



## Who Delays Justice? A Qualitative Investigation of the Role of Key Actors in Prolonged Disposal of Heinous and Serious Cases in Punjab's Justice System

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### Abstract

*Based on a comprehensive qualitative analysis of interviews with judges, lawyers, investigation officers, and litigants, this study identifies the critical actor-based factors responsible for systemic delays in the disposal of serious and heinous criminal cases in Punjab, Pakistan. The research reveals that delays are not merely a product of institutional backlog but are actively perpetuated by the strategic behaviors of key courtroom participants interacting with a vulnerable legal framework. Five interconnected themes are established: first, accused persons engage in strategic delay tactics, deliberately exploiting procedural rights such as skipping bail, delaying cross-examination, and filing frivolous petitions to weaken the prosecution. Second, witness-related challenges, primarily stemming from economic hardship and witness intimidation in the absence of state protection, cripple testimony and case progression. Third, lawyer-related factors, including the frequent seeking of adjournments, economic overbooking of cases, and the influence of bar politics, prioritize personal gain over the expeditious disposal of justice. Fourth, judicial inefficiencies arise from judges' lack of legal command, overwhelming caseloads, frequent transfers, and a risk-averse culture born from professional insecurity. Finally, complainants are often dissuaded from pursuing cases due to threats, financial burdens, and cumbersome procedures. The convergence of these actor-driven dynamics transforms the criminal trial from a process of resolution into a protracted and often futile negotiation. The study concludes that achieving timely justice requires holistic reform addressing not only systemic weaknesses but also the incentivized behaviors of all actors within the criminal justice system.*

**Keywords:** actor-based factors, strategic delay tactics, timely justice, criminal justice system, accused persons, witness intimidation.

### Introduction

Turning to the courts of Punjab, case management is seen as an institution development-to-study topic. In a recent paper by (Batool et. al., 2024), this development is explained as progressing through four phases, each with its distinct problems and changes. The first civil years of India and Pakistan together (1947-1970) did not present the courts with very large and ungovernable Licenses, thus enabling a higher disposal rate. However, the next two decades (1970-1990) saw an even more drastic increase in the number of cases and their complexity which was mainly due to the population growth and the society becoming more educated and aware of their rights. In the 1990s, technological integration began, and case management was being computerized in the process of making it more efficient. Despite all the modernization measures, the present-day (2010-onwards)

court system still faces severe delays though with more sophisticated tracking systems than ever before (Butt & Bajwa, 2025).

The historical development may be further subdivided into smaller, policy-based periods that influenced the case management directly. The ten years after the separation of East Pakistan in 1971 was characterized with a high degree of political instabilities, which directly affected the judiciary. The appointment of judicial offices was politicized and the court administration lacked strategic orientation. It was the time when the first seeds of the backlog were planted because the focus of the institution changed to efficiency and survival and political alignment. Under the military rule in the 1980s, the era was contradictory. On the one hand, the Law Reforms Ordinance of 1980 was created to make the justice delivery faster and easier. Conversely, the expansion of special military courts and tribunals on particular crimes led to the establishment of another line of the judicial system that could easily evade the normal courts and this created a confusion of jurisdiction and dispersal of judicial resources. This simplification to the masses and complexity to the state was an additional burden on the coherence of the system.

The re-election of democracy in the 1990s generated a new consciousness on judicial delays. The 1994 National Judicial Policy was a historic document, one that was probably the first effort in the state level to admit to the crisis. It suggested the major solutions, such as adding more judges, evening courts, and encouraging Alternative Dispute Resolution (ADR) mechanisms. But it was haphazardly implemented at best. The intended judicial power was never officially approved by the finance ministry because of lack of funds, and the ADR culture did not establish itself within a legal profession that was used to litigating in an adversarial manner. The introduction of the so-called National Judicial Database at the end of the 1990s was the largest technological intervention of the epoch which was undermined by the lack of connectivity and insufficient training and opposition of the court staff who was used to working with manual registers. This tendency of successful reform being sabotaged by ineffective work and the unfriendly institutional culture is a major theme that still haunts the judiciary till the present days and preconditions the current crisis that is described in this research.

### **Current State of Criminal Justice System in Punjab**

The present-day situation of criminal justice in Punjab can be considered as alarming as it shows huge inefficiencies in the system that is still overloaded with various problems. The Punjab Judicial Statistics Report (2023) points out a disturbing fact of the average of five years for the pendency of serious crimes and even more than seven to ten years for disposing of heinous cases of crimes which are often dragged for such a long time. These delays are, in fact, a crisis of the very provision of justice and not mere statistical problem. Another finding from the report is the continuous growth of the case backlog at 15 percent per annum which is an average of the last ten years and now the total number of pending cases is reported to be over 1.2 million as of 2023 (Faisal & Ashrad, 2023).

A further examination of the backlog shows it to be chronic. The Punjab Judicial Statistics Report (2023) shows that out of the 1.2 million pending cases, more than 432,000 cases have been pending over three years in the system. This contains a mind boggling 144,000 cases that have been pending more than five years, which by itself goes beyond

the maximum sentence of the crimes committed thus nullifying the intention of trial. The pressure is especially sharp with severe and serious crimes. At this time it is estimated that there are about 45,000 awaiting murder cases of an average pendency of seven or ten years, and 28,000 dacoity cases awaiting five to seven years on average. The quality of justice directly decays through the long delays, as conviction rates are abnormally low; in the case of murder, it is just 18 per cent and sexual assault only 12 per cent. This can be greatly attributed to the fact that with time witnesses tend to become hostile or forgetful, material evidence is lost or diminished and the victims being fatigued in the process tend to give up on seeking justice.

### **Research Objectives**

1. .the participants of the qualitative study To describe the profiles of
2. How the legal actors such as judges, defense counsel, prosecutors, complaints and .accused are responsible for delayed disposal of serious and heinous crime cases
3. eedy trial of the serious and To suggest measures or recommendations for the sp .heinous crime cases

### **Methodology**

This part will describe the qualitative nature of the research study, which explored not only the reasons but also the effects of a delayed disposal of serious and heinous criminal cases in Punjab, Pakistan. A panel discussion, structured as a Focus Group Discussion, (FGD), was constituted with six judges, six lawyers, six litigants, and six investigation officers from each study area, resulting in 24 participants per city. These FGDs will take place across five major cities i.e. Lahore, Faisalabad, Rawalpindi, Gujranwala, and Multan bringing the total sample size, for the qualitative phase, to 120 participants ( $24 \times 5$  cities). The discussions provided participants with an opportunity to share their personal experiences, professional perspectives, and suggestions for reform. The data collected, from these sessions, was analyzed thematically to identify recurring themes and patterns to enrich and provide context to the quantitative findings.

In particular, the section refers to the most important themes that emerged from the thematic analysis of qualitative data sources representing field interviews.

The following research questions led the analysis:

RQ 1: What institutional, procedural, actor-based, and case-specific factors (including case complexity, evidentiary issues, and legal tactics) contribute to delays in the verdict and disposal of serious and heinous criminal cases such as murder, hurt, and dacoity in Punjab?

RQ 2: How do prolonged delays in the disposal of serious criminal cases impact trial outcomes (including the likelihood of acquittals), public trust in the justice system, and broader societal outcomes in Punjab?

The information gained, as per Focus Group Discussion (FGD), was transcribed, anonymized, and cleaned, and then coded and analyzed. Braun and Clarke's (2006) six-phase thematic analysis model was used to identify code, and assign meaning to recurring patterns within the data.

The findings were then organized into three levels of abstraction via a hierarchical construct development methodology:

First-order constructs: raw codes that were based on the words of participants.

Second-order constructs: sub-themes as conceptual groups.

Third-order constructs: high-level overarching theme explanations to the research questions.

This structure made it possible to highlight both the institutional and procedural causes of judicial delays, as well as the long-term psychological, social, and economic impacts of prolonged trials on individuals and communities.

