

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

**Doctoral Thesis Submitted**

**In partial fulfillment of the requirement for the award of the degree of**

**DOCTOR OF PHILOSOPHY**

**In**

**Management**

**By**

**PRADEEP KUMAR BHATTACHARYYA**

**UID No.: 16JU11300021**

**Under the Guidance of**

**Dr. M. Rajkumar**

**Associate Professor**

**ICFAI Management School**

**ICFAI University, Jharkhand**

**Submitted to**



**ICFAI UNIVERSITY, JHARKHAND, RANCHI**

**May 2025**

## **THESIS COMPLETION CERTIFICATE**

This is to certify that this research thesis titled “**Impact of Long-Pending Cases on Socio-Economic aspects of Parties Involved: a Study of Cases in Civil Courts**” submitted by **Pradeep Kumar Bhattacharyya** in partial fulfillment of the requirements for the award of the Degree of Doctor of Philosophy in Management by the ICFAI University Jharkhand, Ranchi, is an original work carried out by him. It is certified that the work has not been submitted elsewhere for the award of any other Degree or Diploma from this or any other University. This also certifies that he complied with the Plagiarism guidelines of the University.

**Dr.M.Rajkumar**

(Research Supervisor)

Associate Professor

ICFAI University Jharkhand, Ranchi

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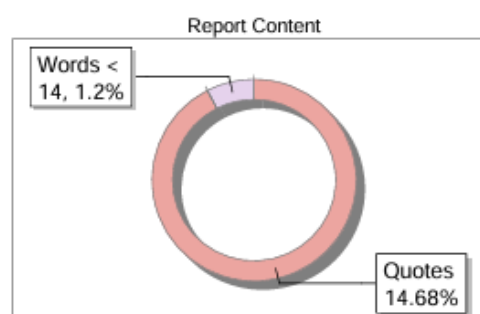
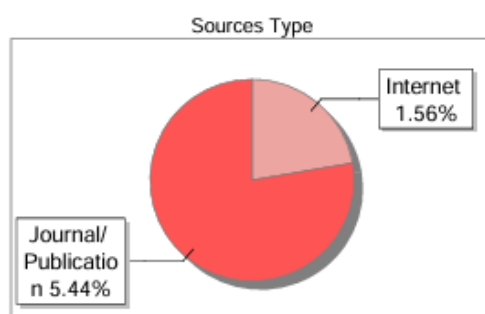
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**Pradeep Kumar Bhattacharyya**

**UID No.: 16JU11300021**

**Research Scholar,**

**ICFAI University Jharkhand**

Date: 4<sup>th</sup> May 2025

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## ABSTRACT

The instant research aims to reduce the pendency and delay in the disposal of cases by courts, which appears to be the biggest mounting malady devouring the socio-economic plight of litigants, the parties to the lawsuits. The Research objectives were identified, such as the reasons for long pending cases in civil courts to explore the social impact of delay in disposal of cases on the parties involved, to understand the economic implications, and to suggest measures to settle the cases before being tagged as long pending cases.

The questionnaire's primary data collection scale was a 5-point Likert scale. Advocates, litigants, and Judges adopted the demographic profile of Litigants (N389), advocates (407), and all District court judges. The data was analyzed using descriptive statistics, independent sample t-tests, and ANOVA, and insights were derived from interviews with Judges and case study insights.

The research outcomes suggest the need for improved case management, legal reforms, and a more balanced Judicial workload to enhance efficiency and public trust in the legal system. The delays in the Judicial system are mainly caused by inefficiencies in legal processes and poor case management. The primary issue is the lack of proper legal understanding, which leads to frequent adjournments, misinterpretation of Law procedural confusion, erroneous application provision of law, and introduction of Alternative dispute solution mechanism as contemplated under section 89 of the Code of Civil Procedure, 1908. The Honorable Supreme Court organized the conference proceedings in collaboration with the law institute in July 2018 by taking the initiative to reduce pendency and delay in the judicial system and arrived at the possible solutions that are exploring the possibility of utilizing court managers to be institutionalized, to introduce Hybrid system where old cases are given priority and at the same time new cases don't go into arrears, utilizing extensive use of technology, diversions to alternative methods.

Overall, this study highlights the urgent need for Judicial reform, digital transformation, and improved case management strategies, which should be reflected in the display board of the daily cause list while court sessions commence and case calls out.

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# **CHAPTER-I**

## **INTRODUCTION**

# **CHAPTER-I**

## **INTRODUCTION**

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 owes 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. Such passing of Lawsuits through 3 levels of district, state and apex Court level), legal expense automatically enhance leading to socio-economic –financial consequences coupled with psychological and emotional quotients and due to such legal battle, each litigant professional and career ramifications is affected. Financial consequences mean sanctions imposed following court fees for the institution of suits as per the schedules. It is III R/W Annexures A and B valuation of the movable and immovable property under the court-fee Act 1870, including legal costs, expenses, and other monetary payments to be borne by litigants, the economic ramifications for both the plaintiffs and defendants to the suits filed u/sec 26 of the C.P. Code 1908. 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. However, emotional distress and psychological toll on individual litigants devour them, yet they long for the final decision of courts in terms of Judgment u/o-20. R-5 of the c-P code 1908 maintains the counterpoise/count-down of poetic justice by courts.

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 procedural law, as laid down in the Code of Civil Procedure, 1908, prescribes the method of disposal of the suit first by framing issues. Trials are conducted by both sides, with depositions/pieces of evidence, and thereafter, after hearing arguments from both sides, Judgments are passed by the Courts. 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 the hearing strategy becomes heterogeneous, and the disposal becomes long-spanning. Based on the preliminary review of some existing literature, it is found that the speed of the justice delivery system is pathetically slow, the Government is not working hand-in-hand with the judiciary, the Judges are not properly groomed, the formal Judicial system is infamously slow and detrimental to economic outcomes and the slow courts increase the cost of enforcing contracts at its status -quo-ante-position

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. ROLP(The Rule of Law Project), a Bangalore-based NGO, launched the crucial step to study the causes of Judicial delay and its socio-economic effects. As a part of this project, on 18 March 2015, DAKSH organized a talk by Nick Robinson, a post-doctoral fellow at the Harvard Law School program on the legal profession. It is reported that there are three crores pending cases in the lower courts and between 65000 and one lakh in the Supreme Court. (Daksh, 2015). It is felt that the combined Endeavour of the Bar(s) and benches should galvanize alternative dispute resolution (ADR) well and smoothly, as fresh oxygen to Judicial Reforms is needed to eliminate the delay in case disposal.

Off late, the relation between Bar and Bench seems to be constrained due to the Advocate Act (Amendment) Bill 2017 at the instance of the Judiciary for repressive measures against the advocate, owing to which the Advocates fraternity observed PENDOWN NATIONWIDE PROTEST against the Law Commission working at the instance of Judiciary WHICH SHALL CAUSE AND WORSEN the delay factor ultimately leading to the litigants' sufferings. Unfortunately, Bar and Bench should only be Joint Endurance to arrive at the pulse of the legal problem and how to solve it under the Jurisprudence, and finally bring both sides of the Litigation to their original status quo of contracts from which they deviated.

Hence, the most critical social problem is that lawsuits are mounting in the courts of law. Still, the fate of the Litigants due to the delay in the disposal of cases is heading towards

financial perdition, and as such, the sole purpose of this research work is to determine how to redeem them. [An approach to the assessment of the socio-economic impact of Long pending Lawsuits in Trial Courts upon Litigants and how to reduce the pendency and delay of disposal of said backlog cases by the combined endeavors of Bar and Bench]

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. However, the contesting parties are still ready to bear and leverage all sorts of socioeconomic pains until the courts pass Final Judgments. What is the fantastic, 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)

"The 2013-2015 statistics show that the Judicial system can tackle the flow of fresh cases. 2013 the institution had 1.86 crores, and 1.87 crores cases were disposed of. In 2014, the institution stood at 1.92 Crores and disposal at 1.93 Crores cases; in 2015, the figure of the institution was 1.90 Crores while disposal was 1.83 Crores. Over the last 3 years, the pendency has remained at 2.68 Crores, 2.64 Crores, and 2.74 Crores cases, respectively. In contrast, the Indian Subordinate Judiciary has a sanctioned Judicial Workforce of 20,558 officers and a working strength of 16,176 officers. Keeping these figures in mind, it is simple arithmetic to conclude that the existing Judicial Officers are not sufficient to keep pace with the existing situation".

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)

However, to understand “the Rate of Disposal method” suggested by the Law Commission as dealt in paragraphs 22 to 27 (institutions and backlog) and the Formula ‘AJBK = (B/ARD)/t at paragraph-28 of the said Judgment dated 02.01.2017 (2017) 3 SCC 665, the ‘institution’ of suits as contemplated under the Section-26 of the Code of Civil Procedure, 1908 needs to be treated along with a short survey of OVERVIEW FLOWCHART – CODE OF CIVIL PROCEDURE at a glance, better to say DNA of Institution of suits in subordinate courts, Trial of cases, Pendency and disposal (by Judgments) by the combined pursuits of Bar and Bench (Advocates and Judges), of course the aftermath of socio-economic plight of litigants owing to pendency of cases. Any institution of suits under Section-26 of the Code of Civil Procedure, 1908 amended 2002 can be overviewed flowchart under Appeals Sections 96 to 109 of the said C.P. Code, 1908 (i.e., Appeal from Original Decree Sec. 96 – to Appeals from Appellate Decree Sec. 100 (Second Appeal) – to when Appeals lie to the Supreme, a longer Legal Journey, of course, involving socio-economical time factors in terms of final disposal of institutions of suits passing through the First Trial Court, secondly through First Appellate District Court, thirdly through the High Courts, Second Appeal and Firstly through Special Leave petition (SLP) Appeals to the Supreme Court and at Length the Legal battles set at rest in Execution cases under Order 21, Rules 1 to 106. Consequently, the socio-economic impact upon litigants owing to delays in the disposal of long pending lawsuits by courts is an integral factor and an important issue, as is the problematic plight of the litigants. While contemplating the ‘Socio-economic impact,’ instantaneously, the mind goes to the approach to ‘law and Economics.’ A policy Research Working paper 7259 World Bank Group May 2015, K Basu Law “Economics, articulates a methodological flaw that underlies much of contemporary Law and Economics and argues that there is an intimate connection between human beliefs and expectations, on the one hand, and the effectiveness of the Law, or the other.” (Basu, 2015)

Undoubtedly, the socio-economic Jurisprudence is opining on the needlepoint of this present work. Hon'ble Mr. Justice F. M. Ibrahim Kalifuttans, Judge Supreme Court of India, while delivering a lecture at the Tamil Nadu Judicial Academy from 31.01.2004 to 02.02.2014 (Kalifuttans, 2004-2014) Regional Judicial Conference (South Zone), said that Rule of Law is Access to Justice and quoting Lord Denning he further said: "Be you ever so high the Law is above you." Hon'ble Justice P.B. Mukherjee, in his classic treatise on the new Jurisprudence, the grammar of modern Law, while dealing with Economic Jurisprudence on page 459, Eastern Law House, 2<sup>nd</sup> Ed. 2016 (Mukherjee, 2016) held that according to Dr. Roscoe Pound, Jurisprudence, Ethics, Economics, politics, and Sociology are distinct enough at the core but shade out into each other. The Jurisprudence is still the Science of the Just and Unjust, as observed by Dawid Banikonski(Pound, 2016) while lecturing in Oxford (Blackfates Hall) on 02.09.2015. It is the Bible for the Legal educationists, and of 3 Kids (Generalization, Systematization, and thirdly interpretation), oftentimes we see the claim of 2-Values: Justice and Equality. Economics, in our practical life, seems to be an applied mathematics. Hence, a new terminology developed as Jurimetrics which suggests mathematical aspects of a Judicial decision (i.e., the dexterity to predict 'Judgments' by algebraic factorization and statistical methods in terms of the use of quantitative method and the mathematical theory of probability in analyzing Judicial materials, a theory of quantitative analysis of Judicial processes developing in modern Jurisprudence, the grammar of modern Law. Such Jurisprudence, the Grammar of contemporary law, which includes the Jurimetrics approach, is also reflected in the cross-file of Law Commission's Rate of Disposal Method at paragraph-27 of the (2017) 3 SCC 665 = (2017) 2 SCC (Civ) 318 and at paragraph-28, the Supreme Court ARD formula :

ARD = Average rate of Disposal

$$= BEJ = (A1/ARD) - J$$

& AJBK = (B/ARD)/t (As abid dealt with) (decision, 2017)

The Centre for Development Research, ZEF University of Bonn, Germany, November 2000, on the subject, Economic consequences of a Judiciary (INSIGHTS FROM INDIA), published a paper examining the empirical relationship between the quality of the Indian Judiciary and the Economic Development of the states and Union Territories. Taking into account the Code of Civil Procedure, they pointed out that the length of trials in Indian courts is not interfered with by the High Court or the Supreme Court. Bonn University also found that the Code of Civil Procedure grants either party too many rights to interfere with the proceedings under the First Schedule, Order I to Order XLVII, resulting in delays in the disposal of suits. Even though there is a variance of different High Court Internal Rules, the Bonn University

Research Centre put up the hypothesis that the length of the Trial and the probability of the Judgment determine the quality of the Judiciary. Professor Dr. G. Mohan Gopal, on the Law Commission's Rate of Disposal Method in terms of elimination of backlog, contributed the postulate that 'merely focusing upon the reduction of the backlog is not adequate since what is required is a scientific method to assess the Judge strength needed to deal with the backlog as to the flow of new cases. (Gopal, 2000)

The author Simon Niklas Hellmich (Hellminch, 2015), Bielefeld University, in his article, Forum for Social Economics, January 2015, while realizing what is 'Socio-Economics,' held that Socioeconomics is a science of society, thus it can be conceptualized as a science of human society and social change. He concluded that it is more challenging to assess socio-economic intellectual assets, which can improve the conditions of human life (Hellmich, 2015; Lutz, 2006, p. 304). Still, collectively, it is to decide what the individual deserves. (Lutz, 2006)

In 1972, the Federal Constitution Court of Germany placed a special emphasis on the existing minimum (entitlement to the basic minimum standard of Living, seeing the awareness of ESC (Economic, Social, and Cultural) rights to be fostered by the Judicial decisions. Our Hon'ble Apex Court in the year 1980. (Judges, 1980)

Bandhan Mukti Morcha –Vs.- Union of India, 1984, developed the ESC – Right – Jurisprudence. As such, the ESC Rights are more concerned about the socio-economic impact of long pending lawsuits upon the litigants since the legal economics regarding the Court Fees Act and lawsuit expenses are involved in all long pending cases, Litigation strategies. (India, 1984)

Simon Niklas Hellmich, in his Article Socioeconomics, dealt with Socioeconomics' domain in investigation and beheld the same with law and Management Sciences and observed the interrelationships between Law, economic and social changes, and deeper involvement of socio-economics in Law, thus establishing that Law is a social product. (Helmich, 2015)

To assess the socio-economic impact, it is now essential to further investigate the layered relationship of the Rule of Law (ROL) with the idea of Justice through the Grammar of Procedural Law to quantitatively measure the socio-economic impact of long-pending lawsuits in courts and determine how to reduce it.

I. The Reaffirmation of the theme of the International Congress of Jurists, 1955, held in New Delhi in January 1959, that "independent Judiciary and independent Legal profession (i.e., the supreme identity of independence of "Bar and Bench" are essential to the maintenance of the Rule of Law (i.e., None is above the Law) and to the proper administration of Justice."



and pending cases through several court managers are being deployed. However, they lack a lot as to how to homogenize the serialization of the case items, causing Lists to upkeep the PCI (Pendency Control Index) (i.e., the ratio of pending cases more than one year old to the current disposal Rate. YCr (Yearly clearance rate, i.e., 12 x PCR) is below 1; it adds to the backlog. The Court Administrator/Manager role is very significant to counterpoise/balance old and new cases across all the courts together with oftentimes across-table discussions by and between Bar and Bench conducting advocates and concerned court Judges and keeping in mind the institution of cases, YCI, timetable of Old cases, % of old instances, case complexity, and time frame backlog reduction and Judgments while furnishing Daily Cause Lists.

The Model, as suggested mathematically by said IDF – May 2008 JIA (Judicial Impact Assessment) (IDF, 2008)

Additional Judges

$$\begin{aligned}
 RA &= \text{Working Strength} \times \text{PCI} / 3 \\
 &+ 3 \text{ years Average of } [\text{Working Strength} \times (1 - \text{YCR})] \\
 &= J + \text{ - Average in Last 3 years of } [(1-2) \times \text{WS}]
 \end{aligned}$$

Where,

$$J = T \times \text{WS} / 3$$

$$T = Y / 2X$$

X = Number of Cases disposed in ½ year

Y = Number of Cases disposed in

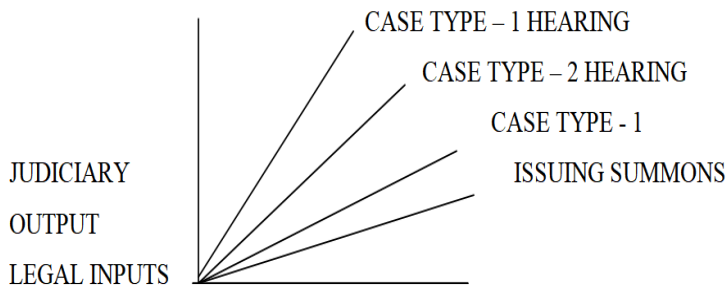
$$= Y / 2X$$

$$Z = D/1$$

$$Z = \text{HYCI} = \text{HYDOC}$$

Source: Page 48 to 51

IV. MODE OF JUDICIARY PRODUCTION FUNCTION



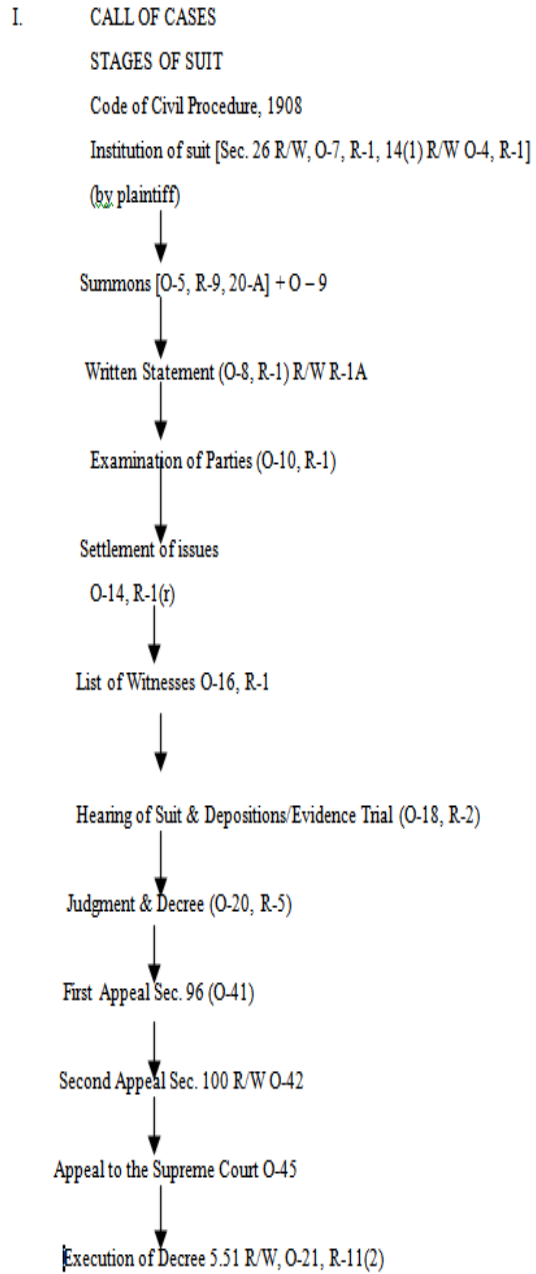
NOV. 17, 2007

△ PRE ADMISSION STAGE

- . FILING A PLAINT (O-4, R-1)
- . SCRUTINY O-4, R-1 (2,3)
- . REGISTER / ADMISSION: O-4, R-2

△ PRE HEARING STAGE-I O-7, R-1[(a) – (i)]

- Issue of Summons O-5, R-9
  - \* APPLICATION FOR FRESH SUMMONS
  - \* EXTENSION OF TIME
  - \* COPY OF PLAINT + [O-7, R-14(1)]  
O-5, R-20A
    - \* WRITING STATEMENT [O-8, R-1A]  
O-8, R-1
    - \* FRAMING OF ISSUES  
O-14, R-1 (4)
    - \* LIST OF WITNESSES  
O-16, R-1(A)
    - \* TRIAL  
[O-18, R-2]
    - \* JUDGMENT  
U/O-20, R-5



The above Flow Chart clearly indicates in process of time taking.

I CASES

PRE-DECREE I.A.(s) in between Institution of suits and disposal of Execution of Decree (S-26 to S-51)

PRE EXECUTION (IA)

Additional factor of Disposal periodicity



(MCA (Miscellaneous Civil Applications)

Temporary Injunction (O-39, R-1 & 2)



+ OR

Amendment of pleading O-6, R-17 + OR

Commission for investigation S-75, R/W, O-26, R-9, 10A, 11, 13, S-75

+

Addition/impledment of parties [O-1, R-10(2)]

+

Transfer Petitions U/Sec. 24

+

ADJOURNMENT PETITION, O-17, R-1 R/Ws

+

Objection to Jurisdiction S-21

+

Other provisions etc.

Additional Factor to Delay/PRE DECREE DELAY/MCA CASES.

#### IV. POST-DECREE DELAY DUE TO

I.A. (Interlocutory application) during Execution Cases)

Resistance to Execution u/Sec. 74 R/W., O-21, R-97 to 106

+

IF stay order either u/Sec. 96 ORS-100 or [U/O-45, R-16]

As such, the above post decree I. It is also a backlog factor, along with IAs decree periodicity and court vacations. Overall, it caused a socio-economic impact of pendency of cases in courts in accordance with the Code of Civil Procedure, 1908, together with all High Courts individual Rules and Regulations.

V. To overcome the above pre-decree statutory backlogs and post-decree backlogs, the ADR mechanism (Alternative Dispute Resolution) under S-89 of the C. P. Code, 1908 amended 2002, introduced for settlement of Disputes outside the Court through

- (a) Arbitration: Arbitration Act
- (b) Conciliation; Arbitration Act
- (c) Lok Adalat LSA Act, 1987
- (d) Mediation Compromise between the parties.

Like hurdles with Civil Court Execution of Decree (O-21), the identical backlogs also surface under S-34 & 36 of the Arbitration Act.

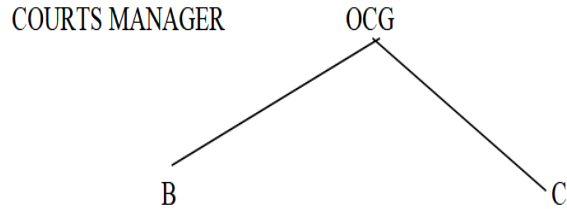
The conference proceedings of the National initiative to reduce pendency and delay in disposal of cases organized by the Supreme Court of India in collaboration with the Indian Law Institute, New Delhi, 27-28 July 2018. (Mishra, 2018) Forwarded by Hon'ble CJI Sri Dipak Misra with an idea to chalk out strategies and find alternative mechanisms to use technological developments, session (i) to (iv), 2 days Long summarized immediate possible solutions such as primarily Incorporation of a hybrid system demarcating new and old cases backlog of cases in subordinate Judiciary with application of 'ADR' and skills of court managers, specially segregating infructuous IA (interlocutory procedural matters while preparing the daily cause Lists of different courts case management. As mentioned here, in 2014, Hon'ble CJI Justice R. M. Lodha suggested cutting Long Vacations to reduce the pendency of cases. Still, as ill luck would have it, the Bar Council of India (BCI) rejected the 2014 proposal given by the then Chief Justice of India, Justice Lodha. (Lodha, 2014) The alarming data exposed that around 60,009 cases pending in Supreme Court, 49 Lakh in High Courts, and around 2.7 Crores in District and Subordinate Courts, the black cat came out approximately in the year 2018 during that period with the burning problem why so

many cases pending in courts? At least 5 Crore cases are filed, and there is a disposal of 2 Crs. The pendency is near about 3 Crs. The matter became the UPSC pre-timed 2019 Test series yearly in ascending order. The Law Commission Report 1987 says: Population + Judge = Population Ratio = 50 to 1. Budgetary allocation for the Judiciary has also been very poor, 0.1% to 0.4% of the budget. The core reason behind the pendency of cases is the legal awareness of rights by common peoples and the arousal of socio-economic awareness, inspiring them to approach courts of law for justice. The Law of RTI plays a catalytic role in developing Litigants' Faith and trust in courts despite facing Socio-economic declines in the verdicts of the Judiciary. Here lies the Jurisprudential mystery of the science of the just and the unjust, as Lord Donning expressed in *What Next in the Law*, Reprint 2004, page 13 (Justice P. B. Mukherjee on Legislative Jurisprudence, 2016 Ed. ISBN 978-87-7177-302-2. Eastern Law House, Kolkata. (Mukherjee, Jurisprudential mystery of the science of the just as well as the unjust, as Lord Donning expressed, 2016)

Justice P. B. Mukherjee in his Legal Classic, *Tagore Law Lectures*, the New Jurisprudence, 2<sup>nd</sup> Ed. 2016 page 468, while treating Jurimetrics held as the scientific investigation of Legal problems by H.W. had at the preface of "Jurimetrics," the Economic Jurisprudence intends to use the algebraic factorization, mathematical theory of probability in terms of quantitative analysis of Judicial process including computer appliances and Symbolic Logic. (Mukherjee, *Economics Jurisprudence* , 2016)

VIII. TRILOGY OF SCIENCE OF MANAGEMENT IN SOCIO LEGAL JURIMETRICS

[HRM (HUMAN RESOURCE MANAGEMENT)]



PENDENCY OF CASES	QUICK DISPOSAL BAR
OR	& BENCH SOCIO ECONOMIC
(ORGANIZATIONAL	IMPACT
BEHAVIOR)	

ADR

SETTLEMENT OF DISPUTES OUTSIDE OF COURTS BY PARTIES

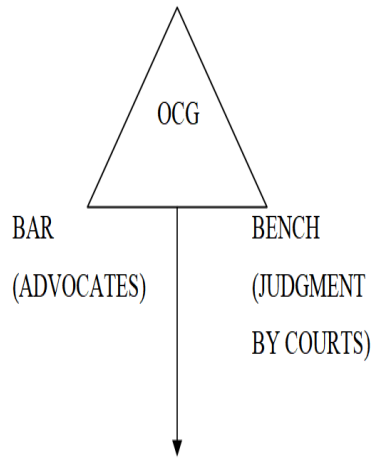
ADR = PROCESS OF 'SOCIAL EQUILIBRIUM'  
 BY THE DOCTRINE OF CONFLICT & NEGOTIATION  
 = CENTRE OF GRAVITY OF SOCIAL STATUS = QUO  
 = DEMOCRATIC 'SOCIO-ECONOMICS'  
 IMPACT OF JURISPRUDENCE  
 (i.e.) THE SCIENCE OF LAW 'JUSTICE & UNJUSTICE WHAT DOES

MEAN?

