



## **Pendency of Cases in Pakistan: Causes and Consequences**

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### **ABSTRACT**

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The legal system of any civilized society is built on the principles of justice. Unfortunately, Pakistan's legal system is unable to keep up with the demand. Approximately, two million cases are under trial in Pakistani courts. In Pakistan, justice has become both a dream and an impossible goal. The only practice followed in Pakistan is a delayed. The main goal of this article is to highlight why justice is taking so long. Complex rules, outdated laws that don't work, the way judges and lawyers think, and a backlog of cases in Pakistan's higher and lower courts all add to how long it takes to get justice. This paper discusses about why the courts in Pakistan take so long and what can be done to fix the problems they cause. This study examines the relationship between the growing backlog of cases and the development of injustice. This article also discusses about how slow justice affects both society as a whole and the people who are going to court. This article concludes with suggestions to make an effective Justice system of Pakistan.



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## **1. Introduction**

A strategic lawsuit entails much more than merely presenting evidence to the court. This article discuss about some of the more general goals of strategic litigation and some of the most crucial matters that need to be worked out before going to court (Ali & Hassan, 2022). The presence of the claim, opposition to that claim, which results in a dispute, and the need for a particular institution to decide the conflicting case are the three key components of the litigation process. Every person is entitled to a specific remedy under state law for any harm or wrongs done to them personally, their property, or their character. They should be able to access justice freely, without being forced to pay for it, swiftly and without delay, in accordance with the law. Civil litigation is a way for someone who has been hurt or wronged to get justice. Civil proceedings are not related to crimes. They include things like trots, contract disputes, divorce and other family issues, and property disputes (Ali & Alam, 2021). Land and business disputes are often the cause of lawsuits. Since commercial and land disputes are so common and contentious, they don't help the country's goal of reducing the number of cases waiting to be heard. One of the factors that can cause litigation to be delayed is corruption. The main causes of delays in Pakistan are bribes, government apathy, and misconduct.

Access to justice is hampered by a number of causes, including a backlog of cases, procedural flaws, poor case management, and widespread corruption. Inattention to detail

and corruption are two significant reasons why justice is delayed (Tabassum, Kamboyo, Mangrio, & Siddiqui, 2021). Judges who are moved from one court to another addition to the length of the dispute. The provision of justice is delayed when new judges appear because the cases must be restarted, prior cases must be reviewed, and plaintiffs and defendants must be called back for testimony. Delays in civil trials result from judges being moved from one station to another. Due to property and commercial issues delays, Pakistani courts are overflowing with pending cases, and this overflow has gotten worse in recent years. The nation's efficient and extensive causes of backlog and delay (Asrafuzzaman & Hasan, 2021). Due to their greater complexity and significant case backlog, civil matters in Pakistani courts are delayed longer than criminal and family cases. Land and business-related matters made up the majority of caseloads. Land issues take longer to resolve because they are more complicated, which automatically affects how other cases are decided. People in Pakistan lose faith and trust in the legal system and organizations responsible for maintaining peace and order as a result of delays in the judicial process. A civil case should typically be resolved in one or two years, although it typically takes ten to fifteen (Shamim, 2018). Justice is being served by our judicial system's delay of the injustice. A lengthy legal process is also brought on by the police's negligence or carelessness throughout the case investigation. Neglecting in recording and investigation in legal procedures are key reasons for the delay in case disposition, as is the non-submission of pertinent papers during the trial period. When a judge doesn't attend a hearing, it means that justice will be delayed or not happen at all. On average, a courtroom hears 50 to 60 cases every day, yet judges' tardiness shows a significant backlog, delays, and injustice (Ghani, Ayub, & Ras, 2022). In Pakistan, the issue of judicial officers' punctuality in the inferior judiciary is also a source of worry.

