

Judicial Delays in Pakistan: The Continuing Impact of Colonial Procedural Laws

Dr. Zarqa Amber¹, Dr Mohammad Jan², & Dr. Rafia Naz Ali^{*3}

Abstract

This study critically examines the impact of Pakistan's colonial legal legacy on the persistent problem of judicial delays through a historical and legal analysis. It argues that the country's judicial framework, particularly the Code of Criminal Procedure, 1898 and the Code of Civil Procedure, 1908, continues to reflect procedural structures originally designed to serve colonial administrative interests rather than the requirements of a modern constitutional democracy. Despite numerous amendments, these inherited laws remain characterized by procedural complexity, excessive formalism, and multiple appellate mechanisms that contribute significantly to case backlog and delayed justice.

The research further identifies additional structural factors, including inefficient investigations, shortage of judges and court staff, inadequate judicial infrastructure, frequent adjournments, weak case management, limited prosecutorial independence, and interruptions caused by bar association activities. These interconnected challenges have resulted in millions of pending cases across Pakistan's courts, undermining constitutional guarantees of fair trial, due process, and timely access to justice. The study also examines the adverse effects of prolonged litigation on public confidence in the judiciary, accountability, and the rule of law, while considering Pakistan's obligations under international human rights standards, particularly the International Covenant on Civil and Political Rights (ICCPR).

Adopting a doctrinal and analytical research methodology, the paper evaluates the historical evolution of Pakistan's legal system and proposes comprehensive judicial reforms, including modernization of procedural laws, digital case management, stricter regulation of adjournments, strengthening of prosecution services, expansion of alternative dispute resolution, enhancement of judicial capacity, and improved institutional infrastructure. The study concludes that meaningful reform of Pakistan's colonial legal framework is essential for reducing judicial delays, improving access to justice, and restoring public confidence in the administration of justice.

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Corresponding Author*
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Introduction

This research article examines the relationship between Pakistan's colonial legal inheritance and the chronic issue of judicial delays. It argues that the legal institutions and procedural mechanisms established during British rule were primarily intended to serve colonial governance rather than public welfare. Consequently, many of these inherited structures remain incompatible with the

¹ Assistant Professor, Faculty of Law, University of Sialkot, zarqa.amber@uskt.edu.pk

² Assistant Professor, Department of shariah and Law, Islamia College University, Peshawar. jan@icp.edu.pk

³. Assistant Professor Department of shariah and Law, Islamia College University Peshawar. rafia@icp.edu.pk

socio-legal realities of modern Pakistan, resulting to inefficiency, backlog of cases, and limited access to timely justice. The Constitution is the supreme law of Pakistan. Its fundamental objective is to ensure the protection of citizens' rights and to deliver justice effectively from the very first step to the last stage of legal proceedings.

However, outdated laws in Pakistan significantly contribute to delays in the justice system. Many civil and criminal statutes still reflect structures inherited from the British Raj, resulting in complex and inefficient legal procedures. These antiquated laws often permit repeated appeals and technical objections, prioritizing procedural thoroughness at the cost of efficiency. In a system already strained by massive case backlogs, judicial vacancies, and institutional limitations, such outdated frameworks further hinder the delivery of timely and accessible justice in Pakistan. Additionally, judicial delays are further aggravated by political activities within advocate bar associations. During bar election periods, many lawyers prioritize campaigning for their preferred candidates and senior advocates instead of actively pursuing court proceedings, which contributes to further delays in the disposal of cases.

Number of Cases under the pending:

Court	Numbers of cases under the pending
Supreme Court	38539
Lahore High Court	147542
Peshawar High	30,764
Sindh High Court	93,335
Court Baluchistan High Court	6,030
Islamabad High Court	16,278

1. Lack of efficiency and Poor Investigation Process:

The lack of efficiency in case disposal within Pakistan's judicial system is widely recognized as a structural and systemic issue rooted in institutional weaknesses, procedural complexities, and resource constraints. Empirical research shows that millions of cases remain pending, exceeding 2 to 2.6 million nationwide, creating prolonged delays that can stretch litigation over years or even decades. One of the primary analytical explanations lies in the severe shortage of judges and court staff, particularly in the lower judiciary, where the majority of cases are concentrated; this imbalance results in judges handling hundreds of cases simultaneously, significantly reducing adjudicative efficiency.

