



RESEARCH PAPER

**An Evaluation of Pending Cases in the Judiciary of Pakistan:
Figures and Statistics**

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ABSTRACT

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Justice is the spirit and soul of any judiciary in civilized society. However courts in Pakistan are overburdened. About two million cases are pending in almost all the courts of Pakistan. This logjam is increasing with the passage of time and does not coming to an end. List of the huge pending cases not only affects the spirit of the speedy justice but also generates problems for new cases to be filed. This paper is an overview to the pending cases which has been increased from 2014 to 2020. The researcher has highlighted all data provided by the law and justice commission of Pakistan' reports from 2014 to 2020, and analyzed the true nature of pending cases. The main objective of this study is to analyze the pending cases in the judiciary of Pakistan and to provide the best suggestions to cope with the pendency. This research is based just on the data provided by the law and justice commission of Pakistan and provided the best solution from international jurisdictions to curb such devastating and frustrating problem.

Introduction

One of the reasons and causes of delay in the judiciary of Pakistan is the huge backlog of the cases in the courts which is now around 2 million as per the figures and stats by Law and Justice Commission of Pakistan. Gigantic list of pending cases in all courts from inferior to superior has become a very chronic issue in Pakistan and a big concern of legal entities like chief justice of Pakistan, advocates and legal advisors to cope with this pendency (Shahid, 2018). Judges, lawyers and column writers have written a lot on the issue of pendency in the courts of both criminal and civil as well (Javaid, 2019). But the issue is still there, though the efforts have been made, however, not in good result and progress. Huge backlog of the cases is not only the cause of delay but also become the chief factor that may shake the confidence of the people on the judiciary in Pakistan. This is the reason why people go to take their revenge rather than to the court to decide their cases. They drop their believe and trust because they cannot wait for justice for years.

Literature Review

Massive amount of pending cases in courts also violates the true spirit of the right to speedy justice. Right to speedy justice or speedy trial is recognized as the most important essential practical right of the accused in national as well as international law (Farrell, 2003). Right to speedy justice is enshrined and included in all constitutions and international documents and treaties all over the world. Islam has also given the same weightage, if not more, to speedy justice to a common man. However, the issue is that the right to speedy justice is hampered by delay in the criminal justice system in Pakistan, when cases take too long to be disposed.

The unjustified and inordinate delay in cases abandons the public's trust on the judiciary because it violates the right of a common man to a speedy and fair trial which have been recognized by all international documents, treaties, and conventions. This delay is increasing day by day with the growth of the population. Several cases have suffered from the problem of unnecessary delay in Pakistan. The annoying aspect of this backlog is that it still has not become the top priority of policymakers to immediately resolve it. As a result, delay has become unacceptable and not manageable. Because of the backlog of the cases, Delay in justice has become long-lasting and axiomatic. In Pakistan, courts are filled with many pending cases due to delays in both civil and criminal cases and they are increasing day by day (Blue, et al., 2003). The backlog of cases, the gaps, and complication in the process of lawsuit and mismanagement of the case system are also the factors hampering cases from being expeditiously disposed (Chowdhury, 2013). Transfer of judges from one court to another also makes dispute lengthier because a new judge may decide to restart the case once again and recall the witnesses (Shah & Farid, 2014).

