



IMPACT OF ALLOCATION OF RESOURCES ON DISPENSATION OF JUSTICE IN DISTRICT JUDICIARY OF PAKISTAN

Dr. Saima Tabassum

Chairperson, Department of Business Administration, Sindh Madressatul Islam University,
Karachi, Pakistan.

Shahid Hussain Kamboyo

PhD Scholar, Department of Public Administration, University of Sindh, Jamshoro, Pakistan.

Imran Ali Mangrio

Ph. D Scholar, School of Law, University of Karachi, Karachi, Pakistan.

Imdad Hussain Siddiqui

PhD Scholar, Hamdard Institute of Management Sciences (HIMS), Hamdard University
Karachi, Pakistan

ABSTRACT

District judiciary is the basic building block of Justice System. Majority of cases or litigation starts from this level and reaches superior Judiciary. Unfortunately, our system is creeping at the snail's pace and people suffer from generation to generation to get their cases decided by the courts. That is why trust of people is eroding from the system day by day that in turn gives rise to concept of Might is Right. This paper has tried to explore the effect of allocation of budget on dispensation of justice. Due to insufficient resources courts lack modern technologies that also is major hurdle in smooth functioning of the courts. This paper studies different components of resources like Budget allocated by Government, infrastructure and basic facilities, training of judges and court staff etc. Improper budget and provision of other basic necessities is also a reason for slow dispensation of justice. The Research was conducted by building a hypothesis and was tested with application of statistical tools and techniques to get outcome. Population of the research study was infinite therefore the sample of 245 people was selected through non-probability convenience sampling technique from five categories 95 litigants, 75 lawyers, 25 Judges, 25 Court administrative staff and 25 Law enforcement agencies. Five-point Likert scale was used to determine research variables. The study explored the insignificant relationship of allocation of resources with dispensation of justice as both the variables were not mutually co related.

Key words: Number/strength of judges, Dispensation of justice, District Judiciary.

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1. INTRODUCTION

District judiciary is the formal forum to redress the grievances of people. The soft image of the judicial system is made or marred at this level, (Jillani,2013). At present more than 1.5 million cases are pending with the district judiciary of Pakistan, (LJCP,2014). In the year 2013-2014, total Annual Budget of District Judiciary was Pak Rs.116.3 billion, (LJCP,2013). Total cases decided by the District Judiciary of Pakistan during the year 2014 were 2672737 i.e., 2.6 Million cases, (LJCP,2014). If we workout the average cost incurred upon disposal of each case in District judiciary of Pakistan (Total annual expenditure divided by disposal of cases during a year), it will be Pak Rs.4352 per case. The budget allocated seems to be meager as according to Asian Foundation, in Pakistan, Judicial System is on low budget priority, (Asian Foundation, 1999), despite of the signatory of the UN General Assembly that each Member State will allocate sufficient funds for proper functioning of the judiciary, (Irshad, 2011) and right of speedy justice will not be rejected on account of insufficient funds (Rehn et al., 2010). The district judiciary has always been neglected as being underfunded, (Asian International Crisis Group, (2004), Asian Development Bank, 1999;) that causes shortage of staff and lack of infrastructure to deteriorate the situation, (Frank, 1969; Genn, 2010; Katz et al., 1972) and monstrous pendency of cases (Armytage, 2004). The government is reluctant to allocate funds and resultantly cases are piled up, (Shaikh, 2011), and less than one percent of the budget is allocated, (Muhammad, 2011; Siddique, 2011).

District judiciary is an initial step for dispensation of justice. Litigation starts at this level. But, unfortunately more than 80% cases are pending in district judiciary of Pakistan. Any comprehensive study regarding delays in Civil Justice in Lower Courts on dispensation of Justice in general and the Pakistani context in particular could not be found. Most of the studies conducted in the past tried to evaluate causes for delay in Civil Justice in lower courts of Pakistan. Raza Ullah Shah, Shadi Ullah Khan & Sumera Farid (2014) worked on the causes of delay in civil cases but did not measure the effects of delays in Civil Justice in Lower Courts on dispensation of Justice in Pakistan. Furthermore, most of these studies were descriptive and literature based but none of the study had measured the impact of strength of judges in district judiciary of Pakistan on dispensation of justice empirically. This study helps to understand real relationship of cause and effect.

