

FROM BACKLOG TO BREAKTHROUGH:

Thinking Ahead

ROUND TABLE CONFERENCE REPORT

16 OCTOBER 2025



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Thinking Ahead

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CONCEPT NOTE

Pakistan's district judiciary, the primary forum for millions seeking justice in civil, criminal, family, and commercial matters, is facing a severe backlog crisis. As of 2023, over 2.1 million cases remain pending in subordinate courts, eroding public trust in the justice system. Delays stem from outdated procedures, frequent adjournments, resource constraints, and underutilization of alternative dispute resolution (ADR). Structural inefficiencies, judicial capacity gaps, and lack of technological modernization compound the problem, threatening timely justice and the credibility of judicial institutions.

The Round Table (RT), organized by the Centre of Excellence for International Law (CEIL) at ISSRA, NDU, seeks to specifically examine the district judiciary backlog through legal, institutional, and reform-oriented lenses. Its objective is to identify the procedural, legal, and administrative causes of delays; explore institutional challenges and capacity constraints within the judiciary; assess the role of ADR in easing the civil court burden; and generate practical, actionable recommendations for systemic reform.

The RT discussion will be framed around three key questions:

1. What factors are driving delays in district courts, and contribute to prolonged litigation?
2. What reforms and initiatives have been undertaken in Pakistan to reduce the backlog of civil cases in the district judiciary, and why they have not produced sustained results?
3. Learning from the past, what is the way forward, and what needs to be done to make Pakistan's civil justice system more efficient in reducing case backlogs?

ROUND TABLE CONFERENCE PROGRAM

| Session | Time | Details/Speakers |
|---|----------------------|--|
| Arrival of Participants | <i>1050 hrs</i> | |
| Opening Remarks | <i>1100-1105 hrs</i> | Major General Muhammad Raza Aizad DG ISSRA |
| Introductory Remarks | <i>1105-1135 hrs</i> | 1. Mr. Qaiser Imam 2. Ms. Sarah Tarar 3. Mr. Sohail Nasir |
| Moderated Discussion | <i>1135–1300 hrs</i> | All Discussants |
| Closing Remarks | <i>1300–1310 hrs</i> | Mr. Ahmer Bilal Soofi |
| Lunch & Departure <i>1310 hrs Onwards</i> | | |

INTRODUCTION

- The RT Discussion on “*From Backlog to Breakthrough: Thinking Ahead*” was organized by the Institute for Strategic Studies, Research, and Analysis (ISSRA), National Defence University (NDU), Islamabad. It was held on **16 October 2025** at the NDU premises in Islamabad, Pakistan. The conference brought together eminent legal experts, scholars, advocates, jurists, and former judges to deliberate on the chronic issue of case backlog within Pakistan's district judiciary, the level of the justice system where the majority of citizens seek redress in civil, criminal, family, and commercial disputes.
- The discussion aimed to examine the underlying causes of delays specifically in civil courts, including procedural inefficiencies, resource constraints, and the underutilization of alternative dispute resolution (ADR) mechanisms. Discussants also explored the institutional challenges and capacity limitations within the subordinate judiciary that hinder the timely delivery of justice.
- The RT served as an interactive forum for assessing why previous reform efforts and judicial initiatives have failed to yield sustained improvements and for proposing practical, actionable recommendations to make Pakistan's civil justice system more efficient, accessible, and credible.
- The RT was conducted under the Chatham House Rule, enabling participants to participate in open and honest discussions without attribution.

