

Analysing the Right to a Fair Trial and Due Process of Law in Service Matters in Pakistan



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Abstract: *The right to a fair trial and due process of law is a fundamental principle in any democratic society, particularly in Pakistan. This research explores Pakistan's history of fair trial and due process, focusing on service tribunals' role in employment disputes, emphasizing the country's commitment to upholding the rule of law. The Federal and Khyber Pakhtunkhwa (KP) Service Tribunals are specialized forums for resolving employment-related disputes involving civil servants, and their adherence to constitutional standards and international principles is crucial. This research aims to examine the intricate dynamics of the right to a fair trial and due process within the specific context of these service tribunals. To achieve the overall aim of the research, the researcher employs a doctrinal research methodology, which is a pure legal research, that includes historical, comparative, critical analysis and qualitative approaches. The researcher has found that the establishment of service tribunals is crucial for justice, equality, and the rule of law, but they face challenges like case backlogs, resource constraints, transparency issues, and concerns about judgment quality. Policymakers should develop measures to streamline processes and ensure uniform adherence to fair trial principles. Recommendations include regular reviews of legislative frameworks, improving legal clarity, providing training courses for judges, members, solicitors, and administrative staff, incorporating technology into procedural components, and promoting public awareness on due process and fair trials laws. To address backlogs in Pakistan's service tribunals, complete case management reforms, funding for infrastructure, adequate resources, improving transparency, quality assurance mechanisms, and public education campaigns should be implemented.*

Keywords: Rights, Fair Trial, Due Process, Fundamental Principle, Transparency, and Service Tribunals.

1. Introduction

The right to a fair trial and due process of law is a fundamental principle in any democratic society, and in Pakistan, this is emphasized in the evaluation of the Federal Service Tribunal and Khyber Pakhtunkhwa Service Tribunals. This analysis examines the role of the Federal and KP Service Tribunals in Pakistan, which are

specialized platforms for resolving employment-related disputes involving civil servants. The tribunals are responsible for ensuring a fair and impartial legal process, based on constitutional standards and international principles governing fair trial and due process. The analysis aims to explore the dynamics of the right to a just trial coupled with due process within these tribunals. This study examines the

Federal and KP Service Tribunals' alignment with Pakistan's constitutional provisions, specifically Article 10-A, which guarantees the right to a fair trial. It assesses their commitment to justice and equity, and their compatibility with international and regional human rights laws. The analysis aims to provide insights into the functioning of these tribunals and identify areas for improvement. The study also emphasizes the importance of modern administrative reforms and judicial control to strike a balance and ensure discretionary powers are exercised within natural justice. It seeks to contribute to a holistic understanding of the legal landscape surrounding the right to a fair trial and due process in Pakistan. Modern administrative reforms aim to alleviate citizens' feelings of hopelessness, deprivation, and injustice, acknowledging that power can be abused, as stated by Foulke, both public and private. Administrative reforms and judicial control are necessary to maintain a balance between power and administrator choice. While government officers should have freedom of choice, complete freedom can lead to arbitrary power exercise. Under the rule of law, legal limits are necessary to ensure discretion is exercised within natural justice limits (Rizvi, 1998). The authority's discretion should be based on honest and impartial judgment, in accordance with the rules of reason and justice (Abbas, 1976)

In 1971, the United Nations held its second-ever meeting of experts and lawyers to discuss the performance of public administration in developing countries (United Nations, 1971). The United Nations Department of Economic and Social Affairs held an International Seminar on "Major Administrative Reforms in Developing Countries" in Brighton, UK, in 1971 (Internet Archive, n.d.). The experts presented recommendations to improve administrative machinery in developing countries, highlighting the need for comprehensive reform. Lord Fulton of the United Kingdom, president of the seminary, emphasized that administration has evolved significantly in the 20th century and must maintain a professional commitment to public welfare. The need for comprehensive administrative reform was highlighted in the

Pakistan Constitution, which introduced provisions for the establishment of administrative Tribunals.

2. Research Questions

- 1) How the existing literature on the topic deals with fair trial and due process of law in service matters?
- 2) How effectively do Service Tribunals at the Federal and Khyber Pakhtunkhwa (KP) levels comply with constitutional standards of fair trial, particularly under Article 10-A of Pakistan's Constitution?