The district judiciary is the backbone of the legal system, where litigants submit their cases for a quick resolution. However, the district judiciary consistently fails to give the populace prompt, high-quality justice. The sluggish delivery of justice in Pakistan's district courts has increased public hopelessness and led to an unchecked crime rate. It paints a bad picture of how justice is administered after the District Judiciary. Due to ineffective checks and balances and the pending nature of cases, the majority of criminals get away with their crimes and terrorize society. Approximately 1,826,642 (more than 1.8 million) cases are waiting in the entire nation; however, only 1,523,253 (more than 1.5 million) cases are pending with the District Judiciary of Pakistan, making up roughly more than 80% of the total number of cases (Ali & Hassan, 2022). At the District Judiciary, the ratio of pending cases to the backlog is substantially larger. Similar circumstances exist in the neighbouring country of India, where there are more than 30 million active court cases. While there are currently 200,928,19 cases outstanding in Pakistani District Courts, this represents nearly 70% of all cases. There are 459 courts and approximately 15340 judges in India's district judiciary. Indian district courts take ten years to resolve pending cases (Narasappa, 2019). Each Indian District Court judge has a workload of roughly 1310 cases. If no new cases are filed, it will take the district judiciary of Pakistan an estimated 6.875 (about 7) months to resolve all outstanding cases, which is not really conceivable (Tabassum et al., 2021).

The first stage in the administration of justice is the district judiciary. Litigation begins at this stage; unfortunately, more than 80% of cases in Pakistan's district courts are still outstanding. It was not feasible to locate a comprehensive study on the effects of civil justice delays in lower courts on the administration of justice in Pakistan Hussain, Dinar, and Ghazanfar (2015) attempted to investigate the causes of delays in civil justice in Pakistan's lower courts. Still, they did not look at how these delays affected the way justice was done in Pakistan. In addition, most of these studies were descriptive and literature-based; however, none tested the effect of judge strength in Pakistan's district courts on the administration of justice empirically. Understanding the actual cause-and-effect relationship is made easier by this study. A civilized society can't work without people trying to do the right thing, which also has a lot of personal effects. But if justice takes too long to come, it can cause chaos in society. Because the "Judiciary of Pakistan" takes too long to do its job, radicalism, terrorism, and sectarian fighting are on the rise in Pakistan (Shah, Khan, & Farid, 2014). Delaying justice has effects on both society and the mental health of the person in court. People's faith in the justice system went down because they had to wait so long for justice. Also, people's trust in the court system went down. This article looks into

why Pakistan's court system moves so slowly. To make sure that delayed justice is a denial of justice and show how serious it is, the study starts by looking at why justice is important in society, why it matters, and what it means. This essay talks about a few possible reasons why justice takes too long to come: court delays, judicial corruption, judge transfers, too many arbitrary postponements, complicated procedures, and old laws (Zafeer, Xue, & Maqbool, 2020). The huge number of pending cases shows that justice is being put off to the point where it might not happen at all. This article looks at why more and more people are unhappy with Pakistan's justice system and how its inability to give justice quickly has contributed to that. It is also true that a delay in justice has a negative effect on the litigant's life in terms of money, mental health, and mental health. The final section of this study excerpt addresses the problem of delayed justice in Pakistan by detailing potential solutions, including the expansion and improvement of the country's judicial system and related infrastructure. The paper successfully reaches a satisfactory conclusion.

## **2. Literature Review**

It is a violation of the right to swift justice that there is such a massive backlog of cases in the courts. The right to speedy justice or a fair trial is widely recognized as the most essential and useful safeguard for those who stand accused, and this is true on both the national and international levels of law (Rubab, Qasim, & Javed, 2019). All world constitutions, international agreements, and treaties incorporate the right to prompt justice as a fundamental principle. Fast justice for the average person has also received equal weight from Islam, if not more. The problem, though, is that Pakistan's criminal justice system's excessively slow case disposition times interfere with the right to prompt justice. Because it violates the average person's right to a timely and fair trial, which all international documents, treaties have recognized, and conventions, the unjustifiable and excessive delay in trials destroys the public's faith in the Judiciary. As the population grows, the wait gets longer and longer every day. In Pakistan, the issue of needless delay has had a negative impact on numerous instances (Shabbir, 2022). The frustrating thing about this backlog is that it still hasn't risen to the top of legislators' priorities for rapid resolution. Delay has thus become intolerable and unmanageable. Delay in justice has become a long-standing and fundamental problem as a result of the backlog of cases. Due to ongoing delays in both civil and criminal matters, Pakistani courts are overburdened with numerous cases that are still waiting (Khan, 2015). The inability to quickly resolve cases is also hampered by the backlog of cases, the gaps and complications in the litigation procedure, as well as poor case management. The lengthening of disputes is also a result of judges moving from one court to another, as a new judge may opt to reopen the case and call in the witnesses. Ineffectiveness in the legal system is manifested through delays in court decisions (Krishna, 2018). The accused, defendants, or victims, however, may suffer negative consequences due to the delay.

