



EVALUATING THE IMPACT OF STRENGTH OF JUDGES ON DISPENSATION OF JUSTICE IN DISTRICT JUDICIARY OF PAKISTAN

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ABSTRACT

It is duty of courts to dispense justice to public at large in accordance with Law and Constitution. The court is regarded as temple of justice and judge is the highest chief priest to ensure justice (Adelola 1997, p 139). The judiciary is the citadel of hope for common man. As Aristotle says to go to judge is to go to justice but often it is unspeakable that judiciary is sometimes meaningless in ensuring justice (Ayodele 2004, p 62). There are different reasons that hinder the process of dispensation of justice and cause failure of the system, one of them is inadequate number of judges and non-availability of courts. Under the Judicial hierarchy District judiciary is the initial forum of Justice System. People almost start their litigation from this stage. Everyone talks about delays and slow rate of dispensation that crumbles the trust of people in this third pillar institution of the state. This paper studies the dearth of judges or inadequate number of judges at the level of district judiciary that becomes the one of the major causes of slow dispensation of justice. It discusses the relationship of dispensation of justice with strength or number of judges in district judiciary of Pakistan. The Research

was done by developing a hypothesis and after operationalization of hypothesis it was tested with statistical tools and techniques to get results. Population of study was infinite therefore the required sample of 245 people from five categories 95 litigants, 75 lawyers, 25 Judges, 25 Court administrative staff and 25 Law enforcement agencies was selected through non-probability convenience sampling technique. Five-point Likert scale was used to measure research variables. The study explored the significant relationship of strength of judges with dispensation of justice as both the variables were mutually co related.

Key words: strength or number of judges, Dispensation of justice, District Judiciary

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1. INTRODUCTION

Pakistan is a developing country where Strength of judges is not up to mark and such shortage of judges is common issue at level of District Judiciary which need prompt response from the people at the helm of affairs. Judicial Statistics of Pakistan 2014 shows that, the total strength of judges in District Judiciary of Pakistan was about 2150 judges (SCP,2014) and total pending cases were 1,523,253. The number of judges seems to be very meager against the huge heap of pendency. If the average workload on each judge of the district judiciary is evaluated by adopting formula total pendency divided by number of judges, it will be 712.209 cases per judge. The total strength of judges in District Judiciary of India is about 15340 judges with 459 courts. District Courts of India needs 10 years to clear pending cases (NJDGI,2014). The workload on each judge of Indian District Court is about 1310 cases. In developed countries like UK, USA and Canada, the judge - population ratio is much higher. For example, in UK and USA, it is more than hundreds for one million people while in Pakistan and India it revolves around 10 judges per one million people (Zahid,2010).

District judiciary is the 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 by Raza Ullah Shah, Shadi Ullah Khan & Sumera Farid (2014) 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 effects.

2. LITERATURE REVIEW

Slow rate of dispensation is a burning issue faced by the judiciaries of developing countries including Pakistan. Strength or number of judges and courts is amongst one of causes of slow rate of dispensation of justice. Such inadequate number of courts and judges hinder the access of justice to people. In the context of Pakistan, the statement of Chief Justice of Pakistan Mr. Justice Anwar Zaheer Jamali (2015 till date) on his address to Senate of Pakistan on 03.11.2015 is much clear to evaluate the condition of access to justice in Pakistan. He said that few have access to courts and where there is access, the quality of justice provided is often deplorable. This poor quality of Justice affects the majority. He further added that the inaccessibility of

formal justice at the grassroots leads to the continuance of a parallel, informal system of justice like panchayats and jirgas handling about 80% of disputes (Iqbal,2015, November,5).

Insufficient strength of judges has always remained a challenge for the judiciary. Talking on the issue of strength of judges, Mr. Anwar Zahir Jamali Chief Justice of Pakistan informed the delegates of Pakistan Naval Staff Course, Pakistan Navy War College, Lahore that Lahore High Court has 60 judges, Sindh High Court 40, Balochistan High Court 11, Peshawar High Court 20 and Islamabad high Court 7. Sindh High court needs 13 judges to complete its sanctioned strength while, Balochistan High Court requires 3 judges, Peshawar High Court 4 and Islamabad High Court 2 judges. All the judges will be elevated on merit. He put emphasis that judiciary is working under inadequate resources. Judiciary is duty bound to dispense justice. Heavy pendency is the cause of irresponsibility of different institutions that are not dispensing their duties in accordance with law (Kamboyo,2015). Independence of any institution relates to its functioning with full strength of its human resources. The institution of judiciary which already is working under limited resources or depleted manpower can never be able to discharge its duties satisfactorily (Khosha,1994).

Moreover, job conditions of its judicial officers are not lucrative to win over talented people to join this institution. A Judge who is comfortable at peace can attend to his work in satisfactory and independent manner. Vice Versa if a Judge is in physical discomfort regarding financial needs can never be in a proper frame of mind to resolve other problems or disputes. Therefore, it is incumbent upon State to take measures in this respect so that judicial officers can dispense justice independently. Moreover, judiciary as an institution must ensure their independence by to advance the spirit of the Constitution and to accomplish Constitutional mandate of independence of the Judiciary being fully secure (Khosha,1994).

Heavy workload on each judge affects its capacity and performance. If a Judge is already stretched beyond the capacity, then how can a common people expect speedy justice from the system? (Sattar,2012). Judges and population ratio is also uneven that also needs to be equated. If number of Judges remains inadequate then it is inconvenient to cope with the huge accumulation of cases (Nawaz,2003).

Total number of judges in Indian District courts is 15340 against the population of 1000 million while Pakistan District courts have only 2150 Judges against the population of 180 million populations.

Judges-population ratio in some advanced countries is as under (Kumar 2012).