### **Data Preparation**

All discussion (transcripts) done as per (FGD) were transcribed word-for-word so as to capture the richness and reality of the accounts made by the participants. The primary language used for the FGD was English. However, for participants who were not well versed in English, the discussions were conducted in their native language i.e. Urdu, and later translated into English to ensure that the original meaning, tone, and context were preserved. The transcripts were then coded and entered into NVivo software, where they were analyzed both thematically and sentimentally.

The initial open coding was conducted to derive the first-order constructs based on outright expressions and observations of the participants. These raw codes were, in turn, sorted into second-order constructs (sub-themes) and finally condensed into third-order constructs (core themes). This multi-layered coding model, which relies on the traditions of theoretical and thematic analysis, has guaranteed that contextual richness has been preserved.

- near that was retrieved in -order constructs represented a statement of data-First transcripts without the mandatory interpretation of the data
- -cluster related codes into descriptive sub order constructs were used to-The second themes that exhibited a conceptual relationship
- order, -themes into the higher-order constructs were a synthesis of the sub-The third abstract ideas, which were the direct response to the research questions

### **Coding Process**

The qualitative data was analyzed in terms of the six-step model by Braun and Clarke (2006) to investigate the reasons and effects of lagging time in processing serious criminal cases in Punjab:

#### **Step 1: Data Familiarization.**

All the transcripts were read and re-read to obtain a profound understanding of the information, the tone, and the setting. These interviews were translated into English in such a way that culture and semantic distortions would be avoided. The first thoughts, such as anger at adjournments, lack of trust in the police, emotional exhaustion, and concerns about justice, were identified.

#### **Step 2: Code Preliminary Generating.**

Open coding was performed using NVivo to identify the phrases and statements that were relevant as per research questions.

#### **Step 3: Generating Themes.**

Codes were categorized into conceptual categories in accordance with the two research questions. These clusters turned into sub-themes, and then more general themes of describing the causal mechanisms of judicial delay (RQ1) and its psychological, social, and economic effects (RQ2).

#### **Step 4: Reviewing Themes.**

Themes were narrowed to create internal consistency and prominence. The duplicated categories were combined, and unnecessary ones were dropped so that the thematic coherence and representativeness were guaranteed for all five districts.

#### **Step 5: Theme Definition and Naming.**

All themes were clearly outlined, tied to the objectives in the research, and organized into three hierarchical levels: first-order codes, second-order sub-themes, and third-order core domains.

#### **Step 6: Producing the Report.**

The last step was to write the thematic results in the form of direct quotes and coding references and literature support. The identified themes were critically analyzed in subsequent sections, providing interpretative explanations and insights into the lived realities underlying the phenomenon of delayed justice in Punjab.

### **Result and Discussion**

#### **Respondent Profile of Interview Respondents**

The profile of the respondent for FGD session is presented in the section below. It is a crucial part of any research or study because it provides context for the information gathered. Knowing each respondent's background, demographics, and professional experience helps to interpret their responses more accurately and to understand the factors and motivations shaping their opinions.

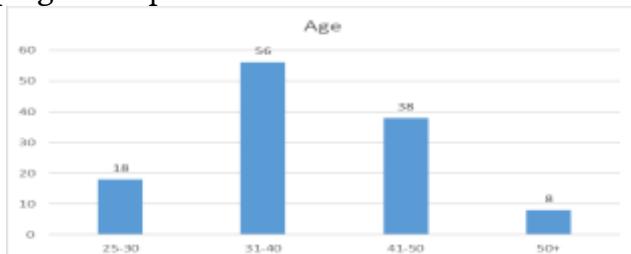


Figure 1: Simple Bar According to respondents Age

The age distribution of the 120 qualitative respondents indicates a predominance of middle-aged professionals, with the largest cohort (56 participants) falling within the 31-40 age range. This is followed by 38 participants aged 41-50, 18 aged 25-30, and 8 over the age of 50. This demographic composition is strategically significant for the study's credibility. Participants in their 30s and 40s typically possess substantial practical experience within the justice system, having moved beyond entry-level roles but not yet nearing retirement. This mid-career perspective is crucial for understanding systemic delays, as these individuals have likely witnessed institutional evolution, procedural stagnation, and the cumulative impact of backlog firsthand. Their insights bridge operational ground realities with an understanding of administrative frameworks. The mature age profile suggests respondents are well-established in their professions be it as judges, lawyers, investigation officers, or litigants with sustained engagement in long-running cases thereby providing rich, experiential data on the protracted nature of serious criminal trials. The under-representation of younger (25-30) and older (50+) age groups is noteworthy; it may reflect the former's limited exposure to complex, long-duration cases and the latter's potential attrition or movement to non-practicing roles. As Braun and

Clarke (2006) emphasized, the depth of qualitative analysis relies on engaging participants who can provide nuanced, context-rich narratives based on direct involvement, a criterion met by this predominantly middle-aged sample. Furthermore, research on judicial reform often highlights the importance of capturing the views of mid-career practitioners who are directly burdened by systemic inefficiencies yet are also potential agents of change within their institutions (Smith & Johnson, 2018).

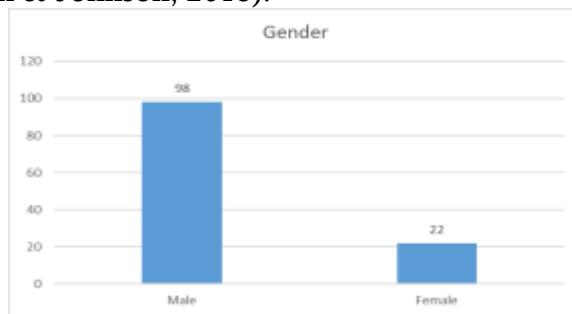


Figure 2: Simple Bar According to respondents Gender

### Gender

The gender composition of the qualitative sample reveals a significant disparity, with 98 male participants (81.7%) and only 22 female participants (18.3%). This distribution is a stark reflection of the gendered professional landscape within Pakistan's criminal justice system in Punjab, particularly in the roles targeted for this study (judges, lawyers, investigation officers). The overwhelming male majority aligns with broader societal and institutional patterns where fields like policing, prosecution, and higher-level litigation remain male-dominated. The inclusion of female participants, though limited, is vital as it introduces gender-diverse perspectives, especially regarding how delays impact female litigants, witnesses, or professionals. For instance, discussions on infrastructure gaps highlighted the lack of gender-sensitive facilities (e.g., separate waiting areas, childcare), which disproportionately discourages female participation in court proceedings and can directly contribute to adjournments. The data suggests that while the study captured the dominant (male) experience of the system, the female voices included likely shed light on unique access-to-justice barriers exacerbated by delay, such as safety concerns and social stigma. As noted by Kayani and Mahmood (2020), the intersection of gender and judicial delay in Pakistan creates compounded vulnerabilities for women, affecting their willingness and ability to seek redress. This figure, therefore, not only describes the sample but also implicitly critiques the system's inclusivity. A balanced gender representation, though ideal for comprehensive analysis, is often constrained by on-ground realities, and researchers must acknowledge this limitation while actively seeking out marginalized perspectives where possible (Patel, 2019).

