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Reforming Prosecutorial & Judicial Interactions In Pakistan: A Study of Institutional Performance, Accountability & Public Trust.

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ABSTRACT

The prosecution and the judiciary have a critical role in the criminal justice system in Pakistan. The two institutions have poor coordination, even though the constitution has safeguarded the independence of the judiciary, and their recent reforms have been geared towards enhancing the prosecutorial services. The gaps and their involvement with politics create inefficiencies that affect the fairness and effectiveness of trials. The research conducts a thorough review of legal frameworks, academic publications, and policy documents to evaluate the effects of the prosecution-judiciary interaction on conviction rates, trial delays, and public trust. The findings indicate that prosecutors are often unprepared and absent during the pre-trial phase, which leads to several adjournments and poor evidence. Overworked judges also fail to get the support during the procedure to make adjudication effective. Among the suggestions that are made by the study are increased autonomy of prosecutors, joint case-management systems, and adoption of performance-based accountability to enhance the outcomes of justice in Pakistan. **Keywords:** challenges, criminal justice, institutional coordination, judiciary, prosecution

INTRODUCTION

The criminal justice system of Pakistan is in a huge crisis of confidence. No conviction rate would be higher than 15 percent (Ullah et al., 2025). Such failures in the system distort the rule of law, empower criminals, and undermine the trust of citizens in the judicial system (Warraich & Butt, 2024). High-profile cases fail due to

a poor level of evidence, extended adjournment, and the lack of efficiency of the prosecutors, instilling a feeling of impunity in society (Azhar et al., 2025).

Even though there has been a lot of emphasis on the police prosecution relation, the prosecution judiciary link is also a crucial connection that is ignored. The prosecutors should ensure that they offer cases of an evidentiary standard, and the judges should hear them without bias and efficiently. Lack of coordination among these institutions results in a lack of coherent handling of cases, redundant delays, as well as inconsistent enforcement of the law

(Rasool & Abdullah, 2023). Poor prosecutorial preparation results in a situation whereby judges are left with cases whose strength is not well established, whereas overcrowded court registries only reduce efficiency in a trial (Azhar et al., 2025). Better coordination will minimize case dismissals, improve the speed of trials, and rebuild the confidence of people in the justice system of Pakistan (Waseem, 2024).

The legislative changes, like the Police Order 2002 and the National Judicial Policy 2009, were intended to enhance accountability and institutional specialization (Azhar et al., 2025). But these reforms have failed to combat the structural inefficiencies of the prosecution- judicial relationship (Watto, 2022). Prosecutors are still underfunded and politically exposed; judges do not have the procedural backing they need to adjudicate in a timely manner (Siddiqi, 2020).

Research Justification

Prosecution-judiciary nexus is a relatively unexplored field of justice in Pakistan. Current studies identify the aspects of police ineffectiveness and political meddling, but rarely address the fact of prosecutorial incompetence and the judicial bottlenecks that contribute to the same effect. The association between judges and prosecutors is a decisive factor since the conviction rates in Pakistan are low, and the delays in the trial process are common.

Although the constitution guarantees the independence of the judiciary, the prosecutors are commonly poorly financed, they are not properly trained, and they can be pressured by the political forces. The judicial system, on its part, has a hard time with the heavy workloads and the postponed trials.

The result of this dysfunctional relationship is the manifestation of weak evidence, adjournment, and acquittal that undermines the deterrence effect of the justice system. This nexus needs to be studied for two reasons. First, it demonstrates how policing is only the tip of the iceberg of the institutional failures in criminal adjudication. Second, it gives practical recommendations for reform. Developing an appreciation of the system-level obstacles to interprosecutorial and judicial coordination will inform policymakers about introducing specific reforms like early prosecutorial intervention, combined case-management models, and performance-based accountability.

Research Objectives

1. To discuss the historical context of the prosecution–judiciary nexus in Pakistan.
2. To highlight the theoretical context of the trial–judiciary nexus in Pakistan
3. To analyze the laws regarding the prosecution-judiciary nexus in Pakistan.
4. To identify the key challenges relating to. prosecution-judiciary nexus in Pakistan.
5. To explore the opportunities for the prosecution-judiciary nexus in Pakistan
6. To propose effective prevention and intervention strategies.