- A = COURTS MANAGER
- B = PENDENCY OF CASES LITIGATIONS
- C = FUNCTIONS OF BAR & BENCH IN JUSTICE DELIVERY SYSTEM FOR QUICK DISPOSAL
- O = CENTRE OF GRAVITY (TO BRING STATUS QUO THROUGH 'ADR' MECHANISM

VI. LEGAL TROPE TRILOGY-A  
 “BAR LITIGANTS – BENCH”

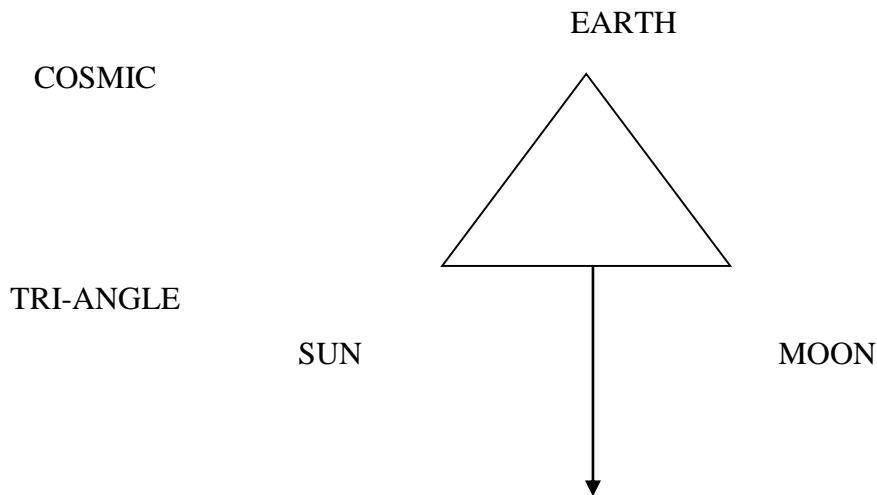
LEGAL TRIANGLE  LITIGANTS (LAWSUITS)



ROL (C.G) (RULE OF LAW)

CENTRE OF GRAVITY (CONSTANT)

SIMILAR TO NATURE (COSMIC MATH)



NUMBER (108)

DISTANCE EARTH TO SUN

DISTANCE EARTH TO MOON

\_\_\_\_\_

□

\_\_\_\_\_

THE DIAMETER OF THE SUN

DIAMETER OF THE MOON

= 108  
 = CONSTANT = DIVINE NUMBER

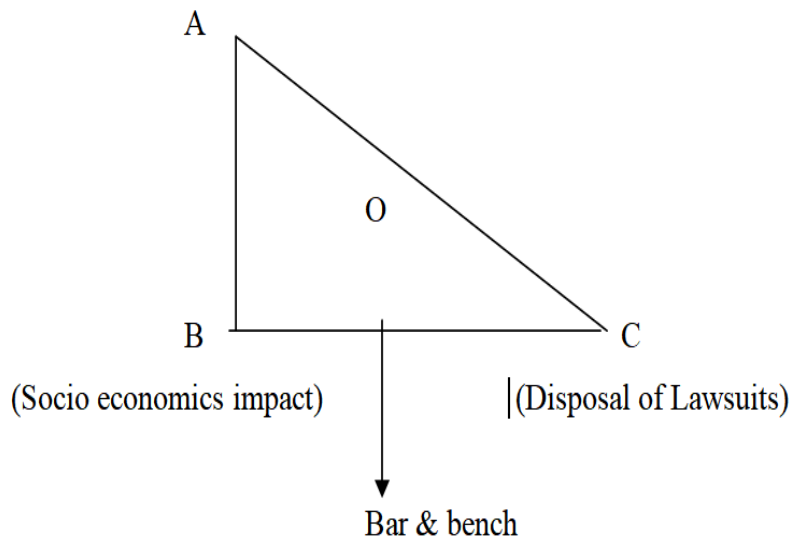
AS SUCH

RULE OF LAW (ROL) = 108 = DIVINE NUMBER/CONCEPT

**EXORDIUM**

The exordial proem of the instant Research topic

“The socioeconomic impact of Long pending cases in courts “upon the contesting Lawsuit parties” pertains to the trinity of in-depth studies dialectics and dynamics of the first vertex ‘Rule of Law, and secondly ‘Socioeconomic Jurisprudence’ and thirdly Disposal of Long pending Cases, all three vertex interlinked ROL) as being hypothesized (Nertices).



A = ROL (Rule of Law)  
 B = Socioeconomic impact  
 C = Disposal of pending cases in Courts  
 O = Centroid (Functions of Bar & Bench)

Thus, the terrible trinity of socio-economics, backlog of Cases, and quick disposal is the complex problematic plight of the Lawsuit parties in the present global era of

Bar and Bench’s existentialism (i.e., None is above the law) is ROL's most excellent Leveller ethos (the spirit of democratic societies and social equilibrium).

## RULE OF LAW (ROL)

“The Rule of Law” must not be divorced from the Rule of Life – Pt Jawaharlal Nehru. The Hon’ble Apex Court, as reported in (2014)5 SCC 438 National Legal Services Authority –Vs.- Union of India, as quoted in the Legal Classic the New Jurisprudence, Tagore Law Lectures 17.02.1968, Calcutta University, by Justice P. B. Mukherjee, that the substantive ROL is the rule of proper law, which balances the needs of society and the individual. This rule of law balances society’s need for political independence, social equality, economic development, and internal order on the one hand with the needs of the individual, his liberty, and his human dignity on the other. The court must protect this rich concept of the Rule of Law [(2014) 5 SCC 438]. (Mukherjee, Legal Services Authority Vs Union of India as quoted in the Legal Classic the New Jurisprudence, 2014 )

Undoubtedly, when an individual finds his right, title, interest, and possession is at stake, then he approaches the courts seeking relief in terms of protection of the same under Section-26 of the C. P. Code, 1908, by instituting a suit with a greater belief and trust that he shall get justice by court. The ‘Rule of Law’ can’t be divorced from the ‘Rule of Life’ as the immortal relationship.

Professor Upendra Baxi University of Delhi (1973-1996), Doctorate in Juristic Sciences awarded by University of California at Berkeley in his Treatise Abstract’ ROL in India (vide Sur Vol. 3 na se Sao Paulo 2007 (32 paragraphed) very masterly added that the Indian ROL stands normatively not just as a sword against state domination, but also as a shield, empowering a “progressive” state intervention in civil society pivoting on keywords: ‘Rule of Law – Federalism – Thin notion of ROL – Thick notion of ROL – Judicial Review. Be it explained, thin notions entailing procedural restraints on forms of sovereign power and Governmental conduct, and ‘thick’ notions entailing the theories about “Good,” “right,” and “Just.” (Baxi, Indian Rol stand normatively not just as a sword against state domination, 2007)

The basic structure of the constitution proclaims the following.

ESSENTIAL FEATURES:

- Rule of Law  
+
- Equality;  
+
- Fundamental Rights;  
+
- Secularism;  
+
- Federalism  
+
- Democracy  
+
- Judicial Review



**SAL**

(‘Social Action Litigation)

Should not be mis-called PIL

(Public Interest Litigation)

The astonishing results of ‘SAL’ under the Leadership of the Supreme Court:

- (I) Radical democratization of Locus stand;  
(Every citizen can approach courts against co-citizen);
- (II) De-Lawyering of Constitutional Litigation  
(i.e., the petitioner in person can argue);
- (III) Socio-legal commissions of Enquiry to assist Adjudicatory resolution
- (IV) A new adjudicatory culture, i.e., a collaborative venture between citizens, courts, and a recalcitrant Executive.
- (V) Right to compensations + Rehabilitation and + Resettlement for violated population + ‘Right to speedy Trial’ + various other rights to privacy, education, health, environments, etc.

Thus, the speedy trial for minimizing the socio-technical plight of Litigants owing to delay in disposal of Lawsuits by the court, as the aftermath of ‘SAL’ can bring about breathing space among worried Litigants for the time being via socio Legal commissions of Enquiry as their way of argumentative points by a petitioner in person (No need of Lawyering (i.e., de-Lawyering) Vide chapter

“ROL as unfolded by the Indian Judiciary.” The Article, the Rule of Law in India, by Prof. Upendra Baxi (University of Warwick/SUR Vol. 3AS, 5ar Parito 2007).

#### THROUGH THE LENS OF THE RULE OF LAW & ACCESS TO JUSTICE

While reading the “Role of Courts in upholding Rule of Law” (ROL) at Tamil Nadu State Judicial Academy 31.01.2014 to 02.02.2014, Hon’ble Mr. Justice F.M. Ibrahim Kalifulla, Judge Supreme Court of India, quoted Lord Derring, be you ever so high, the Law is above you”. (Kalifulla, 2014)

It prefaces the ROL that “None of Above the Law.” Such conception must prevail in any civilized society to maintain the status quo in its socio-economical orders and avoid conflicts.

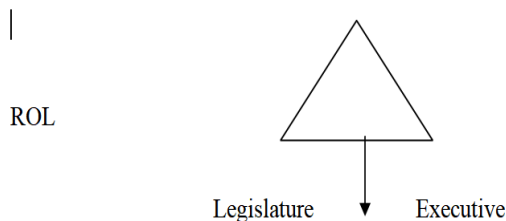
After eyeing 78 references/27 pages/Footnotes, it is noticed that the existence of delay and huge arrears of cases is the major headache in the administration of Justice. ROLE OF COURTS IN UPHOLDING ‘ROL’

The National Juridical Academy (NJA) and the Hon’ble High Court of Madras organized the conference in 2014 (31.01.2014 to 02.02.2014) on the ‘Role of Courts in upholding the Rule of Law.’

Hon’ble Mr. Justice F.M. Ibrahim Kalifulla. Judge Supreme Court, at the very beginning, prefaced the words of Jurist Lord Denning: Be you so high, the Law is above you”.

It communicates to any civilized society that no citizen is above the law. Law is the greatest Leveler.

Judiciary



C.G. (Centre of Gravity)

Judiciary, Legislature, and Executive, this constitutional 'Trinity' is bound by the 'Rule of Law' to maintain social equilibrium/status-quo (i.e., ROL is the center of Gravity of any human society. In the 27-page article comprising 1-10 sections, His Lordship, while discussing delayed arrears and backlog pending cases, suggested the following for reducing belongs by computer applications.

- (a) Legal information's Data Bases.
- (b) Online query system for precedents, citations, codes, statutes, etc.
- (c) Generation of Cause List Online statistical reports.
- (d) Online Cavent matching.
- (e) Online updation of data monitoring and 'flagging' of Events.
- (f) Pooling of Orders and Judgments.
- (g) Daily List generation with historical data of Each case.
- (h) Word processing with standard templates, including the generation of notices/processes.
- (i) Access to international databases.
- (j) Feedback reports for use of various levels.

Thus, His Lordship suggested that computerization be supplemented by fax, e-mail, and video conferencing to dispose of long-pending cases more quickly and reduce the pendency and delay in administering the justice delivery system.

Article 21 of our constitution confers the 'Right to Speedy Trial' to every citizen as a remedial measure to the increasing backlog of cases as a disastrous socio-economical ailment to litigants: article-14 (the basic structure of the constitution) and the Amendatory Article 368 of the Constitution.

While reading 'ROL under Indian Constitution,' treatise by Dept. of Law, HNBSGU Tehri Garhwal Uttarakhand published in the International Journal of Law and Legal Jurisprudence Studies: Vol. 4 issue 3 it is HELD by the Hon'ble Apex Court in connection with the case of Indira Gandhi –Vs.- Raj Narain 1975, Rule of Law embodied in 'Article-14 is the basic structure of the Indian Constitution and hence it cannot be destroyed even by an amendment of the constitution under Article-368 by the best tool. 'Rule of Law' to achieve this aim (State of Punjab –Vs.- G. S. Gill reported in (1997) Vol.-6 Supreme Court Cases page 129. (HNBSGU, 1997)

FUNDAMENTAL RIGHTS/Part-II of the Constitution

No Law in India can take away the Fundamental Rights of the people.

Article 32(1) empowers the Supreme Court to issue appropriate directions/orders/writs/to enforce any Part-III rights. Fundamental Rights. Beyond the formalism.

Justice V. R. Krishna Iyer observed (Human Rights-A Judge's Miscellany, 30 (1999):

'Constitution is a socio-economic instrument with a revolutionary thrust.' (Iyer, 1999)

After introspecting 64 footnote references under chapter-III/ROL in India: A theoretical Analysis right from Aristotle-an ROI to Indian ROL (together with views of Prof. Baxi ROI in India, 9 (2007) Asian discourses of ROI, 2004, M. R. Jois, E & C History of India, Vol. I & II (1984), (India M. R., 1984) M. P. Jain L-3(2005), Sir V. R. Krishna Iyer, Human Rights – A Judge's Miscellany, 30, (1995), (MP Jain, 2005 and 1995) Sir, R. Kothari, Sir B. S. Rao the Framing of India's Constitution Vol. (1-4) 1967, H. K.Saharay (19-71) 2008, Sir NRM Menon Constitutional Institutions and ROL (Ed. 2008), Sir B. R. Ambedkar the Annihilation of Caste (205-218) S.Anand Ed. 2014). Nehru's Speech in Delhi, 1959/Booklet March-3, 2015). (R Kothari, 1959 1967 . 2008,2014,2015)

It is unanimously inferred that 'ROL involves a some of Human Equality and respect for socio-economical rights and freedom and such CONCEPT if prevails and parades in a society, thence the Administration of Justice Delivery system shall be relieved from the ailment of pendency of cases on terms of collective wisdom (i.e., Law and Life should go hand in hand).

Article 141 provides that the Law declared by the Supreme Court shall be binding on all courts. Article 144 mandates that all authorities, civil and Judicial, shall aid the Supreme Court. Thus, ROI edifices NONE IS ABOVE LAW. Every citizen can approach the Hon'ble Supreme Court against their co-citizen with a genuine grievance.

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's 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 the 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 horseshoe nail, a Kingdom was lost.'

SUMMARY OF ADDRESS OF OTHER HON'BLE SUPREME COURT JUDGES ON THE CONFERENCE 'HOW TO REDUCE PENDENCY & DELAY' IN THE 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 pragmatist 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 will be explored in complex family and civil cases.
- (c) Articles 224A and 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

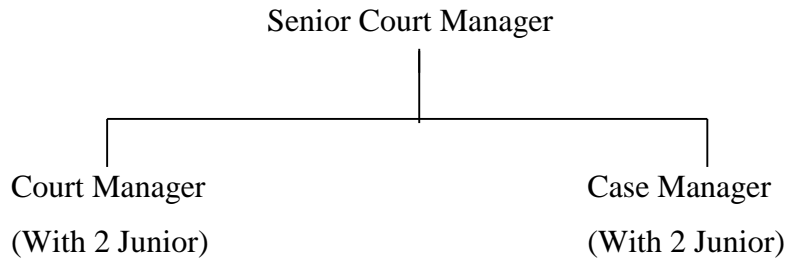
Hon'ble Shri Justice A. K. Sikri (Sikri, 2018) Judge Supreme Court stressed the higher disposal rate than filing cases.

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 Tile-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 Nayalaya 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.

## **1.2 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.

## **1.3 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.

## **1.4 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 Judicial 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.

### **1.5 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>0</sub>4: 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>a</sub>4: 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>0</sub>5: 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>a</sub>5: 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>0</sub>6: 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>a</sub>6: 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.

**CHAPTER-II**  
**REVIEW OF LITERATURE**

## CHAPTER-II

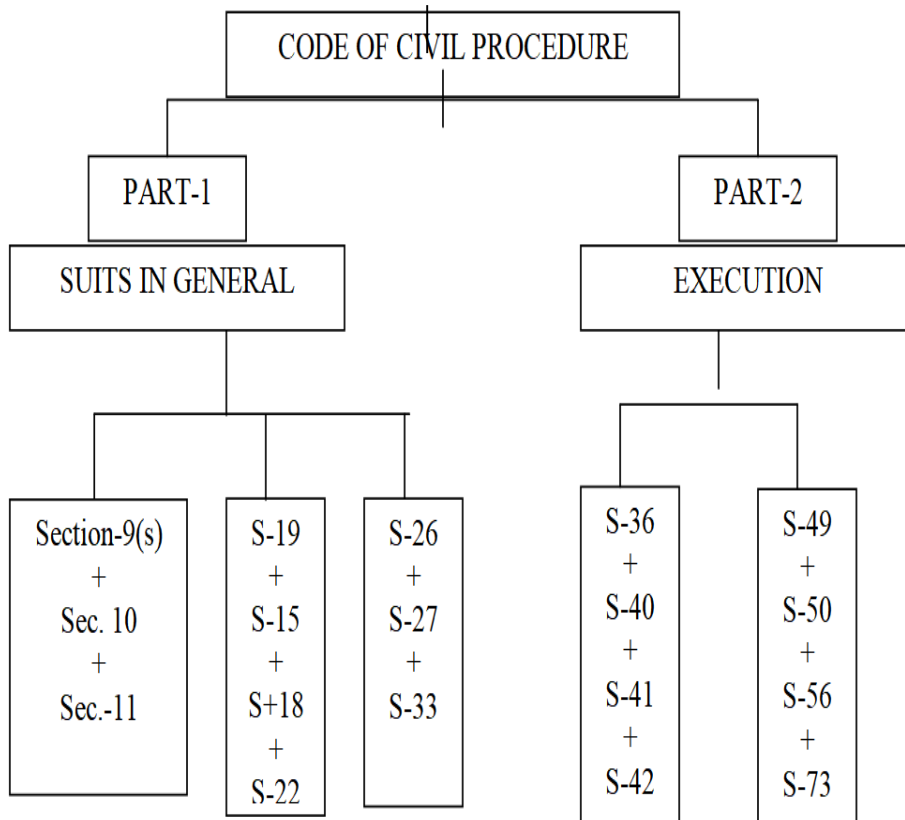
### REVIEW OF LITERATURE

#### 2.1 Overview

The 2.1 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 cases, considering the eui-binary liability of the Bar and Bench as a whole.

#### 2.2 **FLOW CHART – CODE OF CIVIL PROCEDURE, 1908**

(1) (A-1)

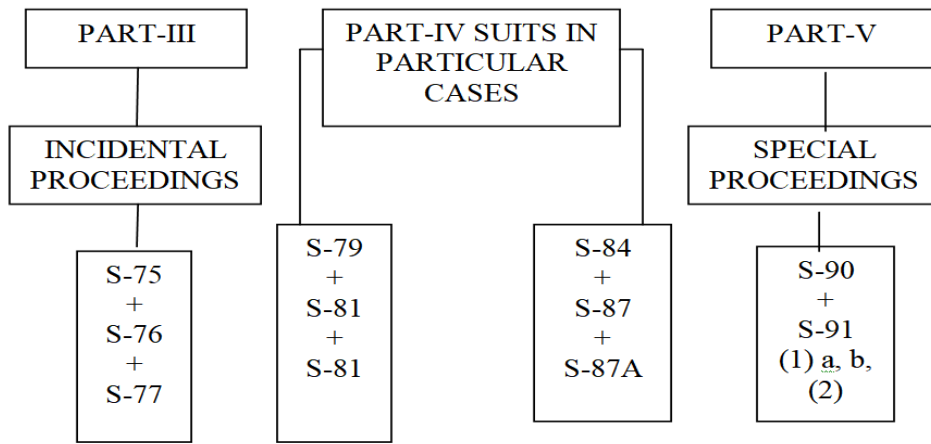


Outlines of following SECTION(s) [s]

§-9	:	Courts to try all civil – suits unless barred;
+		
S-10	:	Stay of suit
+		
S-11	:	Res-judicata
+		
S-12	:	bar to further suit
+		
S-15	:	Court in which suit to be instituted;
+		
S-18	:	No certain Local Limit of Court/place of S-26
S-22	:	Transfer of suit of (S-18)
+		
S-26	:	Institution of suits
+		
S-27	:	Summons to opposite party (Defended)
+		
S-33	:	Judgment of Decree
+		
S-38	:	Court to pass Decree
+		
S-40	:	Transfer of Decree to another court/state
+		
S-41	:	Execution to be certified
+		
S-42	:	Power of Court to transfer decree
+		
S-49	:	Transferee
+		
S-50	:	LR (Legal Representations)
+		
S-56	:	Woman arrest prohibited in money decree
+		
S-73	:	Distribution of assets to D. Hr. A-1 (Out lined)

(2)

(A-2)



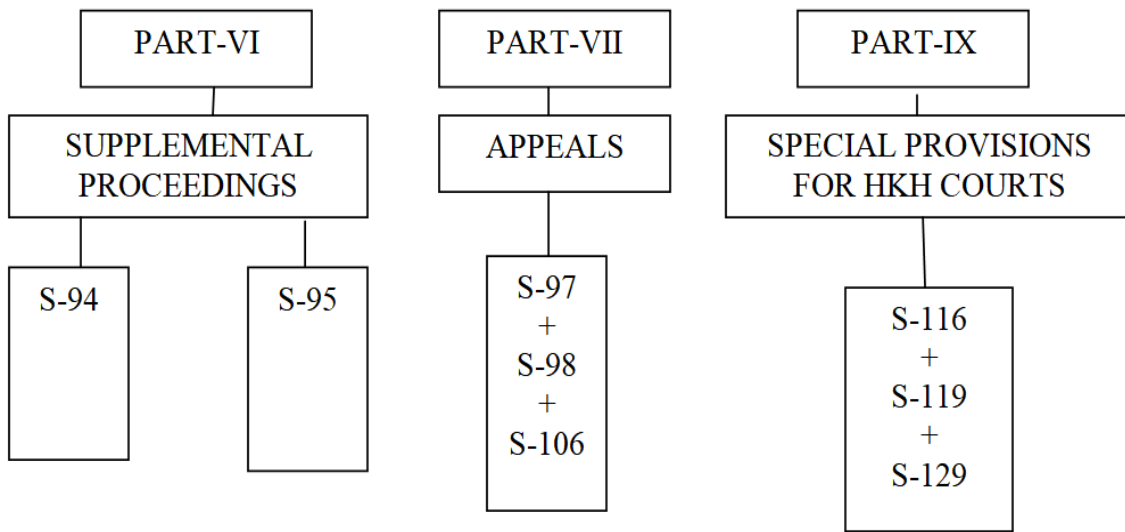
S-75	:	Court to issue summons
+		
S-76	:	Commission to another Court
+		
S-77	:	Letter of Request
+		
S-79	:	Suits by or against Government
+		
S-81	:	Exemption from arrest and personal appearances
+		
S-84	:	When Foreign state may sue
+		
S-87	:	Foreign rules
+		
S-87A	:	Foreign state and Rules
+		
S-90	:	Power to state case for opinion of court
+		
S-91	:	Public Nuisance



|

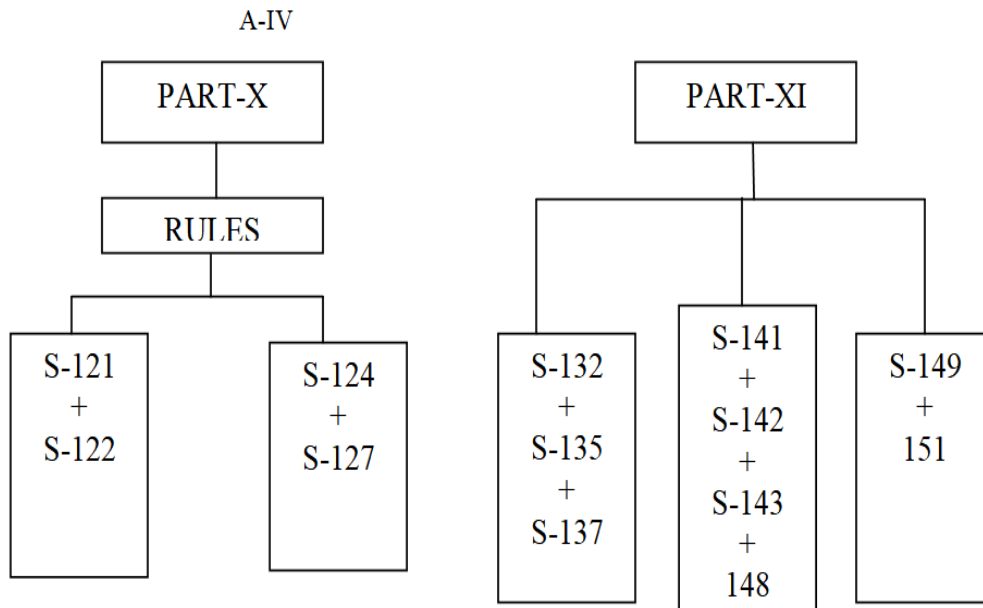
(3)

(A-3)



- S-94 : Supplemental proceedings
- +
- S-95 : Compensation for arrest, attachment or injunction  
on insufficient grounds
- S-97 : Appeal from Final decree
- +
- S-98 : Appeal heard by 2 or more Judges
- +
- S-106 : What Courts to hear Appeals
- +
- S-116 : Part to apply only to certain courts
- +
- S-119 : Unauthorized persons to address court
- +
- S-120 : Provisions not applicable to High Court in Original  
Civil Jurisdiction.