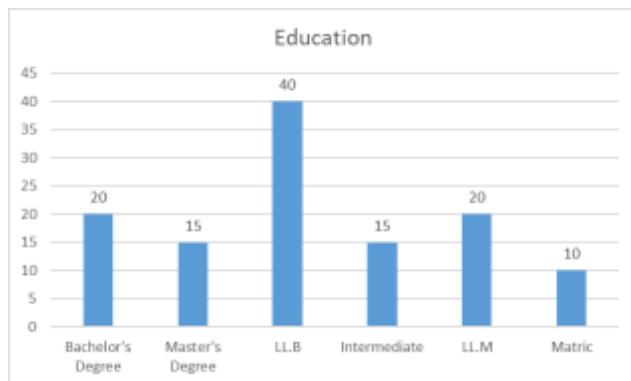


Figure 3: Simple Bar According to respondents Education

The educational attainment of the respondents underscores a highly qualified sample, with the majority holding specialized legal degrees. Forty participants possess a Bachelor of Laws (LL.B.), representing the foundational qualification for legal practice in Pakistan. A further 20 hold a Master of Laws (LL.M.), indicating advanced legal specialization. Other significant categories include 15 with a Master's degree (non-law) and 15 with an Intermediate degree, while 10 have a Matriculation-level education. This profile is crucial for interpreting the qualitative findings on procedural and institutional delays. The high concentration of legally educated respondents (LL.B. and LL.M. holders, likely encompassing most judges, lawyers, and many prosecutors) means the data is rich in technically informed critiques of the system. These participants can precisely identify legislative gaps (e.g., underuse of Section 540-A CrPC), procedural flaws, and the nuances of case law that contribute to delays. Their expertise lends authority to themes concerning legal technicalities being exploited for procrastination. Conversely, participants with Intermediate or Matriculation levels likely include many litigants and possibly some investigation officers, providing the "user experience" of the justice system the frustration with opaque processes, adjournments, and financial drain. This educational stratification within the sample effectively mirrors the hierarchy and knowledge disparities present in the actual justice system. As research by Chaudhry (2017) on legal empowerment argues, the gap between highly educated legal professionals and less-educated court users is a key factor in procedural alienation and delay. Furthermore, scholars like Siddique (2020) noted that while the Pakistani judiciary is staffed by highly qualified individuals, systemic inefficiencies often nullify the potential benefits of this expertise, a contradiction evident in the study's findings.

### Actor-Based Factors

Actor-based factors such as the behavior, competence, and attitudes of those directly involved in the criminal justice process were found to play a key role in delaying the disposal of serious and heinous criminal cases in Punjab, Pakistan. The actions of accused persons, witnesses, lawyers, and judges collectively influence the overall time required for case proceedings.

#### Theme 1: Judge-Related Causes

The research finding further establishes that the fourth dimension of actor-based delays relates to the judges, which may include their poor understanding of law, lack of competence, want of decision making power and professionalism, eccentric behavior,

demotivation because of manifold factors both personal and professional. Together, they are indicative of both structural and behavioral weaknesses in the performance of judicial functions.

One Judge admitted that:

*"Some judges don't have the proper command of the criminal law. Many judges fix too many murder trials in a day, which it is impossible to carry out proceedings in each of them. The judge has to attend each file even if to adjourn it without any material proceedings, which takes up much of his time."*

*"(Judge 2)*

Lack of knowledge of criminal law causes reluctance in the decision-making process. The judges are expected to be proficient in criminal jurisprudence and criminal procedure, but data shows that some of them are not that competent or may have erroneous or poor understanding of law. This weakness translates into just adjourning the criminal cases without deciding the pending miscellaneous applications or without deciding the cases finally. A litigant got his words registered:

*"My lawyer has argued three four times the application pending for the amendment in the charge; but the judge seemed like flat every time my lawyer argued. At the end of the day I learnt that the case was adjourned without any decision".*

The data showed that frequent transfer of judges also disrupts the continuity of a serious criminal case, which otherwise needs sustained judicial attention. The incoming judge takes time to get familiarized with nuances of complex criminal matters, and the behavioral dynamics of the parties involved, which results in cascade of adjournments compounding the existing delay in disposal of trials. Additionally, Beyond individual case impacts, frequent transfers destabilize trial court administration more broadly. Court staff, prosecutors, and defense practitioners must repeatedly adjust to new judicial temperaments, procedural preferences, and case management styles. This institutional instability creates uncertainty in trial scheduling, case prioritization, and procedural expectations.

One judge expressed that:

*"The predecessor judge had targeted and matured different cases for disposal after having observed the credibility of witnesses, behavioral patterns and evidentiary dynamics, which we refer to as institutional memory, if he is transferred in the middle of things, the targeted cases just get ignored and slip out of the frame. The successor judge develops his own institutional memory depending upon his own preferences."* (Judge 8)

The data reveals that many judges become just desensitized to the human cost of delays, detention of under trial prisoners, victims, social stigma of prolonged litigation. A litigant commented that:

*"I keep standing in the corridor of the court waiting for the hearing to take place, but the judge sits only for a little time in the court and ask the reader to adjourn the case; this is happening for the last four years."* (Litigant 3)

The complaints triggered by adverse judicial decisions discourage the judges from being proactive. The judicial officers suffer from internalized sense of in-security and vulnerability apprehending that any bold decision in a sensitive case might trigger personal complaints.

One Judge commented that:

“Nasty and touchy parties file complaints under the guidance of their counsels aggrieved from adverse judicial decisions; comments are sought, which it is very stressful to write and at times preliminary inquiries are held. This is extremely demotivating for the judges”

The research findings show that a harsh or punitive supervisory style lowers morale and discourages independent decision-making. This state of affair reinforces hierarchical culture of fear and submission rather than professional autonomy. Identically, casual approach of the some of the judges, like perfunctory hearings, recording evidence in mechanical manner, decisions of applications in slipshod manner, which invoke appeals and revisions, causes delay in disposal of cases. A judge commented that:

“A few sessions judges implement their self-styled jurisprudence and expects others to follow. Most of the judges stop making decisions incase their conceived decision in a case runs counter to what the sessions judge expect them to do.” (Judge 1)

Evidence further revealed that the judges do not push the lawyers into cooperating with the proceedings of the court and also do not take any action against the inefficient process servers, which is a part of the reason for delayed disposal of cases. Additionally, most of the judges do not consult files and post the case to future date without decision after listening arguments.

Another subtheme identified is the demotivation of the judges because of the sense of being not owned or insensitivity of the concerned authority to their problems. A judge lamented that:

“The honorable high court considers us a functionaries and not as valuable professionals” (Judge 3).

Actor-based factors capture behavioral and professional aspects of delay in the Punjab criminal justice system. The findings show that accused take advantage of procedural safeguards; witnesses recede due to fear and economic compulsions; lawyers play with technicalities and political influence; the complainants throw wider net to drag resourceful relatives and friends to disarm the opposite side and judges are indecisive, overworked, and institutionally bureaucratic. These aspects make the court procedure a protracted negotiation and not a prompt decision.

The sub-themes emerging under this main theme have been clearly identified and structured. These have been visually represented in Fig. 4 which provides an intuitive overview of the hierarchical relationships between the main theme and its sub-themes

