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Delay in Criminal Trials in Pakistan: Legal Causes, Human Rights Implications, and Judicial Remedies

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ABSTRACT

Slowness of criminal trials is now one of the most permeating and paralysing aspects of the Pakistani criminal justice system, which is essentially debilitating the delivery of justice and the integrity of the judicial system. Although the constitution provides fair trial, due process, and protection of liberty, criminal justice in Pakistan is often characterized by long durations, which often lead to the under-trial inmates serving years in custody without the final verdict on their guilt or innocence. This paper goes on to establish a deep analysis of delay in criminal trials by examining the legal, procedural, and institutional causes of delay, the human rights consequences of delay, and the judicial solutions established to deal with such a systemic malfunction. It claims that delay is not the consequence of inefficiency or backlog, but a systematic issue entrenched in the procedural law, investigative habits, prosecutorial inefficiencies, judicial capacity limitations, and administrative pathology.

The paper identifies the contribution of the old procedural structure, overuse of adjournments, flawed investigations, insufficient preparedness of the prosecutors, and endemic shortage of judicial resources to extended trials. It also shows that delay is a variety of substantive injustice which breaches the basic rights, such as the presumption of innocence, right to liberty and dignity, and right to fair trial within a reasonable time. Human rights viewpoint Prolonged criminal proceedings have a disproportionate impact on marginalized and economically disadvantaged people, which only contributes to inequality and reduces people's confidence in the justice system.

The article is a critical assessment of the judiciary role in remedying trial delays with specific reference to constitutional jurisprudence of expeditious justice, firm regulation of adjournments, and, in rare instances, discontinuance of proceedings where delay has made trial oppressive. The study does not discount the normative significance of such judicial interventions although it claims that judicial remedies cannot work without a concerted institutional reform. The article concludes that to effect meaningful reduction of delay in criminal trials an integrated strategy is necessary between procedural reform, building up of investigative and prosecutorial capacity, increasing judicial infrastructure and a continued commitment to timely justice as a constitutional and human right.



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Keywords: Delay In Criminal Trials; Pakistan Criminal Justice System; Fair Trial; Due Process; Undertrial Prisoners; Human Rights Violations; Judicial Backlog; Procedural Law; Prosecutorial Inefficiency; Judicial Remedies; Expeditious Justice

Introduction

Criminal trial delay is one of the most deep-rooted and systemic crises in the criminal justice system in Pakistan as it does not only exacerbate the effectiveness of courts but the legitimacy of the rule of law per se. In the system wherein criminal proceedings are supposed to lead to guilt or innocence within a reasonable period of time, any delay is turned into a punishment in itself. The accused individuals, most of whom are left under trial over a long period of time, tend to suffer a lack of freedom, social stigma, mental tension, and financial strain even before their judgment by a court. Delay undermines belief in the application of the law to the victims and complainants, diminishes the worth of evidence, and encourages impunity. The impact of all these effects is a justice system that is seen to be inaccessible, uncertain and finally unjust.¹

The magnitude of the delay in the Pakistani criminal courts is not accidental and peripheral. According to statistical data on judicial performance reports, it has always been shown that the criminal cases form a significant part of litigation pending at any level of the judiciary. Many of them cannot be solved even several years later, some take more than ten years. The population of undertrial prisoners forms a huge percentage of the population in prisons, with many convicted not being convicted, but awaiting trial. This fact emphasizes that delay is not an administrative nuisance, but a system failure, with far-reaching human and constitutional ramifications. In the absence of expeditious adjudication of a freedom curtailed, the principle of presumption of innocence turns into a mere empty doctrine instead of a breathing protection.²

Delay of the criminal trials is deeply embedded in the legal and institutional structure of the justice system in Pakistan. Procedural law of investigation, prosecution and trial has several phases that can be inefficient, redundant and abusive. The investigations are often done without proper forensic support and this has led to poor cases that fail or have to be re-done during trial. Prosecutorial services are characterized by a lack of independence, lack of training, and transfers with a negative impact on continuity and readiness. At the judicial level, there are overfeeding of courts with cases, lack of judges, and infrastructure, which limit the ability of these courts to handle and resolve the cases in good time. The combination of these factors implies that delay is a predictable result and not an exception.³

The criminal cases lagging can also be seen as a general problem in governance, like the inability to coordinate the institutions, the inefficiency of accountability systems, and the inability to make criminal justice reform one of the priorities. Adjournments are frequently automatically provided, at times at the demand of a prosecution, defense, or even under court pressures, without even superficial evaluation of the necessity and effect. The witnesses might not show up because they are afraid, inconvenienced, or not provided protection, and that they have to be summoned on several occasions, and that prolongs the proceedings even more. This context encourages the form of compliance to

¹ Ali, S., & Sadia, H. A. (2022). Analyzing the adverse effects of delay in the administration of criminal justice system in Pakistan. *Pakistan Journal of International Affairs*, 5(2), 1746.

