



# Scandic Journal of Advanced Research and Reviews

ISSN: 2703-965X CODEN (USA): SJARCA

Cross Ref DOI: [dx.doi.org/10.55966/sjarr](https://dx.doi.org/10.55966/sjarr)

Journal homepage: [www.sjarr.com](http://www.sjarr.com)

## A Tale of Delayed Justice in Pakistan

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Scandic Journal of Advanced Research and Reviews, 2023, 4(02), 001–020

Article DOI: <https://doi.org/10.55966/sjarr.2023.4.2.0063>

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### Abstract

Pakistan judicial system has many flaws. The one we are discussing in this thesis is delay in justice. There is saying “Justice delayed is justice denied”. A society cannot be run with injustice. Delay in justice is also injustice. A healthy society needs prevailed justice. Bulks of cases in our courts also play part in delay justice. Lack of facilities and economics incentive also take part in dealing justice. Transfer of judges from court to court is also factor in delaying justice. Delay is product of different factor which are complex manner. Basically, judges and lawyers work together in collaboration to achieve single goal of dispensation of justice at reasonable speed. Thus, to increase the number of appearances in court room lawyers wants adjournment to manage their workload and same cases is with the judges they have to manage their workload so they grant adjournment. There are technical problems in the ministerial staff so that the ratio of corruption and non-use of modern techniques is also a source of delay justice in Pakistan.

Keywords: Delayed Justice, Procedural Delays, Judicial Delays, Corruption, lengthy procedures

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### Introduction

Justice means the distributive shares of people in their society and the duties and rights in the society. In the context of rule of law the notion of justice presume presumes an egalitarian

society. The societies like egalitarian where people believe that all people are equal are mean to each other according to some distinctive particularities. As oxygen is necessary of human body and keep it alive as same situation with the justice in the society. Without justice society cannot thrive or stay alive for a long. A state who has no proper system of justice may not call a state as it has failed to bring justice to its people or their function of justice is failed. Justice is necessary for a progressive society as it is necessary for dispute resolution, maintenance of public harmony for peace and safety ensures development and good governance and ensuring of rights. It is sacred duty of Islam to do justice and justice must be prevailed. As Allah stated in Quran Pak “O ye who believed stand out firmly for Allah as witness of fair dealings and let not the hatred of others to make you swerve to wrong and depart from justice but just that is next to piety and fear for Allah is well acquainted with all that ye do”. (Chapter 5 verse 8).

Delay justice is a significant issue in Pakistan that has been a source of frustration and concern for many years. The country's legal system has long been plagued by lengthy delays in the resolution of cases, with some cases taking years or even decades to be heard and decided. This problem is particularly acute in lower courts, where the backlog of cases is often overwhelming.

Delayed justice is a pervasive problem in Pakistan's legal system, with many cases taking years or even decades to be resolved. This issue affects not only the parties involved in legal disputes but also the wider society, as it can lead to a loss of faith in the justice system and undermine the rule of law.

There are many factors that contribute to delayed justice in Pakistan. One of the main reasons is a lack of resources and infrastructure, including a shortage of judges, court staff, and facilities. This can lead to delays in scheduling hearings, processing paperwork, and delivering judgments.

All over the world the best justice system is still confronted with many problems. Legal costs overcrowded dockets and the main reason delay are lamented almost everywhere in the world. Gray area where expectation of people is failed that they cannot get justice from this system is that when our judges failed to deliver them justice. This is most horrible thing in our society and is considered as main reason for the dissatisfaction with the legal system.

Corruption is another factor that contributes to delayed justice in Pakistan. Bribery, nepotism, and political interference can all impact the fairness and efficiency of the legal system, leading to further delays and undermining public trust in the judiciary.

It is necessary to mention that a law suit cannot be resolved at a single night as it attain sometime between first presentations to court and to obtain final decision. For a disposal of cases there will be collection of witness clarifying all questions of law and the final verdict. That's why we have to define delay a delay which is unreasonable and a delay which is procedural as stated above also to establish its existence depicts its prevalence and to discover its cause because if we don't define it delay is matter of individual perception. What can be conceived from court to a party and may be its will be wrong to other side. Delay in justice refers to time extra time then real time of procedural observance in the court to final verdict.

