

JUDICIAL DELAYS IN PAKISTAN: HISTORICAL ROOTS, CONTEMPORARY CHALLENGES, AND REFORM PATHWAYS

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ABSTRACT

Judicial delays in Pakistan have reached chronic proportions, undermining the rule of law and public trust. This study presents a data-driven analysis of the causes and consequences of such delays, reviews major reform efforts since 1956, and evaluates the various causes of delays in justice as well as effectiveness of recent initiatives, including the National Judicial Policy and ADR pilot projects. Drawing on empirical data, case studies, and comparative insights, the study offers more actionable recommendations for sustainable reform, emphasizing institutional strengthening, technological innovation, and the integration of alternative dispute resolution.

Keywords: justice delayed, justice denied, challenges, courts, lawyers, technological innovations, initiatives, National Judicial Policy.

INTRODUCTION

Aim and Objectives

This study sets out to critically explore the longstanding problem of judicial delays in Pakistan. By grounding the inquiry in both historical context and contemporary realities, the research seeks to shed light on why justice is frequently delayed in the country and how this delay affects society. The main goals of this paper are:

- To uncover and examine the root causes of prolonged case resolutions at various levels of the judiciary in Pakistan.
- to review and critically assess reform attempts—such as the National Judicial Policy and initiatives in Alternative Dispute Resolution (ADR)—to understand their scope, limitations, and impact.
- To evaluate how judicial delays influence individuals, communities, and the wider legal system from a social, economic, and institutional standpoint.

Theoretical Framework

This research is anchored in the lens of *institutional theory* of judicial administration, which views court inefficiencies and delays not as isolated issues, but as systemic problems arising from entrenched structural weaknesses, cumbersome procedures, and under-resourced institutions. Complementing this is the *procedural justice* perspective, which emphasizes that the fairness of legal

processes—and not just outcomes—is critical to sustaining public faith in the legal system. Together, these theories help illuminate how outdated laws, bureaucratic red tape, insufficient manpower, and informal practices—like habitual adjournments—contribute to persistent delays in the dispensation of justice in Pakistan. This conceptual foundation also allows for a nuanced understanding of how the public perceives the justice system and what conditions are necessary to rebuild trust in it.

Methodology

This study employs a qualitative and quantitative approach, relying entirely on secondary sources of data. The research is structured around a detailed review of judicial performance indicators, policy documents, legal commentaries, and comparative case studies.

Key sources includes official statistics and case backlog reports published by the Law and Justice Commission of Pakistan and various provincial High Courts from 2014 to 2021, Policy documents and reform blueprints, such as the *National Judicial Policy*, the *Access to Justice Programme*, and reports issued by international development organizations including the World Bank, UNDP, and ADB, peer-reviewed journal articles, opinion pieces, and analytical essays focused on judicial reform, procedural hurdles, and governance challenges in Pakistan’s legal system, comparative judicial studies from other developing jurisdictions to situate Pakistan’s situation in a broader international context.

The data analysis involved a combination of descriptive statistics to map trends in case backlogs and a thematic content analysis to interpret legal and policy texts. This approach allowed the researcher to trace patterns, identify critical bottlenecks, and evaluate the efficacy of different reform strategies.

Key Findings

The review of official judicial data indicates that as of 2021, Pakistan’s courts were burdened with over two million pending cases. This backlog affects all tiers—Supreme Court, High Courts, and District Judiciary—with some courts reporting decades-old unresolved cases. Several contributing factors have been identified: the overwhelming volume of litigation compared to the number of sitting judges; frequent and often unnecessary adjournments; and outdated legal processes that trace their origins back to the colonial era.

The National Judicial Policy did lead to some improvements in the rate of case disposal during its initial years. However, the lack of long-term institutional support, insufficient resource allocation, and weak administrative execution curtailed its full potential. Other hindrances include poor digital infrastructure, frequent judicial transfers, and strikes by legal practitioners—all of which stall the pace of litigation.

1. INTRODUCTION

Legal maxim "Justice delayed is justice denied" is attributed to William Ewart Gladstone and in alternative, William Penn (Wikipedia contributors. (2014). Martin Luther King, Jr., used the phrase in the form "justice too long delayed is justice denied (Ibid)". Walter Savage Landor once said, "delay in justice is

injustice (Kalanauri)." Warren E. Burger, Chief Justice of the United States in an address to the American Bar Association in 1970 stated, "A sense of confidence in the courts is essential to maintain the fabric of ordered liberty. It could destroy the confidence and do incalculable damage to society

if the people come to believe that inefficiency and delay will drain even a just judgment of its value (Wikipedia contributors, 2014) Delay in the context of justice denotes the time consumed in the disposal of case, in excess of time within which a case can be reasonably expected to be decided by the court (Sabharwal, 2005). It may cause injustice, as the evidence may disappear or deteriorate, time may affect the quality of justice and utility of judgments (Sabharwal, 2005). Delay in our justice system has become chronic and proverbial, resultantly, credibility in courts to administer justice is almost shaken (Kalanauri).