² Malik, R., & Shaikh, B. A. (2024). The Impact of Procedural Delays on Criminal Trials in Pakistan: Causes and Solutions. *Al-Kashaf*, 4(04), 1-8.

³ Korai, A. G., Ghaffar, A., & Samad, A. (2022). Human Rights in Pakistan and the Reasons for Prosecution Failure. *Journal of Law & Social Studies (JLSS)*, 5(3), 450-467.



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take precedence over substance justice and so the cases may stall as legal formalities are being followed.⁴

Constitutional and human rights-wise, it is seriously problematic when criminal cases take long to be tried. When the case is unreasonably postponed, the right to a fair trial and due process along with the rights to non-arbitrary detention are violated. The right to trial within a reasonable time is one of the key elements of justice according to international human rights standards because there is an awareness that delay in itself can be a punishment. The constitutional conception of fair trial in Article 10-A in Pakistan has given a set of norms to critique delay, but the continued existence of protracted trials indicates that institutional and constitutional practice is out of step.⁵

The courts have been more appreciative of the issue of delay and the justice it implies. Superior courts have emphasized the responsibility of the trial courts to manage the proceedings, prevent unwarranted adjournment of proceedings and promptly dispose cases by the court. The courts in some situations have even proceeded to dismiss the proceedings due to delay making trial oppressive or due to prosecution not acting with due diligence. These judicial remedies are significant types of normative intervention, which signal that delay and constitutional justice are incompatible. Nevertheless, their influence is still unequal and restricted by structural factors that are outside the direct reach of the judiciary.⁶

This paper discusses delay in the trial of criminals in Pakistan as a structural and human rights problem but not as an administrative problem. It aims to examine the legal factors of delay that are inherent in procedural schemes, the legal implications of criminal trials that take extensive periods, and critically discuss judicial solutions that seek to correct this crisis. The study places delay in the wider context of rule of law and constitutional governance to argue that delay in the context of timely justice does not revolve around efficiency but rather the core element of legitimacy, fairness and democratic accountability.

Literature Review

The issue of criminal trial delay has been long discussed in legal, criminological, and human rights research, in Pakistan and relatively in jurisdictions with equally problematic systemic issues. The literature (vastly) does not discuss delay as an unintended consequence of caseload pressure, but as a structural phenomenon with roots in procedural design, institutional weakness and failures of governance. An early legal literature in Pakistan used to tackle the subject of delay as judicial backlog, with most of the discussion concerned with numerical pendency and administrative inefficiency. Nevertheless, recent works assume a wider perspective of the analysis and place delay in the context of investigation, prosecution, adjudication, and imprisonment and the implications of delay on justice and legitimacy.⁷

The Pakistani legal literature has found the presence of procedural law as a major contributor to the delay in the criminal trial. The Criminal Procedure Code has been criticized by academics as facilitating excessive adjournments, disjointed phases of trial

⁴ Ghani, A., Ayub, Z. A., & Rus, M. M. (2023). Justice Delayed is Justice Denied: An Investigation of Factors Causing Backlog of Criminal Cases in Punjab, Pakistan. *Pakistan Journal of Criminology*, 15(3).

⁵ Waqar, M., & Iqbal, A. (2022). Criminal Justice System and its Impacts on Criminal Trial Law, Practice and Procedure in Pakistan: An Analytical Study. *Pakistan Languages and Humanities Review*, 6(3), 289-297.

⁶ Ibid.

⁷ Shabbir, S. S. (2022). Delay defeats criminal justice in Pakistan. Available at SSRN 4097930.



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and repetitive administrative formalities that are likely to make proceedings lengthy without the need to improve fairness. In scholarly commentaries, it is observed that the ability to adjourn on discretion is often used without strict justification although it is supposed to be used in fairness, which adds to the standard practice of adjournments that eventually derail just-in-time adjudgment. The commentators state that a procedural protection that is carried out in a mechanical and not purposeful way, may actually be counterproductive to the very justice that it is designed to safeguard.⁸

The other theme that is outstanding in the literature is the impact of investigation in creating trial delay. The major reason why criminal trials often take long and end in acquittals, it is regularly noted by legal scholars and criminologists, is caused by flaws in the investigation. The lack of proper evidence gathering, the use of verbal, not forensic evidence, and the inability to adhere to the standards of procedures compel trial courts to rectify the flaws of investigation every time it goes on. This does not only increase the length of the trials but also burdens the judiciary with investigation. The literature has highlighted that delay is usually initiated a long time before a case is taken to court which starts in under-resourced and under-trained investigative agencies.⁹