Problem of delay is universally presented but here in Pakistan the position is worsened to such extent that it is eroding the administration system of Pakistan. It has lowered the confidence of people in judiciary. There is dissatisfaction in people about the judiciary. In civil justice it is

more prevailing than in criminal justice system. Around 2.5 million cases are pending which are civil cases in Pakistani courts.

The consequences of delayed justice are significant, particularly for those who are awaiting the resolution of their cases. Prolonged legal proceedings can cause significant emotional and financial stress, and can have a negative impact on individuals and families.

Addressing the issue of delayed justice is critical for ensuring that Pakistan's legal system is fair and effective. It requires a concerted effort from all stakeholders, including the government, the judiciary, civil society organizations, and the general public. This may involve reforms to the legal system, such as increased resources and infrastructure, the implementation of technology to improve case management, and the promotion of alternative dispute resolution methods. Ultimately, addressing the issue of delayed justice is essential for ensuring that everyone has equal access to justice and upholding the rule of law in Pakistan.

### **Significant Causes of Delayed Justice in Pakistan**

After many investigations to highlight the reasons for delayed justice, the researchers concluded that the matter of delayed justice is complicated and multiple factors are involved in delaying it. 'Delay' is a vast term which covers different problems and many reasons behind it. Moreover, multiple problems contribute and exceed the time of court proceedings hence add up as a cause of delayed justice. The significant causes of delayed justice includes: Judicial and Procedural delays. This section is an endeavor to critically pinpoint the significant causes of delayed justice in Pakistan.

#### **Judicial delays**

##### **Backlog of pending cases**

Pakistani courts have too many cases which are pending. Some cases were instituted 50 years ago and are not decreed till now. A report which was published in 2008 on "study of informal justice system of Pakistan" stated that delay in cases is not new utterance. It is estimated in report that courts of Pakistan needs more than 15 years to try these huge stocks of cases. It is also estimated Pakistani courts take 25 years for decreeing a case and take 5 years more for execution of decree. It is also estimated that a party who file a suit spend 0.2 to 0.3 million rupees and makes 72 visits to the court.

To understand the backlog of pending cases we will make a table with the help of consolidate statement of pending cases during the period August 2021.

##### **Pendency of cases before Superior Courts**

Name of courts	Pending cases
Supreme Court of Pakistan	53,695
Federal Shariat Court	165
Total	53,860

##### **Pendency of cases before High Courts**

Name of Courts	Pending cases
Islamabad High Courts	16,888
Lahore High Courts	1,97,937
Sindh High Courts	86,680
Peshawar High Courts	44,520
Balochistan High Courts	4,640
Total	3,50,507

#### Pendency of cases before district courts

Name of Courts	Pending cases
District courts of Punjab	13,36,335
District courts of Sindh	1,17,940
District courts of KPK	2,49,020
District courts of Bulochistan	17,308
District court of Islamabad	52,605
Total	17,73,208

#### Total pending cases in judiciary of Pakistan

Total number of pending cases in Superior court	53,860
Total number of pending cases in High courts	3,50,507
Total number of pending cases in district courts	1,773,208
Grand total	21,77,575

### Judicial Causes

Judiciary is the backbone of a legal system. It plays a vital role in construction of a civilized society by dispensation of expeditious justice to the people. However, in Pakistan, speedy justice has become a myth and is a road full of hurdles. There are various judicial reasons that promote the delayed justice. Such causes are elucidated below:

#### Corruption

Our judicial system has many flaws and one of them is corruption. The judicial system more specifically the trial courts have been riddled with the curse of corruption. Judicial staff demands bribe in every step of case. Even though practicing advocates give bribe to court staff. The staff of Pakistani courts is usually entertained with bribe for performing any task. It is part of the practice that courts' staff is bribed for forwarding or halting any case.

There are many examples where corrupt judges were dismissed from their post because such judges received the "illegal gratification" and they had spoiled their good reputation, esteem and prestige. *Ghulam Mustafa v. Lahore High Court* is a case that is a good example where the

claimant lost his office because he had bad reputation. Furthermore, he received “illegal gratification” and was involved in several corruption scams.

In the case *Asif Ali Zardari v. the State* was dismissed on a ground that the judge was not impartial and was prejudiced towards one of the parties. . The lawyers play a major role in bribing not only the staff but also judges and justices of the court. Usually they receive unreasonable money from their parties to frustrate another party. Additionally, they bribe the judges and get unnecessary adjournment or to lag the decision.

