

Journal of Law & Social Studies (JLSS)

Volume 7, Issue 1, pp 43-52

www.advancelrf.org

Justice Delayed, Justice Denied: Examining the Causes of Delays in Pakistan's Criminal Justice System

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Abstract

The criminal justice system (CJS) serves as the backbone of any society, ensuring law enforcement, judicial fairness, and penal rehabilitation. Pakistan's CJS, however, faces numerous challenges, including systemic inefficiencies, outdated legal frameworks, and significant delays in case adjudication. This research aims to analyze the overall structure of Pakistan's CJS while specifically identifying the root causes of judicial delays and proposing effective reforms. The central research question investigates how institutional shortcomings contribute to prolonged case resolution and what measures can be implemented to address them. This study examines historical developments, statistical data, and operational inefficiencies within the judiciary, police, and prosecution services. The findings highlight the urgent need for comprehensive judicial, prosecutorial, and legislative reforms to enhance the efficiency, transparency, and accessibility of Pakistan's criminal justice system.

Keywords: Criminal Justice System, Delayed justice, case pendency, judiciary, prosecution, police

1. Introduction

The criminal justice system of any country serves as the backbone of societal order, ensuring that laws are upheld, offenders are punished, and victims receive justice. A fair, efficient, and transparent criminal justice system is crucial for maintaining public confidence in legal institutions (Nims, 1956). However, in Pakistan, the criminal justice system has long been criticized for its inefficiency, corruption, and delays in dispensing justice. These issues not only undermine the rule of law but also contribute to a lack of trust in the judiciary and law enforcement agencies. Delayed justice remains one of the most pressing concerns, affecting victims, accused individuals, and society at large. The phrase "justice delayed is justice denied" resonates deeply in Pakistan, where court cases often take years, if not decades, to reach a conclusion (Imran et al., 2024).

Pakistan's criminal justice system is composed of several key institutions, including the police, prosecution, judiciary, prisons, and legal aid services. These institutions are interconnected, and inefficiencies in one component create ripple effects throughout the system (Hussain, 2015). The police are responsible for investigating crimes and maintaining public order, yet they are frequently accused of corruption, political interference, and a lack of professionalism. The prosecution service, tasked with presenting cases in court, often suffers from resource constraints and bureaucratic inefficiencies. Meanwhile, the judiciary, responsible for adjudicating criminal cases, is plagued by case backlogs, procedural delays, and an insufficient number of judges. Prisons, meant to rehabilitate offenders, are overcrowded and fail to provide adequate facilities for rehabilitation (Saleemullah, 2024).

The impact of delayed justice extends beyond individual cases. It weakens public trust in legal institutions, encourages vigilantism, and fosters a sense of impunity among criminals (Wasby, 1997). When people lose faith in the judiciary, they may resort to extrajudicial means to seek justice, leading to increased incidents of mob violence, honor killings, and other forms of street justice. Additionally, prolonged delays in high-profile cases undermine Pakistan's international reputation regarding human rights and the rule of law (Shafiq et al., 2022).

The case pendency has been a serious problem in Pakistan's court system, seriously hurting the quick delivery of fairness. Even with many tries to make things better, the pile of cases stays large, with many new cases being sent each month. This rising weight on the courts causes long legal fights, often lasting for several years which hurts public faith in the justice system!

Attempts to change Pakistan's law system have been tried at different points, but real progress is still hard to find. The start of changes in courts, like setting up example courts to speed up cases and making legal papers digital, has shown some hope (Khan & Manzoor, 2020). But these steps need to be done on a bigger level and paired with wider changes in institutions. Putting in more judges and better training for legal workers are needed to fix these issues.

2. Historical Evolution and Structure of Pakistan's Criminal Justice System

The origins of Pakistan's criminal justice system can be traced back to British colonial rule over the subcontinent (Zakir et al., 2021). During the colonial raj, the colonial administration tried to establish a uniform legal framework to govern its different territories having different culture. To achieve this, the British introduced a structured legal system based on Common Law principles. The primary aim of the legal system was to uniform the whole system of the region.

