

# **SYNOPSIS OF THE THESIS**

## **Impact of Long-Pending Cases on Socio-Economic aspects of Parties Involved: a Study of Cases in Civil Courts**

**Doctoral Thesis Submitted**

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## INTRODUCTION

The instant synopsis prologizes the breakdown of Lawsuit epitome from suit-institution by plaintiffs in courts to finally pronouncement of judgement including intermittent sub - process of procedural laws as laid down in the Code of civil procedure ,1908 i.e. Summons to defendants, framing of issues, trial process of recording Evidently depositions, Hearing the parties and at length passing, Judgement in terms of implication of Conflict Resolutions. Likewise, the present Research work epitomizes the Topic selection, Data collection and statistical Analysis and finally to arrive at the outcomes of implications of problem - Resolutions.

The present research topic, the socio-economic impact of long pending cases (i.e., delay in disposal of cases), overviews the composite and cumulative effect of factors that contribute to the accumulation of cases not disposed of yet, i.e., cases that are at least backlogged for 5 years. Such non-disposal of cases causes an economic and financial impact on individual litigants and psychological and emotional effects on mental well-being and quality of life based on professional growth. It also impacts entrepreneurial activities and business ventures in terms of overall social and community impact. The pendency of court cases owing to delay in passing Judgments by the Justice Deliver -system through the trial court, first Appellate court, Second Appellate Court, and finally by Special Leave petition SLP by the Apex Court at 3-levels (i.e., District Court, State or High court and Supreme Court, and henceforth pending (i.e. delay in disposal of cases is time-taking. The economic burdens faced by litigants due to pending cases cause the financial, psychological, and emotional strains during the Trial period of cases under Order 18, Rules 2 and adjournments under order-17 Rule 1 to 3 of the C.P Guide(i.e., costs of adjournments under Rule (2), ranging from 5 to 10 thousand.

The socio-economic effect of long pending cases in courts (i.e., Cases more than 5 years at the court of first instance) is a significant social ailment. Although the impact exhibits the litigants seemingly heartbroken, they are ready to continue the legal battle until the elixir of poetic justice is achieved. Here lies the triumph of the Indian judiciary system, which intends to probe into “causes and cures” of the concept “justice delayed is justice denied,” and prima facie, it is found that there requires the introduction of a strategic management process to the courts’ functions through cause lists of cases by the composite applications of formulation, implementation, and control of the stages of lawsuits. The dexterity lies in preparing the cause lists so that the proper hearing of the cases is streamlined. Owing to the lack of strategic

management concepts, the tabulation of hearing strategy becomes heterogeneous, and the disposal becomes long-spanning.

According to 2005 World Bank survey data, about 12.5 % of Firms were involved in court cases from 2001-2004, and about 22.5% of Firms Reported poor contract enforcement as a constraint to doing business. Being a legal practitioner for more than 40 years, the researcher noticed an inordinate delay in the disposal of lawsuits instituted in trial courts in the first instance. Yet, the contesting parties are still ready to bear and lever all sorts of socioeconomic pains until the courts pass Final Judgments. What's the amazing, unshaken, wondrous TRUST of people in our 'Justice delivery system'? Such curiosity has dragged the researcher to the instant Research Work to redeem the clients from the burning problem of Delay in the disposal of Lawsuits pending in courts (i.e., the large existing backlog of cases).

The Hon'ble Supreme Court vide Judgment dated 02.01.2017 as reported in (2017) Vol. 3 SCC Page 665 referred the Table of Disposal and pendency of cases more than 5 years old in the District Judiciary for 2013-2015 titled "Subordinate Courts of India: A Report of Access to Judiciary Justice, Analysis of pendency of cases in the District Judiciary which shows in the year 2015, opening balance 2,65,09,638 and disposal: 1,83,78,256 pendency: 2,71,76,029 and cases more than 5 years old: 62,01,794, vide paragraph 21 at page 321 (Supreme Court Cases (Civil) dated 12.05.2017) and the said Report concludes thus at page 74 begins: (Judiciary, 2013-2015)

Thus, to overcome the ailment of pendency of cases (i.e., institutions of suits in Courts), the Hon'ble Apex Court at paragraph 28 of the said Judgment dated 02.01.2017 (2017(2) SCC (Civ) 218 = (2017) 3 SCC 665) scored the formula for determining the number of Judges for disposing of BACKLOG required to dispose of pending cases within a given period:

$$AJBK = (B/ARD) / t$$

where,

AJBK = Number of Judges for disposing of Backlog

B = Backlong defined as the number of cases pending for more than a year

ARD = Average Rate of Disposal

t = The time frame, in number of years, within which the backlog needs to be cleared. (Report, 2017)

CONFERENCE OF INITIATIVE TO REDUCE PENDENCY AND DELAY IN JUDICIAL SYSTEM ORGANIZED BY: SUPREME COURT OF INDIA IN COLLABORATION WITH THE INDIAN LAW INSTITUTE 27-28 JULY, 2018. MITTAL ENTERPRISES DELHI.