3. Research Methodology

This research uses a doctrinal methodology, focusing on understanding Civil Service and human rights laws in Pakistan. It employs critical, analytical, and comparative approaches, analyzing rules, doctrines, facts, principles, provisions of law, and theories available in libraries and databases. Doctrinal research involves formulating legal doctrines through analysis of legal rules found in statutes. The researcher uses both primary and secondary sources, including statutes, articles, books, journals, law reports, newspapers, and websites. The analytical approach critically examines the relevant legal and constitutional provisions governing civil servant's law in Pakistan like Civil Servant Act, 1973, Efficiency and Discipline Rules, 1973 and Efficiency and Discipline Rules, 2020 (Yaqin, 2007). An analytical approach is a careful examination, evaluation, identification, and interpretation of data already existing in documents and articles (Sullivan, 2001). The comparative method compares new and old Civil Service laws and Provincial Service Laws with Federal Service laws, gaining new knowledge about the legal systems (Tashakkori & Teddlie, 2010). The qualitative research is exploratory and descriptive, involving unstructured interviews with lawyers, Service Tribunals Members, Chairman's, and former Judges of High Courts. This method allows for a more comprehensive and nuanced picture of an issue or research question (UNSW Library, 2018). The study will be a mixed methods approach, combining qualitative and quantitative data to overcome

limitations (Grim, 1978). This study uses a doctrinal research method, including text law, sources of law, Judgments of the Services Tribunals, High Courts, and Supreme Court of Pakistan, to analyze legal issues and provide a baseline for sound administration of justice under the FST and KPST. The historical approach focuses on understanding the past to develop a comprehensive background for future research. The critical and analytical approach involves thorough investigation, evaluation, and considering opposing viewpoints. A comparative research approach is used to provide a guideline for FST and KPST work. A qualitative approach is used, including field-based interviews with lawyers.

4. Theoretical Framework

Patrick Grim argues that denial of trial may seem like a threat to the legal tradition, as it is crucial to the legal system (Luban, 1984). This thesis argues that the right to a fair trial, a fundamental human right in Pakistan's Constitution, must be meaningfully realized in accordance with internationally accepted standards. The right to a fair trial was recently declared a basic right in Pakistan's Constitution, 1973 by the 18th Amendment. The study aims to explore trial theory from both an intrinsic and extrinsic perspective, focusing on the study of trials as inherent in nature. The dissertation will analyze common theories and their application in Pakistan's legal environment. The right to a fair trial can be applied to investigate sociological, biological, psychological, natural, and classical aspects of human nature on a personal and societal level.

4.1 The Rights Theory

The Rights Theory, first proposed by David Luban in 1983, argues that defendants' trial rights are designed to prevent prosecution from prevailing. This theory suggests that the adversarial trial process protects defendants, and the government must not abuse its power to target defendants. The theory assumes that the government has hidden agendas driven by political or power desires, but argues that the rights of the accused or defendant serve to protect all people from potential governmental power and resource abuse (Weber, 1978). Judges, as government officials with vast

resources, often exhibit misdemeanors of impartial justice during trials due to their innate tendencies towards governmental or bureaucratic justice of calculable norms and regulations, according to rights theorists, which they view as "the dehumanised administration of calculable laws" (Schwartz, 1983). Trial rights protect the government from influencing favorable outcomes, preventing unjust punishment or discharges for both prosecution and defendants. The rights theory considers both perspectives on mistake of judgement, preferring an incorrect acquittal over a conviction if there is a potential for such a mistake. The defense of human life and dignity through respect for human rights drives actions, aiming to bias the bundle of rights towards discharge (Nesson, 1978).

4.2 The Norm Theory

The norm theory, as proposed by Nesson, posits that trials primarily aim to instill morality and behavioral standards in society, providing a compelling justification for this approach in theorization (Nesson, 1985). The decision to punish the wrongdoer significantly impacts a person's behavior and social norms, promoting moral ideals. Nesson suggests that adversarial trials aim to project accepted findings and substantive legal rules, while norm theorists argue that judge's judgments are projections of norms (Catlin, 1938). The norm theory connects to truth-finding by stating that a decision is considered a norm if both parties and the public accept it. Trust in the judgement is crucial for acceptance, and the verdict must accurately describe the event. Thurman Arnold was the first to apply norm theory to trials in 1962, despite the sociological paradigms of French sociologist Emily Durkheim (Lukes, 2013; Hanson, 1958). Norm theory is a concept that explores the concept of public opinion and the significance of judgments. A trial's verdict is a norm, but it may not always align with the expected standards and values. The public may not accept the verdicts, which may be broad in their condemnations or exonerations. This raises questions about public acceptability and the potential for public disapproval of trial results. Nesson, along with Goodpastor, provided a connection between norm theory and trial behavior and promoted it as a broad definition of adversarial trial.