Another structural source of delay is widely debated to be prosecutor inefficiency. Researchers point out that the Pakistani public prosecution services tend to be independent, non-permanent and non-specialized. Repeated adjournment and poor management of trials are also caused by frequent change of prosecutors, poor case preparation and poor cooperation with the law enforcement agencies. It is believed that prosecutors are often overwhelmed by work and do not have enough resources to effectively carry out their trials, as scholars claim. Delay, in this case, is not seen as a personal negligence but as an effect of the institutional design that does not focus on prosecutorial capacity.¹⁰

Another significant field of academic interest is the judicial capacity and infrastructure. The disproportion between the amount of criminal cases and the amount of available judges, courtrooms, and support staff is extremely imbalanced and documented over the years in the legal literature. Research highlights the fact that even the most industrious judges are constrained by the structural limitations that prevent them to make quick conclusions when it comes to a trial dismissal. Systemic factors that contribute to delay are cited as inadequate courtroom facilities, absence of digital case management systems, and insufficient administrative support. Scholars have argued against the idea to only blame the judicial inefficiency as the cause of delay and present an overall institutional capacity evaluation.¹¹

However, human rights scholarship has greatly widened the context of the debate on delay by resolving it as a substantive infringement of basic rights but not as a procedural nuisance. According to the researchers, the extended criminal trials breach the presumption of innocence, the right to liberty, and the right to a fair trial within a reasonable time. The empirical research indicates that delay is disproportionately affecting the undertrial prisoners with a good part of them serving longer sentences than the maximum term carried by the alleged offence. This literature stresses the fact that

⁸ Khan, M. J., & Bilal, M. Justice Delayed, Justice Denied: Examining the Causes of Delays in Pakistan's Criminal Justice System. *Journal of Law & Social Studies (JLSS)*, 7(1), 43-52.

⁹ Hussain, A., Akhtar, S., & Hassan, M. (2021). *Studying the Causes of Delay in Criminal Trials under the Criminal Justice System of Pakistan*. *Global Sociological Review*, VI (II), 52-58.

¹⁰ Bilal, M., & Khokhar, F. (2021). Justice delayed or denied: The myth of justice in Pakistan. *Journal of Law & Social Studies (JLSS)*, 3(2), 124-132.

¹¹ Afzal, M. (2025). CRIMINAL LAW OF PAKISTAN: THE FACET OF TIME LIMITATION. *ASSAJ*, 3(01), 711-721.



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delay makes pre-trial detention a form of punishment that subjugates the moral and legal grounds of criminal justice.¹²

Comparative legal studies go even further to add to the analysis by studying how other jurisdictions have handled the problem of trial delay by introducing procedural reforms, methods of case management, and alternative dispute resolution procedures. According to scholars, time-limited trial protocols, rigorous adjournment restrictions, and prosecutorial responsibility measures have been implemented in jurisdictions that have faced the same problems to reduce delay. These parallels can be invoked to critique the relative lack of progress of Pakistan in terms of systemic reform, the disparity between normative acknowledgment of the problem and good policy action.¹³

The research on judicial scholarship is concerned with the role of courts in dealing with this problem of delay and the changing role of the courts in the interpretation of the constitution and supervisory jurisdiction. Cases where higher courts have found unreasonable delay to be a breach of basic rights are analyzed by legal commentators, who give directions that are meant to speed up the trial. Although these types of interventions are applauded as being a way to affirm the constitutional role of timely justice, their limitations are also noted by scholars. Judicial solutions are typically reactionary, case-oriented, and reliant on obedience by secondary courts and executive agencies. The literature warns against overdependence on judicial action which may lead to the blurring of the necessity to change legislations and administrative practices.¹⁴

Lastly, interdisciplinary scholarship places delay in the contexts of larger governance and political economy perspectives. Researchers believe that the chronic delay is the symptom of the deeper institutional irresponsibility towards criminal justice reform, the political will, and the inadequate public investment. Delay is therefore seen as an effect of failure in governance and not a standalone legal problem. This standpoint draws attention to the fact that substantial change of direction can be achieved through the coordinated action of the institutions, the long-term investment of resources, and the change of the cultural paradigm within the justice system.

Taking the literature cumulatively, it is clear that there is a robust agreement that criminal trials are delayed in Pakistan in a systemic, multidimensional and institutional way. Whereas the law and judicial utterances recognize the issue, the literature has always focused on the disparity between the identification and solution of the problem. This article continues on the previous work and combines multiple analyses of law, human rights, and institutions to discuss delay as a structural injustice not to be addressed through a patchwork approach but through a wholesale intervention.