According to Shah et al. (2014), delays can have a negative impact on people's perceptions of the legal system as a whole. They can also result in long-term frustration, worry, and distress for those involved. Finally, delays can make it difficult for crime victims and those connected to them to "move on". A remedy is urgently needed since the rate of delay in the criminal justice system is worrying. In Pakistan, it harms the rule of law, people, and the general populace (Jagadeesh, 2017). As a result of population growth, increased public understanding of rights, and the mechanics of a new market economy, there has been a tremendous increase in the number of court cases. A tremendous effort has undoubtedly been made to address the issue of slow justice and offer prompt relief, but the efforts lagged behind the increase in cases. Due to this, Pakistan currently has almost two million open cases. Justice is delayed as a result of the courtrooms' enormous backlog of cases. According to Khan (2015) "Justice delayed is justice denied," when justice takes longer than expected, justice is denied. Uncorrupted, affordable, and swift justice are what the clients of justice seek. Nonetheless, it would not be exaggerated to claim that Pakistan's current criminal justice system erodes the trust of those looking for justice. The vast backlog of cases is the biggest factor holding up case disposition in Pakistan's Judiciary.

Justice in Pakistan is delayed for a variety of reasons, including judicial and procedural hold-ups. According to the "Code of Criminal Process, 1898" (Cr.P.C.) and "Code of Civil Procedure, 1908," respectively, criminal and civil lawsuits in Pakistan are governed (C.P.C.) Although the judicial system is described in detail in both laws, it is actually slow

and complicated, which delays justice and wastes money, time, and talent in addition to those things (Shah et al., 2014). Every Pakistani has the fundamental right to justice under Article 37(d) of the "Constitution of the Islamic Republic of Pakistan, 1973," which guarantees prompt justice for all Pakistanis (Zafeer et al., 2020). Due to the fact that illogical and complex rules generate delays and interfere with the parties' interests to the proceedings, broad and speedy laws can resolve disputes quickly and easily. According to Bilal and Khokhar (2018), Pakistani courts demand constant attendance from the parties to a case. Typically, it takes a defendant 72 visits to the court system to resolve a dispute, and each visit costs the party involved between \$0.2 and \$0.3 million. The financial crisis directly results from frequent court appearances, but the parties to the lawsuit may also experience psychological effects. The Judiciary's foundation is its judges, yet in Pakistan, they lack professionalism. Judges serve simply to earn a living; they do not serve the interests of justice (Saleem, Ahmad, & Dad, 2020).

Judicial system of a country is its backbone which keeps society in check and enforces the law to keep the country out of chaos. Pakistan's Judicial system is suffering from slow trials where cases sometimes take years or even decades to reach a verdict. Lawyers experience difficulty in going through the system, which is already very complicated to understand, and for a layperson, it is almost impossible. This is one of the reasons that people try to stay away from the judicial system and sometimes do not even seek justice. Furthermore, tampering and falsifying of information is so common that keeping a check on it is very hard.

In Pakistan there are approximately 1.9 Billion pending cases. Pakistan's population, as per the research of 2017 is upward to 20.7 crore, which means that there is one judge for 48,838 people. We need a fast, adaptive and scalable system which can help to clear the backlog of cases and solve the issue of data manipulation by the corrupt. One of the initiatives of the Government of Pakistan is towards the Judicial Sector of Pakistan which includes the Police, Lawyers, Judges, Courts and The Supreme Court. The National Judicial Policy Making Committee (NJPMC) of Pakistan has established a sub-committee known as National Judiciary Automation Committee (NJAC) to implement I.T projects in judicial sector of Pakistan, headed by Mr. Justice Rahmat Hussain Jafferri, Honorable Judge of, The Supreme Court of Pakistan. This committee primary goals are to rectify the delays in current cases in courts and eradicate the backlog of pending cases. Automation will also help to eliminate corruption because this system will provide accountability and transparency. Though there is a shortage of funds but the utilizing the existing resources efforts have been made to implement the judicial automation projects in, Supreme Court, High Courts and District Courts.

