

**Justice Delayed is Justice Denied: An Investigation of Factors Causing  
Backlog of Criminal Cases in Punjab, Pakistan.**

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**Abstract**

The backlog of criminal cases is a worrying problem in various courts in Pakistan. The backlog, in terms of years, mostly exceeds five years to fix for an appeal after the conviction at the lower court. Whilst the accused may be detained for more than five years before being brought to court for trial, the average time taken for a case from the date of the first trial up to the decision of the Supreme Court is up to 25 years. This paper seeks to identify and examine factors that contribute to the backlog of cases in the province of Punjab, Pakistan. To achieve the objective, the researcher employed a socio-legal and doctrinal methodologies that combine legal analysis and interviews with Pakistan's criminal justice experts. Additionally, the data was collected from the office of the Regional Police Officer, Multan, Punjab Public Prosecution, Multan and District Courts of Multan from 1<sup>st</sup> January 2021 to 31<sup>st</sup> December 2021. The analysis of laws includes the interpretation and workings of the Constitution of the Republic Islamic of Pakistan (1973) and the Criminal Procedure Code (1898) which contribute to the backlog of criminal cases in the Districts Court of Multan. Based on the analysis, it is posited that the causes of backlog include poor investigation, corruption, shortages of judges, unnecessary adjournments, and an outdated criminal justice system. The backlog of cases can only be overcome if these factors are solved through various measures that involve different stakeholders.

**Keywords:** Justice Delayed Justice Denied, Backlog of cases, Criminal Investigation, Criminal Justice, Province of Punjab

**1. Introduction**

In the 19th century, William Ewart Gladstone, the then Prime Minister of the United Kingdom, once said, "Justice delayed is justice denied" (Gladstone,

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1808). These words demonstrate the present state of the criminal justice system of Pakistan. The criminal justice system of Pakistan has been perceived as “faulty, exploitive and inequitable”; accordingly causes an increase in the crime rate and the number of backlogs of criminal cases in different courts of Pakistan (Arshad, 2017). In Pakistan, the adversarial system is used for all proceedings, including criminal matters. Article 10-A of the Constitution of Pakistan 1973 (hereinafter referred to as “the Constitution”) provides the right of “fair trial and due process” to each Pakistani without fear and favor or any discrimination. Whilst Article 37 of the Constitution guarantees “inexpensive and expeditious justice”, it appears however that the process of the trial is costly and lengthy. In the worst-case scenario, innocent people are detained for a long-time pending trial. Far from being convicted, some detainees have not even been brought to court for trial (Anjum, 2021). The detainees are being executed in prisons due to the lengthy procedure while waiting for the trial. It has been recorded that many of the prisoners died in jail or were executed to death, even though they were later declared innocent by the appeal courts or superior courts (Ahmad S. , 2016).

According to the former Chief Justice of Pakistan, Jawad S. Khawaja, “On average it takes 25 years for a case instituted in a court of first instance to be finally determined by the Supreme Court” (Ali S. , 2018). Further, Mr. Ather Minallah, Chief Justice of Islamabad, High Court of Pakistan, described the district courts of the country as “in deplorable condition”. Apart from this, the judiciary raises a concern about undue delay in criminal trials. In the case of *Amanullah Khan v. the State*, the High Court made a firm remark that “excessive delay (of 5 years) in the trial of a criminal case, (may amount to) abuse of process” (*Amanullah Khan v The State*, PLD 1965). Due to the slow trial processes at the lower courts, a large number of cases are pending in the different courts of Punjab. According to a report, the province of Punjab has a huge number of backlog court cases (only for the High Court) (Gishkori, 2019). It is commonly observed that if someone is awarded a death sentence by the session court, his/her appeal may take up to 5 to 7 years to get it fixed for hearing in the High Court. The reason behind the mentioned period (5 to 7 years) is the high backlog of cases therein in the High Courts. This results in the pendency of such cases in different courts in Punjab. This is due to the poor state of case filing, its investigation, trial in the courts etc. (Ali, 2015). The cases remained in a pendency state for a long period and the detainees were unable to get justice from anywhere else. All this results in the pendency of criminal cases. The World Justice Project (WJP) reported the deplorable state of affairs in the criminal justice system in Pakistan from 2019 to 2021, and the findings of the report are as in Table 1.