2. LITERATURE REVIEW

Judiciary is the most important organ of State that dispenses justice and redresses the grievances of the aggrieved parties. Most of the courts lack advanced technologies like computers and electronic gadgets, fax machines, scanners, and internet facilities. Even some of the District Courts are void of basic necessities like electricity, infrastructure and court building etc., (Chowhan,1994). Lack of such basic facilities hinder their performance and cause delay, which in turn affects dispensation. Moreover, perks and privileges of judges are not so good to attract the competent lawyers to join this profession. This all happens due to allocation of insufficient resources.

There is dire need to enhance capacity of judges and court staff through in-service training so as to cope issue of backlog of case. According to Iftikhar Muhammad Chaudhry, the then

Chief justice of Pakistan, to adopt IT tools is an important measure to reduce the delay of the cases but judicial system is still away from it, (Shah, Khan & Farid,2014).

3. BUDGET

In terms of GNP, the expenditure on judiciary is not convincing and satisfactory. It is 0.25% in India, 1.2% in Singapore, 1.4 % in USA and 3.4% in UK, (Chhachhar and Sirohi, 2010). In the National Judicial Policy, the reason for such a large number of cases is attributed to the acute funding to third pillar of the state. It has been argued that with the increase in population the current infrastructure of courts is unable to contain the number of cases registered with them. Even 1% of Federal/Provincial budget is not allocated for justice sector of Pakistan although, the judges are overburdened, (Hussain, 2015, p 20).

Record of last four years for allocation of resources to district judiciary of Pakistan is as under.

Table 1 Allocation of resources 2011 – 2014

Year	Allocation of resources (Pak Rupees in Millions)
2011	8,468.267
2012	10,327.051
2013	11,535.890
2014	11,633.357

4. INFRASTRUCTURE AND OTHER BASIC FACILITIES

The conditions of the Courts are pathetic which needs to be ameliorated immediately to provide better working environment for the judges. Most of the Presiding Officers of the Court, do not have proper rooms they are working in verandas, record rooms, there is hardly any Court, which may be furnished more than three or four broken chairs for use of lawyers and litigants. In three or four rooms there is hardly one electric fan which covers Presiding Officers table. Such, inadequate arrangements huddle up miseries of the Court. Many Courts lack facilities of computer labs. Libraries have hardly enough books for research and referencing. Even not a single Court is equipped with IT instruments. Many Courts are established in rooms of readers and even in some cases bathrooms of the Court have been converted into Court rooms, (Chowhan,1994).

5. TRAINING OF JUDGES AND COURT STAFF

Training is the basic need for capacity building of any officer. The training enables the Presiding Officer to execute the different tasks by using the knowledge and expertise to decide the cases according to the rules and laws. Professionalism is on decline in District Judiciary due to the reason that most of the advocates are inducted as Judges they are unaware of the Court procedure because at law schools' theories are taught without any particular. Therefore, judicial academies will have to play vital role for training of Judges, (Chowhan,1994, p 61).

Judiciary is manned, managed, and regulated by a Judge hence he should own all attributes and characteristics which make him reputable and Hon'ble to become a Judge. No one is a Judge by birth but mores, education, understanding, modesty, audacity, and determination to administer justice void of prejudice, fright, favor, liking and disliking will make him a Judge (Akhtar,2006, p 205).

Training of staff is also essential. In service training of the Court staff in different areas like time management of Court, correspondence procedure rules, account and budge making, etc. will improve the working standards and will help them to achieve goals. A trained Court staff will help the Presiding Officer to ensure speedy dispensation of Justice, (Chowhan,1994, p 62).

6. HYPOTHESIS

H1A. There is relationship between dispensation of justice in District judiciary of Pakistan and allocation of resources.

Since the present study is of descriptive nature so it used positivist’s philosophy due to its advantages of economical collection of data, opportunity of control over research process and easily comparable data. Shajahan (2004) elaborated five stages of positivistic approach which are as follows:

- Development of hypotheses from the literature.
- Operationalization of hypotheses.
- Testing hypotheses with appropriate statistical tools and techniques
- Decision about hypotheses (Acceptance or Rejection of Hypotheses).
- Modifying the theory in light of findings, if necessary.