Pakistan's court system needs to modernize its outdated, complex legislation (Mehmood, 2020). Increased court and judge numbers are necessary. The Pakistani courts' budget needs to be increased. To restore swift justice in Pakistan, the judicial system must adopt cutting-edge technology (Saleem et al., 2020).

### **3. A Difficult Demand: Justice**

Justice is always the cornerstone of a civilized society. A just society clearly defines a citizen's rights and responsibilities (Narasappa, 2019). Conventional wisdom was used to hold that "reasonable conduct and morality" were the basis for fair treatment under the law. The "natural or positive law" in "Roman laws" is related to justice. According to "Aristotle," "Book V" of "Nicomachean Ethics" states that "justice" is a "kind of disposition" that calls on all humans to act prudently and fairly. For this reason, justice is the most admired and prized trait in a human being. Nevertheless, it is generally agreed upon that everyone has faith in and respect for the judicial system. Community harmony, safety, and good leadership are all bolstered by a system of justice". In addition, in *Ishtiaq Ahmed v. Hon'ble Competent Authority through Registrar*, the Supreme Court of Pakistan held that a commitment to justice is essential to the rule of law in constitutional democracies. The court went on to say that a standard of justice is necessary for a civilized society. The court also stated that a man has the right to a "fair trial, justice, and due process" (Ramzan & Mahmood, 2016). Inspiring as they may be in concept, putting and keeping social standards in place may be difficult work. As a result, the court's decision incorporated elements of

social convention. Any society should have a level playing field, but that is easier said than done.

Pakistan has put in a lot of efforts till date to improve and innovate its Judicial System, and we have used technology to do so but still we are lagging behind as compared to other developing countries of the world. The Supreme Court of Pakistan has focused on reducing the number of pending cases but we as a country are still plagued by the backlog of cases, this has negatively impacted the ability of our judicial system in delivering justice effectively.

The advantage of reducing backlog cases is that it directly impacts the efficiency of Pakistan's courts. Backlog cases are very common among different justice systems which hold back their potential by burdening the staff in a way which redirects their focus from delivering justice to getting up to speed by working on already accumulated work. The goal should be to manage the cases in a way which prevents backlog by disposing more cases than are being issued. This requires structural change which benefits the court system by increasing their organizational productivity and performance systems. By critically analyzing the number of cases filed per annum, a better outlook can be provided for the current challenges faced by our justice systems.

#### **4. Untimely Justice**

"Dispensation of justice" is the fundamental principle of a civilized society. The most important components of an efficient administration of justice are prompt justice, prompt resolution of disputes, and prompt settlement of complaints of accused parties (Bates, Cinar, & Nalepa, 2020). The court has a responsibility to hear the case patiently and completely without offering a pretext for postponing the trial on the grounds that there is a backlog of work. The court has a divine mandate to deliver prompt justice to the people. *Sindh 2020 (PLD) Federation of Pakistan v. MFMY Industries Ltd.*, the court ruled that the "rush of labour" could not be used as a justification in a legal or moral sense. A court of law should not make any decisions that attempt to increase its "numbers/units" or reduce the number of cases assigned to it for adjudication "in accordance with the law," rather than actual decisions. Every court must constantly recognize the fine line between the adages "justice delayed is justice denied" and "justice hastened is justice buried." Justice delayed is justice denied and "justice hurried is justice buried" are two opposing legal maxims that the court has combined and examined, albeit it hasn't specified what that thin line between the two maxims actually means. Both adages are incongruous, poles apart and existing at opposite ends of the spectrum (Khan & Mumtaz, 2020). Because two legal maxims are inherently contradictory and both are highly desired characteristics of the legal system—hurried justice for the aggrieved party and delayed and denied justice for frivolous litigants—the court must preserve equilibrium while recognizing them. While delayed justice violates the fundamental rights to justice, hasty justice may not conduct a complete investigation and analysis of the issue. The rights to life and liberty, which are protected by the Pakistani Constitution of 1973, are violated by delayed justice.