RESEARCH METHODOLOGY

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Regency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

LITERATURE REVIEW

In 2009, the National Judicial Policy implemented reforms that decoupled prosecutorial services and police control (Garrod, 2024). It was aimed at professionalizing the work of a prosecutor and enhancing the accountability of the judiciary. Practically, though, the independence exists theoretically, but there is still no complete cooperation between prosecutors and judges. These reforms are supported by the international best practices, which consider the prosecutors to be the gatekeepers of justice who assist the judges to ensure due process (Wattoo, 2022). Theoretically, prosecutors are supposed to produce well-built cases to ensure that the judges make fast decisions (Rasool & Abdullah, 2023). As a matter of fact, Pakistani prosecutors are frequently under-equipped and untrained. At the same time, judges

deal with an immense backlog and structural inefficiency that postpones justice (Siddique, 2020).

Empirical research indicates that structural and cultural dissimilarity compromises coordination. Prosecutors are usually speed-oriented, as the performance of the prosecutor is also measured by the rate of convictions and not the rate of proper case building (Ullah et al., 2025). The judges are limited by the evidentiary rules and high volumes of cases, and clear cases are thrown out, resulting in high acquittal rates. This lack of alignment leads to a lack of trust between the two institutions and discredits the system (Rasool & Abdullah, 2023).

Comparative research reveals that the higher the level of involvement of prosecutors in investigations and the regularity of case conferences with judges, the higher the conviction rates and procedure efficiency (Garrod, 2024). The disjointed model of Pakistan, on the contrary, sustains the spirit of inefficiency. The literature thus points to the urgency of structural changes to coordinate the work of prosecutors and the court, generate institutional credibility, and focus more on the results of justice than on the bureaucratic boundaries.

Historical Context of Prosecution and Judiciary Nexus in Pakistan

The prosecution judiciary relationship in Pakistan dates back to the colonial times, with the Code of Criminal Procedure of 1898. The police in that system of fusion dealt with investigation and prosecution. The judiciary heavily depended on the cases prepared by the police (Warraich & Butt 2024). This setup promoted uncritical evidence to arrests, thus producing trials that were weak, and conviction rates were low (Siddiqi, 2020).

The prosecutor and judicial functions were split in the early 2000s, which critics required.

The 2002 Law Reforms Ordinance and the 2009 National Judicial Policy were intended to establish independent prosecutor services and provide the judges with increased authority over the management of the case (Warraich & Butt 2024). The reforms aimed to be more accountable and less political. Regardless of these reforms, institutional interdependence was underestimated (Azhar et al, 2025). The prosecutors were still underfunded and lacked the appropriate support to investigate. They also frequently missed judicial decision-making (Rasool & Abdullah, 2023). Courts were still experiencing huge backlogs, and prosecutor inefficiency aggravated the situation.

The inability to balance the roles resulted in the introduction of coordination gaps in the current day (Watto, 2022). Accordingly, the reforms divided functions, but they failed to create the collaborative model that prosecutorial-judicial synergy requires (Siddiqi, 2020). Such legacies continue to impact the effectiveness, justice, and transparency of the justice system in Pakistan.

Theoretical Context of Prosecution and Judiciary Nexus in Pakistan

The connection between prosecutors and judges in Pakistan is explained through two important theoretical frameworks. According to institutional theory, organizations respond to external pressures in a manner that increases the divide in

practices. In Pakistan, the prosecutors and the judges operate in parallel but poorly networked silos that are aggravated by political interference, limited resources, and colonial legacies. These formal cracks bring about inefficiency and mistrust that obstructs coordination in handling criminal cases.

The coordination theory is concerned with the standardization, feedback, and planning of tasks of interdependent actors. Discoordinate dependencies, such as the late entry of the prosecutor and overworked judges, can be traced through the theory in the Pakistani justice system, where the lack of coordination is the consequence. Systemic failures in terms of synchronization of tasks manifest through procedural bottlenecks, frequent adjournments, and poor evidence presentation. The theories combined are the reason constitutional judicial independence does not necessarily result in efficient justice. Systemic inertia persists without mechanisms to make prosecutor preparation consistent with judicial decision-making. Hence, the theories propose that reforms should extend beyond structural independence and rather emphasize coordination tools, such as joint training, performance feedback, and online case- management systems.

Laws Regarding Prosecution and Judiciary in Pakistan

The relationships between the prosecution and the judiciary in Pakistan are controlled by several important laws, and such laws serve the purpose of controlling the behavior of prosecutors and judges.

Code of Criminal Procedure, 1898 (CrPC) - regulates how criminal trials are carried out, what prosecutors should present, how evidence should be dealt with, and how judges should decide cases.

