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**BACKLOG ON CRIMINAL CASES: A LEGAL ANALYSIS TO
THE CRIMINAL JUSTICE SYSTEM IN PAKISTAN**



**DOCTOR OF PHILOSOPHY
UNIVERSITI UTARA MALAYSIA
2025**

**BACKLOG ON CRIMINAL CASES: A LEGAL ANALYSIS TO
THE CRIMINAL JUSTICE SYSTEM IN PAKISTAN**



**A thesis submitted to the Ghazalie Shafie Graduate School of Government in
fulfilment of the requirement for the Doctor of Philosophy Universiti Utara
Malaysia**



Kolej Undang-Undang, Kerajaan dan Pengajian Antarabangsa
(College of Law, Government and International Studies)
UNIVERSITI UTARA MALAYSIA

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(External Examiner) **ISMAIL @ NAWANG** (Signature)
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Pemeriksa Dalam : **PROF. DR. HARLIDA ABDUL** Tandatangan
(Internal Examiner) **WAHAB** (Signature)

Tarikh : **25 MAC 2025**
Date

Nama Pelajar : **ABDUL GHANI (902961)**
(Name of Student)

Tajuk Tesis : **BACKLOG OF CRIMINAL CASES: A LEGAL ANALYSIS TO THE CRIMINAL JUSTICE SYSTEM IN PAKISTAN**
(Title of the Thesis)

Program Pengajian : **DOCTOR OF PHILOSOPHY (LAW)**
(Programme of Study)

Penyelia Pertama : **PROF. DR. ZAINAL AMIN AYUB**
(First Supervisor)

Tandatangan
(Signature)



Penyelia Kedua : **DR. MUKHRIZ MAT RUS**
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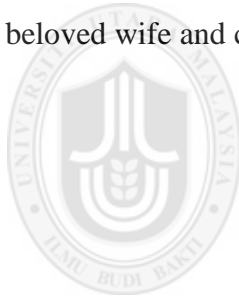
DEDICATION

This work is dedicated:

To my beloved mother (late) who prayed for me in Haram in front of Baitullah in between the Rukn-e-Yamani and Hajr-e-Aswad, may Allah subhanhu wataala increase your knowledge, health and earning! Amin.

To my beloved father(late) who brought us up with legitimate income after doing labour.

To my beloved wife and children, on facing uncongenial circumstances with patience during my doctoral study.



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ABSTRACT

The criminal justice system in Pakistan faces persistent challenges due to undue delays, resulting in prolonged litigation and a substantial backlog of criminal cases. These delays arise from multiple factors both within and outside the judicial framework. Ensuring fair and speedy justice is a fundamental right of every individual, and any hindrance to this process adversely affects the general public. This study examines data concerning the causes of backlog in criminal cases by analysing data from the Annual Reports of the Lahore High Court, covering the period from 2019 to 2022. And qualitative data obtained through focus group discussions with relevant participants. The participants represented various legal domains, including police investigating officers, assistant and district public prosecutors, advocates of High and Supreme Courts, magistrates, additional session court judges, session court judges, and justices of the Lahore High Court. Their perspectives were used to validate and enrich the quantitative findings. The research highlights that the legal framework in Pakistan follows a specific sequence: reporting of a cognizable offense, registration of the First Information Report (FIR), preparation of the report under Section 173 of the Criminal Procedure Code (Challan) by the investigating officer, and its subsequent forwarding to the prosecutor for onward proceedings in the court(s). The research identifies several causes for the backlog of criminal cases, including delays in the registration of FIRs, inefficiencies within the prosecution department, and shortages of judicial personnel. The study concludes with recommendations aimed at addressing these issues to promote fair, timely and equitable justice for the public. Additionally, such measures could reduce the backlog of criminal cases in Punjab, Pakistan.

Keywords: Backlog, Criminal cases, Criminal Justice system, Legal reform.