This conference contents comprised Part 1, four sessions (i.e., Case and Court Management + Alternative Dispute Mechanism towards reducing pendency + Use of Technology to reduce Delay and speedy Justice) + Reducing pendency and Delay in Judicial system) & Part-II (Views of Judges) almost 106 pages) appears to be ‘key to the present topic, “How to reduce the Delay and pendency of cases.”

#### ADR–MECHANISM (ALTERNATIVE DISPUTE RESOLUTION)

The mounting growth of pendency of cases is the stirring brain storming’ issue of the conference, and the conference identified the problem (i.e., the Judge population ratio (i.e., approx. 19 Judges per million) 16,900 Judicial officers/sanctioned 22,200 as of 01.04.2018). Learning about 5,300 posts vacant (i.e., 24% of total sanctioned).

As such, the ‘Disposal Review Mechanism’ still needs immediate initiations by High Courts to overcome the issue of ‘delay’ and arrears/pendency of Lawsuit in Subordinate Courts—consequently, the ‘Court Cases Counsels Management Techniques’ need to be introduced.

The conference is much more stressed upon Sec. 89 of the C. P. Code, 1908, as a ‘game-changer’/ADR mechanism to reduce the delay and pendency of cases.

In his inaugural deliberation, Hon’ble Shri Justice Dipak Misra, CJI, shared important suggestions: (How to reduce Delay & pendency). (Mishra, How to reduce delay & Pendency, 1908)

- (a) Time Limit for Technical pleas by Courts.
- (b) Grouping of cases (Urgency & priority).
- (c) Annual target of Disposal of old cases (Bi-monthly or quarterly court function Review).
- (d) Track report of Disposal of cases.
- (e) Courts additional capacity.
- (f) Digitization of court records/Automation System.
- (g) To expedite Sec. 89 R/W, O-10, R-1(A) of the C. P. Code, 1908/Settlement of Dispute, Outside of Courts.
- (h) High Courts will keep digitized – Format Reports fortnightly.
- (i) Strict guidelines for Adjournments at Trial stage u/O-18, R-2, R/W O-17, R-1.
- (j) Options for Saturday Courts.

- (k) FTC (Fast Track Courts) to be explored.
  - (l) To eliminate delay mindset.
  - (m) Back to basics.
  - (n) THINK-TANKS of Judges Lawyers – Academicians. How to reduce Delay and pendency.
  - (o) ‘Timely and effective Justice.’
- The Hon’ble CJI reminded the great saying of Benjamin Franklin:  
 ‘How for want of a Horse Shoe nail, a Kingdom was lost.’

SUMMARY OF ADDRESS OF OTHER HON’BLE SUPREME COURT JUDGES ON THE CONFERENCE ‘HOW TO REDUCE PENDENCY & DELAY’ IN JUDICIAL SYSTEM.

(I) Hon’ble Shri Justice Ranjan Gopal, Judge Supreme Court, emphasized the incorporation of ARTIFICIAL INTELLIGENCE in Case Management and all the Courts be Wi-Fi installed together with brain-storming innovative and pragmatize solutions for pendency loss science. (Ranjan, 2018)

(II) Hon’ble Justice Madam B. Lokur, Judge, SCI, in his address, suggested and exhorted the subordinate Judiciary to appoint Court Managers and also asked the Judicial Academics to be engaged in cross-cutting-Research to reduce the Delay and pendency of cases. (Lokur, Exhorted the Subordinate Judiciary, 2018)

(III) Hon’ble Shri Justice Kurian Joseph, Judge Supreme Court, exhorted the following reformatory measures:

- (a) The government needs to quicken the appointments in courts.
- (b) ADR is to be explored in complex family and civil cases.
- (c) Articles 224A & 128 of the Constitution will be invoked to appoint ad hoc judges.
- (d) To explore Effective Case Management System (Cause List).
- (e) Judges' retirement age is to be increased to 70 years to avail themselves of their expertise and experience.
- (f) Encouraged dialogue dynamics to reduce delays and pendency in court cases. (Joseph, 2018)