5. Extrinsic and Intrinsic Approach in Adversarial System

An adversarial system uses truth pursuit as a fundamental strategy in trials, while theories create facts from evidence through fabrication (Goodpaster, 1978). A trial, as per Gary Goodpaster, is a process that aims to ascertain "what actually happened" (Burns, 1999). Truth-finding involves using facts, numbers, and other resources as evidence to support a specific claim (Duff, et al. 2007). Duff et al. argue that this theory is a comprehensive analysis of various aspects of trial, not a general theory of trial (Burns, 1999). Duff et al. explore the relationship between a trial's epistemic aim and the defendant's due process rights in developing a general theory of trial. The trial must determine if truth pursuit is the ultimate goal or if it is merely a part of a more ambitious objective. Adversarial trials face a challenge as the parties are in charge of the proceedings, which may not motivate them to actively seek the truth. Burns' extrinsic approach to fair trial theory suggests that the outcome of a trial has social and political implications, using four pillars from a rule of law perspective (Burger & Warren, 1973).

6. Truth Finding and Critics of Adversarial System:

Critics challenge societal systems, including adversarial systems and the trial itself. The trial, once a symbol of justice, was seen as fair and transparent in uncovering truth. In some cases, the trial has always prioritized truth. There was some historical curiosity about learning about the various procedures. Perhaps contemporary legal critics are more forthright in their criticism of the system and of lawyers, like the late Chief Justice Warren e. Burger, who said that "They are too numerous and too zealous, that they file too many frivolous lawsuits and motions, and that there is general failure within the system to encourage out-of-court settlements" (Gordon, Skeeters, Peek & Brookshier, 2002). Burger brought up the possibility of Alternative Dispute Settlement (ADR) as a workable alternative to non-litigious resolution (The Free Dictionary, n.d.). He also believed that arbitration or mediation was a crucial technique for easing the overcrowding of the courts. Despite being one of

the most popular trial systems, the adversary system is seen as being drawn out and onerous. One of the reasons is that the trial is founded on evidence that is presented by both trial parties in support of their claims. The trial's processes are largely beyond of the judge's control because she is a neutral party. Years may pass before a case is eventually resolved in an effort to uncover the truth. The ability to appeal and the opportunity for appellate review add to the length of a trial. Legal professionals have taken this issue seriously, and new initiatives have been launched to steer the disputes away from trials and toward settlements. The efficiency of time and the reduction of the financial and social load have made alternative dispute resolution procedures very appealing. However, the process of resolving disputes takes a lot of time and is rather unclear due to the constantly shifting outcomes. Contrarily, the adversarial system is methodical and the best instrument for defending people's fundamental human rights, while being time-consuming and difficult (Lloyd-Bostock & Thomas, 1999).

6.1 Application of Truth-Finding theory in Adversarial System in Pakistan

The researcher argues that truth-finding theory is crucial for developing theories in the quest for truth-finding and fair trial processes in the legal system. They highlight Pakistan's adversarial trial system as the greatest truth-finding mechanism, despite its flaws. The thesis applies this theory to service issues at the departmental inquiry stage, focusing on balancing defendants' due process rights due to limited juror involvement in trials (Lloyd-Bostock & Thomas, 1999). Article 10-A of the Pakistani Constitution makes clear the guarantees for fair trials. Our pursuit of the truth may be summed up in the words of Marvin Frankel, a renowned positivist opponent of adversarial trial, who stated that "the continuous faith in the adversarial system that fair trial promises can be assured as a result of our search for truth."

7. Conceptual Framework

The intellectual and theoretical underpinnings of the fair trial principle are also covered in this chapter. What is a fair trial, why is it essential to

many other rights, and why is the right to one important? What are its roots, and why is fairness in trials essential? Is "due process" in the American understanding the same as "fair trial"? or "natural justice" in the sense that idea is accepted by all? In the context of the Canadian Charter of Rights and Freedoms, might it potentially be related to the "principles of basic justice"? The definition of a fair hearing that is seen to be relevant to this thesis admits that it has elements of both natural justice and due process in its procedural context.