Because a fundamental right is at stake, Pakistan's delayed justice is one of the most upsetting issues (Shabbir, 2022). The survival of democracy depends mostly on the guarantee of swift justice. It's strange that the lowest rate of justice execution occurs in a democratic country with a relatively sound legal system like Pakistan. It is quite strange that such an imbalance is not taken seriously. It is true that a case cannot be decided immediately and that proper and reasonable time must pass before a decision can be made. The court must have adequate time to review the case. So, the word "speedy justice" is commonly used to allude to the fair expeditiousness of a process rather than its apparent speed (Khan & Mumtaz, 2020). Two types of harm result from delayed justice: in criminal instances, the accused endures protracted incarceration prior to trial and worry as a result of the public's accusations. In the case of Rehman, It cannot be overlooked that the court must spend time investigating the case, reviewing the evidence, reading the records, determining the parties' relationship and defining the conflicting issue before it can render a definitive ruling in any litigation. The court must adhere to the rules and the fundamental principles of "law, equity, and justice." Any judgment rendered without adhering to the fundamentals may be flawed (Shah et al., 2014). The courts in Pakistan lack the resources for proper functioning within a structured institution as whole which can be seen from the

fact that many backlog cases are held due to displacement of files, lack of organization, displaced and scattered responsibilities and mismanagement. In Pakistan, courts find themselves in a situation where they are restricted by less efficient means of collection and dissemination of information. By sticking to old ways in a new era will cost the courts of Pakistan more in the long-run as there will be a substantial number of backlog cases accumulated in the next years (Saleem et al., 2020). A difficult case requires a lot of time in court, so judges and justices are advised to rule on such matters carefully and attentively. In such instances, hasty judgments might lead to mistakes since they never uphold the standards of justice and equity. Although the courts must balance slow and quick justice when deciding complex matters. The "maximum adjournments" are unacceptable because the issue is complicated, and the court needs a lot of time to make a decision. The court has the right to a fair amount of time to consider a case, but that amount of time should not be exceeded. In their rulings, Pakistani courts frequently explain and characterize the "idea of justice" and acknowledge that they are the sole institutions devoted to "propagating natural justice and swift justice." Yet, fairness is Pakistan's foremost and most frequently disregarded legitimate concept. There are many different ways to explain justice, including theories, hypothetical tales, ceremonial events, the threshold of the courtroom, and the constitutional, ordinary, partial, and final rulings of courts (Mehmood, 2020). The practical application of justice can be used to examine it. It is merely a myth in Pakistan, as evidenced by the millions of backlog cases still pending in Pakistani courts.

## **5. Influential Factors Contributing to the Prolonged Delay of Justice**

It is difficult to single out a few reasons why justice in Pakistan is being delayed, but there are many other reasons to consider. Delay is not a strange idea; it just exacerbates the victim's complaints (Melcarne & Ramello, 2021). Delays in justice increase "crime rates, rights violations, anxiety, extortion, agitation, instability, corruption, exploitation, slander, torture, and harassment by police, as well as religious and denominational tensions." The "court system" is broken, which is the main cause of delayed justice. When many more cases are filed than judges are available to consider them, the legal system is flawed. Justice is being delayed due to "insufficient administrative tribunals," which also includes "inadequate employees, financial constraints, and insufficient courtroom." Although the administration of justice is vital, some factors in Pakistan cause it to be delayed. Justice in Pakistan is frequently delayed by "loaded dockets, backlog of outstanding cases, procedural and judicial delays, and unfair postponements of proceedings," among other factors. The transfer of proceedings, unjustified and excessive adjournments, the transfer and corruption of judges, as well as the absence of the parties to the lawsuits and their attorneys from the courtroom are all examples of judicial delays. Prolonged legal processes and sophisticated procedural complexities are to blame for the occurrence of unnecessary delays (Allen, 2015). Judges are essential to the judicial system's functioning and the delivery of justice, yet in Pakistan, a culture of casual professionalism dominates the bench. Justice is also delayed by the "transfer of judges" from one court to another. Above all, lawyers in Pakistan create the processes for obtaining "unreasonable relief," which judges then award because they are required to do so by law. As a result, the judges cannot penalize parties to lawsuits who fail to appear (Narasappa, 2019). Many judges lack adequate training. Because of this, they are unable to ensure that the lawyers will resolve the issues in a timely manner and in accordance with the norms set forth by the law. In criminal courts, establishing the relevant facts typically takes a lot of time. As a result, the court misses out on a lot of crucial information, and occasionally the facts surrounding the matters before the court are not accurately described. Moreover, the plea has a lot of ambiguities that could lead to delays (Rubab et al., 2019). Delaying police investigations also consumes a lot of time in criminal cases.