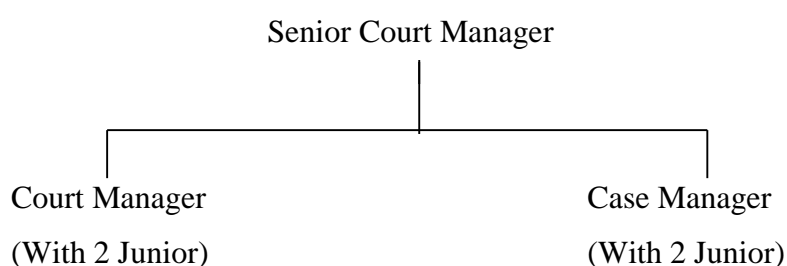
(IV) CASES & COURTS MANAGEMENT TO REDUCE PENDENCY & DELAY  
 Hon’ble Shri Justice A. K. Sikri (Sikri, 2018) Judge Supreme Court stressed the higher disposal rate than filing cases.

The reasons for delay and pendency.

- (a) Paucity of Judges
- (b) Insufficiency of Court Management
- (c) Absence of Court culture
- (d) Inadequate Court Staff
- (e) Frequent adjournments
- (f) Lack of Infrastructure

His Lordship proposed. An independent cadre of Court managers:

Court Manager General



(v) **CONCLUDING REMARKS BY THE LORDSHIP JUSTICE SRI A. K. SIKRI**

- (a) Grouping of Cases
- (b) Fixation of Roster For Judicial Officers as per Expertise
- (c) Daily Cause List be released
- (d) Incorporation of a Hybrid System Mix of New & Old Cases Hearings.
- (e) Scrutiny before Hearing substantive issues
- (f) Strict adherence to Time-Limit for Oral Hearings.
- (g) Effective utilization of Court Management
- (h) Mechanism Study of Court Management

(vi) **SESSION-IV/CONF/27-28 JULY/2018, 4FOLD MANTRA BY PROF. N. K. MADAVA MENON TO REDUCE DELAY & PENDENCY**

- (a) Sanction of Government Fund for Courts Cases Management
- (b) Pre-Litigation Mediation/ADR Mechanism by Legal Services Authorities
- (c) To utilize the National Judicial Data Grid by Judicial Officers, Lawyers & Litigants.
- (d) Gram Nayalay as to work for reducing Delay & Pendency. (Menon, 2018)

(vii) **CONSEQUENCES OF PENDING CASES IN COURTS:**

- (a) Ordinary men's faith in courts is trembling;
- (b) No economic reforms & without speedier justice

- (c) No increasing Foreign investments
- (d) Loss of efficiency Owing to Overloaded works of the Judiciary

(viii) SOLUTIONS TO DELAY & PENDENCY

- (a) More courts FTC, LokAdalats, Gram Neyalaya
- (b) Govt. needs to double the Judges
- (c) Fix the NJAC controversy/start appointing Judges

THE ECONOMIC CONSEQUENCES OF A WEAK JUDICIARY INSIGHTS FROM INDIA  
WOLFGANG K. C. KOHLING

Centre for Development Research ZEF

University of Bonn. Germany

Nov. 2000.

**RESEARCH MOTIVATION**

Being a legal practitioner for more than 40 years, the researcher noticed an inordinate delay in the disposal of lawsuits instituted in trial courts in the first instance. Yet, the contesting parties are still ready to bear and lever all sorts of socioeconomic pains until the courts pass Final Judgments. What's the amazing, unshaken, wondrous TRUST of people in our 'Justice delivery system'? Such curiosity has dragged the researcher to the instant Research Work to redeem the clients from the burning problem of Delay in the disposal of Lawsuits pending in courts (i.e., the large existing backlog of cases).

**RELEVANCE OF THE TOPIC**

The most crucial concern is the plight of litigants owing to decades-long delays in court disposal. Due to the delay in the disposal of cases, the litigants are becoming financially pauper and heartbroken, even to the extent of self-perdition. The reason, prime facie, appears to be the flaw of management in framing the cause-list of cases becoming long-pending. And therefore, there is no such framework to address the long-pending cases. Once the causes of cases becoming long-pending are listed and the impact of such instances on the socio-economic life of the stakeholders is ascertained, a well-structured framework could be developed to address the concern by using management science in the judicial functioning system. Thus, the findings of this research will help lessen the stakeholders' pain in long-pending cases and may act as a breather for the Indian judicial system.