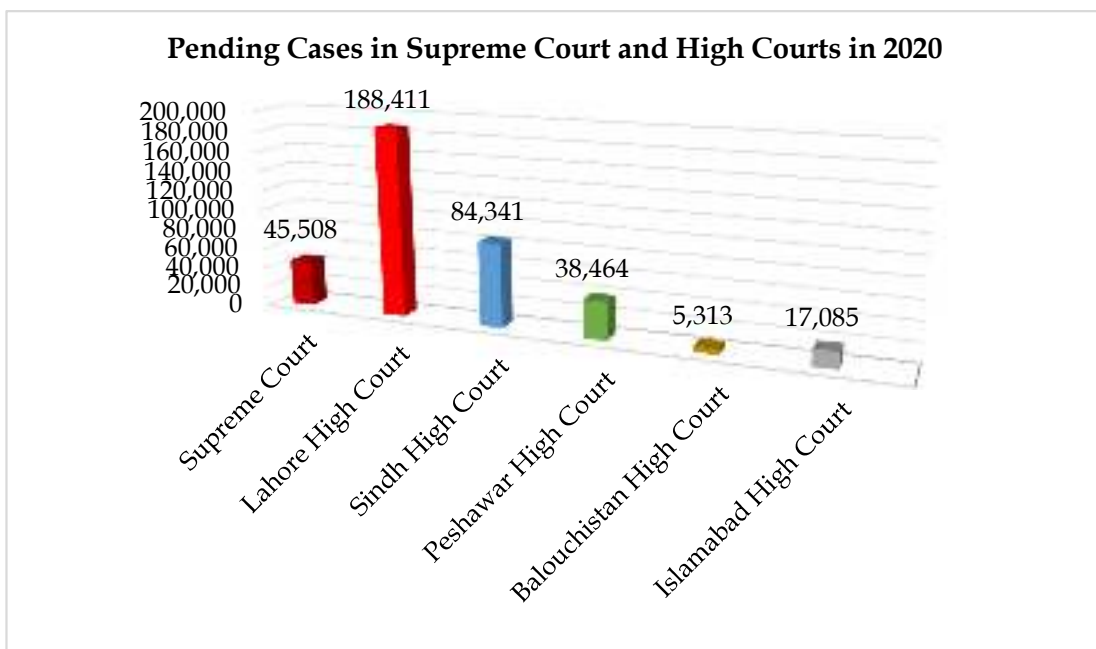
Delays while deciding cases in courts are the symptoms of inefficiency in the legal system. On the other hand, the delay can also have detrimental effects on the accused and the defendants or victims (Fabri & Langbroek, 2003). Delays may affect the general confidence of the people in the legal system, may cause protracted frustration, worry and distress to those involved (Ali & Alam, 2021), and may prevent victims of crime, and those associated with them, from 'moving on' (Hanna, et al., 2010).

Delay in the criminal courts is increasing at an alarming pace which requires an immediate cure. It is detrimental to justice, individuals and the public at large in Pakistan. It is because of the phenomenal rise in the number of court cases on account of population explosion, greater public awareness of rights and the dynamics of a new market economy. Of course, there has been a magnificent effort to face the challenge of delayed justice and to ensure speedy relief, but the efforts did not keep pace with the growth of the cases. As a result, roughly two million cases are pending in Pakistan. The very huge list of pending cases in the courts results into the delay of justice. When justice delays, it means, justice denies, according to the maxim "Justice delayed is justice denied (Gladstone, 2018). The clients of justice desire uncorrupted, inexpensive and speedy justice without any delay. However, it will not be extravagant to say that the existing criminal justice system in Pakistan is decaying the confidence of justice seekers. Huge backlog of the cases is the first and foremost reason and cause of delay in the disposal of cases in the judiciary of Pakistan. Keeping