There are nearly 2.2 Million cases pending in the judiciary of Pakistan as in August 2021, there was 2,177,527 cases pending in the superior and subordinate courts of Pakistan. Huge backlog of pending cases also provide opportunities for corruption. Judicial staff is bribed for fixing delayed date of hearing and sometimes such delays summed up in the backlog.

The staff and judicial officers of the courts are the less punctual. The judges of superior or subordinate courts generally work three or four hours in a day. Maximum hearing of the cases cannot be conducted in this time. Sometime after receiving bribe from party or from their agents the judges withhold their decisions or grant unneeded adjournments in order to frustrate the opposite party. If there is huge backlog of the cases then there will be corruptions in the subordinate judiciary and many judges fix the bribe before hearing the cases.

### **Punctuality of judges**

There is problem in the punctuality of the judges and in subordinate judiciary of Pakistan. There is always voice complaint from the members of bar that judges do not sit in court room. Punctuality of judges is a matter of concern in Pakistan. It is not possible to take turnover maximum if judges did not sit in the court room properly. Court should begin with the end in mind.

### **Transfer of Judicial Officers**

Almost all civil matters delayed due to pass on of judicial officers from court to court. Meanwhile the same judge might not decide the same case because of being transferred. Almost all the judges are transferred with time. Such transfers will not be criticized, if the schedules of the cases would not be disturbed due to these transfers. Generally, the subordinate officers in such situations give next date to litigants. A new judge holds the office of previous judge and the proceedings are disturbed. Sometime trial might start from a new end. The new judge seeks the same procedure as the last had conducted and it might delay the process of justice. However, the new dimensions might also arise in the case. Even in one single case four to five judges are transferred. The survey conducted in Pakistan, evince that judges are not replaced they are transferred although; the survey remained unsuccessful in describing the effective difference between the terms replacement and transfer of judge because in both cases a new judge is appointed.

### **Unnecessary and Unreasonable Adjournments**

Rule XVII Order 1 of grants adjournment. Adjournments are granted under Rule XVII Order 1 of the CPC 1908. Judges give unreasonable adjournment. Practitioners utilise these adjournments wrongfully to gain ulterior motives. When a lawyer do not want to attend the court proceedings

or case had not been prepared by him he could easily request for adjournment. Unnecessary adjournments are the main reason for not disposition of the case expeditiously. Judges give approval for adjournment without exploring whether such adjournment is necessary or not. Undoubtedly, an adjournment is necessary because some cases require it as they are of complex and intricate nature. Moreover, they are not decided within one hearing. In these cases, the advocates should be given with much time for preparation and perusal of facts and records. But this extension of time should be managed properly but the court.

It is common for the lawyer to take adjournment on common grounds which may reason for delay in proceedings. Our judicial system fall prey of the maneuverings of the veteran and reputed advocates. Such lawyers knew the method of getting adjournment for their bigwigs and notable client. They commercialise the justice. These lawyers employ their political influence and illicitly utilise the Bar to threaten and pressurise the court. Moreover, they stop the proceeding of court if their demands are not fulfilled. These horrendous acts are really effecting the expeditious dispensation of justice. When the court having control on proceedings then there will be pressure on the lawyer to prepare their cases extremely quickly and they will do everything as soon as possible because they know they have only one shot at winning. The judicial system should effectively take action against such illegal acts of lawyers. Their licenses should be cancelled whenever they disturb the environment or routine of the court. According to a report general tendency of a lawyer to take adjournment is a major cause of delay.

### **Delay during Recording of Evidence**

Evidence is the basic and most fundamental piece of the proceedings. The decision of the court totally relay on it. Recording evidence is a twice as long as the rest of step in cases combined. Evidence determines the fate of the case. In proceedings, the recording of the evidence is a most significant and important step. Moreover, on an average, this step is conducted for two times in the case combined. Generally the witness does not appear on the proper time despite being summoned. Hence, the proceeding is usually adjourned and new date is fixed and the witness is again summoned although the court has power to ensure the obeying of the summons but such actions are not taken by Pakistani courts.