Additionally, outdated case management systems, reliance on manual record-keeping, and poor infrastructure further slow down the processing and tracking of cases. Procedural practices such as frequent adjournments often granted on weak grounds have been identified as a major contributor to delays, enabling litigants to prolong proceedings strategically and increasing case backlog. Scholarly analyses also highlight broader systemic issues, including complex legal procedures, inefficient laws, and institutional culture within courts, all of which cumulatively impede timely

justice delivery. Furthermore, governance-related challenges such as judicial vacancies, frequent transfers of judges, and limited financial resources exacerbate inefficiency and disrupt continuity in case handling. From an analytical perspective, these interconnected factors demonstrate that delays in Pakistan's courts are not merely administrative but deeply embedded in structural and procedural deficiencies, requiring comprehensive reforms in judicial capacity, case management, and legal procedures to ensure timely and effective justice.

2. Procedural Complexity under the Criminal Procedure Code and Civil Procedure Code in Pakistan

a. Criminal Procedure Code:

The Criminal Procedure Code (CrPC) of Pakistan, **127 years old**, remains one of the oldest and most influential legal frameworks still shaping the country's criminal justice system. Enacted in 1898 during British colonial rule, it was designed to create a uniform and structured method for investigating crimes, conducting trials, managing police powers, and administering justice. Despite its duration of the time that the CrPC continues to serve as the backbone of Pakistan's criminal procedure, guiding courts, prosecutors, and law-enforcement agencies in their daily functions. Over the years, Pakistan has amended the Code numerous times to accommodate changing social realities, update policing methods, and introduce safeguards for citizens' rights, yet its foundational structure still reflects its 19th-century origins. This blend of colonial-era drafting and modern adaptations makes the CrPC both historically significant and central to ongoing debates about reforming and modernizing Pakistan's justice system.

b. Civil Procedure Code

The Civil Procedure Code (CPC) of Pakistan, now 117 years old, stands as a foundational pillar of the country's civil justice system. Introduced in 1908 under British India, it continues to provide the essential procedural framework for resolving civil disputes, outlining how lawsuits are filed, how evidence is presented, and how judgments are executed. Despite its early 20th-century origin, the CPC remains deeply embedded in Pakistan's legal practice because of its detailed structure, clarity, and adaptability. Over time, it has undergone significant amendments to accommodate modern legal challenges, streamline court processes, and reduce delays in civil litigation. Yet, its core framework—shaped by principles of fairness, due process, and judicial oversight continues to reflect the strength and durability of its century-long legacy. As Pakistan's legal landscape evolves, the CPC remains a central reference point for reform, ensuring that the administration of civil justice retains both procedural rigor and historical continuity.

3. Poor Investigation Practices and Their Impact on Case Backlog:

Particularly, the Code of Civil Procedure 1908 and the Code of Criminal Procedure 1898 were enacted during the colonial period and no longer effectively address the needs of a modern justice system. These laws were designed for a different social, economic, and administrative environment, and as a result, they often fail to ensure speedy and efficient disposal of cases. One major issue is the excessive reliance on lengthy procedural formalities. Courts are required to follow multiple technical steps before a matter can proceed to final adjudication. Frequent adjournments, repetitive notices, manual record-keeping, and complex filing requirements consume substantial judicial time.

Lawyers sometimes exploit these procedural loopholes to intentionally delay proceedings, which prolongs litigation and increases the burden on courts. Consequently, cases remain pending for years, and in some instances decades, before final resolution. Another important factor is the lack of effective case management mechanisms in older procedural laws. Modern judicial systems around the world use digital systems, strict timelines, electronic filing, and alternative dispute resolution methods to expedite justice.