The population of study was infinite. Sample size was devised by Godden Formula 2004. The sample was selected through non-probability convenience sampling technique form five categories i.e., 95 litigants, 75 lawyers, 25 Judges, 25 Court administrative staff and 25 officials of law enforcement agencies. Since any published item scale for the measurement of research variables could not be found hence items scale using five-point Likert Scale was constructed to collect primary data, while secondary data was collected through books journals, magazine, records, and online sources. Backup Interviews with judges and other stakeholders were also used.

As the research project is of the social nature, both the qualitative and quantitative methods were used to evaluate statistics to deduce the inference of the hypothesis. Facts and figures emerged from literature and field surveys were analyzed in descriptive and inferential manners. Data of variable(s) and the characteristic(s) was put into database through SPSS 21.0 that gave rise to Data Matrix for further Statistical operation. Tables were also taken from the matrix.

7. RESULT

7.1 Reliability of the measures: Cronbach’s Alpha

The primary task of the researchers is to verify the reliability of the construct due to the reason that better reliable data instills confidence amongst the researchers to advance the research for further analysis of the data collected. For fulfilling such requirements, the inter-item reliability or the Cronbach’s Alpha reliability coefficient of dependent and independent moderating variables is achieved which is all about .639 to .866. The outcomes of Cronbach’s alpha are given in table 2.

Table 2 Reliability test

Construct/Variables	Number of Items	Cronbach’s Alpha- Reliability
Dispensation of Justice	10	.866
Allocation of Resources	9	.844

The outcomes of the reliability test indicate the range of Cronbach’s Alpha, (.639 to .866), which is considered good as scholars are of the view that nearer the reliability coefficients to 1.0, the better, reliability coefficient less than .60 is considered to be poor and reliability coefficient in the range of .70 is acceptable and reliability coefficient those over .80 is good (Sekaran, 1999: 311). Given that the Cronbach’s Alpha for the research study at hand ranges from (.639 to .866), therefore, it can be considered high in reliability.

7.2 Demographic Profile

Table 3 Gender Profile of the Respondents

Gender			
		Frequency	Percent
Valid	Male	221	90.2
	Female	24	9.8
	Total	245	100.0

Gender profile of the respondents mentioned in table 3 depicts that out of 245 respondents, 90.2% are males while remaining 9.8% are female.

Table 4 Profession Profile of the Respondents

Profession			
		Frequency	Percent
Valid	Lawyer	75	30.6
	Judge	25	10.2
	Court staff	25	10.2
	LEAS	25	10.2
	Litigants	95	38.8
	Total	245	100.0

The professional detail of the respondents given in table 4 shows that out of total respondents 61.2% are LEAs, 51% are court staff 40.8% are Judges and the remaining 30.6% are the Lawyers.

Table 5 Qualification Profile of the Respondents

Qualification			
		Frequency	Percent
Valid	Matric	30	12.2
	Intermediate	26	10.6
	Graduate	84	34.3
	Post graduate	105	42.9
	Total	245	100.0

The qualification distribution of the respondents given in table 5 indicates that out of total respondents 57.1% are post-graduates, 22.9% are intermediate and the remaining 12.2 % are matriculate.

Table 6 Experience of the Respondents

Experience		Frequency	Percent
Valid	5 years	53	21.6
	10 years	40	16.3
	More than 10 years	152	62.0
	Total	245	100.0

The detail of experience given in table 6 depicts that 62% of the respondents have more than 10-year experience, 16.3% have 10-year experience and remaining 21.6% respondents have only 5-year experience.

Table 7 Income Profile of the Respondents

Income		Frequency	Percent
Valid	More than 10 thousand	245	100.0

Income distribution of the respondents given in table 7 indicate that all the respondents have an income more than ten thousand.

Table 8 Pendency of Cases

Pendency		Frequency	Percent
Valid	Civil Judge	133	54.3
	Sr. Civil Judge	53	21.6
	ADJ	17	6.9
	D & J	42	17.1
	Total	245	100.0

The detail given in table 8 regarding pendency of cases reveals that majority of the cases (54.3%) are with the Civil Judges. The next higher pendency of cases (21.6%) is with Sr. Civil Judges while the remaining 17.1% and 6.9% cases are pending with District and Session Judges and Additional district judges respectively.

Table 9 Visit Detail of the Respondents

Visit		Frequency	Percent
Valid	less than 5 times	118	48.2
	More than 5 times	127	51.8
	Total	245	100.0

Detail given in table 9 indicates that majority of the respondents (51.8%) visited courts more than five times while the remaining 48.2% respondents were of the view that they visited courts less than five times.