1. **Pakistan Penal Code, 1860 (PPC)** – sets out the crimes and punishments that the courts impose depending on the filings by the prosecutors.
2. **Qanun-e-Shahadat Order, 1984 (QSO)** regulates the admissibility of evidence and, therefore, the prosecutors are required to adhere to the strict requirements of evidence admissibility that the judges exercise.
3. **Police Order, 2002** - dedicated to the work of the police, it does not exclude the coordination of prosecution and courts, defining who may conduct investigations.
4. **National Judicial Policy, 2009** - obligates the courts to complete cases in a short time, and it expects the prosecutors to perform efficiently so that the backlogs can be reduced.
5. **Federal Prosecution Service Act, 2023** - establishes a federal prosecution service and provides it with more definite responsibilities to collaborate with courts.

Challenges for Prosecution & Judiciary in Pakistan

1. **Corruption:** Pakistan's legal system is still clogged by corruption. Bribery, manipulating cases, and abusing discretionary powers within the prosecution and judiciary undermine public confidence. Because these practices disproportionately harm marginalized groups, it is believed that justice is a negotiable rather than an objective concept.
2. **Inequitable Access to Justice:** Low-income citizens face obstacles due to limited prosecutorial capacity, high litigation costs, and drawn-out trials due to a

heavy backlog of cases.

3. Human Rights Concerns: Inefficient prosecution–judiciary processes indirectly enable human rights violations, such as prolonged pre-trial detentions, the misuse of anti-terrorism laws, and delayed remedies for victims, Courts have been criticized of not stopping these abuses due to the under-preparation of prosecutors and the congested judicial systems and this has only further tarnished the reputation of the justice system of the country.

4. Judicial Autonomy: Despite the independence of the judiciary that is promised by the constitution, cases of political influence and pressure by the executive are still rife. These intrusions often distort adjudicative decisions, undermining objectivity and redefining prosecutor interests. As a result, there is a loss of institutional credibility and the principle of separation of powers.

Opportunities for Prosecution & Judiciary Nexus in Pakistan

1. Early Prosecutorial Involvement: Ensuring the presence and participation of the prosecutors in the investigative process early and prior to the judiciary can increase the quality of evidence and maintain transparency.

2. Joint Case Management Systems: Digital systems allow real-time communication as well as coordination between prosecutors and judges to reduce unnecessary adjournments and procedural delays.

3. Judicial–Prosecutorial Training: Collaborative Training in evidence gathering, laws, case preparation, and trial management can foster mutual trust and early disposal of the cases.

4. Performance Indicators: The transition to conviction- and efficiency-based measures, rather than arrest-based ones, can make everyone responsible. And can eradicate the bias in the institutions overall.

5. Specialized Liaison Units: Established Special coordination unit deals with delicate or complicated cases, can facilitate inter-institutional cooperation, such as semi-formal arbitrations of the citizens, whereby they don't need to file cases for petty matters.

These opportunities will require political goodwill, allocation of resources, and legal changes that will harmonize prosecutorial and judicial functions as well as the reputation and trust of the citizens, as they are guaranteed in the constitutional settings. Moreover, such structural reforms and changes will build the strong confidence of the citizens in the state.

DISCUSSION

In Pakistan, the criminal justice system of prosecutors and judges is interconnected. They are both supposed to be used to administer justice, and a lack of coordination negatively affects efficiency and fairness. In cases where the prosecutors are acting tardily or more ineffectively, the judges have a weakly supported case. Combined with a high court workload and snarls, justice is delayed. It causes low conviction rates and loss of trust by the people. Research indicates that the earlier the prosecutors are involved in the investigations and the case

conferences with the judges are conducted in a structured manner, the better the results. The system in Pakistan remains disjointed with duplicated institutions and duplication of roles.

Sealing this divide requires the changes that intertwine collaboration, including collective training, the use of digital cases, and collective responsibility. Enhanced coordination not only increases the conviction rates but also enhances judicial credibility and public confidence.

CONCLUSION

The prosecution-judiciary relationship in Pakistan is vital but underdeveloped. The lack of coordination, protracted prosecutors, and the clogged docket are all hazardous to fair trials and to the rule of law. This relationship should be enhanced by reforms that concentrate on one of the following issues: early prosecutor involvement, superior case handling, and joint responsibility. It is important to have clear laws and institutional collaboration to enhance the conviction rates and restore the confidence of the people. The closer correspondence between the prosecutors and the judges is not a mere formal measure; it is a key to the delivery, protection of rights, and strengthening the rule of law in Pakistan.