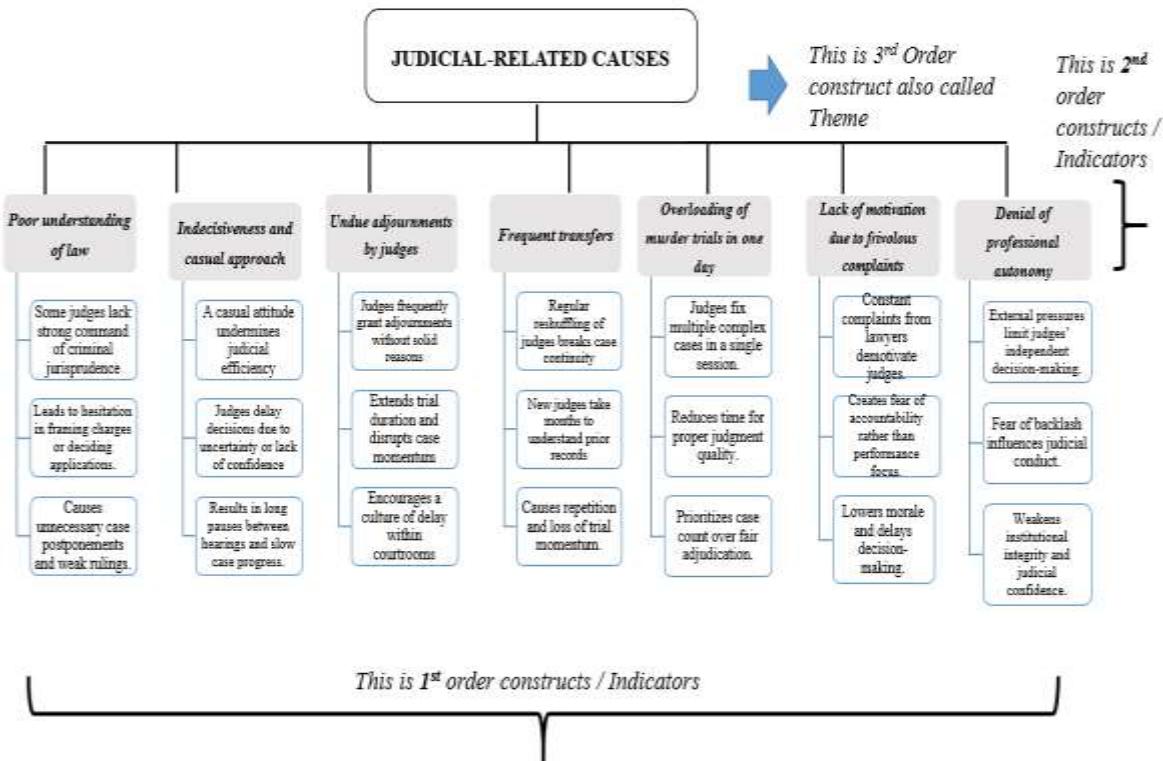


Figure 4: Hierarchical Coding Structure for Theme: Judge-related Factors

The hierarchical coding for the sensitive theme of "Judge-related Factors." It organizes participant insights into sub-themes concerning judicial competence, workload management, institutional instability (transfers), and demotivation, culminating from first-order codes like "lack of legal knowledge," "overloaded dockets," "frequent transfers," and "fear of complaints." This figure sheds light on the human and institutional constraints within the judiciary itself. Respondents indicated that some judges lack a firm command of criminal law and procedure, leading to indecisiveness and a tendency to adjourn rather than rule on complex applications. The overwhelming caseload forces judges to list far more cases than can be heard, turning court time into an administrative exercise of granting adjournments. Frequent transfers of judges disrupt "institutional memory," as a new judge must start a familiarizing themselves with complex, long-running cases, causing cascading delays. Perhaps most critically, judges reported demotivation due to a perceived lack of institutional support, insecurity from frivolous complaints filed by aggrieved parties, and a punitive supervisory culture. This creates a risk-averse environment where judges may avoid bold decisions to minimize personal exposure. The hierarchy thus reveals that delays are not solely external to the judiciary; internal factors of capacity, continuity, and morale are significant contributors. This underscores that judicial reform must address not just numbers and technology, but also judicial training, career stability, and the creation of a supportive, autonomous working environment. Judicial administration literature stresses that judicial performance is heavily influenced by docket pressure, administrative support, and judicial well-being (Branson, 2019). Research on the Pakistani lower judiciary has similarly identified high rates of transfer and the threat of

disciplinary proceedings as major sources of stress and inefficiency among judges, impacting their ability to manage cases proactively (Saeed, 2020).

### **Theme 2: Lawyer-Related Factors**

The behavior of the lawyers as actors was found to be one of the most enduring causes of delay. Study indicated how pace of the trial is undermined by lack of professional commitment, preparation and competence, opportunism, corruption, overbooking, and political influence within the bar structure. A judge reported that:

*"Lawyers often ask for adjournments for fake reasons - such as they are in honorable high court, or in the court of sessions judge or out of district to conduct trial in another district, illness or something. The judges feel impelled to grant adjournments." (Judge 23).*

Lawyers constantly request adjournments on flimsy grounds like ill health or other commitments. A lawyer admitted that

*"I truly do believe that lawyers contribute to the delay. I know complainant's lawyer seek adjournment when the accused is in detention and the defense lawyer requests for adjournments when he knows that his client will be convicted if evidence is recorded." (Lawyer 1)*

A litigant acknowledged,

*"Our lawyer says he has another case going on and can't make it. It is a frustrating circumstance that we wait all day and nothing happens." (Litigant 8)*

Sociologically, this evidences the disproportionate influence of the legal bars over judicial authority and judicial decision making. The power imbalance between lawyers and judges ends up in courts bowing down before the professional pressures, thereby perpetuating inefficient trial practices.

A judge criticized that lawyers book cases much more than they can efficiently deal with, putting income generation above speedy restorative justice. Lawyers overbooking cases is another problem.

*"A lawyer can get evidence recorded in only one murder trial or two hurt cases or two dacoity cases or he can argue only four or five cases in a day. But a busy lawyer's daily docket is more than twenty cases. Thus there is no other way but to adjourn his tens of cases in which he could not participate in the proceedings because of his preoccupation." (Judge 17)*

Another lawyer commented:

*"Overbooking and the absence of specialization in the bar are major problems. The majority of lawyers accept murder cases without adequate specialization." (Lawyer 2)*

In addition to overbookings, lawyers use procedural technicalities to delay cases unnecessarily. Sometimes, legalistic tactics are employed by defense lawyers to contest summons or charges to stymie the process; thus, neo-anarchic legalism turns the procedural safeguards into tools of lawless obstruction.

Bar politics also plays a part in delays. A lawyer expressed that

*"Engaging bar office-bearers as defense counsel has become a tactic. They don't often attend, but judges are reluctant to go against them." (Lawyer 11)*

Additionally, defense lawyers do not appear before the tough or pro-prosecution judges.

*"Defense lawyers do not appear before the pro-prosecution judges under one pretext or the other apprehending that if they get the trial completed, the judge will award death penalty or*

*maximum punishment provided for the offence the accused is charged of. This naturally causes delay in the disposal of the case." (Judge 2)*

This deliberate absence symbolizes how courtroom behavior has become politicized in the sense that lawyers now put their personal and group interests above their professional duties.

The legal consequences reveal that the bar's failure to regulate itself has caused ongoing delays in the system. From a sociological perspective, this shows a professional culture driven more by money and politics than by ethics or proper procedure.

The sub-themes emerging under this main theme have been clearly identified and structured. These have been visually represented in fig. 5 which provides an intuitive overview of the hierarchical relationships between the main theme and its sub-themes.