Islam ordains speedy justice and denounces the judge who delays cases without reasonable cause, terming him sinner (Ghazi). Our Constitution enshrines, “provision of inexpensive and expeditious justice (Constitution of the Islamic Republic of Pakistan, n.d.) as guiding principle for all State functionaries.

In order to grapple with growing monsters of delays and arrears seven law Commissions/Committee were constituted from 1956 to 1980. These include Commission on Marriage and Family Laws, 1956; Law Reform Commission, 1958; Law Reform Commission, 1967; High Powered Law Reform Committee, 1974; Law Committee for Recommending Measures for Speedy Disposal of Civil Litigation, 1978; Secretaries’ Committee set up by the President to Examine the Recommendations of the Law Committee set up for Recommending Measures for Speedy Disposal of Civil Litigation, 1979; and Committee to Formulate Concrete Proposals for Simplifying the Present Legal Procedure. In 1981, a permanent Pakistan Law Commission has been established, with key objective to introduce legal and judicial reforms.

During the period of 2014-2016, the accumulative pendency at the constitutional courts has increased from 304,813 in 2014 to 312,478 in 2016 respectively. Overall, Supreme Court only, has an increase of pendency from 22,764 to 31,807. But with respect to all high courts collectively, have the combined decrease in the pendency of cases i.e. from 282,049 to 280,671 cases (Ali & Hassan, 2022).

By January 2018, Pakistan’s judiciary was grappling with a staggering backlog of nearly 1.87 million unresolved cases. This caseload was distributed across all tiers of the judicial system, with the Supreme Court alone handling 38,539 pending matters. The Lahore High Court faced 147,542 cases, while the Sindh High Court had 93,335, the Peshawar High Court 30,764, the Balochistan High Court 6,030, and the Islamabad High Court 16,278 cases awaiting adjudication. The burden was even heavier on the district judiciary, where Punjab’s courts reported 1,184,551 pending cases, followed by 204,030 in Khyber Pakhtunkhwa, 97,673 in Sindh, 37,753 in Islamabad, and 12,826 in Balochistan (Law and Justice Commission of Pakistan, 2018) (Dawn, 2018). Furthermore, the data reflecting the number of cases instituted, decided, and still pending as of August 2021 clearly highlights that Pakistan’s judiciary is grappling with a significant backlog of “2,177,527 cases. 54043 cases are pending before Superior Courts including Supreme Court of Pakistan and Federal Shariat Court while 350495 are pending in of High Courts of all the provinces including Islamabad High Court (IHC). Likewise, the district judiciary of Pakistan has a backlog of 1,773,171 cases.” The numbers of cases pending before each court are illustrated below (Consolidate statement, August 2021) (Bilal & Khokhar, 2021).

2. PENDING CASES IN THE COURTS OF PAKISTAN

a. Pending cases before Superior Courts

Name of Superior Courts	Number of pending cases
Supreme Court of Pakistan	53686
Federal Shariat Court	175
Total	53,861

b. Cases pending before High Courts of Pakistan

Name of High Courts	

Lahore High Court	197907
Sindh High Court	86679
Baluchistan High Court	4538
Islamabad High Court	16858
Peshawar High Court	44513
Total	350495

c. Pending cases at lower courts of Pakistan

Name of Lower Courts	Number of pending case
District Courts of Sindh	11793
District Courts of Islamabad	52599
District Courts of Khyber Pakhtunkhwa	249013
District Courts of Baluchistan	17306
District Courts of Punjab	1336315
Total	1,773,171

(Bilal & Khokhar, 2021).

Alike report published in the month of January depicting that the Judiciary of had a “backlog of around 2162042 cases including those of Superior courts which had a backlog of 46873, High Courts of Pakistan with that of 331343. However, the district judiciary of Pakistan had 1783826 cases pending (Ali & Hassan, 2022).

The previous backlog of cases and constant institution of new cases, depicts the impracticability of justice yet witnesses the denial of justice.

