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TOPIC:

JUSTICE DELAYED IS JUSTICE DENIED

OUTLINE

① Introduction

② What does the proverb decode?

③ The dichotomy of justice versus injustice

3(a) meanings of justice and its significance (laws)

3(b) meaning of injustice and its occurrence

3(c) A constant struggle of maintaining timely justice

3(d) 'delayed justice' or pathway to injustice.

(case study of Mukhtaran Mai)

④ Why is justice so important to maintain the decorum of the society?

4(a) It brings hope to the ones suffering.

4(b) It is a sign that the nation is alive

4(c) It bridges the gap between different classes of the society

4(d) It sets an example of an ideal state

4(e) It is a proof of a good governance in a society. - American constitution

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(5) Causes of delayance in justice:

S(a) Bad governance in the state

S(b) Poor infrastructure of the society.

S(c) Demarcation between theory and implementation of law making bodies

S(d) Imbalanced powers governing the society (case study: Pakistan)

S(e) Overburdened courts

S(f) Bad leadership and ineffective laws [Notasha case]

(6)

How is justice delayed, justice denied?

(2.26 million pending law cases)

(a) It widens the gap between law and

its implementation leading to unreliable bodies [Jurga system]

(b) It takes the hope away from the victim

i.e. so many victims dying in unease because of delayance.

(c) The time constraint keeps the soul of the matter alive whereas its delayance eventually leads to justice being denied

(d) The ultimate doom.

(7) Lessons from the past

7(a) Nelson Mandela, the dark side of his 27 year imprisonment

7(b) Kufayyar Ali Bhutto's case study.

(8) Conclusion.

Essay

Imagine fighting for your rights, only to see justice moving at the snail's pace. Can justice still be justice when it arrives too late?

This is a question often coming on the mindscreen on witnessing 'justice being delayed'. However the suffering party does not have the energy to ponder over it as it's too tired of fighting their case and eventually surrendering, believing that justice delayed is justice denied. An offence is itself an injury as law declares it and justice in the light of law is the compensation for that injury. But - the delay in that justice is indeed like another, equivalent to stabbing - the victim twice. However it's worse than - the first offence because - the second offence is caused by the law making body itself i.e. the supreme court of Pakistan. In all the developing societies the sympathies of court and the society is with the victim in which the legal bodies work together just to bring justice to the victim as early as possible. Forensic labs, laboratories, DNA testing, fingerprint matching, are the evidence collecting procedures which came into being just to fasten the process of justice and lessening the delayance in it. It is unfortunate to still

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having to witness the abundant number of cases in courts which become a prey to the delayance, making the innocent suffer either inside the jail or ~~just~~ outside it. This wait and longing of the victim and the free life of the culprit during the delay is an epitome of a dead jurisdiction. In nations like these law making, its legislation and execution hold no power over its ~~power~~ people because of the precedent it set by the delay of justice in its respective courts. Thus the long await for justice is itself another injustice because for the wrongfull imprisonment and the oppressive life of an innocent man, every passing day is like another sentence. Martin Luther King very rightly said:

"Injustice anywhere is a threat to justice everywhere" - Martin Luther King

The proverb "justice delayed is justice denied" is a recipe of a failed nation which suffered the delay in justice because of poor governance, bad leadership, ineffective democracy and above all 'doomed judiciary' contributes hugely to the delay in justice. This proverb simply decodes that the wait and longing in justice is equivalent to the refusal of justice. In other words, only timely provided justice is the right form of justice and that should be accepted on the forums of courts and jurisprudence. NO other form of justice is thus the right form of justice i.e. "the delayed justice".