(4)



S-121: Effect of Rules in 1<sup>st</sup> Schedule

+

S-122: Power of HG to make Rules

+

S-124: Committee to Report High Court

+

S-127: Publication of Rules

+

S-132: Exemption free

+

S-135: Exemption from civil arrest

+

S-137: Language of subordinate courts

+

S-141: Misc. Proceedings

+

S-142: Order and proceedings in writing

+

S-143 : Postage

+

S-148: Enlargement of time

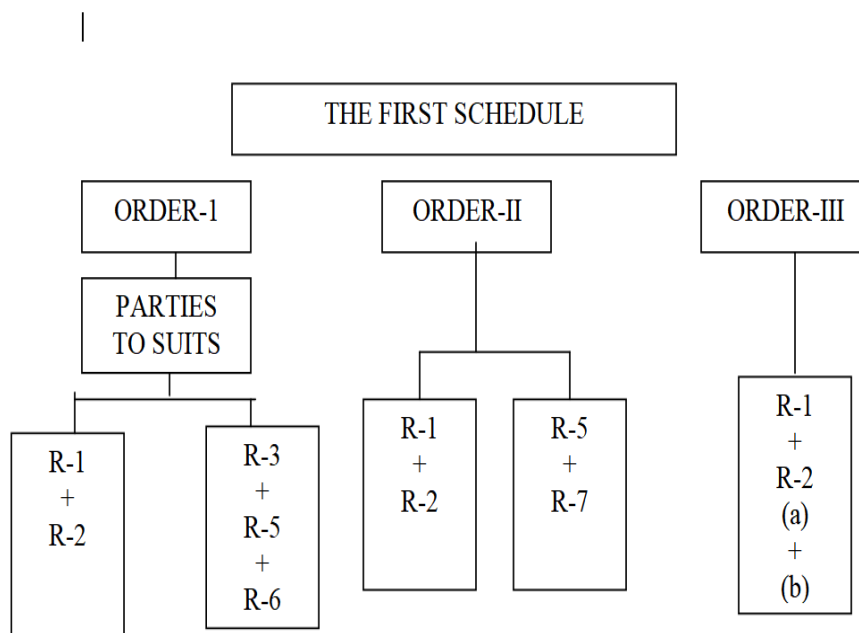
+

S-149: Deficiency of C.F.

+

S-151: Inherent power

(5) A-V



O-1 PARTIES TO SUITS

R-1: Who are the plaintiffs

R-2: Separate Trials

O-1

R-3: Who are the defendants

+

R-5: Def. not in all reliefs

+

R-6: Parties on the same contract

O-2 FRAME OF SUIT

R-1 : “

+

R-1: Whole claim or part

+

R-5: Claim by or against Executions, administrator, or Heir

+

R-7 : Objections as to Misjoinder

O-3 RECOGNISED AGENTS

R-1

+

R-2: Recognized agents

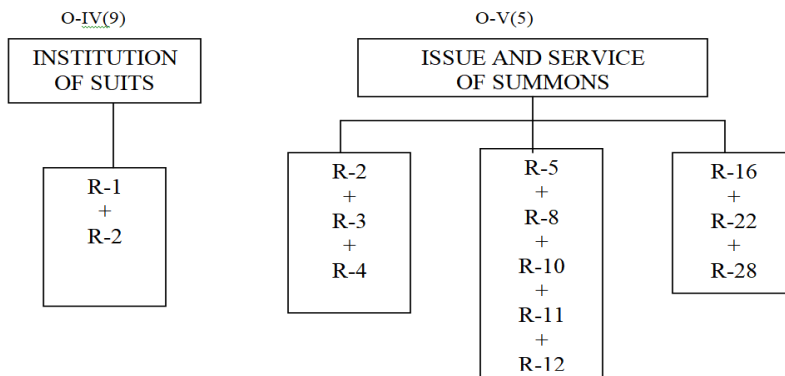
(a) Power of Attorney

+

(b): Agent authorized

(6)

A-VI



O-6

R-1,2

R-1: Suit by plaintiff

R-2: Register of suits

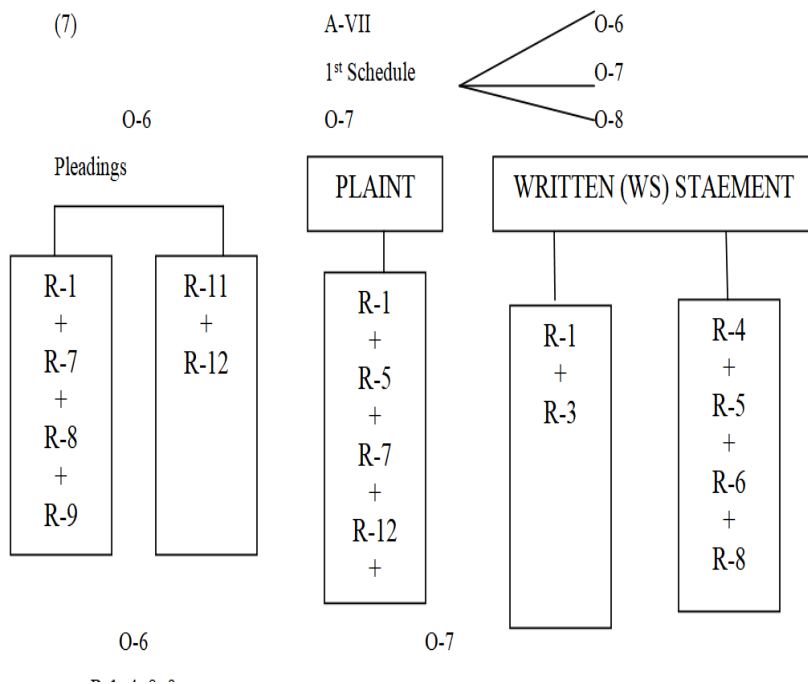
O-5

R-2: Summon with plaintiff

R-3: Defendant / Plaintiff in process

R-4: Appearance in person within the local limit

- R-5: Settlement of issue
- R-8: Defendant to produce witness
- R-10: Mode of Service
- R-11: Service on several def.
- R-12: Service on def. in person
- R-16: Person to sign acknowledgement
- +
- R-22: Summons outside
- +
- R-28: Service on soldiers

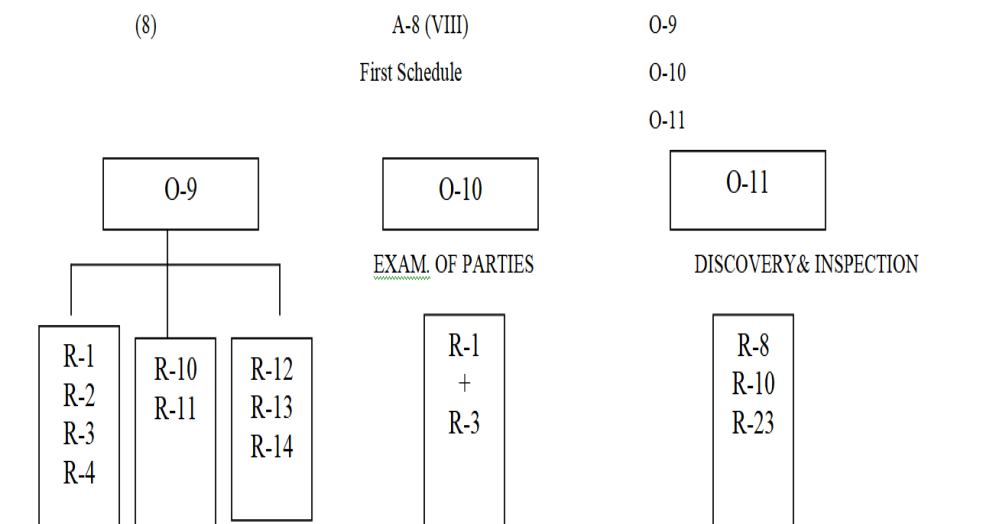


R-1, 4, 8, 9

R-1: Pleading Plaintiff/WS  
 R-7: Departure  
 R-8: Denial  
 R-9 : documents  
 R-11: Notice  
 R-12: Implied Contract

R-1: Plaintiff particulars  
 R-5: Def. Liability  
 R-8: Relief  
 R-12: Plaintiff Rejecting  
 R-13: Fresh plaint

R-1 : WS  
 R-3: Specific Denial  
 R-4: Evidential  
 R-5: Specific denial  
 R-6(B): Counter Claim  
 R-8: New Defence



O-9

O-10

O-11

Appearance/Non-appearance

Exam. of parties by court

Discovery + Inspection

R-1: Parties to Appear

R-1: Pleadings either admitted or denied

R-8: Filing Affidavit in answer

R-2: dismissal of suit

R-10: No exception to be taken

R-3: Neither party appears suit dismissed

R-3: Examination to be written

R-23: Order to Minors apply.

R-4: Plaintiff to fresh suit

R-10: Non-attendance of plaintiff

R-11: Non-attention of Def.

R-12: Non attendance in person

R-13: Setaside Ex parte decree

R-14: No set-aside decree without  
Notice

(9)	A-(IX) NINE			
			O-12	
			O-15	
	First Schedule	O-16		
			O-18	
			O-20	
O-12	O-15	O-16	O-18	O-20
<u>Admission</u>	<u>First</u>	<u>Summoning</u>	<u>Exam. of</u>	<u>Judgment</u>
	Hearing Witnesses		Witness Decree	
R-1 R-2A R-7 R-9	R-1 R-4	R-2 R-3 R-5 R-7	R-1 R-6 R10	R-2 R-5 R-7 R-20

O-15

O-12

O-16

R-1: Admission

R-2A: Documents Deem to  
be Admitted

R-7: Affidavit of Signature

R-4: Notice to Admit Facts

R-1: Parties Not at  
issue

R-4: Failure to  
Produce Evidence

R-2: Witness Expenses

R-3: Tender of Expenses to  
Witnesses

R-5: Purpose of Attendance

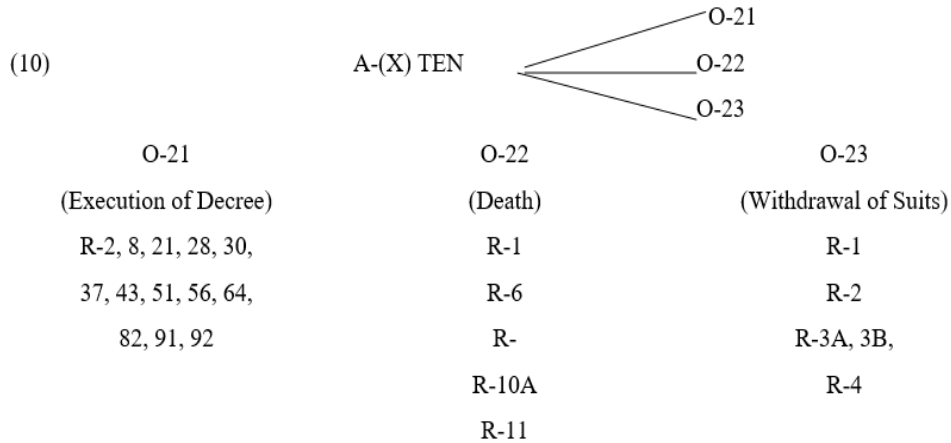
R-2: Judgment  
Pronounce

R-5: Court to  
Decide Each Issue

R-7: Date of  
Decree

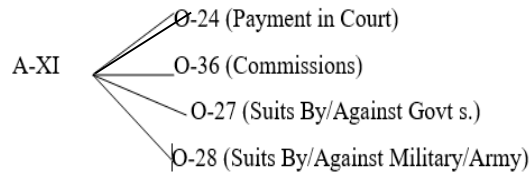
R-7: Person for Production + R-20: CC to  
Evidence Judgment

R-9: Time for Serving  
Summons



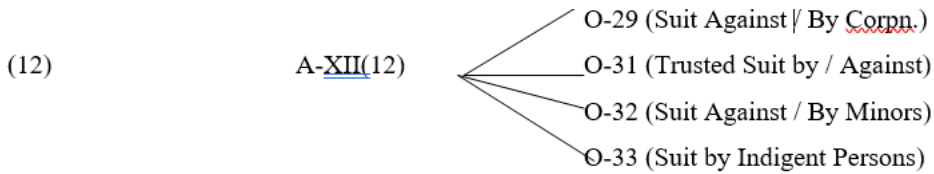
O-21 / Decrees	O-22	O-23
R-2: Payment to D. Hr. Outside Court	R-1: Right to Survive After	R-1: Withdrawal
R-8: Execution	Death	of Suits
R-21: Execution	R-6: No Abatement of the	R-2: Limitation
R-28: Decree Bindings	Death	Not Affected by
R-30: Money Decree	R-7: Suit not after by	First Suit.
R-37: Showcase of Arrest	Female Marriage	R-3A: Bar to Suit
R-43: Attachment of Movable Property	R-10A: Death Information	R-3B: No
R-51: Attachment of NII	by Advocate	Argument of
R-56: Payment of Con/Currency	R-11: Order to Appeal	Compromise
R-64: Sale of Attached property		without Leave of
R-82: Whats Court Sale		Court
R-91: Purchase to Set Aside Sale		R-4: Execution
R-92: Sale when Absolute/ Ok Set Aside		Proceedings Not
		Affected.

(11)



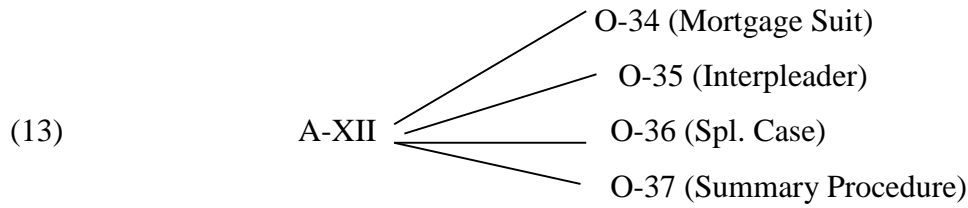
O-24	O-26	O-27	O-28
O-Order, R-Rules	R-2	R-1	R-1
R-1	R-3	R-5A	R-2
R-2	R-5	R-6	R-3
R-3	R-6	R-7	
R-4	R-11		
	R-13		
	R-15		

O-24	O-26	O-27	O-28
R-1: Payment Deposit for D. Ho's Satisfaction	R-2: Commissions	R-1: Suit by/Against Govt. (s).	R-1: Suit by/Against Army Military.
R-2: Notice of Deposit	R-3: Witness within court locality	R-5A: Appearance by Govt.	R-2: Person authorized or Pleader
R-3: Interest Not After Notice	R-5: To examine witness out of India	R-6: Persons able to Answer Against Govt.	R-3: Service upon R-2.
R-4: Procedure After Part Payment, Acceptance By D. Hr.	R-6: Examine witness according to commissions	R-7: Extension to Public Officer.	
	R-11: Examine or Adjust Accounts		
	R-13: Partition Suits		
	R-15: Expenses to Commissions Deposit in Court.		



O-29	O-31	O-32	O-33
Suit By/Or Against	Suit By/Or Against	By/Or Against	By/Or Against
Corp.	Trustee	Minors	Indigent Persons
R-1	R-1	R-1	R-1
R-2	R-2	R-2	R-1A
R-3	R-3	R-3	R-2
		R-3A	R-8
			R-16
			R-17
R-1	R-1	R-1	R-1
Pleading, Subscribe. + Veme	Represt of Beneficiaries	Minor to Sue by Next Friend	Suit By Indigent (Needr) Persons
R-2: Service on Corp.	R-2: Joinder of Trustees/Execution/ Administrative	R-2: No Plaintiff without next friend	R-1A: Inquiry into Means of Indigent Person
R-3: Personal Attendance of Officer of Corp.	R-3 Husband of Married Executive Not to Join	R-3: Guardian of Minor to be Appointed by Corp.	R-2: Content of Application
		R-3A: No Decree is Minor if be Prejudiced.	R-8: Procedure if Application Admitted.
		R-7: Agreement by Next Friend or	R-16: Costs

Guardian. Guardian  
of Minor R-17: DefenceBy  
Indigent Person.



O-34	O-35	O-36	O-37
Mortgage Suits	Inter Pleader	Special Case (Court Opinion)	Summary Procedure Order Apply

R-1	R-2	R-2	R-4
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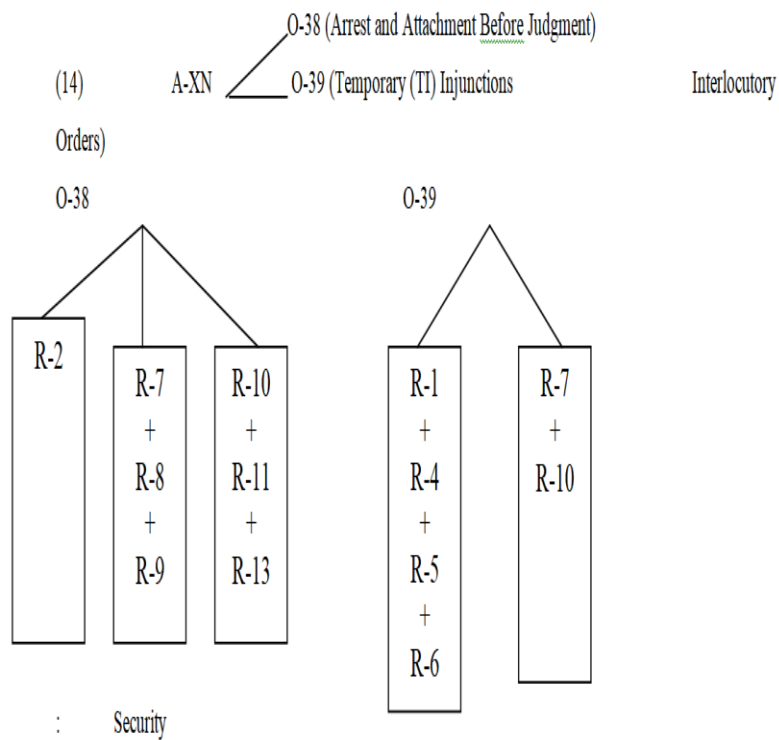
R-10A	R-5	R-3	R-5
-------	-----	-----	-----

R-12	R-6	R-4	R-7
------	-----	-----	-----

R-1: Suit for Closure Sale, Redemption	R-2: Payment for Claims	R-2: Apply to Suits Value	R-4: Power to Set aside Decree
---	----------------------------	------------------------------	-----------------------------------

R-10A: Mortgage of Pay Mesne profits	R-5: No Agent And Tenants to Institute Inter-Pleader Suit	R-3: Agreement to be filed	R-5: To Order Bill Deposit
---	---	-------------------------------	-------------------------------

R-12: Sale of Property Subms to Prior Mortgage	R-6: Change for Plaintiff's Costs	R-4: Parties to Court's Jurisdiction	R-7: Procedure in Court.
--	--------------------------------------	---	--------------------------



R-7: Attachment Mode

R-8: Claim to Property to be adjudicated

R-9: Removal of Attachment

R-11: Property attached before Judgment can't be re-attached in  
 Execution of Decree

R-13: Small Cause Court Can't Apply R-7

R-1: Cases in which 'TI' Apply

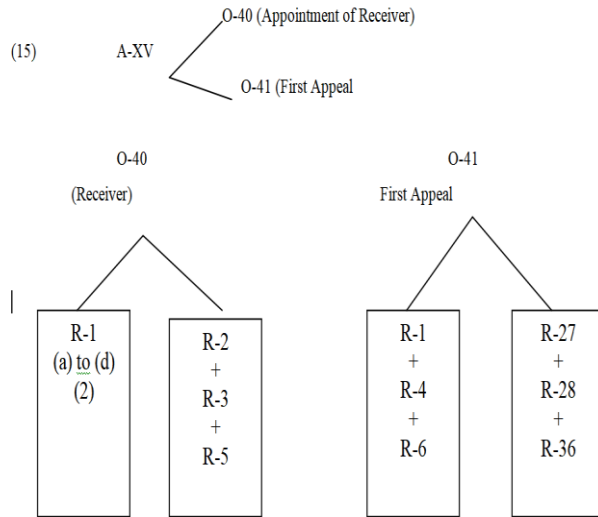
R-4: Order for Injunction can be Discharged varied or seaside

R-5: Injunction to Corpn. Binding Upon in Officers

R-6: To Order Interim Sale

R-7: Detention Preservation / Inspection by Suit Property by Court

R-10: Deposit of Money in Court



- R-1: Appointment of a Receiver
- R-2 : Remuneration
- R-3 : Duties
- R-5: When Collector to be Appointed Receiver
- R-1: Form of Appeal
- R-4: Reversal of Decree
- R-6: Security for Execution of Decree
- R-27: Additional Evidence
- R-28 : Mode of R-27
- R-36: Copy of appellate Court Judgment to Parties

O-44 (Appeal by Indigent Persons)

O-45 (Appeal to SC)

(16) A-XVI O-46 (Reference)

O-48 (Miscellaneous)

O-44	O-45	O-46	O-48
R-1	R-1	R-5	R-1
+	+	+	+
R-2	R-7	R-3	R-2
	+	+	+

R-9

R-4

R-3

+

R-12

### OUTLINED

R-1: Who as Indigent Persons	R-1: Decree Defined	R-2: Kef. of Question to High Court	R-1: Costs of Service
R-2: Time for Payment of Court Fees.	R-7: Security and Deposit for Certificate	R-3: Judgement of High Court to be transmitted	R-2: Order/Notices: How Served
	R-9: Revocation of Acceptance of Security	R-4: Cost	R-3: Use of Forms in Appendices to First Schedule / Appendix.
	R-12: Refund of Balance Deposit		

## 2.2. BIOGRAPHY OF LAW OF PROCEDURE

(A)

- (i) The Civil Procedure Code came into being/existence in 1859.
- (ii) C.P.C. was altered in 1882.
- (iii) And again in the year 1908.
- (iv) Thereafter, it was amended in 1999, and presently, the final facelift Code of Civil Procedure (Amendment) Act, 2002 w.e.f. 1<sup>st</sup> July, 2002.

(B) SPECIFIC RELIEF IS THE LAW OF PROCEDURE

- (i) As per AIR 1943 Calcutta page 417 Pollock & Mulla 1<sup>st</sup> Edition 1905, Specific Relief is the Judicial Redress. (&Mulla, Specific Relief is the Judicial Redress, 1905)
- (ii) Law of Specific Relief of 1877 is integral to the C. P. Code, 1908, intrinsically from standard Law Rules embodied in the C. P. Code (-Pollock & Mulla). (Mulla, 1908)
- (iii) Law relating to Specific Relief 1877 also relates to T. P. Act, 1882 apart from 1859 C. P. C.

(C) The Court Fees Act, 1870 [Sec. 7(i) to (xi)] speaks about specific performance in sub-section (x) and also covers the Law of Contract.

(D) Right from Hon'ble Trial Courts to High Courts to Supreme Court Sec(s) 26, 96, 100, 109 indicates Law of procedure is not static but always ongoing.

(E) THUS, if Law is potential Energy, then Rules are Kinetic Energy of Legal Jurisprudence (i.e., the science of Law).

### 2.3. **LAWYER'S DUTY TOWARD COURT**

- (i) Most importantly, As per the Hon'ble Apex Court decision reported in AIR 1977 SC page 1324, the lawyers are the custodians of Civilization.
- (ii) 3-D [(Dignity + Decorum + Discipline (1 :1: 1))] is the Bio-index of the Advocacy (under the Advocate Act, 1961).
- (iii) As per AIR 1982 Supreme Court 149, the Role of a Judge and the Role of a lawyer complement each other to arrive at Justice's perfect and poetic administration.
- (iv) A lawyer is a court officer.
- (v) Independence of the Judiciary as well as independence of the Advocate is sacrosanct (often ironic).

Thus, for the delay in disposal of cases and pendency, it is the equal liability and duty of the Bar and Bench; of course, the joint endeavor of Bar and Bench be Litigants regarding their socio-economic consequences. The greater words of Carl Sayan (Quantum Physics), "Absence of Evidence is not Evidence of Absence," are equally echoed in the procedural law, which says that "absence of proof is not proof of absence. The Judicial probe into the depositions of the parties u/o-18, R-2 of the C. P. Code reveals the FACTS – FILE – TRUTH while Judgment u/Sec. 2(9) is pronounced u/o-20, R-1 R/W R-5 of the said Code of Civil Procedure.(Sayan, 1982)

### 2.4. **THE THIRD TEMPLE OF SOCIO-ECONOMICAL JURISPRUDENCE (THE SCIENCE OF LAW THROUGH THE LENS OF LEGAL JOURNALS (LITERATURE REVIEW)**

The unalloyed radicalism of Law/radix root needs to be derived from the Hon'ble Apex court decisions binding upon all subordinate Courts R/W Legal Journals being studied by the Researcher.