**Objectives:**

- ❖ To identify the reason for long-pending cases in civil courts.
- ❖ To explore the social impact of long pending cases on the parties involved

- ❖ To Understand the economic Impact of long pending cases on the parties involved
- ❖ To suggest measures to settle the cases before they are tagged as long –pending Cases.

**Scope:**

- The Scope of the Study will be confined only to Cases in Civil Courts of Jharkhand (India).
- All cases in Jharkhand (India) civil courts will not be considered. Only cases pending for more than five years (represented as long-pending cases) in any of the Civil Courts of Jharkhand will be included in this study.
- Parties involved who will be considered for the study are Litigants, Bar and Bench.

**Problem Statement:**

Based on the literature surveyed, researchers have expressed concern about long-pending cases and presented how they have failed the rule of law. However, little study has been done on the bothering or suffering of the parties involved in such cases. Moreover, cases pending in courts like the Civil Courts have not been the researchers' focus.

**Need for the study**

The researcher relies upon the legal dictionary edited by former CJI and Supreme Court judges, which was reprinted in 2016 by Universal Law Publication Delhi and Advanced Law Lexicon 2005, Nagpur, Wadhwa Law Publication/ALL INDIA REPORTER for clarification.

The simple argumentation point arises-when the legislature enacts the Laws/Legislation but if the supreme court, by their Lordships Judicial Review under Articles 141) and 142, declare laws, then it is the voice of the people –cum- Litigants who practically make law while Judiciary restricted to interpret the legislation only. Such a long war has put the Litigants in an immense delay in the disposal of cases. The researcher smells the flaw in tripartite- trio logical coordination between the legislature, Judiciary, and executive. Even if a litigant gets judgment after a decades-long battle, they do not get delivery of possession because they become financially pauper.

Online Dispute Resolution (ODR), with special emphasis on mediation in states should be implemented for the speedy disposal of cases. Sri A Mohamed Mustogue has launched Online Dispute Resolution under the major internet impact on his seminar topic, which was organized by Inter-Pacific Bar Association Kochi advocate High Court of Kerela. (Mustogue, 2016) Yet he has expressed that harmonizing the legal framework is not easy as dispute may involve cross-border transactions.

As mentioned here, ADR methods (to reduce the pending of cases) through online e-commerce transactions should also have a technical procedure for the Arbitration and Conciliation (Amendment) Act 2015. Simultaneously, the quicker disposal of cases worth Rs 1 corer shall be referred to the commercial court with a specific valve at one or more than one crore if a commercial dispute arises. However, the litigant's fate shall again oscillate due to the Arbitral Award under section 34(which could be challenged) under the code of civil procedure. That's why there also lies the lengthening shadow of delay in disposing of cases subject to challenge in special leave petitions before the Supreme Court.

Peace is the fruit of Justice. Justice is Better, so injustice is reduced.

As reported in the (2015) VOL 8 SCC (J-31) article by Sri V Sudhish Pai Advocate, ' Justice is the Best catalyst for the transformation of the society.' The researcher relies upon the philosophy of Vivekananda as the impact of Vivekananda's constitutional interpretation by the Supreme Court of India as reported in (2012)VOL.SCC J-27 asserts that hate speech and freedom of expression Balance social good and individual liberty since hate speech is anti-democratic and needs reassessment [(2011) Vol 8 SCC/J-25. (Pai, 2015,2012 and 2011)

Concerning Judicial impact assessment, Economic consequences of weak judiciary insights from India by Germany born Wolfgang KC Kohling (an economist at the world (Bank) November 2000 W Koeling @worldbank.org, indicate a weak judiciary (also viewed in All India Reporter AIR Journal section page 46 by Sr advocate and barrister Former Bar Council of west Bengal Sri Bimal Kumar Chatterjee) with the followings outcomes (Wolfgang KC Kohling, 2000)

- i) Lower per capita income
- ii) Higher poverty rates
- iii) Lower private economic activity
- iv) Poorer public infrastructure
- v) Higher crime rates and more industrial riots

The results are robust, and correlations are strong and negative. The impact of a single case at Dhanbad court Title suits No 14/1971 Civil Judge (Senior Div) No2 Dhanbad still the Final decree is not disposed of even after passing over 45 years.

### **Hypotheses:**

H<sub>0</sub>: There is no significant difference of opinion among the litigants and Advocates on the Perception and attitude towards court proceedings and the legal system based on their demographic profile.