Methodology

This paper uses a qualitative approach of doctrinal methodology, which is supplemented by the institutional and rights-based analysis to discuss the delay in criminal trials in Pakistan. The doctrinal element is concerned with the legal framework on which criminal litigation takes place, such as procedural terms in connection with investigation, remand, bail, framing of charges, consideration of evidence, adjournments and appellate scrutiny. Through the assessment of the framework and functioning of these rules of law, the

¹² Chhatari, J. A., & Jumani, A. (2024). Significant challenges in the Criminal Procedure of Pakistani Courts: A Qualitative Analysis. *JOURNAL OF LAW, SOCIAL AND MANAGEMENT SCIENCES*, 3(2), 85-90.

¹³ Abbas, M. M. S. (2024). PROCEDURAL JUSTICE AND THE RIGHT TO A FAIR TRIAL IN PAKISTAN.

¹⁴ Khan, A., & Mumtaz, M. (2020). Justice Delayed Is Justice Denied: Access to Speedy Justice and Alternative Dispute Resolution System in Pakistan. *JL & Soc. Pol'y*, 80.



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paper can find out how procedural design and judicial discretion can serve to increase the time of proceedings even in situations where a delay is not deliberate. The discussion also addresses the interaction between particular procedural habits like repeated adjournments, subdivided hearing, and excessive dependence on oral testimony and the legal norms to create systemic inefficiency.

The selection of primary sources in the study will be based on the statutory provisions, which regulate the criminal proceedings, as well as the rulings of the higher courts, which deal with the problem of delay and expeditious justice and provisions of the fair trial. The judicial part of the methodology investigates the conceptualizations and decisions of the court in understanding reasonable time, and the responsibility determination amongst the prosecution, defense, and the court itself in understanding delay being oppressive. Special focus is made on situations in which the courts have stressed tight limits on adjournments, ordered time-constricted disposition of trials, bailed or acquitted defendants because of the long trials or have lamented institutional failures that lengthen criminal adjudication. The analysis of this doctrine makes it possible to follow the evolution of judicial logic and find not only the progressive tendencies but also divergences in application.

Besides the analysis of the doctrine, the research has taken an institutional approach to evaluate the functioning of legal norms in the criminal justice ecosystem of Pakistan. Delay is not perceived as a phenomena of a courtroom alone but as a performance and coordinated activity of various institutions, such as police, prosecution departments, forensic agencies, prisons, and court administration. The approach thus looks at systematic limitations including, investigative incompetence, prosecutor turnover, non-presence of the witness, victim protection, insufficiency of infrastructure, and caseload. This method can help the study to transcend the rigid legal rules and assess the governance circumstances that facilitating or derail the timely justice.

An analytical perspective in the form of a rights-based lens is also incorporated throughout the study in order to discuss the human rights implications of delay and evaluate the constitutional stakes of a lengthy criminal process. The methodology defines delay to be a possible infringement of the basic rights to liberty, dignity, and fair trial and how undertrial incarceration and extended uncertainty may create substantive injustice. The doctrinal analysis is contextualized using secondary sources like legal scholarship, judicial policy reports, and studies of the justice sector to include an institutional understanding of why delay remains an issue despite the extensive recognition of its harms. This multi-layered approach will help the study to give an elaborate and constitutionally based explanation of delay in criminal trials, its causes, effects, and potential remedies.

Research Findings

It is found that the delay in criminal trials in Pakistan is systemic and multi-causal as it is the result of a compounding influence of procedural design, institutional weakness, and governance practices that condone delay. Among the most prominent discoveries is that delay is often not a one-off realization of failure but a sequence of inefficiencies that start at the very first phases of the criminal process and then accumulate at an exponential rate as the case continues. Cases with weak investigation, slow filing of challans, incomplete documentary record and haphazard handling of witnesses do not auger well with proper presentation in the court of law. The trial courts then waste a lot of time in correcting investigative deficiencies by making repeated summons, giving added evidence and



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making the process excessive through procedural repetition, which is part of the adjudicatory process.¹⁵

One of the key observations relates to the daily practice to grant adjournments and the institutional factors that support the practice. The adjournments are usually given out of the reasons that indicate institutional ill-equipment, rather than necessity in nature, such as non-appearance of witnesses, absence of prosecutors, absence of the police officers to appear in court, and unavailability of complete case files. This predisposition is strengthened by a culture of courts whereby deferral gets to be a response to overwork as an administrative reaction rather than an extraordinary act to fairness. The discretion is given by law but the institutional setting turns frequent adjournment seem inevitable, thus turning discretion into routine. The adjournments over time cause disunity in hearing, losses in continuity of the attention of the judges, and chances of forgetting by witnesses, unavailability, and unwillingness to participate.¹⁶