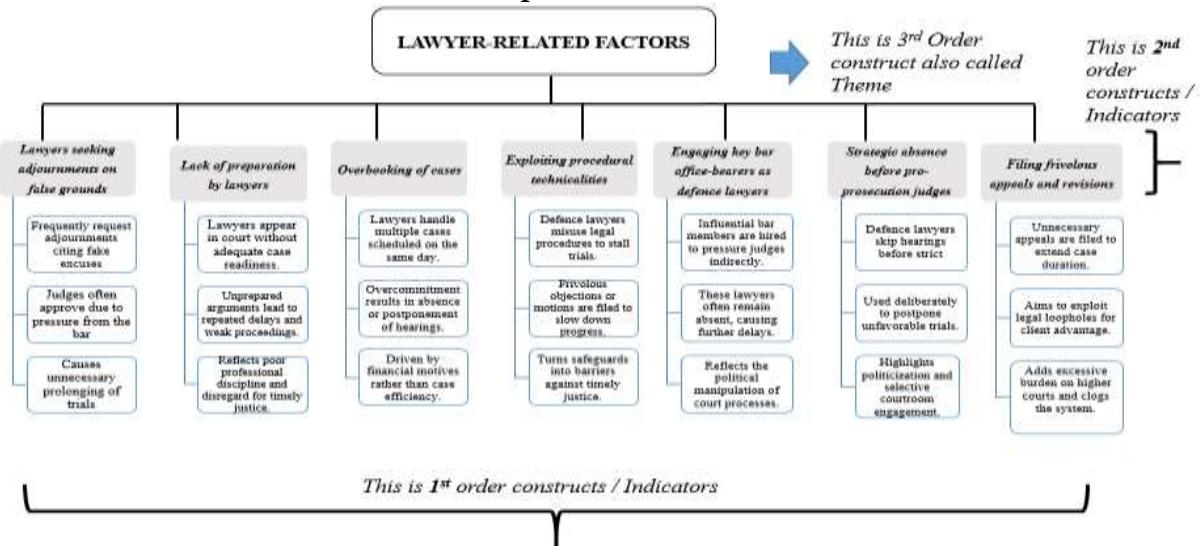


Figure 5: Hierarchical Coding Structure for Theme: Lawyer-related Factors

The theme of "Lawyer-related Factors," illustrating how the conduct of legal counsel significantly contributes to delays. First-order codes citing "frivolous adjournment requests," "overbooking of cases," "lack of specialization," and "bar politics" are synthesized into sub-themes concerning unprofessional conduct, capacity issues, and systemic influences within the legal profession. This analysis reveals that the bar is often an engine of delay rather than a facilitator of justice. Lawyers frequently seek adjournments on flimsy grounds, such as concurrent engagements in other courts. A systemic issue is overbooking; economically motivated lawyers accept more cases than they can possibly handle in a day, guaranteeing that most will be adjourned. This is compounded by a generalist bar where many lawyers take on complex murder trials without adequate expertise, leading to unpreparedness and further requests for time. Furthermore, bar politics intrudes, as judges may be reluctant to deny adjournments to office-bearers of bar associations. The hierarchical model shows that these factors stem from a professional culture that prioritizes income generation and collegiality over the expeditious disposal of cases. The lack of effective self-regulation by bar councils allows these practices to continue unchallenged. Consequently, the lawyer, who should be an officer of the court helping it reach a just and timely conclusion, often becomes a primary

source of obstruction. This aligns with socio-legal critiques of the legal profession, which highlight how economic incentives and professional norms can conflict with the efficient administration of justice (Abel, 1989). A study on the Lahore legal profession found that case adjournments are deeply embedded in the economic and social practices of lawyers, forming a "delay culture" that is resistant to top-down reform (Cheema, 2015).

### **Theme 3: Complainant Related Causes**

The research finding further establishes that the fifth dimension of actor-based delays relates to the behavioral patterns of the complainant. In the context of Punjab, Pakistan, the complainant plays a crucial role. His sustained participation in the criminal trial supplies both moral and evidentiary support to the prosecution. There are multiple social and institutional dynamics that dissuades the complainant from pursuing a criminal trial. For that matter, Complainants are, frequently, dissuaded from pursuing their dacoity cases because of threats from well rooted power networks of organized gangs of dacoits. The state protection is quite minimal because of dysfunctional law and enforcement agencies. Let us put it this way that as a sociological phenomenon, this demonstrates the dominance of informal power structures over formal law: the complainants feel more inclined to withdraw the prosecution of dacoity cases to protect themselves and their families. What discourage the complainants are the facts that the witnesses become hostile after having been won over either by influence or by intimidation, the accused persons remain absent causing adjournment of the case without any progress and the trial stands derailed. From a legal stand point, the failure of the state to provide witness protection undercuts the constitutional promises to access to justice and fair trial. A judge commented that:

*"The failure of the state to protect the complainant dissuades him from pursuing cases of homicide and dacoity"* (Judge 5)

An investigation officer revealed:

*"Financial constraints of people stop them from appearing in court as witnesses because cases in courts is like a mire; once stuck in it one is finished financially and mentally"* (investigation officer 3)

Another investigation officer added:

*"Gangs are so entrenched in deep rooted power networks that they feel like have dominion over formal systems"* (Investigation officer 1)

The investigation officers display biases, corruption, arrogance, embracing and insulting behavior discouraging the complainant from pursuing the matter instead of offering procedural guidance and institutional support. A litigant opened his heart:

*"I visited police station to get register my case of dacoity; but the Station House Officer (SHO) made me wait for three hours before my First Information Report was processed"*

The cumbersome and archaic procedures of criminal courts act as another disincentive. Endless adjournments, rigid formalities, and hostile courtroom environments impose both financial and psychological costs on complainants. Another litigant commented that:

*"After having been treated ignominiously in the police station during the course of investigation now the court keeps me waiting almost the whole day and my accused never appeared in court; it feels like I am the accused"*

Data establishes that inflated First Information Report is another sub-theme contributing to delay. Where complainants nominate entire rival groups or families in murder and hurt cases, it further complicates proceedings. Sociologically, this reflects the revenge-driven and collectivist culture of rural Punjab, where litigation is used as a tool of domination rather than a mechanism of justice. Legally, such inflated FIRs increase the number of accused persons, multiplying the adjournments required to secure their presence, expanding the defense arguments, and prolonging cross-examinations. This transforms trials into protracted contests rather than focuses inquiries into culpability. A judge told that:

*“Complainant especially in rural areas through wider net and nominate all close relatives and friends in the First Information Report so that nobody should be left out to pursue the matter. This results in longer investigations, cascade of adjournments during the evidence and the trial is consequently delayed”.*

At times the looted amount in dacoity cases is so minor that the complainant does not consider it worth of it engaging a counsel to contest the case; the case keeps adjourning and remains pending for five to six years. A lawyer told:

*“I am a defense counsel in a case in which my client has been charged with snatching a mobile valuing not more than 20, 000 rupees. The complainant does not come to court because the value of the case is too little to engage a counsel for it and spend hours and hours in the court for the proceedings to happen”*

In dacoity case, when complainants obtain interim custody of case property before the trial completes in cases of dacoity, they often feel their grievance having been substantially remedied. This practical satisfaction results in disinterest in pursuing the criminal case any further. From a sociological perspective, this reflects pragmatic disengagement. Citizens value the immediate return of property more than the abstract conviction of offenders. Legally, this disinterest reduces prosecutorial vigor, leads to non-appearance of complainant during trial, and results in repeated adjournments, further clogging the judicial system.

A judge commented: “more than 95 percent of the complainant do not pursue their cases of dacoity once they get the interim custody of the looted valuables” (Judge 1)

Lastly the investigation officers may declare one or more than one of the several accused persons innocent and submit final police report; trial commences, the charges are framed and the prosecution evidence is recorded. At this stage, the complainant who was dissatisfied with the results of investigation files private complaint against the accused person who were declared innocent. The court summon those innocent-declared persons as accused to face trial. Now the court stops proceedings in the earlier submitted final police report and take up the private complaint. Thus it causes significant delay in the disposal of the trial of that occurrence. A judge reported:

*“Filing of the private complaint, when the state case was near completion, is the tool, which the criminal procedure code provides and which the complainants exploit to intensify the rigors of trial for the accused persons”.*