The antonym of justice is injustice but between the two lies the silent antagonist which is the delay in justice. It however act as a catalyst to the injustice by opening new possibilities for it and closing the doors on justice on the name of 'delay'. The constant skirmish between justice versus the injustice often ignores the real antagonist which is the 'delayance' in the provision of justice. Justice simply translates to being faithful to the truth, on the flip side injustice means being blinded from the factual grounds and tilting towards the unreality. Laws however exist to

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accommodate the justice. The very basic and centripetal laws embedded in the preamble of every constitution is the right to live, and the second to it is the right to follow 'one beliefs and religion'. The preamble of 1973 constitution of Pakistan, the constitutions of Britain and India have also penned it down very explicitly. But the real question of lawfulness arises when there is a threat to the rights provided by the state and the obligations imposed on the citizens on the name of law. The foremost injury to the justice happens when the provided laws are compromised and the obligations imposed by the state are not followed. The second injury however takes place when the code of law delays the act of justice. The countless cases in the history which did not make to the final trial are a living example of such delays. The aftermath of delay in justice is often confronted with the solutions like 'blood money' which is a compensation amount provided to the victims by the offenders to simply let go of the case. The bigger the case is, the more rise in the blood money accelerates and the trivial the profile is the lesser of the compensation is.

The case study of Mukhtaram Mai

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serves as a living embodiment of 'justice delayed is justice denied'. In the light of Teraga system she became a prey to the gang rape as a compensation of her brother's alleged affair with the woman of that respective tribe. When the case gained popularity of the international audience, it gained recognition in the court procedures accordingly. The more the international pressure was gestating, the better the procedure became in terms of time and effectiveness.

One must ponder that why is justice so important at the first place? And subsequently how does its delayance result into ousting of justice. The answer to it is the nature of mankind. Vengeance is in the very nature of a man. On being hurt, he seeks vengeance either from the law of the land or by seeking revenge in the name of: **an eye for eye**. Back in the nomadic days when the man had no jury and no courts to seek justice he used to deal with the injustices himself through the doctrines of blood money and Qisas. But with the evolution of mankind and jurisdiction, courts and law making took place. For instance the International court of justice came into inception as an aftermath of the distopia of the world wars.

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Such regulatory bodies of law and jurisprudence serve as a ray of hope of the oppressed ones and as a sword for the oppressors. In all its effectiveness it aims at providing justice and a timely justice, ~~just~~ for they sympathize with the oppressed and aim for the equality in the society. Such timely provision of justice is a proof that the state is alive and striving to remain faithful to its people in the full swing. Unlike the nations where law is also not free and is operated on an unsaid oligarchy, resulting in the delay of justice.

The most eminent cause in the delayance of justice is bad governance; it refers to the bad decisions made in the government. It's a central threat undermining the democracy of the country which aims at being: "For the people, from the people, by the people". A country which is a victim of a bad governance is possible to become a prey to delayed justice. Because timely justice has its roots in the good decision making of the judiciary, whereas, badly governed countries do not have an independent judiciary. The judicial system in UK for

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instance may be called an 'independent' judiciary in theory but in reality the entire power falls into the hands of House of Commons, whose sovereign is the prime minister. Here the law is not above the prime minister. Unlike America, where judiciary is independent in its true essence, and is capable of overthrowing the president and the vice president as well.

Another contributing factor to the delayed justice is the poor infrastructure of the society. Infrastructure is the body on which a structure stands, if it is poor and maligned the whole structure will simply collapse. Similar is the case in the domain of justice. If the entire chain of jurisprudence starting from the 'FIR' first information report to the final proceeding would not be standing on the grounds of just bodies governing and operating the whole case. There is no way that it would be able to meet the outcome of 'justice' provided on timely constraints.

Another key figure in delaying the justice is void gap between the theory and its implementation, when the laws are not

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operated as per the respective books of law claims, it widens the gap between the theory and its implementation resulting in the hopelessness among the innocent opening more avenues for the evil minds. For instance; the constitution of Pakistan declares murder to be an offence against the whole humanity. As the preachings of Islam denoted: 'The murder of one man is a murder of the entire humanity' - Al Quran. But does in actuality other humans were stop for a day from their very day grind? The answer is a clear 'No'. Another example is - the punishment of theft which is explicitly the amputation of hand but in reality how many thieves fall a prey to hand amputation? Hence such laws which do not operate in actuality results in slowing down the process of justice.