**Table No.1 Criminal Justice System in View of World Justice Project for Pakistan**

<b>Years</b>	<b>Position</b>
<b>2021</b>	130/139
<b>2020</b>	120/128
<b>2019</b>	117/126

Based on the discussion above, this article attempts to answer the following research question, what are the reasons for the backlog of criminal cases in the province of Punjab, Pakistan? Meanwhile, the article's objective is to identify the causes of the backlog of criminal cases in the province of Punjab, Pakistan. The article adopts socio-legal and doctrinal research methodologies, and collection of data is carried out by way of interviews and library research (Ayub & Mohamed Yusoff, 2018).

## **2. Literature Review**

Shafiq et.al (2022) investigated reasons for pendency in different trial courts in Pakistan based on structured interviews of law practitioners and media personnel. The study highlighted eight reasons for the delay of case disposal including incompetence's of lawyers, strikes, non-professional behaviors, log procedure of investigation issues, unavailability of petitioners and respondents, carelessness of court staff, inadequate number of judges, frequent transfer of judges, and shortage of courts. The study also suggests that laws should be reformed to overcome the present situation. At the same time, the media should play a more proactive role in imparting awareness among the masses related to the process of trial in the courts.

In addition, Ali and Hassan (2022) also conducted research on the causes of the pendency of criminal cases in different courts of Pakistan, based on the data ranging from 2014 to 2020 provided by the Law and Justice Commission of Pakistan. The study concludes that the ratio of pendency increases daily. It was reported that nearly two million cases were then pending in various courts in Pakistan. The study recommends that judiciary and media personnel should play their role in curbing the serious issue of the pendency of cases in different courts in Pakistan (Ali S. , 2022).

### **2.1 The Backlog of Criminal Cases in Pakistan**

The backlog of criminal cases is a serious issue in various courts in Pakistan. It causes public discontent. Moreover, it raises concern over the miscarriage of justice, particularly in the cases involving the death penalty cases and long periods of imprisonment in Pakistan, especially in Punjab province. A significant number of cases has been reported through various research in this

category (Tabassum, 2021). The following data is obtained from the Annual Reports of the Lahore High Court (2019-2021) about the pending cases in the district courts of Punjab. It illustrates that the backlog of cases (in the “Pending” column) is on the rise (Annual Report High Court, 2019; Annual Report High Court, 2020; Annual Report High Court, 2021).

**Table No.2: Backlog position in Lower Courts of Punjab**

Years	Previous	Institution	Receipt	Disposal	Transfer	Pending
<b>2019</b>	233450	638483	218263	672408	193412	<b>224376</b>
<b>2020</b>	224376	607479	246405	513304	219844	<b>345112</b>
<b>2021</b>	345112	727363	197185	754444	188727	<b>326489</b>

Similarly, the following data from the Session Courts of Punjab reveals that the number of pending cases in different courts is consistently increasing (Annual Report High Court, 2019; Annual Report High Court, 2020; Annual Report High Court, 2021).

**Table No.3: Backlog position in Session’s Court, Punjab**

Years	Previous	Institution	Receipt	Disposal	Transfer	Pending
<b>2019</b>	148238	710685	111800	721775	116117	<b>132831</b>
<b>2020</b>	132831	710685	133959	721775	119580	<b>136120</b>
<b>2021</b>	136120	784386	62765	787583	62566	<b>133122</b>

The data mentioned at the above in the table has been taken form Annual Reports of Lahore High Court, Punjab, Pakistan.

A similar condition can be observed from the number of backlog cases in Lahore High Court (Punjab). From the following data, it is also obvious that the number of pending cases from 2019 to 2021 is increasing (Annual Report High Court, 2019; Annual Report High Court, 2020; Annual Report High Court, 2021).