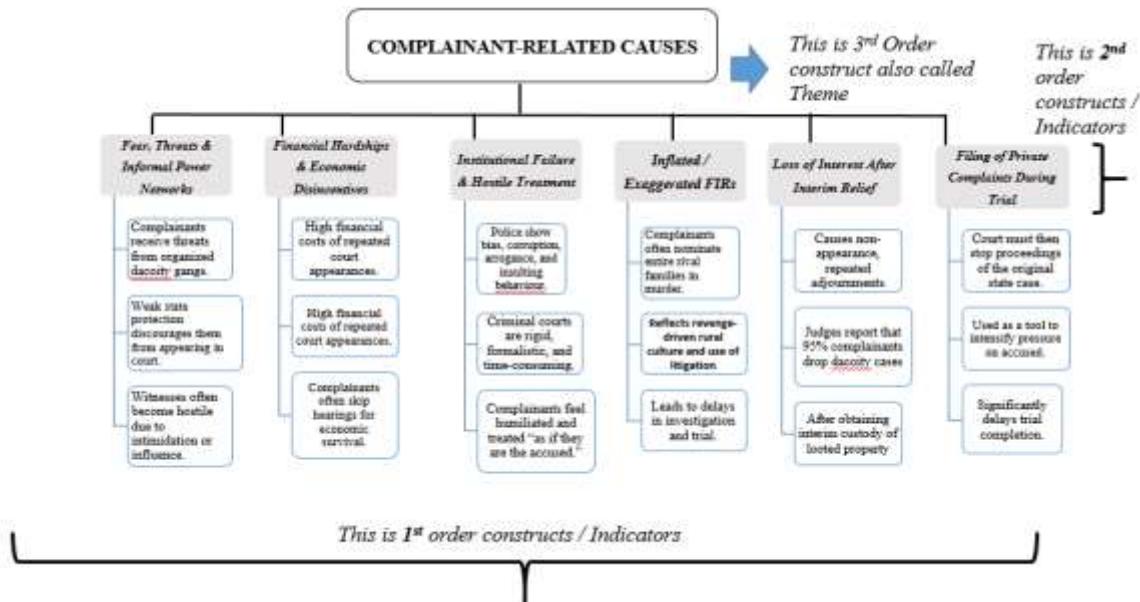


Figure 6: Hierarchical Coding Structure for Theme: Complainant-Related Causes

#### Theme 4: Witness-Related Challenges

Another major cause of delay is the issue of witnesses, as the justice system heavily relies on their timely and credible testimony. However, factors such as poverty, insecurity, lack of institutional support, and social pressure often discourage witnesses from appearing in court.

A judge reported that *"The non-appearance of witnesses is a persistent issue. The court issues warrant of arrest of the witnesses, which the police do not execute in most of the cases. This laxity creates an attitude of easy absenteeism, whereby evidence is not recorded as early as possible."* (Judge 1)

Even when the witnesses are called, the judges are very lenient, remarked another judge.

*"The police just make telephone calls instead of executing warrants of arrest. The fact of the matter is that warrants of arrest can only be executed by arresting the person against whom it is issued. Its execution cannot be done through phone calls. But the judges do not take any notice of this anomaly, which results in impunity."* (Judge 2)

Many witnesses, particularly daily wage earners, are not able to attend several appearances in court.

A judge reported that

*"Most witnesses are poor daily wage earners. They take off from their work when they appear in court; so, their wages is forfeited for that day. This they cannot afford, a reason for their choosing not to appear in court because they are also not sure if their evidence will be recorded or not on that day."* (Judge 15)

In the same way, a litigant complained,

*"Witnesses from our side stopped coming because their evidence could not be recorded on any of the date they were present in the court as the case was adjourned on the accused' request. There was cost for them to take off from their work and there was cost for me to bring them in court, which*

*neither they nor I can afford any further. There are just adjournments and adjournments without any material proceedings.*" (Litigant 26)

Present-day structural inequality makes justice too costly for the working class to access, and when that occurs, the justice system is inherently biased against the vulnerable. Threats and intimidation are also common. Witness protection is virtually non-existent. A lawyer expressed that

*"Complainants and witnesses get intimidated and threatened, particularly in organized crime cases."* (Lawyer 1).

The empirical evidence illustrates that there is structural fragility in the justice system when it comes to the protection of witnesses. Hundreds of witnesses were murdered either in the court room or in the judicial complex or on the way either to court or from court to home. An investigation officer pointed out that the Punjab Witness Protection Act (2018) could not be practically implemented, which silenced the informed voices and justice to be eluded.

*"The accused in murder, serious hurt and organized dacoity cases either pressurize or intimidate the witnesses not to appear in court to depose against them. This is the reason planted witnesses, who are close relatives, are cited in the first information report. They, too, at heart do not want to appear as witness because they cannot afford to earn enmity with gangs."* (Investigation Officer 12)

Official and technical witnesses such as doctors, drafts men, and investigating officers are frequently not able to testify because of official commitments, transfers, or retirement.

*"When doctors are on leave, or draftsmen are busy in other courts, we have no option but to adjourn. Doctors and draftsmen are important witnesses, but they're often unavailable due to justifiable multifarious reasons."* (Judge 9)

Sociologically, this displays a pathological profile of the adversarial litigation in Punjab, where a worrying number of serious criminal cases invariably fail, leaving behind years of wastage of judicial time.

The sub-themes emerging under this main theme have been clearly identified and structured. These have been visually represented in fig. 7 which provides an intuitive overview of the hierarchical relationships between the main theme and its sub-themes