The results suggest that one of the strongest forces of delay is the deficiencies of investigations. The criminal cases that are dependent on oral testimony, as opposed to forensic evidence, are many, and thus, the proper arrival and scrutiny of witnesses is the key contollant in the course of the trials. In instances where there are poor investigations, prosecution is forced to use numerous witnesses to provide the basic facts that could be proved by scientific evidence. Meanwhile, there are no effective witness protection and support systems, which enhances non-appearance, intimidation, and attrition. This results in repetitive patterns of summons and warrants that take up the time of the court and seldom addresses the problem of a witness who is unwilling or insecure. Delay is, therefore, a consequence as well as a cause of negligent investigation: the bad quality of investigation makes a person rely on the weak testimony which, in turn, becomes hard to obtain consistently.¹⁷

The other important finding is also prosecutorial weakness. The Pakistani public prosecutors usually have restricted time of handling heavy workload, little specialization and regular administrative transfers, which compromises on continuity and readiness. Criminal cases are often poorly planned, they do not foresee any evidentiary problems, and their coordination with the police and forensic agencies is weak. Such unpreparedness is a factor in unnecessary adjournments and lengthy cross-examination because prosecutors face difficulties in giving consistent stories and having witnesses at the right time. These results imply that most prosecutors have been accused of being delayed and the issue is structural: the prosecution service has no institutional autonomy, resources and performance accountability structures that would help them to facilitate criminal litigation in a timely manner.¹⁸

The issue of judicial capacity also comes out quite prominently. Judicial dockets consist of many cases and limited resources, and fail to provide opportunity to assign consecutive hearing sessions, to prioritize older cases or to adhere to a rigid timeline. The structural limitation of judges, courtrooms and support staff limits even in cases where judges are trying to expedite a case. The case management systems are not developed

¹⁵ Mumtaz, A., Baig, K., Shafique, U., & Ahmed, N. (2024). An Analysis the Role and Evidentiary value of First Information Report in Access to criminal Justice in Pakistan. *Pakistan JL Analysis & Wisdom*, 3, 177.

¹⁶ Gondal, A. Q., & Hatta, Z. (2023). Unraveling Justice: A Critical Examination of Pakistan's Judicial History and its Failures. *Pakistan Social Sciences Review*, 7(4), 698-712.

¹⁷ Shah, N. A. (2006). *Women, the Koran and international human rights law: the experience of Pakistan* (Vol. 4). Brill.

¹⁸ Mullally, S. (2009). A Long March to Justice: A Report on Judicial Independence and Integrity in Pakistan. *International Bar Association, Human Rights Institute*.



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properly and they are mostly manually engaged in their operation, which adds more administrative delay and leads to the inability to effectively track the timeline. These limitations lead to the situation when even comparatively minor criminal cases may be prolonged by the length of time because of the lack of schedules, the repetition of schedules, and lack of efficiency in the work process.¹⁹

One of the most grave discoveries is associated with the human rights implications of the delay, particularly regarding the under trial inmates. The bulk of the prison population in Pakistan is comprised of those under trial or awaiting final adjudication, those in their custody due to inability to pay the bail or lack of legal counsel or the nature of the alleged offences. Trial delay is an effective form of punitive detention that is pre-trial detention and effectively turns into post-trial imprisonment since it negates the presumption of innocence and contravenes constitutional rights to liberty and a fair trial. Although the accused individuals may eventually be vindicated, the long jail terms cause irreparable damages by way of losing a source of livelihood, family breakups, and social stigma. The interpretation that is being made is that delay is a kind of structural punishment that is disproportionately applied to the poor and the marginalized.²⁰

The analysis further concludes that delay compromises the rights and interest of the victims and complainants. The repeated court appearances, emotional stress and danger of collapsing of the case through attrition of witness or loss of evidence over time, victimize the victim. Delays, in the long run, tend to compromise, intimidate or pressure-settle cases, thus undermining the belief in judicial recourse, and strengthening beliefs of impunity. Delay can also undermine the deterrence in serious crimes since it is an indication that responsibility is remote and elusive. Therefore delay is damaging in both directions of the criminal process; it is upsetting the ability of the system to bring justice and social order.²¹

Lastly, the paper concludes that court solutions have had partial but significant effectiveness in particular situations. There has been a move by superior courts to have expeditious justice and denounce unnecessary adjournments and to have the trial courts go about their work in a more disciplined manner. Courts have in specific instances awarded bail, established time-scale schedules or aborted proceedings in which delay was considered oppressive and unfair. Nevertheless, these remedies are still not uniformly applied, and they are frequently based on judicial discretion (depending on case) instead of being uniformly enforced. Without larger scale reform of investigation, prosecution, infrastructure and administrative accountability, judicial solutions act as curative therapies, and not structural ones.