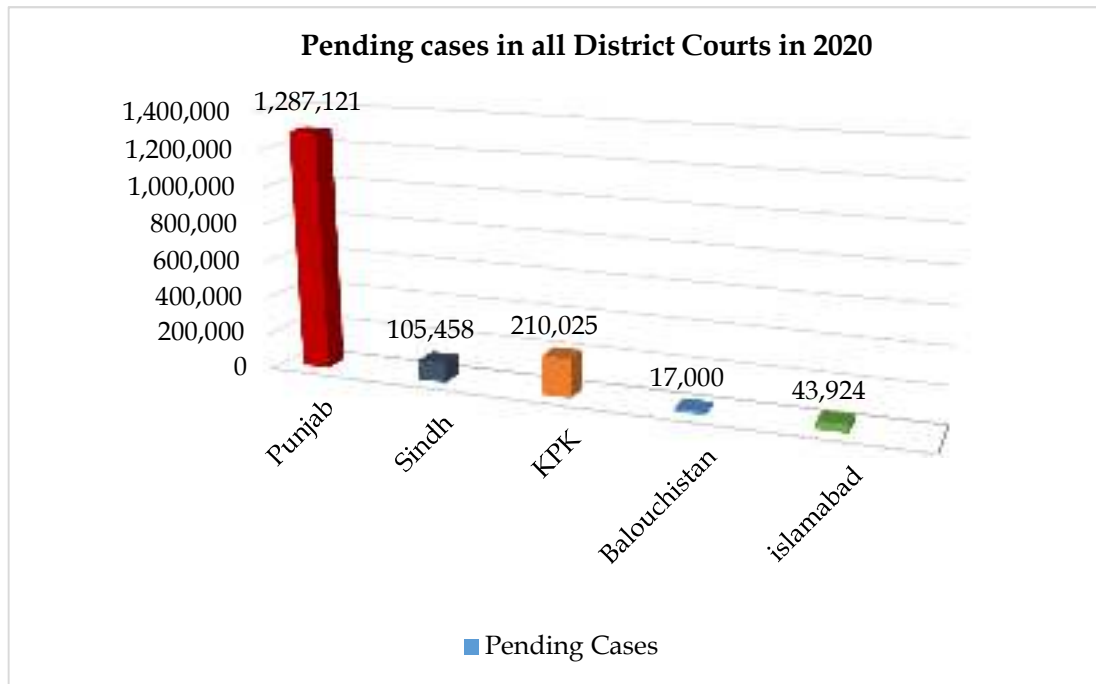
this into mind, this paper will focus on the pending cases in almost all courts in Pakistan by analyzing the figures and statistics provided by the Law and Justice Commission of Pakistan.

Material and Methods

For achieving the objectives of the research, the researchers have adopted the analytical research methodology and depended on the data provided by the law and justice commission of Pakistan and highlighted all the data reports pendency of cases from 2014 to 2020. Though the constitution of the Islamic Republic of Pakistan provides for expeditious and inexpensive justice to the citizens (Constitution of Islamic Republic of Pakistan, 1973) however, such amount of pending cases violates the spirit of justice. It is pertinent to highlight that how pendency of cases may cause the delay in a criminal trial from district courts to the Supreme Court of Pakistan. The researcher here has put the two tables of pending cases in the Supreme Court and all High Courts from Pakistan, which shows all the details from all provinces. Data is followed by the law and justice commission of Pakistan 2018. (Gishkori, 2019). National Judicial Policy Making Committee in Pakistan has issued the data on the pending cases in all courts of Pakistan. More than 2 million cases are pending in the Supreme Court, Federal Shariat Court, high courts and the district judiciary.



This chart has depicted the data provided by the national judicial policy of Pakistan and and shown that 45,508 cases were pending in the Supreme Court till July 31, 188,411 cases were pending in Lahore High Court, 84,341 cases were pending in High Court of Sindh, 38,464 cases were pending in Peshawar High Court, 5,313 cases were pending in High Court of Baluchistan, 15,847 cases were pending in the Islamabad High Court. Moreover, the list of the pending cases in district judiciary provided by the national judicial policy can be analysed by the following chart:



This chart shows that 1287,121 cases were pending in District Judiciary Punjab, 105,458 cases pending in district judiciary Sindh, 210,025 cases were pending in district judiciary Khyber Pakhtunkhwa, 17,000 cases were pending in district judiciary Baluchistan and 43,924 cases were pending in district judiciary Islamabad. Comparatively the list of the pending cases in 2020 is higher than previous reports provided by the law and justice commission of Pakistan in 2018, 2017, 2016, 2015 and 2014. The researcher may withdraw that pendency of the cases is increasing over time in all courts of Pakistan. Therefore, the huge list of the pending cases in all court is the leading reason and cause of the delay in the administration of justice in Pakistan.