However, Pakistan's procedural framework still heavily depends on traditional paper-based systems and outdated court practices. This creates administrative inefficiency and slows the movement of cases through the judicial hierarchy. In civil litigation, procedural delays often arise from repeated opportunities for filing applications, recording evidence, and seeking adjournments. The absence of strict enforcement of timelines allows parties to prolong disputes unnecessarily. Similarly, in criminal cases, delays in investigation, production of witnesses, and recording of evidence further increase pendency. The procedural structure does not adequately address modern challenges such as growing population, increasing litigation, and complex commercial disputes.

The growing backlog has serious consequences for the administration of justice. It undermines the constitutional principle of "speedy justice," weakens public confidence in the judiciary, increases litigation costs, and causes mental and financial hardship to litigants. Delayed justice also affects economic development because investors and businesses hesitate to rely on a slow judicial system for dispute resolution.

Legal experts and judicial reform commissions in Pakistan have repeatedly emphasized the need for procedural reforms. Suggested reforms include simplification of procedural rules, introduction of e-filing systems, stricter control over adjournments, increased use of mediation and arbitration, establishment of specialized courts, and adoption of modern case management techniques. Such reforms can reduce delays, improve judicial efficiency, and help decrease the enormous backlog of pending cases. In simple terms, outdated procedural laws slow down court proceedings because they involve too many old and complicated steps. These delays allow cases to pile up in courts, making it difficult for judges to decide matters quickly. As a result, people have to wait many years to get justice. Updating these laws and introducing modern judicial practices is essential for ensuring faster and more effective justice in Pakistan.

4. Undermining Public Confidence in Pakistan's Criminal Justice System

One of the most serious consequences of delays in Pakistan's criminal justice system is the loss of public confidence in the judiciary and other justice institutions. The principle that "justice delayed is justice denied" reflects the idea that justice loses its value when courts take an unreasonable amount of time to decide cases. Although courts exist to protect the rights of citizens and uphold the rule of law, excessive delays create the impression that the justice system is unable to provide timely and effective remedies.

A major reason for this problem is the large backlog of pending cases at all levels of the judiciary. Criminal cases often remain unresolved for many years because of shortages of judges, limited court

resources, repeated adjournments, delays in police investigations, delayed submission of forensic reports, and lengthy appellate procedures. In addition, many procedural rules contained in the Code of Criminal Procedure, 1898 (CrPC), which was enacted during the British colonial period, continue to govern criminal proceedings. Although these laws have been amended over time, many procedures remain lengthy and formalistic, making criminal trials slower and less efficient than required in a modern justice system.

The frequent granting of adjournments is another major cause of delay. Hearings are often postponed because witnesses fail to appear, investigating officers are unavailable, lawyers request additional time, or courts face heavy workloads. As a result, a single criminal case may require dozens of hearings before reaching a final judgment. Such delays increase litigation costs, place financial and emotional burdens on victims and accused persons, and weaken the quality of evidence as witnesses forget important facts or become unavailable.

The impact of these delays is particularly serious in cases involving police misconduct, custodial torture, enforced disappearances, or extrajudicial killings. Victims and their families often wait many years before their complaints are finally decided. During this time, the accused officials may continue to serve in public office, while victims struggle to obtain justice. This creates a public perception that state officials are rarely held accountable and that the criminal justice system provides greater protection to powerful individuals than to ordinary citizens.

The Constitution of Pakistan recognises the importance of a fair and timely justice system. Article 10A guarantees every person the right to a fair trial and due process, while Article 4 provides that every individual is entitled to be treated in accordance with the law. Similarly, Article 14(3)(c) of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a State Party, recognises the right of every person to be tried without undue delay. Excessive judicial delays therefore raise concerns not only about administrative efficiency but also about compliance with constitutional and international human rights obligations.

