

A Strategic Framework for Elevating Pakistan's Rule of Law Index Ranking

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Abstract

This research envisages a comprehensive reformative plan aimed at enhancing the rule of law in Pakistan, critically analyzing its position in the World Justice Project's Rule of Law Index. By examining persistent challenges within Pakistan's justice delivery mechanism and drawing insights from the judicial systems of Denmark and Singapore, an effort is made to propose a strategic action plan. The plan includes enhancement of integration of technology, promoting access to justice, expediting legal procedures, and enforcing the rights of women and children. It seeks to bolster judicial efficiency, governance, and alignment with international best practices, contributing to improved global rankings and adherence to the United Nations Sustainable Development Goals.

Keywords: rule of law, governance, public confidence, judicial integrity, alternative dispute resolution, information technology, SDGs, legal reforms, ROLI

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Introduction

The concept of the rule of law connotes that all persons and authorities within the state, whether public or private, should be bound by and entitled to benefit from laws that are transparently enacted and fairly administered by the courts². The rule of law is essential for ensuring that citizens are protected from institutional overreach, maintaining the balance between authority and individual rights in a constitutional democracy³. It is linchpin for good governance and economic growth, with a positive correlation with improved development outcomes like reduced mortality rates and societal well-being etc.⁴ As per the preamble of the Islamic Republic of Pakistan's Constitution, sovereignty belongs to Allah Almighty and authority is exercised by the people. The judiciary, established under the Constitution, is mandated to administer justice and maintain the Rule of Law. Pakistan's low ranking of 130th in the World Justice Project's Rule of Law Index poses a critical challenge to its global standing and its aspirations to meet the Sustainable Development Goals. This significant gap underscores the urgent need for a comprehensive overhaul of the country's legal and governance frameworks⁵.

²Bingham, T. (2011). *The rule of law*. Penguin UK. http://books.google.ie/books?id=6UsjX-IUJ4C&printsec=frontcover&dq=rule+of+law+tom+bingham&hl=&cd=1&source=gbs_api.

³ Constitution Committee. (2001–2002). *Reviewing the constitution: Terms of reference and method of working* (1st Report, Session 2001–02, HL Paper 11). <https://publications.parliament.uk/pa/ld5803/ldselect/ldconst/118/11805.htm>.

⁴ Ramanujam, N., & Farrington, F. (2022). The rule of law, governance and development. In *Handbook on governance and development* (pp. 160–178). Edward Elgar Publishing. <https://doi.org/10.4337/9781789908756.00020>.

⁵ World Justice Project. (2023). *WJP rule of law index 2023: Global press release*. <https://worldjusticeproject.org/news/wjp-rule-law-index-2023-global-press-release>.

The Rule of Law Index, developed by the World Justice Project (WJP), is a resource for understanding the extent to which countries worldwide uphold the fundamental principles of the rule of law⁶. The index offers a comprehensive and comparative assessment of the rule of law in different countries, which has an impact on policy-making, governance, and global reputation. This study elucidate the complex structure of the WJP Rule of Law Index, investigating the diverse elements that influence a country's position in the ranking. After understanding of these components, one can gain a more profound insight into the merits and limitations of worldwide governance and the implementation of justice. This analysis is essential not only for policymakers and legal specialists but also for citizens seeking to comprehend the wider ramifications of the rule of law in their countries and globally⁷.

Significance of Rule of Law

The rule of law is linchpin for the progress of a nation since it establishes a steadfast and foreseeable structure for governance and social engagement. It guarantees equity and impartiality, diminishing malpractice and fostering openness and responsibility in both the public and private sectors⁸. The presence of legal certainty fosters investment and economic expansion, as firms

⁶ Jim Parsons, "Developing Clusters of Indicators: An Alternative Approach to Measuring the Provision of Justice," *Hague Journal on the Rule of Law*, 3(2), (2011): 170–185, <https://doi.org/10.1017/S1876404511200022>.

⁷ Villanueva, L., Adrian, C., & Gomis-Pomares, A. (2022). The contribution of the rule of law to subjective well-being. *Calidad de Vida y Salud*, 15(1). Universidad de Flores. <https://repositorio.uflo.edu.ar/server/api/core/bitstreams/039208f0-b01b-496b-b8d0-ba86fceaca0b/content>.

⁸ Moosa, I. A. (2023). Western exceptionalism: The rule of law, judicial independence, and transparency. In *The West v. the rest and the myth of Western exceptionalism*. Springer International Publishing. https://doi.org/10.1007/978-3-031-29484-1_5.

function more effectively in stable and foreseeable legal contexts. Furthermore, the principle of legal governance safeguards the rights and liberties of individuals, cultivating a feeling of safety and prosperity among the populace.

Additionally, it guarantees equitable application of legal principles, which is vital for fostering social unity and maintaining political steadiness. The rule of law is fundamentally crucial for the proper functioning of a democracy and a prosperous economy since it establishes the basis for fair and enduring progress⁹.

Research Question, Objective's, Materials and Methods

This research aims to explore how policy reforms can be designed and executed as effective management tools to enhance the quality and accessibility of justice in Pakistan, ultimately improving the country's position in the World Justice Project (WJP) Rule of Law Index, currently ranked at 130th. The basic objective of conducting this research is to prepare a holistic reformative plan for the judiciary of Pakistan to play its pivotal role for improving the position of Pakistan in the Rule of Law index. While doing so, persistent problems in Pakistan's judicial system are discussed and then a proposal in the shape of a proposal plan is presented. Another main objective of this research is to conduct a comparative study with the judicial systems of Denmark and Singapore, due to their high rankings on the Rule of Law Index¹⁰, to gain insights from their judicial systems and discuss the applicability of these insights within the judicial system of Pakistan. In this research, qualitative thematic research design is

⁹ Winter, S. L. (2022). 'Who' or 'What' is the rule of law? *Philosophy & Social Criticism*, 48(6), 655-673.
<https://doi.org/10.1177/01914537211023526>.

¹⁰ World Justice Project, "Singapore: Rule of Law Index 2023," *World Justice Project*, accessed December 24, 2024, <https://worldjusticeproject.org/rule-of-law-index/global/2023/Singapore>.

followed as well as applied research methods in presenting the reformative plan. For making research, primary sources like laws, legislations, research journals, articles and policy plans have been utilized. A few secondary sources of research like newspaper editorials etc. have also been used.