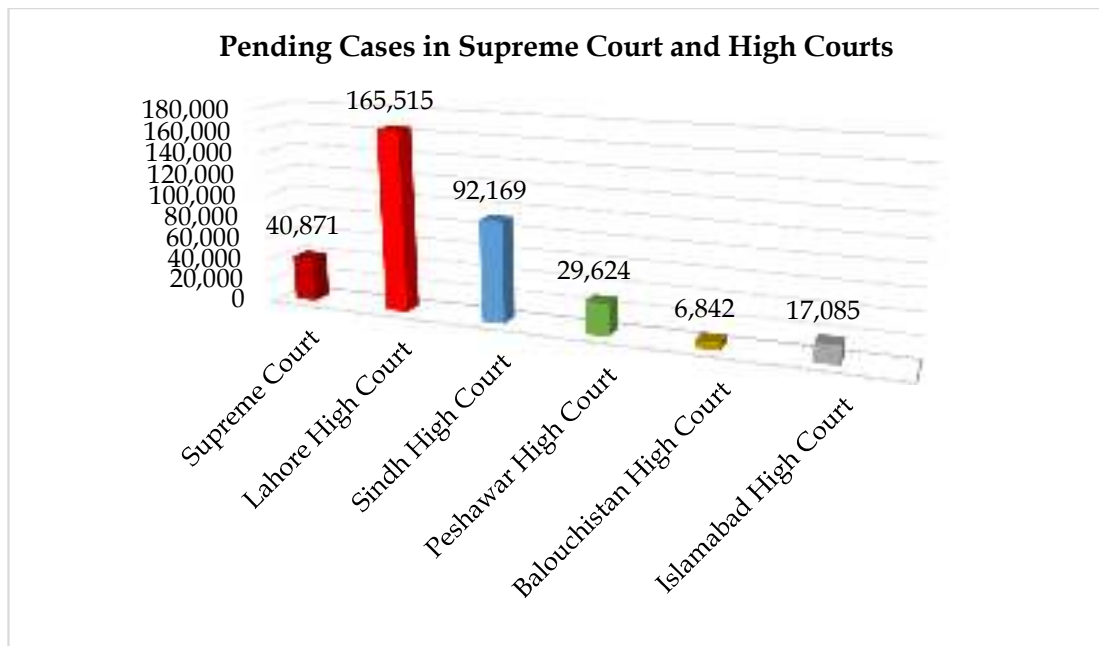
Overview of Pending Cases in Criminal Courts of Pakistan

An alarming and devastating reason of delay in the administration of justice system is the huge number of pending cases in all courts of Pakistan. The criminal courts of Pakistan are overburdened. According to the report of law and justice commission of Pakistan 2018, there are around 2 million cases of all types criminal and civil pending in the courts which is a very serious threat to the speedy justice. Though the constitution of Islamic republic of Pakistan provides the expeditious and inexpensive justice to the citizens (Constitution of Islamic Republic of Pakistan, 1973), however, such amount of pending cases violates the spirit of the justice. The number of pending cases in Pakistan is increasing day by day which can be estimated by the report of 2018 as well. About 40871 Out of 2 million pending cases, are in the Supreme Court of Pakistan, 1095542 in Punjab judiciary, 101095 in Sindh, 209985 in Khyber Pakhtunkhwa, 13969 in Balochistan and 38291 in Islamabad district judiciaries. How the courts of Pakistan will clear this bag lock of cases, only around 4000 judges are doing their work in the courts for the population more than 207 million. In this way, one judge is dealing with 48838 people, which is not fair and just as far as the justice is concerned. The huge number of pending cases in all courts is not only violating the

spirit of speedy justice but also against the right to fair trail provided by the constitution of Islamic republic of Pakistan (constitution of Islamic republic of Pakistan, 1973). The researcher is very keen to explain and analyze the data of pending cases in the following ways:-

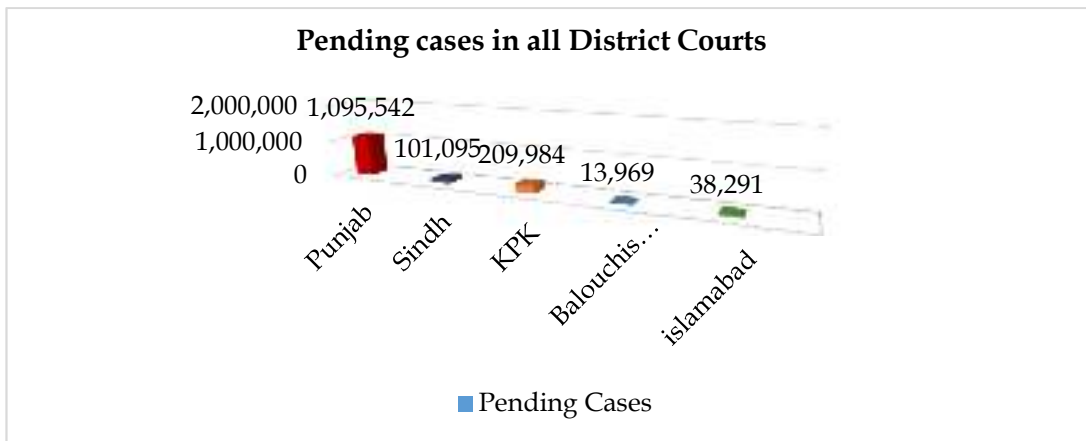
Pendency of cases in Supreme Court and High Courts of Pakistan

