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Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)<https://doi.org/10.5281/zenodo.21762114>**Delay in Criminal Trials and the Right to Speedy Justice: Comparative Perspectives****Alam Zeb Khan**

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Email: azkhan@qau.edu.pk**Abstract**

The principle of 'speedy justice' is a vital aspect of both the rule of law and fair trial and is a common problem in legal systems the world over. The effect of penalties on delayed trials is felt by the accused due to the time they spend waiting for trial and the time they spend in detention; by the victims and witnesses because of the problems their delay causes; by justice because of the impact on record and evidence; by costs of litigation; and by the public's confidence in the judiciary. This paper explores the issue from comparative standpoints, in special consideration the waters of Pakistan and India, the UK and the US as well as the European human rights system. It covers the international legal foundations for the right to speedy trial, institutional and procedural issues likely to cause delay, existing measures of judicial case management, judicial control of adjournments and the establishment of specialized courts, as well as the digital justice and the measures taken in the field of investigative reform. The study recommends criminal trial delays be addressed, beyond the increase of judicial capacity, as a systemic problem. Coordination is needed between the courts, the police, prosecution, forensic institutions and prison authorities in order to implement an effective reform. It is the time that Pakistan should think of a reasonable time concept, which will have active case management, rigorous investigative process, proper digital case tracking, sufficient remedies and resources for unreasonable delays. The paper will conclude that quickness does not equal rushing, but rather balancing of due process and time-management considerations, as well as with evidence presented and the rights of the victims and accused.

Keywords: Speedy Justice; Criminal Trials; Judicial Delay; Fair Trial; Criminal Justice; Pakistan; Comparative Law; Case Management; Digital Justice.

1. Introduction

The administration of criminal justice has any meaning only if good trial is being conducted and within reasonable time. After years of acquittal, or conviction, a justice system that fails to render justice does not uphold a rule of law and people's trust in it. Delay can have special significance in criminal cases where it can affect personal liberty, employment, reputation, family life, evidence or violation of the interests of the victim. The right to speedy trial is thus not only a bureaucratic utopia, but part and parcel of the fairness of the process.

This is well known throughout the world. The International Covenant on Civil and Political Rights (ICCPR), article 14(3) (c) states that a person on trial for a criminal offence shall be given a fair public trial within a reasonable time. There is parallel wording in Article 6 of the European Convention on human rights (now renamed to ensure a hearing is received in a reasonable time). The contemporary situation does not contradict the other two elements that of expedition and fairness, in this case, a trial should be adequate, and that it should be conducted in a timely manner ensuring that the accused is not subjected to undue hardship, but with due care that it does not take away from the procedure rights of the accused (Liyew, 2024a).

In developing justice systems, the issue is especially pronounced when courts are overcrowded, courts are under-resourced, investigations are not being thorough or public, there is weak prosecution, inadequate infrastructure and courts are being adjourned repeatedly. This is the problem that Pakistan exhibits. Article 10A of the Constitution provides for the rights to fair trial and due process, yet there are weaknesses in institutions and procedures which interfere with the exercise of those rights. Delays due to adjournments, scarcity of judges and judicial officers, ineffective police investigation and court administration have been among the factors that have been identified by the study on criminal justice in Pakistan (Javed et al., 2023a). It has an impact on both the prosecution and the defense. Lacking any certainty of when a case may be completed, extended proceedings can be the punishment before sentencing to a person accused. Vacations have a hostile impact on offense victims, making closure unlikely and curbing their sense of state's ability to hold offenders accountable. Witnesses may be unresponsive or memory may fade and evidence, both physical and digital, may be harder to find, preserve, and/or authenticate.

The matter has taken a new dimension as more criminals are becoming equipped with digital tools. Mobile phone records, surveillance footage, electronic communications, DNA and financial records are among the new forms of scientific evidence that could be critical to modern criminal cases. The authors have analysed the value of modern electronic gadgets in Pakistan's judicial system, highlighting their benefits and the importance of establishing effective processes for collection and authentication (Ahmad et al., 2022a). The developments illustrate how the process of delay reduction is becoming more of a question of changing the system as a whole, not just its procedures in the courts.

