



RESEARCH PAPER

Role of Media to Overcome Delay in Justice: Pakistani Prospective

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PAPER INFO	ABSTRACT
Received: March 08, 2022 Accepted: June 25, 2022 Online: June 27, 2022 Keywords: Awareness Campaigns, Electronic Courts, Bar Council, Media Personnel, Supreme Judicial Council (SCJ)	In developing countries, access to justice is a severe problem. If we talk about Pakistan, it's far worse. This study examines the reasons for delays in access to justice in Pakistani courts. Structured interviews with media individuals working in Lahore were conducted for this study. Thematic analysis was used to analyze the data acquired through structured interviews, which were divided into five components, including lawyers' strikes and non-professional behaviour, lengthy procedures, absence of petitioners and respondents, negligence of court employees, an insufficient number of judges, frequent judicial transfers, and a lack of courts. The participants recommended traditional and social media helpful for a speedy trial by disseminating awareness programs emphasizing swift justice's importance. This article highlights the concerns dealing with the use of freedom of expression of media to be utilized in a proper manner for addressing the issues pertaining to delayed justice, also repercussions of delay in dispensation of judicial remedy.
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Introduction

The role of the media in shaping attitudes towards the justice system has noticeable significance. Media demonstrations may have an arbitrating relationship between the conduct of institutions of justice and their perceptions in public. A connection was established occasionally, but its fundamental nature was unclear. The effort of finding a direct causal media effect can't lead to licensing entirely the idea that the media have some impact in modelling attitudes towards crime and the judicial system. Public opinion forms concerning the role of the media have direct relation, leading to a healthy atmosphere for the judicial system's view-making process (Boda & Szabo, 2011, Muzaffar, et. al 2019). The availability and accessibility of essential information are critical, and the media may be the most effective vehicle for public awareness. Following the establishment of a more liberalized media policy in 2002, Pakistan's media has got greater freedom and voice, which can be particularly useful in highlighting concerns about the country's flawed justice system (Ashraf & Arshad, 2014, Muzaffar, et. al 2019). As described in Ericson (2016)'s book, the news in the media is critical to the process by which individual attitudes regarding government institutions are formed. He went on to say that most governments and other news sources discuss various aspects of law and justice administration, including criminal justice. Ericson, Baranek, and Chan (1991) conducted a review of news content in Toronto and discovered that around half of newspaper/magazine, television, and radio news items,

as well as two-thirds of radio news items, dealt with various aspects of crime, creativity, legal regulation, and justice. Initially, the author examined the concept of accountability to the many institutions that make up the criminal justice system. Crime, Justice, and Social Media, by Salter (2016), examines how social media is shaping modern perceptions of corruption and injustice, as well as whether it might aid in the pursuit of swift justice. According to the author, online media, such as social media, has become an essential part of traditional and appropriate media. Some influential people began abusing and harassing other media users, particularly those who lacked the tools to protect themselves from media misuse, as a result of the rise of the media. However, it is also true that disseminating timely and accurate information is critical to obtaining prompt justice. In Sama News, Ahmad and Ali (2022) wrote about a 75-year-old woman who filed a complaint to receive her father's pension. She went to court for five years and received little attention for her case. She suffered a heart attack while attempting to approach the courtroom on the third floor of the building. She was a feeble lady, and the court officials tried every option to create a hurdle in her way to reaching justice. Another factor for the delay in justice in the courts is the courts' lesser staff. To overcome the non-cooperative behaviour of court officials, severe steps to implement laws must be taken.

