

The Impact of Procedural Delays on Criminal Trials in Pakistan: Causes and Solutions

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ABSTRACT

The criminal justice system in Pakistan faces significant challenges due to procedural delays in criminal trials, which have far-reaching consequences for both the victims and the accused. These delays undermine the credibility of the judicial process, result in prolonged incarceration for the accused, and delay justice for victims, contributing to a loss of public trust in the system. The causes of these delays are multifaceted, including an overburdened court system, inefficient investigation processes, bureaucratic red tape, corruption, frequent adjournments, and a lack of legal awareness. These delays not only cause personal harm but also weaken the deterrent effect of the justice system, potentially encouraging further criminal activity. To address these issues, this article proposes several solutions, including increasing the number of judges and courts, improving investigation procedures, adopting technology for better case management, enhancing legal education and awareness, strengthening accountability mechanisms, and promoting alternative dispute resolution (ADR). By implementing these reforms, Pakistan can reduce procedural delays and ensure a more efficient, transparent, and fair criminal justice system.

Introduction

According to Ali and Alam (2021), the criminal justice system in Pakistan plays a vital role in ensuring justice, maintaining order, and upholding the rule of law. However, one of the most pressing challenges it faces is the severe delay in criminal trials. These delays have far-reaching consequences, affecting not only the victims and accused individuals but also the integrity of the entire legal system. The prolonged period between the filing of a criminal case and its resolution creates a chain of negative outcomes, including the extended incarceration of the accused and the delay in delivering justice to the victims.

The long duration of criminal trials in Pakistan can be attributed to several factors. One of the primary reasons is the overburdened court system, which struggles to manage the large number of pending cases. With a shortage of judges, particularly in lower courts, the sheer volume of cases creates backlogs, making it difficult to process cases efficiently. Additionally, inefficiencies in the investigation process, caused by under-resourced law enforcement agencies and lack of modern investigative tools, contribute to delays in gathering evidence and filing charges, further prolonging trials.

Bureaucratic red tape also plays a significant role in slowing down the judicial process. The complexity of legal procedures and the frequent requirement for multiple approvals and documents from various government bodies lead to unnecessary delays. Additionally, the reliance on outdated, paper-based systems instead of digital or automated processes exacerbates the inefficiencies, making it difficult to expedite cases. Corruption within the judiciary and law enforcement further complicates the situation, as bribery and favoritism can influence the pace and fairness of criminal trials.

The impact of these procedural delays is profound. For victims, the wait for justice can cause prolonged emotional distress and trauma, particularly in cases involving violent crime. The accused parties, especially those held in pre-trial detention, suffer from extended periods of incarceration, sometimes leading to wrongful detention. Furthermore, the erosion of public trust in the judicial system is a significant consequence, as citizens lose faith in the courts' ability to deliver timely justice. This loss of confidence can encourage criminal activity, as offenders exploit the delays in the system to avoid punishment.

To address these issues, several reforms can be implemented. Increasing the number of judges and courts, especially in lower courts, would help reduce case backlogs and speed up the trial process. Improving the efficiency of investigations by providing law enforcement agencies with better resources and modern technologies is crucial for timely case preparation. Additionally, adopting digital technologies for case management and record-keeping would streamline the judicial process, reduce human error, and increase transparency.

Strengthening legal education, raising awareness of legal rights, and promoting alternative dispute resolution mechanisms could also help alleviate some of the procedural bottlenecks in the criminal justice system. These reforms are essential for restoring the credibility of Pakistan's judicial system and ensuring that justice is delivered in a timely and efficient manner.

Causes of Procedural Delays in Criminal Trials

Overburdened Court System

According to Ali, S., & Alam, M. S. (2021), one of the primary reasons for delays in criminal trials is the sheer volume of cases that Pakistani courts handle. With thousands of pending cases, judges often struggle to provide adequate time and attention to each case. The heavy caseload leads to overcrowded courtrooms, making it difficult to ensure that trials are conducted efficiently and promptly. The shortage of judges, particularly in lower courts, exacerbates this problem.