Historical Context of the Rule of Law Index

The World Justice Project (WJP) Rule of Law Index is a comprehensive international report that evaluates the implementation and perception of the rule of law globally through a combination of surveys and original research¹¹. The Index is based on four universal principles and evaluates countries based on eight key factors: *limitations on government authority, lack of corruption, transparency in government, protection of fundamental rights, maintenance of law and order, effectiveness of regulatory enforcement, fairness in civil justice, and efficiency in criminal justice*.¹² These elements are further subdivided into sub-factors, offering a comprehensive examination of the rule of law in each country¹³. The Index distinguishes itself by its methodology, which involves gathering data from both general population polls and surveys targeting legal practitioners and specialists. This comprehensive approach provides a holistic perspective on the implementation of the rule of law. The work of the WJP is noteworthy since it establishes a standard for evaluating countries and aids in recognizing the strengths and flaws in how states adhere to the rule of law.

¹¹ Tom Ginsberg and Mila Versteeg, "Measuring the Rule of Law: A Comparison of Indicators," *Law & Social Inquiry* 42 (2017): 100–137, <https://www.cambridge.org/core/journals/law-and-social-inquiry/article/abs/measuring-the-rule-of-law-a-comparison-of-indicators/07C5D96A9D83B4C297D49983A8C77479>.

¹² <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2023.pdf>.

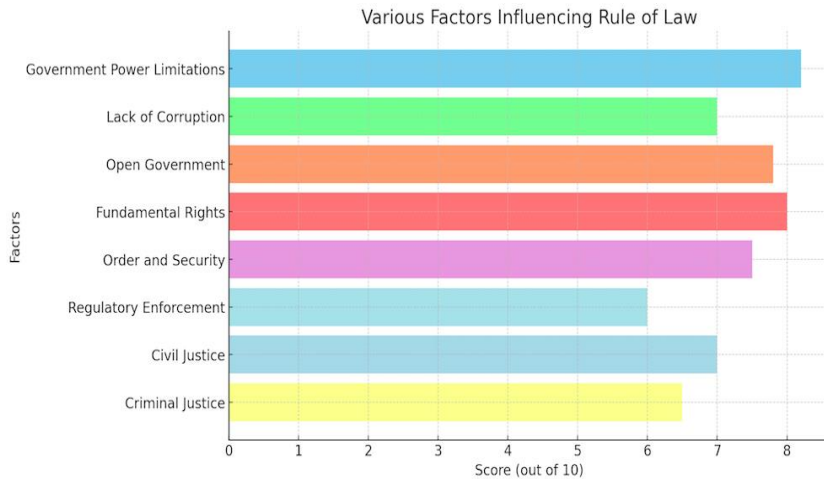
¹³ Juan Carlos and Alejandro Ponce, "Measuring the Rule of Law," *SSRN* (2011), <https://ssrn.com/abstract=1966257>.

Understanding the WJP Rule of Law Index in Context with Eight Fundamental Components

The World Justice Project (WJP) Rule of Law Index is a broad and significant assessment instrument that evaluates the extent to which countries adhere to the principles of the rule of law. It assesses countries Rule of Law using eight key elements, each of which is further subdivided into 44 sub-factors.

Figure 1

Various Factors¹⁴ Influencing Rule of Law Index. The bars illustrate Rule of Law Index factors, where higher scores reflect stronger accountability, transparency, rights protection, security, and justice systems.



The rule of law index has multiple dimensions, which are examined to assess its strength and application within a country.

¹⁴ World Justice Project, “Factors of the Rule of Law,” World Justice Project, accessed December 24, 2024, <https://worldjusticeproject.org/our-work/research-and-data/factors-rule-law#:~:text=Performance%20is%20assessed%20through%2044,Civil%20Justice%2C%20and%20Criminal%20Justice.>

First among these is the limitation of government power that judges how effectively the system restricts government authority, stops abuse of power and establishes strong checks and balances. An additional yardstick for this dimension is lack of corruption, which looks at the presence of integrity and ethical practices in governments' activities; law enforcement agencies, military, and judiciary.

Another important dimension is open government that shows how transparent governmental operations are including access to information, publicising laws and regulations by government, as well as citizen participation in decision-making processes.

Moreover, this element checks whether people's fundamental rights are protected by ensuring that important human liberties like freedom of speech, religion practice, association for peaceful purpose and ones privacy about equitable treatment under legislation are not violated. The third dimension – order and security – measures the effectiveness of state institutions responsible for maintaining order in a society as well as levels of safety in a given country. Finally, regulatory enforcement examines how well laws and regulations are implemented or applied by the state.

When it comes to civil justice they must comprise of accessible remedies ensuring free justice process not influenced by politics or any discrimination. To be enforceable easily civil justice should also be effective hence preference to resolving disputes through alternative mechanisms¹⁵. Lastly criminal justice looks into due process observance including protection of rights for both defense counsel as well as prosecutors for equally delivering fair

¹⁵ Sardar Omer Hassan Khan and Mehreen Siyyab Abbasi, "Legal Framework of Alternative Dispute Resolution (ADR) Mechanisms in Pakistan: A Comparative Study With Turkey, Malaysia, and Bangladesh," *Law and Policy Review* 2, no. 2 (2023): 37-57, <https://journals.umt.edu.pk/index.php/lpr/article/view/4831>.

judgment. Independent investigative bodies should apply all necessary resources to perform full and impartial investigations.

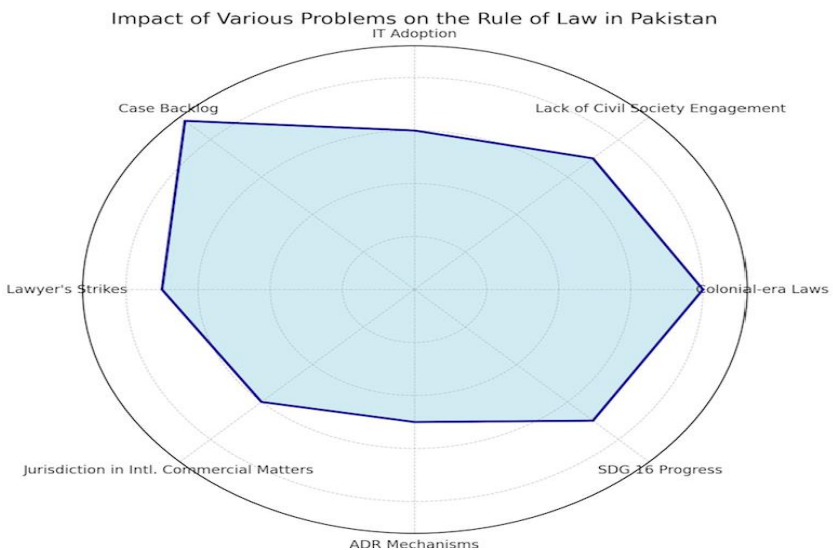
This holistic approach underscores the key fragments making up the rule of law through explaining their role towards promoting justice with transparency leading to good governance at large.