This paper, in its comparative aspect, reviews the concepts of the right to speedy justice and the issue of the delay of criminal trial. It takes the view of the international legal system, main reasons for delay, Pakistan and India's experience, British and American experience, the experience of the European human rights system, impact of delay and option for reform. It time Hopes speedy justice is not hurried justice. Timely, reasoned and procedured adjudication is the right objective with good institutions and accountability of case management.

2. The Right to Speedy Justice: International and Legal Framework

The concepts of liberty, due process and fair trial underlie the right to speedy justice. Its basic role is to stop an individual from being "on probation forever." In practice as well as in theory, it is basic that once they are accused, they are innocent until proven guilty. That is, an accused person is presumed innocent until proven guilty, even in the absence of the presumed innocence concept in the law.

The ICCPR is one of the best statements in the international sphere of the principle of speed, through its obligation to have the person tried without undue delay. Requires states to establish judicial institutions appropriately to ensure that they do not become unreasonably inactive. However, the closure of every

criminal case is not required to be the same length of time. Prosecution in accordance with The complexity, Accused behavior, authorities' behavior and delay's effects must be taken into account.

Like the European Convention, it takes a comparable approach. Article 6(1) calls for determination "within a reasonable time" and this developed a "contextual assessment" rather than a time limit. This looks at the fact that more time may be reasonable in the prosecution of more complex matters, as well as simple ones. Key query is the lack of diligence on the State's part to move the case forward (Nomnganga & Masumbe, 2024a).

The former case is closer to the United States. Procedural speedy trial guarantees are also set forth in the Sixth Amendment expressly, and in federal statute. The American strategy illustrates the value of built-in mechanisms limiting the scope of delays while recognizing the need for exceptions for "legitimate" delay "circumstances based on the procedures. It is interesting that others will learn that while appropriate timelines are important under the statute, they do not shoehorn themselves into such limits that they defeat a diligent defence by the accused.

The development of the rule of law in India has mainly been by way of interpretation of the Constitution. The protection of life and personal liberty guaranteed by Article 21 has been understood to mean "speedy trial". Delayed proceedings and long under trial detention issues are seen as constitutional concerns by the Indian scholarship (Gupta, 2021). The Indian experience is particularly relevant to Pakistan for two reasons – first, the immense volume of cases faced by both jurisdictions and second, the presence of some elements of the common-law tradition of trial procedure that are common to both.

The situation is not the same in Pakistan, however, as the constitution has a different standing. The text of Article 10A makes only the broadest possible statement regarding the authority to speedy trial, but there is no separate textual guarantee of speedy trial. The duration of a trial, however, can render the underlying concept of fair trial and due process unattainable if it continues for an 'unreasonable period'. Therefore, the constitutional guarantee needs to be read in the light of Pakistan's commitments under international law and the principle of "Effective remedies" as put forward in international law.

The increasingly technologically and institutionally driven approach to fast justice is also shown by the introduction of fast-track courts and expedited procedures in the available literature. Technology and institutionalization have also become vital to the efficiency of justice, as evidenced by the newfound literature on fast-track courts and expedient processes. Previous studies have been carried out and it has been observed that Pakistan has not been able to utilize ICT and AI tools for minimizing judicial delays in comparison to United Kingdom, Australia and India (Shafiq et al., 2022). The impact is less on the notion that technology will eradicate delay, and more on the fact that tech tools are needed that will work with massive amounts of data and caseload.

3. Causes of Delay in Criminal Trials

Typically, criminal trial delay is caused by multiple and interrelated issues instead of just one institutional problem. Long procedures can be a situation caused by judicial congestion, poor investigation, several adjournments, witnesses unable to attend, lack of forensic capacity, case management and complexity. Difficulty in the court, insufficient investigation, many adjournments, witnesses that cannot attend court, lack of forensic capacity, case management and complexity can contribute to causing long procedures.

