

JUSTICE DELAYED IS JUSTICE DENIED

OUTLINE

1. INTRODUCTION

2. A BIRD'S EYE VIEW OF THE MAXIM "JUSTICE DELAYED IS JUSTICE DENIED"

3. THE BACKLOG CRISES

4. CAUSES OF JUDICIAL DELAY

a- Frequent adjournments are causing delay in justice

b- Reliance on out-dated laws and processes is also one of main causes of judicial delay

c- Judicial vacancies and frequent transfer of judges also cause delayed justice

d- Failures in pre-trial process due to faults in police investigation and poor evidence management

5. CONSEQUENCES OF JUSTICE DENIAL

- a- Denial of justice causes socio-psychological harm
- b- It also results into severe economic loss
- c- It leads to erosion of public trust resulting into rise of informal justice
- d- Violation of Universal Declaration of Human Rights (UDHR) due to justice denial

6. RECOMMENDATIONS TO PREVENT JUDICIAL DELAY

- a- Introducing judicial reforms for better provision of justice
- b- Integration of technology in judicial system to improve judicial services
- c- Legal education and training as well as resource augmentation for efficient judiciary.

7. CONCLUSION

Justice, to be real, must be both just and timely," Justice Mansoor Ali Shah. Having said that timely provision of justice is considered to be a major element of real justice. It shows a great relevancy towards a legal maxim, "Justice delayed is justice denied." It means that if legal redress or equitable relief for the victim party is available but is not forthcoming in a timely fashion, it is exactly the same as having no remedy at all. This principle is the basis for the right of speedy trial. The slow provision of the judicial services is resulting into increase in the rate of backlog cases. There are multiple causes of the delayed justice such as frequent adjournments and reliance on out-dated laws and judicial processes.

Moreover, judicial vacancies and frequent transfer of judges also contributes in judicial delay. In addition to, failures in pre-trial process due to splits in police investigation and poor evidence management also cause delay in provision of justice.

As discussed earlier, delay in justice means denial of justice and this denial of justice results into various consequences in the form of socio-psychological as well as economic and financial harm. Moreover, it results into erosion of public trust that gives rise to informal justice in the form of Panchayats. Due to this justice

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denial, Universal Declaration of Human
Rights are also violated. However, there
is need to introduce judicial reforms,
integrating technology and focusing on legal
education and training for the better
provision of real justice i.e., timely justice.