The judiciary in Pakistan includes four types of courts like the Supreme Court in Islamabad, and Five High courts in Islamabad, Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa, and courts of sessions, additional session judges and judicial magistrates in each district as well. Hudood cases and all criminal cases having punishment with death and life imprisonment are the jurisdiction of the sessions judges; and while other cases are the jurisdiction of the magistrates. Then there is a process of appeal if any sentence passed by the magistrate, appeal lies to the session judge if the sentence is given up to 4 years. And appeal lies to the high courts if sentence passed by the session judges and for more than 4 years' sentence passed by the magistrates in the districts courts. It is pertinent to highlight that how pendency of cases may cause the delay in criminal trial from district courts to Supreme Court of Pakistan. The researcher here has put the two tables of pending cases in Supreme Court and all High Courts from Pakistan which shows all the details from all provinces. Data by law and justice commission of Pakistan 2018 (Gishkori, 2019).

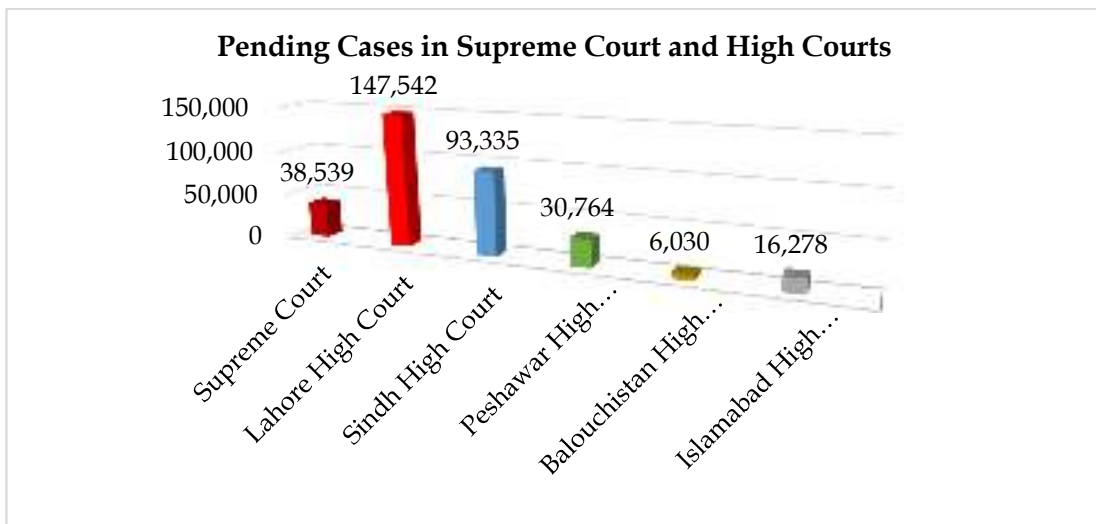


This chart clearly shows that About 40871 out of 2 million pending cases, are in the Supreme Court of Pakistan, 165515 in Lahore high court, 92169 in Sindh high court, 29624 in Peshawar high court, 6842 in Balochistan high court and 1785 in Islamabad high court. This pendency of all cases in all higher courts of Pakistan is more as compare to the pendency of the cases in 2018 which has been highlighted by the following chart.

Chart 2 describes the ratio of pending cases in our Supreme Court and High



Courts by 2017 (Asad, 2018).