Analyzing the Constraints of Pakistan’s Judicial System

Before formulating a reformative plan, it is crucial to examine the challenges faced by the Judicial System of Pakistan, as highlighted by scholars in earlier studies. These challenges will form the foundation upon which strategies for reform are built.

Figure 2

Constraints on Rule of Law in Pakistan¹⁶



¹⁶ United Nations Development Programme, *The Rule of Law, Development Advocate Pakistan*, Vol. 4, Issue 3, accessed December 24, 2024, <https://www.undp.org/sites/g/files/zskgke326/files/migration/pk/DAP-Vol4-TheRuleofLaw.pdf>.

Saeed (2020) argues that the judiciary of Pakistan has long been in crisis, largely due to its foundation on colonial-era laws that are often seen as unresponsive to the needs of the people¹⁷. He emphasizes the importance of incorporating the perspectives of litigators who are dedicated to resolving disputes with transparency, efficiency, independence, and inclusivity. According to Saeed, this outdated legal framework continues to hinder the judicial system's ability to provide timely justice. As per, Saeed (2020) the judiciary of Pakistan has long been in crisis, largely due to its foundation on colonial-era laws that are often seen as unresponsive to the needs of the people. He emphasizes the importance of incorporating the perspectives of litigators who are dedicated to resolving disputes with transparency, efficiency, independence, and inclusivity. According to Saeed, this outdated legal framework continues to hinder the judicial system's ability to provide timely justice¹⁸.

However the judiciary's efforts to align the legal framework with international standards are exemplified by the Honorable Lahore High Court's formation of the Rules Committee under Section 123 of the CPC. Acting under Section 122, the Committee proposed amendments to the First Schedule, which were approved and published under Section 127 CPC in the Punjab Gazette¹⁹. These reforms have streamlined the Civil Procedure Code, promoting speedy justice and reducing frequent adjournments by regulating miscellaneous applications during trials.

¹⁷ Muhammad Saeed, "Improving Efficiency of the Court Service in Pakistan: A Comparative Study of the Options for Reform" (PhD diss., Newcastle University, 2020), *E-Portal*. See also Munir, Muhammad Amir, Issues and Challenges in Training Needs Assessment (TNA): Judicial Education in a Rule of Law Perspective (April 15, 2013). Proceedings of International Judicial Conference 2013 to be published by the Law and Justice Commission of Pakistan, Available at SSRN: <https://ssrn.com/abstract=2315698>.

¹⁸ *Ibid*.

¹⁹ Lahore High Court, *Notification No. 237/Legis-XI-Y-26: Amendments to the Civil Procedure Code*, Punjab Gazette, August 15, 2018.

The judiciary's commitment to addressing contemporary demands for justice is evident through nationwide ADR initiatives, the establishment of Gender-Based Violence (GBV) Courts²⁰ to resolve challenges faced by women and children, and the implementation of other reformative measures aimed at enhancing judicial efficiency and accessibility.

Furthermore, as Maria (1999) noted, “*civil society in Pakistan often struggles to make any coordination with the judiciary.*” There is no direct mechanism for engagement between the judiciary and the public, which has hindered the potential for civil society to contribute significantly to the judicial system.²¹ Maria argued that “*the engagement of civil society with the judiciary in the areas of research and other works could have taken the system towards higher levels, but unfortunately, it had never been thought so.*”

Despite this, existing mechanisms that enable engagement, such as fresh opportunities have been largely overlooked by researchers. These mechanisms include initiatives by the Law and Justice Commission of Pakistan²², the Provincial Justice Committee, Bar and Bench Committees, Criminal Justice Coordination Committees, and District Legal Empowerment Committees²³. Additionally, training programs for law enforcement officials and lawyers provided by the Judicial Academies have been implemented. The successful implementation of numerous

²⁰ Shazib Saeed and Shazia Munawar Makhdoom, “Gender Based Violence Courts in Pakistan: A Success Story,” *Federal Law Journal* 2, no. 2 (Fall 2023): 36–40, <https://www.flj.gov.pk/docs/issue4/4.pdf>.

²¹ Maria Dakolis, *Court performance around the world: A comparative perspective* (The World Bank Report, 1999).

²² Law and Justice Commission of Pakistan, *Notification: Reconstitution of ADR Committee and ADR Task Force*, July 22, 2024, <http://www.ljcp.gov.pk/ADR/ADR%20Notification.pdf>.

²³ *District Legal Empowerment Committees (Constitution & Functions) Rules, 2011*, https://mis.ihc.gov.pk/attachments/news/Amended_DLEC_Rules_2011_638374737464497779.pdf.

judicial projects, such as Model Courts nationwide, ADR initiatives, and Overseas Courts, alongside E-measures like E-Courts, websites, CMS systems, and mobile apps—particularly under the Honorable Lahore High Court, Lahore ensures the effective dissemination of all necessary information, thereby “*dispelling the notion of any lack of coordination.*”

Building on this, Arsalan and Khan (2022)²⁴ observed that “*the introduction of the Case Management System in the district judiciary of Punjab, while limited to online case information and cause lists, marks a step towards modernization.*” However, as per him despite this progress, Pakistan still lags behind countries with higher Rule of Law Index rankings, where legal systems are almost entirely online, allowing for e-filing of cases and motions. This delay not only complicates the judicial process but also burdens citizens who must navigate a cumbersome system to file their claims.