One major reason is this imbalances between the number of cases that are being brought in by the justice system and the number of resources to which the cases are sent. The lack of judges, prosecutors, court staff and forensic personnel cause increasing backlogs that can be more and more reduced. Increased judges'

appointments can help alleviate the issue, but not if the police investigation and prosecution and administrative processes are inefficient.

Also very important is repeated adjournments. Delayed justice is also attributed to baseless adjournments and if there are no witnesses, judges, or adequate means of transport for prisoners, and if there are other administrative considerations that can be avoided, then criminal deliberations may be put on hold in Hashmi's, Javed's and Saleem's research on Pakistan (Javed et al., 2023b). The delays also can be costly; a single adjournment could seem minor, but multiple delays can cause an extended trial to drag out for years. Another structural issue is the lack of investigations. Good trials depend greatly on the nature of the investigation and the time it takes to conduct the investigation. Researchers pinpoint the shortcomings of the Pakistani police during investigations deficiencies in crime-scene techniques, training, ability to collect evidence, equipment, and professional capacity (Iqbal et al., 2023a). Failure to conduct proper evidence collection through the process at the outset can result in the prosecution needing to obtain further evidence, reports and witness examination, causing a delay.

There are extra challenges posed by Forensic and Digital Evidence. In today's criminal cases, cell phones, DNA, DNA mimics, video, and other scientific material are often at play. Trial conducted by less than knowledgeable witnesses or a slow response at the laboratory can keep trials pending. In her research on electronic evidence, Hashmi has found that the courts in Pakistan have come to rely on the importance of modern technological evidence and that there is an urgent need for reliable procedures for taking evidence with electronic evidence (Ahmad et al., 2022b).

These difficulties can be worsened if the cases are not managed effectively. Without having proper scheduling systems in place, courts may continually keep cases scheduled without keeping track of exactly why each case was scheduled to convene. Rigorous judicial management can minimize this, since issues of contention can be spotted early on, witness testimony can be planned out carefully, the prosecution's conduct is watched, and inopportune adjournments are prevented.

Last but by no means least, institutional fragmentation is one of the factors that can cause delay. Public safety and public prosecutions often run independently of each other, as do forensic laboratories, prisons, and the courts. Failure of one institution to grant a degree can then make another institution remain unaware. Coordinated criminal justice system is necessary, rather than the major thrust being put into the hands of trial judges alone.

4. Comparative Perspectives

4.1 Pakistan

The experience of Pakistan is a case in point of the disparity between a legal guarantee and institutional capability. Though the constitution guarantees fair trial and due process (Article 10A), criminal proceedings can still be carried on for long periods of time. To solve this problem better with more focussed and time saving adjudication, there has been some attempt to do this at the level of Model Criminal Trial Courts. Study of the role of Model Courts in KP has shown their ability to decrease pendency of crime and also facilitate the justice (Shahzad & Iqbal, 2020).

The experience in Pakistan indicates a transformation of special courts would have enhanced disposal rates while in ordinary courts a transformation in order to achieve permanent improvement in it. They will all need to work together to achieve adjournment control, better staffing, investigations, prosecution and digital case management.

4.2 India

India has a good form of the constitution. The Supreme Court has given the Rheumatise respect to protection of life and personal liberty of Article 21 and equated it with speedy trial. The main reason for the principle to be of particular concern in the context of undertrial prisoners is that if the detention period before conviction is unnecessarily extended it could be considered a punishment.

Australian evidence also shows that it is challenging to establish universal time limits. Defending in complex criminal cases involves a careful investigation and preparation of the defense. There has, therefore, been a balance to be struck between speed and the accuracy and acceptable procedure of the endowment.

4.3 United Kingdom

Case management is a key strength of the United Kingdom and the right to a fair trial is, arguably, one of the most important rights guaranteed by Article 6 of the European Convention. Preventing unnecessary complication with cases through early disclosure, identification of issues, effective scheduling and qualified oversight of proceeding are all intended goals.