**Table No.3: Backlog position in Lahore High Court**

Sr. No.	Years	Pending Criminal Cases
<b>1</b>	2019	41,177
<b>2</b>	2020	42,125
<b>3</b>	2021	42,522

From the above discussion and the statistics shown in the tabular form, it is submitted that the number of pending cases is ever-increasing. This affects the working of justice in the judicial system of Pakistan. As a result, people lose their confidence in the criminal justice system in Pakistan. For instance, the case of

*Jamshed Iqbal* (a vendor in Lahore Punjab) is quoted here to highlight the glaring scenario in this regard. In this case, Jamshed Iqbal was selling *Paan* “including areca and tobacco in betel leaf” and other small items like cigarettes and others. During the fasting period of Ramadan, these items and other food items are not allowed to be sold in the market and public places according to the Ehtram-e-Ramzan Ordinance 1981 (Punjab). In the month of Ramadan, 2013, Jamshed Iqbal, sold his vendor item *Paan* which is also prohibited (amounting to Rs.05/- only). He was apprehended by the local police and was presented before the Magistrate and charged with the offence under Ordinance 1981. On hearing the case, the Magistrate eventually convicted him and imposed five days imprisonment. Jamshed immediately filed an appeal against the conviction made by the Magistrate. Nevertheless, the appeal case that was supposed to be heard before the Additional Session Court in Lahore took more than six years. As a result, Jamshed remained behind bars because of his pending appeal. After hearing the appeal, Mr. Amir Habib, Additional Session Judge, acquitted Jamshed Iqbal, and the learned judge also apologized to him for delaying justice on a wrong judgment that led him to “six years’ imprisonment”. He also remarked that this is an example of a case where a poor and innocent man suffered due to the defect of Pakistan’s Criminal Justice System (Correspondent, Ehtram-e-Ramzan Ordinance: man jailed for 5 days freed after 6 years, 2019). Jamshed’s case illustrates the poor condition of the criminal trial system about the backlog in Pakistan in general and in Punjab in particular.

## **2.2 Pakistan’s Legal Framework on Criminal Justice**

The main statute governing the criminal justice system in Pakistan is the Constitution. Article 10-A of the Constitution provides that “...for the determination of his civil rights and obligations of in any criminal charge against him, a person shall be entitled to a fair trial and due process”. Then, Article 37-d of the Constitution provides for the people the right to have “...inexpensive and expeditious justice”. The Constitution under Article 25-A further provides that “all citizens are equal before the law and are entitled to equal protection of the law; that there shall be no discrimination based on sex; and nothing in the Article shall prevent the State from making any special provision for the protection of women and children”. However, this principle (as enshrined in the Constitution) and the implementation of fair trial and fair criminal justice processes in Punjab are often questioned. As described by Ather Minallah, Chief Justice, High Court, Islamabad (AAP, 2020) -

“The Constitution gives high priority to speedy administration of justice and right to free and fair but

unfortunately the state has failed to provide timely and affordable justice to the people of Pakistan.”

### **2.3 The “Inexpensive and expeditious justice”.**

Article 37 of the Constitution imposes an obligation on the State to ensure “inexpensive and expeditious justice”. This provision emphasizes the speedy justice process for every citizen of Pakistan irrespective of caste, creed, and religion.

“The criminal justice system of the country did not provide inexpensive and expeditious justice to the citizens guaranteed by the Constitution”. (Ahmad S. , 2016)

The justice has given his remarks keeping in view the prevailing scenario related to the unavailability of inexpensive and expeditious justice in Pakistan. His remarks may be taken as an authentic document because a person related to the judicial system has expressed his feelings based on his observation (Ali S. , 2022). For example, the Supreme Court of Pakistan gave observations regarding the delay/pendency and the solution to the problem regarding the delay. The judgment further explains that establishing new Courts and appointing new Judges will not resolve the existing issue. It will only be resolved provided all the stakeholders are ready to work in collaboration. It is up to the Presiding Office of the Court to take effective measures under the law to tackle the issues (Mehram Ali & Others v Federation of Pakistan , 1998).