Table 10 Traveling Details of the Respondents

Travel			
		Frequency	Percent
Valid	less than 10 KM	115	46.9
	More than 10 KM	130	53.1
	Total	245	100.0

Traveling detail of the respondents given in table 10 indicates that majority of the respondents (53.1%) travel more than 10KM to reach courts while the remaining 46.9% respondents were of the view that they travel less than 10 KM to reach court and pursue their cases.

7.3 Hypothesis Testing

There is relationship between dispensation of justice in District judiciary of Pakistan and allocation of resources.

Table 11 Model Summary of Regression

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.005 ^a	.000	-.004	.90207

a. Predictors: (Constant), AOR

The second column of the table 11 is R (.005) which indicates relationship of independent and dependent variables. R² (.000) explains the variation in square of R (.005) ². The outcomes / statistical results indicate that the two variables are not mutually correlated that's why independent variable allocation of resources explains .000% variation in the dependent variable Dispensation of Justice. Therefore, allocation of resources (independent variable) has no effective upon dispensation of justice (dependent variable).

Table 12 Table of Regression Model (ANOVA)

ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.005	1	.005	.006	.938 ^b
	Residual	198.735	244	.814		
	Total	198.740	245			

a. Dependent Variable: DOJ
b. Predictors: (Constant), AOR

The statistical results in the fifth column of the table 12 show that the F statistics are .006 for model 1. It indicates that allocation of resources (independent variable) is not explanatory of dispensation of justice (dependent variable).

Table 13 Coefficient of Regression Model

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.639	.398		6.636	.000
	AOR	.007	.093	-.005	.077	.938

a. Dependent Variable: DOJ

From the results deduced from statistical data shown in fifth column of the table 13 explain that calculated t-statistic (.077) in the model is not significant as the calculated p-value (.938) is more than 0.05 levels and indicates unimportant impacts of allocation of resources on dispensation of justice. On the basis of statistical data insignificance of the model it is concluded that hypothesis is rejected.

8. DISCUSSION

Under this research study different functional elements of allocation of resources like budget, funding, research projects, infrastructure, provision of basic necessities, introducing new technologies to court establishment, training of judges and administrative staff were studied, and questionnaire was constructed to find out the impact and relationship. The study has tried to unearth the relationship between the allocation of resources and dispensation of justice that whether allocation of resources does affect the rate of dispensation of justice in district judiciary of Pakistan. Moreover, this research also studies the impacts of allocation of resources on dispensation of justice.

The statistical data pointed out that the allocation of resources is not co-related with dispensation of justice in district judiciary of Pakistan. Moreover, allocation of resources was not found significant explanatory of dispensation of justice in a simple regression analysis. However, when we checked the impact of allocation of resources on dispensation of justice through multiple regression, we found significant positive impacts of allocation of resources on the dispensation of justice in district judiciary of Pakistan. Finding of this study are supporting that the conditions of the Courts are pathetic which needs to be ameliorated immediately to provide better working environment for the judges. Most of the Presiding Officers of the Court, do not have proper rooms they are working in verandas, record rooms, there is hardly any Court who may be furnished more than three or four broken chairs for use of lawyers and litigants. In three or four rooms there is hardly one electric fan which covers Presiding Officers table. Such, inadequate arrangements huddle up miseries of the Court. Many Courts lack sanitation facilities there is not a single computer in any Court. Libraries have hardly enough books for research and referencing. Typewriters are insufficient. Even not a single Court is equipped with IT instruments. Many Courts are established in rooms of readers and even in some cases bathrooms of the Court have been converted into Court rooms, (PLD,1994).

9. CONCLUSION

Statistical data shown in different tables indicate that allocation of resources has insignificant positive impact upon dispensation of justice.

RECOMMENDATIONS

- Government of Pakistan must pay heed to third pillar of the State by allocation of more resources so that it can further strengthen itself to cope with the issues to enhance dispensation of justice.
- Emoluments of judges should be enhanced so that professional lawyers join this profession.
- Steps should be taken to enhance capacity building of judges so that they can resolve issues promptly.
- Application of Information Technology to be introduced to court system to make it more efficient for smooth functioning of the court.
- Training should be imparted to court staff for smooth functioning of courts.

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