## **6. Factors of Delay / Pendency**

The pendency is affected by a variety of factors. Some of which are listed below:

### **i. Adjournments**

An adjournment occurs when a matter is postponed until the next scheduled hearing. The biggest cause of case disposition delays is unnecessary adjournments (Laws, 2016). According to Rule 1 of Order XV11 of the CPC, the court may grant a postponement if there is good justification for doing so. A court's interest in finding out why a case was postponed and punishing those responsible is negligible. Quick justice delivery requires cooperation amongst all participants in the judicial system. In spite of this, lawyers routinely request postponements in order to maximize their opportunities to earn money and make court appearances. To maintain order, already swamped judges will often allow for a temporary postponement of proceedings. Complicating the procedure helps employees earn more money. It's common to practice in our courts to ask for unjustified delays and cancellations (Asrafuzzaman & Hasan, 2021). In order to ensure prompt justice, the bar must work together to end the practice of requesting adjournments.

### **ii. Strikes of Lawyers**

The district judiciary must deal with the significant problem of lawyer strikes. A lawyer's duty is to assist the judicial system in carrying out its mission of delivering justice (Gautam, 2017). How can justice be served if they are on strike? Although attorneys must uphold clients' rights, they, unfortunately, find ways to engage in strike action. The misbehaviour with their co-workers inside or outside the court during enactment may cause these strikes. The district judiciary is under increased pressure to reach the goals due to the steadily rising ratio of strikes. A lawyer is not permitted to miss court because of a strike or boycott, as that would be a direct violation of the law. Because of strikes, courts are unable to postpone proceedings; rather, they will continue to hear the case.

### **iii. Shortages of Judges**

Causes of delays in the resolution of cases include the frequent movement and posting of judges. The rotation and transfer of judges further slow down the delivery of justice because each new judge has to go over the same paperwork again to familiarize himself with the case. The research revealed that the majority of court officials were replaced without a replacement (Danziger, Levav, & Avnaim-Pesso, 2011). The primary reason cases take longer to be resolved is a supply-demand imbalance between the needs of the public and the availability of court services. Several cases are competing for a small number of judges, which causes delays (Hameed, Shafiq, & Zadi, 2022). Judges are limited to working as humans. Another significant obstacle to bringing about process improvements is the high workload each judge faces. Other causes of delayed justice include ineffective supervision, poor service of process, lack of eyewitnesses, failure to provide witnesses with security, and many adjournments. Only if the Presiding Officers allow adequate time to address these difficulties can they be remedied (Bilal & Khokhar, 2018). Pakistan's National Judiciary Policy 2009 calls on the government to enhance court expenditure on items like infrastructure, judicial and administrative employees, and court facilities in order to keep up with the country's ever-increasing caseload.

### **iv. Lack of Court-LEA Cooperation and Non-Production of Custody**

When the plaintiff files a case, the process-serving mechanism notifies the respondent party of the lawsuit's fixation (Asrafuzzaman & Hasan, 2021). However, cases frequently get postponed because the summons wasn't properly served on the parties by the process serving organizations. Process servers muddle up the parties and perform unsuccessful and fruitless service. The process servers usually give the wrong information about the parties' unavailability (Ghani et al., 2022). When process servers perform services negligently, the presiding officer must discipline them. This irresponsible behaviour on the part of the process servers may have been caused partly by a lack of transportation options and proper TA/DA payments (Khan, 2015).