There are various protocols that are not followed during the proceeding one of which is; at the evidence stage is “Principle of Continuous Hearing.” Resultantly, it becomes very difficult to the parties of the case to remember which and what statement as an evidence was said by the witness. In this situation, the recalling of evidence is started; much of time is consumed in this process. Despite the informal delays while the evidence stage, formally Pakistani law of Evidence has no provision that suggest how much witnesses could be called by a party. This gap in law is misused by the parties in lagging the proceedings more specifically evidence stage unnecessarily. Interlocutory orders are typed by the stenographers and are dictated by the judge or the judicial officer on its own can write such orders while the documentation of evidence is left under the heel of the inexpert counsels.

### **Unreasonable Relaxation to Parties by Judges**

CPC Order 9 rule 13 deals with ex-parte. The court proceeding may be affected by indifferent behavior of parties. For the court proceeding both parties (defendant& plaintiff) must be present. It will be judges who will declare ex-parte if the party is not serious in court proceeding.

Superior courts also stamped ex-parte order passed by lower courts. They take the issue of ex-parte in different circumstances. So on the basis of ex-parte rule of CPC the cases will be set aside if any party was not giving proper time in the case hearing and technically avoiding from real justice because ex-parte rule is judge discretionary power. The code of civil procedure dealt with ex-parte issue in order IX Rule 6 which states that if summon was served properly and on time to defendant but he didn't appear in the court then judges will decide to give order of ex-parte while passing such order they will follow the protocol which will be accepted by the superior court. The judges grant the adjournment in cases because they are much cautious about being accused of not doing proper justice. This incapability of judges leads to delay in justice against litigants who is no more interested in proceeding. When the case filled in civil cases the defendant called upon the court by the process of summon service mechanism but often the case is adjourned on date of first hearing because summon is not served properly to defendant parties by the summon serving person. Many complaints were made that the server process is mixed up with one parties with the case and on that account not getting service affected the reason was given by the serving agencies is that they were not available at that time. There are two condition in which presiding officer will inquire the matter and put it in book if the server is negligent in his duty or error in issuing summon. There may be two possibilities in serving summon one is that there is no proper facilities of transport and other is inadequate amount of TA/DA paid to summon server. There is alternative method of serving summon is fax message, E-mail and SMS (electronic mail) which can make serving process more affective.

### **Local legal culture**

Presently the focus of research has been shifted to the behavior of the judges and lawyers named local legal culture or socio legal culture. The term local legal culture helps to understand different factors which are influencing the court system and helps in improving times of processing. Mostly delay occur due to lawyers and judges behavior because they think it norm and for changing the norm it requires modifying the expectations and behavior of those who governed it. To change these norms we have to change the behavior of all legal community.

Local legal culture can be considered one of the causes of procedural delay in Pakistan. Legal culture refers to the attitudes, beliefs, and practices of the legal community, including judges, lawyers, and court officials, as well as the broader society towards the legal system<sup>1</sup>. In Pakistan, the legal culture is shaped by a variety of factors, including historical, cultural, and religious influences.

One of the key features of the legal culture in Pakistan is the emphasis on personal relationships and networks, which can lead to delays in legal proceedings. For example, the tradition of "chai pani" or bribery can create a culture of favoritism and influence peddling, where those with connections or money are more likely to have their cases heard and resolved quickly. This can result in delays for others who do not have the same resources or connections.

Another feature of the legal culture in Pakistan is the tendency towards informality and lack of transparency in legal proceedings. This can result in delays, as there are often no clear rules or procedures for resolving disputes and decisions can be influenced by personal relationships or political considerations rather than the law. Moreover, the lack of transparency can make it

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<sup>1</sup>Feeley.M. (2012). Court reform on trial : why simple solution fail. New York: basic book

difficult for parties to understand the reasons for delays or to hold officials accountable for their actions.

The traditional emphasis on mediation and arbitration in Pakistani legal culture can also contribute to delays. While these methods can be effective in resolving disputes quickly and informally, they can also be subject to abuse and manipulation by powerful interests, leading to delays and injustices for those without the same resources or influence.