ABSTRAK

Sistem keadilan jenayah di Pakistan menghadapi cabaran berterusan akibat penangguhan kes yang tidak wajar, yang menyebabkan litigasi kes jenayah berlanjutan dan lambakan kes jenayah yang ketara. Kelewatan ini berpunca daripada pelbagai faktor di dalam dan di luar kerangka kehakiman. Memastikan proses keadilan yang adil dan pantas merupakan hak asas setiap individu, dan sebarang halangan terhadap proses ini memberi kesan negatif kepada masyarakat umum. Kajian ini meneliti data mengenai punca lambakan kes jenayah dengan menganalisis data daripada Laporan Tahunan Mahkamah Tinggi Lahore bagi tempoh 2019 hingga 2022 dan data kualitatif yang diperolehi melalui perbincangan kumpulan fokus bersama peserta - peserta berkaitan. Responden mewakili pelbagai bidang undang-undang, termasuk pegawai penyiasat polis, pembantu dan pendakwa raya daerah, peguam Mahkamah Tinggi dan Mahkamah Persekutuan, majistret, hakim Mahkamah Sesyen, dan hakim Mahkamah Tinggi Lahore. Pandangan mereka digunakan untuk mengesahkan dan memperkukuhkan penemuan kuantitatif. Kajian ini menekankan bahawa kerangka undang-undang di Pakistan berpandukan urutan tertentu: pelaporan kesalahan yang boleh ditangkap, pendaftaran Laporan Maklumat Pertama (FIR), penyediaan laporan bawah Seksyen 173 Kanun Prosedur Jenayah (Challan) oleh pegawai penyiasat, dan pengerahan laporan tersebut kepada pendakwa untuk tindakan selanjutnya di mahkamah. Kajian ini mengenal pasti beberapa punca isu lambakan dalam penyelesaian kes jenayah, termasuk kelewatan dalam pendaftaran Laporan Maklumat Pertama (FIR), ketidakcekapan di jabatan pendakwaan, dan kekurangan kakitangan kehakiman. Kajian ini merumuskan beberapa cadangan untuk menangani isu-isu ini bagi memastikan keadilan yang cepat dan saksama dilaksanakan kepada orang awam. Selain itu, langkah-langkah tersebut juga berpotensi mengurangkan jumlah lambakan kes jenayah di Punjab, Pakistan.

Kata kunci: Lambakan kes, Kes jenayah, Sistem keadilan jenayah, Reformasi Undang- undang

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LIST OF ABBREVIATIONS

ADPP	Assistant District Public Prosecutor
ASI	Assistant Sub Inspector
ASJ	Additional Sessions Judge
ASP	Assistant Superintendent Police
CCD	Capital City District
CCPO	Capital City Police Officers
CPLC	Citizen-Police Liaison Committee
CPO	City Police Officers
Cr.P.C.	Criminal Procedural Code
CrI. Apl	Criminal Appeal
DDPP	Deputy District Public Prosecutor
DHQ	District Headquarter Hospital
DPSC	District Public Safety Commission
DSJ	District and Sessions Judge
DSP	Deputy Superintendent Police
FIR	First Information Report
FPCA	Federal Police Complaints Authority
ICA	Islamabad Capital Territory
IDPSC	Islamabad District Public Safety Commission
IGP	Inspector General of Police
IO	Investigating Officer
LGO	Local Government Ordinance, 2002

MLC	Medico Legal Certificate
PLD	Pakistan Law Digest
PLJ	Pakistan Law Journal
PPC	Pakistan Penal Code
PPO	Provincial Police Officer
PPSC	Provincial Public Officer
SCMR	Supreme Court Monthly Review
SHO	Station House Officer



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CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter presents an overview of the background of the current study, outlines the problem statement, and defines the research objectives concerning the backlog of criminal cases in Pakistan. Based on these objectives, three research questions have been formulated. To address these questions, the chapter discusses the research methodology and methods employed in the study. Additionally, a systematic review of existing literature within the relevant domain is provided to justify the rationale for the research. The current body of literature has been critically examined to identify a gap that this study aims to address. Key operational definitions used in the research are also explained in detail. Furthermore, the chapter elaborates on the significance of the study, the research design, and the methods of data collection.

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APPENDICES

Appendix A

List of Focus Group Discussion Participants

1- POLICE INVESTIGATING OFFICERS			
Sr. No.	Designation	Experience	Place of Posting
1	SHO	25 Years	Mumtazabad Police Station
2-	S.I	22 Years	Gulgashat Police Station
3-	A.S.I.	15 Years	Alpa Police Station,
4-	DSP	29 Years	Existing Office in Gulgashat
5-	SHO	06 Years	Kotwali Police Station
2- PROSECUTORS			
6	ADPP	10 Years	Multan, Punjab
7	Prosecutor in High Court	10 Years	Multan, Punjab
8	DDPP	11 Years	M.Ghar, Punjab
9	ADPP	10 Years	M.Ghar, Punjab
10	DDPP	12 Years	Multan, Punjab
3- LAWYERS OF SUPREME COURT AND HIGH COURT			
11	Advocate High Court	25 years	Punjab
12-	Advocate High Court	14 years	Punjab
13-	Advocate High Court	14 years	Punjab
14-	Advocate High Court	16 years	Punjab
15-	Advocate Supreme Court	36 years	Punjab
16-	Advocate Supreme Court	47 years	Punjab
17-	Advocate Supreme Court	32 years	Punjab
18-	Advocate Supreme Court	32 years	Punjab
4- JUDICIARY PERSONAL			
19-	Magistrate	16 Years	Multan, Punjab
20-	Magistrate	08 Years	Multan Punjab
21-	Additional Session's Judge	17 Years	Multan Punjab
22-	Additional Session's Judge	18 Years	Multan Punjab
23-	Session's Judge	15 Years	Retired
24	Session's Judge	23 Years	Retired
25	Justice (R)		<ul style="list-style-type: none">• Served as Justice Lahore High Court (Punjab) for 7 years.• Served as Justice of Federal Shariat Court, (Islamabad, Pakistan) 03 years.