Recommendations

1. **Ensure early prosecutorial involvement in investigations.** Prosecutors need to participate in the early stages of investigations. Their advice assists in the collection of evidence in the right manner and makes it admissible in court. It can enhance the preparation of cases and minimize the chances of being dismissed.
2. **Establish joint training programs for prosecutors and judges.** Shared knowledge of evidentiary standards and trial management, human-rights obligations are created by collaborative workshops. These programs can encourage credibility and uniformity within institutions.
3. **Introduce legislative reforms clarifying prosecutorial–judicial roles.** Effective statutory definitions minimize the functional overlaps, conflicts, and increase accountability. Role clarity also brings about both institutions to pursue similar justice outcomes.
4. **Institutionalize pre-trial conferences for case preparation.** Frequent pre-trial conferences between judges and prosecutors can detect weaknesses in evidence at an early stage. They can make the processes lean and lessen the unwarranted adjournments.
5. **Develop joint performance evaluation metrics.** Similar indicators include quality of conviction and duration of a case, which help to promote cooperation rather than blame-shifting. It enhances accountability and performance.
6. **Implement integrated digital case management systems.** A digital case flow and coordination management system can also minimize delays and enhance the transparency of the processes.
7. **Establish liaison units for complex cases.** Liaison units can help understand the complexities of legal matters before they rush to the courts.

8. **Increase financial and human resource allocation.** Sufficient resource allocation can promote efficiency in the departments, both the prosecution and judiciary, to work effectively.

9. **Create independent oversight mechanisms for accountability.** The accountability mechanism should also be adopted to ensure the efficiency of these departments and their coordination.

10. **Promote public awareness campaigns on justice processes.** Law literacy of the citizens on prosecutorial and judicial processes promotes transparency, trust, and the involvement of citizens in enhancing the rule of law.

Research Limitations

In this research, the primary sources used include academic literature, judicial policy, and official reports. Although such sources provide valuable information, they might not be as representative of the hidden aspects of the daily prosecution and judiciary's relationships. The lack of primary data, including in-house court records or prosecutor databases, means that we can only investigate the subject so far. In addition, there are disparities between provinces that have their own legal system and resources, which make generalization of the findings difficult. The political sensitivities with respect to judicial independence and prosecutor accountability also minimize transparency. Regardless of these shortcomings, the research is capable of establishing a strong and profound analytical base on the topic of institutional coordination and giving practical suggestions on further changes to undertake for the betterment of the researched area.

Research Implications

The results indicate that we require a better set of laws that delineate the functions of prosecutors and judges.

1. **Institutional Coordination:** The research identifies the importance of common facilities such as pre-trial conferences, liaison units, and case-management committees. Such tools allow prosecutors and those who are being prosecuted to interact straight away and make decisions.

2. **Capacity Building:** The joint training programs enhance the case preparation skills of the prosecutors and the speed of judges in settling the cases. Trust is also developed through shared learning, and institutional rivalries are undermined.

3. **Technological Innovation:** E-court tools and digital case-management systems make the process of paperwork, scheduling, and the sharing of evidence easier.

4. **Academic Contribution:** The study provides the framework for research on the coordination of institutions in the justice system of Pakistan. It also offers good comparisons to the other emerging democracies that are struggling to balance the prosecution and the judiciary.

Future Research Directions

Future research on exploring institutional coordination of prosecution and judiciary in Pakistan could focus on several key areas to address existing lacunas and make the system efficient:

1. **Empirical Case Studies:** Further studies can focus on institutional coordination

and its challenges. These studies have the potential to reveal realities of practical challenges in handling cases and legal proceedings in the field.

Provincial Comparisons: Comparative analysis and work across provinces can draw the differences in resource and budget allocation, legal frameworks, and administrative practices.

2. Stakeholder Perspectives. Officials and office bearers can be interviewed to explore the realities and experiences which may expose matters of trust, accountability, and political interference in the legal proceedings.

3. Comparative Jurisdictions: cross-national studies can highlight the issues and their solution by in-depth viewing of the judicial systems of other countries.

Impact of Technology: A study of the impacts of digital case management, e-filing systems, and forensic technologies on the prosecution and judicial interaction could provide practical lessons about modernization and efficiency.

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