This chart shows the pendency of the cases as 38,539 in Supreme Cour of Pakistan, 147, 542 in Lahore High Court, 93,335 in Sindh High Court, 30,764 in Peshawar High Court, 6,030 in Balochistan High Court and 16,278 in Islamabad High Court.

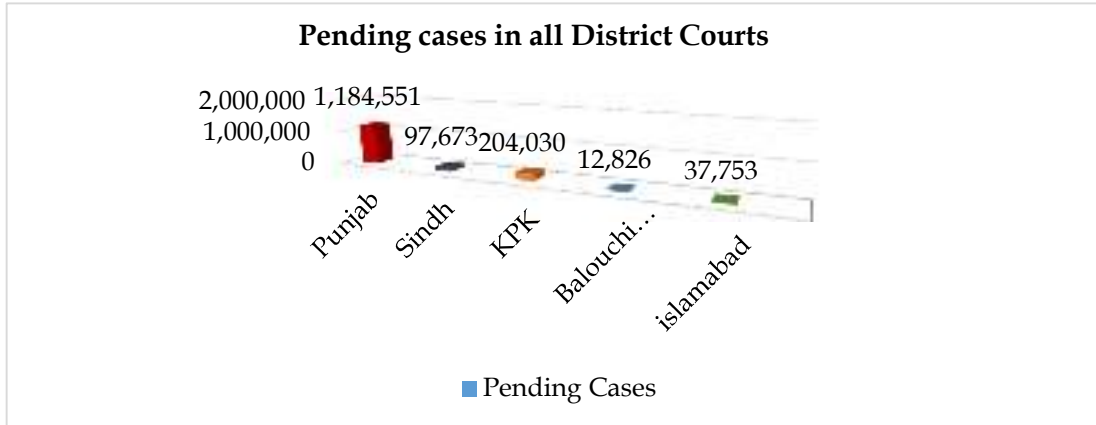
Delay in Trial Stage in District Courts

Having registered the FIR and completing the investigation, trials start in district levels by subordinate courts. Previous pending cases have always become the causes of delays to the new criminal cases such as delays to frame the charges, to record the evidences, to examine the witnesses. No time limit has been given in the criminal justice system of Pakistan to decide the cases brought into the court for trial. So the pendency of the cases in the district courts is the main cause of providing speedy justice to the citizens. The table below shows the pendency of cases in district judiciary 2018. Gishkori, 2019).

Chart 1 explains that 1095542 cases are pending in Punjab judiciary, 101095 in Sindh, 209984 in KPK, 13969 in Baluchistan and 38291 in Islamabad judiciary. Apart

from Punjab judiciary, list of the pending cases is increasing in all other judiciaries which is quite high as compare to 2017.

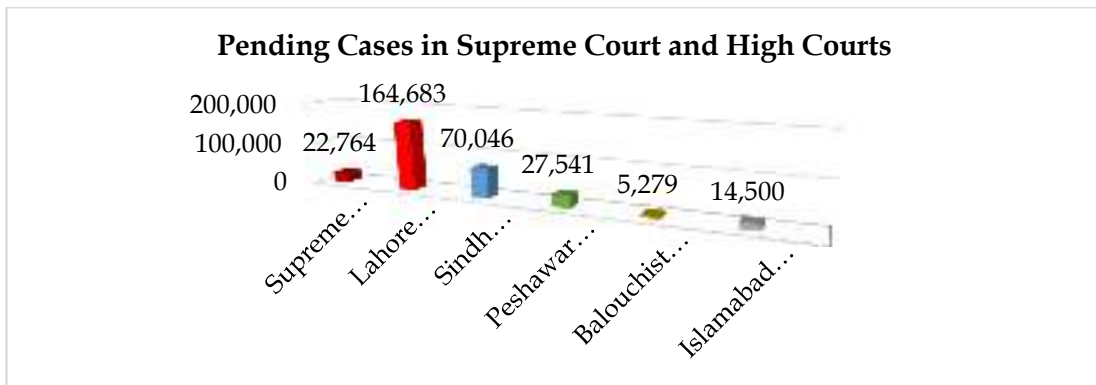
The table below shows the pendency of cases in district judiciary (Asad, 2018) in 2017.