H<sub>a</sub>: There is a significant difference of opinion among the litigants and Advocates on the Perception and attitude towards court proceedings and the legal system based on their demographic profile.

**Sub-Hypotheses:**

H<sub>01</sub>: There is no significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Gender.

H<sub>a1</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Gender.

H<sub>02</sub>: There is no significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Age.

H<sub>a2</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Age.

H<sub>03</sub>: There is no significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Annual Income.

H<sub>a3</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Annual Income.

H<sub>04</sub>: There is no significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Number of Dependents.

H<sub>a4</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Number of Dependents.

H<sub>05</sub>: There is no significant difference of opinion among the Advocates on the Perception and attitude towards court proceedings and the legal system based on Gender.

H<sub>a5</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Gender.

H<sub>06</sub>: There is no significant difference of opinion among the Advocates on the Perception and attitude towards court proceedings and the legal system based on Age.

H<sub>a6</sub>: There is a significant difference of opinion among the litigants on the Perception and attitude towards court proceedings and the legal system based on Age.

## REVIEW OF LITERATURE

First Section of the Literature review aims at understanding the practical problems of delay in the disposal of lawsuits instituted in our District Court within the overview flowchart Code of Civil Procedure, 1908, comprised of Section-1 to Sections 151-1530 & the First Schedule Order-1 to Order XLVIII together with Rules and sub-rules thereto how to diminish and overcome the said pendency of cases. Undoubtedly, the law is a social product, and the economic mechanism is highly sensitive and complex. Therefore, the fruit of the Judgments in civil suits deeply affects the socio-economic conditions of the contesting litigants. Neither party reports on the Court's decision despite being in various crises. Faith in courts still subsists, unshaken. As such, the malady of the pendency of cases in courts must be cured. Henceforth, the present research work also pertains to tackling the pending cases for quicker disposal of.

### Research Gaps

Detailed literatures are mentioned in the thesis. A few sample literatures are mentioned here for synopsis purpose.

<b>Reference/Reliance (s)/ Books/Journals</b>	<b>Reliance Pertains to</b>	<b>Reliance Relevant to PH.D Topic Reduce Pendency of Civil Cases in courts and Delay in the Judicial system its Socio-economic impact.</b>
Conference organized by the Supreme Court of India in collaboration with The Indian Law Institute New Delhi, 27-28 July 2018	How to Reduce pendency and delay in judicial  Hon'ble Sri Justice Dipak Misra, Chief Justice of India (CJI) To Hear Academic Voices of Legal Academicians	Ph. D work aiming at identically how to reduce pendency + delay Frequent presentation (C, 2018)
Session-1/Case and court management for strengthening judiciary National Initiative By	Topics Case & court management to enhance the judiciary	If pendency is reduced if delay reduced socio-economic impact automatically effected

<p>SC + ILI (Indian Law Institute) New Delhi 27-28 July 2018 -do-</p>	<p>+ ADR Mechanism U/ sec. 89 C.P. Code + Technology to reduce delay for speedy disposal of pending cases to immediate possible solutions for reducing pendency &amp; delay</p>	
<p>Valedictory/ Valediction/ Address -do- 27-28, July 2018</p>	<p>+ Addressed by Hon'ble Shri Justice/CJI/ Dipak Mishra (2018) Addressed by Hon'ble Shri Justice/CJI/SC/Ranjan Gogoi CJI/2019 Hon'ble Shri SC Hon'ble Shri Prof. (Dr.) N. R. Madhavan Hon'ble Shri Menon/VC/ NLSO ID Before/NUJS- KOL. (Page-73- 80)/Valedictory address Nascent possible measure</p>	<p>+ Exploring the possibility of court managers CJI/2018 &amp; Mediation Centres 24x7 Job --- CJI/2019 &amp; 4- Fold Mantra i. Personal Policy – management ii. Diversions of Alternative Methods iii. Use of Technology iv. court as case management (Menon D. M., 2018)</p>

