

Causes and Consequences of delayed justice

Outline:

1) Introduction

2) Delayed justice—a bird's eye view

3) Causes of delayed justice

a) Overburdened judiciary and case backlogs

Case in point: Pak - 2.2M cases pending

b) Outdated and overly technical procedural laws

c) Lack of human resource in judicial infrastructure

Case in point: Pak - one judge per 100,000 people

d) Absence of Alternative Dispute Resolution (ADR)

Case in point: Singapore, UK → reduced backlog through mandatory mediation

e) Transnational nature of crime and cross-border legal complexities

Case in point: Panama Papers case—took years

f) Cultural preference for litigation over settlements

Case in point: US high rates of civil litigation

g) Privatization and commercialization of justice

Case in point: England, Wales → cuts to legal aid

4) Consequences of delayed justice

a) Violation of fundamental human rights

b) Normalisation and of violence and social injustice

Case in point: UN reports → discourage reporting of sexual violence globally

c) Erosion of rule of law and institutional credibility

d) Loss of public trust and social alienation

Case in point: Pak - mistrust in courts → pushes people towards jirgas

e) Decline in domestic and foreign investment

f) Disproportionate burden on women and children

Case in point: South Asia - divorce case → take years return to violent households

g) Intergenerational transmission of poverty and marginalisation
Case in point: Land dispute delays in rural Pak and India

5) Policy recommendations to speed up dispensation of justice

a) Procedural law reforms to limit adjournments

b) Expanding judicial capacity and distributing workload

6) Conclusion

Introduction :

In nature, a delayed response often proves fatal. A wound left untreated invites infection, a forest fire unchecked consumes the ecosystem and a diseased cell that escapes early detection becomes malignant. Societies, too, function as a living system, requiring swift dispensation of justice. Failure to do so results in collapse of natural balance of societies. It is evident from the historical evidence that in early legal systems, justice was often delayed due to procedural complexity. In ancient Mesopotamia, Egypt and Rome, legal codes prescribed justice, but enforcement depends on local governors, thereby creating judicial delays. In 17th - 18th Centuries, in England, equity courts were notorious for slow proceedings. Charles Dickens satirised this in Bleak house, highlighting the social and moral consequences of judicial delays. Globally, delayed justice is a persistent challenge owing to overburdened judicial infrastructure, transnational nature of crime and cultural preference for litigation over settlements are some of the contributing factors of justice delay which requires stem positive measures to assure its efficacy and effectiveness.