One of the most significant contributions of British rule was the enactment of key legal codes that still form the foundation of Pakistan's criminal justice system today. The Indian Penal Code of 1860 which later became the Pakistan Penal Code (PPC) after independence, was designed to define criminal offenses and prescribe punishments in a systematic manner. Similarly, the Code of Criminal Procedure (CrPC) of 1898 established procedural guidelines for criminal trials, ensuring consistency in legal proceedings. These laws were the reflection of English traditions and customs, but also have some cultural values of the region therein (Zakir et al., 2021).

The British legal system emphasized hierarchical judicial structures, with lower courts handling minor cases and higher courts overseeing serious criminal matters. The High Courts and the Privy Council in London acted as appellate bodies, ensuring judicial oversight and uniform interpretation of laws (Hussain, 2015). Moreover, the introduction of a professional police force under the Police Act of 1861 laid the groundwork for modern policing in the subcontinent, though the basic reason behind was to have a strong check over people.

Despite the legal advancements brought by British rule, the colonial justice system was often criticized for being rigid, biased, and inaccessible to the common people. The emphasis on bureaucratic procedures and strict evidentiary requirements often made it difficult for ordinary citizens to seek justice (Zakir et al., 2021). Furthermore, the police force was notorious for its oppressive tactics, using excessive force and arbitrary arrests to suppress political dissent and maintain colonial authority. Many of these issues unfortunately remained within the legal system of Pakistan after independence. Those issues become the main root cause of overall legal system.

After 1947, Pakistan inherited the British colonial legal framework but faced the challenge of adapting it to the newly established state's ideological, political, and social needs. While the foundational legal structures, such as the Pakistan Penal Code (PPC) of 1860 and the Code of Criminal Procedure (CrPC) of 1898, remained largely intact, successive governments introduced legal reforms to align the criminal justice system with Islamic principles, improve judicial efficiency, and address emerging socio-political challenges (Ali & Sadia, 2022).

To address delays in legal proceedings, various governments attempted judicial reforms, including the establishment of specialized courts such as Anti-Terrorism Courts (ATCs), Family Courts, and Accountability Courts. The basic purpose of those courts to accelerated the overall process of the trials of their concerned cases (Hussain, 2015). However, the effectiveness of these courts has been mixed, with criticisms regarding undue political influence, lack of transparency, and the failure to deliver timely justice.

Despite various reform efforts, Pakistan's criminal justice system continues to face serious challenges. The inherited colonial-era laws remain largely intact, with procedural inefficiencies leading to prolonged case durations (Zakir et al., 2021). Judicial independence has frequently been undermined by political interference, and law enforcement agencies continue to grapple with issues of corruption, inadequate training, and resource constraints.

3. Current Pendency of Cases in Pakistan's Judicial System

The issue of case pendency has been a serious challenge in Pakistan's judicial system, significantly affecting the timely dispensation of justice. Despite some serious efforts to improve efficiency, the backlog of cases remains substantial, with thousands of new cases being filed each month (Nawaz, n.d.). This growing burden on the courts results in prolonged litigation, often spanning several years, which undermines public trust in the justice system.

The Law and Justice Commission of Pakistan (LJCP) report is very important to understand the seriousness of the issues of case pendency. This report, on one side, provides the current data regarding pendency, and on the other hand, also provides with recommendations to counter the issue (Law & Justice Commission of Pakistan, 2024).

According to the LJCP report, the total number of pending cases across all courts in Pakistan, including the Supreme Court, High Courts, and District Courts are very high. As of the latest available data the backlog of cases in Pakistan's judiciary continues to be a critical challenge, with pendency increasing in some courts while showing slight improvements in others. The Supreme Court of Pakistan, High Courts, and District Judiciary are all struggling to keep pace with the influx of new cases, leading to delays in justice delivery. The detailed analysis of the latest trends in pending cases across different tiers of the judicial system is following.

3.1 Supreme Court of Pakistan

The Supreme Court is the highest judicial forum in Pakistan which is primarily concerned with constitutional interpretations matters. However, in the first six months of 2024, the court faced a rising backlog due to a higher number of newly instituted cases compared to the number of cases disposed of (Law & Justice Commission of Pakistan, 2024).

According to the Report (2024), a total of 6,943 cases were successfully resolved which shows the court's seriousness in accelerating to dispose of the cases. However, 9,135 new cases were instituted during the same period, leading to a net increase in pending cases. As a result, the backlog increased by 4.13% in just six months. This growing backlog at the Supreme Court level highlights systemic inefficiencies, such as procedural delays, a shortage of judges, and the complexity of legal disputes, which require long adjudication periods.