### **3. Findings - Factors of Backlog Cases in Punjab**

This study finds factors that caused the backlog of criminal cases in the province of Punjab, Pakistan. Many factors affect the performance of the courts (in Punjab), including unskilled, unqualified, and inexperienced police investigating officers and medical officers, causing the shoddy and inferior quality of investigation which ultimately affects the trial. It is also found that the duration to hear the appeals between lower courts to superior courts, inherited criminal justice system and the laws due to colonisation, corruption, malpractice of court personnel, adjournments, shortage of judges/judicial law officers, untrained state lawyers and defensive lawyers, strikes of lawyers, extraordinary vocations of the superior and lower courts are the causes of the backlog of criminal cases, causing the delay in the justice system the province of Punjab, Pakistan. Briefly, a few of these factors are discussed below.

### **3.1 Shortage of judges and Judicial Law Officers.**

In this regard, an example of a faulty criminal trial is worth mentioning which has been stated by Mr. Justice Asif Saeed Khan Khosa, on 17<sup>th</sup> January 2019 (Haq, 2019):

“About 1.9 million cases are pending in the country before all the courts put together and to handle such a huge number of cases there are only about 3,000 judges and magistrates available from top to bottom. Successive governments have failed to suitably increase the number of judges and magistrates on account of financial constraints. **3,000 judges and magistrates cannot handle 1.9 million cases even if they work for 36 hours a day (emphasis added)**”.

Mr. Muhammad Amir Bhatti, Chief Justice, Lahore High Court, (Punjab) expressed his views about the shortage of judges in Punjab, Pakistan on 22 February 2022 which are mentioned below:

“The judiciary in Punjab is facing a shortage of 550 civil judges and 150 additional sessions judges. If the number of judges is increased, the trial process at various levels will get speedy.” (Gill, 2020)

According to the direction of Mr. Muhammad Qasim Khan, Chief Justice, Lahore High Court, (Punjab), on 09 July 2020, the Registrar of Lahore High Court wrote a letter to the Chief Secretary, Punjab, to increase the age of superannuation of the district judiciary officers working in Punjab. He wrote which is as stated below (Tariq, 2020):

“To enhance the retirement age of the members of the district judiciary from 60 years to 63 years to meet the ‘acute shortage’ of judicial officers in the province. This office is facing an acute shortage of judicial officers due to their less induction in the service”.

According to the official documents, the courts of Punjab are facing an acute shortage of judges, hence pendency of cases is increasing day by day.

“According to the documents, following the Lahore High Court, District Judiciary in Punjab is also facing a severe shortage of 782 judges because 1586 judge’s strength is working instead of 2364 sanctioned strength”. (Tariq, 2020)

The shortage of judges has become an alarming situation in Punjab. In Punjab, one judge is deputed against 62,000 people whereas, one judge should be deputed against 1000 to 4000 (Ahmad I. , Miscarriage of Justice , 2018). It is pertinent to mention here that 70 posts are required in the Lahore High Court (Punjab) but only 34 judges are working at present (Jamshhed, 2018). As such, the court cannot function and perform smoothly. Hence, the backlog of cases in the courts of Punjab, Pakistan, is increasing.

### **3.2. Inherited Criminal Justice System**

The Criminal Justice System in Pakistan is “outdated and in dismal condition and having many loopholes” (Jamshhed, 2018). Pakistan got this judicial system in inheritance from the “British Raj” at the time of its independence. The Criminal Procedural Code (Cr.P.C. 1898) is 123 years old whereas Pakistan Penal Code (1860) is 161 years old. On the other hand, the rules of case management are 81 years old and vary from province to province (Ahmad S. , 2016). Besides, the Police Rules 1834 are still being implemented though the Police Order 2002 is partially implemented. Afzal Ali Shigri, the author of Police Order 2002 stated about the hindering of Police Order 2002.

“Not only politicians and Pakistan Administration Service (PAS) group showed resentment against the Police Order 2002, but some top police officers were also against the police reforms.” (Anjum, 2020)

### **3.3. Ambiguous Medical Certificate**

Regarding ambiguous medical certificates, Justice Ali Raza Bajwa issued the directions to the medical officers that a Medico-Legal Certificate should be issued with clear and precise content, without ambiguities. The medical officer is duty bound to write about the injury(ies) is/are fabricated or genuine in its appropriate column. Justice Ali Raza Bajwa issued these directions on a report that was submitted by an Additional Secretary of the Primary & Secondary, Health Department, Lahore, Punjab. The Report is as below (Wahab, 2022):

“Approximately 90% medical examiners are inexpert, untrained and know nothing about the practical aspects of examining an injured whereas only 10.45% medical examiners met the minimum qualification mandatory before start of medico-legal work. Both, primary & secondary healthcare and specialized healthcare and medical education departments shall ensure that medical examiners should



meet the minimum qualification threshold and no unqualified and inexperienced doctor shall be posted to perform such a crucial and sensitive job.”