Literature Review

In any justice system, timeliness and uniformity are critical. Many factors have a role in the efficient operation of the judicial system. Information technology, the use of electronic data transfer to interface with the design, realistic intrusion in the case management system, and Alternate Dispute Resolution (ADR) are some elements (Sourdin & Burstyn, 2014). There were many probable causes which took longer to resolve, but one of the most reliable explanations was the judicial structure of the country/state, circuit, and district. Although some cases may take longer, this does not imply that all courts will begin to prolong and drag all cases for no apparent reason. The courts may need more time to consider the virtues and demerits of the likely outcome and its consequences (Gould, 2008). A parallel system that includes Alternative Dispute Resolution (ADR) will increase competitiveness and provide essential legal homogeneity, thereby improving the economic environment for European industry. Because the current system is too slow, a well-established and proper mechanism will be required for consistent enforcement to achieve the objectives of speedy justice. In Europe, a simplified judicial system is essential according to the Lisbon doctrine, which respects national interests to develop member states (Cowen, 2008). The legal and judicial system's weakness is a severe problem that has resulted in the denial or delay of justice for India's under-trial convicts. A study of how the American judicial system has dealt with the challenge of speeding up the trial procedure is made based on earlier decisions of the Indian Supreme Court. Trials are in the spirit of criminal justice, and it is possible to think that deferring a test proves denial of justice on its own. Unnecessary delays in a system resulted in a miscarriage of justice, and India, like other Asian countries, was undoubtedly a sufferer of this problem (Chattaraj, 2011). By requiring collaborative and collective measures by the government and court administration to modify the existing judicial system, a balance between quality of justice and timeliness should be achieved. According to the author, immediate systemic reform is unachievable without the combined efforts of the government and courts and the parties involved in the case. The study concluded that using information technology to create electronic courts could be the most significant substitute for rapid and expeditious justice. Furthermore, E-courts would aid in the elimination of corruption among employees (Kumari, 2021). According to Biard, Hoevenaars, Kramer, and Themeli (2021), admittance to civil justice has been on the scientific and policy agenda in Europe for decades. Old challenges, like as costs and delays, continue to put access to justice to the test. Rapid technological advancements present new challenges and opportunities when it comes to changes in the legal system and society. This book revolves around a few fundamental

problems, including digitization and, in particular, using artificial intelligence in courts and ADR. All steps and subjects stated are part of the European civil procedure and access to justice framework. Artificial intelligence can be instrumental and beneficial in addressing the issue of delayed justice. Plain English and easy-to-understand language will help slow-moving cases go forward by allowing them to be resolved quickly. This strategy, along with other measures, is used in developed countries. Simple English is required in law schools in the United Kingdom, Australia, the United States, Japan, and other advanced countries. Furthermore, by implementing these actions, Pakistani courts can reduce the number of pending cases significantly. They argued that workshops, seminars, and courses would be beneficial in fostering a climate conducive to quick court proceedings (Rubab, Qasim and Javed, 2019). Former Pakistani Prime Minister Nawaz Sharif was quoted in a Dawn editorial (April 24, 2018) as saying that millions of unresolved cases have been prosecuted for decades. He emphasized this point with a specific example of a person in line who had been looking over his case for three decades. Unfortunately, the reality of law lords in many republics is that after a case is decided, most of the losing parties file an appeal since the judgments are not enforced due to a lack of implementation capacity. As a result, there is a lack of interest in the court system, wasting time, money, and resources. The reporter expressed the proposal that the judicial system as a whole should be replaced slowly and carefully with the support of judicial specialists.

Material and Methods

Qualitative research, based on interviews, was used in this study for the data collection to know about the main delaying factors in the judicial system of Pakistan. The participants were selected for structured questions based on their best work in the media field. The sample size was 20 participants, of which 12 were male and eight were female, with media personnel aged between 24 and 38. All participants were professionals, acting as law practitioners in Lahore, the capital of Pakistan's largest populated Punjab province. The responses were collected based on interviews to determine the various elements that cause a delay in the judicial system.

Population and Sampling

This study on "Role of media to overcome Delay in Justice" was conducted based on structured interviews of media personnel working in Lahore. Media personnel asked interview questions as Pakistan has vibrant and strong media freedom that plays a vital role in opinion-making regarding every field of society. Several media organizations and platforms are available in Pakistan to update the community regularly. Questions regarding delayed justice were asked from media personnel selected based on their experience and the organization they are serving.

Data Collection

Structured interviews were conducted to get responses from interviewees. Questions were divided into four sections other than demographics.

1. Causes of delay in court trials;
2. Roll of Bar Councils to provide timely justice;
3. Roll of media and political environment for speedy justice;
4. Compensation in case of delay in justice.

Data Analysis

Using the thematic analysis technique to measure the data of this qualitative research, several themes were produced based on the interviews of the research participants.