3.2 Federal Shariat Court

Pakistan's Law & Justice Commission Report (2024) indicates that the Federal Shariat Court made some progress in case disposals. The court had 85 pending cases at the start of 2024, which mid-year was reduced to 77 cases. A net decrease of 9% in case pendency was achieved as 48 cases were resolved while 40 new cases were instituted. This increase in efficiency regarding pending/carryover cases illustrates greater judicial productivity in the Federal Shariat Court which might have resulted from improved case management and a lighter case load as compared to other courts.

3.3 High Courts

The situation in Pakistan's High Courts varies significantly across different provinces. While some courts experienced an increase in pendency, others managed to reduce their backlog through effective case disposal. In Lahore High Court, the Initial pendency was of 193,674 cases, while 74,841 new cases instituted in six months of 2024. Total 70,640 cases were disposed of. So, the net increase in pendency was 2.2%, reaching 197,875 cases (Law & Justice Commission of Pakistan, 2024).

According to the Law & Justice Commission of Pakistan's Report (2024), in Sindh High Court, the Initial pendency was of 83,941 cases, while 18,375 new cases instituted in six months of 2024. Total 17,393 cases were disposed of. So, the net increase in pendency was 1.2%, reaching 84,986 cases. In Peshawar High Court, the Initial pendency was of 42,409 cases, while 11,434 new cases instituted in six months of 2024. Total 11,903 cases were disposed of. So, the net decrease in pendency was 0.4%, reaching 42,227 cases.

The report further disclosed that in Balochistan High Court, the Initial pendency was of 4,951 cases, while 3,096 cases instituted in six months of 2024. Total 2,955 cases were disposed of. So, the net increase in pendency was 3%, reaching 5,092 cases. In Islamabad High Court, the Initial pendency was of 17,274 cases, while 6,553 cases instituted in six months of 2024. Total 6,148 cases were disposed of. So, the net decrease in pendency was 1.6%, reaching 16,993 cases.

These statistics reveal that while some High Courts, such as the Peshawar High Court and Islamabad High Court, have managed to reduce their pending caseload, others, particularly the Lahore High Court and Balochistan High Court, have experienced an increase in pending cases. The variation in backlog management highlights the need for region-specific judicial reforms.

3.3.1 Criminal and Civil Cases Pendency in High Courts

Breaking down the backlog further, both criminal and civil cases have contributed to the growing pendency. Overall criminal case pendency increased slightly by 0.07%, from 63,629 to 63,673 cases. The Lahore High Court showed a 0.70% decrease in criminal case pendency, indicating efficient disposal. The Balochistan High Court experienced an increase in pending criminal cases. The Peshawar High Court and Islamabad High Court had minor changes, reflecting near-parity between new cases and disposals (Law & Justice Commission of Pakistan's Report, 2024).

The report further disclosed that total number of civil cases had increased by 1.75%, from 278,620 to 283,500 cases. The Lahore High Court experienced a 2.92% increase in civil case pendency, highlighting a higher influx of new cases. The Balochistan High Court saw a 0.13% decrease, showing improved case management. The Islamabad High Court reduced its civil case pendency by 2.02%, indicating an overall improvement in handling civil litigation.

3.4 Case Pendency at District Level

Law & Justice Commission of Pakistan's Report (2024) revealed that Pakistan's district judiciary improved its efficiency in disposing of the cases in spite of having low resources. Initial pendency across all districts was of 1,863,028 cases. 2,379,819 new cases instituted while 2,429,755 cases were disposed of. So, the net decrease in overall pendency was of 47,245 cases which is approximately 2.5%.

The overall data from Pakistan's judicial system highlights a mixed trend. While some courts, such as the Federal Shariat Court, Peshawar High Court, and Islamabad High Court, have successfully reduced their backlog, others, particularly the Lahore High Court and Balochistan High Court, are facing increasing pendency. The Supreme Court, despite its efforts, continues to experience a bulk of new cases and hence case pendency percentage couldn't be reduced. The political instability and political petitions can be the main reason behind it. This analysis underscores the urgent need for judicial reforms, including better case management systems, increased judicial appointments,

digitization of court records, and alternative dispute resolution mechanisms. Addressing these issues will be crucial in ensuring timely and effective justice delivery in Pakistan.