Discussion

The results confirm that the delay in criminal trials in Pakistan is not a single issue in the procedures but a structural phenomenon generated by the combination of legal design, institutional inability, and governance culture. An important implication of such finding is that delay cannot be meaningfully decreased by isolated reforms which are limited to a single institution. The procedural law can give the formal structure to the criminal trials, but it is the collective working of the police, prosecution, the court, witnesses, the prison

¹⁹ Siddique, O. (2013). *Pakistan's experience with formal law: an alien justice*. Cambridge university press.

²⁰ Ahmad, N., Rahim, F., & Ariffin, D. I. (2024). Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law. *Manchester Journal of Transnational Islamic Law & Practice*, 20(3).

²¹ Hussain, M. (2006). Take my riches, give me justice: A contextual analysis of Pakistan's honor crimes legislation. *Harv. JL & Gender*, 29, 223.



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administration, and legal counsel that will determine the actual pace of justice. In the areas where such institutions operate with low accountability and coordination, the criminal process is likely to be susceptible to stagnation and delays come to be a normalized administrative coping strategy. This normalization is especially harmful as it creates a gradual change of turning delay into a normal aspect of justice as opposed to an exception that requires justification, undermining the constitutional sense of fair trial and due process.²²

One of the matters that the results elucidate is that delay is a covert type of punishment. Although the criminal law in theory imposes punishment over the individuals who were found guilty upon the fulfillment of the beyond reasonable doubt conditions, the notoriously lengthy trial proceedings usually subject the individuals to extreme deprivation even before they are found guilty. The shortening of the imprisonment duration, frequent visits to the court, economic strain, and stigma of being identified as a criminal are all effects, which reflect a punishment effect. It is not just an unfortunate side effect, but it is a fundamental error in logic of criminal justice. Where the trial in itself constitutes a like hardship to sentence, the presumption of innocence is tainted. Further, the asymmetry of this weight, where it burdens most those who are not able to afford bail or competent counsel or social protection, shows that delay is not just a justice problem, but an equality problem. Practically, the extension of structural injustice is the transformation of poverty and vulnerability into a cause of legal outcome and lived oppression.²³

The discussion further indicates that procedural discretion especially as it applies in the granting of adjournments is at the heart of generating delay, but this discretion is exercised under the condition that rigid scheduling becomes hard. The problem with adjournments is usually attributed to lawyers, prosecutors or judges but the bigger picture is that adjournments are often indicative of institutional inability and not legal necessity. In cases where witnesses are not presented, the police do not attend or the case files are not complete, adjournments can be given as the only alternative remedy to the court. In these situations, simply putting a hand on adjournment regulations without changing the factors that lead to them will only bring formal conformity and not practical change. Nonetheless, the lack of discipline in time keeping also poses perverse incentives, which makes the parties want to postpone as a tactic. Between greater judicial rigor and greater institutional readiness therefore lies the only way to have a balanced approach: to have the continuity of the trials and to make sure delay is no longer paid off.²⁴

The correlation between the quality of investigations and the time of delay of the trial turns out to be especially important. Poor investigation results in the creation of poorly documented cases that largely rely on oral testimony which is the weakest evidence when it comes to intimidation and attrition. In the face of lack of success in investigation, the robust documentary, forensic, or circumstantial evidence, the system relies on the witnesses who are unwilling or incapable of maintaining participation over the years. The ensuing non-appearance precipitates the repetition of summons, warrants and procedural

²² Lal, S., Rasheed, K., & Ghulam, D. (2023). The role of prosecution in improving justice delivery: A case study of Pakistan's criminal justice system. *Pakistan Journal of International Affairs*, 6(2), 566-577.

²³ Malik, S. (2022). Defective investigation leads to injustice-An overview of Pakistani context. *Current Trends in Law and Society*, 2(1), 41-54.

²⁴ Warraich, K. M., & Butt, J. S. (2024). Revealing the Economic Consequences of Prosecution Failures Within Pakistan's Criminal Justice Systems: A Focus on Ethical Considerations, With Comparative Insights from Norway. *Minhaj International Journal of Economics and Organization Sciences*, 4(1), 1-23.



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loops that take up time without substantive adjudication. This means that to decrease the delay, there is the need to move the evidences base of the prosecutions out of the weak reliance on witnesses to the other solid investigative approaches. In the absence of strengthening investigative capacity, the courts will still face weak cases, which have to be obtained with many repeated procedures, and delay will be systemically entrenched.²⁵ There are also prosecutor restrictions that make the situation even more complex. Prosecutors are supposed to be good managers of cases, organizing witnesses, handling evidence in an effective manner, and withholding unnecessary adjournments. In Pakistan, but many prosecutorial services are an administrative appendix to executive systems, and are not a professionalized and independent institution. Frequent change of place, high workloads hamper continuity whereas negligible specialization diminishes the ability to handle complicated litigation. Prosecutor lack of preparedness may make cases slow despite judges seeking to expedite the proceedings by making repeated calls to grant time or by not making the witnesses available. This shows that delay is in part a product of institutional architecture: without the existence of stable careers in prosecution, accountability in performance, and sufficient resources the prosecutors cannot be effective drivers of prompt justice.²⁶