Inefficient Investigation Processes

According to Ali, S., & Hassan, M. (2022), the investigation process, which is fundamental to the criminal justice system, is often slow and inadequate. Law enforcement agencies in Pakistan are often under-resourced and lack the necessary training and infrastructure to conduct thorough investigations on time. This delays the preparation of evidence and the filing of charges. In some cases, investigators may lack the motivation or expertise to expedite the process, resulting in prolonged investigations and delays in bringing cases to court.

Bureaucratic Red Tape

The criminal justice system in Pakistan is hindered by bureaucratic inefficiencies. The complex legal procedures, coupled with the frequent adjournments due to procedural hurdles, contribute to unnecessary delays. For instance, the requirement of obtaining multiple documents, clearances, or approvals from different government bodies often prolongs the trial process. The system's reliance on paper-based procedures rather than digital or automated systems further contributes to slowdowns.

Corruption and Malpractices

According to Dandurand, Y. (2014), corruption within the judiciary and law enforcement agencies also plays a significant role in delaying criminal trials. Instances of bribery and favoritism can result in manipulation of the investigation or trial process, causing unnecessary delays. Corruption may also lead to the dismissal or postponement of cases, creating a backlog of unresolved matters.

Frequent Adjournments and Legal Technicalities

In Pakistan, adjournments are common, and they often result in prolonged trial periods. Lawyers may request adjournments for various reasons, including the absence of a witness, the need for more time to prepare, or a delay in filing documents. While some adjournments may be legitimate, they can be misused to prolong the trial unnecessarily. Furthermore, legal technicalities and procedural errors can lead to delays as cases may be dismissed, refiled, or appealed, causing an extended duration of legal proceedings.

Lack of Legal Awareness and Access to Justice

Many citizens, particularly those in rural areas, are unaware of their legal rights or how to navigate the criminal justice system. This lack of legal awareness can contribute to delays in initiating or pursuing cases. Additionally, a lack of access to competent legal representation and financial constraints can result in further delays as the accused may not have the resources to expedite their trial or challenge unfair procedural practices.

Impact of Procedural Delays

- ***Injustice to Victims***

According to Fabri, M., & Langbroek, P. M. (2003), the delay in criminal trials has a devastating impact on the victims of crime. In cases of violent crime or serious offenses, the victims may suffer from prolonged trauma and emotional distress while waiting for justice. The protracted nature of criminal trials often leaves victims without closure, and in some instances, the delay in conviction or acquittal can allow the perpetrators to continue their illegal activities, jeopardizing public safety.

Undue Incarceration of the Accused

According to Iqbal, N. A. (2009), the accused parties, particularly those who are imprisoned pending trial, often face the consequence of extended pre-trial detention. The delays in the legal process lead to overcrowded prisons and, in some cases, the wrongful detention of innocent individuals. The extended period of incarceration can result in psychological and physical harm to the accused, who may face stigma, loss of livelihood, and separation from their families.

Loss of Confidence in the Judicial System

When citizens witness the prolonged and inefficient handling of criminal cases, their trust in the judicial system erodes. Procedural delays contribute to a perception that the courts are ineffective, and justice is elusive. This loss of confidence can lead to a breakdown in the rule of law and, in some instances, vigilante justice, where individuals take matters into their own hands due to their frustration with the legal system.

Encouragement of Criminal Activity

The delays in criminal trials and the prolonged resolution of cases may encourage criminal activity. Criminals who are aware of the inefficiencies in the judicial system may exploit these weaknesses to delay their trial or avoid punishment altogether. The lack of swift justice reduces the deterrent effect of the criminal justice system, making it less effective in preventing crime.

Solutions to Address Procedural Delays***Increasing the Number of Judges and Courts***

To address the backlog of cases and reduce delays, the government must invest in increasing the number of judges and courtrooms. Additional resources should be allocated to lower courts, which often handle the bulk of criminal cases. The appointment of more judges and the establishment of additional courtrooms will help expedite the trial process and reduce the burden on the existing judiciary.