When citizens lose confidence in the justice system, they may become reluctant to report crimes or seek legal remedies through the courts. Some individuals may instead attempt to resolve disputes through informal mechanisms, political influence, or even violence, thereby weakening respect for the rule of law. A justice system that cannot deliver timely decisions also reduces public trust in democratic institutions because the judiciary is expected to act as an independent protector of constitutional rights.

Restoring public confidence requires comprehensive judicial reforms. These should include increasing the number of judges, improving court infrastructure, introducing modern case management systems, expanding the use of digital technologies, reducing unnecessary adjournments, strengthening police investigations, and ensuring that criminal cases are decided within reasonable timeframes. Faster and more efficient criminal proceedings would improve access to justice, strengthen accountability, and reinforce public trust in Pakistan's criminal justice system.

5. Multiple Appeals as a Cause of Delay in Criminal Justice in Pakistan

One of the most persistent structural weaknesses of Pakistan's criminal justice system is the availability of multiple appellate and post-conviction remedies, which, although intended to safeguard the constitutional right to a fair trial and prevent miscarriages of justice, frequently result in prolonged litigation and substantial delays in the final disposal of criminal cases. The appellate framework established under the Code of Criminal Procedure, 1898 (CrPC), permits successive layers of judicial review, including appeals before the High Courts, appeals to the Supreme Court of Pakistan, criminal revisions, constitutional petitions under Article 199 of the Constitution, review petitions under Article 188 of the Constitution, and mercy petitions before the President under Article 45 in capital punishment cases. While these remedies constitute essential procedural safeguards, their cumulative effect often prolongs criminal proceedings for many years.

The right to appeal is recognized as a fundamental component of due process and has acquired greater constitutional significance following the insertion of Article 10A of the Constitution of the Islamic Republic of Pakistan through the Eighteenth Constitutional Amendment in 2010, which guarantees the right to a fair trial and due process. Courts have consistently interpreted this provision as requiring procedural fairness throughout criminal proceedings, including the appellate stage. However, the practical operation of these safeguards has produced a criminal justice system in which the final determination of serious criminal cases, particularly murder, terrorism, and police misconduct cases, may take decades.

The Code of Criminal Procedure provides several appellate mechanisms. Sections 410–439 regulate appeals and revisions against convictions and acquittals, while convicted persons retain the right to challenge judgments before higher courts. Following a High Court decision, an appeal may lie before the Supreme Court under Article 185(3) of the Constitution where leave to appeal is granted. Even after the Supreme Court has rendered its judgment, litigants may seek review under Article 188 of the Constitution and the Supreme Court Rules. In capital cases, an additional mercy petition may be submitted to the President under Article 45. Consequently, a single criminal case may proceed through numerous judicial and executive stages before reaching finality.

The multiplicity of appellate remedies significantly contributes to case backlog within Pakistan's superior judiciary. According to the Law and Justice Commission of Pakistan, hundreds of thousands of criminal and civil cases remain pending before the Supreme Court and High Courts, with criminal appeals constituting a substantial proportion of this backlog. Delays are further aggravated by frequent adjournments, inadequate judicial capacity, shortages of judges, inefficient case management practices, delays in obtaining trial records, and the absence of statutory time limits for disposing of criminal appeals. These systemic deficiencies collectively undermine the constitutional guarantee of expeditious justice.

The problem is particularly acute in cases involving allegations against police officials. Victims of custodial torture, enforced disappearances, extrajudicial killings, or abuse of authority often encounter lengthy litigation before accountability can be established. Even where trial courts convict police officers, appeals commonly remain pending before appellate courts for extended periods, delaying both the enforcement of criminal liability and the provision of remedies to victims. In many instances, sentences are suspended pending appeal, allowing convicted officials to remain at liberty

while litigation continues. Such delays weaken public confidence in accountability mechanisms and diminish the deterrent effect of criminal sanctions.

Successive appellate proceedings also impose significant financial and psychological burdens on litigants. Victims' families frequently incur considerable legal expenses while repeatedly appearing before different judicial forums over many years. Witnesses become unavailable, memories fade, documentary evidence deteriorates, and investigating officers are transferred or retire, all of which adversely affect the quality of appellate adjudication. These practical consequences illustrate that excessive delay may itself amount to a denial of justice, despite the availability of extensive procedural safeguards.