Nevertheless, earlier studies have not fully recognized the substantial progress made by Pakistan's judiciary in Information Technology. The August Supreme Court and the Honorable Lahore High Court, for instance, have launched extensive IT-driven initiatives aimed at enhancing judicial efficiency and accessibility. These initiatives include a mobile app, the 1818 Call Center, video links in courts, the publication of the Judicial Estacode 2019, and enhanced website functionalities, all designed to serve the public, legal professionals, and academia. Furthermore, the Lahore High Court's efforts to transform trial courts across the province into E-Courts, district judiciary websites, and make the E-filing initiative available for

²⁴ Muhammad Arsalan, Nazir, and Mohsin Raza Khan, “Identification of Roles and Factors Influencing the Adoption of ICTs in the SMEs of Pakistan by Using an Extended Technology Acceptance Model (TAM),” *Innovation and Development* (2022): 1-27, <https://doi.org/10.1080/2157930X.2022.2116785>.

commercial cases further demonstrate the judiciary's commitment to modernization and ICT initiatives.

Moreover, case backlog remains a significant concern encompassing the judicial system. Despite multiple efforts to address this issue, it continues to challenge the system's capacity to deliver timely justice. Hassan and Ali (2022)²⁵ emphasized that *"the high pendency of cases, coupled with the insufficient number of judicial officers, exacerbates this problem, making it difficult to provide fair hearings and reduce case backlog."* This situation underscores the need for comprehensive reforms to increase judicial capacity and streamline case management processes.

In addition, the absence of standardized rates for legal services further complicates access to justice. The Bar Councils in Pakistan have yet to establish minimum standards for fees, resulting in a non-uniform policy that hinders cost-effective access to legal services. A standardized fee structure, similar to the Bar Standards Board in the UK²⁶, is necessary to ensure equitable access to justice for all citizens. Moreover, the practice of lawyer's strikes, which frequently delay trial conclusions, poses a significant challenge to the rule of law. The Honorable Supreme Court has condemned this practice, stating that *"the legal profession's integrity should not be compromised by strikes that do not protect constitutional or individual rights"* (*Shabaz Akmal v. State*, 2023 SCMR 421)²⁷.

Furthermore, in some instances, corporations, civil society, or individuals have invoked the jurisdiction of Pakistani courts in international commercial matters, which, when coupled with the

²⁵ Muhammad Hassan and Sadaqat Ali, "Evaluation of Pending Cases in the Judiciary of Pakistan: Figures and Statistics," *Pakistan Social Sciences Review* (2022): 592-602, <https://ojs.pssr.org.pk/journal/article/view/160>.

²⁶ Bsb, "Barristers and Their Fees," *Bar Standards Board*, n.d., <https://www.barstandardsboard.org.uk/for-the-public/finding-and-using-a-barrister/barristers-fees.html>.

²⁷ See generally, Umer Gillani, "No More Strikes, Please!" <https://courtingthelaw.com/2016/03/25/commentary/no-more-strikes-please/>.

excess of jurisdiction exercised, has at times damaged investor confidence. High-profile cases such as *Karkey Karadeniz Elektrik Turkey* and *Reko Diq* have underscored the need for a more consistent approach to international commercial arbitration. Although recent legislation and pro-arbitration precedents have been introduced to rebuild trust, Pakistan must adopt the UNCITRAL Model Law to improve its standing in the international arbitration arena, as demonstrated in *Orient Power Company (Pvt.) Ltd. v. Sui Northern Gas Pipelines Ltd.*, 2021 SCMR 1728.

In line with the need for efficiency in access to Justice, Honorable Justice Syed Mansoor Ali Shah, Judge of the August Supreme Court of Pakistan, emphasized the importance of businesses adopting internal Alternative Dispute Resolution (ADR) mechanisms for commercial matters, similar to global firms like Google and Amazon. Addressing the seminar he expressed his views as under:

Pakistan's ADR Renaissance' held at the Institute of Business Administration (IBA) City Campus, he highlighted how mediation and arbitration allow companies to resolve disputes internally, reducing reliance on courts. He suggested that businesses reserve court intervention for complex legal issues and further stressed that implementing ADR systems is straightforward, with various online tools readily available to facilitate dispute resolution.²⁸

Finally, as per report of the UN Mission in Pakistan, Country's progress towards achieving United Nations Sustainable Development Goal No. 16, which focuses on peace and justice, has been slow²⁹. The country has faced significant obstacles,

²⁸ Ishaq Tanoli, "Justice Shah Urges Businesses to Adopt ADR System for Commercial Cases," *DAWN*, August 17, 2024, 03, <https://ir.iba.edu.pk/press-media/56/>.

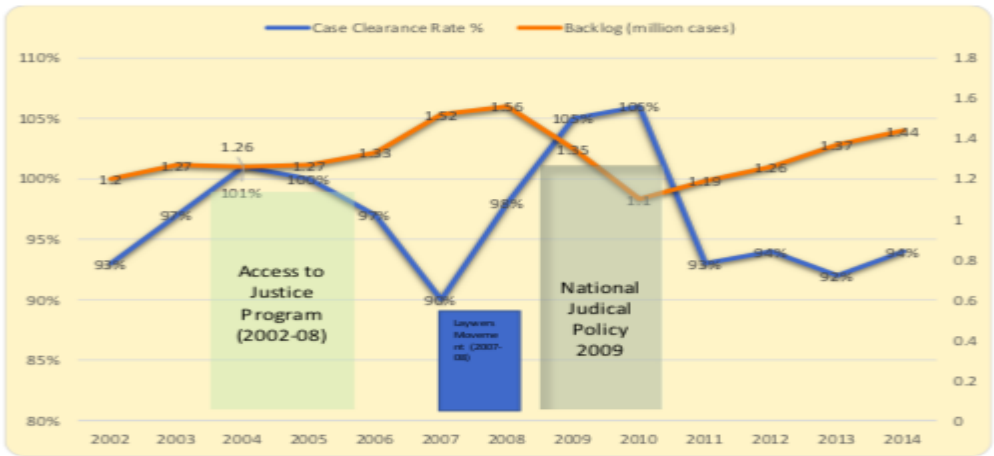
²⁹ United Nations Pakistan, *Sustainable Development Goal 16: Peace, justice, and strong institutions* (2024), pakistan.un.org/en/sdgs/16?

including the need to remove plea bargaining provisions from anti-corruption laws and strengthen institutions that protect women and children. Additionally, Pakistan missed the deadline to submit its review plan for SDG 16 to the United Nations by 2020, highlighting the urgent need for reforms to increase access to legal remedies and improve their effectiveness across all sectors of the population, as noted by SDG’s Pakistan.

Saeed (2020)³⁰ noted the trajectory of judicial performance following the 2009 National Judicial Policy and the Access to Justice Program (AJP) has been also showing low trend.