8. Indication of Research Gap's and Niches

The literature suggests that most researchers and academics have proposed a fair trial procedure in criminal or civil cases, but the concept of fair trial in service cases has not been extensively researched. This research aims to define the fair trial right in service matters before inquiry officers or service tribunals, providing a foundation for fair trial and due process in service matters. Further research is needed to understand human rights law promoting impartial trials and evaluate facts in accordance with Article 10-A of the Islamic Republic of Pakistan's 1973 Constitution. Despite the challenges faced in administering fair trials, most discussions and publications ignore these issues (Robinson, 2009). The fair trial principle is a fundamental human right recognized in international and regional human rights law, including the Universal Declaration of Human Rights and the European Convention on Human Rights. It requires access to an impartial and independent tribunal, fair and transparent legal proceedings, and adequate time and resources for individuals to prepare their case. Service tribunals, which deal with employment disputes, also have an obligation to uphold this right. The right to a fair trial and due process of law is a cornerstone of the rule of law, protecting civil servants from arbitrary or unjust treatment by the state (Robinson, 2009).

9. Judgments on Right to a fair trial, due process, and other procedural protections available to Civil Servants.

The rights and procedural protections of civil servants in Pakistan, as outlined in the

Constitution. The Constitution guarantees a fair trial and due process to all individuals, including civil servants. The Supreme Court of Pakistan, High Courts, and Service Tribunals play a crucial role in interpreting and upholding these rights. Article 10-A (The Constitution of the Islamic Republic of Pakistan, 1973) guarantees a fair trial and due process, incorporated through the 18th Amendment. Article 4, which guarantees no one shall be deprived of life or liberty except in conformity with the law, also incorporates due process. Judicial review is within the purview of Pakistan's superior courts, which can examine executive branch acts, decisions, and policies influencing civil servants. The right to be free from discrimination based on one's gender, colour, religion, caste, or national origin is protected under Article 25, which also ensures equality before the law. One essential component of due process is the right to be represented by an attorney. Civil servants who are subject to disciplinary or judicial actions have the right to legal representation guaranteed in Article 10-A. Although these rights are guaranteed by the constitution, how they are put into practice and enforced can differ. When it comes to applying and interpreting these constitutional provisions, the function of the Superior Courts is paramount. Civil servants who feel their right to a fair trial or due process has been violated can seek redress in these courts. The Supreme Court of Pakistan in this case held that Parliament had enacted Civil Servants Act, 1973 for providing meaningful legal guarantees to civil servants and doing away with arbitrariness [Naqvi, 2013]. Right of due process envisages the right to have a fair and proper trial and right to have impartial court or tribunal. "Right to access to justice and due process are preferable to the basic judicial function [Watan Party Federation of Pakistan 2012). Incorporating Article 10-A in the Constitution of Pakistan and making the right to "fair trial" a fundamental right, the legislature did not define or describe the requisites of a "fair trial", which showed that perhaps the intention was to give it the same meaning as is broadly universally recognized and embedded in jurisprudence in Pakistan. Every person had a right to a fair trial by a competent court in the

spirit of the right to life and personal liberty (Govt. of NCT-Delhi 2012). Right to fair trial would mean right to a proper hearing by an unbiased competent forum. Civil Servant being a citizen of Pakistan, equally enjoyed the fundamental rights conferred by chapter-1 of part-II of the constitution of Pakistan (Ali Azhar Khan Baloch v Province of Sindh [2015] SCMR 456 (Supreme Court). When civil servant is proceeded against under the Government Servants (Efficiency and Discipline) rules 1973, the first step is to frame charge against the accused civil servant and at the time of framing of charge against the accused civil servant the charge, no inquiry has to be held. Inquiry is held only when charges have been communicated to the accused civil servants and the inquiry officer or inquiry committee is appointed for the purpose of inquiry, where evidence is led before the inquiry officer or the inquiry committee in support of the charges.