4. Causes of Delay in Pakistan's Criminal Justice System

The delays in Pakistan's criminal justice system are deeply rooted in a complex web of structural inefficiencies, legal loopholes, and systemic weaknesses that have persisted for decades (Imran et al., 2024). The undue delay, on one hand, increases the overall burden on the judicial system, and, on the other hand, increases mistrust in public. While several factors contribute to the sluggishness of the system, a few major causes stand out as particularly detrimental to the timely dispensation of justice.

One of the foremost reasons for judicial delays is the severe shortage of judges at all levels of the judiciary. Pakistan has one of the lowest judge-to-population ratios in the world, with an overwhelming number of cases being handled by a limited number of judicial officers. The increased volume of pending cases almost makes impossible for judges to dispose of the cases within the time stipulated in relevant laws (Malik & Shaikh, 2024). As a result, cases continue to accumulate, creating an ever-growing backlog. In the lower courts, where the majority of criminal cases originate, judges are often required to handle dozens of cases in a single day, making it difficult to conduct thorough trials and leading to frequent adjournments. The shortage of judges is further compounded by the slow process of judicial appointments, which often involves bureaucratic hurdles and political considerations, delaying the filling of vacant positions in the judiciary (Khan, n.d.).

Another major contributor to judicial delays is the inefficiency of Pakistan's procedural laws, which are largely inherited from the British colonial legal system. The Code of Criminal Procedure (CrPC), 1898, which governs criminal trials in Pakistan, is an antiquated legal framework that relies on outdated methods of case handling (Tanoli, 2024). The procedural complications also play significant role in increasing overall case pendency level in judicial system. For instance, the requirement for multiple hearings before a case is admitted, the complex procedures for summoning witnesses, and the lengthy cross-examination processes all contribute to prolonged trials. Additionally, the lack of case management systems in most courts means that scheduling and tracking of cases are done manually, often leading to mismanagement and unnecessary postponements.

The inefficiency of the police investigation process is another major factor that slows down criminal proceedings (Bilal & Khokhar, n.d.). Overall police system in Pakistan is considered as corrupt and highly politicized. Law enforcement agencies are considered pressurized by the members of legislature and political parties. Many cases suffer from poor forensic examination, incomplete documentation, and missing or tampered evidence, all of which result in prolonged legal battles as courts struggle to establish the facts. The reliance on outdated investigative techniques, including the excessive use of confessions obtained under coercion rather than scientific forensic evidence, further complicates the trial process. Weak investigations lead to multiple adjournments and retrials, making it difficult for courts to reach timely conclusions. In many instances, police officers are either reluctant or deliberately slow in submitting investigation reports, further exacerbating delays in the legal process (Dawn, 2022).

The role of the prosecution in criminal trials is equally crucial, yet in Pakistan, the prosecution service is riddled with inefficiencies that contribute significantly to case delays. Prosecutors often lack proper training and resources, making them ill-equipped to present strong cases in court. The absence of coordination between police investigators and prosecutors results in weak cases, as prosecutors are often provided with incomplete or poorly documented evidence. Furthermore, many prosecutors face undue political and financial pressures, which can influence the direction and speed of trials. The inefficiency of the prosecution leads to frequent case withdrawals, repeated adjournments, and instances where accused individuals remain in prolonged detention without a clear resolution to their cases (Saleemullah, 2024).

Corruption within the judiciary and legal system is another major obstacle to the timely dispensation of justice. Bribery, favoritism, and political interference often play a significant role in delaying cases. In many instances, litigants with financial resources are able to manipulate the system by bribing court officials, lawyers, or even judges to delay proceedings to their advantage. Corrupt practices such as intentionally misplacing case files, delaying case listings, and granting repeated adjournments in exchange for financial incentives have become common in Pakistan's legal culture (Malik & Shaikh, 2024). These practices not only slow down individual cases but also create an overall environment of inefficiency within the judicial system.

The frequent adjournments granted by courts are another serious impediment to the speedy resolution of cases. Many cases are adjourned multiple times due to the absence of key witnesses, the unavailability of legal representatives, or procedural technicalities. Lawyers often request adjournments for personal or strategic reasons, and courts frequently grant them without strict scrutiny (Law & Justice Commission of Pakistan's Report, n.d.). This practice has become deeply entrenched in the judicial process, leading to cases dragging on for years. The lack of strict penalties for unnecessary adjournments further encourages this practice, as there are no serious consequences for delaying tactics employed by lawyers or litigants.