From the British experience it is clear delay should never be delayed to the end, or after a backlog has been created. Case management is, therefore, as integral as judicial capacity to the judiciary.

4.4 United States

The United States, in addition to constitutional protection guaranteed by the Sixth Amendment, is a combination of statutory provisions of federal criminal proceedings. The American model proves the effectiveness of time standards which are enforceable, however, it does not ignore the justifiable exceptions. The most important comparative lesson learned is that deadlines ought to stimulate work, but not to deny the courts the opportunity to grant a reasonable timeframe to complicated cases.

4.5 European Human Rights System

The European one is especially helpful as it utilizes a flexible reasonable-time standard. The intricacy of the case, the actions of the accused, the actions of the authorities, and the significance of the proceedings are pertinent. This prevents considering all long processes as illegal despite the need to prove institutional diligence by states (Liyew, 2024b).

Pakistan would do better to integrate the best elements of these strategies: the use of time reference points (statutory or administrative) and proactive case handling by the judiciary, institutional responsibility, and a soft standard of exceptional cases.

5. Consequences of Delayed Criminal Trials

The implications of the delay are very far-reaching than administrative inconvenience. In the case of accused individuals, lengthy processes bring about uncertainty and can result into financial, psychological, professional and reputational damages. In cases where the accused is held pending trial, time directly impacts on freedom. It is especially severe as the individual is under legal presumption that he is innocent. Delay is also experienced in the victims. A trial is frequently at the center of their obtaining recognition and closure. In cases where years of proceedings have been experienced, victims are likely to lose their faith in formal institutions. A recent study in South Africa shows that the high delays in criminal proceedings can put the interests of victims at risk and lead to a decrease in people's trust in criminal justice (Nomnganga & Masumbe, 2024b).

Evidence can be weakened by delay, as well. There can be instances of witnesses forgetting, being unavailable or even unwilling to testify. Physical evidence can be damaged whereas digital evidence needs

to be preserved and authenticated. The more time passes between the investigations and the trial, the more chances there are that the record of the evidence will be crippled.

Economic implications are as well important. Re trials raise the costs of the courts, prosecutors, police, defence counsel, inmates, witnesses and litigants. To the economically disadvantaged accused individuals and victims, such expenses can turn into an efficient obstacle to justice.

Undue delay is also detrimental to the confidence of the citizens. In cases where adjournments and unresolved criminal cases are witnessed severally by citizens, the system of justice may be viewed as being ineffective. This has the potential of promoting informal dispute resolution or even vigilantism undermining the powers of the State to administer criminal justice.

This has a more general rule-of-law implication. Criminal justice system is not only required to make right decisions, but it should also make them with a time frame that would not render the rights involved impractical. Timeliness, accuracy and fairness are complementary goals and not conflicting ideals.

6. Reform Strategies and Best Practices

To curtail the delay in criminal trials, systemic reform is needed. To begin with, judicial vacancies ought to be filled as soon as possible and judicial resources ought to be distributed based on the real caseloads. There will not be enough additional judges, though, without sufficient prosecutors, court staff, forensic staff and investigators.

Second, the active case-management systems should be embraced by the courts. When a criminal case is on its initial stages, the judges are expected to determine contentious matters, set attainable timelines, track the attendance of witnesses and limit unnecessary adjournments. Each adjournment must be accompanied by a reason which is recorded. The study by Hashmi and his co-authors on baseless adjournments promotes better case management, infrastructure development, and technological modernization as the way to help decrease the unnecessary delay (Javed et al., 2023c).

Third, there should be great enhancement in criminal investigation. Crime-scene management, forensic evidence, digital evidence and the management of witnesses should be specialized training of police investigators. According to Hashmi et al. the Pakistani investigative practice lacks, and it is necessary to train, equip, equip, and hold responsible experts (Iqbal et al., 2023b).

Fourth, Pakistan ought to increase electronic filing, electronic case tracking, electronic service, virtual hearings where necessary and integrated databases. ICT and AI can be used to help with scheduling, document management, classifying the cases, and finding the administrative bottlenecks. They are, however, not supposed to take the place of judicial review of facts or judicial decision-making.