The Supreme Court of Pakistan held that the right to a fair trial has been violated. The inquiry officer has a responsibility to provide the accused a fair chance to present his side of the story and, if necessary, to cross-examine the witnesses brought forward against him. The evidential value of a witness's statement is diminished when it is not subjected to cross-examination. The burden of proof is on the Inquiry Officer or Inquiry Committee to exhaust all possible avenues in order to conduct the Inquiry fairly and impartially, without destroying the concept of natural justice, which could lead to a miscarriage of justice. In addition to violating the right to a fair trial guaranteed by Article 10-A of the Constitution, the accused officer was denied an adequate opportunity to defend himself and was deprived of the ability to cross-examine the departmental representative who had presented evidence and documents against him. In this case, multiple witnesses were interviewed, and their statements were taken down, but the petitioner was not given the chance to be cross-examined, and it was never said that he had been offered the chance but turned it down. The department is directed to conduct a de novo inquiry after the petition for leave to appeal was allowed. The

petitioner will be reinstated in service and his dues will be refunded within one month of receiving the department's notice. The de novo inquiry will be concluded within two months, and the payment of back benefits, if any, will be contingent upon the final outcome of the inquiry. An ample opportunity of hearing will be provided during the de novo inquiry”.

The Supreme Court of Pakistan of Pakistan held that the Constitution of Pakistan, Article 10A, states that the accused has the right to cross-examine witnesses deposing against them. This right is a vested right, and the credibility of evidence can only be determined through cross-examination. Witnesses may raise untrue allegations due to animosity, which cannot be accepted without cross-examination. Depriving the accused of this right and denying them the opportunity for defense is against Article 10A of the Constitution. The Supreme Court of Pakistan ruled that article 10-A of the Constitution guarantees the right to a fair trial and due process, which is a fundamental right that is subject to liberal and progressive interpretation. The Pakistani Supreme Court, in the case Sarfraz Saleem versus Federation of Pakistan, ruled that all individuals should enjoy equal protection of law and be treated in accordance with the law. This right ensures that every person, regardless of their civil rights or criminal charges, is entitled to a fair trial and due process. The Supreme court of Pakistan declared that the Constitution of Pakistan, Article 10A, states that malpractice, misconduct, and misuse of official decision can result in a major penalty of reduction to the lower post. In this case, the appellant was provided with a proper right of defense during the inquiry proceedings. The departmental proceeding was initiated after issuing a show cause notice, and the appellant's reply was not satisfactory. An impartial domestic inquiry was conducted, and the appellant's statement was recorded. The appellate authority provided the right of audience to the appellant, and no bias, unfairness, or partiality was alleged against the Inquiry committee. The appeal was dismissed, and the major penalty of reduction to the lower post was maintained. The Supreme Court of

Pakistan held that the service tribunal ruled that the appellant's removal from service was unlawful due to failure of service of a show-cause notice, non-supply of a statement of allegations, and not being provided with a copy of the inquiry report and recommendation. The tribunal allowed the appeal and set aside the order, allowing the relevant authorities to proceed with departmental proceedings.

The honorable Peshawar High Court ruled that the petitioner, a former employee of the bank, had the right to a fair trial, due process of law, and natural justice after being fired for misconduct. Validity. In accordance with the principles of natural justice, it was necessary for an inquiry into allegations of corruption or misconduct against a public servant or employee of a public sector organization to provide the accused officer with a fair chance to defend himself before bringing all charges home. The petitioner ought to have been aware of the precise nature of the accusations levelled against him. If an employee files a grievance with a court or tribunal over a significant penalty imposed by their employer, the court or tribunal hearing the case must determine whether the employee was given a fair chance to defend himself and whether the accusations against him were supported by credible evidence. Without solid proof, an employee's conjecture, wild speculation, or best guesses about another employee's supposed wrongdoing would not be accepted. The petitioner was wrongly served with a defective statement of accusations because it failed to cite the specific documents that proved the misappropriation of the money in issue. The investigation was unfairly handled. In this case, the petitioner's removal from service was overturned by the High Court on the grounds that it was based on alien factors; the court therefore reinstated him to his position.

The supreme court of Pakistan acknowledged that there is no hard and fast rule that says a regular inquiry must be conducted after every show cause notice. However, if the department wants to skip the regular inquiry because of an emergency, they need to give a written explanation for why they're skipping it. No full-fledged regular inquiry is required if a charge is

established or arises from admitted documents, but an employee has the right to a regular inquiry if the accusations are based on disputed questions of facts. This is especially true in cases where the parties involved cannot resolve the allegations through the presentation of leading evidence or a fair opportunity to cross-examine witnesses.