Thematic analysis: Thematic Analysis (TA) is a method for identifying and analysing a dataset's patterns and clusters of meaning. (Braun & Clarke, 2006). It's a flexible technique to get results based on the information available. It reveals which themes are important in the description of the issue/question/topic under investigation. (Daly, Kellehear & Gliksman, 1997).

Codes and Themes

Interviews were done with media personnel. The interviewees' responses were organized to improve 'familiarization' with the interview content. Before creating the study's topics, coding was done to acquire a rough overview of the data. The researchers used coding to emphasize critical aspects of the interviews and labelled "codes" to define the expressions or words mentioned by the participants. "Themes" were developed from the standard codes after the codes were generated. The recurrence of concepts was eliminated at this stage by creating a single theme for common types of 'codes,' which are essentially a mixture of codes. The articles were given appropriate labels for analysis. (Sarwar, Shafiq & Haq, 2021). Table A shows the coding of interviews with media personnel.

Table 1
Coding of interviews of Media Practitioners regarding justice delayed is justice denied

	Section 1 (Reasons for delayed court trials)	Section 2 (Role of bar councils)	Section 4(roll of media & political environment)	Section 5 (Solutions suggested by experts)
Media Practitioner 1	<ul style="list-style-type: none"> • Strike calls • No. of judges is short 	<ul style="list-style-type: none"> • Bars, by making laws, can keep pure and clean disposal of justice. 	<ul style="list-style-type: none"> • Print media still provide a lot of information for readers. • Laws making process is very poor w.r.t parliament 	<ul style="list-style-type: none"> • Increase in no. of judges • Training sessions for judges and lawyers should be arranged.
Media Practitioner 2	<ul style="list-style-type: none"> • Lawyers' strikes • Less no. of courts 	<ul style="list-style-type: none"> • Making laws for district bars 	<ul style="list-style-type: none"> • Media mould people's opinions on the judicial system • Politicians are not playing their role properly 	<ul style="list-style-type: none"> • E courts • political interference should be zero • use of ADR
Media Practitioner 3	<ul style="list-style-type: none"> • Self-benefited strikes by lawyers 	<ul style="list-style-type: none"> • Temporary suspension of bar licenses of rash lawyers 	<ul style="list-style-type: none"> • Special sessions for lawyers and media reporters are required • Politicians use the system to get desired results 	<ul style="list-style-type: none"> • Use of IT for the latest techniques for quick justice • Alternate methods for issuing settlement
Media Practitioner 4	<ul style="list-style-type: none"> • Political pressure • Parties behaviour 	<ul style="list-style-type: none"> • To make rules for minor no. of strikes 	<ul style="list-style-type: none"> • Influential political figures use the system • Media can play a vital role. 	<ul style="list-style-type: none"> • Increment in no. of judges • Supreme Judicial Council should make laws for the judiciary
Media Practitioner 5	<ul style="list-style-type: none"> • Less no. of courts • strikes 	<ul style="list-style-type: none"> • Supreme court bar should lead in law-making for provincial bars 	<ul style="list-style-type: none"> • The judicial system is weak and always helps politicians. • The media can educate the nation. 	<ul style="list-style-type: none"> • Distance court hearing • Electronic courts • Use of Information technology techniques