Figure 3

Quantitative Elucidation³¹ of Access to Justice Program and National Judicial Policy



He argued that “the evaluation curve illustrates a decline in the judiciary’s performance after these initiatives,” indicating that the policies have not been effectively implemented as a practice in the administration of justice. Nonetheless, it is crucial to recognize a research gap in the existing stock of knowledge

³⁰ Saeed, “Improving Efficiency of the Court Service in Pakistan.”

³¹ Ibid.

regarding the implementation of the National Judicial Policy 2009. Specifically, there is a need for further exploration into how direction cases are being expedited within the confines of the law and how the backlog of older cases is regularly monitored and decided in significant numbers.

Insights for Policy Development for Pakistan from International Best Practices Case Study of Denmark and Singapore

The judicial reforms in Denmark have been a benchmark of excellence, as evidenced by their high ranking in the Rule of Law Index. Denmark's strategy, centered on user-focus, efficiency, consistency, and quality, reflects a modern judicial system that values litigant's needs and embraces technology for smoother operations. The core values of openness, credibility, respectful treatment, and accountability are the pillars of their system³².

Denmark's reforms stress the importance of treating court users with respect and meeting their expectations. Courts are urged to be user-friendly and adopt modern technologies to cater to the public effectively. The Danish strategy has made significant procedural changes to minimize case processing times and ensure timely justice³³. Kristiansen³⁴ (2023) argued that: consistency across Danish courts has led to predictability and public trust,

³²Danish Courts, *Strategy for the courts of Denmark 2019-2022* (2019), <https://domstol.dk/media/txqdtgu/strategy-for-the-courts-of-denmark-2019-2022-final-070220.pdf>.

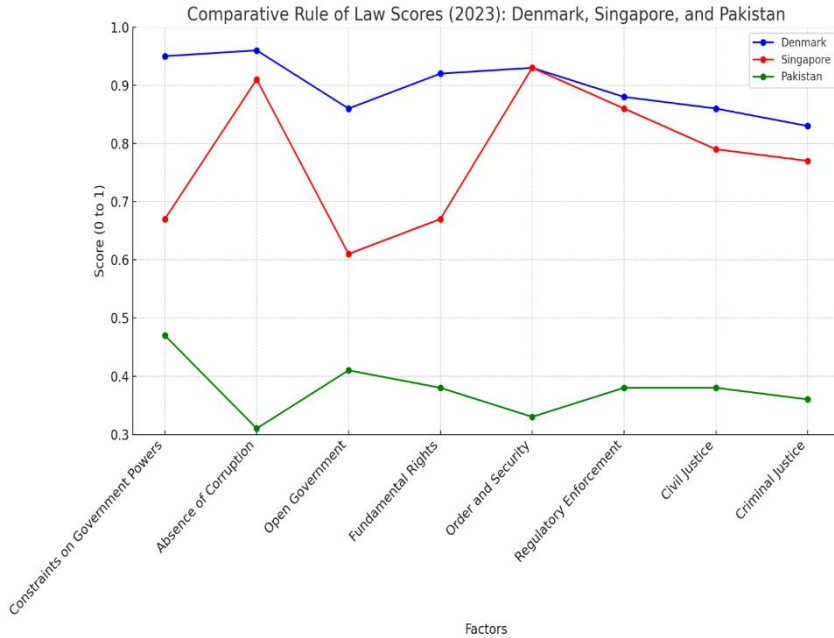
³³ Martha Karebak and Marta Kirilova, "You May Now Speak to Your Lawyer: When Interpreters Mediate Judges' Information to the Accused," *Language and Law/Linguagem e Direito* (2022).

³⁴B. L. Kristiansen, "Access to Justice and Digitalisation – A Nordic Perspective: Digitalisation Can Challenge Fundamental Principles of the Rule of Law, with a Focus on Denmark," *Nordics.info*, Aarhus University (2023), <https://nordics.info/nnl/show/artikel/access-to-justice-and-digitalisation-a-nordic-perspective>.

while the emphasis on quality and efficiency ensures sustainable excellence.

Figure 4

Comparison of Denmark, Singapore and Pakistan in Rule of Law Index



Comparatively, Pakistan’s judicial system faces challenges like inconsistent policies and a lack of interactive digitalization, which affects its ranking in the Rule of Law Index. While efforts have been made to improve, there’s a need for more profound reforms inspired by Denmark’s approach to enhance the judiciary’s operational aspects. For Pakistan, adopting similar values and reformative principles could lead to significant improvements in judicial efficiency, public trust, and a better position in international rankings.

Singapore’s improvement in the Rule of Law Index can be attributed to changes that emphasize the efficiency of civil justice,

integration of technology, and a focus on user satisfaction³⁵. The civil justice reforms encompassed the modernization of legal procedures, incorporation of public input into the new Rules of Court, and legislative backing for more efficient processes. The integration of advanced IT systems has played a crucial role in this shift by providing electronic services that streamline and expedite legal and administrative procedures.

The key to Singapore's success lies in the ADR mechanisms it has both for domestic and international commercial matters. The judiciary of Singapore is renowned for its immunity to improper influence, which enhances its global reputation for judicial fairness. The reforms have prioritized the requirements of court users and litigants, resulting in a more responsive and accessible judicial system. This method has cultivated public trust and confidence, ultimately bolstering the efficacy of the judiciary.

Pakistan can benefit from adopting advanced judicial practices from Denmark and Singapore, particularly in adopting Alternative Dispute Resolution (ADR) techniques. Singapore's ADR framework focuses on arbitration and mediation, reducing court caseload and enhancing efficiency³⁶. Pakistan can streamline its judiciary, encourage foreign investment, and improve transparency and speed by embracing technology for case management. Aligning with international best practices could elevate Pakistan's Rule of Law Index ranking and support the United Nations Sustainable Development Goals, particularly Goal 16, for peace, justice, and strong institutions. By learning from Singapore's judicial reforms and ADR prominence, Pakistan could strengthen its legal system, contribute to public trust, and align with global standards for an effective, accountable judiciary.

³⁵ LexisNexis, "Rule of Law Equation Singapore," *LexisNexis* (Accessed January 28, 2024), <https://www.lexisnexis.com.sg/about-us/rule-of-law>.