International human rights standards recognise that criminal proceedings should be concluded within a reasonable time. Article 14(3)(c) of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a State Party, guarantees the right to be tried without undue delay. Although appellate review remains an essential safeguard against wrongful conviction, international standards also emphasise the importance of balancing procedural fairness with judicial efficiency. Comparative jurisdictions have increasingly adopted case management techniques, statutory timelines for appeals, electronic filing systems, and stricter controls over unnecessary adjournments to reduce delays without compromising due process.

Accordingly, meaningful reform in Pakistan should not seek to abolish appellate rights but rather to improve the efficiency of appellate adjudication. Possible reforms include establishing statutory timelines for hearing criminal appeals, strengthening judicial case management, increasing the number of appellate judges, introducing comprehensive digital case management systems, limiting frivolous interlocutory applications, and creating specialised appellate benches for cases involving police misconduct and serious human rights violations. Such reforms would preserve the constitutional right to appeal while promoting the timely administration of justice and reinforcing public confidence in the criminal justice system.

6. Shortage of Human Resources (Judges and Court Staff)

The shortage of judges within the judicial system of Pakistan constitutes one of the most significant factors contributing to the persistent problem of delayed justice. The number of serving judges at the subordinate judiciary, High Courts, and the Supreme Court remains insufficient in comparison to the volume of cases instituted annually. Consequently, the judge-to-population ratio in Pakistan falls below internationally recognized standards, placing an excessive burden on the existing judicial workforce.

The inadequacy of judicial personnel results in an overwhelming caseload for individual judges, who are required to adjudicate a large number of civil, criminal, constitutional, and administrative matters simultaneously. Such excessive workloads inevitably affect the efficiency and speed with which cases can be heard and decided. As judges struggle to manage congested dockets, hearings are often scheduled at lengthy intervals, leading to significant delays in the progression and disposal of cases.

Furthermore, vacancies in judicial offices frequently remain unfilled for extended periods due to delays in appointments, promotions, and administrative procedures. The absence of a sufficient number of judges not only increases the backlog of pending cases but also undermines the constitutional guarantee of access to justice and the right to a fair and expeditious trial. Litigants are often compelled to endure prolonged legal proceedings, resulting in increased financial costs, emotional distress, and diminished public confidence in the judicial system.

In addition, the shortage of judges adversely affects the quality of judicial decision-making. Overburdened judges may have limited time to thoroughly examine evidence, legal arguments, and precedents, thereby increasing the risk of errors and subsequent appeals. This further contributes to judicial congestion and delays. Therefore, the appointment of an adequate number of qualified judges, coupled with effective judicial administration, is essential to ensuring the timely dispensation of justice and reducing the backlog of cases in Pakistan's courts.

7. Frequent Work Suspensions by Advocates

The practice of granting frequent adjournments constitutes a significant procedural impediment to the efficient administration of justice in Pakistan and is widely recognized as one of the principal causes of judicial delay. An adjournment refers to the postponement of court proceedings to a future date, either upon the request of a party or by order of the court. While adjournments may be justified in exceptional circumstances to ensure fairness and due process, their excessive and unnecessary use has contributed substantially to the accumulation of pending cases and the prolongation of litigation.

In many civil and criminal proceedings, hearings are repeatedly postponed due to the absence of counsel, non-appearance of parties, failure of witnesses to attend court, incomplete investigations, or delays in the production of relevant documents and evidence. Such postponements interrupt the continuity of proceedings and hinder the timely adjudication of disputes. In some instances, litigants and legal practitioners deliberately seek adjournments as a tactical measure to delay proceedings, prolong litigation, or exert pressure on the opposing party. This misuse of procedural discretion undermines the fundamental objective of the judicial process, namely the prompt and effective resolution of legal disputes.