The contribution of judiciary in the solution of delay should also be evaluated in a fine manner. The perception of courts as the cause of delay and slow disposal is often attributed to the courts backlog and slow disposal but the results suggest that judicial delay is not only as much due to institutional overload and systemic dysfunction as it is to judicial inefficiency. The lack of judges, lack of proper infrastructure, and administrative limitations hamper capacity to offer continuous hearings and impose strict schedules to the courts. However, judicial culture is important. Delay is institutionalized where the judges are accustomed to adjournments or do not emphasize on old cases. The recourse of the higher courts to judicial remedies, to expeditious justice, discouragement of adjournments, bailing or quashing proceedings as the extreme recourse, are indications of the awareness of delay as a constitutional ill. But these solutions are usually reactive and contingent on judicial activism cases. The judicial system can only give justice to cases on time where there is structural reform within the institutions that feed the courts with cases.

Last but not least, the human rights consequences of the delay should be given the center stage. Delay does not only compromise the rights of accused individuals, but also of victims as well as the interest of the society in lawful accountability. The retraumatization of victims and complainants due to the time-consuming course of proceedings, lack of trust in the justice system, and susceptibility to intimidation make them vulnerable. In situations where cases are lost either through attrition or tampered evidence, postponement is like a road to impunity, undermining deterrence and social order. Therefore, delay is not neutral but it has a direct influence on the results of justice and the belief in the legality among the population. The acknowledgment of delay as human rights issue therefore reconstructs the priorities of reform: expeditious justice should not be viewed as a voluntary efficiency measure but constitute a constitutional requirement.

²⁵ Hafeezullah Ishaq, H. (2014). The Right to Fair Trial: Better Late than Never. *LUMS LJ*, 1, 96.

²⁶ Baig, B. A. (2025). BALANCING JUSTICE AND RIGHTS: MODERN CHALLENGES IN CRIMINAL LAW FOCUS ON PAKISTAN AND THIRD-WORLD COUNTRIES. *Al-Aasar*, 2(2), 1129-1133.



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Recommendations

Delay in criminal trials in Pakistan needs an integrated approach to the reform to make timely justice a constitutional and human right, but not an administrative convenience. Reform of procedural practices that habitually produce postponement other than fairness should be the first priority. Adjournments should be changed to be not a normal schedule device, but an extraordinary concession provided on proven need, and with obvious reasons captured and accountability measures to prevent a repetitive act of procrastination by any party. Trial courts are to be delegated and institutionally facilitated to implement continuous hearing format in priority groups of cases especially where the accused persons are incarcerated, where the crime is punishable by high penalty, or where evidence is likely to distrust throughout the time. Simultaneously, there should be no reform in the form of mere punishment aimed at denying the institute the right to adjourn without taking into account institutional unreadiness since procedural stringency, but without administrative capability, will only move the delay to other manifestations, like the inability to produce witnesses or incomplete files.

The second necessary change is related to the investigation phase that can be efficient or transform into a long-term improvisation of the process. To minimize reliance on weak evidence based on oral testimony, the criminal justice apparatus of Pakistan needs to build evidence based investigation entailing forensic capacity, better documentation and professional training in case-building. Funding into forensic laboratories, computerized management of evidence and crime scene measures can go a long way in reducing the need to re-use the same witnesses and reduces evidentiary controversies, which lead to longer trial times. Police accountability systems should be amended to guarantee on time filing of challans and strict adherence to court time line such as attendance of investigating officers and effective control of senior officers. Where the delay or negligence of the investigation results in a series of adjournments, the courts must be capable of imposing institutional penalties, not just make a series of directions which are disregarded at no cost.

Third, it must reform prosecutors. The prosecution services are supposed to be professionalized, well equipped and insulated against arbitrary transfers to weaken continuity. The prosecutors should be trained to be a case manager who is to make sure that the witnesses are coordinated, the evidence provided in time and that the cross-examination and the cross-examination are carried out efficiently. Special purpose prosecution teams on serious offences and complicated cases have the potential to minimize procedural drift, through better preparation and strategic consistency. The reforms which should be introduced in administration should make sure that the prosecutors are provided with access to case files, electronic records and coordination mechanisms with police and forensic agencies such that when the trials are to be held again due to the document being misplaced or missing witnesses or lack of preparation. Structurally weak prosecution service will still create delay, no matter how the judiciary would want it to be, since trial courts rely on the willingness of prosecutors to proceed with cases.