- (i) The Hon'ble CJI (the Chief Justice of India) Sri Justice Dipak Misra, while inaugurating the conference on how to reduce backlog pendency of cases in courts across the Nation organized by the Supreme Court of India in collaboration with the Indian Law Institute,

New Delhi said the ADR mechanism u/Sec. Eighty-nine of the C. P. Code explores the Technology Strategic Management to reduce pendency and delay in disposing of cases.

During the conference session on 27-28 July 2018, addressed by Hon'ble Jr./Dr. Ranjan. Gogoi CJI/2019, Hon'ble Professor Dr. N. R. Madhavan, and others stressed the priority of Court Managers (importance of Strategic Management, Mediation Centre with the ultimate goal (i.e., how to redress the pendency of cases). (Madhavan, 2018)

- (ii) While studying Fair S. Nariman's book God Save the Hon'ble Supreme Court' Hay House Publishers, 2018, I learned there is no better system of Listing the cases in the daily cause lists of Courts causing a delay in the disposal of cases Referred (2017)2 SCC 529 (To maintain the sanctity of democratic process. Finally, page 271 suggests that judgment is the voice of social justice. (Nariman, 2018)
- (iii) Even Sir Arun Shourie, in his book "Courts and their Judgments," Harper Collies publication 2018, reveals his thought process: Do Judges merely enforce Law or interpolate words into status? Case cited w.e.f. 1982 (2) Supreme Court Cases SCC 691 to (2000) Vol. 1 SCC Page 210 & 298 almost 130 Courts decisions up to page 445 NO JUDICIAL HANDS OFF (P-208). (Shourie, 2018)
- (iv) The Bible of Jurisprudence, i.e. Salmond on Jurisprudence Maxwell South Asian Edition 2018 w.e.f. 1<sup>st</sup> Edition in 1902, the study suggests in Civil Law that the conflict between 'Title' and possessions is endless as if a conflict between substantive and procedural Laws. But the balance factor must be determined so that the poetic Judgment can be yielded (Salmond, 2018)
- (v) Delays in judgment giving can be tackled by eliminating the dichotomic hyphen between substantive law (theory of Law) and the law of procedure (practical Law). On pages 246 to 294 of Salmond's book on Jurisprudence Fenties the ownership and possession, the researcher refers to the 'Framing of issues' in civil suits U/o. 14 R-1(4) & (5) and understands the issues of Facts and issues of Law must simultaneously adjudicate to read as the 1:1 apportioning, 2- important ingredients of Judgment u/Sec. 2(9) The First Schedule (O-20, R-5) of the C. P. Code, 1908. (Salomnd, 1908)
- (vi) The Delay in the disposal of cases also relates to ARGUMENTS in context with Law relating to Property Law, whether 'Possession' should prevail over 'Title,' i.e., whether 'Possession' First and the title next OK to title' first and possession thereafter. The Authors Sir B. H. Mitra and Sengupta, in their book on Transfer of Property Kanak Law

House 21<sup>st</sup> Edition 2017, have nicely dealt with Section 53/53A part performance; thus, the ‘possession’ issue is of greater emphasis. (Sengupta, 2017)

- (vii) But the real trouble in lawsuit disposal starts with the Execution/Enforcement of the Decree. Ref. Section 36 to 74 R/W O-21, R-1 to 106 of the C. P. Code, 1908. Sir John Woodroffe and Sir Ameer Ali (both Judges of Hon’ble Calcutta High Court), in their Book on (1132 paged) Law of Execution of Decree and Orders” (publisher Delhi Law House) have nicely dealt with the ‘Execution Law’ and have well suggested the Executing Courts which can’t go beyond the Decree. (Ali, 1908)
- (viii) Seeing the delay in Trials by Courts, the Hon’ble Apex Court, in decision reported in SLP (Cri.) No.-2610 of 2013 vide decision in the year 2018 HELD ‘stay order’ is ONLY for 6 months in both Trial stages of Civil and Criminal Cases to CURBE DELAY.
- (ix) ‘Rule of Law’ (None is above the Law) passes through the path of trin-tarianism/Frinity of Judiciary Legislative and Executive; Suit Trial Judgment O-4, O-18 & O-20 the Trinity of Social Justice. Justice K. J. Thomas, in His Lordship’s book” Of Honeybees of Solomon Lexis Nexis/Universal Law publication/2016 Edition, treatised Destined for Law in the Chapter-18 Farewell. (Thomas, 2016)
- (x) “Memory Fades,” the book by Sir Fali S. Hariman Hay House Indian Publication, page 365, oozes the dichotomy between Judicial Governance and Activism, which causes a tremendous impact on litigants.
- (xi) Law has to respond to social changes in terms of Law to be an instrument of social changes. After reading the book ‘My Life Law and other things’ by Motilal C Setalvad’ Reprint 2015 Lexis Nexis Publication, the researcher understands that the law and Culture interface’ is an important subject to be studied.

Law is directly proportioned to culture. As the culture was unalleged, so was the burden of Framing Laws. (Setalvad’, My life and other things, 2015)

- (xii) Justice M. C. Chagla defined the Bar in the Lordship’s book ‘Roses in December’ Bharatiya Vidya Bhavan 14<sup>th</sup> Edition, says the Bar must distinguish the relevant from the irrelevant key to success. Thus, the trial and Argument of any case shall be well convinced, and Judgment shall be pronounced without DELAY. (Chaglaedified)(Chagla, 2014)
- (xiii) A tremendous ‘NOT’ is pronounced in the Jharkhand Law Journal Reports (2019) 2 May Part-2 & (200) 2 JLJR’ that Regular can’t exercise. Judicial functions to answer

- the maintainability of a petition. (Reason behind regress of cases). (Judicial functions to answer maintainability of a petition, 2019 )
- (xiv) Better the Advocacy, quicker the disposal of cases from page-5 to page-12, the Book ‘Court Room Genius’ by Sir Nani Palkhiwala Lexis Nexis’ Publication August 2012. (NaniPalkhiwala, 2012)
- (xv) Judgment: which is not open to criticism on the grounds of undue brevity. (-Former CJI Sir M. Hidaytdllyaa in His book ‘My own Boswell’ Universal Law Publishing Company).
- (xvi) The ruling (2000) Vol.-7 SCC 740 benefits the fair and quick disposal of legal jolts without delay. Eastern Law House, 2017 Edition. (Hidaytdllyaa, 2017)
- (xvii) The famous author Tikrisna Kumar IDF/May 2008 suggested a methodology paper that the close study of ADR Arbitration Act R/W Section 89 of the C. P. Code is instrumental in minimizing the backlog of cases. (Kumar, 2008)
- (xviii) The number of pending cases / divided by the current disposal rate (i.e., per month, how many cases disposed of) can help calculate YCR (Yearly Clearance Rate) [Model / P-19/IDF 2008].
- (xix) Another Model Math
- $$S = 1 - F(A)$$
- Where S = Total Number of suits
- $$F = \text{Probability of Expectation of decisions}$$
- $$A = \text{Plaintiff's marginal Expectation}$$
- (xx) Hon’ble CJI Sir Dipak Mishra, on 07.06.2019, sounded the alarm on the rising pendency of cases in Indian Courts 3.3 Crores. (Mishra D., 2019)
- (xxi) ‘Daksh India’ on their ROL – project says [www.indiatogether.org](http://www.indiatogether.org). Judges: The population ratio is very low. Overlitigations are hampering the judiciary. The suggestion from Lower Courts is to adopt software resources to overcome the problem of backlog cases.
- (xxii) Justice Kavian, in the Supreme Court Seminar in collaboration with Indian Law Institute / New Delhi 27-28 July 2018, said Vision 2019-20 India should be a litigation-friendly country, which means settlement of disputes outside the courts. (Kavian, 2019-2020)
- (xxiii) As per the economic survey of India 2017-2018, the backlog of cases hampering contract enforcement, stalling various projects, tax collection, and escalation of legal

costs due to delays in the judicial system too (Vide page-34 of the conference 27-28<sup>th</sup> July 2018.

- (xxiv) Time eclipses due to summoning (O-5, R-9) and trial (u/O-18); if they are shortened, disposal shall be quicker.
- (xxv) Reasons for why three corers cases pending are explained by national Judicial Data (NJD): Owing to (w.e.f. 2005 to 2011)
  - (a) Govt. being the
  - (b) FTC Fail Largest Litigants
  - (c) FCT failure (Fast Track Courts);
  - (d) Less Central Govt. funding (60% cut down)
  - (e) No sufficient Judicial infrastructures (vide [www.youthkiawaaz.com](http://www.youthkiawaaz.com) source YKA.
- (xxvi) Survey Work is essential in the light of Survey Manual 1959 to reduce land disputes (vide Ministry of Law and Justice Dept. Notification dt. 26.03.2016).
- (xxvii) Presently, the Revisional Survey u/Sec. 83(2) of the CNT Act, 1908 is being incorrectly rendered Entries showing the Raiyats 'Anabad Bihar Sarkar' and somewhere 'Gairabad' causing a good deal of filing Revenue Cases in contract with C. S. (Credestral Survey1924).
- (xxviii) Sec. 46 Notification CNT/67/2002-4828/Revi dated 4 Oct 2002 is being misunderstood, leading to mounting cases.
- (xxix) The Book 'Essential of Management' by Joseph L MassiaSoddle River New Jersey 1987 Edition suggests the Role of (Court) Managers in terms of Municipal Management using the math model:  $P = C/R$

Where  $P$  = Payback period

$C$  = Cost of investment

$R$  = the expected net annual return from investment. (MassiaSoddle, 1924 )

- (xxx) Tracks from Notification Law 294 LAC 2005 Page 110 Judicial Impact Assessment May/2008 suggests that the category of daily Cause Lists in Courts / Roll Call of cases should be back and forth well symmetrical.  
Ref.: Judicial Impact Assessment IDF May 2008, P/48 to P/57.
- (xxxi) 'Land law' by Patrick Datton' (Pritam Publication) 1996 Ed. Suggests the study line of methodology on an algorithm for solving the problem of Easementary Rights,

Adverse occasions, and co-ownership, which are critical legal jolts that lead to the pendency of cases. (Datton, 1996)

- (xxxii) The Amicus books ICFAI University Press Ed. K. Padmaja focuses on emerging issues 2007-08; the advocacy needs to apply retrospective and perspective views in legal realms, Page-145-147. (Padmaja, 2008)
- (xxxiii) The Law Journal R/W 'Inequality' Re-examined (Economic Science) by Amartya Sen Oxford University 1999 impression suggests social welfare as a function of income vectors directly and vector of incomes determines the level of social welfare. As such, social welfare must be maximized through an equal income distribution in a civilized society. (Page 97 to Page 99). Thus, socio-economic jurisprudence is highly concerned with analyzing litigants' incomes-vector. (Sen, 1999)
- (xxxiv) 1963 publication Vol. (1-III) Settlement Dept. while page Bihar the then Govt. (1959 Volumes) suggested Land disputes owing to misapplications of Technical Rules and operation and wrong entries in Revisional Survey Overlooking raiyats in the cadastral survey. As per Patna Law Journals 681/Gazette Part-II dated 10<sup>th</sup> Oct./1960. Power u/Sec. 87(1) of C.N.T. Act, r/w Sec. 47, must be exercised appropriately by ASO/SO. (Settlement Officers).
- (xxxv) The most important book on Advocacy by P. L. Jayanthi Reddy, Amicus Books (ICFAI University Press (2007 Ed.)), suggests Bench and Bar should combine approaches to solve the Legal Jolts. (Reddy, 2007)
- (xxxvi) Undoubtedly, the Law is a social product. The author C. K. Prahalad, in his book The Fortune at the Bottom of the Pyramid Wharton School Publishing 2005, defines development as social transformation; thus, socio-economic impact is measured by the happiness index of a society. (Prahalad)
- (xxxvii) Nobel laureate Amartya Sen's book Ethics and Economics (Oxford University Press) 1999 suggests the interface between economic behaviors and moral sentiments. (Sen A., 1999)
- (xxxviii) Alegorg of Law can be collected from the Privy Council to Modern Apex Court decisions. Vide Sec. 157 of E. P. Code continuance of Orders 1859 is consistent with 1908 C. P. Code
- (xxxix) South Ais Multi-disciplinary Academy(-ic) Journal, 17/2018 suggests the study on Judicialization from the global issue to intimate man-to-man private social relative interactions through the Lens of Law.

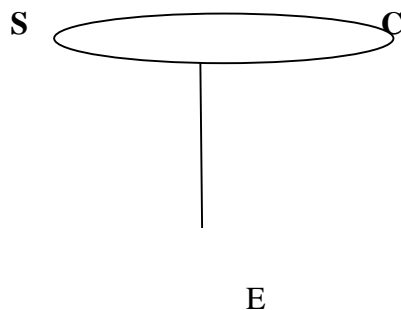
- (xl) The Supreme Court Cases Journal (SCC) (2011) Vol. 3 SCC Page XXXII P/J/I to P/J-22 suggests the ‘Search for near perfect social order’ by Hon’ble Justice S. U. Khan Allahabad High Court that under the Principal of Laffer Curve.  
If the rate of Tax is NIL, the Govt. is nill; if it is by 100%, the Govt. is NIL. If not, no incentive to increase the earnings of the employees will be given. (Khan S. U., 2011)
- (xli) Edward W. Younkins University West VirginiMontrcal, 5/2000, in his book ‘The Evolution of Law,’ suggests Law as a natural outcome of society's man interactions, discovered and not made, which reflects and embodies the experiences from the Events chronology. (Younkins, 2000)
- (xlii) Nobel laureate Amartya Sen, in his book The Argumentative Indians, Penguin Books Publication 2005, says: Our peoples like dilatability in plurality, which sets forth logical context. Logic flavors multisets the lawyer's truth. Arguments, counter-arguments, thesis, antithesis, and synthesis are why we should be lost today toward monolithically cultured Hegemon. (Sen A., 2005 )
- (xliii) The Jurisprudence and Legal theory by Dr. V. D. Mahajan, Advocate Supreme Court, Eastern Book Company, says about Legal rights and duty ownership and possession, sociological school, Nature of Law, kinds of Law, clarification of Law, Administration of Justice, sources of Law, Legislation, and precedents which needs a deep study to philosophize the concept of socio-economic impact of long pending cases.
- (xliv) The democratic pattern of social and industrial jurisprudence needs industrial upliftment to maintain maximum employment for the litigants so that they can bear the legal suit expenses. Such a study is found in the book ‘Employees Compensation’ by R. N. Choudhary Orient Publishing Company (ISBN: 81-87197 – 19-6).
- (xlv) Unless land losers' rehabilitation and resettlement are restored, the socioeconomic welfare status can't grow upward on the Y-axis. If Govt. acquires Lands 2013 Fair compensation in Land Acquisition (the Land Acquisition Act, 1894 amended to 2013 FCTILA PR Act) by R. Chakraborty, Advocate Supreme Court, Orient Publishing Company 2014 Edition. A considerable number of compensation cases are pending in courts. (R. Chakraborty, 2014)
- (xlvi) For speedy disposal of long pending cases through the ADR mechanism, 2001 AIR Journal, Sri Devendranath Mishra, Reader, Department. of Law Den Dayal

Upadhyay, Gorakhpur University suggests growth of Arbitral center socialization of ADR, Judicial Irorg clause, minimization of Judicial intervention to uplift socio-economical plight of litigants to get rid of Legal Jolts.g (Devendranath Mishra, 2001)

- (xlvii) Litigations Ooze out of Revenue Survey Settlement Anthropological flaws the study of DhanbadGazetter Revenue Deptt./Bihar 1964 compiled by Sri P. C. Roy Chowdhary which reveals how court cases evolved owing to Enrics u/Sec. 83(2) CF.N.T. Act interpolated. (Chowdhary, How court cases evolved owing to Enrics, 1964)
- (xlviii) Journal of Law and Society 30(1) March 2003, in its research works demonstrates Lawyers should be adverbial rather than self-representing litigants while dealing with family property disputes instead of complicating joint ness by bisecting self-acquired property from the joint ness u/Sec. 54 R/W O-20, R-18(2) of the C. P. Code, 1908.
- (xlix) The Economic Consequences of Weak Judiciary insights from India by Wolfgang K. C. Kohling Centre for Development Research University of Bonn, Germany, Nov. 2000, suggests by its theory section-2 that the link between the Judiciary as an institution, the microeconomic behavior of that institution and its measurements impact can develop a theoretical model. (Kohling, 2000)

## 2.5 CHINK IN SOCIO-ECONOMICAL IMPACT AND EMBROCATION THEREOF

- i) Socio-economics = science



- ii) Society is the trinity of a 3-pronged fork of (S=social :) (C =cultural) : (E=economic) in equal proportionate.

- iii) Thus, socioeconomics is the social science that analyzes how our society (-ies) ascends and descends regarding social values.
- iv) The function of the rule of Law is to maintain social Equilibrium –status.
- v) However, socioeconomics is the binary function of the reciprocal relationship between economic science and social ethics.
- vi) Social welfare measures are directly proportional to economic status
- vii) By studying the books of John Eatwell, Murray Milgate, and Peter Newman (1987), Social Economics refers to the use of economics in studying society as an umbrella term.
- viii) Becker & Gray (Journal Nov-December/1974 Kevin & M: M Murphy (2001) Social Economics Steven N Durlanf (2001) MIT Press treatises as social dynamics (Relation of Economics to social values) (Durlanf, 1974,2001)
- ix) Mark A. Lutz 2009, social Economics says the reciprocal relationship between Economic science and social philosophy (Lutz M. A., 2009)
- x) Davis John ‘B’ (2008) Social Economics: says For social reconstruction and improvement, socio-economics highly concerns
- xi) But while criticizing stream Economics is said socio-economics, it is said social economics is heterodox (Tony Lawson,2008)
- xii) In their socio dynamics, Pokrovskii, Vladimir N (2011) treatise the theory of social production.
- xiii) Max Weber (2022), in Economy and Society Treatise, scrolls to chapter preview links & lookup socio-economics in Wiktionary; it concisely infers Societies are divided into 3-groups: social, cultural, and economic, though interlinked yet are of separate entity-and also overviews broadly that, socioeconomics, as an umbrella term for various areas of inquiry as also emphasizing an integrated study of sociology, history, and political science.
- xiv) The socioeconomic impact of Covid -19 recently engulfed the globe with a consequential disaster also infers these socioeconomic systems are all interconnected and produce effects from the local level up to the global level, and thus lies the Chink and embrocation

## **2.6 BIO-LOGICAL-SCIENCE OF CASE PENDENCY**

- i) As per AIR 1992 Patna page 66, Every Civil Court has to maintain a diary in the prescribed form, which, among other things, contains the ADJOURNED dates (M/S Maliram Mahabir Prasad Vs. Shanti Devi)

As per Civil Court Rules of High Court of Jharkhand vide Rule No 02  
Notify: 07/2017/R&S dt 21.6.2017 with retrospective effect from 21<sup>st</sup>  
Sept 2015

- ii) The provision of Law (ADJOURNMENT) laid down up to –XVII, R- I, of C-P-C, which says: no such adjournments shall be granted more than 3 times to a party during the hearing of the suit.
- iii) But as per the Daily –Cause list (vide clause No 3 of High Court Civil Court Rules ), Adjournments run in arithmetic progression(the root cause of pendency)
- iv) As per clause -3 ( Civil Court Rules), Execution and Miscellaneous cases are not bifurcated from the Hearing of Title suits, and thus, delay in disposal of Title suits, Miscellaneous applications, and Execution cases are delayed.
- v) Socioeconomic status and COVID-19-related cases and fatalities in the states practically reduced the disposal of cases. At the same time, HEARINGS were done through the virtual process instead of physical Hearings, and thus pendency mounted a lot.
- vi) While reading the Article/ Copy-right, @200.The Royal Society for Public Health published by Elsevier Ltd 2020Dec 189:129-134 AOI 101016 / J.Puhe 2020.09.06 Epub2020 Oct 17atits conclusion: Held socio-economic factors should be considered when implementing public health interventions to ameliorate the disparities in the impact of Covid 19 on the distressed communities Likewise, in civil courts, Litigants from remote villages away from civil courts vicinity and litigants within the civil courts vicinity both face disparities –as well as cases-status-communications.
- vii) While reading International Journal of Constitutional Law, vol 12 Issue 3, July 2014, by David Bilchitz on the topic “Socio-economic rights, economic crisis, and Legal Doctrine,” I noticed socio-economic rights do not lose their application in times of crisis. The long-pending cases-cum pendency of cases in

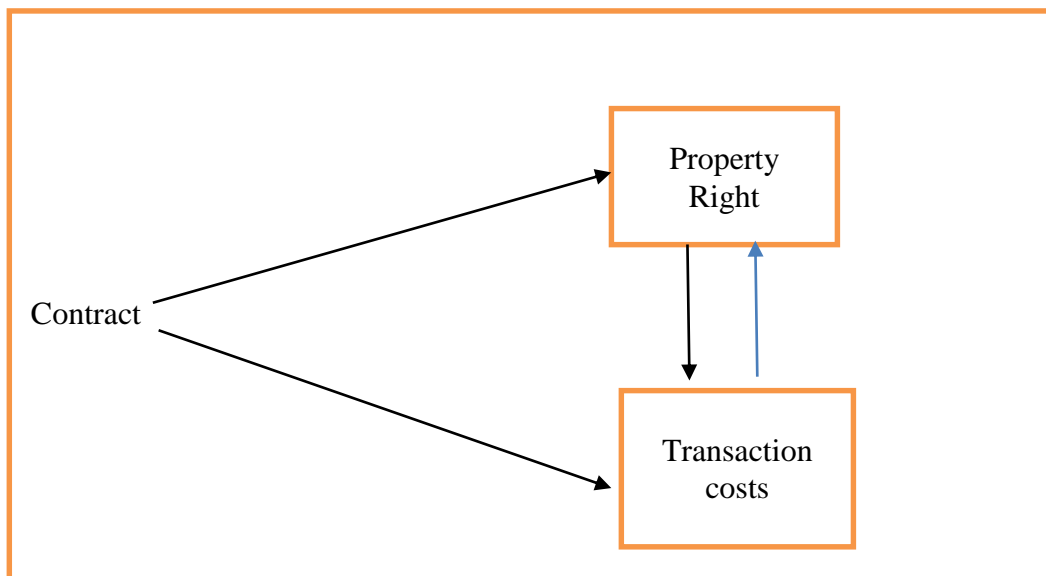
courts is also a crisis, and the socio-economic –impact of Litigants never decays, never reduces, but every moment grows in terms of money –matter, and social stability. The doctrine of proportionality instead provides a structured test to determine the justifiability of any limitations the Govt places on its socio-economic rights obligations in times of crisis the Litigants came across during the pandemic –period of covid 19 nationwide (David, 2014)

- viii) SES (socio-economic status) appears to be broken into 3 –variables (i.e.income, education, and occupation, of course, in the concurrent ratio 1:1:1 consequent to probable employability) to depict and assess economic status)
- ix) The role of courts in determining the contents of socio-economic rights involved owing to the pendency of cases the distinction is of greater impetus (David Bilchitz constitution)

## **2.7 Some Theories Related to long pending cases**

2.7.1. **Transactional cost Theory** (TCT) through the Lens of ROL (Rule of Law) /Legal environment: in terms of property rights

- i) Ronald Coase formally proposed the Transaction cost concept in 1937, theorizing TRANSACTION through enforcing contracts. (Coase, 1937)
- ii) But contract means all arguments are contracts if they are made by the Free consent of parties, competent to contract, for lawful consideration with a lawful object as contemplated under section -10 of the Contract Act,1872.
- iii) Thus, transaction cost falls within the domain of Lawful consideration/money –value as an essential contract ingredient.
- iv) Jensen and Meckling 1976, pointed out the Principal –agent –problem in transactions via market Mechanism (Meckling, 1976)
- v) Principal–agent contract is contemplated in chapter X (Agency Secs182 to 238 of the Contract Act 1872.
- vi) The Property –Rights analysis and transaction costs analysis are two sides of the same coin.
- vii) The property rights analysis is closely related to the transaction costs analysis



Cole and Grossman, 2002 hold that the importance of property rights to the smooth functioning of society and economy was recognized by classical economists.

ix) Stigler (1972) noted that Transaction costs are the costs of dissipation in resource exchange x)' Property Rights' is guided by the Transfer of Property Act 1882, whereas the Transaction cost is guided by the Contract Act 1872.

xi) Section 5 of TP Act 1882 and section -10 of the Contract Act 1872 both derive the organizational linkage that enters property Rights and Transactional costs.

xii) The theory of transaction costs is the basis of modern Economics.

### **2.7.2 Resource Depletion Theory**

Resource Depletion Theory (RDT) through the proximity of/ Minerals depletion under the Mining Laws & Land laws & Property Laws

- i) The verb and vibration of DEPLETION means “reduce greatly the quantity, size power or value.”
- ii) ‘Minerals’ are needed to provide Food, clothing, and Housing ‘Roti Kapra-Makan’
- iii) But the modern glaring abuse of resources (i.e., Large-scale-exploitation of minerals, deforestation, oil/fuels depletion, Loss of wetlands-groundwater-degradation, water-resources depletion) is the greater cause of Resource-scarcity resulting in the ‘deep-dark-divide in the society, i.e., cause of action of the lawsuits in courts within the meaning of Order-7 Rule (I) € of the C-P code,1908. The more depletion of resources, the more litigation in either civil courts or Writ courts.