The adverse effects of frequent adjournments are particularly evident in cases involving vulnerable litigants, undertrial prisoners, family disputes, and matters concerning fundamental rights, where delays may result in irreparable harm. Repeated postponements increase litigation costs, prolong uncertainty, and impose significant financial, psychological, and emotional burdens upon the parties. Furthermore, when hearings are repeatedly deferred, judicial resources are utilized inefficiently, resulting in congested court dockets and an ever-increasing backlog of cases.

From a constitutional and human rights perspective, excessive adjournments may also infringe upon the right to a fair trial and the principle of access to justice. The timely disposal of cases is an essential component of the rule of law, and any practice that unnecessarily delays judicial proceedings weakens public confidence in the legal system. Consequently, legal scholars and judicial reform advocates have emphasized the need for stricter regulation of adjournments, the

imposition of costs for frivolous requests, improved case management mechanisms, and greater judicial oversight to prevent abuse of the adjournment process. Therefore, the persistent practice of granting frequent and avoidable adjournments remains a major contributor to the crisis of delayed justice in Pakistan, necessitating comprehensive procedural reforms to ensure the expeditious and effective administration of justice.

8. Lack of Infrastructures for the proceedings

Pakistan faces significant challenges in conducting smooth, transparent, and efficient legal, administrative, and governmental proceedings due to inadequate infrastructure. Many courts, government offices, and administrative bodies operate in outdated or poorly maintained buildings that lack basic facilities such as proper seating, ventilation, digital equipment, and secure record-keeping systems. In rural areas, the situation is even more severe, where courts and offices often work in temporary or shared structures, creating delays and discomfort for both officials and the public.

The shortage of modern technological infrastructure is another major barrier. Many institutions still rely on manual paperwork, which leads to file mismanagement, slow processing, and frequent loss of important documents. The absence of digital recording systems, video-conferencing facilities, and automated case-management tools makes it difficult to handle the growing number of cases efficiently. As a result, proceedings are often delayed, contributing to backlog and public dissatisfaction.

Furthermore, insufficient transportation networks, limited accessibility, and unstable electricity and internet connectivity hinder the smooth functioning of proceedings, especially in remote regions. Frequent power outages disrupt hearings and administrative processes, while poor internet infrastructure affects online submissions, virtual hearings, and data storage.

Overall, the lack of adequate physical, technological, and logistical infrastructure weakens the justice system and administrative processes in Pakistan, affecting transparency, efficiency, and public trust.

9. Provincial Criminal Prosecution Service

The prosecution system within Pakistan's existing criminal justice framework remains vulnerable to institutional pressure when handling cases against police officials because prosecutors continue to function, to a significant extent, as administrative extensions of the executive branch rather than as fully independent legal actors. This structural dependence can undermine prosecutorial impartiality, particularly in cases involving allegations of police misconduct, custodial violence, or abuse of authority, where the accused officials often belong to the same state apparatus responsible for law enforcement.

Under Section 173 of the Code of Criminal Procedure (CrPC), the investigating officer is required to submit a final report upon the completion of an investigation. In practice, however, these reports may be incomplete, inadequately supported by evidence, or influenced by institutional interests,

especially where fellow police officers are the subjects of investigation. Prosecutors frequently have limited statutory authority to reject deficient investigation reports outright or to compel investigating officers to pursue additional lines of inquiry. As a result, prosecutors often rely on the quality and completeness of police investigations despite having identified evidentiary gaps, inconsistencies, or procedural shortcomings.

This institutional arrangement creates a significant imbalance within the criminal justice process. Since the police investigate allegations against their own personnel while prosecutors remain dependent on those investigations, the system lacks an effective mechanism to ensure objective scrutiny of police conduct. Consequently, cases involving police officials may suffer from delayed investigations, inadequate evidence collection, selective witness examination, or the omission of incriminating material, thereby reducing the likelihood of successful prosecution. Such weaknesses not only impede accountability but also erode public confidence in the fairness and credibility of the criminal justice system.