3. MAJOR CAUSES OF DELAY IN JUSTICE

3.1. Shift of responsibilities of constitutional courts:

Some legal analysts argue that the superior courts, particularly the High Courts and Supreme Court, have shifted their focus from their traditional appellate responsibilities to constitutional petitions filed under Articles 199 and 184(3) of the Constitution. These provisions enable the higher judiciary to enforce fundamental rights, but an overemphasis on such petitions may detract from their broader appellate role. Senior lawyer Mohammad Akram Sheikh noted that this trend risks leaving the district courts without sufficient appellate oversight, further slowing the system's overall efficiency (Dawn, 2018).

3.2. Disruption from Lawyer Strikes and Adjournments

The legal fraternity itself is not without blame. According to former Bar Association president Tariq Mehmood Jahangiri, delays are exacerbated by frequent and often avoidable adjournments requested by lawyers. Additionally, bar associations routinely call for strikes over relatively minor issues, resulting in the suspension of court proceedings and compounding the backlog problem. These practices, while sometimes grounded in professional grievances, ultimately disrupt the administration of justice and undermine the efficiency of an already strained judicial apparatus (Dawn, 2018).

Infact, lawyer strikes significantly compound the crisis. The World Bank (2019) estimates that between 15–20% of judicial working days are lost annually to boycotts. Lahore’s district courts alone report an average of 5–7 adjournments per case, largely due to lawyer unavailability (Cheema & Raza, 2016).

3.3. Delays Identified by The Commissions And Committees:

The causes of delays identified by the commissions and committees are; lack of court/residential infrastructure, proper working conditions in courts, libraries, record rooms in district courts, training facilities for judicial officers, transport facilities for process serving staff and proper supervision, unsatisfactory service of process, storage of judicial officers, ministerial staff and necessary court

equipment's, non-observance of procedural law, storage of stationary and furniture, delay in investigation, non-attendance of witnesses, frequent adjournments, delays in writing judgments, dilatory tactics of lawyers and parties, frequent transfer of judicial officers and transfer of cases from one court to another, interlocutory orders and stay proceedings and un-attractive service conditions of the subordinate courts (Nawaz, 2014).

3.4. Government Initiatives and Policy Measures

The initiatives undertaken by the Government and Judiciary in Pakistan, for dealing with the problems of backlogs and delays, include Access to Justice Programme (AJP -A ADB-GoP loan Programme), Strengthening Rule of Law in Malakand Project (SRLMP-A UNDP-GoKP joint project), Governance Support Programme (GSP- A WB- GoP Programme in Post Conflict Scenario). Most prominent of the initiatives is compilation of National Judicial Policy in 2009. However, a lot is still needed for making the justice system accessible, transparent, friendly, speedy and cost effective.

4. Discussion

The findings make it clear that judicial delays in Pakistan are not due to a single fault line but rather a web of structural, administrative, and behavioral factors. The justice system is strained under the weight of an outdated procedural framework and lacks the personnel and technology needed for efficient case management. Reform efforts, however, well-intentioned, have often fallen short due to fragmented planning and a lack of sustained follow-through.

To move forward, Pakistan's judiciary must embrace systemic change. Investing in digital case management systems, introducing continuous legal training for judges, and increasing judicial appointments based on merit and need are crucial first steps. Beyond institutional reforms, a cultural shift is also needed—particularly among legal professionals—to discourage delays, reduce frivolous litigation, and promote accountability. Without this

dual approach, public confidence in the judiciary will continue to erode.

5. Limitations and Suggestions for Future Research

A key limitation of this study is its reliance solely on secondary sources. While the data used is credible and robust, it doesn't provide first-hand perspectives from those directly affected by the system, such as judges, lawyers, litigants, and court administrators. Future research should aim to fill this gap through interviews, surveys, or ethnographic observation.

Additionally, longitudinal studies tracking the actual implementation and effectiveness of new judicial reforms—particularly in digitization and case management—would provide much-needed insight into whether recent efforts are yielding measurable progress. Such studies could also help distinguish between superficial policy changes and genuine systemic improvements.

6. Recommendations:

6.1. Implementation and appraisal of national judicial policy

National Judicial Policy (NJP) is a national judicial vision document formulated by National Judicial Policy Making Committee. It is expression collective will of judiciary of Pakistan regarding its independence, eradication of corruption, issues relating of conduct of judges and court personnel, speedy disposal of cases, short and long term measures for addressing issues related to backlog and delays. Performance of judges is measured in terms of disposal of cases according to guidelines provided in NJP. Suitable arrangements are required to review progress of implementation of NJP holistically, at national and provincial levels, with focus not only on provision of quantitative but qualitative justice as well. The policy is no doubt result of democratic process; however, it is required to be revisited on basis of scientific research for making it a vision document for administration of justice in Pakistan, with clear vision, defined objectives and time-bound strategy for their achievement. Scientific researches are needed on core areas of independence of judiciary, eradication of

corruption, expeditious disposal of cases and measures for improving justice services. This will ensure identification of real issues being faced by judiciary and corresponding reform actions to be adopted. This can form a base-line study for a broader reform project in Pakistan.