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Media Practitioner 6	<ul style="list-style-type: none"> • Legal counsel's Strikes 	<ul style="list-style-type: none"> • Punishments criterion should be defined for lawyers who are causing delays 	<ul style="list-style-type: none"> • Social media can be handy in creating awareness 	<ul style="list-style-type: none"> • Use of IT for the latest techniques for quick justice
Media Practitioner 7	<ul style="list-style-type: none"> • lawyers' lack of ability • Strikes 	<ul style="list-style-type: none"> • To provide support for law reforms 	<ul style="list-style-type: none"> • Awareness and education can be critical options for media • The judicial system has a soft corner for politicians 	<ul style="list-style-type: none"> • Electronic courts • Distance hearing
Media Practitioner 8	<ul style="list-style-type: none"> • Shortage of judges • Zero checks & balances on judges regarding delayed justice. 	<ul style="list-style-type: none"> • Suggestions for amendments in-laws for district bars 	<ul style="list-style-type: none"> • Under specified rules, social media can be the best platform to create awareness • Parliament is lacking in law-making. 	<ul style="list-style-type: none"> • Use of artificial intelligence technique for quick disposal of the case
Media Practitioner 9	<ul style="list-style-type: none"> • Shortage of courts • Strikes by lawyers 	<ul style="list-style-type: none"> • The Bar & Bench play a vital role in the quick disposal of justice by making laws. 	<ul style="list-style-type: none"> • It will be a very healthy process if media reporters work in true spirit as Police officers and criminals also have been shown several ways. 	<ul style="list-style-type: none"> • Online mode of case trials • Introduction of alternate methods to resolve issues
Media Practitioner 10	<ul style="list-style-type: none"> • A poorly managed system provides options to delay justice 	<ul style="list-style-type: none"> • The Supreme court bar should make laws for lower bars 	<ul style="list-style-type: none"> • Lawyers are familiar with television and film, as they can and do generally appear in any type to lead for creating awareness 	<ul style="list-style-type: none"> • Financial penalties on parties • Punishment for lawyers' irresponsible behaviour
Media Practitioner 11	<ul style="list-style-type: none"> • Strikes • no one is answerable for the delay 	<ul style="list-style-type: none"> • By making answerable to lawyers, bar councils can minimize delay 	<ul style="list-style-type: none"> • Print media still provide a lot of information for readers. • Laws making process is deplorable. 	<ul style="list-style-type: none"> • Distance court hearing • E courts
Media Practitioner 12	<ul style="list-style-type: none"> • Legal counsel's Strikes 	<ul style="list-style-type: none"> • Punishments criterion should be defined for lawyers who are causing delays 	<ul style="list-style-type: none"> • Social media can be handy in creating awareness 	<ul style="list-style-type: none"> • Use of IT for the latest techniques for quick justice
Media Practitioner 13	<ul style="list-style-type: none"> • legal counsels' strikes • parties irresponsible behaviour 	<ul style="list-style-type: none"> • Bars should organize legal aid for needy and poor people 	<ul style="list-style-type: none"> • Awareness and education can be critical options for media • The judicial system has a soft corner for politicians 	<ul style="list-style-type: none"> • E courts • Distance hearing • No political interference
Media Practitioner 14	<ul style="list-style-type: none"> • political pressure • lawyers' absentees 	<ul style="list-style-type: none"> • Laws should be made for district bars by local bars. 	<ul style="list-style-type: none"> • The media can create awareness programs • Political interference needs to be discouraged 	<ul style="list-style-type: none"> • Increment in no. of judges • Law-making for the judiciary should be added to Supreme Judicial Council's role.
Media Practitioner 15	<ul style="list-style-type: none"> • frequent transfer of judges • unlawful strikes 	<ul style="list-style-type: none"> • To promote and support law reforms 	<ul style="list-style-type: none"> • The media can educate people • Political pressure always influence 	<ul style="list-style-type: none"> • Distance court hearing • Electronic courts
Media Practitioner 16	<ul style="list-style-type: none"> • lawyers' lack of preparation • Strike calls 	<ul style="list-style-type: none"> • To lay down morals of professional conduct and protocol for advocates to avoid strikes. 	<ul style="list-style-type: none"> • Under specified rules, social media can be the best platform to create awareness. • Parliament is lacking in law-making. 	<ul style="list-style-type: none"> • Use of Information technology • Supreme Judicial Council should play its role
Media Practitioner 17	<ul style="list-style-type: none"> • Political pressure • Lengthy procedure 	<ul style="list-style-type: none"> • Suggest amendments to laws 	<ul style="list-style-type: none"> • It will be a very healthy process if media reporters work in true spirit as Police officers and criminals also have been shown several ways. 	<ul style="list-style-type: none"> • Increment in no. of courts • Increase no. of judges