Furthermore, the absence of robust prosecutorial independence limits meaningful oversight of police investigations. Comparative criminal justice systems often empower prosecutors to supervise investigations, require supplementary inquiries, or return deficient investigation files for further evidence gathering before initiating prosecution. By contrast, Pakistan's prosecutorial framework provides comparatively limited authority for prosecutors to exercise effective control over investigations, particularly in sensitive cases involving state officials. Strengthening prosecutorial independence through legislative reforms, clearer supervisory powers, and institutional safeguards would enhance the integrity of criminal investigations, promote accountability for police misconduct, and reinforce the rule of law.

Conclusion

This study has demonstrated that judicial delays in Pakistan are not merely the result of administrative inefficiency but are deeply rooted in the country's colonial legal inheritance and longstanding institutional weaknesses. The continued operation of the Code of Criminal Procedure, 1898 and the Code of Civil Procedure, 1908, despite numerous amendments, reflects a procedural framework originally designed to facilitate colonial administration rather than ensure efficient, accessible, and rights-based justice within a modern constitutional democracy. Their procedural complexity, excessive formalism, and extensive appellate mechanisms continue to prolong litigation and contribute significantly to the growing backlog of cases. The research further establishes that judicial delay is a multidimensional problem resulting from the interaction of outdated procedural laws with broader structural deficiencies. These include inadequate police investigations, insufficient judicial personnel, weak prosecutorial independence, poor court infrastructure, ineffective case management, excessive adjournments, interruptions caused by bar association activities, and limited use of digital technologies and alternative dispute resolution mechanisms. Collectively, these shortcomings undermine the constitutional guarantees of fair trial, due process, and equal protection of the law, while also placing Pakistan at risk of failing to fully comply with its international obligations under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to a hearing within a reasonable time. The consequences of prolonged litigation extend beyond delayed adjudication. Excessive judicial delays increase the

financial and psychological burden on litigants, diminish the quality of evidence, weaken accountability for unlawful conduct, discourage domestic and foreign investment, and erode public confidence in the judiciary and the rule of law. A justice system that is unable to provide timely and effective remedies cannot fully perform its constitutional role as the guardian of fundamental rights.

Accordingly, meaningful reform requires more than isolated procedural amendments. Pakistan must undertake comprehensive modernization of its judicial framework by replacing or fundamentally restructuring colonial-era procedural laws in accordance with contemporary constitutional principles, technological developments, and international best practices. Such reforms should seek to balance procedural fairness with judicial efficiency, ensuring that the administration of justice remains both effective and rights-oriented. Unless these structural deficiencies are addressed through coordinated legislative, judicial, and institutional reforms, judicial delays will continue to undermine access to justice, weaken democratic governance, and diminish public trust in Pakistan's legal system.

Recommendations

In light of the findings of this study, the following recommendations are proposed to reduce judicial delays and modernize Pakistan's justice system:

1. **Comprehensive procedural law reform:** Parliament should undertake a comprehensive review and modernization of the Code of Criminal Procedure, 1898 and the Code of Civil Procedure, 1908 by simplifying procedural requirements, eliminating unnecessary technicalities, and introducing clear statutory timelines for different stages of litigation.
2. **Strengthen judicial case management:** Courts should adopt modern case management practices, including mandatory scheduling orders, electronic case tracking, automated allocation of cases, and continuous judicial monitoring to prevent unnecessary delays.
3. **Regulate adjournments more strictly:** Legislation and judicial rules should limit the number of adjournments granted to parties, require written reasons for postponements, and impose realistic costs or sanctions for frivolous or deliberate delay tactics.
4. **Increase judicial capacity:** Federal and provincial governments should substantially increase the number of judges, judicial officers, prosecutors, and court staff while ensuring that vacancies are filled without unnecessary delay. Continuous judicial education and professional training should accompany these appointments.
5. **Modernize court infrastructure:** Investment should be made in court buildings, digital record management, e-filing systems, virtual hearings, electronic evidence management, and reliable information technology infrastructure to improve efficiency throughout the judicial process.
6. **Rationalize appellate procedures:** While preserving the constitutional right to appeal, procedural reforms should discourage frivolous appeals, establish reasonable timelines for appellate proceedings, and create specialized appellate benches for complex criminal and constitutional cases.
7. **Strengthen judicial accountability and performance monitoring:** Regular evaluation of court performance through measurable indicators, including disposal rates, compliance with timelines, and case management efficiency, should be institutionalized to improve judicial administration.