Justice Ali Raza Bajwa also said that to declare any injury(ies) is/are fabricated without justification(s) and cogent reason(s) is/are contrary to the law. He further expressed:

“Every medical examiner shall be bound to furnish his reasons in support of his opinion and for that purpose, a space shall be provided in the MLC, it observed. The judge remarked that a medico-legal system with 90% inexpert and unqualified medical examiners did not align with the right to a fair trial guaranteed under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973”.

#### **3.4. Delay in submission of Investigation Report (U/S 173) before the court**

The main structure of the Criminal Justice system is the “Police, Prosecution, and Judiciary”. Its purpose is only to provide justice to the victim in accordance with the law. Hence, the police perform a vital role in apprehending the offenders and bringing them before the court. The motto of the criminal justice system is to control the offenders strictly so that a civilized society can be established on an equal basis. The function of the criminal justice system initiates as soon as a report of cognizable offence is given to the police. On receiving the report, the whole machinery of police comes into action. In this way, the process of the investigation is started by the police to seek the actual factor that why has a crime been committed (Shah, 2019).

The defective, shoddy, and poor investigation is a major cause of delay in the dispensation of criminal justice. Hence, the Chief Justice of Pakistan, issued directions to all chiefs of the provincial police officers to maintain a “Crime Investigation” handbook for the guidance of the police investigating officers for its betterment with an order to amend it every year with the new case laws and experience. He remarked:

"Such handbook of investigation should be immediately prepared but not later than six months from today [Wednesday], and it should be made available to each of the investigation officers, who are involved in the investigation of the crime. The handbook on investigation shall be updated every year and new experiences shall be added along with the latest case law given by the superior courts. New

investigation tools shall be added to every new edition, to be issued every year on 1st of July," (Saddam Hussain v The State, 2020)

In 2019, 12,000 criminal cases were pending in the various police stations of district Faisalabad (Punjab) due to a poor investigation system. It is pertinent to mention here that Punjab has 36 districts. In this situation, a committee is constituted as "Criminal Justice Coordination Committee". This committee is working under the chairmanship of District and Session Judge, Faisalabad. When the committee scrutinized the cases, the learned session judge found a huge number of discrepancies in the investigated cases. Whereas a police official indicated to the committee that a large number of cases are under investigation (pending) in the various police stations of this district. Saleem (2019) reported that -

"The number of under investigation cases was 7,255 but the prosecution department said the figure stood at 12,195".

On the other hand, in 2021 (1<sup>st</sup> January to 30 June 2021, 6 months), 30 police stations of District Rawalpindi (Punjab) registered 13,323 criminal cases against the various accused, and 3,755 challans were submitted in the various courts for trial whereas 9,568 cases were under police investigation. The 9,568 criminal cases that are pending are in the different police stations of district Rawalpindi due to the poor investigation system (Sherazi, 2021).

### **3.5. Corruption**

Corruption is a global phenomenon that raises worldwide concern and causes many problems including causes the collapse of a country or even civilization (Muhammad Azman Ng et al., 2022). Corruption causes the collapse of criminal justice system in Pakistan. The problem of corruption becomes the factor that causes a backlog in criminal cases in the province of Punjab, Pakistan. Corruption looms large in the judicial system of Pakistan and has become a big hindrance in the speedy process of fair trial of cases. According to Transparency International Pakistan, the police and judiciary are known as the most corrupt institutions in Pakistan. This report is published by the "National Corruption Perception Survey" for the year 2021 (Abbasi A. , 2021). According to the International Survey Report, the judiciary of Pakistan is infamous for taking bribes from the people during the dealing. Two-thirds of people believe that the judiciary of Pakistan is corrupt. Also, the judicial system of Punjab is suffering from "nepotism, influence from wealthy persons (they can take the verdict as their own will) and influential religious and political figures, and corruption" (Asia, 2020).