- iv) Section 9 of the MMRD Act (The Mines and Minerals Regulations and Development) refers to Royalty, which is the payment for minerals removed or consumed.
- v) 'Mineral oil 'includes natural gas and petroleum under Definitions Section 3 (b) of the MMRD Act.
- vi) 'Royalty and 'dead rent' must be conceptualized in terms of distinction since the same creates a lot of disputation. Royalty is a kind of rent that the lessor of a mine charges from the lesser, varying with the quantity of minerals produced. Where 'dead rent 'is the minimum guaranteed royalty per year paid Sec 15 of MMRD Act.
- vii) The social-impact Assessment study is highly prioritized under Sec 8 (2) of the Law of Land Acquisition & compensation, 2013, known as the LA Act, 1894, which practically Depleted Private ownership.
- viii) L A Reference cases in huge numbers u/Sec 64 of LARD Act, 2013, formerly known as LA Act 1894, are pending before L A Judge /analogous to sec 18 of the old LA Act, 1894 (Private –ownership –depletion) in terms of compensation depletion.
- ix) Similarly, a considerable number of cases u/sec 3 G (7) [ (a) to (d) are also pending under the National High-ways Act after acquisition for NH-roads-construction /compensations not paid as yet (NH compensations depletion)
- x) Similarly, oil depletion
- xi) The United States Energy Information Administration predicted in 2006 that World consumption of oil petroleum would increase to 98.3 million barrels per day 15,630,000 m<sup>3</sup> /d ((mbd) in 2015 & 118 million barrels per day in 2030 (i.e., thus 2.7% per year average annual increase between 2009 and 2015.
- xii) Deforestation worldwide 10% of wilderness areas were lost between 1990 and 2015 (Deforestation depletion)
- xiii) Wetlands, being ecosystems, are the food chain resource. Recent studies indicate the global loss of wetlands, with 64% occurring since 1900. Depletion –ailment is a serious threat to human existentialism.
- xiv) Thus, groundwater appears to be NON-RENEABLE RESOURCE.

### 2.7 3. Human capital theory

Human capital theory (HCT) through the X-rays of the MSMED Act,2006(Micro, Small and Medium Enterprises Development Act 2006)

- i) According to Bruederl,1992 HCT pertains to Knowledge and experiences of Small-scale business contracts.
- ii) Human capital acts as a Resource.
- iii) Such resource experiences are translated into knowledge and skill.
- iv) Becker,1964 suggested an Economic Argument about Apprenticeship.
- v) The MSMED Act 2006 The Micro, small and medium Enterprises Development Act 2006, comprised of altogether Ito VI chapters /sec 1 to 31/ suggests “micro-enterprise” Sec 2(g) R/W Buyer sec2(d) & supplier sec 2(n) within the term medium enterprise Sec 2 €in case of delayed payments to Micro and small enterprises can be recovered under sec 17 to 21 by the Application of Arbitration Act,1996 by Reference to Micro and Small Enterprises Facilitation Council U/Sec 18 of the said MSMED Act,2006
- vi) As per Sec 23 of the said MSMED Act Interest (compound) u/sec 16, if the buyer does not make payment within 45 days, then the supplier can recover the amount with compound interest through Arbitral Reference u/Secs 18 to 21. The said arbitral Award on compound interest upon the PA can be deducted under the IT Act,1961.
- vii) Thus, the ‘HCT’ is protected by the said MSMED Act,2006
- viii) The Mental Health Act of 1987 has been enacted to consolidate and amend the law relating to the treatment and care of a mentally ill person to protect their property and affairs.
- ix) The human capital factors also signify educational investment (Psacharopoulos&Patrinos,2004)
- x) The English poet Wordsworth, in his poetic creativity, exhorted ‘Child is the father of man ‘in terms of Egal-i-tar-an –ism (i.e., the spinal marrow of the above phraseology ‘Child is the father of a man is EDUCATION IS THE BEST LEVELLER)
- xi) The Right of Children to Free and Compulsory Education Act,2009, under Section -3 of the said Act, falls within the duties of the Appropriate Govt

under section -8 R/W secs 15 (No denial of Admission) exercising the power of appropriate Government to make Rules U/sec38 of the said Act of 2009.

- xii) Most importantly, Jurimetrics Tagore Law lectures, New Jurisprudence @ndEdn 2016, page 468.By Justice Mukherjee –Mathematical Theory of Probability in terms of quantitative Judicial Analysis.

#### **2.7. 4 Labelling Theory**

Labeling Theory of scanning of Breach of Peace under the Criminal Proceeding Cr.P.C 1973.

- i) The concept of Labeling pertains to deviance in society.
- ii) The deviancy in the society by co-respondents amounts to committing the ‘BREACH OF PEACE’ within the provisions of Sections 144 &145 of the code of criminal procedure, 1973, which is usually referred to a competent Civil Court to determine the ‘Title ‘declaratory relief under sec34 of the Specific Relief Act.
- iii) In his groundbreaking work in 1963, labeling theorist Howard Becker focused on ‘deviancy.’
- iv) Becker suggested deviance as a social creation by that particular people labeling them as outsiders.
- v) Since the ROL(Rule of Law) is socio-centric, its goal is to maintain status quo-cum-social equilibrium in society through the proper administration of justice.

#### **2.7.5 Social Disorganization Theory**

Social Disorganization through the Lens of Family Affairs under the Family Courts Act 1984.

- i) Social Disorganization happens due to weakening social bonds from disputes relating to marriage and family affairs.
- ii) The Family Courts Act 1984 preamble imparts that the family courts are to promote conciliation in and secure settlement of marriage and family affairs disputes.
- iii) The more family disputes, the more quantum of social disorganization resulting in mounting civil cases now being instituted, causing abnormal pendency of variant civil suits under sections 26 of the Civil Code Procedure 1908
- iv) In 1955, Robert Faris explained the emergence of high rates of suicides, mental illness, and violence. This concept is also reflected in Section 498 A of the Indian Penal Code 1908, i.e., Cruelty as per Explanation (a)&(b) to said IPC –sec-498A

- v) Section -9 of the Family Courts Act,1984 contemplates that the Family Court has to make efforts and persuade the spouse's parties to arrive at the settlement of Family disputes.
- vi) In 1934, Edwin Sutherland held that the increasing crime rate, owing to social disorganization, results in cultural changes in developing societies.
- vii) It is challenging to bisect 'cruelty –cum- Family disorganization –cum- social disorganization 'whether of criminal nature case or civil nature, but at present seems to be hybrid litigations.
- viii) Some standard definitions of social disorganization postulated by Shaw &McKay(1969), Robert E. Lee Faris( 1955), and Busik&Granmick (1993) treatise dedication that social disorganization is the weakening /destruction of relationships in community associations.
- ix) Edith Cowan University Research online theses 2022 by Anthony N Greening imparts Social disorganization (<https://ro.eco.edu.au/theses/2528> relates to A spatial – econometric analysis / Chicago and Sydney.
- x) Social disorganization is a type of spatial theory.
- xi) Shaw & McKay (1969) created spatial mapping, which suggests that crime varies as it moves from a city center to its suburbs.
- xii) In the above thesis paper, Heterogeneity shows the Mathematical notion:
  
- xiii) Family disruption =Ratio of single-headed Families (-ies) relative to a universe total households –Felson (1986) Sampson &Groves (1989) referred in the above thesis as Disruption.

### **2.7 6. Social Impact theory**

Social impact and the transfer of property Act 1882 & the Contract Act 1872.

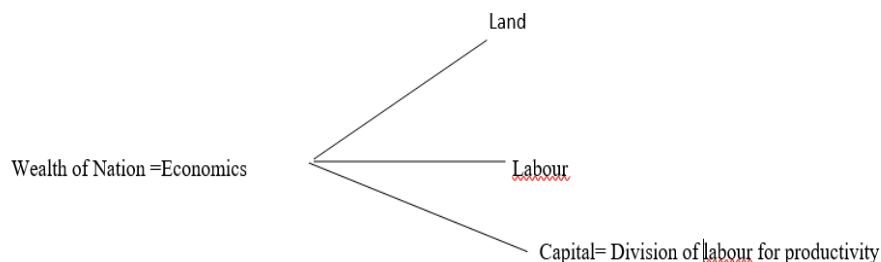
- i) Social impact theory says that social impact is when individuals or groups influence other individuals' thoughts or actions.
- ii) SIOT is the contract between practically two individuals and different individuals, and later on, it converts into under sec 10 of the Contract Act 2 –groups of various dispositions. Similarly to T-Pact 1882, as per section 5 of the said Act, Transfer of property is defined as an act by which a living person conveys property to one or more living persons.

- iii) But the H Supreme Court says the provisions of the TP Act have no application in a case where a transfer of property takes place by operation of law, Reference: Bharat Petroleum Corporation Ltd Vs. Kesavan report in AIR 2004 SC 206 /(2004) vol 9 SCC page 772.
- iv) The social impact between 2 different Living individuals or groups transfer of property in terms of thoughts or action (i.e., proposal and acceptance Sec 2(a) + Sec 4 of Contract Act 1872, which is a common phenomenon as interaction.
- v) The dynamic social impact theory refers to how one can influence others
- vi) The individual in the SIT & 'living person' Up Sec 5 of TP Act is of the same meaning
- vii) Section 4 of the L A Act 2013 (Right to fair compensation and Transferring in Land Acquisition Rehabilitation and Resettlement Act 2013) provides a determination of social impact " if Govt intends to acquire Land for public purpose together with Section 3G (7) [ (a) to (d)] of National Highways Act,1955
- viii) 'Social Impact Theory' SIT is omnipresent in almost all civil nature –suits
- ix) Rehabilitation and Resettlement Award pertains to the social impact affecting the Landloosers within Section 31 of the RFCTARR Act 2013 to the former L A Act.
- x) Thus, the social impact theory applies to property law, and contract law is a branch of substantial law.

### **2.7.7 Economic Theory**

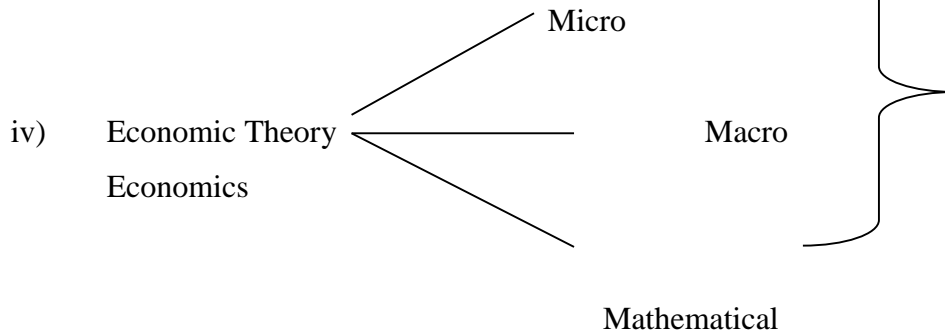
Economic theory under the conjoint effect of contract Act and C P Act

- i) The publication of Adam Smith's The Wealth of Nations in 1776 is considered the first formalization of economic thought.
- ii) According to Adam Smith



Gains from Trade

iii) Land disputes give rise to property Disputes, subject to the T.P. Act.  
+ Contract Act + Industrial Disputes Act

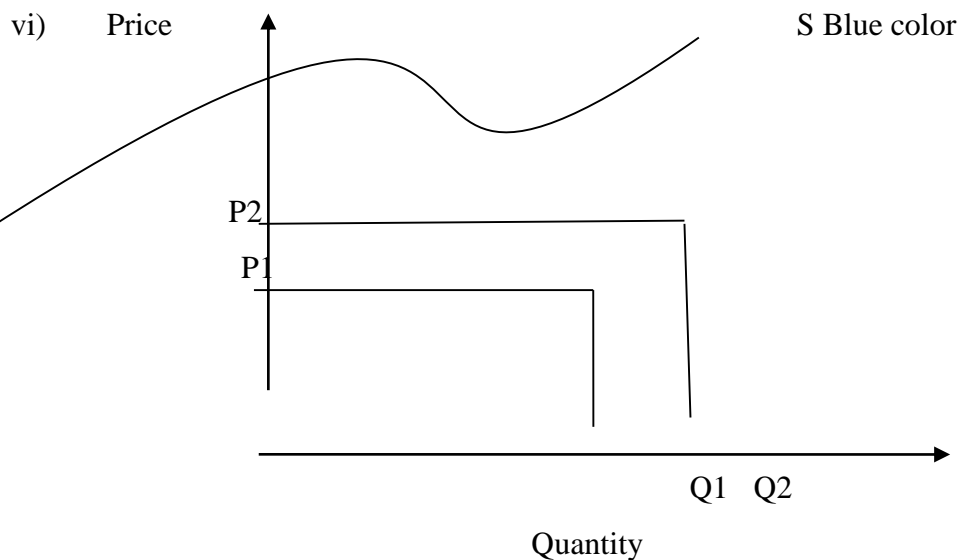


Micro: Principal concepts include supply and demand, Rational choice theory, opportunity cost, Budget constraints, and utility.

Macroeconomics focuses on modeling the relationships to create a market system.

Mathematical Economics is the application of mathematical methods to represent theories and analyze problems in economics.

v) In microeconomics, production is the conversion of INPUTS into OUTPUTS.



The supply and demand model describes how prices vary due to a balance between product availability and demand.

- vii) The Consumer Protection Act protects the consumer's marketing choice in terms of Demand and supply, and the Contract Act settles the Breach of Contract in terms of commercial contracts through the procedural Law of the Commercial Courts Act 2015 with ADR mechanism under the Arbitration & Conciliation (Amendments) Act 2019

#### **2.7.8 A Rational Choice Theory (RCT)**

Applicable to the Relationship between client (individual) & Advocate

- i) RCT encourages individuals to make sound economic decisions.
- ii) The individual rational choices are based on calculations and information to minimize losses and yield maxima advantage.
- iii) The individuals must use a logical decision-making process.
- iv) However, the Nobel laureate Herbert Simon rejected the assumption of perfect rationality and proposed the theory of bounded rationality instead. This theory says individuals do not get all the correct information to make the best possible decisions.
- v) Simon argues that all alternative information is realistically impossible for a perfect decision.
- vi) RCT applies to each plaintiff u/sec 26 of C-P-Code while instituting the suit.
- vii) Each client oftentimes faces the question of who will be the best lawyer for this court case.
- viii) The relationship for filing a case in court under sections 9 & 26 of C-P-Code 1908 must be under Section 35 of the Advocates Act 1961 since the relation between an advocate and his client is based on TRUST and, therefore, sacred. The Honorable Supreme Court vide Ruling AIR 2015-page 2297 determined the fiduciary obligation arising from the relationship between himself (advocate) and his client and held the advocate guilty of misconduct of conflict of Interest (Rule 33 of sec 11 of part V of BCI –Rules. Ref: Chandra Prakash Tyagi –VS – Benarasi Das (AIR 2015 SC 2297)
- ix) For example, RCT chooses between 2 cars; Car B is cheaper than Car A, so purchasing Car B is preferential.
- x) Rational behavior is a decision-making process yielding an optional level of benefit /Utility for an individual.

### **2.7.9 Party Capability Theory**

- i) The party capability theory hypothesis states that parties with greater resources, usually “repeat players, “fare better in the judicial system and are better able to influence legal charges than Shotlers”. The theory also points out that “parties who have lawyers do better.” The theory has become more influential since its publication and has been tested by several studies. However, its importance has not been addressed in the accounting academic arena.

Experts from doctoral Dissertation Ying Wang Louis

- ii) But the party capability theory nowhere regrets the ‘Legal –Knowledge –dexterity Expertise ‘of sound lawyers.
- iii) The recent court–fee–hike has exceeded middle-class Litigants' control. For a glaring example, the previous maximum court fees in civil suits (i.e., Rs 50,000/-) are now Rs 3,00,000 /- plus 3 3 lacs.
- iv) Sec 89 of the C-P-Code 1908 (amended 2002) suggests settlement of Disputes outside the court through ADR (Alternative Disputes Redressal) through Arbitration and Mediation. However, the 4th Schedule Sec II (14) prescribes the model fee of the Arbitral Tribunal; the sum in dispute is five lacs, and the model fee was 45 thousand in 1996 (now subject to an abnormal hike). Consequently, the party with greater resources prevails over the shortened.

### **2.7.10 Divergent Expectation theories of litigation**

- i) Joel Waldfogel, University of Pennsylvania wolfdog @wharton-upenn.edu, National Bureau of Economic Research Cambridge, Feb 1998, in his ABSTRACT, summarized that AI (asymmetric information) and DE (divergent expectations) suggest that DE proceeds to trial. Yet, the AI model, by contrast, suggests settlement before trial.
- ii) Under the DE model, condition (I), i.e., three things affect the probability of Trial, i.e., degree of uncertainty (I,e, trial cost + the prospective Judgment upon victory at trial Whereas the AI model suggests the plaintiff makes a take-it-or-leave-it settlement and defendant accepts any settlement demand below his expected costs Trial.

If  $S < Cd + pJ$  OR

If  $p > \frac{S-Cd}{J}$

J

Whereas

S= Settlement

C Cost of Trial

J= Judgment

P= Plaintiff,s win –rate

- iii) Early adjudications = A reasonable ‘Test’ for AI
- iv) The Arbitration and conciliation (Amendment Act, 2021 at Section 30) suggest that the Arbitral Tribunal encourage the parties for amicable dispute settlement to arrest the pendency–disposal –rates.
- v) Joel Waldfogel, in his research paper on the models (AI) DE, concludes that the group of cases going to trial is a highly selected sample of cases filed. The selection of cases for Trial results in plaintiff win rates at Trial approaching 50%.

### **2.7.11 Consumer choice theory through the reflector of the consumer protection theory Act 2019 (CP Act, 2019)**

- i) “Consumer “means any person who buys any goods for a consideration that has been paid.

Vide definition-sec 2(7) of the Consumer Protection Act, 2019

- ii) The foundational assumption of the consumer Choice theory is that preferences are rational. Preferences are rational if they satisfy two properties
  - 1 Completeness, i.e., any 2-choices A&B can be ranked as either ‘A is preferred to B, ‘B is preferred to A, or the consumer is indifferent between A&B and
  - 2 Transitivity, i.e., if choice A is preferred to choice B and choice B is preferred to another choice C. A is also preferred to C; then A is also referred to as Choice B is preferred to another choice C; then A is also to C if, in addition, chosen to C if, in addition, preferences are continuous, i.e., for any sequence of choices.

A(n)  $\succ$  A, B  $\succ$  B where A(n) is preferred to B (n), then A is weakly preferred to B, and a utility function represents these preferences. Expert Zach Flynn, Senior Staff Data Scientist at Udemy

- ii) The Utility function of CCT is the measure of satisfaction that consumers get from consuming goods or services.
- iii) Service is defined under sec 2(42) of the Consumer Protection Act. (i.e., provisions of facilities in connection with Banking, Financing, insurance, transport, processing, supply of electrical or other energy, telecom, boarding or lodging or both, Housing Construction, entertainment, amusement or purveying of News or other information, but does include the rendering of any service free of charge or under a contract of personal.
- iv) If services suffer from defects concerning goods, a sec2 (6) complaint can be filed u/sec35 (1) with the District Commission Forum by the consumer's Vide Consumer Protection Act 2019.
- v) Zach Flynn's theory of the Elasticity and slope (i.e., Elasticity is the slope or derivatives) of the demand curve scale by the ratio of price to the quantity

i.e.  $\frac{dQ}{dP} \left( \frac{P}{Q} \right)$

$$= \frac{d \log Q}{D \log P}$$

P= Price  
Q=Quantity

- vi) In the legal parlance, if Services suffer from any deficiency and goods from defects conjointly Sec -2 (11) + Sec 2 (42), the consumers dispute [ sec 2(8)] can be redressed by the District Commission under Sec 35 to 5-39 (Findings of District Commission)
- vii) Under the Consumer Protection Act, a consumer can go from the District (DC) Commission (Sec 39) to the state commission (sec 41, sc )if aggrieved by an order of the District Forum) and also to the National (Appeal ) Commission (NC) of sec 51, and if an order of the National Commission aggrieves any person, he can prefer

an appeal to the Hon'ble Apex Supreme Court sec 67 of the Consumer Protection Act 2019.

- viii) As per Section 71 of the CP Act, every order made by the DC, SC, or NC shall be enforced like 0-21 of the First Schedule of the Code of Civil Procedure,1908

## 2.8 Research Gaps

Serial No.	Reference/Reliance (s)/ Books/Journals	Reliance Pertains to	Reliance Relevant to PH.D Topic Reduce Pendency of Civil Cases in courts and Delay in the Judicial system its Socio-economic impact.
1.	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)
2.	Session-1/Case and court management for strengthening judiciary National Initiative By SC + ILI (Indian Law Institute) New Delhi 27-28 July 2018  -do-	Topics Case & court management to enhance the judiciary + ADR Mechanism U/ sec. 89 C.P. Code + Technology to reduce delay for speedy	If pendency is reduced if delay reduced socio-economic impact automatically effected

		disposal of pending cases to immediate possible solutions for reducing pendency & delay	
3.	Valedictory/ Valediction/ Address -do- 27-28, July 2018	+ 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	+ Exploring the possibility of court managers CJI/2018 & Mediation Centres 24x7 Job --- CJI/2019 & 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)
4.	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	About The Lawyer and Law- given	Help to my Ph.D. works

	<p>Supreme Court  Hay House Publishers  15BN 78-93-86832-62-7  2018 Edn.</p>	<p>+  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)</p>	<p>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</p>
5.	<p>COURTS AND THEIR  JUDGMENTS/BOOK-BY  ARUN SHOURLE  HARPER COLLINS  PUBLISHERS INDIA,  ISBN- 978-93-5277-607-8  (2001, 2018)</p>	<p>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]  "NO JUDICIAL  HANDS OFF  (P-208) (HARPER,  2001,2018)</p>	<p>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 poising  unto bring back  disputation ante-status-  quo so that to decimate  the controversy Money-  time- socio-eco-  condition be restored.  "GLORIFICATION OF  POETIC JUDGMENTS"  (After prosecuting this  454. Paged book)</p>

6.	<p>SALMOND ON JURISPRUDENCE SWEET &amp; MAXWELL SOUTH ASIAN EDITION- 2018 BOOK/FIRST EDITION- 1902 15 BN : 978-93-8474-696- 4 BIBLE OF JURISPRUDENCE (I.E.)</p>	<p>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)</p>	<p>In Civil suits/lawsuits/ the conflict Between OWNERSHIP – Titles – possessions (substantive law) &amp; Delay in Disposal Due to correct/incorrect application of procedural law &amp; Law of Property Basis: Substantive Law, as opposed to the law of procedure; Civil law, as opposed to criminal &amp; Delay in disposal due to dichotomicalRyphon between the law of property And law of procedure.</p>
8.	<p>Transfer of property By B.B. Mitra &amp; Sengupta 21<sup>st</sup> Edition 2017 Kamal Law House, Kolkata</p>	<p>Law relating to Transfer of property by act of parties (&amp;Sengupta, 2017)</p>	<p>Maximum delay due to Sc. 53/53-A part performance conflict between possession &amp; ownership &amp;</p>

			Sec. 17 (1-A) of Registration Act vis-a-vis Sec. 53 of T.R. Act.
9.	Law of Execution of Decree and Orders by Sir John Woodroffe & Ameer Ali Book 1132 Pages Delhi Law House 15BN : 978-93-81308-41-7	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)	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
10.	Justice K.T. Thomas's Book Honeybees of Solomon Lexis Nexis/Universal Law Publication, 2016 Edition ISBN : 978-93-5035-774-3 (Former Judge of Supreme Court)	About : Choosing between Just and unjust the Raison D'etre of the nomenclature A soulful appreciation of an Edifying Autobiography (Justice K.T. Thomas) (Destined for law	To my subject, the Rule of Law as a spirit of democratic society (Equilibrium in society) The Concept : Humanism = Not Legalism and arcane obscurantim is justice. The rule of law = plain common sense +

		Chapter- 18 Farewell) (Thomas's, 2016)	simple veracity
11.	FALI S. Nariman's Book Before Memory Fades 12 <sup>th</sup> Reprint, 2015 ISBN : 978-93-81431-45-0 Hay House India Publication	About Judicial Governance and Judicial Activism P-365 Some modern-day judges do not always realize the solemnity and importance of their expected functions – P/368. Like a priest who is never without the Bible (on Gita) (Nariman's F. S., 2015)	Effect of poor justice by courts below dragged the matter to the High Court and sometimes to the Supreme Court at the cost of Money and time/socio-economic impact Lack of intensity to O-10, R-1 & O-14, R- 1 (4) framing of issues owing to lack of study of cases and of ten times not prepared.
12.	My life law and other things by Motilal C. Setalvad Reprint: 2015 Lexis Nexis Publication 15BN 978-81-7534-141-8 623 Paged Attorney-General India,	About Inter-relation of culture and law : Law has to respond to social changes (P/535) that does not mean to play only "the role of the obedient servant" Law to be an instrument of social change (Setalvad, 2015)	My Ph.D. work pertains to long pending cases' social and economic impact. The abnormal must be checked, like in the Court Fees Act, 1870 Sec. 7 (i) to (xi). Revenue like pet amenity (ies) enhancement
13.	Justice M.C. Chagla Roses in December 2014	About The Bar	AID to my work