8. **Promote responsible conduct by the legal profession:** Bar councils and bar associations should adopt measures to minimize unnecessary disruption of court proceedings arising from strikes or election-related activities and should promote professional responsibility consistent with the constitutional right of litigants to timely justice.
9. **Establish a long-term judicial reform strategy:** Pakistan should develop a coordinated national judicial reform policy involving the judiciary, legislature, executive, legal profession, academia, and civil society. Such a strategy should focus on replacing colonial-era procedural structures with a modern, technology-driven, citizen-centred justice system that strengthens the rule of law, protects constitutional rights, and ensures timely access to justice.

References

Eisenberg, T., & Heise, M. (2009). *Plaintiphobia in state courts? An empirical study of state court trials on appeal*. *Journal of Legal Studies*, 38(1), 121–147.

Garoupa, N., & Ginsburg, T. (2015). *Judicial reputation: A comparative theory*. University of Chicago Press.

Posner, R. A. (2014). *Economic analysis of law* (9th ed.). Wolters Kluwer.

Hassan, R. S., Ahmed, N., & Siddiqui, F. A. (2021). *Judicial system and public policy: Strategy for expeditious disposal of backlog*. JISR Management and Social Sciences & Economics.

Imran, M., Idrees, R. Q., & Saeed, M. A. (2024). *Pendency of cases in Pakistan: Causes and consequences*. *Current Trends in Law and Society*. <https://doi.org/10.52131/ctls.2024.0401.0031>
PJ&RI. (2025). *Justice delayed in Pakistan: Why millions of court cases remain unresolved*.

Tahir, N. U. A. (2025). *The endless wait: Crisis of backlog in Pakistan's district judiciary*. Daily Pakistan.

Various authors. (2024–2025). Reports on judicial delays and structural inefficiencies in Pakistan's legal system.

Saeed, Aliya. "(E-1:) RELEVANCE OF HUMAN RIGHTS AND JUDICIAL ASSISTANCE: AN ANALYSIS OF PAKISTAN." *Habibia Islamicus (The International Journal of Arabic and Islamic Research)* 9, no. 3 (2025).

Muhammad, Aas, Mian Saadat Ali Nadeem, and Muhammad Aurangzeb Khan Khakwani.

"Executive Influence on Judicial Independence in Pakistan: A Critical Analysis With Reference to Constitutional and Legal Framework." *Tanazur* 5, no. 4 (2024): 194-227.

Rasool, Kamran, Muhammad Mubashir, and Abdul Hameed. "In the shadow of justice: Custodial torture and human rights violations in Pakistan." *Pakistan JL Analysis & Wisdom* 3 (2024): 232.

Adhi, Muhammad Zeeshan, Muhammad Ibrahim, Rozi Ali, and Naima Saeed. "Police

Accountability and Public Safety Commissions in Developing and Developed Countries: A Comparative Study of Pakistan, India, and the United Kingdom—Lessons and Best Practices for Pakistan." *Journal of Political Stability Archive* 3, no. 3 (2025): 671-686.

Hassan, Ameer, and Mirza Shahid Rizwan Baig. "Navigating Judicial Precedents: A Comprehensive Analysis of the Legal Landscape Governing Bail in Pakistan." *Global Political Review* 9, no. 2 (2024).

Nazir, Shahbaz, Choudhary Hamza Sajid, Tansif Ur Rehman, and Choudhary Ahmed Raza. "Abuse of Process of Law: A Case of Abuse of Legal Proceedings in Pakistan." *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM* 3, no. 5 (2024).