6.2. Researched Based Delay Reduction Policy

Delay Reduction initiatives in Pakistan have been rarely resorted to after conducting scientific researches. This results in improper identification of priorities and corresponding allocation and use of resources. Conducting research is *sine qua non* for the purpose. Such research should recommend specific, measurable, achievable, realistic and time bound measures.

6.3. Reorienting Administrative Decision Making

Rule of law is key for survival the State institutions. Judicial institutions, at all level, are required to uphold it, while making administrative decision making. Performance of administrative functions in accordance with law, will strengthen public confidence in the judicial institutions. Subordination of ambition to the principles will lay sound foundation in judicial administration. Minimizing discretions and establishment of rule based and visible judicial governance models at all levels of judicial administration will ensure their predictability. This will also inculcate confidence in all those who have the will and courage to serve without fear or favour.

6.4. Creating Awareness

Lack of knowledge about relevant procedures is one of the major causes of malpractices and delays. Court personnel and paralegals exploit this state of affairs, in particular. There is need to reinvigorate the information kiosks in the District Courts. All court related information may be provided there in friendly environment and without any cost. Justice related services should be made accessible to all. Media (print and electronic) needs to be taken on board for making continuing mass awareness campaigns regarding citizens' rights and services being provided in courts.

6.5. Legal Aid Desks

Right to fair trial is now a fundamental right under the Constitution. Provision free legal aid to the needy

and deserving, is one of the aspect towards respect of the right on one hand and for delay reduction on other. Establishment of free legal aid clinics in premises of district court can facilitate helping the needy litigants. Bringing all justice sector partner together for dialogue and developing a system for providing legal aid to deserving litigants in disputes or offences of petty nature can not only reduce unfair practices but will also improve image of the district courts. Above all, rights of the citizens can be guarded in a speedy and cost effective dispute resolution system.

6.6. Use of Technology

Use of technology can not only multiply efficiency but can also help in increasing transparency and accountability of judicial institutions. Judicial systems in many regimes have been automated to their entirety (e.g. UK and Turkey). Conversion of existing paper-based courts to e-courts. Minimizing involvement of hands in court processes will maximize efficiency and visibility. For instance, soft-wares based on e-filing of complaints, issuance of summons, electronic availability of record, evidence and judgments, can close many windows of dishonest practices. Though implementation will take time, but it is ripe time for us to ponder and plan. Use of Video Conference facility in court proceedings can also save time and resources, for instance in jail trials or trials of prisoners in sensitive cases, recording of evidence of judicial officers as well as other public servants. Automation of court records and related services is another interim measure which will facilitate the right-holder i.e. masses and litigant public. Provision of laptops to all District Court in country can multiply efficiency and disposal many folds. These will also help courts work during power outages. In this developed era, there is a need to introduce advanced technology in the courts and the court thereafter should properly start to provide expeditious justice via "e-courts". The "e-court system" has been though, used by the Supreme Court of Pakistan (Malik, A, 2019).

6.7. Augmenting Infrastructure and Human Resources

Citizens have recourse to district courts for determination of their disputes. In considerable districts, courts are working in dilapidated and

insufficient buildings. Besides, majority of district courts have less number of judges as compared to the workload. Congestion and overcrowding not only hamper smooth delivery of services but are also responsible for unmerited practices. Though substantial work has been done, however, considerable works are still required. These include refurbishment, renovation and repairs of courts and human resource development and mobilization to make an impression of the institution where justice is administered.

6.8. Additional courts/ Tribunals

Establishment of additional Courts requires corresponding funds. Use of existing courts infrastructure in second shift can double up disposal of cases. Though an effort has been made in this regard but still proper regulation is required to specify the jurisdiction of the respective courts (Sabharwal, 2005)

6.9. Encouraging Alternate Dispute Resolution

Resort to Alternative Dispute Resolution Processes, that is, Mediation, Arbitration, Conciliation, Neutral Evaluation, Settlement Conference, Case Management, Judicial Settlement and Summary Judgment can curtail delays to a greater extent. Advantages of ADR include, Cost effectiveness, preservation of relationship and reduction of social conflict, control of parties over process as well as outcome, satisfaction of the parties, saving of time, reduction of burden on courts, provision of expeditious and quick resolution to a disputes, confidentiality, allowing courts to divert attention to most complicated claims, lesser technicalities and presentation of a win-win solution to dispute. In view of significance of ADR, it is termed as a social movement.