KEY FINDINGS

- Pakistan's judicial backlog crisis, according to experts, reflects deep structural, procedural, and “cultural” flaws rather than mere numerical overload. Despite repeated commissions and reforms, weak implementation, outdated processes, and lack of “institutional continuity” have prevented sustained progress.
- The district judiciary suffers from limited strength, an imbalanced judge-to-population ratio, and poor case management support. Vacant posts, frequent transfers, and weak administrative systems add to delays. Model courts showed that timely adjudication is possible, but their discontinuation due to leadership changes underscored the absence of regulatory consistency.
- Some experts suggested that litigation in Pakistan remains inexpensive and largely consequence-free, encouraging a culture of frivolous suits and delay tactics. They urged increasing court fees, imposing mandatory costs on losing parties, and linking judges' performance to timely case disposal.
- A strong consensus emerged on the urgent need to reform legal education and professional training. The poor quality of law graduates and lack of exposure to modern dispute resolution techniques were seen as major contributors to inefficiency. It was stressed that foundational reform must begin at the university level, or even earlier, with emphasis on behavioral ethics, management skills, and alternative dispute resolution.
- Experts emphasized that reform must go beyond changing mindsets to building stronger institutional systems that align incentives across all stakeholders—judges, lawyers, and litigants. The absence of “continuity” and regulatory mechanisms has repeatedly undermined reform efforts.
- Promotion of ADR was widely viewed, by the experts, as critical to backlog reduction, yet current frameworks remain underutilized. Weak implementation of ADR laws, lack of standardization, and cultural resistance hinder progress. Mandatory mediation, as practiced in Türkiye and Japan, was suggested as a viable model.
- Digitization and AI-based case management were recognized as key enablers of efficiency, but trust deficits persist among legal professionals. Confidence-building, training, and institutionalizing technological reforms, rather than relying on personality-driven initiatives, were recommended as the way forward.

SUMMARY OF PROCEEDINGS

A. Causes of Delays in Pakistan's District Courts.

- Pakistan's backlog crisis stems from a complex interplay of structural, procedural, and behavioral issues rather than a single cause. Excessive caseloads, insufficient judicial strength, and an outdated procedural framework, particularly the Civil Procedure Code (CPC), are major contributors to prolonged litigation.
- Experts emphasized that a significant portion of litigation in district courts constitutes compulsory litigation – cases where citizens are compelled by law to approach courts for matters such as succession certificates, inheritance disputes, or property partitions. Many of these could be resolved administratively through institutions like NADRA if procedural bottlenecks were addressed.
- Procedural inefficiencies such as frequent adjournments, non-cooperation among allied institutions, and unnecessary delays by judges and litigants have become entrenched practices. These systemic behaviors, rather than deficiencies in law, were identified by the experts as the root cause of backlog.
- Experts observed that legal provisions already empower judges to dismiss frivolous or untenable cases at the preliminary stage, yet this discretion is seldom exercised due to fear of backlash, lack of training, or interference from higher judiciary and bar councils/associations.
- A recurring theme, among the experts, was the “behavioral” dimension of delay – litigation is often used to satisfy personal egos or to harass opponents. The absence of deterrence against false or vexatious cases, coupled with the low cost of litigation, enables abuse of process.
- The imbalance between population growth and the number of judicial officers is also a major structural gap. Vacant judicial positions remain unfilled for long periods, and existing judges face heavy dockets without corresponding administrative and technological support.
- Frequent transfers of judges mid-proceeding disrupt case continuity, forcing re-hearings and prolonging adjudication. Experts stressed the need for stability in judicial postings to ensure consistent case progression.

- Lack of institutional coordination among key actors—judges, lawyers, prosecutors, police, clerical staff, etc.—was identified as another impediment. The efficiency of one segment is often undermined by the negligence or indifference of another, creating systemic friction that fuels delay.
- Experts noted that superior courts' overreach and inconsistent judgments create uncertainty within the district judiciary. Excessive interference discourages independent decision-making and fosters a culture of caution that further slows proceedings.
- Weak accountability mechanisms were also highlighted by a few experts. Despite statutory timelines for civil cases, there are no real consequences for judicial delays or disregard of procedural timeframes.
- Experts argued that the issue extends beyond the judiciary to the broader culture of dispute resolution in Pakistan. An adversarial mindset and the societal tendency to litigate, rather than negotiate, have deepened the crisis.
- Some experts linked the backlog to broader governance weaknesses—stressing that in Pakistan, systemic failures in administrative and regulatory enforcement push even minor disputes into courts, overburdening the judiciary.