Table 1 Number of judges over a million people

Country	Number of judges over a million people
Australia	41
Canada	75
England	51
USA	107
India	13
Pakistan	10

Record of last six years for strength of judges at district judiciary of Pakistan (LJCP,2009-14) is as under.

Table 2 Strength of Judges 2009 – 2014

Year	Strength of Judges
2009	2085
2010	2126
2011	2071
2012	2060
2013	2112
2014	2150

If the data of last six years of District judiciary of Pakistan is evaluated, the rate of dispensation will be 6496.1920777 per day. If average number of judges is 2100, the average disposal by each judge will be 3.09 cases per day, while institution per judge per day is 3.10 cases. The institution rate is higher than disposal.

3. HYPOTHESIS

H1A. There is a relationship between dispensation of justice in District judiciary of Pakistan and strength of judges in District judiciary.

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 from 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 analyze data into information and deduce support for the hypotheses generated from the literature. Both literature and field surveys gave rise to a body of facts and figures, which were analyzed both descriptively as well in inferential manners. By using SPSS 21.0, empirical data was put into a well-structured database comprising research variables and their characteristics to get a Data Matrix for statistical manipulation. All the descriptive tables were created from the same matrix.

4. RESULTS

4.1. 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 3.

Table 3: Reliability test

Construct/Variables	Number of Items	Cronbach’s Alpha- Reliability
Dispensation of Justice	10	.866
Strength of Judges	9	.639

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.

4.2. Demographic Profile

Table 4 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 4 depicts that out of 245 respondents, 90.2% are males while remaining 9.8% are female.

Table 5 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 5 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 6 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 6 indicates that out of total respondents 57.1% are post-graduates, 22.9% are intermediate and the remaining 12.2 % are matriculate.

Table 7 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 7 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 8 Income Profile of the Respondents

Income			
		Frequency	Percent
Valid	More than 10 thousand	245	100.0

Income distribution of the respondents given in table 8 indicate that all the respondents have an income more than ten thousand.

Table 9 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 9 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%) are 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 10 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 10 indicates that majority of the respondents (51.8%) visited courts more than five times while the remaining 28.2% respondents were of the view that they visited courts less than five times.

Table 11 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 11 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

5. HYPOTHESIS TESTING

There is relationship between dispensation of justice in District judiciary of Pakistan and strength of judges in District judiciary.

Table 12 Model Summary of Regression Analysis

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.134 ^a	.018	.014	.89395

a. Predictors: (Constant), SOJ

In the second column of the table 12 is R (.134). It explains a relationship of independent and dependent variable whereas the R² (.018), which is the explained variance, actually the square of R (.134) ². The given statistics point out that two variables are mutually correlated, and independent variable strength of judges is explaining .018% variation in the dependent variable. It shows that there is some positive relationship between the two variables.

Table 13: Table of Regression Model (ANOVA)

ANOVA ^a						
	Model	Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.547	1	3.547	4.438	.036 ^b
	Residual	194.193	244	.799		
	Total	197.740	245			

a. Dependent Variable: DOJ

b. Predictors: (Constant), SOJ

The fifth column of above-mentioned table 13 shows that the F statistic is (4.438 for model 1), which indicates that the independent variable strength of judges is explaining variation in the dependent variable dispensation of justice.

Table 14 Coefficient of Regression Model

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.762	.406		4.340	.000
	SOJ	.212	.101	.134	2.107	.036

a. Dependent Variable: DOJ

From the results mentioned in fifth column of the table 14 it can be inferred that calculated t-statistic (2.107) in the second last column of the table 14 is significant at .036 levels and indicates significant positive impacts of strength of Judges on dispensation of justice. On the

basis of statistical significance of the model, the hypothesis stands proved as it shows the positive relationship of the strength of judges with dispensation of justice in district judiciary of Pakistan.

6. DISCUSSION

Insufficient strength of judges has always remained a challenge for the institution of judiciary. Heavy workload of cases affects the working capacity of a judge, (Sattar,2012). Moreover, in our country judge and population is not up to mark for dispensation of justice. Population is exploding day by day but number of judges is not increasing at the same pace. We have only 2150 judges in district judiciary against the population of more than 180 million.

This research study explains the impact and relationship of strength of judges with dispensation of justice that how does the strength of judges affect the dispensation of justice in district judiciary of Pakistan. The statistical data acquired after different tests indicate that strength of judges is co-related with dispensation of justice because of the reason that strength of judges shows variance in dispensation of justice. The relationship between the two is positive / significant meaning that change in strength of judge causes change in dispensation of justice in district judiciary of Pakistan. Findings of the study support the findings of Babar Sattar reported in his paper *the Role of Judiciary in Good Governance, presented at the International Judicial Conference, 2012 Islamabad*. He infers that heavy workload on each judge affects its capacity and performance. If a Judge is already overburdened, then how can an ordinary people expect prompt justice from the system? Judges and population ratio is also uneven that also needs to be equated.

7. CONCLUSION

On the basis of theoretical knowledge and primary facts, it is inferred that strength of judges has positive or significant impact on the dispensation of justice in district judiciary of Pakistan. Results of the study indicate that strength of judges and dispensation of justice are mutually co-related. Moreover, strength of judges explains significant positive variation in dispensation of justice.

RECOMMENDATION

- Pakistan judiciary has the lowest judge population ratio that needs to be improved and enhanced as per International Standard.
- District judiciary of Pakistan has 2150 judges against population of 180 million people. Government of Pakistan should take prompt measures to create new courts and induct more judges to deal with the issues of ever enhancing pendency and institution of cases.
- Government of Pakistan must take steps for the training of investigation officers and prosecutor so that increasing rate of acquittal can be controlled at some length.
- New courts should be created at Tehsil level to ensure easy access to justice.

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