### **3.6. Misconduct of the Bar Councils with the judicial Law officers/Judges**

In any justice system, the Bar Councils and benches (courts) are having a strong relationship with each other in the dispensation of justice to the victimized victim at an appropriate time for maintaining a peaceful atmosphere in the society. Hence, their good cooperation makes the judicial system fruitful and beneficent, but its collision creates problems and hindrances to delivering justice in time and causing the delay. The misconduct of the Bar Council with the judicial law officers and senior judges made the judicial system in Punjab problematic and chaotic. Consequently, the judges are avoiding performing their duties in the province of Punjab. On observing the misbehaviors of the lawyers, a feature was published in the newspaper with the title, “Why are judges not working in Punjab”. On December 2, 2020, a female civil judge in Pattoki (Punjab) was misbehaved by the Bar Council. As a result, all other judges protested the incident (Seikh, 2020).

“All the judicial officers posted in Pattoki tehsil courts on Friday stopped working and applied for a 10-day leave in protest against the alleged misbehaviors and abusive conduct of the president of the local bar association with their colleagues including a female judge”.

On July 24, 2017, the President of the Bar Council of Multan, disgraced Mr. Muhammad Qasim Khan, Justice of the Lahore High Court. His nameplate was removed from the courtroom. On this matter, Syed Mansoor Ali Shah, Chief Justice of Lahore High Court, Punjab, issued the direction to stop the court proceedings. After one week, he was ordered to start work in the courts, but lawyers did not appear in the courts, and they boycotted the court for a long time. In this way, the proceeding of the court was affected very badly (Riaz, 2017).

### **3.7. Unnecessary Adjournments**

In the criminal justice system, ineffective hearings and unnecessary adjournments are also other major causes of the pendency of criminal cases in the courts. Some judges are habitual of this practice and on the other hand, some private lawyers are using different tactics i.e., the lawyer pretends to be busy in the High Court or Supreme Court and unable to appear before the lower court on the fixed date. Hence, adjournment is required and prayed for by lawyers. In this way, the defensive lawyers have a lot of pretexts to linger on the case in court. Sometimes, this happens at the crucial stage of the criminal case i.e., recording of evidence of the case and others. Another example is when a high-level personality visits the city, for instance, Chief Minister of Punjab and Prime Minister of Pakistan, then the roads remain closed for traffic and notification is issued to the prison authorities not to

send the detainees to the court for trial. This reason creates a backlog of cases in the courts.

In another case of Ms. Atiqa Oduho who is a renowned actress in Pakistan, intended to travel from the city of Islamabad to Karachi on a domestic flight. However, she was apprehended at Islamabad Airport by the Customs Officer, having two liquor bottles in her luggage. At Rawalpindi airport police station, a case under FIR No.464 on 07 June 2011, an offence under Article 4-Prohibition (Enforcement of Haddoo) was registered against her. Her case was decided on 20 August 2020. Mr. Yasir Chaudhary, a judge, acquitted her due to lack of evidence. It is to note that her case was decided after nine years of trial, and after conducting 174 hearings whereby 12 judges were transferred during this period (Naseer, 2020). This decision raised a question mark on the functionality of the criminal justice system in Pakistan, where a court took a long period of time just to decide on the trial, just to prove whether the liquid in the bottles is liquor or water.