### **Defective land Registration system**

From 50 to 70 percent of cases in the courts of Pakistan relating to land record are brought before the lower courts or in civil courts. Over a million of the cases are pending in the high courts of Pakistan are relating to land record. Most of these cases are due to inaccurate or fraudulent land records, inaccurate boundary allocations creating parallel claims and same land is registered multiple times by different parties. To find out the suitable evidence is almost impossible in land rights. There is no doubt in this thing that every land matter in the court is due to wrong entries in the land record. If revenue record is computerized so it will be easy for everyone to aware about the entries in the revenue record and litigation regarding to land will decreased considerably.

### **Procedural Delay**

#### **Insufficient number of judges**

The main reason behind the delay issue is the imbalance between the demand of court service and supply of those services in the court. In a common term there are too many cases which are chasing few judges. There is natural thing every human being he may be so intelligent has a limit to work and thus cannot go beyond of it and the same case is with the judges. There is no chance of delivering of justice to common citizen when all the judges of the court hierarchy is stretched beyond capacity. When there is workload condition in the court then judges would feel comfortable in granting adjournment as it would give them a siege of relief.

There is serious obstacle in improving method when there is heavy workload on a judge. Other causes like lack of proper supervision unsatisfactory services non-attendance of witnesses and frequent adjournment are collateral and there can be relevant only if the presiding officer will have time to address these matters.

The insufficient number of judges in Pakistan can be considered one of the causes of procedural delay in the country. There are currently not enough judges to handle the large number of cases in the Pakistani legal system, resulting in long waiting periods for cases to be heard and decided.

The shortage of judges is due to a variety of factors, including the lack of funding for the judiciary, bureaucratic inefficiencies in the appointment process, and the overall lack of resources dedicated to the legal system in Pakistan. This shortage has resulted in a backlog of cases, with some estimates suggesting that it can take years for cases to be resolved in some courts.

The shortage of judges has a number of negative consequences. For example, it can lead to increased costs for litigants, as they may have to pay for legal representation and other expenses for a longer period of time. It can also result in delays in the administration of justice, which can



have serious consequences for individuals and society as a whole. In addition, the backlog of cases can undermine public confidence in the legal system, as people may view the system as slow, ineffective, and unfair.

To address the shortage of judges in Pakistan, a number of steps can be taken. These could include increasing funding for the judiciary, streamlining the appointment process for judges, and encouraging more people to pursue careers in the legal profession. In addition, technology can be used to improve the efficiency of the legal system, such as through the use of electronic case management systems and video conferencing for remote hearings.

Overall, addressing the shortage of judges in Pakistan will be crucial to improving the efficiency and fairness of the legal system, and to reducing the delays that are currently a major problem in the country.

### **Deficient strength of Ministerial Staff and process servers in the court**

The ministerial staff done a preliminary work in disposal of case and they can cause delay by relocating file by giving false information, through fixation and transfer of cases from one court to other. There is need and pervasive shortage of ministerial staff in the court and salary of this staff is very low and TA/DA. Another reason is this there is a lack of training in lower staff so they are easy prey to temptation owing fragile financial position. Their gross net income is so low that they get bribe to feed their family and educate them. Changing dates by paying off the staff of judges is a common thing in district level court. Process server has same case. They are overworked, less trained, poorly monitored, rank as a lowest grade in government officials have no sufficient logistical support and there is no comparative number as their workload.

The deficient strength of ministerial staff and process servers in the courts of Pakistan can be considered a significant cause of procedural delay in the country. The ministerial staff and process servers are responsible for a range of administrative tasks that are essential to the functioning of the court system, including filing and organizing court documents, serving legal papers, and notifying parties of hearing dates.

The shortage of staff and process servers can lead to delays in these administrative tasks, which can in turn result in delays in court proceedings. If court documents are not filed in a timely manner, cases may be delayed or postponed. Similarly, if legal papers are not served promptly, parties may not receive notice of hearings or other important information, leading to further delays.

The deficient strength of ministerial staff and process servers can be attributed to a number of factors. One major factor is the lack of funding for the court system in Pakistan. As a result, the courts may not have the resources to hire and retain a sufficient number of staff and process servers. Additionally, bureaucratic inefficiencies in the hiring and management of court staff may also contribute to the problem.

The shortage of staff and process servers can have significant negative consequences for litigants and the broader society. In addition to delays in court proceedings, it can lead to increased costs for litigants, as they may have to pay for legal representation and other expenses for a longer period of time. It can also undermine public confidence in the legal system, as people may view the system as slow, ineffective, and unfair.