Session- 2 P/93-106 27-28 <sup>th</sup> July, 18	Nascent Possible Measure	Multi-provided strategy with inputs and innovations by Bar + Bench + Academia
Fali S. Nariman's Book God Save the Hon'ble Supreme Court Hay House Publishers 15BN 78-93-86832-62- 7 2018 Edn.	About The Lawyer and Law- given + Role of the judges + Advocacy + Quicky cases + God save the Supreme Court P-19 to 297  Ref. :- 2017 (2) SCC 629 To maintain the sanctity of the democratic process + (Nariman's, 2018)	Help to my Ph.D. works  There is a tremendous irregularity in the listing of cases/Roll calls/  There is no better system for listing the cases; hence, there is a delay in the disposal of cases.  + The lawyer and the law given both are Law in public esteem P-101 + The judgment is a treat. P-271 Social Justice
COURTS AND THEIR JUDGMENTS/BOOK- BY ARUN SHOURLE HARPER COLLINS PUBLISHERS INDIA, ISBN- 978-93-5277- 607-8 (2001, 2018)	Does the judger enforce and interest the law OR interpolate words into statutes? [Case cited w.e.f. 1989 (2) SCC 691 to 2000 (1) SCC 210 298 (almost 130 + counts decision) up to P-445]	Judgments (as per Sec. 2 (9) r.w. Sec. 2 (1) R.W. O-20, R-5 decision on each issue O-14, R-1 (4)] should be counter poisoning unto bring back disputation ante-status-quo so that to decimate the controversy Money- time- socio-eco- condition be restored.

	"NO JUDICIAL HANDS OFF (P-208) (HARPER, 2001,2018)	"GLORIFICATION OF POETIC JUDGMENTS" (After prosecuting this 454. Paged book)
SALMOND ON JURISPRUDENCE SWEET & MAXWELL SOUTH ASIAN EDITION- 2018 BOOK/FIRST EDITION- 1902 15 BN : 978-93-8474-696-4 BIBLE OF JURISPRUDENCE (I.E.)	About 1-15 parts of Law Nature of Law (Chapter I) + Administration of Justice + Sources of law + Legislation + Precedent + Custom + Legal Rights + ownership + possession' (P-246 to 294) + persons + Tiles (P-331 + 341) + P-411 to 441 + obligations + Chapter-15 Law of Procedure (Salmond, Bible of Jurisprudence, 2018)	In Civil suits/lawsuits/ the conflict Between OWNERSHIP – Titles – possessions (substantive law) & Delay in Disposal Due to correct/incorrect application of procedural law & Law of Property Basis: Substantive Law, as opposed to the law of procedure; Civil law, as opposed to criminal & Delay in disposal due to dichotomicalRyphon between the law of property And law of procedure.
Transfer of property By B.B. Mitra & Sengupta	Law relating to Transfer of property by act of	Maximum delay due to Sc. 53/53-A part performance conflict between possession & ownership

<p>21<sup>st</sup> Edition 2017 Kamal Law House, Kolkata</p>	<p>parties (&amp;Sengupta, 2017)</p>	<p>&amp; Sec. 17 (1-A) of Registration Act vis- a-vis Sec. 53 of T.R. Act.</p>
<p>Law of Execution of Decree and Orders by Sir John Woodroffe &amp; Ameer Ali Book 1132 Pages Delhi Law House 15BN : 978-93-81308- 41-7</p>	<p>About how to enforce court orders and decree/ Sec. 36 to 74 (O-21, R- 1 to 106) C.P. Code, 1908 (Ali J. W., 1908)</p>	<p>To my Subject The Real trouble starts with the execution of the decree, causing delays in disposal.  BUT Remedy vide Hon'ble Apex Court Decision dated 28, 2018 SLP (Crl) 2610 of 2013 to 9652-9653 of 2013 decided in 2018 (i.e., stay till 6 months only both (Cr. V. Civ.)  AND Instantaneously applicable vide para- 36 on page-38 beings to be adopted in Civil Cases. Also</p>
<p>Nani Palkhiwala's courtroom genius Lexis Nexis publication Print Augs/ 2012 ISBN 978-81-8038-754- 4 451-Paged</p>	<p>About (P/5- P/12) Advocacy Betterment Better the Advocacy quicker the disposal of cases:- Secret of Success:- (i) Single Mindedness. (ii) Hard Work (iii) Time Management (iv) Concentration (v) Speed Reading (vi) Continuous self- improvement (vii) Clear strategy &amp; persuasive style of Advocacy</p>	<p>AID to my Ph.D work Better the Advocacy quicker the disposal of cases. As the researcher, also by professional advocate / Field Knowledge, the best way to better work need + of meteoric rise to legal stardom (Mental Preparedness)</p>