The Supreme Court of Pakistan elaborated that there is no absolute rule that states the competent authority must always follow the recommendations of the inquiry committee or inquiry officer. However, it is extremely important for the competent authority to carefully review the inquiry proceedings and report with a keen eye for detail and sound judgement. Considering all relevant factors, such as the seriousness of the proven charges, the competent authority may impose the appropriate punishment if the allegations of misconduct were proven and the accused was given a fair chance to defend themselves during the Inquiry.

Distinction between "Regular Inquiry" and "preliminary/fact finding Inquiry" were made clear by the Supreme Court of Pakistan in case titled Usman Ghani vs. The Chief Postmaster, GPO Karachi held that it was mandatory for the Inquiry officer to provide an equal and fair chance for the accused to present his defence and, if any witnesses were examined against him, to cross-examine them. The regular inquiry was initiated after serving a show cause notice along with the statement of allegations. If the reply was deemed unsuitable, an inquiry officer was appointed, and the regular inquiry was initiated. In contrast, an internal discrete or fact-finding inquiry was launched at the outset to determine if, given the facts and circumstances stated, a sufficient case of misbehaviour existed to warrant the initiation of disciplinary procedures.

The Honorable Peshawar High Court held that the dismissal of the petitioner from the service was hasty and ineffective. Without a regular inquiry, it would be impossible to establish the statement of allegations that led to the petitioner's removal. The employee must have a fair opportunity to defend himself in regular

inquiries in the event that he faces significant accusations of wrongdoing, which could stigmatise his entire service career. The decision to remove the employee from service as a serious penalty should not have been made without first conducting a normal Inquiry. There could be no legal justification for the authorities' actions since they went against the spirit of openness and fair play. The court ruled that the removal order in question was null and invalid from the start and had no legal force or impact.

The Honorable Islamabad High Court held that Departmental proceedings against petitioner shown total indifference to the authority of an authorised official or Inquiry Committee, which was responsible for formulating charges and communicating them to the accused together with a statement of allegations outlining the nature and basis of the charges. It appears that the petitioner was not subject to the usual investigation. Therefore, the proceedings might be overturned due to their non-compliance with the Government Servants (Efficiency and Discipline) Rules, 1973; a Constitutional petition was allowed, accordingly.

10. Critical Analysis of the Performance of Provincial Service Tribunals and Federal Services Tribunal.

The study explores the right to a fair trial and due process of law in Pakistan, focusing on the Federal and Khyber Pakhtunkhwa Service Tribunals. It highlights the negative impacts of these rights on the administration of justice in service matters. The study emphasizes the importance of maintaining justice and due process at all stages, including trial, appeal, and revisional proceedings. It also emphasizes the right to an attorney, the assumption of innocence, and the preservation of individual rights and the rule of law in democratic societies. The performance of Provincial Services Tribunals in Pakistan is crucial, as they handle administrative tasks but face challenges like a large case backlog, resource constraints, and lack of transparency. To maintain their credibility, improvements in judgment quality, accessibility, legal aid, continuous training for judges and staff, alternative dispute resolution mechanisms, public awareness, and political

interference should be made. Specialization in specific cases, such as land disputes or labor disputes, can also improve adjudication quality and speed. To address these issues, the government should allocate more resources, improve judgment quality, enhance accessibility, provide legal aid, facilitate pro bono services, and provide continuous training for judges and staff. Encouraging alternative dispute resolution mechanisms can also help reduce the backlog. Increased public awareness about the Federal Tribunal's role and services is also crucial for its credibility.

11. Findings

The study focuses on the Right to a Fair Trial and Due Process of Law in Pakistan, specifically in service tribunals. It examines the historical, legal, and procedural dimensions of the right to a fair trial and due process in the context of service tribunals. The literature review highlights the importance of fair trial principles in upholding justice, ensuring accountability, and safeguarding individual rights. The study also highlights the role of service tribunals in resolving employment-related disputes and administering justice. The research study addresses research question no.2 by examining the right of civil servants to a fair trial and due process within the framework of service tribunals. Chapter 3 examines the compliance of these tribunals with constitutional standards, particularly under Article 10-A of the Constitution of Pakistan, and their alignment with international and regional human rights laws. The study emphasizes the need for organizations to focus on the scope of natural justice principles, such as the prohibition against partiality and the right to be heard, in domestic investigations. These principles are fundamental to ensuring fairness, particularly for employees undergoing scrutiny in domestic investigations. By focusing on this aspect of the disciplinary process, organizations can navigate departmental investigations effectively, demonstrating a commitment to respecting employee rights and maintaining procedural fairness in accordance with constitutional standards and international human rights laws. This study examines the legal frameworks