The condition of Pakistan's prison system also contributes to delays in the criminal justice process. Overcrowded prisons house thousands of under-trial prisoners who are unable to get timely hearings due to the slow-moving judicial process. Many accused individuals remain in detention for years without being formally convicted, as their trials get postponed indefinitely. The inefficiency in processing bail applications also results in prolonged pre-trial detentions, further exacerbating prison congestion. Moreover, the lack of coordination between prison authorities and the courts often results in delays in presenting under-trial prisoners before judges on scheduled hearing dates (Human Rights Review Pakistan, n.d.).

A lack of modern technology and digitization in Pakistan's judiciary further worsens the problem of delays (Adam Smith International, n.d.). Many courts still rely on manual record-keeping systems, making case tracking and management extremely inefficient. Lost or misplaced files are a frequent occurrence, leading to unnecessary delays as courts attempt to reconstruct case records. The Report further states that absence of automated case management systems means that judges and court staff must manually schedule hearings, increasing the chances of scheduling conflicts and mismanagement. While some digitization initiatives have been introduced, their implementation remains slow and inconsistent across different judicial levels.

Another key factor that prolongs criminal trials in Pakistan is the cumbersome appeal process. Even after a trial court delivers a verdict, cases often go through multiple rounds of appeals at the High Court and Supreme Court levels. The appellate process itself is slow, with appeals taking years to be heard and decided. Litigants frequently exploit this process by filing frivolous appeals solely for the purpose of delaying execution of judgments. The backlog of appeals at higher courts is significantly high, further slowing down the overall judicial system (Imam, 2024).

Furthermore, social and cultural factors also play a role in delaying criminal trials. Many cases, especially those related to honor crimes, domestic violence, and land disputes, involve deep-seated family or tribal conflicts that make the legal process even more complicated (Imam, 2024). Litigants often engage in delaying tactics by filing counter-cases or using social pressure to withdraw complaints. Additionally, traditional dispute resolution mechanisms, such as Jirgas and Panchayats, often interfere with formal judicial proceedings, leading to further delays and complications in criminal cases.

5. Reforms in Pakistan's Criminal Justice System

The criminal justice system of Pakistan is in dire need of comprehensive reforms to ensure fair, efficient, and timely justice. These undue delays cause frustration in public which ultimately leads to public confidence on government and its institutions. To address these challenges, a multi-pronged reform strategy is required, targeting the judiciary, police, prosecution, legal aid, and prison system. The following section outlines essential reforms that can improve the overall functioning of the criminal justice system and help eliminate unnecessary delays in dispensing justice.

5.1 Judicial Reforms

One of the major causes of delays in Pakistan's courts is the severe shortage of judges. The backlog of cases far exceeds the capacity of the existing judiciary. The appointment of more judges, particularly in lower courts where most cases are pending, is crucial. Additionally, new courtrooms should be established, and existing ones modernized to accommodate the increasing number of cases (Law & Justice Commission of Pakistan, n.d.).

The introduction of digital case management systems, e-filing of cases, and virtual hearings can significantly reduce delays. Many developed countries have adopted digital solutions to streamline court proceedings, minimize paperwork, and reduce the need for physical appearances (Adam Smith International, n.d.). The implementation of such technologies in Pakistan would enhance efficiency and transparency (Nawaz, n.d.).

Courts should adopt strict case management policies where judges are required to adhere to fixed timelines for case disposal. Deliberate adjournments, often exploited by legal practitioners to prolong cases, should be strictly monitored, and penalties should be imposed for unnecessary delays. The judiciary should introduce Fast-Track Courts for urgent matters to expedite case resolution. Expanding the scope of Model Criminal Courts, which have demonstrated efficiency in reducing case pendency, is also essential. Additionally, specialized courts for certain types of cases (e.g., anti-corruption courts, narcotics courts, and cybercrime courts) should be strengthened to handle specific matters more effectively.

Many judges, particularly at the district level, lack the necessary training in modern legal techniques, forensic evidence evaluation, and case management. Continuous professional training programs should be introduced to enhance their decision-making capacity and efficiency.