Unbalanced distribution of power in a country also results in the poor judicial systems. Because when the power is not centralized, it disbalance the power dynamics. This is why its said that power tends to corrupt and absolute power corrupts absolutely. To avoid such corruption of power, a balanced power is the best remedy to save it from exploitation.

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and delayance of justice. The constitution of America is the most suitable example in it, whose equal distribution of power has stood the test of time with its reliable judicial and the most timely provision of justice in its respective courts.

Lastly, another reason why the timely justice in the judicial proceedings are the overburdened courts, which are mostly observed in a poor country which lacks resources to hire enough man power. And consequently less number courts operate on the societal level which increases the number of cases and slows down the procedures violating the time constraint which is given for a certain case. In Pakistan only, according to survey by Law and Justice Commission of Pakistan released in the BI - Annual report 2020 mention cases are pending in the courts of Pakistan. All these cases are a living proof of a victim who dies everyday, the death of delayed justice and an oppressor who lives freely and more blatantly considering it a win and a slap for the other fighting for justice. In the most recent controversy which flared up on social media

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when 'Natasha': the culprit of a father and his daughter who were washed by her rush driving, resultantly killing them both on spot faced the cameras with a 'victory' and a satanic 'smile' on face. That victory and smile served as a reminder that how the nations who are a prey to a failed judiciary looks like, this equated the society to the jungle system the very moment.

Hence, justice delayed is another name for justice denied. Because justice and its provision is one of those exceptions where there is no tomorrow. The passage of time in this domains only worsens the credibility of the sources and makes the innocents more and more vulnerable to the violators warning freely and blatantly after causing the havoc in their lives. The delayed justice can be the worst possible reality to live with because it takes away the hope in the most cruel way because the party causing the injury to innocent is not the culprit but the law of that land. Giving rise to a disbelief among citizens with again become a root cause of so many delinquencies and grievances in the homeland. The generational rifts are an example of an aftermath of a delayed justice.

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History is the best preacher in this regard, it shows the countless innocents who became a prey to the prolonged and untimely justice inflicting them with an injury which was worse than any because it was the irreversible time. It's often said in the famous adage - that the bygone time does not come back. However its best example appeared in the human form of Nelson Mandela, who became the 10th South Africa's first black president but at the cost of his unlawful 27 year imprisonment. He was fighting against the apartheid existing as the deep evil in the south Africa's roots. As a result, he was imprisoned on the name of anti-nationalist. Later on completing his unjust imprisonment he did become the president but could only complete one term, age being a prominent factor in that decision.

Similarly, the ex-PM Shuja who was hanged in 1979 became a prey to the delayed justice as the decision was declared by Pakistan court of justice after 44 years of his hanging declaring it to be an unfair trial in the murder case. Such precedents from history teaches the mankind the best lesson of justice, in fact more precisely the timely

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provision of justice. Because the justice delayed is indeed the justice denied.

In conclusion, the true essence of justice lies in its timely provision and its effectiveness regardless of the caste, creed and colour of the defendant. The crimes which are 'huge' in its destructiveness are declared the criminal crimes and are registered as: **The defendant versus the state** because they are an offence against the whole state and not merely against the victim. The true effectiveness of law of land can only be seen with its implementation in reality and not only in theory, only then a state can prove to be alive and breathing. The most significant way to prove the credibility of the law of land is indeed through the timely justice provided otherwise the existing law is equivalent to the law of jungle where the survival is on the basis of power and not on the law. Such societies defy the timely justice negating the ability of decisions shaping destinies. Such societies are set on the way to doom. William - & Bradstone rightly put it like:

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Time may heal wounds, but for the victims awaiting justice, every ticking second deepens the scar. What is justice worth if it arrives after the soul has been broken. — E Gladstone.