Law Reform in Pakistan attracts such disparate champions as the Chief Justice of Pakistan, USAID, and the Taliban. Common to their equally obsessive pursuit of "speedy justice" is a remarkable obliviousness to the historical, institutional and sociological factors that alienate Pakistanis from their formal legal system. This pioneering book highlights vital and widely neglected linkages between the "narratives of colonial displacement" resonant in the literature on South Asia’s encounter with colonial law and the region’s post-colonial official law reform discourses. Against this backdrop, it presents a typology of Pakistani approaches to law reform and critically evaluates the IFI-funded, single-minded pursuit of "efficiency" during the last decade. Employing diverse methodologies it proceeds to provide empirical support for a widening chasm between popular, at times violently expressed, aspirations for justice and democratically deficient reform designed in distant IFI headquarters that is entrusted to the exclusive and unaccountable Pakistani "reform club."

Osama Siddique is Associate Professor at Lahore University of Management Sciences. He has previously worked as a transactional lawyer at two leading US law firms and as an advocate in the Pakistani appellate courts. His research articles have published in a number of international academic law journals.
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ABBREVIATIONS

ADB  Asian Development Bank
ADB PCNA ADB Post-Conflict Needs Assessment
AJP  Access to Justice Program
APR  Annual Performance Review
BBLC Bench-bar liaison committees
BJA  Baluchistan Judicial Academy
CCO  Civil Courts Ordinance 1962
CELE Center of Excellence in Legal Education
CLA  Corporate Law Authority
CLT  classical legal thought
CRF  Conflict and Risk Framework
CrPC Criminal Procedure Code 1898
DDA  Development Deficit Assessment
DFID Department for International Development
DPRC Development Policy Research Center
DSJ  District and Sessions Judge
EB  Enumeration Block
EC  European Commission
FATA Federally Administered Tribal Areas
FILE Fund for Innovations in Legal Education
FJA  Federal Judicial Academy
FOSI Foundation Open Society Institute
FSC  Federal Shariat Court
GB  Governing Shariat Court
GMI  gross monthly income
HRCP Human Rights Commission of Pakistan
IBAHRI International Bar Association Human Rights Institute
IFI  International Financial Institution
ILO  International Labor Organization
KP  Khyber-Pakhtunkhwa
KPJA Khyber-Pakhtunkhwa Judicial Academy
LEAPS Learning and Educational Achievements in Punjab Schools
<table>
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<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tr>
<td>LEF</td>
<td>Legal Empowerment Fund</td>
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<tr>
<td>LJCP</td>
<td>Law &amp; Justice Commission of Pakistan</td>
</tr>
<tr>
<td>LUMS</td>
<td>Lahore University of Management Sciences</td>
</tr>
<tr>
<td>MICS</td>
<td>Multiple Indicator Cluster Survey</td>
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<tr>
<td>MIT</td>
<td>Member of the High Court Inspection Team</td>
</tr>
<tr>
<td>MoL</td>
<td>Ministry of Law</td>
</tr>
<tr>
<td>MTBF</td>
<td>medium-term budgetary framework</td>
</tr>
<tr>
<td>NAR</td>
<td>Nizam-e-Adl Regulation, 2009</td>
</tr>
<tr>
<td>NJP</td>
<td>National Judicial Policy</td>
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<td>NJPMC</td>
<td>National Judicial Policy Making Committee</td>
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<tr>
<td>NRB</td>
<td>National Reconstruction Bureau</td>
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<td>NWFP</td>
<td>North West Frontier Province</td>
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<tr>
<td>OGC</td>
<td>Office of the General Counsel</td>
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<tr>
<td>OSI</td>
<td>Open Society Institute</td>
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<tr>
<td>PATA</td>
<td>Provincially Administered Tribal Areas</td>
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<td>PBC</td>
<td>Pakistan Bar Council</td>
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<tr>
<td>PJA</td>
<td>Punjab Judicial Academy</td>
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<tr>
<td>PJDF</td>
<td>Provincial Judicial Development Fund</td>
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<tr>
<td>PMU</td>
<td>Program Management Unit</td>