Fifth, the institutions of forensic should also be empowered. The growing significance of digital and scientific evidence implies that trial delays can directly impact the time of a trial. The modern electronic evidence work by Hashmi shows why the infrastructures of evidence have to evolve with the change in technology (Silalahi, 2023).

Lastly, there should be good solutions to unreasonable delay. The courts ought to be in a position to order expedited proceedings, grant reasonable bails, reduce sentences where legally appropriate or offer other relief where overly lengthy delay has resulted in excessive prejudice. A right to expeditious justice without a viable remedy means that it is likely to become just a mere show.

7. Recommendations

Pakistan needs to implement a national approach to minimize criminal trial delays and not on a single judicial program. To start with, the concept of speedy trial must be literally identified and put into practice, either

by legislation or by specific procedural guidelines. A reasonable-time framework must put in place indicative schedules and allow option of exceptions in complicated cases.

First, breaks ought to be really limited. Recorded reasons should be required by the courts and procedural abuse must be distinguished by the courts as to whether delay is unavoidable.

Second, management of criminal cases ought to commence in the initial stage. The courts are supposed to recognize problems, witnesses, expert evidence and the amount of time it is taking them before the trial is unnecessarily disjointed.

Third, the use of evidence-based resources should be used to address judicial vacancies and institutional deficits. The prosecutors, court clerk, forensic experts, and investigators should be included in staffing instead of having judges as its sole focus.

Fourth, professional training, better management of crime-scene, forensic resources and enhanced accountability should be used to modernize police investigation. Lack of proper investigation tends to lead to delay which, in turn, seems to be an issue of a purely judicial nature.

Fifth, the growth of digital justice must be done gradually. Administrative delay can be minimized by e-filing, electronic summons, electronic records, automated scheduling and secure evidence-management systems. The use of AI as an assistant in administration should be kept to a minimum and is to be under human supervision and due-process rights.

Sixth systematic priority should be given to the old and undetected cases. Special monitoring lists of cases that have passed the reasonable period should be maintained by the courts especially in cases where an accused is in custody.

Seventh, unreasonable delay should be remedied by coming up with effective remedies. There should be no ambiguity as to whether superior courts can interfere when there is institutional inactivity that is jeopardizing constitutional rights.

Eighth, **effective remedies should be developed for unreasonable delay**. Superior courts should have clear authority to intervene where institutional inactivity threatens constitutional rights.

Lastly, Pakistan needs to consider the experience of Model Courts and apply the positive aspects to the criminal courts of the ordinary courts. Not to just clear more cases, but to establish a culture where timely justice, procedural fairness and quality adjudication work in harmony is the goal.

8. Conclusion

Delays in trials of criminals are one of the most critical issues to the proper administration of justice. It influences accused individuals by causing them to live in a state of uncertainty and detention, victims by delaying their closure, witnesses by damaging their memory and the society by losing trust in the law institutions. It also heightens governmental spending and undermines the real sense of fair-trial provisions. Experience indicates that there is no one-size-fits-all solution. The United States exemplifies the importance of enforceable time standards; India is a model on the constitutional importance of expeditious justice; the United Kingdom is a model on the active management of the case; and the European human rights system offers a flexible reasonable-time standard. The experience that Pakistan has had with Model Courts and technological reforms have to offer further insights into the topic of institutional innovation.

The main issue is then to make speedy justice to be a general constitutional ideal and translate it into an institutional principle. Pakistan requires effective investigation, prosecution, sufficient judicial capacity, good adjournment practices, digital handling of cases, enhanced forensic facilities, and effective remedies to unreasonable delay. Hasty trials must never be in the name of fairness. Instead, it ought to be the delivery

of justice within a reasonable period of time through a process that is accurate, impartial, transparent and consistent with due process. It is only in this manner that the principle that there should be justice delayed and not denied can be given a substantive meaning.

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