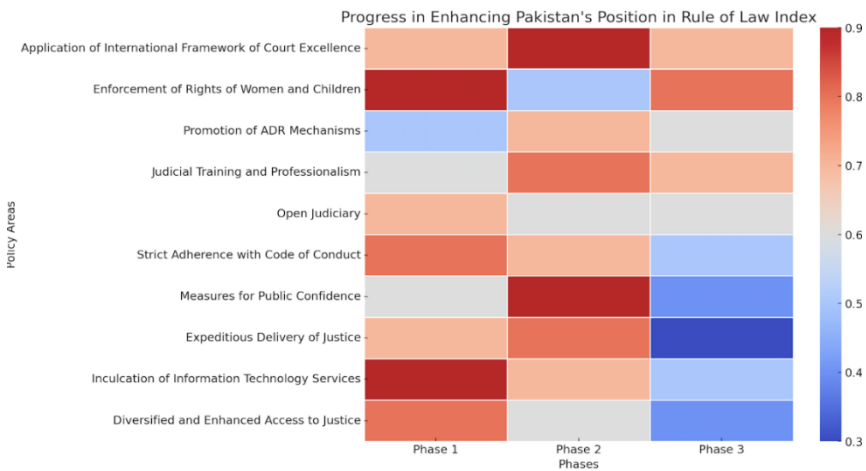
³⁶ K. Shanmugam, "The Rule of Law in Singapore," *SSRN Electronic Journal* (2012), <https://doi.org/10.2139/ssrn.2255270>.

Strategic Policy to Elevate Pakistan’s Rule of Law Index Ranking

To improve Pakistan’s position in the Rule of Law Index, a comprehensive strategy that is based on international best practices such as those seen in Denmark and Singapore must be implemented. Judicial reforms in Denmark, which emphasize responsiveness and efficiency, and demonstrate a modern approach that values litigant needs and integrates technology for smoother operations. This model, built on principles of openness, credibility, respectful treatment, and accountability, highlights the importance of treating court users with respect and meeting their expectations³⁷. By adopting similar approach, Pakistan can enhance judicial efficiency, build public trust, and improve its ranking in international indices.

Figure 5

Areas which need improvement for enhancing Pakistan’s Position in ROLI



Similarly, Singapore’s success in the Rule of Law Index, attributed to its emphasis on civil justice efficiency, technology

³⁷ Danish Courts, *Strategy for the courts of Denmark 2019-2022* (2019), <https://domstol.dk/media/txqdggtgu/strategy-for-the-courts-of-denmark-2019-2022-final-070220.pdf>.

integration, and user satisfaction, provides another guide-lines for Pakistan to execute³⁸. The judiciary's focus on ADR mechanisms, particularly in domestic and international commercial matters, has reduced court case backlog and enhanced judicial system's efficiency and fairness. Pakistan's adoption of these practices in more enhanced way, especially ADR techniques focusing on arbitration and mediation, could streamline the judiciary, encourage foreign investment, and improve transparency and speed³⁹.

By incorporating these international best practices, Pakistan should aim to uphold the spirit of the Constitution by implementing measures that reduce barriers to public access to information and ensure courts are accessible. This includes constructing new courts, refurbishing existing facilities, and integrating e-court technologies into court procedures⁴⁰. Needless to say, the successful transformation of all trial courts into E-Courts by the Lahore High Court sets a precedent that other provinces should follow, ensuring justice is accessible from around the globe.

Moreover, the integration of information technology into the judiciary is crucial. Countries like Denmark and Singapore have successfully used technology to enhance access to justice, allowing citizens to file cases, attend hearings online, and receive predictive opinions, thereby ensuring justice is delivered directly to their doorstep⁴¹. Pakistan can achieve similar outcomes by

³⁸ LexisNexis, "Rule of Law Equation Singapore," *LexisNexis* (Accessed January 28, 2024), <https://www.lexisnexis.com.sg/about-us/rule-of-law>.

³⁹ K. Shanmugam, "The Rule of Law in Singapore," *SSRN Electronic Journal* (2012), <https://doi.org/10.2139/ssrn.2255270>.

⁴⁰ N. Reayat, N. Farid, M. K. Khan, and A. M. Shah, "Judicial Activism and Its Implications for Good Governance: A Case for Judicial Reforms in Pakistan," *Review of Applied Management and Social Sciences* 4, no. 1 (2021): 1-12, <https://doi.org/10.47067/ramss.v4i1.94>.

⁴¹ Martha Karebak and Marta Kirilova, "You May Now Speak to Your Lawyer: When Interpreters Mediate Judges' Information to the Accused," *Language and Law/Linguagem e Direito* (2022).

enhancing existing ICT systems within the district judiciary, particularly E-Courts and CMS systems. Enhanced advancements, includes the establishment of e-technology parks or Provincial Technology Boards, which can facilitate the creation of a *Court Recording and Transcription System (CRTS)*. This system, combined with integration of *Artificial Intelligence*, would significantly improve the appreciation of facts and application of laws, ensuring consistent and expedited decisions, thereby reducing the costs and time involved in maintaining and accessing court records⁴².

The expeditious delivery of justice must be ensured by addressing delays in the legal system. Provincial Bar Councils should focus on *Continuous Professional Development (CPD)* for lawyers, emphasizing their role in aiding justice. A system for evaluating the quality of legal work and revalidating licenses should be established, monitoring how often lawyers request adjournments and using this data in licensing renewal decisions. Strengthening case management guidelines through E-monitoring systems, such as the *Judicial Dashboard*, will prevent unnecessary adjournments and ensure statutory timelines are followed⁴³. Additionally, increasing the number of Judges and Judicial Officers, supported by robust E-measures, will help reduce case backlogs and significantly improve the speed and quality of justice delivery⁴⁴.

Public confidence in the judiciary must be bolstered by ensuring transparency through a comprehensive mechanism for monitoring court performance and collecting data from all judicial tiers. While the existing mechanism ensures this data is primarily

⁴² LexisNexis, "Rule of Law Equation Singapore," *LexisNexis* (Accessed January 28, 2024), <https://www.lexisnexis.com.sg/about-us/rule-of-law>.

⁴³ Saeed, "*Improving Efficiency of the Court Service in Pakistan*."

⁴⁴ Munir, Muhammad Amir, *Therapeutic Jurisprudence and Legal Education in Pakistan: A Quest for Innovation in Study of Law to Mend Attitudes of Law Professionals towards Litigants* (2008). *Pakistan Law Journal*, 2008, Available at SSRN: <https://ssrn.com/abstract=1917748>.

accessed by lawyers and academia, efforts must be made to disseminate it widely through media, special conferences, and public forums. Additionally, the publication of brief information booklets to educate the public on court proceedings and legal literacy initiatives will enable citizens to form informed opinions about the legal system⁴⁵.