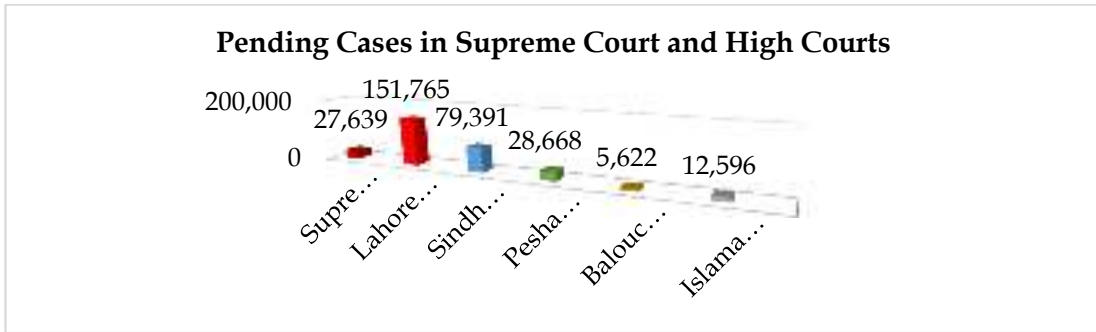


According to that data provided by the law and justice commission of Pakistan, around 15411119 cases are pending in all the district courts of all the provinces of Pakistan. That report mentioned that the pendency of the cases has examined as 1184,551 in district judiciary of Punjab, 97,673 in district judiciary of Sindh, 204,030 in the district judiciary of KP, 12,826 in the district judiciary of Baluchistan and 37,753 in the district judiciary of Islamabad. This huge backlog of cases in lower courts has become the adverse reasons of delay for the new cases to be decided in the courts.

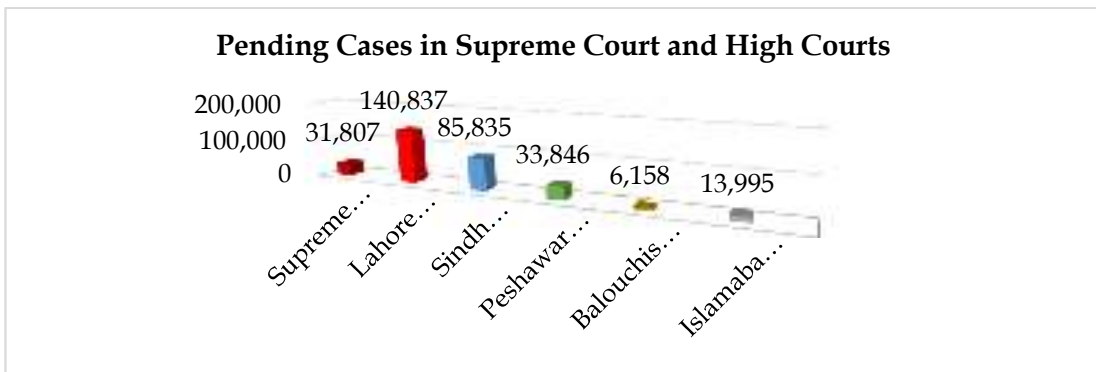
Increasing Pendency of cases in higher courts of Pakistan

But main issue is that the pendency of cases is increasing day by day and it is not in control. If we analyze these data provided by the law and justice commission of Pakistan with the previous one, then it comes into our mind that the pendency of the cases is increasing with the passage of time. It is very pertinent to mention here the data by law and justice commission of Pakistan from 2014 to 2016, where cases in the courts are increasing day by day. The researcher has put charts to examine the data of pendency of cases.