	(viii) No Gossip (Palkhiwala', Advocacy Bettlement, 2012)	
M. Hidayatdlyaa Former Vice President of India & Former Chief Justice of India' Book My Boswell Universal Law Publishing Co. ISBN 978-81-7534-260- 6 (295-PAGED)	About Form of Judgment O-20, R-5 of C.P. Code, 1908 Judgment: This is not open to criticism of undue brevity (Hidayatdlyaa, 1908).	AID to my work To apprise of the court pass. Judgment with proper adjudication of Each issue. Time can be saved if issues are framed U/O-1, R-1 (4) (a), (b) of the C.P. Code, 1908 by reading pleadings plaint + WS [U/O-6, R-1)

## RESEARCH GAPS

- On the basis of literature surveyed, it is found that researchers have shown their concern on long-pending cases and presented how it has been a failure of rule of law. However, not much study is done on the bothering or suffering of the parties involved in such long-pending cases. Moreover, cases pending in Courts like Civil Courts of Dhanbad have not been a point of focus of the researchers.
- There exists Heterogeneous system of daily cause list of cases in courts. While the cases are called out for argument previous order sheets are oftentimes found not well arranged for which the matter is delayed.
- Court management suffers from expertise as to how arrange the cases for hearing

## RESEARCH METHODOLOGY

The present work could be considered a survey-based descriptive and exploratory research work. Going through the civil--process map, from the institution of suits under section 26 of the Code of Civil Procedure 1908 to the process of execution of the decree under section 51 of the said Act of 1908, the problematic indication of pending civil suits practically, not less than 5 years backlog at least, was noticed by the researcher as a practicing advocate and thus this 'Research --works is to arrive at the solution points how to resolve, the problem (i.e., to reduce the pending of cases )by adopting an appropriate "Methodology"

The respondents were advocates, litigants, and judges from Jharkhand's courts. Schedule method was used to collect the data from the Litigants where the researcher administered the questionnaire. Self- Administered questionnaire was used for collecting the data from the advocates and Interview method was used for Judges. Secondary data was also used and captured, and when the data was collected, it was examined using an appropriate statistical tool.

## **SAMPLING TECHNIQUE**

In this research, the stratified random sampling method was adopted. Most populations can be segregated into severally mutually exclusive sub-populations or strata. The process by which the sample is constrained to include elements from each segment is called stratified random sampling (D. Cooper & Schindler, 2006). A stratified sampling technique is generally applied to obtain a representative sample. Under stratified sampling, the population is divided into several sub-populations that are individually more homogeneous than the total population (the different sub-populations are called “strata”). Then we select items from each stratum to constitute a sample (Kothari & Garg, 2014).

### **3.5 SAMPLE SIZE DETERMINATION**

Samples are considered to be the complete representatives of the population exhibiting the characteristics of the population in all aspects. The sample size was calculated based on precision rate and confidence level. The sample is treated as a finite part of a targeted population, and the properties/ characteristics will be studied as a whole (Webster & Burgess, 1948). In context to the present research work, the precision rate was 5% at a confidence level of 95%. The formula for determining the sample size is mentioned below (Kothari, 2014)

$$n = z^2 .p.q.N / e^2 (N-1) + z^2 .p.q$$

Where,

$$n = \text{sample size} \quad 1.96*1.96*$$

N = Population Size

z = Standard Variate at a given confidence level. The value of z for a confidence level of 95% is 1.96

$e$  = Precision or acceptable error. The value of 'e' is taken as .05 for this study. •  $p$  = Sample proportion and  $q = 1 - p$

Here, the population considered of advocates was 3418, and at a 95% confidence level, the sample size calculated was 305; however, the response was taken from 500 by considering invalid responses. Here, the population considered Litigants was 3428, and at a 95% confidence level, the sample size was calculated to be 131. As per Kreijec and Morgan (1971), the maximum data required for a study is 386. However, the response was taken from 525 by considering invalid responses.

The final sample size was 407 Advocates, 389 litigants, and 30 Judges. As this sample size is more than 30, the distribution of the mean approximates a normal distribution (Solema & Badar, 2011). (Ghasem & Zahediasl, 2012) and (Rochon et al., 2012) have also worked in the same direction and have highlighted that a large sample size assumes the distribution of the mean to be normal.

## **DATA COLLECTION METHOD**

Data collection is a method that gathers and analyses information, processes it, and interprets it to get meaningful results. The collected data are subjected to hypothesis testing, which tries to explain any phenomenon (Kothari & Garg, 2014). There are two sources of data collection: primary data and secondary data. Primary data refers to collecting raw data from the source. It is collecting original data by the researcher to fulfill the specific research purpose. The primary data was collected through the Schedule method for Litigants, Self-administered questionnaire or Advocates, and Interviews for Judges.