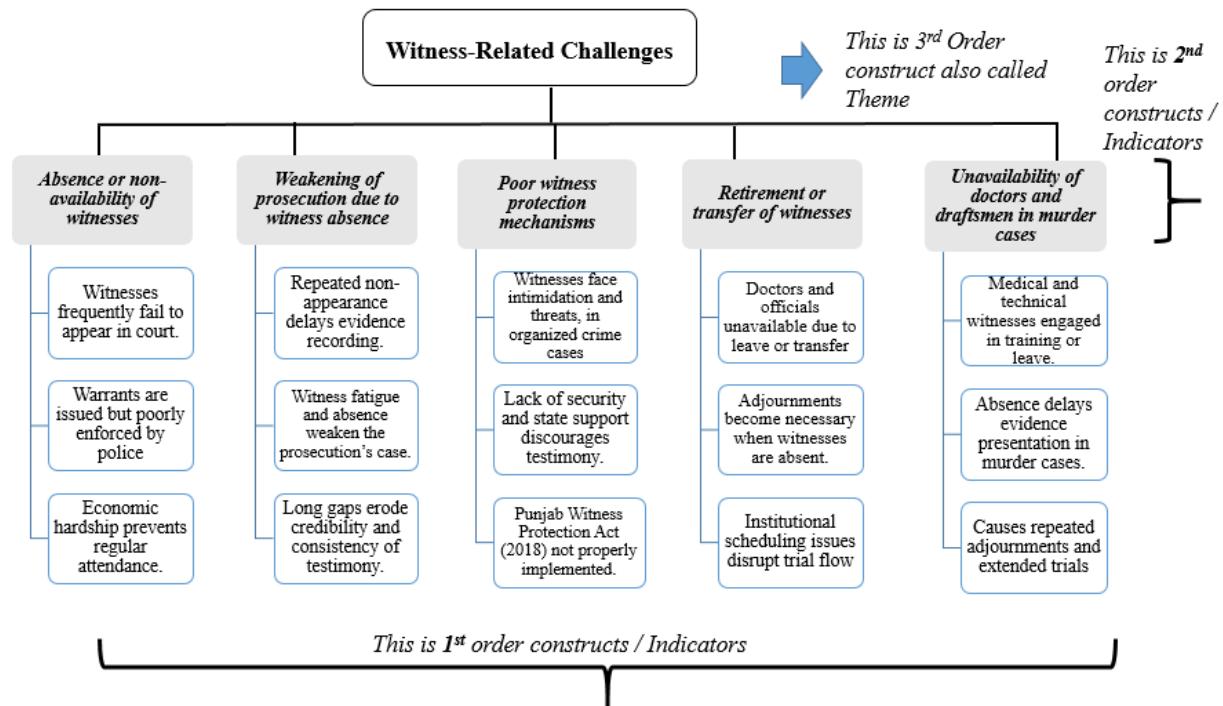


Figure 7: Hierarchical Coding Structure for Theme: Witness-Related Challenges

The hierarchical structure in Figure 7 categorizes the multitude of challenges surrounding witnesses, a group upon whom the entire edifice of criminal trial rests. First-order issues like "non-appearance of witnesses," "economic hardship," "intimidation," and "unavailability of official witnesses" form sub-themes related to absenteeism, socio-economic barriers, threats, and institutional failures. This figure maps a crisis of witness participation. Witnesses, especially from poor backgrounds, face a direct economic penalty for attending court, losing daily wages with no guarantee their testimony will be recorded that day. More gravely, in cases of murder, hurt, and dacoity, witnesses face credible threats of intimidation and violence, with a virtually non-functional witness protection regime (noted as the unimplemented, Punjab Witness Protection Act 2018). Even when willing, official witnesses like doctors and investigating officers are often unavailable due to transfers, retirement, or other official duties. The hierarchy reveals that witness-related delays are not simply a matter of uncooperative individuals but are the result of structural failures: the state provides no economic compensation or security, and the system's adjournment culture actively discourages participation. This leads to the phenomenon of "planted witnesses" (close relatives) in FIRs, who themselves may later retract. The breakdown at the witness level fundamentally undermines trials, often leading to acquittals or indefinite postponements. Research on witness management emphasizes that providing support, protection, and scheduling certainty is critical for effective testimony and trial progression (Plotnikoff & Woolfson, 2009). In the context of Pakistan, studies have repeatedly identified witness intimidation and the lack of a credible protection program as a primary reason for the low conviction rates in serious crimes, rendering many trials a futile exercise (International Crisis Group, 2018).

### Theme 5: Accused-Related Causes

The behavior of the accused came out as a key factor for delays in the trial. Almost all respondents spoke of the way accused individuals use procedural loopholes, exploit legal protections, and strategically drag out cases to weaken the prosecution's case.

*"It is common for accused persons released on bail to skip court appearances and flee after the charge is framed. As a result, trials cannot proceed, and the courts often wait for months before declaring them proclaimed offenders under Sections 87 and 88 of the Criminal Procedure Code."* (Judge 1)

Research findings indicate that most of the time, the accused may be appearing in the court regularly, but he deliberately does not engage his counsel to conduct cross-examination upon the prosecution witnesses. Or he may keep changing lawyers after every three to four adjournments so that the cross-examination may not happen. The court is bound to give fair opportunity to the accused to cross-examine the prosecution witnesses under article 10-A of the Constitution of Pakistan, which declares fair trial as the fundamental right of the accused. The accused employs this fundamental right as a powerful tool to delay the trial. The purpose is to put the complainant and the witnesses on the run to the point of rendering them frustrated.

Another judge stated that

*"Accused persons often exploit procedural loopholes. Some deliberately avoid hiring lawyers for cross-examination and keep seeking adjournments. Since the court must ensure a fair trial, proceedings cannot continue without proper defense representation."* (Judge 2)

Accused persons often go on the run before or during the stage of evidence, thus forcing the courts to start protracted proclamation proceedings. From the issuance of nonbailable warrants of accused to the investigation officer reporting thereon that he has enlarged to the point of declaring him proclaimed offender and to the attachment of his property under Sections 87 and 88 of Criminal Procedure Code it takes months. As one police investigator explained,

*"Most of the influential accused persons employ their political connections or the power of money to frustrate the execution of warrants of arrest upon them. This reflects that there is a two-tier justice system: one in which the powerful accused receives preferential treatment and the ordinary accused faces the full power of the law."* (Investigation Officer 2)

The provisions in the criminal procedure code and precedential law lays down that the accused, who is in custody and is alleged to have committed an offence punishable with death penalty and whose trial is not concluded within a period of one year is entitled to the concession of bail as a matter of right. This is termed as statutory ground to get bail. The lawyers are aware of this technicality, which they exploit to the advantage of the under-trial prisoner by making the prosecution department submit the final police report after seven to nine months by either bribing them or using political influence. This delays the conclusion of trial. This tactic exploits the humanitarian purpose of the law of bail turning it into a reward for delay.

A judge commented that:

*"In murder and serious hurt cases the accused reaches underhand deal with the prosecution to delay the submission of the final police reports. It is intended to make the accused's case qualified to earn statutory bail. The accused party exploits this cushion in law to earn favor to the accused. Deliberate delay with malafide intention increases the shelf life of the criminal trial."* (Judge 3).

An another judge reported that the accused person often resort to filing baseless miscellaneous petitions, revision petitions, and transfer applications to frustrate the phase of recording of evidence either to gain time to pressurize the complainant into reaching a compromise or for frustrating the witnesses.

*“These filings create procedural delays as higher courts review issues, halting trial activity for months. Often, accused persons use miscellaneous applications, revision petitions and transfer applications to stop proceedings. Such tactics are simply there to buy time and to make the witnesses run out of strength and drive to stand with truth.” (Judge 6)*

The critique of the transcripts skims another recurring subtheme i.e. the tactic to prolong trials so that prosecution witnesses become disheartened, fatigued, or hostile. Long delays cause witnesses to migrate, forget details, lose interest, or succumb to pressure and compromise. In murder and dacoity cases, witnesses are also subject to intimidation, making them less likely to testify effectively after years of adjournments. An investigation officer pointed out:

*“The defense counsel uses all prevalent tactics to prolong the trial to earn the accused leverage to manage the witnesses or complainant in his favor by hook or by crook”. (Investigation Officer 4)*

Sociologically, this represents a strategic use of time, where delay is cultivated as a defense mechanism based on the institutional inefficiency that helps to destroy public confidence in justice.

The sub-themes emerging under this main theme have been clearly identified and structured. These have been visually represented in Fig. 8 which provides an intuitive overview of the hierarchical relationships between the main theme and its sub-themes

