

Phone: 051 9214506

Fax: 051 9214797



LAW & JUSTICE COMMISSION OF PAKISTAN  
SUPREME COURT BUILDING  
CONSTITUTION AVENUE  
ISLAMABAD

\*\*\*\*\*

Islamabad, the 2<sup>nd</sup> July, 2022

## **PRESS RELEASE**

### **WORLD JUSTICE PROJECT “RULE OF LAW INDEX, 2021” IS BASED ON PERCEPTION RATHER THAN REAL DATA**

The World Justice Project’s (WJP) Rule of Law Index 2021 report published in October 2021, has placed Pakistan among the lowest ranked countries in its adherence to the rule of law (ranking 130th out of 139 nations). The WJP defines the Rule of Law on four (04) principles: Accountability, Just Law, Open Government and Accessible and Impartial Justice. The Index measured the rule of law in countries around the world depending upon the experience and perception of the public on the basis of **Nine (09) Factors** monitored under “Constraint on Government Power, Absence of Corruption, Open Government, Fundamental Rights, Security and Order, Regulatory Enforcement, Civil Justice, and Criminal Justice and Informal Justice.”

Prima facie, the WJP’s theoretical framework of evaluation (the **4 principles, 9 factors and 44 sub-factors**) appears robust, however, the Law and Justice Commission’s assessment of their application in general and on Pakistan in particular finds certain avoidable gaps. Some are listed here: -

- 1) Only two factors out of nine, deployed for determination of rule of law index across countries, relate to judicial system i.e. Civil Justice and Criminal Justice, while remaining seven relate to the governance system, executive efficiency and behavior of the society. In Civil Justice, Pakistan was globally ranked at 124 out of 139 jurisdictions, while in Criminal Justice it was placed at 108 amongst the 139 countries. It may also be noted that besides the judiciary, these two factors involve other state departments such as the police, prosecution, prisons and the lawyers’ community including the general public. It is added that in a traditional and heterogeneous society, the casual behavior of the general public towards litigation hampers its expeditious disposal. However, these underlying factors are not in the control of judiciary anywhere in the country and have been overlooked in the Report.
- 2) The methodology employed to arrive at the results has raised a number of questions e.g. General Population Poll (GPP) was not carried out afresh when the Rule of Law Index, 2021 was published. In Pakistan, Gallup Pakistan conducted face-to-face interviews with 1,000 respondents in 2019 from unidentified cities and this data was used for the Index 2020 and the current year’s Index ranking too. The respondents

selected were not only regionally limited but also no information has been added whether they had any direct exposure or experience of interaction with any legal or justice sector related department in Pakistan. Survey based on such a small sample, limited areas and unrepresentative selection does not accurately reflect the opinion of 230 million population. Furthermore, the data collected was based on a “presumptive scenario” and “perception” of the respondents without actual statistics being consulted during evaluation. It is observed that neither the LJCP nor the correlated data on its website or such like institutions was considered while evaluating the performance relating to administration of justice in Pakistan.

- 3) The title of the report also “Rule of Law Index” also creates an impression that it is focused on the performance of the judicial organ of the state. The inherent problem of the expression ‘rule of law’ is that it is a frequently used term but rarely defined. A globally accepted definition of the rule of law is yet to be agreed upon by the nations. Given this, there is a need to distinguish between the judicial system and the rule of law. It appears the report fails to appreciate relationship between the two.

The Judiciary in Pakistan has always upheld the rule of law and ensured the expeditious disposal of the cases. The NJPMC resolved that the Judicial System of Pakistan would not disappoint the people and the Courts have been working dedicatedly and steadfastly during the Covid pandemic. During the years 2021-2022, the courts decided 5.62 million cases against institution of 5.47 million, thereby, reducing the backlog. It reflects the commitment of the Judiciary to ensure expeditious disposal of cases as envisaged in National Judicial Policy against all odds as well as reflecting the trust of the people of Pakistan on courts as indicated in WJP, Rule of Law Report 2017 too.

The Secretariat of Law and Justice Commission has written on 23<sup>rd</sup> June, 2022 to the Executive Director, of the World Justice Project, Washington at its email ([wjp@worldjusticeproject.org](mailto:wjp@worldjusticeproject.org)) about the above concerns. The World Justice Project has been asked that prior to conducting its evaluation in future, the issues raised above are taken into consideration so that a true and accurate picture, especially relating to Pakistan’s judiciary is thereby presented.

The WJP has not responded with any details about contacting its team. The email address mentioned at its website is generic and there is no confirmation of the receipt of our letter. We look forward to a response from WJP regarding the concerns raised by the LJCP.

Raja Muhammad Faisal Iftikhar  
Deputy Secretary (Admn)  
Law & Justice Commission of Pakistan