	<p>Bharatiya Vidya Bhavan 14<sup>th</sup> Edition ISBN 978-81-7276-447-0 571 Paged</p>	<p>P-49-74 An Advocate who should be/must possess the basic quality of fairness, + Must have the art of distinguishing the relevant from the irrelevant = key to success. + No belief in tepid advocacy + Zests confidence + (Roses, 2015)</p>	<p>Suppose the cases (s) are prosecuted on behalf of clients by advocates with fairness, Zest, confidence, and complete preparedness. In that case, cases neither shall be delayed NOR unnecessary Legal expenses nor a tendency to drag the cases.</p>
14.	<p>Researches use of Academic Libraries and their series <a href="http://www.curl.ac.uk">www.curl.ac.uk</a></p>	<p>About Sources of Journals Articles</p>	<p>AID to me oftentimes treating jurists – books SCC Journals (Supreme Court Cases) High Court Journals still going on visiting Bar Libraries Right from Lower Court to High Court to Supreme Courts/ Taking notes to enrich my topic writes up.</p>
15.	<p>Jharkhand Law Journal Reports (2019) 2 May Part-2 (2919) (2) JLJR Regd. With RNI Under R. No. Biheng/2001/18457</p>	<p>About Restrictions in Judicial functions SC (279) The registrar can't exercise judicial functions to determine</p>	<p>Please help me find the reasons for the delay in the list of cases. Registrar functions: Act of numbering Restriction upon court – management, i.e.,</p>

		the maintainability of a petition. (decision J. H., 2019)	Refusal to number and delay in listing the matter before the court/ a factor for delay can be now minimized. (2019( 2) JLJR P/279 (SC)
16.	Nani Palkhiwala's courtroom genius Lexis Nexis publication Print Augs/ 2012 ISBN 978-81-8038-754-4 451-Paged	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 & persuasive style of Advocacy (viii) No Gossip (Palkhiwala', Advocacy Betterment, 2012)	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)
17.	M. Hidayatdillyaa Former Vice President of India & Former Chief Justice of India' Book	About Form of Judgment	AID to my work To apprise of the court pass. Judgment with proper adjudication of

	My Boswell Universal Law Publishing Co. ISBN 978-81-7534-260-6 (295-PAGED)	O-20, R-5 of C.P. Code, 1908 Judgment: This is not open to criticism of undue brevity (Hidayatdllyaa, 1908).	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)
18.	Matrimonial Laws And The Constitution Former Supreme Court Justice Eastern Law House ISBN 978-81- 7177-315-2 2017 Edition 310 paged	About Hindu Law of Marriage Muslim Law of Marriage Christian Law of Marriage Parsi Law of Marriage Special Law of Marriage Uniform Matrimonial Code Uniform Civil Code- Art. 44 Constitution AIMS At compromise Formula + (Justice, 2017)	AID to My topic/Fair Quick Disposal without delay (200) Vol. 7 SCC 740, which reaffirmed party in maintenance to divorced woman irrespective of religion.
19.	Judicial Impact Assessment: An Approach Paper India Development Foundation (IDF) May 2008	About Courts productivity enhancements 1 <sup>st</sup> , by Judicial Training 2 <sup>nd</sup> by Management of court dockets + ADR Mechanism	AID to My topic Product-in-progress Theoretically, in Civil Cases, the efficiency of the plaintiff's case presentation of plaint (U/s 26, R.W O-6, R-1 to 14) efficiently by the

			Lawyer; otherwise inefficiency can generate appeals/time taking/delay (P/91)
20.	A suggested Methodology paper Authors: T. Krishna Kumar Anil B. Suraj – P/65 IDF/May 2008	About How to reduce the backlog of pending cases + enormous delay in disposing of cases. (Suraj, 2008)	AID to my Ph. D work Review of Literature Reduction of Turbulent legal environment + Close study of disputes Redressal Act (s) Arbitration Act (s) 1940, 1996, 2015, 2018 + the Commercial Court (s) Act, 2015 to 2018 Amendment/especially Schedule (Sec. 16)/Sec. 26 of C.P. Code + For quicker disposal of cases.
21.	Model/p-19 IDF 2008 (Model denoted) $D_{t+1} =$ $D_{t+1} =$ Fresh cases in period (t+1) on the next period CRI = Crimes reported in period t .... p. y are all constants MODEL – (P/19)	About In place of pending cases, we can use the inventory stock of cases OR PC1 (Pendency Control Index), which is defined as the ratio of pending cases to the current disposal rate $=$ Number of pending cases ( $\div$ ) current disposal rate (i.e., per month,	AID to my work This Model Numerical Formula  if used to Table pending cases in Civil Court at Dhanbad (Whether?) Addition to backlog can be verified

		<p>how many cases disposed of</p> <p>= RM</p> <p>Now R x 12 (No. of months in a year)</p> <p>= Time – Frame</p> <p>= To get the pending cases.</p> <p>= Yearly clearance rate</p> <p>= YCR (Ry)</p> <p>if Ry (1 = Addition to backlog)</p>	
22.	<p>The Model</p> <p><math>S = 1 - F(A)</math></p> <p>S = Total Number of Suit (s) in courts</p> <p>F= Function F (P) P= Probability of Expectation of Award/cheques.</p> <p>The plaintiff's marginal</p>	<p>About</p> <p>Plaintiff to court if Expectation of Award (T) Reasonable Expectation parameter to 'p' Interval [0-1]</p> <p>Plaintiffs probability function F (b).</p> <p>Similarly, defendant (P)</p>	<p>AID to my work</p> <p>Cost of litigation = (PM) for plaintiff</p> <p>cd (n) for the defendant</p> <p>Lawyers appear in court</p> <p>Cp and Cd functions of n, the period case disposed of.</p>
23.	<p>Plaintiff cumulative Probability Distribution function by the interval [0, 1]</p> <p><math>P = F(P)</math></p> <p>Whereas defendant <math>P = G(P)</math></p>	<p>If the plaintiff goes to court</p>	<p>Filing Fees = h</p> <p>Judicial capacity <math>K &gt; O</math></p> <p>Total demand for litigation by D.</p> <p>Confession = No users judicial system</p> <p>Capacity</p> <p>Congestor = <math>Y = D/K</math></p>

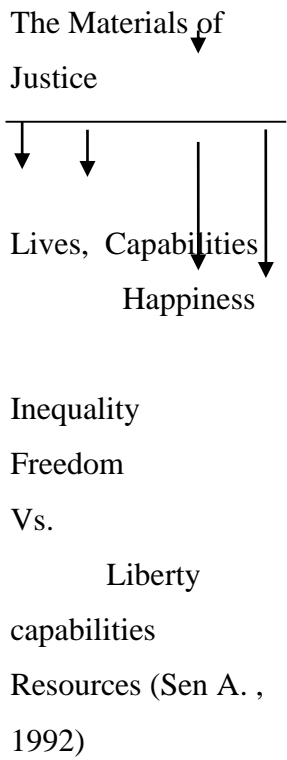
	After trial/evidence, the court transfer Award (T) from defendant to plaintiff Cp and Cn for (n)		3 – Factors, Filing Fees (h) Value of claim (T) congestion in court (Y) IF WITH NO COURT CONCESSION Expector > Costs Benefits
24.	Judicial/Judiciary Output/ Production Function P/84 November 18, 2007 IDF		Disposal of Suits in court by Summons [U/O 45 R-9) As the gradients go down.
25.	Business Today 3.3 Crore cases pending in Indian courts : CJI Dipak Mishra 07.06.2019	About CJI sounded the alarm on the rising pendency of cases (Mishra D., 2019)	About My work The research is being persuaded under the solemn guide-line of ICFAI/100% sure I am making correct headway to the burning social ailments.
26.	Law Street India Approach towards Backlog of Litigation And Arbitration Cases October 27, 2017	About Varbus, suggestions on how to tackle the delay of disposals of cases Endeavors to introspection into the genesis of such burning modern time socio-eco-legal-	AID to my work If successfully developed, the ADR mechanism shall be essential in reducing the burden of court dockets (delay in disposal of cases).

		ailments grown up. (India L. S., 2017)	
27.	Judicial Reforms Judicial Delays 7.6.2019 <a href="http://www.indiatogether.org/">www.indiatogether.org/</a> "Daksh India" Related Articles How can our lower courts work better? The role of data in judicial role. (Rule of Law Rol- Project) Organized by Nick Robinson, Post doctor fellow Harvard Law School	About The study of the socio-economic effect of long-pending cases in courts and the ratio of judges to population is very low. + The number of cases mounting up rather than the ratio + Judiciary hampered by over-litigation + (Robinson, 2019)	AID to my work The number of cases increasing is investigating directing proportions to the Human Development Index. + Delay in disposal of cases in court (s) direct correlation to GDP
28.	Summary of Address by Hon'ble Sri Justice Madam B. Lokur, Judge, Supreme Court Conference of Supreme Court of India in collaboration with ILI India Law Institute (27-28 July, 2018, (At P/29 – P/34)	About Pendency + delay of court cases at Subordinate judiciary case 2.75 crore. The plight of 3300 District Court 214 dilapidated + 323 rented No homework by Ministry of Home Affairs + Reluctance to latest software implementation. +	AID to my work Lower courts one to adopt software resources & the Govt. to provide Funds – an enhancement to tackle the problem of pendency + delay of court cases.

		Reluctance in appointing court manager. (Lokur J. M., 2018)	
29.	Summary of Address by Hon'ble Sri Justice Kurian Joseph Supreme Court Page- 34/Conference proceeding of National Initiative to reduce pendency and delay in the Judicial system Ref. Organized by: Supreme Court of India in Collaboration with: Indian Law Institute/New Delhi 27-28 July 2018.	About Dialogue initiated by CJI Hon'ble Sri/Dipak Misra to reduce pendency and delay in the judicial system As per the Economic Survey of India 2017-18, pendency hampers contract Enforcement + Dispute Resolution + Stalling of projects + Tax collections + Escalation of Legal costs. (Joseph K., 2018)	AID to my work Vision 2019-20: India will be a Litigation friendly country. Litigation friendly Means settlement of disputes outside the courts through the Machineries under Section 89 (i) (a), (b), (c) & (d) of C.P. Code, 1908 to reduce courts dockets.
30.	-do- Special Address by present CJI/Hon'ble Sri R. Gogoi P/29 To tackle procedural issues U/O 5, R- 1 to 24 + recording of evidence U/O 18, R-4 amendments to C.P. Code in its application to commercial disputes Sec. 16 of (2016 Act No. 4)	About To cut short the time of delivery of summons (court call) by court + Recording of Evidence witnesses (procedural laws) C.P. Code, 1908 amended 2002/ Commercial Court amended, 2018 (Gogoi, 2016)	AID to my work Past events records say: Time eclipsed due to summoning + Trial/if shortened by courts, disposal be quicker.

31.	<p>Reasons why there are nearly 3 Crore pending cases in Indian courts : Ref. <a href="http://www.youthkiawaaz.com">www.youthkiawaaz.com</a> by Amrita Singh National Judicial Data Grid: i. Govt. the largest litigant ii. Pending cases with FTC (S) Fast, Track, courts (Source, Factly.in) iii. Less Central Funding w.e.f. 2005 to 2011 (60% of FTC (s) shut down iv. Setting up E-courts v. Less importance to judicial infrastructure. Source: YKA <a href="http://www.youthkiawaaz.com">www.youthkiawaaz.com</a></p>	<p>Literature About Technical and Practical Measures towards cutting short the time taken for summoning/ calling another side + recording of Evidence in support of Each side pleadings plaint+ WS U/O 6, R-1, (Singh, 2005-2011)</p>	<p>AID to my work I have already collected the fact figures of pending cases in Dhanbad Civil Court (s), where they will be assessed. How can the quicker disposal of suits be made over to curb the ..... move u/sec? 96 &amp; 100 of C.P. Code (Appellant Jurisdiction)</p>
32.	<p>The land surviving by Eastern Law House. (2017-18) ISBN 978-81-7177-328-2 Ref. The Bihar Survey and Settlement Manual, 1959 Now latest + Jharkhand Municipal Act, 2011 along with Jharkhand Apartment (Flat)/ ownership Act, 2011)</p>	<p>About The measuring of a tract of land, its boundaries, and contents = Survey work importantly pertains to immovable property law- suits/Identification of suit land the critical part of plant U/O-7,</p>	<p>AID to my work Survey work must be done appropriately to cut short the time + curb delay if the suit property is executed against. Decree Sec. 2 (2) of C.P. Code +</p>

	<p style="text-align: center;">+</p> <p>Jharkhand Real Estate (Regulator + Development) Rules, 2017 Vide Sec. 44 Settlement of Disputes by Appellants Tribunal</p>	<p>Rule- 3 to properly execute "Decree" (U/O 21, R-35 (1)) r.w. O-26, R-10A r.w. O-20, R-9 (Decree for Recovery of immovable property. (Kanungo, 2017- 2018)</p>	<p>Vide. Ministry Law &amp; Justice (Legislating) Dept. dt 26.03.2016 For speedy dispute redressal.</p>
33.	<p>The delay was also due to the embargo of Sec. 46 of the CNT Act, 1908 Book by Achyut Keshav, Advocate JHC Ranchi Malhotra Book Agency, Ranchi 2015 Edn.</p>	<p style="text-align: center;">About</p> <p>Consolidate Certain enactment law of Landlord and settlement of rents in Chhota Nagpur.  + Sec. 46 Notification CNT/67-/2002- 4828/Rev. dt. 04<sup>th</sup> October 2002 (Keshav, 1908)</p>	<p style="text-align: center;">AID</p> <p>The delay is caused by Dy's delay in obtaining sanction-cum-permission u/s 46. Commissioner Procedural law to be expedited.</p>
34	<p>"The Idea of Justice" By Nobel Laureate Amartya Sen Penguin Books ISBN :- 978-846-14147-8 An Approach to Justice Notes/Preface P/407-450) Along with Name (s) Index P-451 to 463</p>	<p style="text-align: center;">About</p> <p>Justice as fairness P/72-73  Justice = Solstitium = Sol + a reduced stit from stat = Justitium = a legal standstill?</p>	<p style="text-align: center;">AID TO MY WORK</p> <p>To reduce "injustice" in society, justness shall be a deep study closely being done. "The Idea of justice For a fair judgment so that no delay by appeals u/s 96, 100 of C.P. Code, 1908</p>

	<p>(Subject index) + Materials of Justice</p>	<p>W.V.O. Quine's comment on 17.12.1992/</p> <p>The Materials of Justice</p>  <p>Lives, Capabilities Happiness</p> <p>Inequality Freedom Vs. Liberty capabilities Resources (Sen A. , 1992)</p>	
35.	<p>Study of Social Science Sociology through Management by Values Oxford Edn. by Chakraborty 7<sup>th</sup>Edn. 2008 ISBN :10 : 0-19-565623-7</p>	<p>About The "Cultural congruence " The widespread bewilderment is affecting the Indian managerial mind academically and in practice. P/2 (Preface) (Chakraborty, 2008)</p>	<p>AID to me The Court's Managerial Mind is equipped with the concept of Indian social structure, which is not lined but layered.</p>

36.	<p>Essential of Management by Joseph L. Massie University of Kentucky London Prentice–Hall Inc. Upppet Saddle River, New Jersey – 07458 1987 Edn. ISBN : 0-13-286337-5-01 + Financial Management P/191 P = C/R P = Payback period C = Cost of investment R = The expected net annual return from investment</p>	<p>About Roles of Manager P/6 (To apply to courts manager) (Massie, 1987)</p>	<p>AID To Minimize pendency + delay in Civil suits By Court Manager by using</p>
37	<p>Application of Sec. 20 (C) of the Specific Relief (Amendment) Act, 2018 Expeditious Disposal of suits by lower courts within 12 months from the date of service of summons vide assent of the President on 01.08.2018 Gazette of India Ext. Ord No. 30 Part-II/Scheme- I dated 01.08.2018</p>	<p>About Maximum Civil suits under Specific Relief Act u/s 20 (a) Now after amendment in the year 2018 (01.08.18), Must be disposed within 12 months from service of summons u/o 5 R-9 of C.P. Code</p>	<p>AID to My Ph. D. Work This amendment in the year 2018 of Sec. 20 (c) shall/should be followed by Dhanbad Civil Courts for speedy disposal of suits.</p>

38.	<p>Tracks from Notification Law 294 LAC 2005 P/110 of Judicial Impact Assessment May/2008</p> <p>Time frame for speedy disposal of cases</p> <p>An approach paper IDF/May 2008</p> <p>i. Introduction –Page-1</p> <p>ii. Developing Mythology for Procedural Law ... Pg.- 11</p> <p>Change (C.P.C.)</p> <p>iii. Developing Mythology .... Pg 26 for substantial Law</p> <p>iv. Further Recommendation ... Pg./44</p> <p>v. References .... P/55</p>	<p style="text-align: center;">ABOUT</p> <p>2. Category of cause.</p> <p>Lists of the cases calling work every day.</p> <p>1. The case at the stage of Hearing 1 A (s), Reference to Arbitration or Mediation or Lok Adalat, Evidence, argument, and judgment shall be listed in Cause – List No. 01</p> <p>2. The case at the stage of steps for service of summons/notice appearance, filing of WS, objections or rejoinder, and framing of issues shall be listed in cause List 2.</p> <p>3. The cases listed in cause List no. I will move to List No. 1 after a maximum of 90 days if no extension is required.</p> <p>4. The cases to be posted in List No. 1</p>	<p style="text-align: center;">AID TO MY WORK</p> <p>This time-bound time frame shall curb maximum "Delay" and pendency in the disposal of cases.</p> <p>Roll call-like cases call as per the above arrangement.</p> <p>Must be roastered with greater attention by the court's masters.</p>
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		<p>for xxx examination and arguments shall not be more than 8 cases and 2 cases, respectively.</p> <p>5. IA (s) shall be disposed of within 30 days from the appearance date of otherwise.</p>	
39.	<p>-do- Case through Different Multiple stages of suits P/78 Civil Court ↓ District Court ↓ High Court ↓ Supreme Court &amp; Judicial Process Filing a case (U/s 26 C.P.C.) ↓ Admitting the case (U/O 5 R-9) ↓</p>	<p>About The suit in Civil Courts u/s 26 of C.P. code  Appeal against Decree u/s 96 in District Court ↓ Second Appeal in High Court u/s 100 ↓ Special Leave petition ..... before Supreme Court</p>	<p>AID TO MY WORK  These stages are undoubtedly time- consuming as well and have a socio-economic impact.  BUT can be curved if, at the time of O-10, the R-1 matter be settled through settlement of disputes U/s 89 of the C.P. Code, 1908 OR ADR system  + (i.e., to bring back both the parties at status-quo Ante at the time of private contracts.</p>

	<p>Hearing the case (U/18)</p> <p style="text-align: center;">↓</p> <p>Judgment (U/O 20)</p> <p style="text-align: center;">↓</p> <p>Appeal to a larger bench or an H.K. her court U/s 96/100</p>		
40	<p>Pendency Control Index (PC1)</p> <p style="text-align: center;">&amp;</p> <p>Yearly clearance Rate (YCR)</p> <p>Mathematical treatise within data limitation</p> <p>Theoretically, Indication of pending cases being built up</p> <p>Docket management of court (s) getting problematic</p> <p>P/49</p> <p>Ref. Judicial Impact Assessment/IDF</p> <p>May, 2008</p> <p>P/48 to P/51</p> <p><b>MATHEMATICAL DENOTE (S)</b></p>		

41	<p>Land Law by Patrick Dalton Pitman Publication ISBN O-273- 61423-1 Lecturer in Law University of Central England (466 paged) Appendix (P/445-454) + Glossary (458-466) 1996 EDN</p>	<p><u>ABOUT</u> Study materials land law, why reform necessary importance of study perspective tenure. Study Materials (i) Law of Property (ii) Settlement (iii) Easement (iv) An Algorithm for solving problems of perpetuities (i) Study/An Algorithm of Methodology for problem-solving for easement + Adverse possession + co- ownership (Dalton, 1996 )</p>	<p>AID TO Mg. Ph. Work Civil Courts are almost busy in the disposal of land disputes/ Delay in disposal due to Misconception Municipal surveys + functions of settlement Dept./ Sec. 83 (2) of CNT Act, 1908, Imposition of CNT Act. What's Raiyat? What Bihar Land Reform Act is currently being followed?</p>
42.	<p>Humanitarian Law &amp; Obligations Amicus Books The ICFAI University press focuses on emerging issue issues. 2007-08 Edition: K. Padmaja ISBN: 81-314-1369-1 web: <a href="http://www.amicus.iupindia.org">www.amicus.iupindia.org</a>.</p>	<p><u>About</u> Immerging issues Retrospective as well as prospective views in legal realms P/145 (Need to call a Lawyer) P/145-147 (Padmaja: K., 2007- 2008)</p>	<p>AID TO MY WORK My advocacy experience and Ph.D. work now aim at the quick disposal of cases inspired by the above call of a lawyer seeing as dependent on a lawyer.</p>
43.	<p>INEQUALITY</p>	<p><u>ABOUT</u> Economic Science</p>	<p>To my subject, the Economic Effect</p>

	<p>Re-Examined (Economic Sciences)</p> <p>By Amartya Sen Oxford University Press/ ISBN : O-19-8289286-6 1999 IMPRESSION</p>	<p>Welfare economics and inequality</p> <p>Justice and capability</p> <p>Equality – Vs. – Liberty</p> <p>class and classification</p> <p>This monograph about re-examing inequality; Evaluations and social arrangements in</p> <p>General Reference : P/153-197 @ per page Yale Law Journal Various Reviews/been page 10 + reference x 44 pages = 440 Journal Reference (s)</p> <p>Social Welfare X Vector of Income Vector of Income guided by Equa: Distribution (Sen A., Inequality Re-Examined (Economic science, 1999)</p>	<p>P/94</p> <p>(i) Social Welfare as a function Directly of the Vector of incomes</p> <p>(ii) The vector of income determines the level of social welfare.</p> <p>(iii) Social Welfare = f (IV)</p> <p>= Function of Income Vector</p> <p>As such, social welfare must be maximized by Achieving equal income distribution.</p> <p>P/97 – P/99 (Welfare Economics and inequality)</p>
44.	<p>Reinventing the society</p> <p>The Search for a paradigm</p> <p>Ed. Prof. Pramod Pathak</p> <p>ISM (IIT) Dhanbad</p> <p>ISBN: 935-0594-65-x</p>	<p>ABOUT</p> <p>Values crisis in Indian Society and challenges</p> <p>+</p>	<p>AID TO ME</p> <p>My area of work is the Daily Cause. List of courts room. But manifest ill management</p>

	Macmillan publishers ISBN 9798- 9350-59465-0 2013 Impression	The genesis of problems + Massive demand for management education (Pathak, Reinventing the Society the Search for a Paradigm, 2013)	of Hearing cases. Management science should be introduced as former Supreme Court judges hold it.
45.	Land disputes due to non- application of Technical Rule/Settlement Dept. Govt. White paper Bihar 1959 (Vols.) 1963- Publication Vol. I- III	About Survey + Settlement As per Patna Law Journal 681/ Gazette Part-II dated 10 <sup>th</sup> October 1960 The survey is necessary for Record of Rights Civil Court No. jurisdiction All civil disputes were/are generated from Land matters of Record of Rights	AID The litigations are now ram part due to misentry over-entry, malafide Entry in Revisional Survey R.S. Khatiyani relatively to C.S. Khatiyani of 1924-25 u/s 83 (2) of CNT Act. Power u/s 87 (1) of CNT Act r.w. Sec. 47 Must be exercised appropriately.
46.	RTI Act, 2005 15 <sup>th</sup> June 2005 Right to Information Act, 2005	<u>ABOUT</u> To provide/secure access to information under the control of public authorities to promote transparency and accountability for every public officer.	Aid to my work What's now the status of pending cases in Civil Court (s) on application u/s 6 of RTI Act. But Exemption Sec. 8 from Disclosure of information appears to be a grey area
47.	Bench and Bar Ethics	<u>ABOUT</u>	AID

	<p>By Edited by PL Jayanthi Reddy Amicus Books the ICFAI University Press ISBN: 81-314-1361-6 2007</p>	<p>Confidentially and security of client information (P/101) + Avoid conflict of Interest (P/102) + Relative Lawyer's Interest (P/131) (End Notes essential) + Ethical Stratum of Judges (Reddy P. J., 2007)</p>	<p>Bench &amp; Benches combined to approach the Rule of law impartially to glorify the judgment/a poetic judgment + Sec. 35 of the Advocate Act/Misconduct should not be involved.</p>
48.	<p>Rule of law in New Millennium changing scenario Edited by K. Padmaja ICFAI University Press ISBN : 978-81-314-1811-6 2008 Edition</p>	<p>Does the Rule of Law Revival undermine Social Rights? P/48 + Intelligence Activities and the Rule of Law in Times of Crisis P/190 (Padmaja K., Rule of Law in New Millennium, 2008)</p>	<p>The basic tent of the Rule of Law : Law has to be obeyed by all. None is above the law. + Willingness to negotiate social compromise P/50 + Significant cases like complex cases make bad law P/207.</p>
49.	<p>The Fortune at the Bottom of the Pyramid by C.K. Prahalad Wharton School Publishing ISBN: 81-297-0712-8 2005</p>	<p><u>About</u> Development as Social Transformation the capabilities to solve the perennial problem of poverty</p>	<p><u>AID TO MY WORK/Ph.D</u> Socio-economic impact is to be measured through willingness + well as, i.e., the Happiness index of a society.</p>

		through profitable businesses P/100 (Pralad C. , 2005)	
50.	In Ethics and Economics (Economic Science)  By Amartya Sen Oxford University Press ISBN : 019 562761 x 1999 Edn.	<u>ABOUT</u> Economic Behaviour and moral sentiments + Economic Judgments and Moral Philosophy + Freedom and Consequences + Reference P/90-P/122 Per Page 15 Ref. x 32 = Almost 480 End Points (Sen A., In Ethics and Economics, 1999)	My Topic <u>AID</u> Conduct Ethics and Economics The study of Ethics can also benefit from closer contact with economics (- Aid to socio-economic impact)
51.	DLATO's Republic Simon Blackburn Manjul Publishing House Pvt. Ltd. Bhopal ISBN : 978-81-8322-1054 2008 Edn.	Pertinent About Allegory is directly proportional to its lack of specificity + Distinction between knowledge – domain versus – Belief domain P/102 (DLATO's, 2008)	<u>AID</u> Allegory of law can be collected from the decision privy council to Modern Apex Court Decision, a deep study Honouring the Section 157 of E.P. Code Continuance of orders 1859 Act so far consistent with 1908 C.P.C.