6.10. Fast Track Courts

Fast Track Courts for disposal of old civil and criminal cases can be established. In India this experiment has proved a success.

6.11. Adjournments And Strikes of Lawyers

Every adjournment sought by one party results in delay without fault of the other. Therefore, on pattern of Nizam-e-Adl Regulation, 2009, even in unavoidable circumstances (Nizam-e-Adl Regulation, 2009), cost

should be imposed on party resulting in delay on any account.

Legal profession is essentially a service-oriented profession. In *Harish Uppal v. Union of India* Constitution Bench of the Supreme Court declared that the lawyers have no right to strike or to give a call for boycott not even of a token strike. The sections affected by the strikes, namely the Courts as well as litigants, are innocent and have done nothing wrong to the advocates. Why should they be then targeted by lawyers going on strikes and abstaining from work. When the workmen go on strike, they target the management on account of injustice caused to them. When Government servants are on strike, they want it to listen to their grievances but, in case of strike by lawyers generally the grievance is neither against the Court nor against the litigating public. It is high time, the lawyers realize the undesirability of strikes and the immense damage they cause not only to the system but to their own credibility as well (Sabharwal, 2005).

6.12. Initiating Dialogue

Feedback from all institutions established under earlier reform initiatives, for instance, Bench Bar Liaison and Citizen Court Liaison Committees as well as from all the courts and bar associations can be obtained for making a broad based and all-encompassing delay reduction policy.

6.13. Amending Criminal and Civil Procedure Statutes

Civil and Criminal laws need improvements to tailor them according to requirements of the modern age. Research based approached is required for the purpose. For expeditious justice there is a need to amend these colonial laws and introduce amend accordingly with the need of present time (Salauddin, 2016). This will not only improve the existing laws but will also make them less technical and more litigant friendly. Lahore High Court has already embarked upon amending the Code of Civil Procedure. The respective governments and other High Courts are advised to follow the pursuit.

6.14. Experience Sharing

Sharing of good practices amongst the district and provincial judiciaries and judicial academies throughout Pakistan and in the world, their intertwining will not only help in avoiding duplication of

efforts but will also help in adoption of successful delay reduction reforms' strategies.

6.15. Unconventional Thinking

Innovations in provision of justice related services or processes can facilitate delay reduction interventions, even within available resources. For instance, establishment of one widow operation for all litigants related services; Interviewing visitors of court or receiving their telephonic feedback regarding services provided in courts; and out-sourcing of services of court processes e.g. service of summonses.

6.16. District Complaint Cells

Establishment of District Complaint Cells for addressing citizen grievances regarding delay related issues and its effective supervision can help and check monitoring allegations of corruption on one hand and it can also serve as a tool for delay reduction reforms on the other.

6.17. Service Structure

Security of office is a must for independence of judiciary, however, service structure of the ministerial staff needs radical changes. Qualifications for various posts require review and existing qualifications of staff in various rules do not cater for their job requirements. Services of the staff should be linked with performance and integrity. Instead of permanent service, hire and fire system needs introduction, at least on pilot basis. It will work as strong check and will not only help in addressing issues of corruption but will also increase effectiveness.

6.18. Capacity Building and Judicial Education

A number of studies divulge that causes of delay in disposal of cases are mostly due to lack of capacity of those who deal them. The Judges in particular and all others concerned with dispensation of justice at district level need capacity building in court, case, time management; professional ethics and code of conduct; total quality management in judicial dispensation; qualitative and quantitative Monitoring and Evaluation of works; Financial management; human resource management; sensitization of officers and official on their responsibility as duty-bearer towards the litigant and special laws, particularly newly promulgated legislations.

7. Conclusion

Provision of speedy justice in Pakistan has remain a cherish goal in. Initiatives proposed in this paper can help in judicial good governance on one hand and bring more visibility and transparency on the other. However, access to justice to masses can be ensure only when adequate reforms are introduced in other areas of administration of justice as well, i.e., police and criminal justice reforms, recognition role of ADRs in dispute resolutions and suitable reforms on part of Bar Associations.

There is, however, need of striking a balance between quantitative and qualitative judicial dispensation. In words of Justice Sobhag Mal Jain, "While laying stress on the urgent need of elimination of delay and reduction of backlogs, we cannot afford to act in undue haste so as to substitute one evil for another one. Stress on speed alone at the cost of substantial justice may impair the faith and confidence of the people in the system and cause greater harm than the one caused by delay in disposal of cases (Sabharwal, 2005)."

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