B. Evaluating Past Reforms: Why have Backlog Reduction Efforts Fallen Short?

- Numerous commissions and committees since independence have studied judicial delays and recommended reforms, including amendments to the CPC and other procedural laws. However, most initiatives have failed to produce sustained outcomes due to lack of implementation, continuity, and institutional ownership.
- Several experts pointed out that pilot projects such as model courts demonstrated that timely justice is possible without legislative overhaul or additional funding—merely by ensuring discipline and coordination among stakeholders. Yet, these successful experiments lost momentum once leadership changed, reflecting Pakistan's chronic problem of discontinuity.
- Legal education reforms were discussed, by a few experts, as a critical foundation for long-term change. Outdated curricula and unregulated degree programs have produced inadequately trained lawyers and judges. Recent steps to standardize law degrees, shorten program duration, and introduce mandatory ADR modules, are some important corrective measures.

- Institutional training was recognized by experts as another area of reform. New initiatives such as law faculty development programs and bar vocational courses were noted; however, their limited reach and inconsistent quality have prevented systemic transformation.
- A lack of accountability and incentives for performance was viewed as a core weakness of past reforms. Judges who fail to conclude trials within statutory timelines face no repercussions, while high-performing judges receive no special recognition or reward.
- Institutional reforms, including the creation of ADR mechanisms under Section 89-A of the CPC and various provincial ADR Acts, were appreciated by experts as positive steps. Nonetheless, their impact has remained marginal due to inconsistent application, lack of awareness, and weak standardization.
- Experts emphasized that the introduction of ADR in Pakistan has largely remained an “elite-driven” exercise, detached from actual stakeholders. Initial enthusiasm was not matched by sustained capacity-building or cultural integration at the grassroots level.
- Experts argued that technology-driven initiatives – such as digitization of records and introduction of online case management systems – hold potential but have yet to be fully adopted by district courts. Distrust of technology, particularly AI, among both judges and lawyers has slowed progress.
- Experts also pointed out that while “islands of success” exist – such as efficient local courts or well-managed ADR centers – they remain isolated and unsustainable due to the absence of institutionalization.

C. The Way Forward: Building an Efficient and Responsive Civil Justice System.

- Experts agreed that sustainable solutions require a combination of structural, procedural, and cultural reforms anchored in institutional continuity. Reform efforts must move beyond ad hoc measures toward system-wide redesign that aligns the interests of all stakeholders – judges, lawyers, litigants, and administrators.

- A consensus emerged that backlog reduction cannot be achieved without strengthening judicial capacity. Vacant posts should be filled promptly, and new judges recruited in proportion to population and caseload. Alongside, comprehensive capacity-building and judicial training programs must be institutionalized.
- Experts recommended that the volume of compulsory litigation be reduced by empowering administrative bodies, such as NADRA, to handle routine matters like succession and inheritance, supported by procedural reforms and inter-agency coordination to prevent unnecessary court involvement.
- The need for mandatory mediation was strongly emphasized. Participants suggested introducing compulsory pre-trial mediation for civil and commercial cases—following international best practices such as those in Türkiye and Japan—while ensuring proper standardization and training for mediators and advocates.
- Pakistan's existing ADR laws and frameworks need to be consolidated and made consistent across provinces.
- Some experts advocated for legally empowering and regulating local jirgas and panchayats as community-based dispute resolution forums. Drawing on successful pilots in Sindh and Gilgit-Baltistan, it was suggested that trained mediators and paralegals at the grassroots level could help resolve or prevent disputes before they escalate into formal court litigation.
- Technological innovation is an essential enabler. Courts should adopt automated case management systems, digital filing, and AI-assisted scheduling to streamline workflows. However, this must be accompanied by confidence-building measures and user training.
- Management-oriented approach needs to be embedded within the judiciary. Effective case management, time-bound procedures, and data-driven monitoring should be institutionalized as part of court administration.