## **Mismanagement of Cases**

The court works on the basic idea of the case management by controlling the flow of cases by establishing the perfect date by creating events which would be meaningful and time frame for pre trial events trail. In this procedure the cases are managed in such manner that entire case of individual flow. It may be comprise of standard management which is legitimize a very disperse set of managerial activities and load management which analyse the court work load and helps in improved planning and helps in monitoring actions. Better management of courts guarantee speedy justice case resolution. In our courts there is setting policies which results in bulk of the cases for trail then could be set for heard possibly in doing so spark vicious cycle of adjournment which perpetually ruffle the cases. The cure for these setting policies is the good management. Thus better management of the cases in the courts will save the money and time of the client and service of lawyer towards the client could be in better way. Good management of the cases will save the wastage of time and money which is caused by overzealous and intentionally delaying lawyer. The judicial system has weak structure was has hampered the effectiveness of the case management. The western countries courts sec.479(c)(1)-(3) of the civil reform act 1990 (28.U.S.SC) of United states stated that any statue or any rules which regulate case and cash flow management. ADR is also helps in dispute resolution which minimize the delaying tactics in justice but ADR is not always applied notwithstanding statutory provision of 9A of CPC. There are many reasons for the applying ADR. First one is there is no institutional support secondly there is not much training of the judges and there is no capacity of building which increase the number of judges and as to third point amendments which are done in CPC is not being followed to invoke the ADR techniques. And in last there is no sufficient and balanced level of resources which can manage the effective case management so if there are no such resources then it is impossible to handle the case load of the courts

## **Lengthy and Complex Procedures**

Procedural simplification has much importance in the redressel of grievance. Simple procedure can give satisfying redresel grievance. When procedure is complex then disposal of cases is slowed. Technicalities in the court system always play their role in the case as step mother and time gaining tactics are fetal for the case for both parties. All those technicalities in our legal system can be utilized and trail can be lengthy and continues to indefinite time if so wished. Our legal system is basically from the date of colonial era. They are complex and tortious which are misused to prolong the litigations. Torture method is used for the case through the courts. This procedure corrupts the behavior of officer and easily to occur when lawyer wants their cases to be in hurry or slower and even impact the results of the cases. In jurisdiction argument, amendment in complaint, cause of action and sufficiency of notice much time is wasted and many other procedural methods. Moreover in Bare Acts language used is far behind to understand for common man their terms words are much difficult that a common man can't understand it.

## **Frivolous and False litigation**

People are less aware from their rights where they can seek justice from court and where they can't. Actual number of cases in our courts is less than the number of fake cases. Many of them go to court just for to carrying out an act such as tradition and legacies injustice and treachery. Fatuous cases which consist of falsify claim or the have real claim but can't have supplementary

claim which is filled by the party for only purpose of annoyance of other party. It is common saying in our society that the civil cases are not for peaceful resolution but it is opportunity to peruse and protracts local conflicts. Nelson in his manuscript PHD thesis stated that main cause for delaying the case is that litigants is interested in hampering rather than in speeding up the case. Any case which wants to be delay can be hampered by making fatuous claim, hammering any fact, producing fatuous documents and denying real documents which cause resultantly delay the case infinitely. The purpose of false cases is to enhance the honor of opponent in society, harassing the opposite party fragile the evidence or reduce the value of award for damages. Unfortunately there is no such law which discourages the false and frivolous litigation.

### **Defects and Intricacies in Cost Assessment System**

When there are not effective sanctions and if sanctions are there but lacking proper imposition then rules become powerless. When we put higher cost on losing party then it can't set aside for the lessening fatuous and fraudulent litigations. Section 35 of the CPC states that court can award original cost of damages in order to compensate with payment if litigants win the case. Thus in other countries it is made necessary that losing side will pay damages not for their own side but also for winning side but in our practice court rarely awards costs. While imperial awards according to *Khurshid Ahmed Nazafri v. Bashirahmed* (1993) there should be recognized principle for awarding the cost and it should not be hampered unless the principle are violated

### **Miscellaneous Orders and Applications**

When frivolous interlocutory application are made which have the capacity to halt the proceeding of case and substantially change into different case and in result it change the original structure of the case and outcome of the trail in delay in justice. Another method for delaying the justice for unknown time is appeal against interim and interlocutory order. Sindh high courts put some limitations on the appeal and revision against the order 39 which is interlocutory order to minimize the delaying process in civil disposal cases. Order VI rule 17 of CPC authorize court to permits amendments in pleading at any stage as the case may be. The room for continual amendments is main reason for the delay in civil justice. Only five percent application for amendments is genuine eighty percent for delay in civil justice and fifteen percent for the lack of adaisical approach.