## **7. Impact of Delayed Justice on Litigants**

When justice takes too long to be served, it slows down the development of a civilized community. In other words, society's "socio-economic growth" is retarded. In

addition to having an effect, it also discourages foreign investment. As a result of the delay in justice, worldwide trade and business with governments and multinational corporations are being negatively affected (Ullah, 2022). Delays in delivering justice have hurt the state and its operations far more than any individual plaintiff or defendant. Delays in delivering justice have serious consequences for everyone involved in a case, but they can be particularly taxing on the life of the person who feels they've been wronged. It violates "fundamental human rights" when a case drags on for too long and violates "basic rights" when justice is not delivered quickly. The negative impacts of postponing judgments on "fundamental rights" are exacerbated the longer they are put off. More crimes will be committed if justice isn't served quickly (Sourdin & Burstyn, 2014). Delays in resolving legal disputes can have serious emotional and mental consequences for the parties involved, especially if the case is transferred from one court to another, the judge is replaced, or evidence is recorded and re-recorded multiple times. The parties to the litigation are caught in a never-ending loop of motions and responses. Thus, delaying justice is not only physically draining but also emotionally distressing. As a result, plaintiffs' prospects can suffer when legal proceedings are dragged out. Accused criminals are treated as if they were convicted by the general public, even if the court has not yet reached a verdict in the case (Magnuson & Puiszis, 2014). Yet, the damage to his reputation, mental pain, and mental tormenting he or she faced from society cannot be made up for if the court rejected his acquittal with undue delay. One's "psychological, bodily, and financial stress" levels are sure to rise when he goes to court seeking relief only to have his case continuously pushed back.

## **8. Conclusion**

In Pakistan, frequent delays in the legal system make it difficult to deliver justice to the common people. It is concerning that Pakistan does not have a strong track record of enforcing swift justice because delayed justice is a harmful trend. The empowerment of a person or the advancement of society is never possible with delayed justice (Ali & Hassan, 2022). Human rights are violated when justice is delayed, and there is indeed no rule of law in situations when justice is delayed. The lack of prompt justice results from Pakistan's complicated judicial system, convoluted legal procedures, the backlog of cases, and a burdensome caseload on the judiciary. The Pakistani judicial system needs to be revived immediately; else, the delayed justice system will prevent the fulfilment of the need for a quick, approachable, and efficient justice system in Pakistan. Summarily, the researcher has found that Pakistan's judiciary is experiencing an unprecedented increase in the pending cases. This is the most horrifying and irritating reason for the delay in providing justice to the people of Pakistan. The number of cases that are still pending never ends but rather continues to rise. Although the government is trying to address the significant backlog in the courts, it is still not doing enough to reduce the delay.

### **8.1. Recommendation**

The current procedural laws in Pakistan are extremely outdated and unfavourable; the "Cr.P.C." and 'C.P.C.'" are 118 and 108 years old, respectively, while the "Rules of Court Managements" are about 80 years old (Asrafuzzaman & Hasan, 2021). These laws were written by the colonial overlords and are now ineffectual in their nature. Such laws must be changed to make them more effective and ensure quick justice. Such laws need to be updated to reflect the current situation. 2016 Salahuddin Reforms to the judiciary are required. Implementing a Legal framework that guarantees a speedy investigation of any crime must be one of these measures because such investigations need to be finished in one to two months. Because a delay in investigations is one source of the lack of justice. Simpler laws and procedures must be present as a result of judicial reforms since complex laws and procedures cause justice to be delayed.

The Pakistani Constitution guarantees citizens' rights, and in the event that those rights are violated, a citizen may seek redress and justice from the appropriate court. Usually, "habitual litigants" who start "frivolous litigations" against innocent parties abuse this. In addition to violating the rights of innocent people, such "frivolous litigants" also take up more court time and add to the backlog of cases. In certain situations, the court must



impose exceptional financial sanctions in order to prevent the initiation of pointless legal action (Bilal & Khokhar, 2018).

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#### **Authors Contribution:**

Muhammad Imran: Conducted research design and methodology, and collected and analyzed data related to the pendency of cases in Pakistan.

Rao Qasim Idrees: Provided expertise on legal frameworks and judicial systems in Pakistan and conducted data analysis and interpretation.

Muhammad Arif Saeed: Provided insights into the socio-economic impacts and conducted comparative analysis with international case pendency trends.

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