Appendix B

List of Questions for Police Investigating Officers

Introduction:	Name, Department, Designation, Length of service
Question No.1	Why police refuse to register an FIR after receiving the information about the commission of a cognizable offence?
Question No.2	Why Police use delaying tactics in registration of an FIR after receiving the information about the commission of a cognizable offence?
Question No.3	How are you intimidated about the entrustment of investigation in a criminal case in a police station?
Question No.4	What's your views about the performance of Crime Scene Unit and PFSA Team in connection with investigation of a criminal case?
Question No.5	Why Can't you get Medico Legal Certificate, Medical reports, Laboratory Reports and all other material regarding to conduct the investigation in appropriate time?
Question No.6	Why police cannot complete the investigation of a criminal case fairly within statutory time?
Question No.7	What type of political as well as pressure of the high ups is faced by you during the course of investigation?
Question No.8	Whether or not you are offered undue incentives/money from any side during investigation process?
Question No.9	Is there any lack of coordination between the police and prosecution department for submission of final report of investigation u/s 173 i.e. Challan in court within stipulated period?
Question No.10	On which grounds can you think that investigation unit and watch and ward should be separated?

Appendix C

List of Questions for Public Prosecutors

Introduction:	Name, Gender, Department, Designation, Length of service
Question No.1	How many registered FIRs in the police stations are correct according to law?
Question No.2	Do you receive final report of investigation under section 173 Cr.P.C. i.e. Challan within stipulated period according to law, from the police department, if not what are the reasons behind it?
Question No.3	Why the prosecutors do not submit the investigation report in the court after receiving it from the concerned police station?
Question No.4	How much time is required for preparation of a report of investigation so that it may be able to be submitted in the court for trial?
Question No.5	What has been the performance of the Punjab police regarding cognizable offence?
Question No.6	Are judges performing their assigned duties efficiently to decide the criminal cases?
Question No.7	Why the evidence is not recorded in the court efficiently and criminal case became very weak?
Question No.8	Do you receive any kind of pressure from your superiors regarding prosecution process?
Question No.9	Why the prosecution fails to prove a criminal case in the court?
Question No.10	When do you receive the copy of impugned judgement of a criminal case to file an appeal in the next form?

Appendix D

List of Questions for Lawyers of the Supreme and High Court

Introduction:	Name, Department, Designation, Length of service,
Question No.1	After a murder case is decided by the trial court, how much time does it typically take for the appeal to be fixed for hearing in the High Court and subsequently in the Supreme Court?
Question No.2	On average, how long does it take to decide a murder case in the High Court and in the Supreme Court?
Question No.3	In your opinion, why is the criminal trial process in Punjab so lengthy, often taking years for final disposal?
Question No.4	Why are criminal cases frequently adjourned in courts, and what are the major causes behind these repeated delays?
Question No.5	Do you believe that judges in Punjab generally decide criminal cases on merit, or do internal/external pressures influence their decisions?
Question No.6	To what extent do you perceive corruption exists within the judicial system of Punjab, particularly in the handling of criminal cases?
Question No.7	What are your views on the performance of state lawyers and public prosecutors in the prosecution of criminal cases?
Question No.8	Why is evidence often not recorded efficiently in court, resulting in the weakening of criminal cases?
Question No.9	Do senior lawyers contribute to trial delays by frequently seeking adjournments or avoiding regular court appearances?
Question No.10	Have you ever faced pressure or influence from any side to delay or not pursue a criminal case actively?

Appendix E

List of Questions for Judges

Introduction:	Name, Department, Designation, Length of service
Question No.1	After a murder case is decided by the trial court, how much time does it typically take for the appeal to be fixed for hearing in the High Court and subsequently in the Supreme Court?
Question No.2	On average, how long does it take to decide a murder case in the High Court and in the Supreme Court?
Question No.3	In your opinion, why is the criminal trial process in Punjab so lengthy, often taking years for final disposal?
Question No.4	Why are criminal cases frequently adjourned in courts, and what are the major causes behind these repeated delays?
Question No.5	Do you believe that judges in Punjab generally decide criminal cases on merit, or do internal/external pressures influence their decisions?
Question No.6	To what extent do you perceive corruption exists within the judicial system of Punjab, particularly in the handling of criminal cases?
Question No.7	What are your views on the performance of state lawyers and public prosecutors in the prosecution of criminal cases?
Question No.8	Why is evidence often not recorded efficiently in court, resulting in the weakening of criminal cases?
Question No.9	Do senior lawyers contribute to trial delays by frequently seeking adjournments or avoiding regular court appearances?
Question No.10	Have you ever faced pressure or influence from any side to delay or not pursue a criminal case actively?
