

The Reason for Back Log in Pakistan Courts and its Redressal

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The Reason for Backlog in Pakistan Supreme Court

The backlog in Pakistan's Supreme Court has reached record levels, with over 57,000 pending cases as of April 2024. Several factors contribute to this issue:

1. **Shortage of Judges:** The Supreme Court has only 17 judges to handle a growing volume of cases, which is insufficient for a country with a large population. There have been discussions about increasing the number of judges to alleviate the pressure
2. **High Case Influx:** New cases consistently outnumber the ones resolved. For example, the Supreme Court handles thousands of appeals and criminal cases, but the inflow of new cases from lower courts exacerbates the backlog
3. **Systemic Inefficiencies:** The legal system faces structural issues, including outdated procedures, limited use of technology, and delays in hearings. Many cases, especially under Article 184(3), involve complex matters of public interest, adding to the workload.
4. **Under-resourced Judiciary:** Beyond the Supreme Court, the district and high courts are also overwhelmed. Across the country, there is only one judge available for approximately 62,817 people, which makes timely justice difficult to achieve
5. Efforts like the National Judicial Policy were implemented to streamline case resolution, but the backlog continues to grow. There are calls for systemic reforms, including hiring more judges and restructuring legal procedures, to prevent further delays in justice

The Reasons for Backlog in Lower Courts and High Courts

The backlog in Pakistan's lower courts and high courts stems from a combination of systemic and resource-related challenges:

1. Shortage of Judges and Resources

- Pakistan has only around 4,000 judges across all courts, which translates to one judge for every 62,817 citizens, an insufficient ratio to handle the volume of cases efficiently
- Courts also face shortages in non-judicial staff, poor infrastructure, and underfunding, which impede operations

2. Overwhelming Case Influx

- District courts and high courts are inundated with cases from both civil and criminal sectors. For example, more than 2.26 million cases were pending across Pakistan's judiciary by the end of 2023
- Government bodies are among the biggest litigants, accounting for nearly 50% of the caseload in courts, adding to the congestion

3. Procedural Delays and Inefficiencies

- Outdated legal procedures and practices, such as excessive adjournments, complicate timely resolution.
- The absence of case management systems and delays in enforcing judgments also exacerbate the backlog

4. High Case Turnover vs. Low Disposal Rates

- Courts often resolve a large number of cases, but the inflow of new cases exceeds the number disposed of. In one year, district courts resolved over 387,000 cases but registered 382,000 new ones, leaving little room to reduce the backlog.

5. Lack of Alternative Dispute Resolution (ADR) Mechanisms

- With few active ADR frameworks, even minor civil disputes are brought to courts, adding unnecessary burden. The judiciary has acknowledged this gap but has struggled to implement reforms effectively

6. Judicial Vacancies and Imbalanced Caseload

- High courts often function with vacant judgeships, leading to uneven distribution of cases. In some instances, cases remain pending for years due to administrative inefficiencies
- Improving Judicial Efficiency in Pakistan

Capacity Building of Judges

- **Continuous Judicial Training:** Focused programs on areas like digital evidence, international arbitration, and environmental law to enhance competency.
- **Technology Adoption:** Introducing tools like case management software and e-courts to reduce delays.
- **Exposure to Global Practices:** Exchange programs and international forums help judges learn modern justice delivery techniques.

2. Improving Motivation and Work Environment

- **Performance-Based Incentives:** Rewards such as bonuses and promotions encourage dedication.
- **Workload Management:** Adequate support staff and reasonable caseloads prevent burnout.
- **Career Development:** Educational and advancement opportunities keep judges motivated.

3. Institutional Reforms for Case Disposal

- **Alternative Dispute Resolution (ADR):** Promoting mediation and arbitration to reduce the court's burden.
- **Fast-Track Courts:** Specialized courts for commercial or specific disputes help clear backlogs.
- **Performance Monitoring:** Regular assessments identify inefficiencies and ensure accountability.

4. Collaboration with Stakeholders

- **Coordination with Law Enforcement and Lawyers:** Improved cooperation minimizes unnecessary delays.
- **Public Awareness Campaigns:** Educating citizens on legal rights reduces frivolous cases and builds trust.

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The Role of Continued Legal Education (CLE)

1. Benefits of CLE

- **For Judges:** Keeps them updated on legal trends and improves decision-making through exposure to international standards.
- **For Lawyers:** Enhances skills in emerging fields (e.g., cyber law) and promotes ethical practices, reducing delays.

2. Structure of CLE Programs

- **Workshops and Seminars:** Regular topic-specific sessions.
- **Online Courses:** Remote learning for accessibility.
- **Certification Programs:** Encourage specialization among legal professionals.

3. Key CLE Focus Areas

- **Case Management:** Efficient practices to reduce backlogs.
- **ADR Skills:** Training in mediation and arbitration for faster resolutions.
- **International Law:** Knowledge of treaties and comparative legal systems.
- **Technological Competency:** Training on digital evidence and e-court systems.
- **Professional Ethics:** Reinforce ethical behavior and public trust.

4. Institutionalizing CLE in Pakistan

- **Strengthening Judicial Academies:** Institutions like the Federal Judicial Academy should lead CLE initiatives.
- **International Collaboration:** Integrate global practices into CLE programs.
- **CLE Credit System:** Require legal professionals to complete annual CLE hours.

5. Incentives for CLE Participation

- **Career Advancement:** Link CLE certificates to promotions.
- **Financial Support:** Offer subsidies for young lawyers.

- Compliance Monitoring: Ensure participation through oversight by bar councils and commissions.

Conclusion

By implementing these strategies, Pakistan can create a more efficient judicial system, ensuring timely, fair, and high-quality justice, ultimately building public trust. Addressing these issues will require significant reforms, including increasing judicial appointments, modernizing case management systems, use of technology , expanding ADR mechanisms, and improving coordination between courts and government bodies. Making the appointment of Judges mechanism merit based and more consultative. Impart in them the more dedication and commitment.

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