### **3.8. Non-availability of witnesses**

The problem of the non-availability of witnesses also contributes to the delay, pendency, and backlog of criminal cases. In every case, only evidence plays a significant part in deciding whether the case is proved, disproved, or not proved. The witness(es), based on his/her evidence, may strengthen the case, or cause the case to collapse. Nevertheless, in Punjab, it is observed that most witnesses avoid appearing before the courts to give evidence. Witnesses are not protected by any means in Punjab, and there is no witness protection law in Pakistan. There are a number of cases where witnesses are murdered on their way to the police station or to court when they are coming to give evidence in a specific murder case. In this regard, one of the examples is the case of Mian Muhammad Asif, who was an eyewitness in a very famous murder case of *Tipu Truckanwala* (2012) in Lahore. He was murdered by the opponent of the case when he was sitting outside of his home. He was shot to death on the spot (Correspondent, 2012). In another murder case of the former Prime Minister of Pakistan, the sub-inspector was summoned to appear before the court to record the evidence. The said sub-inspector refused to appear before the court because he received threats from TTP (Tehrik-e-Talban Pakistan) (Abbasi O. , 2013). Due to the non-protection of the witnesses, they are avoiding appearing before the courts. Mostly witnesses are summoned to record their evidence in the courts on a fixed date. When they reach the courts for recording evidence on a fixed date, they feel troubled or insecure when they are not called to record evidence on the day. Due to this situation, the witnesses do not bother when they receive the subpoena or summons from the courts to record their evidence on the next date. The lower judiciary record reveals that in the years 2015 to 2018,

1,097,576 witnesses were summoned to appear before the courts to record their evidence, and 694,592 witnesses appeared in the courts but only 431,070 witnesses succeeded in recording the evidence. Year-wise statistics (Service P. P., 2016), (Service P. P., 2016), (Service P. C., Annual Report, 2017) and (Service P. C., Annual Report, 2018) are as mentioned below:

**Table No.4: Record of witnesses for years 2015 to 2018**

Years	No. of witnesses summoned	No. of witnesses attended	No. of witnesses recorded
<b>2015</b>	215944	143664	95817
<b>2016</b>	301295	185236	111359
<b>2017</b>	307577	193654	119700
<b>2018</b>	272760	172038	104194

### **3.9. Long Periods of Holidays**

Another factor is that the High Court and subordinate courts are closed or on holiday for a long period. Furthermore, the senior lawyers of the High Court also expressed their views that the schedule for working hours is not followed strictly by the High Court and subordinate courts, in the province of Punjab which contributes to the pendency of criminal cases. Mr. Irshad Ahmad, issued a report about the “Annual Holiday Calendar” of the different courts of Punjab for the year 2018. The report highlights that -

“The Lahore High Court’s annual holiday calendar suggests the high court shall remain closed for at least 93 days in 2018 – including 62 days of summer vacations (excluding weekends). On the other hand, the subordinate judiciary shall enjoy 55 days off with 31 days designated for summer vacations. Does the High Court(s) have any plan to cut their two-month-long vacations and bring them to par with the subordinate judiciary’s? We need to seriously consider reforming the judicial system within the available resources. High Courts could shorten their vacation periods and establish a precedent for the subordinate judiciary”.

### 3.10. The Impact of Delay Process in Criminal Courts

This article also finds that the delays and backlog in criminal cases has impacted human lives. There are few examples which are highlighted as follow –

1. *A boy spent three decades in jail due to dead slow process of criminal courts of Punjab* - In district of Vehari (Punjab), a boy (teenager) murdered a man in 1993. His trial was completed within approximately five years. The trial was conducted in the District Court of Vehari. An additional Session Court judge of Vehari, convicted him with death penalty in 1998. Being an aggrieved person, he filed an appeal before the High Court which was dismissed in 2001 (after passing three years). Later, he filed an appeal before the Supreme Court of Pakistan that was also dismissed in 2007. Then, he filed an appeal before the President of Pakistan to grant him a “Special Remission in Death Sentence” because “Juvenile Justice System Ordinance 2000” was also applicable to him, but he could not succeed in getting relief. During this period, he faced bureaucratic and many other legal complications. The accused then submitted an appeal before the Home Secretary, Punjab with this plea that in 1993 he was a juvenile according to law; hence, his sentence may be commuted. The Home Secretary pended his application. Again, a petition was submitted to the Session Judge Vehari which he again dismissed in 2009. Then he moved another petition before the High Court. It was also rejected in 2015. In this way, he knocked on the doors of the (relevant procedural) courts of Pakistan again to prove himself as a juvenile but the practice of the court made him a rolling stone. Finally, a petition was again submitted before the Supreme Court of Pakistan along with all history relevant to his case which was converted into an appeal. At last, the young man succeeded to prove his juvenility after spending 30 years of his life in jail (Khosa, 2021).
2. *The case of the deceased remains standing in the court* - An internationally renowned nuclear scientist, Dr. Abdul Qadeer Khan, “father of Pakistan’s nuclear bomb” was banned on his free movement. He submitted an appeal before the Supreme Court of Pakistan which remained pending since 2019. His free movement was restricted by the Government of Pakistan since 2004. His case was trialed in the High Court, Islamabad. After its rejection, an appeal was moved before the Supreme Court of Pakistan. Anyhow, the renowned scientist of Pakistan, Dr. Abdul Qadeer Khan died on October 10, 2021, in Islamabad (Capital of Pakistan). After nearly five years after his death, on 24 February 2022, a three-member bench was constituted by the Supreme Court of Pakistan to hear the case of Dr. Abdul Qadeer Khan (Correspondent, 2022).