### **Recommendations: a way forward**

- From Islamic point justice is a fundamental principal. In Quran chapter 2 verse no. 108 Allah stated that *"Allah wants no injustice to the world"* and in Surah Al Araaf verse no. 181 it is stated that *"We created a community which guides by the truth and by it established justice"*.
- Our beloved prophet Muhammad Pbuh never compromised on justice in his whole life. If we study Ahadith it is founded that in Islam there is no concept of delay in justice. The decision of Holy prophet and their Caliphs were totally unbiased without any delay and based on the fundamental principal of Islam of justice.
- One hadith of Sahih Muslims state that there was a woman from Banu-Makhzum tribe who do theft and her name was Fatima. So they made plea of forgiveness but Prophet replied that if his daughter Fatima does theft he would order to cut her hand. Society would be balance if there is speedy and impartial justice.

- There are some recommendations which are given below.
- For many years it was authorized by many researcher and analysts that if we increase the number of judges that may efficiently work and that may decrease ratio of delay in cases but delay preserve. Thus the idea of adding more judges in court to decrease ratio of delay is totally failed. What basically needed is the efficiency in litigations. When new judges are appointed and if they are totally incompetent it would be expensive and complicated procedure in courts. So they have no considerable effect on time of suits. The idea of competence includes proficiency of theoretical knowledge; evolve problem-solving volume, cultivating intellectual identity, relating to allied professionals, maintaining an ethical practice and self enhancement.
- If we want to increase the efficiency of judiciary then we have to teach judges and their ministerial staff of the court in modern ways. We also have to train our judges according to Quran and Sunnah so they can interpret all our laws according to Quran and Sunnah as per constitution. In 1988 federal judicial academy was built to teach the judges but it wasn't enough because it was noted that by many jurists that there is need of teaching in pre-service and on job yet to be addressed the performance has not been changed nor the quality of training of judicial academy in federal and provisional has been changed. Training program has been made prominent substantial for the advancement of professional's district judiciary. There is lack of training facilities so there is lack of modern equipment's like case flow management or the use of modern techniques.
- The concept of training of judges is common all over the world but training of lawyers is also necessary for the development of community but unfortunately it is not common in Pakistan. It is necessary to maintain quality performance and to keep abreast of new development. According to Warraich 2013 the bar council are better option to impart this training. To find out the gaps in training conduct and actual requirements of training program we have to get help from the federal and judicial academy that they should asses a critical survey. If we want to increase the judicial competence then we have to facilitate our judges by providing them quick and easy access to judicial academy through video games and virtual reality through internet and electronic media.
- In our system there is absence of IT. Our judicial system didn't adopt the information technology which is believed much important tool for reducing the delay in system and the also helps in eliminating huge backlog of suits. Latin America uses the IT for reducing the delay in system and is considered an important tool there. The court proceeding is speed up by the computer effectively. Data processing by computer can ease the cases backlog and increase court efficiency and data proceeding in our system is considered a tough job. A study is conducted in Argentina and Venezuela that shows data proceeding by computer system is much faster disposition of cases and strongly correlated with it. Indian Supreme Court computerized his registry and disposed off his cases more effectively and twice then the previous year. If there is lack of modern technology in our system then it would hinders the modern case flow management techniques. Without computerized record it would be easy for a party to get date extended with the help of ministerial staff without coming into notice of judge.
- The following suggestion can help to improve our judicial system and can be avoid to unnecessary delay in our system. Adding more number of judges so that the workload on existing judges will be reduced but this might not be a proper solution because we think if the efficiency increase in existing judges then this problem may reduce. And the other

think is corruption in judiciary if there is check and balance then it may work properly. Other problem is approval of adjournments application this basically leads to delay in cases. Adjournments and interlocutory order must be reviewed. If a party absent from court room at hearing and that party is warned to then judges should not hesitate to give ex-parte decision. If we introduce an effective system then costs on litigants and empowerment of judges imposing sanctions on lawyer for filling frivolous cases will helpful in imposing such cases curb on frivolous litigations. There must be adequate ministerial staff and process servers to push the case disposition process quickly. That staff should be adequately trained and update to expedite the court processing. Ministerial staff should know about the modern techniques.