Fourth, the judicial capacity should be increased and updated. Although cultural discipline and strict routines may result in efficiency, the courts in Pakistan cannot have justice in time without having human and infrastructural resources. The number of judges, courtrooms, and other support personnel at the court especially at trial level, where criminal cases are tried, should be increased to minimize the backlog and allow hearings to be continuous. Digital scheduling, adjournment tracking, and performance monitoring detecting chronic causes of delay should be upgraded to case management



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systems. Judicial training must focus on trial management, evidentiary discipline, and rights-based adjudication so that judges receive training to not only interpret the law effectively but also manage proceedings effectively. Meanwhile, any reforms must also acknowledge that the courts cannot be islands of efficiency within a system in which the police and the prosecution continue to be dysfunctional and that capacity-building of the judiciary must be part and parcel of a wider reform of the criminal justice system.

Fifth, witness management and protection should be regarded as one of the key issues of reform. Another type of immediate causes of adjournment most often seen is witness non-appearance and attrition. Devoid of plausible systems that guarantee that witnesses are not intimidated in addition to minimizing the pressure of appearing before the court over and over again, trials will be susceptible to never-ending time. The postponement can be mitigated by witness protection systems, secure appearance systems and facilitation mechanisms like video-link testimony on suitable circumstances and enhance the reliability of evidence. There should also be minimization of unwarranted harassment of the witnesses through the court proceedings and should have the aim of making the hearings substantial and not procedural and procedural in nature thus inviting participation and maintaining the trust of the people.

Sixth, the policy on bail and undertrial detention needs to be changed to overcome the crisis of human rights problems brought about by the postponed trials. The justice system essentially punishes through process where the accused persons are kept in custody despite long durations of imprisonment. Courts of trial ought to be urged to implement rights-sensitive methods of setting bails, especially in situations, where there is no reason to blame the accused, where the evidence is weak, or where the continued detention of the accused turns disproportionate. Also, advisory systems on regular review of undertrial detention in the court should be enhanced to ensure that the long custody is not a norm. Systemic advantages of reducing the number of undertrial populations are also associated with alleviating prison overcrowding and reducing the social and economic damage of long-term detention.

Last but not least, there should be increased institutional accountability and coordination mechanisms. Delay succeeds well in systems where no party is held accountable in protracted processes. Effective accountability frameworks ought to put police, prosecution and courts in charge to ensure timely case processing with the aid of monitoring mechanisms that inform on the causes of adjournment and chronic offenders. The forums of coordination among the police, prosecutors, and courts can enhance management of time, management of witnesses, and presenting evidence. In the absence of this concerted effort between institutions, the reforms that are done separately will be consumed by the current malfunction of the system to generate minimal or short-run benefits.

Conclusion

Lack of timeliness in the criminal trials in Pakistan is one of the most tremendously threatening issues to the credibility, fairness and legitimacy of the criminal justice system. This paper has established that delay does not just happen as a consequence of administrative inefficiency and high case load, but it is a structural issue engraved in the procedural law, mode of investigation, prosecutor capacity, judicial facilities and culture of governance. The nature of the ongoing criminal cases is such that they change the very nature of the justice process itself into a punishment in itself due to the uncertainty, imprisonment, and social stigma even before the guilt or innocence are established. By so



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doing, delay is hostile to such principles as the presumption of innocence, equality before the law, and the right to a fair trial within a reasonable time.

The human rights consequences of postponed criminal trials are enormous. Prisoners who are undertried usually experience extended incarceration which has no logical connection with the final disposition of their cases, the victims and complainants have to experience insecurity, emotional exhaustion and a loss of trust in judicial solutions. Delay undermines evidence, heightens the chances of losing witnesses, and provides avenues to compromise and impunity, which disfigures individual justice, as well as deterrence in society. Jurisdiction becomes elusive and unpredictable, the rule of law becomes normative, and people lose confidence in the legal institutions.

The normative role of judicial intervention in the identification of delay as a constitutional and a right based issue has been significant. Superior courts have focused on speedy justice, orderly trial handling and in severe circumstances have given relief in case delay has made the proceedings harsh. These interventions are an indication of a shifting constitutional awareness in which timely justice is an aspect of fairness. Nonetheless, a judicial solution cannot be universal because a problem is systemic. Courts are institutionalized and cannot replace the overall reformation of investigation, prosecution, infrastructure, and administrative coordination.

The analysis concludes by making it clear that delay reduction needs a comprehensive and long-term reform agenda. Procedural discipline has to be coupled with institutional capacity-building, professionalization of prosecution services, better investigation, efficient handling of witnesses, and right sensitive practices of bail. The timely justice should not be seen as the discretionary administrative aim but as the constitutional right and thus the democratic governance and human dignity. Devoid of such an integrated approach, delay will remain a silent injustice that is dissolving the promise of fair trial and the validity of the criminal justice system in Pakistan.

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