3. *The court declared the prisoner acquitted or not guilty, but the prisoner already died or was executed in jail while waiting for the decision of the court* – In Lahore High Court, a bench of two members chaired by Justice Sadaqat Ali Khan heard the appeal of Sy. Rasool. He was alleged to have murdered a person named Baati in 2009. Due to poverty, the accused was unable to hire a lawyer to defend his case in court. Hence, the court provided him with the services of a lawyer on a pro bono basis. His case was then going on trial in the court. The learned counsel proved that the method of the police investigation is objectionable, and the session court also recorded incomplete evidence. On this, the accused was acquitted by the bench of the High Court. An acquittal letter was issued to his home address. After, receiving the acquittal letter, his relative appeared in court and informed the court that the acquitted person (the accused) died in jail because of a heart attack in 2014. In this case, the accused waited for 3 years for the issuance of this decision, and he died while waiting for the decision. (Ahmad H. , Feb 02, 2017)

In another case, the Military court sentenced Rizwanullah (the accused) to death and he was confined in the jail, in Kohat (2002). He filed an appeal before the Supreme Court of Pakistan in 2016. The Supreme Court granted him a stay of execution and suspended the death sentence till the final decision of the appeal. The Supreme Court wrote a letter to the Jail Authorities to halt the execution of the death sentence. The court process was slow, and the issuance of the letter was late. When this letter was given to the jail authorities by his legal heirs, the Jail Authority handed over the dead body of Rizwanullah with remarks that the execution was carried out before the letter came. (Ahmad I., 2018)

Similarly, two brothers were executed in the Bahawal Pur jail on October 2015 whereas, they were acquitted by the Supreme Court of Pakistan after a year of their execution on October 2016 (Ahmad S. , 2016).

#### 4. **Recommendations**

After analysing the data used for the present research regarding various causes of pendency or backlog of criminal cases in the courts of within the province Punjab, Pakistan, this research recommends that an adequate number of judicial officers/judges must be appointed with immediate effect, and also to fill up the vacant posts. Moreover, the government should provide more funds to facilitate the appointment of new judges, equip the police with the latest gadgets used in the investigation process, and provide extensive training to the related enforcement agencies, prosecution department, and the judiciary for them to implement and uphold the criminal justice fairly and effectively. Besides, police officers and the

judges should be made duty-bound to complete investigation (by the enforcement officers) and decide cases (judicial officers) on speedy grounds because when justice is delayed, justice is denied.

## 5. Conclusions

To sum up, this article presents a study where the aim is to find out the reasons for the backlog of criminal cases in the province of Punjab, Pakistan. This article finds and reveals that, based on the analyses of the data, the prominent causes of the backlog of criminal cases in the different courts in the province of Punjab are due to the shortage of judges and judicial law officers, incompetent investigation officers, ambiguous medical certificates, delay in submission of investigation report, corruption, misconduct of the Bar Councils against judicial law officers/judges and unnecessary adjournments. The findings of the study also suggest that until or unless the above-mentioned causes are overcome, it is difficult to improve the existing scenario related to the causes of the pendency of criminal cases in the province of Punjab, Pakistan. In this regard, it is hoped that the recommendations from this article may be implemented to improve the existing situation.

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