governing the KP Service Tribunal and the Federal Tribunal in Pakistan, focusing on the right to a fair trial and due process. The study aims to assess the efficacy of due process and fair trial requirements within Pakistan's unique context. The establishment of service tribunals and the assurance of a fair trial form integral pillars of Pakistan's legal system, which safeguards individual freedoms and ensures fair and transparent judicial procedures. However, both the Federal and Provincial Tribunal Services in Pakistan face challenges such as case backlogs, resource constraints, transparency issues, and concerns about the quality of judgments. To ensure efficient, accessible, and fair justice, reforms need to prioritize improvements in infrastructure, transparency enhancement, and accountability. Globally, legal systems uphold the principles of due process and the right to a fair trial to ensure justice and protect individual rights. Institutions like the Federal and Khyber Pakhtunkhwa Service Tribunals adhere to these principles, ensuring a minimum level of due process. Training programs and workshops highlight the significance of fair trial principles, and researchers employ doctrinal methodology, qualitative data analysis, and social scientific approaches to evaluate the real-world effects of various due process procedures. However, prolonged delays in procedures caused by case backlogs compromise the right to a prompt trial and access to justice. Inadequate representation can disadvantage individuals, especially those from disadvantaged backgrounds. Research findings guide lobbying efforts and policy development to strengthen guarantees of a fair trial and due process protections. Researchers play a pivotal role in fostering a more fair and equitable judicial system by regularly reviewing current practices and identifying areas for improvement.

Conclusion

The research suggests conducting a comparative study on the differences between the Federal and Khyber Pakhtunkhwa Service Tribunals to understand the application of fair trial principles. This will provide insights into best practices and areas for development. The study should also

focus on due process and fair trials, examining laws, court decisions, and procedural procedures that affect the realization of the right to a fair trial. Interaction with stakeholders, such as legislators, solicitors, and representatives of service tribunals, is crucial to identify issues and propose solutions. Service tribunals should improve their documentation procedures, increasing public access to records and hearings to promote accountability. Policymakers should consider developing and implementing measures to streamline processes and ensure uniform adherence to fair trial principles. The research also recommends developing clear guidelines for domestic inquiries that implement natural justice principles. This would ensure these principles are specifically considered in departmental inquiries and avoid uncertainty. Employees working with service tribunals should receive thorough training to enhance their understanding of natural justice concepts. Regular reviews of service tribunal processes and practices, including compliance with regional and international human rights legislation and Pakistan's constitutional requirements, would strengthen commitment to international norms of justice and due process. Modernizing disciplinary procedures and establishing impartial oversight procedures can improve efficiency and simplify procedures. Public awareness campaigns about civil servants' rights during investigations and conducting recurring legal audits of service tribunals' procedures can help employees stand out for their rights. The researcher suggests several recommendations to improve the legal frameworks of the Federal and KP Service Tribunals in Pakistan. These include regular reviews of legislative frameworks, improving legal clarity, providing training courses for judges, solicitors, and administrative workers, incorporating contemporary technology into procedural components, and promoting public awareness on due process and fair trials laws. The tribunals should incorporate online documents, virtual hearings, and electronic filing systems for efficiency. Public awareness efforts should be launched to educate the public and state officials on their rights, tribunal procedures, and complaint filing channels. A

thorough monitoring and assessment system should be in place to gauge the effectiveness of due process and fair trials. Cooperation with foreign legal authorities and human rights organizations can improve local legislation and ensure compliance with international norms. Strengthening legal aid programs for government workers in labor disputes can improve the fairness of the legal systems and address issues with fair access to justice. Regular examination of tribunal rulings can identify patterns, discrepancies, or areas for development, ensuring due process, equity, and justice are reflected in decisions. Research projects should be encouraged to examine how legal systems affect the realization of due process rights and fair trials, resulting in a dynamic legal framework that can adapt to new issues.

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