Strict adherence to the code of conduct and principles of fair play is essential for maintaining judicial integrity. The judiciary's zero-tolerance policy for misconduct, supported by a comprehensive monitoring framework, must continue. It is recommended that the judiciary's annual reports include comprehensive data on action taken in relation to misconduct. However, this policy should focus on prioritizing substantial issues while discouraging frivolous matters to avoid undermining judicial independence⁴⁶.

The measures for continuous professional development (CPD) of judges and allied ministerial staff is vital for the smooth administration of justice⁴⁷. Provincial judicial academies of the country should follow the lead of the Punjab Judicial Academy and the Federal Judicial Academy in implementing regular training programs, not only for judges but also for lawyers and law enforcement officials. Extending these initiatives nationwide and adopting distance learning programs will ensure judicial and ministerial staff remain well equipped with legal and

⁴⁵ Matthew J. Nelson and Moeen Cheema, "Courting Constitutionalism: The Politics of Public Law and Judicial Review in Pakistan," *International Journal of Constitutional Law* 21, no. 3 (July 2023): 937-942, <https://doi.org/10.1093/icon/moad057>.

⁴⁶ Abid Iqbal, "Judicial Empowerment and the Support of the Legal Community in Pakistan," *Pakistan Social Sciences Review* 6, no. II (June 30, 2022), [https://doi.org/10.35484/pssr.2022\(6-ii\)51](https://doi.org/10.35484/pssr.2022(6-ii)51).

⁴⁷ Munir, Muhammad Amir, *Therapeutic Jurisprudence and Legal Education in Pakistan: A Quest for Innovation in Study of Law to Mend Attitudes of Law Professionals towards Litigants* (2008). *Pakistan Law Journal*, 2008, Available at SSRN: <https://ssrn.com/abstract=1917748>.

technological advancements, ultimately enhancing the administration of justice across the country.

The current legal system in Pakistan, while rigorous, is often costly and cumbersome, leading to extended trial times. To address this, the promotion of Alternative Dispute Resolution (ADR) mechanisms such as mediation, arbitration, and reconciliation is crucial. ADR offers a cost-effective and time-saving approach to resolving disputes, particularly in the business sector, where efficiency is paramount⁴⁸. In Balochistan, ADR mechanisms exist under the provisions of the CPC, while Punjab, Sindh, Khyber Pakhtunkhwa, and Islamabad have separate ADR legislation.

In alignment with these advancements, Honorable Judge of the Supreme Court of Pakistan, Syed Mansoor Ali Shah (2024)⁴⁹, recently emphasized the need for establishing ADR mechanisms within the corporate sector during a seminar at the Institute of Business Administration titled '*Pakistan's ADR Renaissance.*' The National ADR Committee, under the auspices of the Law and Justice Commission of Pakistan, along with the Honorable Lahore High Court, Islamabad High Court, and Sindh High Court, has been pivotal in promoting the culture of ADR by providing training to judges and lawyers. However, to fully realize the potential of ADR, it is essential to address the concerns of lawyers and Bar Councils by highlighting the success of ADR systems in other jurisdictions and how these systems have opened new professional avenues for lawyers. This approach will not only reduce litigation but also enhance the autonomy of the parties over the conditions related to dispute resolution. The initiative to adopt ADR practices for litigants, similar to those offered in the UK and

⁴⁸ Muhammad Nadeemullah, "Reforming Alternative Dispute Resolution (ADR) Mechanisms for Enhanced Justice Delivery in Pakistan," *SBJHSS* (2023): 21-34.

⁴⁹ Dawn. (2024, August 17). Justice Shah urges businesses to adopt ADR system for commercial cases. *DAWN.COM*. <https://www.dawn.com/news/1852792>.

Turkey, can significantly reduce the national case backlog and improve the overall efficiency of the legal system in Pakistan⁵⁰.

Further, to protect the rights of women and children, it is crucial to adopt a strategic approach that accelerates the resolution of family disputes in courts. The superior judiciary has already recognized the issue of cases stalling in the *National Judicial Policy, 2009*, particularly those involving interim maintenance and visitation rights, which are often treated as mere execution proceedings. In response, the Honorable Lahore High Court, along with other Provincial High Courts of Pakistan, has issued strict guidelines for the expeditious resolution of Family and Guardianship Disputes. These guidelines emphasize resolving family cases within the statutory timeline provided under the Family Courts Act, 1964, particularly Section 12A, which mandates that:

The Family Court shall dispose of a case, including a suit for dissolution of marriage, within a period of six months from the date of institution. Provided that where a case is not disposed of within six months, either party shall have a right to make an application to the High Court for necessary direction as the High Court may deem fit.

To ensure compliance, the Honorable Peshawar High Court has reinforced these timelines through landmark judgments. For example, in *Aslma Khan Marwar v. Mst. Atia Gul* (2018 YLR 1231), it was emphasized that family courts must decide cases within six months to alleviate the prolonged agony of litigants. Similarly, in numerous judgments, the Supreme Court of Pakistan and various High Courts have directed family courts to avoid undue delays, ensuring that the rights of vulnerable groups such as women and children are not compromised. These efforts reflect

⁵⁰ S. O. H. Khan and M. S. Abbasi, "Legal Framework of Alternative Dispute Resolution (ADR) Mechanisms in Pakistan: A Comparative Study with Turkey, Malaysia, and Bangladesh," *Law and Policy Review* 2, no. 2 (2023), <https://journals.umt.edu.pk/index.php/lpr/article/view/4831>.

a unified judicial commitment across all provinces to expedite the resolution of family cases, thereby minimizing the misery and suffering of litigants.

Similarly, criminal courts should prioritize cases involving women and juveniles, ensuring that procedural actions, such as the completion of investigations and the association of female police officers, are conducted without unnecessary delays. Moreover, reports under Section 173 of the Cr.PC should be submitted promptly, and charges framed swiftly. In the same vein, Civil Courts are also encouraged to expedite cases concerning women's property rights, particularly partition cases, with a targeted resolution within six months.

