement of justice. The “McCormick” in his book “Education of Adult Prisoners” suggested that fundamental academic education, vocational education, health education, cultural education and social and religious education should be imparted to the prisoners in jails (*Siddique, 2005*). The statistics shows that there is no adequate Separate arrangements have been made in Pakistan with respect to the prisoners under trial and convicts, moreover, ordinary offenders and the offenders who have involved in heinous crimes like terrorism are confined in the same class*[^18].*
V. Suggested Socio-Legal Reforms and Conclusion

The criminal justice system of Pakistan needs reforms on urgent basis, thus putting a huge responsibility on the government to take immediate measures in this regard so the ever increasing rate of crime may be controlled. The state machinery has been struggling for the same but there are some fundamental problems in the system. First of all, the programs started by old government are not catered and entertained by new government which causes huge loss of resources and time resulting into more chaos. Secondly, there is lack of coordination among provincial governments regarding reforms. For example, Punjab government’s work on formulation of “Police Act, 2010” is remarkable. They have struggled and formulated the said document to unify the functioning of police force throughout the province. On the other hand, no such effort has been reported by other parts of the country. The following suggestions may be incorporated to bring about reforms in department of police as an institution of Criminal Justice System.

Enforcement of “Police Act 2002” throughout country –the “Police Act 2002” should be enforced nationwide in its full spirit. The amendments made in 2004 should be declared null and void so that political manipulation may be discouraged which caught speed after the introduction of these amendments. The amendments of 2010 should be enforced though, as it made the police more and more answerable and accountable, also introducing model of community policing.

Legal acquaintance to public—Public acquaintance about the progressions which were presented by the 2002 reforms was low. Resultantly, the new system for guaranteeing police autonomy to great extent remained unimplemented. Awareness should be given to Public about their rights and about duties of police; this campaign can help in the police accountability.²⁰
Empowered with modern Technology and equipments-The Police department should be empowered with modern devices and arrangements should be made for acceptance of modern gadgetry and should also be provided with the modern equipments

Sufficient Grant of money to Investigation officer- sufficient funds to be provided to the Investigation officers to conduct the investigation fairly, smoothly and transparently

Police Diaries should bemaintained-Police Record and Diaries should be properly maintained according to law

Authority to Investigate reported crime-there is a need to amend the police law which grants power to the police to probe into the matter at length before lodging the FIR.

Adequate Training should be provided- there is a dire need that the training programs must be arranged under the umbrella of intelligence agencies like ISI, IB etc

Establishment of Medico-Legal Department-in every district of Pakistan there is an urgent need to set up a Medico Legal Department for the medical examination of the related evidences under the supervision of medical experts

Political Neutrality-Police is an instrument for enforcement of law to maintain its partiality police should be free from any political influence. In this context, tenure security must be given to the head of department

Check on extra-judicial killings- There must be a proper check on extra-judicial killings; deaths caused by police encounters should be properly investigated

Working and Living Conditions for Police must be improved-. The service structure must be improved, the shift timings should follow a
certain time table, off days should be given on weekly bases, allowance for overtime should be given. Transport facility is another measure for police reform, which must get better.

**Attitudinal changes** - refresher courses should be a part of training along with attitudinal change, after proper assessment of need the training syllabi should be updated and revised.

**Formation of crime Scene Units** - individual crime scene unit must be formed on district level and a manual of investigation must be devised that would contain brief detail of crime and evidence which is essential for accusation.

**Training Imparted to the Policemen** - The training imparted to the policemen should inculcate a democratic sense and idealism and also include the understanding that dissent on the part of the public is not necessarily a threat to public order and the police is basically to help the public.

**Better Amenities should be provided** - Better amenities should be provided at the police station and lock-up

**The System of Patrolling must be revamped** - The system of patrolling must be revamped so that the public get the feeling that crime is being prevented

**Supervision and guidance on junior rank officers** - The basic field-work for the purpose of investigation is usually done by the officers of junior ranks and the major facilities of training and tours are mostly provided to the senior rank officers. This trend should be changed and all these facilities must be given to junior officers for their betterment.