52.	<p>Through the lens of law: count cases and social issues in India : South Asia Multidisciplinary Academic Journal,17/2018 Daniela Berti AND Gilles TaraboutISSN : 1960-6060 <a href="http://journals.opendition.org./Sanjay.4433">http://journals.opendition.org./Sanjay.4433</a></p>	<p style="text-align: center;"><u>About</u></p> <p>Judicialization, i.e., while adjudicating and managing all aspects of human life, from global issues to intimate relationships.</p> <p style="text-align: center;">+</p> <p>Development in the legal sphere is gradually linked to the rise of modernist capitalism (Tarabout, 2018)</p>	<p style="text-align: center;"><u>AID</u></p> <p>Socio-economic impact on property relations, exchange relations, the commodification of almost everything, and its celebration of deregulated private exchange is heavily invested in a culture of legality. Study on the judicialization of entire economy- socio fabric. A like uniform judicialization – GST</p>
53.	<p>SEARCH FOR NEAR-PERFECT SOCIAL ORDER By Justice S.U. Khan Allahabad High Court (2011) Vol. 3 Supreme Court Cases Journal P/XXXII - P/J/1 to P/J-22</p>	<p>Laffer Curve for Social Justice</p> <p>Principal of Laffer curve If the rate of Tax is Nil, the Govt. will be nil if the tax is 100% still the Govt. is nil/there will be no incentive to earn (less incentive) The inclination to conceal income to</p>	<p style="text-align: center;">AID to MY Work Order and Balance (Golden Mean) Lie in encouraging production &amp; ensuring Equitable Distribution.</p> <p style="text-align: center;">+</p> <p>Today's calamity Outsiders – Vs. Insiders Sec. 25-R The changes of Employment of 1000 (s) workers in waiting are jeopardized for the safety of a few 100 = Too idealistic, less pragmatic</p>

		avoid tax will also increase with a rising Tax rate (Khan, 2011)	
54.	(Impact of alternative dispute resolution and its impact on socio-economic Fronts Paper by Abhishek Khare (Abhishek Khare)	<u>ABOUT</u> Govt. Statistics says Cases pending = 23.9 Million SC + HC (s) + IC (s) = Gap between People in different strata of society Summary Types of matters in SC Pending Matters – 58,669 (As of 01.06.2019) (Khare, 2019)	Aid to Reduce pendency Apply Sec. 89 (1) of C.P. Code, 1908 by (a) Arbitration (b) Conciliation (c) Lok Adalat (d) Mediation
55.	The Evolution of law by Edward W. Younkins University West (Virginia) Source Montreal, 5 2000/No. 65	About Law as a natural outcome of society + A voluntary commercial law + the centralization of Royal power + Law discovered not made law reflects and embodies the experiences	Aid to me Idea of law = Fundamental Rules of behavior Law began before history was recorded, and laws were built up one by one as disputes were settled.

		(Younkins, Evolution of Law, 2000)	
56.	<p>The argumentative Indian penguin books By Amartya Sen 2005 Publication ISBN: 0-71399-687-0 With A big question is why, in India today, Monolithic cultural Hegemony (i.e., party republic recent Loksava Election, the multicultural pluralism appears to be ending)</p>	<p>About Voice and Heterodoxy + Culture and Communication + Politics and Protest + Reason and Identity (Sen A., 2005)</p>	<p>AID Our people like dilatability on plurality + Dilatability sets forth the logical context. + Logical flavor multisets the lawyers of Truth The argument, counter- argument thesis, antithesis, and synthesis of why being lost today toward monolithic cultural Hegemony – (Recent Loksava election</p>
57.	<p>Compendium of Revenue Circulars Malhotra BRDS 2010 Ed. Chakbandi Operation Land Law.</p>	<p>About Contents at a glance Khata Pustika Homestead Parcha tree plantation land acquisition land ceiling Rent Fixation Mutation Chakbandi Survey, Settlement Chapter-1 Circulars w.e.f. 1946 to 2010 (Malhotra, 2010)</p>	<p>AID Important Govt. Circulars Land disputes (s) are prolonged due to the lack of prayer know-how from the government. Circulars Reason behind delay in disposal of ...</p>
58.	<p>Jurisprudence &amp;</p>	<p>About</p>	<p>AID</p>

	<p>Legal Theory  Dr. V.D. Mahajan  Advocate Supreme Court  Eastern Book Company  (Edn)  (9/789351/45 1082)</p>	<p>Legal Rights  Nature of Law  &amp;  +  Duty  Kinds of Law  +  +  Ownership  Classification of Law  possession  +  +  Administration of  Justice  Sociological  +  school  Sources of  Law  +  +  Legislation +  precedent  +  Custom</p>	<p>To Philosophise My  concept/Idea of  Research/the problem to  its bottom-line Depth.  How to be entered into  Judiciary.</p>
59.	<p>Employee's Compensation  Act No. 45 of 2009 w.e.f.  18.01.2010 a greater  scheme for upliftment in  the society</p>	<p>About  An industry has been  felt to be a social  world in which the  maximum  employment of the  people is achieved. It</p>	<p>AID  Speedy disposal of  compensation to  employees/central part of  society shall restore the  equilibrium in society  and the ethos of</p>

	<p>Book by RN Choudhary Orient Publishing Company ISBN: 81-87197-19-6</p>	<p>is the welfare and beneficial Legislation. Deeply and expeditiously dispose of disputes in terms of social welfare aims. (Choudhary, 2010)</p>	<p>democracy under the Rule of Law.</p>
60.	<p>Likewise, the 2013 Fair Compensation in Land Acquisition and Rehabilitation and Resettlement Act (The Land Acquisition Act, 1894 Amended to 2013 FCTILA, PR Act)  By R. Chakraborty Advocate SC Orient Publishing company ISBN: 81-87197-315 2014 Edn.</p>	<p>About Providing insight into human participation and informed transport processes of land acquisition to achieve industrialization. Development of essential infrastructure facilities and urbanization (Chakraborty R., 2013)</p>	<p>AID Unless land losers Rehabilitation and Resettlement BE speedy disposed of by welfarism of Socio-economic status of land looser can't be upward Y-axis director</p>
61.	<p>Law in Scientific Era/Hart Fuller Debate by Former SC Justice Sri MarkandeyKatju while a judge in Allahabad HC 242 Journal All India Reporter 2001 website:- <a href="http://www.allindiareporter.com">www.allindiareporter.com</a>.</p>	<p>About Hart Rule of Recognition a law to be valid by the constitution of the country (Katju, 2001)</p>	<p>AID This time, in a significant threat to the nation, how to save the Federal structure of the constitution (i.e., C.S. Partnership Centre-State – Partnership Be composite nature/ co- operative nature), not master/servant</p>

			relationship/ otherwise, huge litigation of Govt. a critical litigant.
62.	Arbitration/ADR its necessity & implication 2001 AIR Journal 249 by Sri Devendra Nath Mishra, Reader Deptt. of Law been Dayal Upadhyay Gorakhpur University	About 1996 Arb. Act 11-points suggestive of overcoming pendency of cases + quicker disposal (Mishra D. N., 2001)	AID Growth Arbitral center + Socialization of ADR + Judicial Ivory Clause + Minimization of judicial intervention to uplift the socio-economic plight of litigants.
63.	Dhanbad/Bihar District Gazetteer (s) By P.C. Roy Chowdhury Revenue Deptt. Bihar 1964 (Price expenses are only) + B.K. Gokhale Report 1928 District of Manbhum (1918-1925) An Anthropological study of the social fabric in terms of territorial/survey & settlement operations 1928 Patna	About Manbhum the Last District in Chotanagpur Settlement – Survey Anthropological Digging w.e.f. 1916 Coal Mining a Whole Literature (Chowdhury, 1964) By B.K. Gokhale Settlement officer, Chota Nagpur 1 <sup>st</sup> Feb. 1926 (Gokhale, 1928)	AID Unless the Dhanbad court Birth report is known, Court cases how evolved/characteristic of Title suits of Dhanbad P-544 of Gazetters 28.11.1963/Preface by P.C. Roy Choudhary The Research work of Dhanbad Courts Civil Cases is a profile
64.	Wages- in-Coal Industry NCWA- II, III, IV + National Coal Wage Agt	About Coal Industry wage structure Benefits/Revised scale pay/status report on coal mines pension	AID Huge Cases pending in Civil Courts Regarding Age of/Birth disputes/Due non-implementation of

	Vide No. CIL/BCCL/V:1:1 No. 1996/2610, dated 22.02.1996	scheme implementation. (Industry, 1996)	NCWA (i-iv) Schemes properly.
65	Adversarial Mythologies: Policy Assumptions and Research Evidence in Family Law Journal of Law and Society 30 (1) March 2003	The research demonstrates, broadly, that restrictions on the availability of publicly funded legal representation do not necessarily lead parties to choose alternative resolution processes, that lawyers are much less adversarial than self- representing litigants, and that lawyer representation and litigation may produce more satisfactory and appropriate outcomes than mediation in some kinds of family disputes. The article argues that legal aid policies should respond to these realities rather than clinging to adversarial mythologies.	For Relevance to Instantce Research Topic Policies should be directly proportional to the leading cause of dispute, and such a formula of proportionality must aim AT reaching POETIC JUDGEMENT /SETTLEMENT OF DISPUTE IN LEAST POSSIBLE TIME (Relates to pendency minima

## 2.9 Recent Articles

Sl. No	Publications	About the subject of	Relevance to Research topic
1.	Bench masking An International Journal, Vol. 25, No. 9, 2018/ www.emeraldinsight.com/1463-5771.htm	A Frontier performance assessment  Article to measure efficiency in the justice system by Econometric Methods: Production of justice is = Labour intensive task.” Variables: Personnel working staff reinforcement Edu level of Judges & Promotion	This study focuses on the income and litigious nature of population Reforms in technical efficiency & Technological aids to positive Judicial outputs.
2.	Asian Journal of Legal Education University of Juridical Sciences SAGE publications DOI : (c) 2017 W.B. National University	Article on Indian Judiciary Cyclic syndrome of Delay, Arrears, and pendency by Yashomati Ghosh National Law School Bengaluru.  22 Million Cases pending in Courts across the country (SCC) vol./3 (1994)/P-569, (1980) Vol. 1/SCC/81 (1978) Vol. 1 P/248 (Ghosh, 2017)	As per the data specified on 02.03.2017 at NIDG 7,  <u>815,594</u> Civil 24,247,103 Cases Pending in our different courts/ 1 to 31 reasons Docket Explosion P/24 – P/26 (prominent Factor/People Judges = Very Low ratio cause of pendency
3.	Eur J. Law Econ/ DOI 10.1007/s 10657-016-	Litigation and the timing of settlement of disputes	Using competing risk-regression-analysis (i.e.,

	95405 published 19 May 2016 Peter Grajzl Lee-University /Lexington. Published online 19.05.2016 Springer Science + Business Media New York 2016	Judicial workload affects the settlement time frame. (Grajzl, Litigation and the timing of settlement of disputes, 2016)	Mediation by and between disputing parties in court u/Sec. 89 of C.P.C. to adjust their. Expectations by the doctrine of abandonment of claims within 0-23, R-1 (1) of C.P. Code, 1908
4.	The Functioning of courts in a developing country /Economy Springer Science + Business Media LLC, Part of Springer Nature, 2017, published online 11.11.2017 by Peter Grajzl & Shikha Silwal. (Eur J Law Econ)	Article/Abstract Provides : An empirical insight into the Judicial Functions in the developing world Determinants: Cases Ct = f (Judicial stuffing ct, Demand ct) $Ct = C + Sct$ Ct = C for the number of cases solved t for the time in a year, Xct = vector/speed Ect = error. (Silwal, 2017)	Increased Judicial staffing in resource-starved courts would effectively increase the volume of case dispositions. Suits status reports, of course, disposal of cases of how fans near for judgment u/o-20, R-5 shall be/could be assessed. Specifically Now-a days First stage : U/o-10, R-(1-A) R/W 'ADR' (Alternative Dispute Resolution) R/W S-89 (1) of C.P. Code.
5.	Justice system journal /Downloaded by University of New Castle, Austration / 22.3.2017 Alice Guerra & Claudio Taglia-pietra DOI : 10,1080/009826IX. 2016. 1209448	Article on Does Judge Turnover Affect Judicial Performance? Pertains to judges: Turnover, court administration case flow, management performance, and judicial system. Oftentimes/ 'Transfer of a Judge'	Transfer of a judge & Transfer of case to another court Affect Under hearing/ Trail of suit U/O -18, R-1 to 6 6-A & 6-B, i.e., performance to Court = Time gap Between O-18 & O-20 = Actual Disposal

		Performance is Lower, whereas Judge Turnover is higher. (Taglia-pietra, 2017)	period (ct) of Lawsuitby Court.
6.	Rev Law Econ 2018, Gop Authenticated by Tufts University downloaded : 2/17-/18 <a href="http://doi.org/10.1515/rie-2017-0004">http://doi.org/10.1515/rie-2017-0004</a> Article –Abstract by Thiago A fauvrelle, Hambury Varsity & Alessio T.C. Allmerica	This Article reflects on Determinants of Judicial Efficiency change ‘ADR’ options might exist, but the judiciary is the ultimate monopolist of Legitimate use of ‘ROL’ (Rule of Law) Electronic Filing is a proxy for the diffusion of information & Communication Technologies (ICT) among courts By Using new technologies with a higher % of New Cases is expected to correlate with Court productivity. (GOP, 2018)	Stagnation /Pendency/ of cases is also due to MIS-‘ICT’ between the court and Litigants, which can be curbed by ICT and Resources of Judicial activity (i.e., passing Judgments and through proper disposal of Execution procedure U/o-21, R-11 (2) to R-106 of the C.P. Code 1908  For pendency, also due to the cause list, the role is called hearing of cases.
7.	Journal of Policy Modeling (JPM) <a href="http://www.elsevier.com/locate/JPM">www.elsevier.com/locate/JPM</a> 22.6.2020 (Article Accepted by Maansi Gupta, Nomesh B. Bolia IIT (Delhi)/ Deptt. Of Mechanical Engg.)	This article is about the efficiency measurement of Indian high courts using DEA: A policy perspective. Data Envelopment Analysis (DEA) This process aims at Judicial resources (i.e., Number of Judges and staff members as INPUTS and number of cases disposed as OUTPUTS during the year AND incorporates both incoming cases & pending cases AND	For speedy disposal of cases by sorting out probable Hearings properly Framing actual issues Focal points of determination U/Sec. 100 (4) & 103 (a) & (b) of C.P.C. within which Arguments be converged and diverged.

		<p>‘Special-Court Management’ procedures should be set up to determine the Disposal Likelihood of cases by sorting out the instances based on several probable hearings. (Maansi Gupta, 2020)</p>	
8.	<p>Global Scientific Journal GSJ Vol. 6 Issue No. 7, July 2018, online ISSN2320-9186 www.globalscientificjournal.com Article by Manuru Lochav&amp; Dr. Mahua Bhattacharjee GSJ @ 2018</p>	<p>This Article –Abstract focuses on ‘Factors influencing of Judiciary A public good provision. This paper aims to trace the roots of the Judiciary as a public good. Justice is an indicator of the well-being of the Economy. As per the Law Commission (1987), 50 judges per million people are judges: people ratio = distant Reality. Vacancy in Judiciary &amp; Absentee –ism of Lawyers also of Finding: Judiciary is a public good whose efficiency has decreased. (Bhattacharjee, 2018)</p>	<p>The efficiency of Judiciary starts from O-10, R-1A, (ADR) thence to O-14, R-1 (1) 10 (4) (a), (b) Framing of issues (whats are to be decided U/o -20, R-5) which provision requires Court’s dexterity over Legal knowledge. Otherwise, the matter shall be dragged to Appeals U/Sec. (s) Sec. 96 and thereafter to Sec. 100. Lastly, there is time taking/delay in SLP. Productivity.</p>
9	<p>Article in European Journal of Law and Economics August 2010 uploaded 26<sup>th</sup> Feb. 2015 www.researchgate.net/publication / 225532412 by Michael Mitropoulos Theodore</p>	<p>This Article on court quality Analysis and performance aims at Greek Judiciary inefficiency and finds insufficient staffing, organization, excessive burdensome procedures, and severe restrictions in legal services. (Pelopidas, 2015)</p>	<p>Such Lapses also exist and are mentioned in the present research –work causing pendency of cases. The most important goal is the independence of the judiciary and the absence of</p>

	Pelopidas Eco Univ. of Ethens (EUR J law Econ)		legislative and executive interference.
10.	Journal of Applied Economics www.tandfonline. Com/10i/reccs20 by R. Lppoliti & G. Tria Journal Applied Economics 2020 Vol. 23 No. 1 385-408	This Article focuses on upholding social values and economic performance through the improving performance of Judicial systems and finding court efficiency The Resolution Index: $= \left( \frac{\textit{Settled Cases}}{\textit{Workload}} \right) \times 100 =$ Clearance Rate = Index to estimate Court performance (Tria, 2020)	Court performance, i.e., productivity (i.e., judgments), highly concerns the public good regarding the socio-economic upliftment of litigants.
11.	Effect of Covid-19 on Resolution of cases. Research Gate publication Article 2021 March Judiciary Research Paper No. 01 of 2021	This Paper on the Resolution of cases in wants whether affected by the COVID-19 pandemic says : It had adversely affected Resolution loves but enriching communication court users and heightened use of ‘ADR’ mechanism	Recently vide sec. Online journal web. (C) 2023 EBC publication Reported 2023 SCC online Jhar 759 which says vide para – 10) without consistency interplay of Secs 4, 5, 12, 14, 16 and 25 vis-a vis-Sec. 11 of Arbitration Act, 1996 Thence Award is set aside No settlement The case of 2007 to 2023 for 16 years back decided to become a Law. As such, DELAY is an anti-matter hibernated issue of ‘ROL.’
12.	Research Gate publication Article July 2021 by	This paper imparts on whether court type, sig, and Employee	Such function S= F (X, CC)

	<p>Marangs Moses Kenyatta University</p>	<p>Satisfaction affect Court speed (Hierarchical-analysis)</p> <p>The Yardstick of Judicial success is viewed through the lens of the speed affined in rendering justice</p> <p>A high level of Employee satisfaction was found to increase the timely resolution of cases</p> $S = f(X, CC)$ $= f(WL, RC, ES, SZ, CC)$ <p>S= Court Speed  F= Function  X= of F, a vector  CC = complex city of cases  WL= Workload  RC = Resolved cases  ES = Employees satisfaction level  SZ = Court size  CC= Complex city (Moses, 2021)</p>	<p>It should be adequately and rationally sent up by court Management by sorting out Matured probable both sides Readied counsel for quick disposal segregating from New coming cases and pendency of cases; of course, 'ADR' be also applied.</p>
13.	<p>Research Gate publication Feb. 28-29, 2008 by R. V. Ramana Murthy and SiddikRabiyath University of Hyderabad.</p>	<p>This paper on Disposal and filing in Indian Courts says: To attain a reasonable degree of disposal efficiency, courts should be staffed by a sufficient number of Judges with adequate infrastructure facilities and efficient administrative structures.</p>	<p>For quicker disposal of cases,</p> $\frac{\text{Population}}{\text{Judges}} = \frac{\text{Cases Load}}{\text{Stuffings}}$ <p>= courts &lt; productivity</p>

		(SiddikRabiyath, 2008)	The best method for a cause list is to be rationally prepared under the trained strategic management fed stuffings and judiciary skill back-up by prudent advocacy.
14.	Open Journal of Business and Management 2021, 9 2407-2424 by Yassine Achenchabe, Md. Akaaboune Morocco University Sept. 17, 2021 published	This paper treatises Determinants of Judicial efficiency and found : This paper suggests managerial implications for court Managers in terms of Judicial efficiency through assisting Managers (Yassine Achenchabe, 2021 )	The daily cause-list supplementary for order & daily items, the stages of Trial under O-18 to giving judgment U/O-20, the assisting manager must properly compile the cases-status
15.	Backlog of litigation rates Research Gate Publication Article in International Review of Law Economics, Sept 2017 By Samantha Bielen and Others Hasselt University Belgium	This paper focuses on congestion Equilibrium, Court backlog, Litigation, Judicial Independence, and Unconditional Quintile Regress (UQR ) UQR is to examine the relationship between Litigation rates and court backlogs (i.e., Number of pending cases per Judge) The delay reduction –policies (e.g., Hiring more Judges) may be more effective in reducing court backlog cases. (Bielen, 2017)	The fundamental problem is the number of pending cases per Judges, i.e., the ratio of Judges & populations where the stuffing court persons must be well proportionate. Any disposal of the lawsuit is a fold pursuit 1 <sup>st</sup> : Judicial function by Judges & Second, the ministerial function of the Court staff within the faculty of Court-Management Functionaries. Ultimately, the congestion equilibrium can be set forth, and the upliftment of

			ministerial faculties can restore the equilibrium.
16	<p>Article on Court Caseload Management: The Role of Judges and Administrative Assistants</p> <p>By A.O. comes T.A. Guimarals and Luz Akutsu</p> <p>University Universidate de Brasilia Dt. 23.01.2017</p> <p><a href="http://www.anpad.org.br/rac">http://www.anpad.org.br/rac</a> RAC, Rio de Janeiro v. 21 art 3, pp 648-665 Setembro /Outubro, 2017,</p>	<p>This article focuses on the delay in Trial proceedings.</p> <p>The theme behind this is that when the court's caseload exceeds capacity, then courts become congested.</p> <p>This paper aims to test an array of direct and moderating hypotheses on how the caseload and judicial functions by using two variables to measure the ratio of Hearings and Judgments given. The time factor.</p> <p>Concluding Remakr suggests court specialty can be the number of Administrative Assistants (Luz, 2017)</p>	<p>Undoubtedly, the ratio of</p> $\frac{\text{Judicial functions}}{\text{Administrative Ministerial Function}} = \frac{\text{Caseload}}{\text{Court Management}}$ <p>Depends (i.e., ratio)</p> $\begin{matrix} > \\ = \\ < \end{matrix} \frac{X}{Y}$ <p>X = caseload Y= Judgment</p> <p>What should be the ratio of court –performance and Administrative workforce</p> <p>For,</p> <p>Judgment (0-20) is the composite function of sections (Judiciary) + order &amp; Rules procedural (Administrative Assistants), i.e., schedule + First (Cause- Title)</p>
17.	<p>Article on Time efficiency as a measure of court performance :</p>	<p>This paper focuses on court productivity, Judicial speed verdict length, and quantitative Approach.</p>	<p>Practically, if it is found the verdict Length (i.e., from Trial (0-18) to Judgment (0-20) is affected by the</p>

	<p>Research Gate publication of Eructation of European Journal of Law and Economics April 2022 by Timothy Yu Cheong Yeung 08.12.2021 Published online 05.01.2022</p>	<p>Economists are increasingly interested in Court performance + impact of staffing and workload on Judicial Judgment. More files on the court docket will motivate judges to increase their efficiency, but institutional constraints will yield a backlog negatively. (Yeung, 2022)</p>	<p>backlog owing to a heterogeneous daily cause list by the Ministerial Managerial staffing unit, not so efficient to sort out the ripen cases to be disposed of As such improvement needs in Court Managerial staffing unit with an optimum economic status/salaries thereof.</p>
18)	<p>Article INFO Abstract Covid-19 Aftermath impact upon courts of law published online 31.03.2021 International Review of law and economics by Caiocastelliano&amp;ors. Washington &amp; Lee University.</p>	<p>This paper focuses on the empirical insight into the consequences of COVID-19 for the administration of Justice Found; the pandemic has caused a heavy backlog. Findings: Meanwhile, social costs appear to be skyrocketing and must be mitigated in societal institutions, including courts of law.</p>	<p>As amended for the COVID-19 phase, the Court Fees Act is beyond the economic strength of marginalized peoples. For example, the Previous Maximum Civil Suits Court fee of 50 thousand is now enhanced to ` 3 lacs +, And many more cases filings are at death at month' in the institution of suit u/sec waiting list. 26 of the C.P. Code.</p>
19.	<p>International Journal of Management vol. 12, Issue 2 Feb. 2021 IAEME Publication Scopus indexed by Dr. Saima Tabssum University of Sindhi Jamshors Pakistan</p>	<p>Topic-Subject pertains to Evaluating the Effect of the Pendency of Cases and Dispensation of Justice in the Judiciary. District Courts are the First Court of Instance, Trial Court,</p>	<p>The 2 –important variables, i.e., one pendency of cases &amp; another disposal, appear to be affected by the ratio of people:judges: Lawyers: Law enforcement Agency.</p>

		<p>where 80% of people file their cases, but as per a sample of 248 people /95 Litigants, 75 Lawgers, 25 Judges/Courts with 25 Law Enforcement Agencies. However, the study explored the insignificant relationship of Pendency of cases on the dispensation of justice in Districts are NOT mutually correlated (Tabssum, 2021)</p>	
20.	<p>Justice System Journal Rutledge group published ISSN: 0098-261X (Print) 2327-7556 (Online) Journal Homepage : <a href="http://www.landf-online.com/10i/ujs">http://www.landf-online.com/10i/ujs</a> 20 Article by Saima Tabssum.</p>	<p>Article Are courts to blame for Delay? A decomposition of case duration. This Article cultivates case duration, Litigation, Legal Culture, and court delay &amp; finds that a change in the mindset of Judges is necessary to ensure speedy proceedings.</p>	<p>Composing a timeline for the disposal of a case. 1. As (interlocutory application) should not impede Trail U/O -18, R-2 For, the period between [0-18 to 0-20] Recording of Depositions U/O 18; R-4 (1) should be continued by the court, and stay, if any only for 6 months, otherwise, courts to blame for the delay.</p>
21	<p>International Review of Law and Economics 62 (2020) 105887 ELSEVIER 30 Spt. 2019 Article by Michael Berlemann</p>	<p>This Article on disposition time and the utilization of prior Judicial decisions: Evidence from a Civil law country primarily aims to propound Court delay that frustrates economic behavior. This paper examines the nexus between the case-disposition time and the</p>	<p>The preliminary issue U/O14, R-2 (2) (a), (b) of C.P. Code, issue of law only the case can be disposed of, of course, precedent important. But the legal barrier is FACTS, whether identical as if it were</p>