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<tr>
<td>PPBS</td>
<td>planning-programming-budgeting systems</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposals</td>
</tr>
<tr>
<td>RFQ</td>
<td>Request for Quotations</td>
</tr>
<tr>
<td>ROL</td>
<td>Rule of Law</td>
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<tr>
<td>SAB</td>
<td>Shariat Appellate Bench of the Supreme Court</td>
</tr>
<tr>
<td>SCJ</td>
<td>Senior Civil Judge</td>
</tr>
<tr>
<td>SJA</td>
<td>Sindh Judicial Academy</td>
</tr>
<tr>
<td>SJP</td>
<td>Strengthening Justice with Pakistan</td>
</tr>
<tr>
<td>SOCT</td>
<td>Sector Coordination Team</td>
</tr>
<tr>
<td>SPSS</td>
<td>special statistical analysis program</td>
</tr>
<tr>
<td>TAF</td>
<td>The Asia Foundation</td>
</tr>
<tr>
<td>TEC</td>
<td>Technical Evaluation Committee</td>
</tr>
<tr>
<td>ToR</td>
<td>terms of reference</td>
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<tr>
<td>TRF</td>
<td>Transitional Results Framework</td>
</tr>
<tr>
<td>UNDP</td>
<td>UN Development Program</td>
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<tr>
<td>UNODC</td>
<td>UN Office for Drugs and Crime</td>
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Both my parents’ families migrated during the great migration of 1947 – under acute anxiety and at great personal cost – from Eastern Punjab in modern India to the fertile canal colonies of Western Punjab in Pakistan. In the adopted new home of my grandparents, some of my fondest childhood memories are those of staying in quaint colonial rest houses with sprawling verandahs. Dotted all over the Punjab countryside, surrounded by sprawling lawns full of flowers and situated at advantageous locations vis-à-vis local villages and towns, they are the disappearing remnants of a bygone era. I was captivated by their romance. I cherish recollections of long walks in the early morning winter fog along the tree-shaded canals – one of the most significant contributions of British rule to the region – fringed by tall bulrushes that screened the bounteous orchards and fields beyond. I also recall the gripping narratives of perennial rural disputes and legendary lawsuits from my paternal grandfather while he sucked at his hookah; my maternal grandfather keenly perusing the crumbling rest house logbooks and reading aloud the staid observations of colonial administrators from another century; and my maternal grandmother telling me of relatives who had worked for the colonial police as well as of those – and they particularly intrigued me – who had defied it. My earliest lessons on the political economy of the Punjabi village, the endless intricacies of the colonial administrative and judicial system in the tehsils and the districts, and the inherited village governance networks comprising local collaborators and petty official titleholders, were imparted by my father – himself a gifted and empathetic administrator. It was he who introduced me also to the mystifying notion that the law does not necessarily translate into justice. In many ways, therefore, the seeds of this book lie in these early years.

These seeds germinated and grew as they were fed my various impressions and perceptions during my subsequent work as an advocate in the Pakistani courts, as a university teacher and researcher, and as a policy advisor to various law reform projects with which the Pakistani reform
elite experimented over the past decade. The contours of the present work further developed as I endeavored to comprehend the spectacle of the all too frequently hapless litigants in a courtroom or attempted to decipher how a reform menu imagined in a distant land would suit the palette of local consumers of official justice. Its necessity was made obvious to me as I entered and re-entered the physical as well as epistemological labyrinth of Pakistan’s post-colonial formal legal system – often losing my way or getting bewildered by its complex vistas, confusing features and misleading passageways – to emerge every time with greater concern and anguish for my fellow travelers, especially the most vulnerable and disempowered members of my social milieu. Finally, my ideas and insights took on greater solidity and structure during my doctoral work at Harvard Law School, where I was constantly encouraged to question all my convenient assumptions and gently compelled to succinctly spell out my as yet vague hypotheses.

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Osama Siddique, November 2012