In addition to these efforts, there have been significant developments in the commercial sector. For instance, due to the collaboration of the Lahore High Court, the Government of Punjab, and the World Bank, commercial courts followed by special legislation were constituted. This pilot project in Punjab proved to be successful as it ensured commercial dispute resolution in a reasonable time and also allowed access to parties through e-filing. In Lahore, it was further supported by court-annexed mediation. However, despite this success, the project has lost momentum since the governing legislation has yet to be extended. Nevertheless, this initiative resulted in Pakistan's ranking climbing the ladder in the World Bank's Ease of Doing Business Report, which observed that now work is being done in Pakistan to ensure the enforcement of contracts⁵¹. Similarly, the Court for overseas Pakistanis for expeditious resolution of their rights, constituted on the same pattern as in Punjab, highlights the potential for nationwide adoption of this approach, which can significantly improve Pakistan's status in the Rule of Law index.

⁵¹ Nudrat B. Majeed Mian, "Punjab Commercial Courts Ordinance 2021: A New Frontier - Courting The Law," *Courting The Law* (July 6, 2021), <https://courtingthelaw.com/2021/04/29/laws-judgments-2/punjab-commercial-courts-ordinance-2021-a-new-frontier/>.

Moreover, the Expeditious Justice Initiative (EJI), launched under the auspices of the Supreme Court of Pakistan, has yielded significant improvements in the performance of Pakistan's Criminal Justice System, particularly in reducing delays in criminal trials. While this initiative has achieved its targets, there is a pressing need for Provincial High Courts to adopt similar policies to expedite the resolution of critical cases, including Sessions trials, especially those involving murder, Summary Suits, ATC trials, Cyber Crimes, Anti-Corruption cases, and NAB matters. Ensuring that these cases are resolved within an 8-month period will not only enhance the public's sense of safety but also contribute to maintaining an orderly society.

Furthermore, it is imperative to adhere to the National Judicial Policy of 2009 in letter and spirit, as this policy was systematically drafted by identifying short-term, medium-term, and long-term goals. These goals range from effective regulation of trials, infrastructure development, and creating facilities for the public. By adhering to these guidelines, public confidence in the judiciary will be significantly strengthened.

In line with international best practices, adopting various global benchmarks such as the IFCE and NSCS can enhance the excellence of court service delivery⁵². This adoption not only improves our standing in the Rule of Law Index (ROLI) but also boosts public confidence in the judicial system by aligning it with international standards.

To advance the United Nation's Sustainable Development Goal 16, focused on Peace, Justice, and Institutional Building, Pakistan should leverage the allocated funds by the UN for SDG initiatives. By actively coordinating with UN support, Pakistan can further enhance access to justice and the protection of women, children, and labor rights. This collaboration should focus on securing

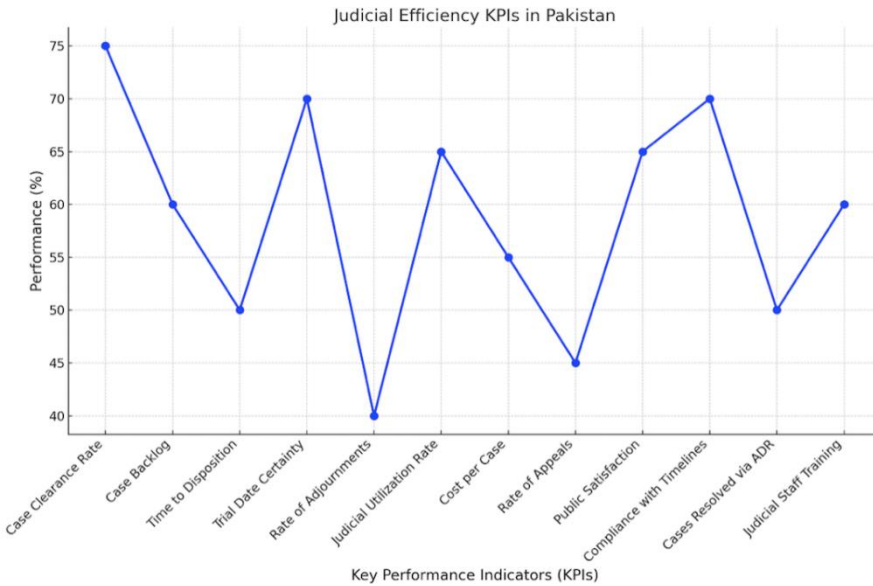
⁵² Court Excellence, "The Framework," *Court Excellence* (May 17, 2022), <https://www.courtexcellence.com/resources/the-framework>.

assistance in policy formulation and facilitating exchanges in training and best practices to strengthen these areas effectively.

Finally, to ensure cost-effective justice, the Bar Councils should coordinate to establish a minimum rate for the provision of legal services so that uniformity can be achieved. In setting the rate, like in the West, they can suggest the charge fee corresponding to the education and experience of the legal service provider. Additionally, the role of the Law and Justice Authority and District Legal Empowerment Committees should be enhanced and made known to the public⁵³. The project of providing pro bono advice to citizens has the potential to resolve disputes informally, contributing to a more just and equitable legal system.

Figure 6

Proposed KPIs for monitoring Strategic Plan for Enhancing Pakistan’s Position in ROLI.



⁵³ Abid Iqbal, “Judicial Empowerment and the Support of the Legal Community in Pakistan,” *Pakistan Social Sciences Review* 6, no. II (June 30, 2022), [https://doi.org/10.35484/pssr.2022\(6-ii\)51](https://doi.org/10.35484/pssr.2022(6-ii)51).

By adopting these strategies, supported by measurable KPIs as purposed in Figure 5, Pakistan can significantly improve its standing in the Rule of Law Index, enhance public trust, and ensure a more efficient, fair, and transparent judicial system.

Conclusion

This research analyzes Pakistan's low ranking in the World Justice Project's Rule of Law Index and proposes a strategic framework for improvement. It emphasizes the need for judicial reforms based on international best practices, drawing lessons from Denmark and Singapore. The study highlights the importance of technological integration, including artificial intelligence, and the promotion of Alternative Dispute Resolution (ADR) mechanisms. While recognizing progress in areas like E-Courts, the research identifies ongoing challenges such as case backlogs and poor coordination within the judicial system. It advocates for structural reforms, standardized legal fees, and continuous professional development (CPD) to enhance judicial efficiency, public trust, and transparency. The study concludes with a call for collective action from all stakeholders to implement these reforms, aiming to strengthen Pakistan's global standing and uphold the rule of law.