Alongside the police reforms, the judicial system also needs to devise and implement judicial reforms in order to make the process of justice better and to eliminate the crime for the welfare of masses.
Courts are overburdened so Number of Judicial officers need to be increased-in a reported cases Justice Asif Saeed Khosa observed that “4000 judges can’t clear 1.9 million cases”. There is a massive shortage of judges in courts as compare to the workload, according to the statistics one judge is available for every 62 thousand people in KPK and Punjab. Currently in Punjab, every judge is dealing with at least 660 registered cases which show that the courts are highly overburdened and it is a dire need of time to increase the number of competent and qualified Judges in courts.

Resort to Alternative Dispute Resolution (ADR)- to make the judicial system effective and efficient people should encourage to get the general disputes resolved through ADR.

Legislative Amendments- Parliament should make new laws and amend the existing ones according to the current needs of the society.

Extension of service - The service tenure of senior judges should be extended. The retirement age of judicial officers need to be different than other government officials so that the services of senior and experienced judges may be availed for the betterment of judiciary.

Improvement of working conditions – in order to attract the talented and proficient professionals into this system, the living and working conditions of judicial officers should be improved.

Inexpensive and speedy justice should be provided–the unnecessary delay in process should be discouraged by the concerned courts. They should keep a proper check on the process server regarding the cases being tried. Unnecessary formalities should also be discouraged in order to make justice system accessible for masses.

Capacity building of judicial officers – to make the system effective, proper training should be given to the judicial officers. Unfortunately, the training institutions are available only in Punjab.
and Sindh whereas no such facility is available in NWFP and Balochistan. This is a serious concern and government must dedicate funds for establishment of pre-service and in-service training of judicial officers. If lack of funds be the problem, then the international institutes may be asked for help so the system may be made better.

The third most important pillar of Criminal Justice system is prison/jail, which unfortunately is not different than the other two i.e. judiciary and Police. The current condition of the Prisons/jails in Pakistan is beyond worse and needs immediate reforms to be taken for the betterment of prisoners. In this contextual perspective following measures should be taken on immediate grounds:

*Build new prisons/jails* - according to a 2014 report of human rights commission of Pakistan, 97 prisons/jails were operational at that time which had a cumulative capacity authorized for 45210 prisoners. But, in reality those 97 prisons were housing 71567 prisoners and today this number has gone beyond 80,000 prisoners without any increase in number of prisons/jails. This fact reveals that prisons/jails are highly over-crowded in Pakistan and it is an urgent need to build new prisons.\(^\text{26}\)

*Separation of innocent and convicted prisoners* - another most demanding reform is to separate the under trial prisoners and the convicted prisoners. “Two-third of the total prison population comprises under-trial prisoners, who have not been convicted of a crime and are thus still innocent. Yet, given the sluggish pace of our criminal justice system, Is it fair to treat presumably innocent defendants in the same manner as convicts? Is this not equivalent to punishment itself? And if so, is this not a patent miscarriage of justice?\(^\text{27}\)”

*Provide Rehabilitation facility to prisoners* - for the betterment of prison/jail system in the criminal justice system, there is a dire need
of development of policy systems, allocation of appropriate resources, infrastructure and suitable specialized services for the advancement of justice and to provide assistance to prisoners for their rehabilitation

*Provide Education and health Facility in Prisons*- another most important reform is to provide educational facility to prisoners in prisons, which educate them morally and ethically and also with religious education, so, that they can transform themselves in good human beings, and improvement of health facilities is also one of the most needed reform in prisons/jails.

*Find alternatives to imprisonment*- “alternatives to imprisonment: probation, community service and restitution etc should be established.”

To round off the brief discussion and arguments it may be concluded that the efficacy and effectiveness of the Criminal Justice System (CJS) may act as a catalyst for the eradication of crime, if comprehensive reforms may be introduced in the existing criminal law by the policy makers keeping in view the complexity of the various crimes. Last but not least, there is a dire need to establish a strong coordinating system among the three pillars of the CJS i.e. Police, Courts and Prisons.
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