Media Practitioner 18	<ul style="list-style-type: none"> • Self-benefited strikes by lawyers 	<ul style="list-style-type: none"> • Temporary suspension of bar licenses of rash lawyers 	<ul style="list-style-type: none"> • Special sessions for lawyers and media reporters are required • Politicians use the system to get desired results 	<ul style="list-style-type: none"> • Use of IT for the latest techniques for quick justice • Alternate methods for issuing settlement
Media Practitioner 19	<ul style="list-style-type: none"> • Political pressure • Parties behaviour 	<ul style="list-style-type: none"> • To make rules for minor no. of strikes 	<ul style="list-style-type: none"> • Influential political figures use the system • Media can play a vital role. 	<ul style="list-style-type: none"> • Increment in no. of judges • Supreme Judicial Council should make laws for the judiciary
Media Practitioner 20	<ul style="list-style-type: none"> • Lawyers' strikes • Less no. of courts 	<ul style="list-style-type: none"> • Making laws for district bars 	<ul style="list-style-type: none"> • Media mould people's opinions on the judicial system • Politicians are not playing their role properly 	<ul style="list-style-type: none"> • E courts • political interference should be zero • use of ADR

Conversion of Codes into Themes

Data was arranged after interviews with lawyers practising in Lahore, and all similar codes were put under one theme. After that, all essential pieces were given 'separate names' to show the problems.

Themes drawn from interviews

- Theme 1: Awareness campaigns
- Theme 2: Appearance of lawyers in TV shows
- Theme 3: Frequent transfer of judges
- Theme 4: Increase in no. of judges
- Theme 5: Increase in no. of courts
- Theme 6: lawyers' strikes
- Theme 7: Supreme Judicial Council
- Theme 8: Lack of political will
- Theme 9: E courts/Distance hearing
- Theme 10: Social media
- Theme 11: Use of Information Technology

Results and Discussion

The media's role in increasing awareness regarding speedy justice is significant. According to the participants' opinions, its impact is up to the mark. Still, all of them believe that media, a strong pillar in modern society, can significantly contribute in this regard. At the same time, discussing the relationship between the media and crime, criminals and the criminal justice system, Marsh and Melville (2019) discussed in their book the influence of film and the cinema on crime and justice. The media is one medium that directly interacts with the masses more than any other medium. Similar points were discussed by Surette (1998), who discussed common misperceptions about the mass media and criminal justice and the need for composing action on crime and justice by the media. The relationship between media and courts can play its role in getting speedy trials, and hence the litigation

period will be minimized. New bulletins that carry opinions about the legal system and government can also help increase awareness in people's minds. Ericson (2016) discussed a survey in his book showing that one-half of newspaper/magazine and television news items, and two-thirds of radio news, addressed different sides of crime, originality, legal regulation, and justice. Currently, social media is becoming very important as it is changing the whole world as a global unit where everyone can share their message in seconds for the world as a whole. This development of media can bring revolution in the field of the judicial system of the country. It was discussed by Salter (2016), who stated how social media is changing the modern understandings of crime and unfairness and can it help to find swift justice. Moreover, errors, negligence and postponements in the judicial system, while proceedings of cases in courts, to provide proper and fast justice are being criticized by social media, which is helpful for quick justice.

Conclusion

The study was based on five research questions. The data collected through interviews was analyzed using the percentile and thematic analysis.

Participants responded that lawyer's strikes are the root cause of justice delays. They also pointed out that the lawyer's irresponsible behaviour and the party's attitude are another reason behind the adjournments of cases. The study showed interesting responses from participants as they thought politicians are beneficiaries of the delayed justice system, which suits them to get the political benefit. They also said that the political environment is helping or assisting rich people concerning the availability of favoured decisions. Some of the participants are of the view that parliament's poor role in legislation is a reason for prolonged litigations. *All* participants thought that a massive and gigantic increase in financial penalties could be one of the best options to get justice done timely. All parties, including legal representatives, should be well informed in this regard. Most participants believed that media could play its role with its awareness campaigns which can minimize delay by 40% to 50% because media reporting can pressure the judicial system for speedy justice. It was found that making rules should be one of the bar councils' primary and critical responsibilities. Pakistan Bar Council and all High Court Bar Councils should come forward for their strict compliance. The study also revealed that District Bar Council's office-bearers usually call for unwanted and unreasonable strikes, which causes delay, resultantly a massive backlog of cases in lower courts. Based on the conclusion following recommendations are made:

- Supreme Judicial Council should play its role in making laws for speedy justice.
- The deadline for the decision of every case should be mentioned once the case trial starts.
- Bar and Bench should work collectively to educate the system on the importance of speedy justice.
- In making laws for speedy justice regarding "Justice delayed is Justice Denied", it should also be kept in mind that "Justice Hurried is Justice Buried".

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