Secondary data: The secondary data were also collected from various sources in the present study. The primary source of secondary data was from different courtrooms of the courts, Law Suits as case study. Quantitative data were collected through the questionnaire, and Qualitative data was collected through the interview with open-ended questions

## **METHODOLOGY OF DATA COLLECTION:**

The method adopted for the collection of primary data was the questionnaire. The questionnaire's scale for Advocates, Litigants, and Judges' performance was a 5-point Likert scale. The factors of decision-making were adapted from various literature. The questionnaire was collected by physically meeting the advocates, litigants, and judges. The data was collected

between May 2019 and August 2021. One set of questionnaires was taken from judges through interviews to determine the possible reasons for long-pending cases. The interview was conducted through meetings and face-to-face interaction.

## **DATA ANALYSIS**

Data was analyzed on a sample of 389 Litigants to address the research objectives. A comprehensive account of the analytical procedures is provided in the subsequent chapter. The fundamental steps undertaken within this analytical framework are outlined. Simple percentage Analysis was used to represent the sample composition based on the demographic profile such as Gender, Respondents Age, Annual Income, No of Dependents, and Perceived benefit if the case is disposed of at the earliest in the Family. Descriptive Statistics, namely Mean and Standard Deviation, were used to describe the Litigant's perceptions and attitudes toward court proceedings and the legal system. Also, the data analysis chapter described Advocates' perceptions and attitudes toward court proceedings and the legal system. Independent Sample t-test and ANOVA were used to test the difference of opinion among the litigants based on demographic variables on the perceptions and attitudes toward court proceedings and the legal system.

## **RESULT AND DISCUSSION**

The analysis encompasses a simple percentage-based examination of the respondents' demographic profiles and assessing the differing perspectives among litigants, advocates, and judges. Additionally, case studies involving long pending cases are included. Quantitative data were analyzed using statistical techniques such as descriptive statistics, independent sample t-tests, and ANOVA. Meanwhile, qualitative data from interviews with judges and case study insights are integrated and interpreted to provide a comprehensive understanding.

### **Interview from Judges**

The Interviews with judges simply preface that the daily cause-list of Law suit stages wise merit wise let be prepared by court-managers with all modern techniques so that the same reach at the Final Judgement -disposal complexity of intermittent application without further adjournments' ,of course the said managers should be well trained with Management strategic discipline

## **CONCLUSION:**

This study comprehensively analyzes judicial inefficiencies and their impact on various stakeholders, including litigants, advocates, and judges. A key finding across all groups was the significant concern regarding court delays, which contribute to financial and emotional burdens, particularly for litigants. The need for alternative dispute resolution mechanisms and judicial reforms was consistently emphasized to enhance access to justice and improve legal system efficiency.

## **LIMITATIONS OF THE STUDY**

- The study is limited to district courts in Jharkhand, which may not fully represent the judicial system across India. The findings may not generalize to states with different legal backlogs, administrative structures, or socio-economic conditions.
- The study relies on self-administered questionnaires and interviews, which may be influenced by respondent bias. Judges, litigants, and advocates might respond based on personal experiences or expectations rather than objective realities.
- The study primarily examines long-pending civil cases, excluding criminal cases, family disputes, and commercial litigation. This limits the applicability of the findings to the broader judicial backlog.
- The research does not comprehensively analyze the impact of recent judicial digitization efforts, such as e-courts, virtual hearings, and alternative dispute resolution mechanisms, which could significantly affect case pendency.
- The study is cross-sectional in understanding the pendency of cases.

## **SCOPE FOR FURTHER RESEARCH**

- Future studies can compare judicial delays across multiple states to identify region-specific factors affecting case pendency and potential best practices that can be adopted nationwide.
- Further research can explore the impact of specific judicial reforms, such as fast-track courts, mediation, and digital case management, on reducing case backlogs and improving judicial efficiency.
- A study focused on how digital transformation (e-filing, AI-based legal research, automated scheduling, and online dispute resolution) affects case pendency could provide actionable insights for policymakers.

- While this study focuses on civil litigation, future research can explore the causes and consequences of delays in criminal cases, particularly concerning undertrial prisoners and access to justice.
- A study comparing the effectiveness of ADR methods, such as arbitration and mediation, versus traditional court litigation in reducing delays could help encourage more out-of-court settlements.
- Research on how prolonged litigation affects women litigants, particularly in family disputes, property inheritance, and workplace harassment cases, could offer insights into gender-sensitive judicial policies.

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