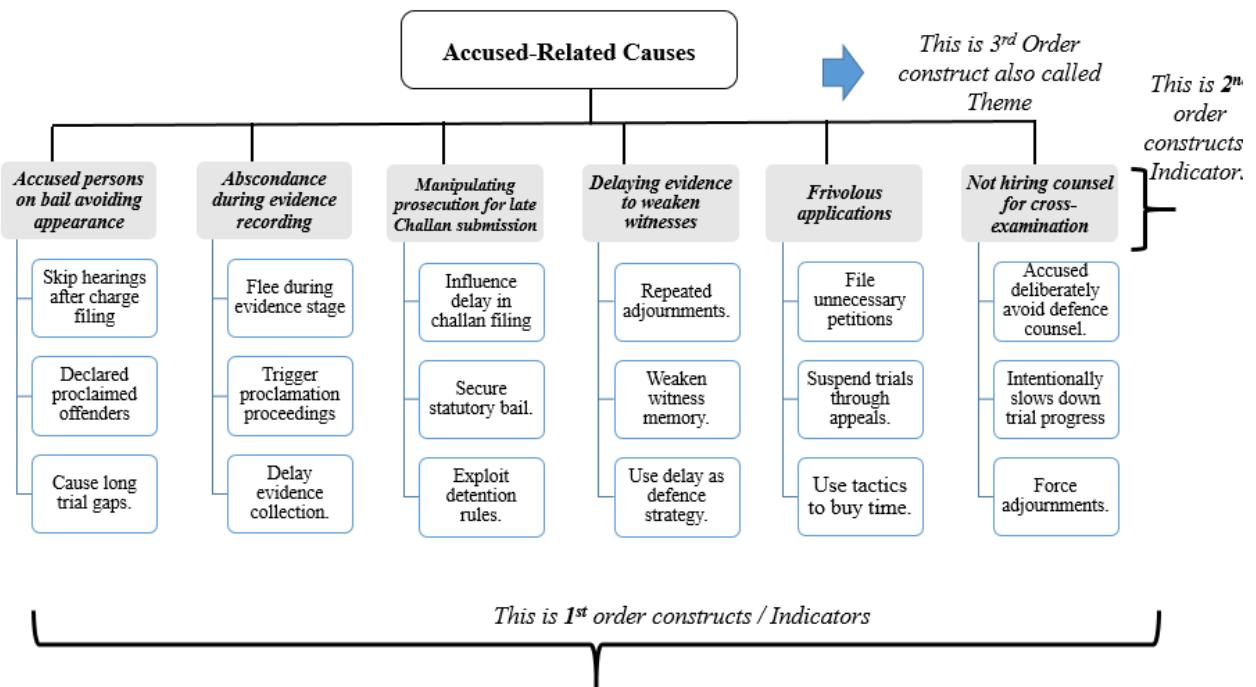


Figure 8: Hierarchical Coding Structure for Theme: Accused-Related Causes

Organizes actor-based factors related to the accused into a coherent hierarchy, demonstrating how accused individuals actively exploit systemic weaknesses to cause delay. First-order narratives about "skipping bail," "delaying cross-examination," "filing frivolous petitions," and "intimidating witnesses" are grouped into sub-themes concerning evasion tactics, procedural exploitation, and strategic prolongation. This visualization reveals delay as a deliberate defense strategy. The accused, particularly those with resources, use procedural rights as weapons: they may fail to appear after securing bail, forcing the court to initiate lengthy proclamation proceedings; they may repeatedly change lawyers to delay cross-examination; or they may file miscellaneous applications and revision petitions to suspend trial proceedings. A particularly telling tactic is the deliberate collusion to delay the submission of the Final Police Report (Challan) to reach the one-year mark, thereby becoming eligible for statutory bail. This theme powerfully illustrates the interaction between actor agency and institutional vulnerability. The system's slow, manual processes and rigid procedural rules provide ample loopholes for a determined accused to manipulate. The hierarchy shows that these are not random actions but a calculated "strategic use of time" to wear down the prosecution, financially and emotionally exhaust the complainant, and degrade witness testimony. Criminological research on trial tactics notes that in adversarial systems with weak case management, delay is a rational and often effective strategy for the defense, potentially leading to case attrition (Feeley, 1979). Furthermore, studies on the Pakistani criminal process have documented how influential accused persons use their socio-political capital to manipulate police and court procedures, creating a "two-tier" justice system (Shahid, 2016).

### **Conclusion and Recommendation**

Human actors, including judges, lawyers, litigants, witnesses and the accused are the eventual drivers of the justice system, whose actions, in many cases influenced by evil motivation or absence of encouragement, were noted to be the most dominant causes of delay. These practices should be reformed using a complex approach that will involve empowering, accountability, and effective institutional support systems.

Specific attention is required in judicial performance and morale. Although the quantitative mean score of the item "delay caused by judges" was moderate, the standard deviation is high, which means that the experiences were very different, and the qualitative comments demonstrated that there was a lot of uneasiness about the issue of competence, indecisiveness, and demotivation. In response to this, an effective and clear system of judicial performance measurement should be formulated, which goes beyond the simplistic disposal statistics and looks at the quality of the judgments, effectiveness in handling these cases and timelines. The accountability should however be balanced with strict institutional support. The judges in the focus groups were so demotivated by the fact that there was always a threat of a frivolous complaint by a disgruntled litigant and that they felt that they were not being supported by the High Court. The High Court needs to institute a dedicated, separate cell to help and swiftly filter malicious or unfounded complaints out of the system to ensure that the judges are not subjected to such form of psychological harassment and they make decisive decisions in a timely manner without fear. Also, the disruptive tendency of high rates of mid-trial transfers, which kills the institutional memory of complicated cases, should be amended. Formal policy must

provide that where transfers are necessary, such as where it is necessary to change the hands of the bench, the transfer should occur at a convenient moment on the judicial calendar, preferably at the end of a trial term rather than in the middle of its important phase.

The actions of legal profession came out as perhaps the most ingrained source of delay in the data. There is overwhelming quantitative evidence that lawyers would request adjournments on false grounds (85%), would abuse procedural technicalities to have cases dragged out (90%), and would overbook cases they could not even attend (80%). This delay culture at the bar is one of the major hurdles to change. The provincial bar councils should be strengthened and forced to exercise their disciplinary power much more rigorously. The disciplinary committees ought to be aggressive in investigating and punishing the lawyers who have shown a propensity to demand adjournments without real reason and the punishment can be the imposition of fines to temporary suspension. An amendment of the Legal Practitioners and Bar Councils Act should be considered in legislature through the introduction of a rule that limits the number of cases that a lawyer can have in his or her hearing list on a particular day to deter the overbooking aspect, which is driven by economics. Moreover, the economic system in place which in many cases makes the compensation of lawyers depend on the amount of hearings presents an incentive to procrastinate. Bar associations would need to promote and offer advice on alternative fee structures including payment of a fixed sum because a case or instalment payments to suit the financial incentive of the lawyer to ensure that the litigation is completed within a short period of time. Another theme raised by the qualitative data was the corrosive nature of bar politics whereby judges are under the pressure to give undue latitude to office holders of bar associations. The higher court should provide categorical instructions on the supremacy of courtroom discipline and case management decrees so that trial judges are given the strength to administer their dockets without fear of disciplinary action by their colleagues.

The complainants and witnesses are not cogs in the procedural machine, but intestine of the criminal trial, and their procedural alienation is an underlying reason of the failure of the case. The fact that they are not safeguarded and aided by the state constitutes a disastrous institutional deficiency. The quantitative data is very damning, 95 percent of the respondents concur that there is no protection afforded to witnesses. The Punjab Witness Protection Act of 2018 needs to be transferred to practice as soon as possible. This would involve the formation of a special and well-endowed and professionally manned Witness Protection Agency with the mandate and capabilities to give credible protection services such as temporary relocation, security details, and identity covering to intimidated witnesses and complainants especially when it comes to murder, organized dacoity or influential persons accused cases. In addition to physical safety, an economic unpopularity of participating should be eliminated. Witnesses who are mostly daily wage earners are losing an income per court appearance, and there is no assurance that their statement will be documented. A statewide Witness and Victim Support Scheme should be established whereby a standard compensation on travel and loss of wage through documentation is paid to the witnesses or victims on every day they attend court. On the same note, in the case of indigent complainants, the economic cost of the long

litigation process usually compels them into either compromise or relinquishment to pursue justice. 60% of respondents consider the current legal aid apparatus to be inadequate. The expenditure and working strength of the Punjab Legal Aid Agency needs to be increased manifold in order to make sure that every poor complainant in any serious criminal case gets an efficient and committed legal counsel at the very beginning so that his economic incapacity is not used as a means to postpone.

The system is proactively used as a weapon by the strategic actions of accused persons, particularly those who have the resources. Any effort to recommend an antidote to this needs to concentrate on eliminating procedural loopholes and have immediate penalties on obstruction. The strategy of accused individuals on bail purposefully absconding to sabotage procedures, which was accepted by 95 percent of the respondents, cannot be faced by the existing sluggish proclamation system. The requirements of Section 87 and 88 of the Criminal Procedure Code in identification of a person as a proclaimed offender and attaching the property should be simplified and expedited using specific magistrates. The courts are supposed to be mandated to freeze bank accounts and other liquid assets of absconding accused in the initial stages to build an immediate financial strain. The intentional decision not to hire counsel to delay emphasis on cross-examination that is admitted by 85 percent of the participants needs a more decisive judicial answer. Judges should receive mandatory training on proactive exercise of Section 540-A CrPC that permits a case to proceed without the presence of an accused person who is not represented by a lawyer. The judges should be motivated in situations where an *amicus curiae* is sought to represent the absent cross-examination even in cases involving vexatious absences of counsel to avoid instances where the accused may choose to stop the trial at will. Furthermore, the collusion between accused parties and elements within the prosecution to delay challan submission to reach the one-year mark for statutory bail must be eradicated through stronger internal oversight within the prosecution department and the use of the CMIS to track and flag abnormally delayed investigations.

**Note:** This research article has been derived from my PhD research work topic “Causes and implications of delayed disposal of heinous and serious cases in Punjab, Pakistan”.

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