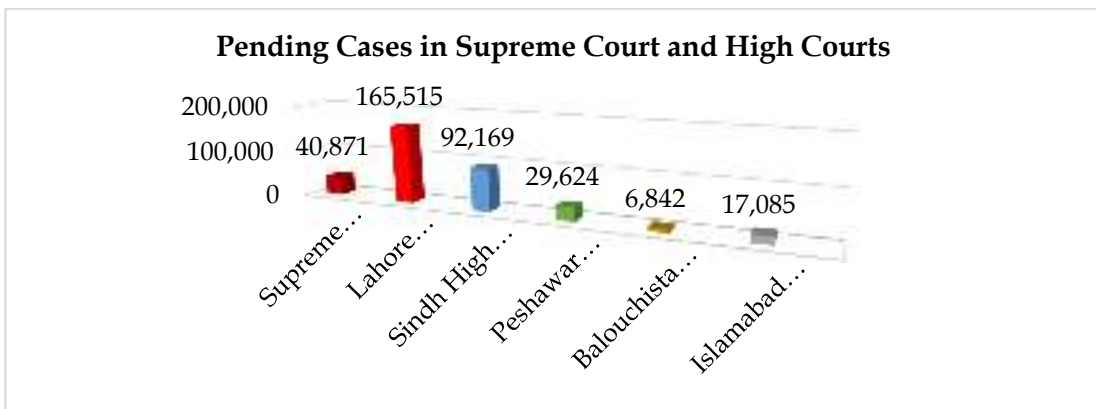
Judicial Statistics of Pakistan - Annual Report 2015



Judicial Statistics of Pakistan - Annual Report 2016

All these three charts have provided and highlighted the increasing number of pending cases from 2014 to 2016. During this period, the collective pendency of Supreme Court of Pakistan and High Courts has enlarged from 304,813 in 2014 to 312,478 in 2016. Overall, Supreme Court has an increase of pendency from 22,764 to 31,807. But all high courts have the combined decrease in the pendency of cases which is from 282,049 to 280,671 cases. However, except Lahore high court, all other courts have the increase in the pendency of the cases from 2014 to 2016 which the provided charts clearly mentioned. The following chart having the data of pendency of cases from 2018 also showed the number of pending cases is increasing with the passage of time.

Data by law and justice commission of Pakistan 2018,



This chart has pointed out that list of the pending cases in all courts in 2018 has increased as opposed to 2016, 2015 and 2014. In 2018, there are 40871 cases pending in the supreme courts of Pakistan, 165515 cases in Lahore high court, 92169 cases in Sindh high court, 29624 cases in Peshawar high court, 6842 cases in Balochistan high court and 17085 cases in Islamabad high court. All these facts and figures have thoroughly depicted that the list of pending cases in all courts of Pakistan is increasing day by day which is well known obstacle and barrier on the way of speedy disposal of justice to the parties. (Law and Justice Commission of Pakistan, 2018).

Conclusion

To conclude, the researcher has determined that the pendency of the cases in the judiciary of Pakistan is climbing to the sky. This is most devastating and frustrating reason and cause of delay in the way of dispensation of justice to the people living in Pakistan. Figures and statistics have shown that pendency of the cases is increasing day by day and it's never come to an end. Though the government is trying the best ways to deal with such a big backlog in the courts, but still not enough as far as the delay is concerned. The researcher here provides some suggestions and solutions which may play a vital role to curb the problem of backlog of the cases.

- 1- Pakistan is under the dire need to set up some special courts to deal with such a huge list of pending cases in all courts in Pakistan. Though some special courts have already been set up in some places, yet it needs to be expanded in whole of Pakistan as far as the huge backlog is concerned.
- 2- Pakistan must increase the number of judges and courts in all provinces to provide justice within a reasonable time for the purpose of avoiding the new list of pending cases in courts.
- 3- As far as the huge backlog of the cases is concerned, Pakistan requires to follow some modern judicial systems in the world and needs to adopt some modern ways like pretrial processes and alternative dispute resolution. Pakistan must seek the lessons from the jurisdiction of Australia and Malaysia because both of them have solve the problem of backlog of the cases in their courts by introducing the pretrial processes in their judiciary system. Before 2010, Malaysia had suffered from the huge backlog of the cases, then it introduced the pretrial processes into its code of criminal procedure which had reduced the whole backlog of the cases from the courts. Now Malaysia does not have any pending list of the cases in court. Therefore, Pakistan needs to follow the Malaysian judicial system which may become the best example for the improvements in the judicial system of Pakistan.

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Chairperson, and National Commission on the Status of Women, among others. Each Province is represented by one member

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