- Throughout the thesis we discussed many reasons and causes for delaying justice in Pakistan with specific focus on lower courts and even on superior courts. We also discussed the lack of will in our judges to eradicate such a nonsense causes in our judicial system. The statics shoes backlog of cases which are pending in our lower courts as well as in our superior courts and no one is willing to pay heed on it. The reason of these backlog of cases are not just the economic incentives or just the lack of facilities or even the negligence of lower courts but main reason is the structure of our judicial system and the judges who are sitting in our courts. We should bring some reforms in our judicial system so that people regain trust on our courts. The main functions of superior judiciary are to protect the constitutional fundamental rights. Another point which should be focused transfer of judges. A reasonable time should be given to judges to serve in a single court. Transfer after every two or three month causes in delay justice. At the end I must say there should be strong reforms in our judiciary so people feel they can get justice not they think will be humiliated and their time and money will be waste.
- Alternative dispute resolution (ADR) can play a crucial role in addressing the issue of delayed justice in Pakistan by providing a faster and more efficient way of resolving disputes outside of the traditional court system. ADR methods, such as mediation and arbitration, are designed to be quicker and more cost-effective than traditional litigation, and can be especially effective in cases where the parties involved have a continuing relationship.
- One of the key recommendations for addressing the issue of delayed justice in Pakistan is to promote the use of ADR methods as an alternative to traditional litigation. This can be done through public awareness campaigns, legal reforms, and the establishment of ADR centers and training programs for mediators and arbitrators.
- By encouraging the use of ADR, the burden on the traditional court system can be reduced, allowing for faster resolution of cases that do need to go to court. This can help to alleviate the backlog of cases in the courts, which is one of the main contributors to delayed justice in Pakistan.
- In addition to reducing delays, ADR can also help to improve access to justice for marginalized communities who may not have the resources to pursue traditional litigation. By providing a more affordable and accessible means of dispute resolution, ADR can help to ensure that everyone has equal access to justice.
- Overall, the promotion and implementation of ADR can be an effective strategy for addressing the issue of delayed justice in Pakistan, and should be considered as part of any comprehensive reform effort aimed at improving the country's legal system.

## **Conclusion**

The issue of delayed justice is a major problem in Pakistan. The country's legal system is overwhelmed by a large number of cases, and the backlog of pending cases has been growing steadily over the years. This has led to significant delays in the delivery of justice, with some cases taking years or even decades to resolve.

The reasons for the delay in justice are complex and multifaceted. They include a lack of resources and infrastructure, corruption, inefficient court procedures, and a shortage of trained legal professionals. Moreover, the justice system is often influenced by powerful interests, which can further impede the delivery of justice.

The consequences of delayed justice are severe. They include increased costs for litigants, erosion of public trust in the legal system, and denial of justice for victims of crimes and human rights violations. Moreover, the delays can also contribute to social unrest, as people lose faith in the ability of the state to provide them with justice.

To address the issue of delayed justice in Pakistan, there is a need for comprehensive reforms of the legal system. This should include improving access to justice, increasing resources and infrastructure, enhancing judicial efficiency, and addressing corruption and political interference. Moreover, efforts should be made to enhance public awareness about the importance of the rule of law and the need for a fair and efficient justice system.

The consequences of delayed justice are significant, with many individuals and families suffering as a result of the prolonged legal proceedings. It can also lead to a loss of faith in the justice system and undermine the rule of law.

Efforts have been made to address this issue in Pakistan, including the establishment of special courts, the introduction of alternative dispute resolution mechanisms, and the implementation of technology to improve case management. However, progress has been slow, and much more needs to be done to ensure that justice is delivered in a timely and effective manner.

Ultimately, addressing the issue of delayed justice will require a concerted effort from all stakeholders, including the government, the legal community, civil society organizations, and the general public. It will require a commitment to reform, investment in resources and infrastructure, and a strong political will to tackle corruption and other systemic challenges.

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