- Experts proposed that judicial accountability mechanisms be strengthened. Evaluation metrics should include adherence to statutory timelines, quality of judgments, and responsiveness to litigant needs. Non-performance should carry tangible consequences for promotion and tenure.
- Increasing litigation costs and imposing realistic court fees are necessary to discourage frivolous suits. Simultaneously, the losing party should be made to bear litigation costs unless a judge provides reasoned justification otherwise.
- The National Judicial (Policy Making) Committee (NJPMC) was identified as a central but underperforming body. Experts suggested that its role in ensuring continuity, accountability, and oversight of judicial reforms needs urgent revitalization.
- Experts emphasized that judicial reform must be complemented by broader social reform—through civic education, public awareness, and preventive legal measures—to discourage frivolous litigation, promote responsibility, and build a culture of dispute avoidance for long-term judicial efficiency.
- Experts also emphasized that judicial reform must be internally driven yet externally encouraged. A national discourse, both within the legislature and among the public, should be initiated to hold the judiciary accountable for its own institutional development and infrastructural improvement. Without sustained public and legislative oversight, meaningful self-reform within the judiciary is unlikely to occur.

LIST OF PARTICIPANTS

| Sr. No. | Name | Designation |
|-------------------------|-----------------------------------|---|
| Chair | | |
| 1. | Major General Muhammad Raza Aizad | <ul style="list-style-type: none"> • DG ISSRA |
| Moderator | | |
| 2. | Jamal Aziz | <ul style="list-style-type: none"> • Director, Center of Excellence for International Law (CEIL), ISSRA. • Executive Director, Research Society of International Law (RSIL). |
| Opening Speakers | | |
| 3. | Qaiser Imam | <ul style="list-style-type: none"> • Advocate Supreme Court of Pakistan. • Ex-Civil Judge. • Ex-President, Islamabad Bar Association. |
| 4. | Sarah Tarar | <ul style="list-style-type: none"> • Dean, International College for Legal Studies. • Director, International Centre for Dispute Resolution Lahore. • Consultant Mediator with Office of Compliance Advisor Ombudsman, World Bank Group. |
| 5. | Sohail Nasir | <ul style="list-style-type: none"> • Deputy Chairman, National Accountability Bureau (NAB). • Ex-Justice, Lahore High Court. • Ex-Registrar of both the Lahore and Islamabad High Courts. • Ex-Director General, Punjab Judicial Academy. • Ex-District & Session Judge, Attock, Lahore, Faisalabad. |
| Closing Speaker | | |
| 6. | Ahmer Bilal Soofi | <ul style="list-style-type: none"> • Advocate Supreme Court of Pakistan. • Ex-Minister of Law, Justice, Parliamentary Affairs and Human Rights. |

| Discussants | | |
|--------------------|--------------------------|---|
| 7. | Barrister Mumtaz Ali | <ul style="list-style-type: none"> • Advocate Supreme Court of Pakistan. • Managing Partner MUMTAZ & BROHI, Barristers & Corporate Counsel. |
| 8. | Adil Aziz Qazi | <ul style="list-style-type: none"> • Advocate Supreme Court of Pakistan • Vice Chairman, Islamabad Bar Council. |
| 9. | Usama Malik | <ul style="list-style-type: none"> • Advocate High Court. • Director, Directorate of Legal Education (DLE). |
| 10. | Shahzar Ilahi | <ul style="list-style-type: none"> • Co-Founder & Associate Director, Musaliha International Center for Arbitration & Dispute Resolution (MICADR). |
| 11. | Saqib Bhatti | <ul style="list-style-type: none"> • Advocate High Court. • Ex-Civil Judge cum Judicial Magistrate. |
| 12. | Minahil Ali | <ul style="list-style-type: none"> • Advocate High Court. |
| 13. | Qurrat Ul Ain Rehman | <ul style="list-style-type: none"> • Advocate High Court. • Senior Lecturer, Bahria University, Islamabad. |
| 14. | Brig. (Retd.) Riaz Ahmed | <ul style="list-style-type: none"> • Director Global & Regional Studies (G&RS), ISSRA. |
| 15. | Kinza Kanwal | <ul style="list-style-type: none"> • Faculty of Contemporary Studies (FCS), National Defence University (NDU). |
| 16. | Maham Ayaz | <ul style="list-style-type: none"> • Research Fellow, Centre of Excellence for International Law (CEIL), ISSRA, NDU. |



PICTURE GALLERY





Conversations



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For Feedback, please contact us at ceil@ndu.edu.pk



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