Improving Investigation Procedures

According to Shah, R. U., Shadi, U. K., & Sumera, F. (2014), the police force must be better equipped and trained to conduct

prompt and efficient investigations. The introduction of modern investigative technologies, such as digital evidence collection, forensic analysis, and a more centralized case management system, can improve the speed of investigations. Adequate funding and resources should be allocated to law enforcement agencies to streamline the investigation process and ensure timely submission of evidence to the courts.

Adopting Technology and Automation

According to Kappeler, V. E. (2012), digitizing court processes and records can significantly reduce procedural delays. Automation of case management, scheduling, and document filing can improve efficiency and minimize human error. Implementing electronic case tracking systems would allow stakeholders (lawyers, judges, and the public) to monitor the progress of cases, which would increase transparency and accountability.

Reforming Legal Education and Awareness

According to Roberts, N. F. (2023, November 29), To improve the efficiency of the criminal justice system, efforts should be made to increase legal awareness among citizens, particularly in rural areas. Legal literacy programs can educate the public about their rights and responsibilities, while also helping them navigate the justice system. Additionally, enhancing the quality of legal education for lawyers and judges can ensure better handling of cases and a reduction in unnecessary adjournments.

Strengthening Accountability Mechanisms

According to Mirza, A. A. (2016), to combat corruption and malpractice within the justice system, strict accountability measures should

be implemented. Monitoring bodies, transparency initiatives, and anti-corruption agencies should be empowered to investigate and take action against any official found involved in corrupt practices. This will ensure that the justice system remains fair, efficient, and free from undue influence.

Alternative Dispute Resolution (ADR) Mechanisms

According to Radhakrishna, M. (2008), in certain cases, alternative dispute resolution methods such as mediation, arbitration, or plea bargaining can help expedite criminal trials. By encouraging out-of-court settlements, the courts can reduce their caseload and focus on more complex or serious criminal cases. ADR can also provide faster relief to victims and the accused, allowing them to avoid long delays.

Conclusion

The procedural delays in criminal trials in Pakistan have significant and detrimental effects on all parties involved in the justice process. Victims of crime experience prolonged trauma, waiting for justice to be served, which can exacerbate their emotional and psychological distress. Meanwhile, the accused often face undue detention, with some individuals being imprisoned for extended periods without a trial, leading to potential injustices. The longer these trials drag on, the more public confidence in the judicial system erodes, as citizens lose faith in the ability of the courts to deliver timely and fair justice.

Despite the severity of these delays, they are not insurmountable. Acknowledging the issues and identifying the root causes is the first step in reforming the system. Targeted and systematic reforms can address these delays and improve the functioning of

the criminal justice system. One of the key measures is increasing the number of judges and courtrooms, which will alleviate the pressure on the existing judicial resources and expedite case processing. With a greater capacity to handle cases, courts can reduce the backlog and ensure that trials are heard and concluded promptly.

Another important solution is to improve the investigation process. Law enforcement agencies in Pakistan often face resource constraints, which can result in slow and inadequate investigations. By investing in better training, resources, and modern technologies for investigators, such as digital evidence collection and forensic analysis, the process can be expedited. Ensuring that evidence is gathered and presented to the courts promptly is essential for moving cases forward efficiently and reducing delays in trials.

Additionally, the adoption of technology is crucial in streamlining the criminal justice process. Digitizing court records, automating case management, and introducing electronic tracking systems can significantly improve efficiency and transparency. Such technology can help reduce procedural bottlenecks and human errors, allowing for better management of cases and ensuring that delays caused by manual processes are minimized. This would create a more accountable and effective judicial system that works faster and with greater precision.

To address procedural delays comprehensively, it is essential for the government, legal professionals, and civil society to collaborate. Fighting corruption within the judiciary and law enforcement is also critical to ensuring a fair and impartial justice system. By working together, these

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stakeholders can implement the necessary reforms and foster a criminal justice system that delivers justice efficiently and restores public confidence. If these reforms are

successfully implemented, Pakistan's criminal justice system will become more effective, transparent, and credible, ultimately serving the needs of its citizens.

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