A Judicial Performance Monitoring System should be introduced to track the efficiency of judges and court staff. The system should evaluate case disposal rates, reasons for delays, and overall court productivity to ensure timely justice delivery.

5.2 Police Reforms

The police force in Pakistan often operates under political influence, which affects its ability to conduct impartial investigations (Ali & Sadia, 2022). Establishing an independent Police Commission to oversee law enforcement operations and ensure merit-based appointments can help depoliticize the institution. Poor investigation practices often lead to weak prosecution and wrongful acquittals. There is a need for advanced forensic training, modern evidence collection techniques, and better coordination between police and forensic laboratories. The use of DNA testing, surveillance technology, and digital forensics should be made mandatory in serious criminal cases.

A transparent accountability mechanism should be established to monitor police misconduct, custodial torture, and abuse of power. Police Complaint Authorities should be empowered to investigate allegations of corruption and brutality within the police force.

5.3 Prosecution and Legal Reforms

Prosecutors in Pakistan lack independence and often work under political or bureaucratic pressure (The Newspaper's Staff Reporter, 2024). Establishing an autonomous Prosecution Service with adequate financial resources and training facilities can help improve the quality of prosecution and

ensure fair trials. Lawyers and litigants often exploit procedural loopholes to delay cases. Courts should impose strict penalties on frivolous litigation and unnecessary adjournments. The Supreme Court of Pakistan should introduce clear guidelines to restrict indefinite delays in criminal trials.

There are a number of cases wherein it has been observed that the accused has not budget to hire an advocate to represent him. This situation also causes pendency in cases. A state-funded public defenders' system should be introduced, providing free legal assistance to indigent individuals. This will not only reduce case pendency but also ensure fair trials for all.

As it has been discussed earlier that a number of criminal laws are prevalent in Pakistan's legal system which were basically incorporated by the English rulers during their raj. These laws are so old and outdated that they cannot serve the purpose of speedy disposal of the cases (Zakir et al., 2021). The Code of Criminal Procedure (CrPC) and the Pakistan Penal Code (PPC) should be modernized to reflect contemporary legal and social realities. Additionally, procedural simplifications should be introduced to minimize unnecessary legal complexities. Many criminal cases, particularly those involving minor disputes, can be resolved through Alternative Dispute Resolution (ADR) mechanisms such as mediation, arbitration, and plea bargaining. Encouraging ADR will reduce the burden on courts and expedite case resolution.

Forensic science plays a crucial role in modern criminal investigations. Pakistan should invest in state-of-the-art forensic laboratories, ensuring that every major city has access to forensic services. Law enforcement agencies personnel should also be trained to have better understanding of cases involving more advanced problems.

Legal literacy initiatives, online legal resources, and awareness campaigns should all be used to educate the public about their legal rights. The creation of a specific court portal where litigants who experience unjustified delays or other difficulties can file complaints can be very important. Additionally, this will boost public trust in the legal system.

6. Conclusion

The criminal justice system of Pakistan, despite its constitutional mandate to ensure justice, remains marred by significant delays, inefficiencies, and structural deficiencies. The backlog of cases, outdated procedural laws, and lack of coordination among key stakeholders—judiciary, police, prosecution, and prison authorities—have collectively contributed to a system where justice is often delayed and, consequently, denied. This study examined the underlying causes of the delay in case disposal and made several crucial recommendations to improve the promptness of case disposal.

The startling volume of pending cases at different judicial levels is one of the major issues this study highlights. An ever-growing caseload continues to be a challenge for the Supreme Court, High Courts, and lower judiciary. The backlog is still quite large even though recent data shows some improvements in case disposal rates. There are several important and intricate factors that contribute to these delays rather than a single cause. The situation has been made worse by a lack of judges, frequent adjournments, ineffective case management, and resource limitations. With cases taking years to reach a final verdict, the lower judiciary—which most litigants first interact with—is especially overworked.

This research has underscored the urgent need for comprehensive reforms. The judiciary must undergo significant structural and procedural changes to enhance efficiency. Increasing the number of judges, implementing strict case management policies, digitizing court processes, and introducing fast-track courts for urgent matters are crucial steps. The successful implementation of Model Criminal Courts has demonstrated that systematic reforms can lead to improved case disposal rates, and such initiatives must be expanded across the country.

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