		<p>availability of prior court decisions for civil law. The potential role of “Precedents.”</p> <p>Found the precedents contribute to a significant reduction in disposition time (Berlemann, 2020)</p>	<p>Five fingers are not of the same height &amp; O-20 &amp; O-41, and R-31 is the 2-Facts findings court, and therefore DELAY is the grey area to be properly adjudicated through the stages of the suit, not a matter short-circuit – Litigation.</p>
22.	<p>Article on “Are people Losing faith in the courts? By Alok Prasanna Kumar Advocate Vidhi Centre for Legal Policy, Bengaluru Law &amp; Society Publication EPW-Weekly Eco-Polito-weekly April 22, 2017</p>	<p>This article remarks on the Jolly LLB series and Hindi film quotes.</p> <p>When 2 Indians have a dispute, they threaten each other, “See you in court.”</p> <p>What does it mean:</p> <p>People’s faith in court whatever is still unshaken. Yet, Falling rates of Civil litigation. Filing Civil Cases in District Courts has fallen (Trial Courts Prakash 20155). In 2005, Civil Cases in District Courts 40, 69, 073 (2005) but in 2016 = 38,82.289 w.e.f. 2013 downfall (Kumar A. P., Are People Losing Faith in Courts, 2017)</p>	<p>This film, of course, is a social product that encompasses court Judgment as the societal voice. IF DISPUTE ARISES, THE COURT IS THE BEST LEVELLER. The voices of the people echo from the court walls. The District courts case-filing reduced from 40,69,073 (2005-16) to 38,82,289 (2016) is alarming in court faith-trial courts yet constant in High Courts 10,82, 492 (2005) to 10,80,391 (2016)</p>
23.	<p>ILJ (International Law Journal) White Black legal Law Journal ISSN: 2581-8503 www.whiteblacklegal.co.in</p>	<p>This paper's Quotes:</p> <p>The voices of the people depend on the country's judicial system.</p>	<p>When the Lawsuit arises from disputes between = versus plaintiff and Defendant, of course, related to socio-economic</p>

	Article by Tanmay Munghate on the Judiciary in India and its problem	Conclusively, the judiciary needs to interact with the society (Munghate)	Problems, the interaction between judiciary and people in terms of binary ratio peoples = Judges = Number of cases ÷ Number of Courts = best mathematics of INTERACTION between peoples and Judges where society is of Both existentialism
23.	Research Gate publication Draft Junho Draft Junho (2013) By J.O. Sampaio FEA-USP Faculty Economics Administration Sao Paulo School	This article focuses on the following keywords: Confidence in Justice, Institutions, and Judiciary comes to Endnote That/Finding/ = people with Low income have lower levels of trust in justice and thus to improve access to justice for these classes of lower incomes, which is the central part of the population = Judges in the justice Delivery System."	The socio-economical determinant is the most critical impact on and from the judiciary can't be marginalized /laid out by abruptly enhancing the Courts Fees Act, for example, from 50 thousand Maxima to 3,15 lacs maximum presently, which the country's highest court must consider.
25.	Article 'The Duration of Judicial Deliberation' Research Gate publication May 23, 2016, by Samanta Bielen	This paper reflects:- Duration of Judicial deliberation (DJD) varies with the complex nature of court and party (ies)/ = In Conclusion, Longer Judicial deliberations improve the quality of (Judgments and judicial decisions). (Bielen S.,	Technically $(0-18) + >$ $= f(0-20) +$ $<$ t= time factor O= order O-18= trial O-20 - Judgment which has an impact on the socio-economic effect of Litigants

		The Duration of Judicial Deliberation, 2016)	Better quality judgment results in the happiness index of litigants.
26.	Article by Stefan Voigt, Director, Institute of Law & Economics, University of Hamburg Published Email: Stefan.voigt@uni.hamburg.de	This paper aims to identify the determinants of Judicial performance AND finds : Resolution rates are not a function of per capita income and court budget. However, resolution rates are directly proportional to higher rates if the efficiency of the judiciary is a dependent variable, i.e., Having more judges is the best way to determine the resolution rates. (Voigt, 2015)	It has been observed that the number of court cases increases with income per capita. The richest have a high propensity to litigation. After the enforcement of the Commercial Courts Act with C.P. Code 2015, commercial disputes at the higher rates of New Coming cases of the richest (s/such divide of Low-income group peoples access to J.D.S. (Justice Delivery System)
27	Article on court output (Judicial Staffing and Demand for court services published Oct 1, 2010, Washinton& Lay University by Valentine Dimitrova - Grajzl&Ors. 3 Dept. of Economics	This paper says/reflects on Court output, Judicial staffing, caseload endogeneity AND Eqn. used Resolved cases (it) $= f(\text{judges, caseload, } Z_n)$ $Z_n = \text{Speed/vector}$ Edit: Error term AND hypothesizes AND The increase in the number of Resolved cases due to New appointments of judges is offset	For the poet's Judgment-disposal-time frame, of course, at the hands of the court (U/O -20), the time frame must be moderately set up but with tolerance additional + 10% of the fixed Time-frame High Court Rules should be well modified about disposal time fun. O-18, to O-20

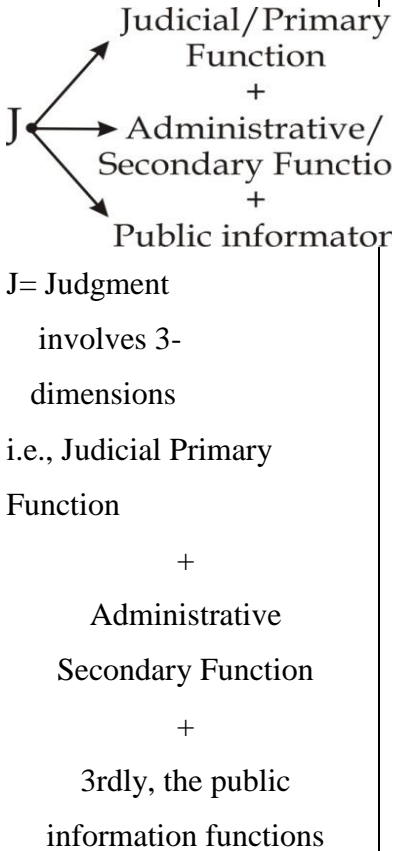
		<p>by the decrease in the number of resolved cases. But with the above caveats in mind:</p> <p>A CARROT (better monetary remuneration) can motivate judges to stick to stricter work norms. (Grajzl&amp;Ors) (Grajzl&amp;Ors., 2010)</p>	<p style="text-align: center;">&gt; = &lt;</p> <p style="text-align: center;"><i>Sec. 89</i></p> <p>The unsolved dichotomic Ex-experimentation to the Legal world.</p>
28.	<p>Emerald Insight www.emeraldinsight.com downloaded 24. June 2016 along with (2012- Consumer Journal (2002) - Cross-Cultural Consumers values (2010 British Food Journal A global publisher Emerald : British Food Journal: Vol. 114., No. 5, 2012 Emerald Publishing Ltd.</p>	<p>This article focuses on the Effect of the socio-economic status of Consumers in a case study of Van, Turkey, Received 18.03.2010 (Dept. of Agricultural Economics) on the value of the top, middle, and bottom status of the consumer's socio-economic status.</p> <p>Finding Consumer's/Litigants' perception of Food safety varies with socio-economic status.</p>	<p>A linear relationship exists between litigants' socio-economic status and participants' income.</p> <p>The Consumers Protection Act has brought arousal in Litigants' carat of mindset. It presents the District Consumer Forum as overburdened by consumer complaint cases faster than Civil Court Lawsuits. Still, Execution/Enforcement of ORDER is the biggest hurdle (back to Civil Court).</p>
29.	<p>Zero pendency court project Final Report on the pilot project by the High Court of Delhi.</p> <p>'O-Pendency Court project' was the brainchild of Former CJI Sri Venkatachalaiah.</p>	<p>This ZPCR Project squarely focuses on the problem of increasing backlog and pendency of cases and, AFTER detailed discussions, suggests:</p> <p>E-filing of cases + uses of video conferencing facility + sufficient stenographers + Law RESEARCHERS FOR ASSISTING JUDGES + Each</p>	<p>But the practical problem with the advocates is to obtain a certified copy (-ies), And for that, the immediate copy (-ies) of case stages be given on the next date cause-list severally casewise, stagewise, what's to be next probability wise in court</p>

		file one day prior Hearing + Evidence to be recorded day-to-day basis + proper paginations of case files Giving + Headings and sub-Headings and dividing Judgments Section wise.	proceedings should be pasted over the cause –list board outside the court-room walls.
30	Abstract by Parneet Kaur Chawla, ITM University Raipur relied on (2005) 6 Sec. 502 on the subject pendency of suits in courts of India during Covid-19	This paper suggests/ endorses 1. Recruiting more judges 2. Giving Quality Training 3. Use Technology 4. Proper Infrastructure 5. Speedy Trial and ADR 6. Reform Judicial Policy. 7. Work Load of Lower Courts by optimum number of cases. 8. More information RTI 9. VIRTUAL COURTS FOR lessening Time. (Kaur, 2005)	OF Course These are essential suggestions But the inclusion of Bar/Advocates is essential BECAUSE The Judgment = $f$ (advocates, courts, and court masters) As such $f(x, y, z) dx = J$ $f =$ Function $x =$ Court $y =$ Advocate $z =$ Court master $j =$ Judgment.
30.	ELSEVIER International Review of Law & Economics Journal 2020 published by Elsevier Inc. by Michael Berlemann of Hamburg University.	This paper suggests /works on Disposition time and utilization of prior Judicial decisions (Evidence of Civil Law)  There should be Dynamic Legal fields with few pertinent Judicial decisions. (Berlemann M. , 2020)	It is the most practical experience. If less appropriate prior judicial decision 2 or 3 at the maxima, Let be suggested otherwise, various prior judicial decisions shall be more prone to delay and congestion problems.

32.	Overview of Indian Court and cases Need of New Courts numerically By Dr. Preet Deep Singh 04.09.2022 Abstract & Text and context	In this paper, the establishment of a new court and clearing out of the judicial backlog are discussed. Allowing for virtual presence could impact about 5 million cases that are delayed.	Data Shows More than 2 in 5 cases are at the Appearance stage /Stage for service for summons U/O -5, R-9. This step/phase itself includes 18 million cases.
32.	SCIENDO /ICLR 2019 Vol. 19 No. Published by Palacky University Olomouc, Czech Republic 2019 by JulijaKirsience&EditaGruodyte	This paper focuses on the highest rate of public trust in the judiciary in 20 years and trends or coincidences. While public opinion about the Judiciary was measured, The spring 2018 result shows that the highest trust rates in the Judiciary in 20 years stood measured. During this period, the rate of distrust was considerably higher than the confidence rate.	Undoubtedly The rate of distrust, owing to delay, varies inversely from the rate of confidence, but amazingly, litigants wait for the court's decision to attain finality. The mindset must be for professionalism, Which creates confidence. The Advocate Act should be well understood, respected, and thoroughly exercised.
34	The Article 'The impact of the judiciary on Economic activity' was published by Research Gate 'Evidence from India' by Mathieu Chemin September /2007 Dept. of Economics University in Montreal/Canada. Using the  a measure of the vector analysis /speed of Judiciary. U Court = E (net gain)	This paper examines the consequences of the Judiciary. It proposes that Fewer agents obtain loans from banks when Judicial Quality decreases, as banks recover less collateral in cases of non-repayment, forcing them to charge higher interest rates. More entrepreneurs obtain Loans from friends than banks when Judiciaries are slower.	It is oftentimes noticed that the Banks are in the recurring habit of declaring any a/c 'NPA' Under Sec. 13 (2) of the SARFAESI Act, 2002 R/W DRT Act without obtaining permission from DRT Court and increase the DRT cases U/Sec. 19 being increased rampantly Trail costs (C)

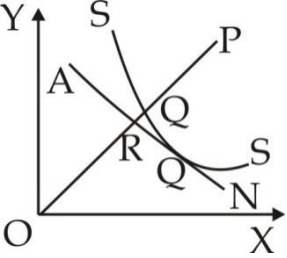
	<p>= E (gain)  - E (Cost of Litigation  U court = The utility of buyer.  E= Expected value.  The Cost of Regular trials in courts is inversely proportional to the speed of the Judiciary.</p>	<p>In other words, more entrepreneurs switch to friends when their judiciaries are slow.</p>	$\times \frac{1}{\text{Speed of Judiciary } (J)}$ $C \times \frac{1}{J}$ $C = K C \times \frac{1}{J}$ <p>K= constant  Judgment</p>
35	<p>“e-Courts project :  ‘A Giant Leap of Indian Judiciary Article by Kshitiz Verma LUMIIT, Jaipur paper, Tax 5.4.2018</p>	<p>This paper provides insights into ICT's potential (Vide NJDG National Judicial Data Grid) for the consolidation of ICT infrastructure.  But it is alarming that 27 Million cases are pending in Courts, out of which 8.4% have been lying for more than 10 years (Hindustan Times 2016 (NJDG 2018) pending cases :</p> <ol style="list-style-type: none"> <li>1. Less than 2- years = 46.92</li> <li>2. Over 2- years = 28.71%</li> <li>3. Over 5 years = 15.95%</li> <li>4. Over = 8.42% 10 yrs.</li> </ol>	<p>Undoubtedly, ICT can only assist, and the true initiatives have to come from the judiciary and achieving progress in India can be difficult unless the judiciary is efficient (- Justice Khekar, 2016)  However, a big LEAP has been noticed during the Covid period. As courts pacify such hybrid processes, virtual + physical hearings are helpful to aged advocates.</p>
36.	<p>Abstract/Papen by Luciana Yeung 2019  <a href="http://dx.doi.org/10.12660/rda.v279.2020.8">http://dx.doi.org/10.12660/rda.v279.2020.8</a></p>	<p>This paper reflects on judicial efficiency and finds No concrete improvement in day-to-day efficiency in Courts. The high-</p>	<p>It is constantly being noticed that the time length of Trial (0-18) and Judgment (0-20) is being</p>

	137 Suo Paulo, Brazil Measuring courts efficiency	performance (ers) and low performance (-ers) structures remain unchanged for 10 years.	delayed owing to incoming cases, newly instituted cases, and ripened cases on the verge of Disposal. Still, the threat of Backlog cases such as congestion could only be removed by good awareness and arousal of ADR u/sec. 89 C.P. Code.
37.	Justice and court performance/commercial courts by Jaroslaw Beldowski published in European Journal of Law and Economics (2020) Warsaw School of Economics Warsaw Poland (Springer)	This paper analyses determinants of the performance of commercial districts in terms of resolved cases/factors affecting court output (= Number of cases adjudicated). Found: Increase in No of Judges & directly proportional to No of resolved cases but significantly associated with the dexterity of auxiliary court staff members. Result: Auxiliary staff work increases court efficiency. Legal clerk to Judge Ratio (mean) Average Number of New, pending, and resolved cases = average number of serving Judges full-time equivalent.	The result in the round-about-way comes back to the same oscillating point : Court work $= f(\text{Judiciary, Ministerial /Staffing})$ The Judiciary is the final word. (Ratio = Assistants: Judges) determinant $= (S: J.)$ This ratio $(S.=J)$ develops court outputs. Technically, this ratio $(S: J)$ should be widely and significantly applied to DCL (daily cause List = Life-Line of Judiciary. DCL reflects the court's functionary status.
38.	European Research Studies Journal Vol. XXIV, issue, 2021 Is it darker in a larger courtroom?	The outcomes of this paper show that larger courts are, in principle, characterized by higher Judiciary effectiveness and less often provide complete	Undoubtedly, the right to access public information is vital in observing principles in a democratic state ruled by law.

	<p>By Bartlomiej Biga Cracow University of Economics Deptt. Of Public Policy. e-mail Michal.mozdzen @ uek.krakow.pl.</p>	<p>public information. That also means that courts, more focused on their primary functions, show lower performance in secondary administrative tasks such as public information disclosure.</p>	<p>The</p>  <p>J= Judgment involves 3- dimensions i.e., Judicial Primary Function + Administrative Secondary Function + 3rdly, the public information functions</p>
39.	<p>Understanding the time to court-case-Resolution Topic by Samantha Bielen, Faculty of Business Economics, Hasselt University, published 10.04.2017</p>	<p>This abstract reflects Court- delays, competing risks, Trial Judgment, and Settlement.</p> <p>Competing ‘risks regression framework</p> <p>Found : Case of 2 role (s) Time-invariant and time-varying case features mainly utilize the competing risk approach.</p>	<p>The outcome of this study suggests any reform aimed at reducing court delays must be carefully weighed against the cost due to a possible decrease in the quality of court outcomes.</p>
40	<p>Confidence in judicial: Evidentiary (intake) published 30.06.2019 University of Sao Paulo</p>	<p>This paper reflects on the issue that affects economic and social development IF confidence in justice is preserved.</p>	<p>To some extent, it is to be understood. Legal awareness is the most critical catalyst. People with</p>

	SSRN Electronic Journal January/2013	This abstract found : People with low incomes have lower levels of confidence in justice.	more knowledge of the judicial system and more years of Education have higher confidence in Justice. Legal awareness at the instance of both Bar & Bench among the people is the most crucial step to draw them to the Justice Delivery system, removing court fear from the Litigants.
41	Justice delayed: District-wise study on Indian Judiciary Article by Varsha Aithala (N/S), Nandana Sengupta (IIT, Delhi)	This article treatises the most pertinent issue: Is there an association between socio-economic development and case pendency? And found that economic Growth reduces pendency. Thus, eco-development, social growth, and litigation activity have a positive relationship.	The mounting cases pendency, particularly in Trial Courts, one case filed in the year 70s still pending in Dhanbad Court, with other many examples another case of the year 1969 still pending in Dhanbad District Court but basically for understanding nectar of law on What's purchased deed and what's Mortgage deed and what's Judgements of Trial Court, 1 <sup>st</sup> Appellate Court and Execution thereof.
42	NBER Working paper series	This paper 18 focuses on the case going to trial and before	The 3 stages of Lawsuits (i.e.) O-10,R-1, R/W S-89 (pretrial)

	<p>http://www.nber.org/papers/w6409 National Bureau of Economic Research Cambridge MA 02138 Feb. 1998</p> <p>Reconciling Asymmetric information And divergent expectations Theories of Litigation by Joel Waldfogel, the University of Pennsylvania waldfogi@Wharton Upenn.edu.</p>	<p>trial Settlement, the reconciling, status</p> <p>AI = asymmetric information DE = Divergent Expectations T = Cases Tried P = Plaintiff win rates at Trial = Litigation Puzzle.</p> <p>As the fraction of cases tried (T) declines, plaintiff win rates (P) at Trial tend toward 0 or 1. (T+P) is constant with DE (=Divergent Expectations) and not AI = asymmetric information</p> <p>Reconciling Formula: settlement probability comes if the plaintiff knows the defendant at a better position</p>	<p>+O-18, R-2 (Trial)</p> <p>+ Section of Cases is critical/crucial (i.e., one party's response to the other party's take it-or-leave-it offer selection of cases for trial is a sequential process of settlement (Dynamics of pretrial negotiation). Litigation Cost plays a vital role in the Litigant's mind. Should we pause or push ahead? In such a situation, psychology, the settlement U/Sec. 89 peeps in.</p>
43	<p>Justice Delayed = Justice Denied By Prof Tania Sourdin Monash University Australia. Justice Innovation, 2012</p>	<p>This paper focuses on the 'Delay-in-Justice /Proportionality &amp; appropriateness of time to provide an outcome for disputants (Timeliness-factor) Effect of ADR on Timeliness as Life of Dispute.</p>	<p>The nucleus of Sec. 89 C.P.C. settlement of (Dispute outside court) stands over the element of Settlement and formulation thereof by Judicial function while framing them u/o-10, R-1A and O-14, R-1 (4) in between / Timelines is the working factor.</p>
44	<p>Overburdened Judges Article published by Research Gate Feb-2018/19.02.2018 by</p>	<p>This paper uses the model and assumes that the administrative efforts provided by J and G are perfect substitutes. J = Judges, G = Govt.,</p>	<p>The nucleus of Sec. 89 C.P.C. settlement of (Dispute outside court) stands over the element of settlement and formulation</p>

	Ludivine Roussey University Paris, Descartes	$J = a \geq 0$ , $G = r + \underline{r} = \text{adm.}$ $\underline{r} \geq 0$ represents an exogenous minimum level of Administrative effort & $J = a \geq 0 = \text{Judicial function}$	thereof the judicial function while framing them u/o-10, R-1A ad O-14, R-1 (4) in between/Timelines is the working factor.
45.	Ministry of Justice First published June/ 2011 Litigants in person/ by Kim Williams Research Summary 2/11	<p>This paper treats Evidence on Civil and Family Litigants/and says.</p> <p>Litigants in person could face problems in court.</p> <p>Finding ways to talk to Litigants in person, as there is limited understanding of the scale of the issue</p>	As lawsuits, the lifeline is flown from O-14, R-1(2) framing of issues, facts, and law after going through pleading U/o-6, R-1, which lacks dexterity of litigants in person.
46.	Justice & Economy Evaluating Judicial Efficiency : Article by Research Gate publication Oct/ 2010 downloaded 14.12.15 University of Granada	<p>This paper analyzes the Judicial Task from an Economic view</p>  <p>The average of inefficient courts could simultaneously increase the judgments and orders by 19.02%. The number of pending cases could be reduced by 9.38% if courts behaved efficiently.</p>	The most important question arises as to the skill of courts, i.e., how the courts grasp O-10, R-(1-A) R/W, O-14, R-1 (1) 4 After reading both pleadings U/O-6, R-1 plaintiff & written statement for selection of cases pretrial preparedness.
46.	How efficient are Brazilian Courts Research Gate publication by Luciana Luk-Tai Teung	<p>This topic focuses on the Judiciary's inefficiency and delay.</p> <p>Finding :</p>	Considering the auxiliary ministerial function of court masters/staffing units, the courts efficiently manage

		<p>Efficiency - in courts relates to organizational climate, staff motivation, and Management quality <math>D(x, y)</math>  <math>= \inf. \{ \theta \} / x, \theta y \in T</math> Distance function in outputs for an observed production possibility, <math>(x, y)</math> to the frontier of T.  <math>\theta = D = 1</math> for DMUs  <math>[D(x, y)]</math>  <math>= \max \{ \theta / \theta y \leq \lambda T, x \geq x \lambda</math></p>	<p>by publicizing monthly statistics of judicial movement.</p>
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### Important Recent Decision

1. 30.4.2025 decision of Hon,ble Apex court SLP(C) Nos 1533-15337 of 2021 Gayatri Balaswamy vs M/S ISG NOVASOFT.

Main issues: Whether power under Article 142 of constitution can be exercised to modify Arbitral Award when matters come up after initiation of proceeding u/s-34 of A&C Act?

The 5-Judges –Bench constituted to decide the question Art 142- V-S Sec 34 A&C AND the fulcrum of the legal controversy i.e Are Indian Courts Jurisdictionally empowered to modify Arbitral Award

Vide paragraph -45 R/W para 82 the doctrine of severability can be applied by court in S-34 to modify the award U/Art 142 Doctrine of severability (Severance/Severability vide Legal Lexicon by P Ramanath Aiyar Lexis Nexis 7<sup>th</sup> Edition

2. Decided on 13.02.24 by 13.02.2024 by Honble Apex court Ref 2024 sec online SC page 132( Vasantha-Vs-Rajalakshmi )

Issue 0-6 R-17 (Amendment of plaint) can be made even at the stage of S-100 of CPC 1908.

**Suit was filed in the year 1993/again Amendment in the year 2024(Delay 2024-1993=31years)**

**[PLAINT IS PULSE OF A SUIT]**

3. **The** Hon,ble Supreme court vide order dated 7.1.2025 passed in SLP No 358/2025 has been pleased to direct the Hon,ble High court of Jharkhand at Ranchi to decide Civil Revision No 7/2023 by a fixed date on 2<sup>nd</sup> Feb 2025 while in Ex case No 8/1997 the Executing Court NOT to proceed.

4. **Citation** :2025 SCC online SC 507 peryammal (Dead) through LRS Vs V.Rajaman .Nothing Long and inordinate delay at the end of the Executing Courts to proceed to issue an administrative order or circular /to collect entire data
5. SCO [ Supreme court observer ]Review 2024 yearly Pending from 2014to 2024 .The pending figure from 2014to 2024 skyrocketed from 59,272to 62537thedropped to 55,588 and then enhanced 59859-65086  
 \_\_\_ 70239 \_\_\_ 78797-----80674to 82972.

The snap short of Yearly Pendency from 2014 to 2024 as per SCO-report.

Effective Reduction 14<sup>th</sup> April 2025

- . Rethinking Miscellaneous Days
- . Proactively Grouping Similar cases
- . Shifting to a true E-filing system
- Using Data to target Simple cases
- Listing similar cases before the same Bench on the same day
- True digital system Application i.e, online forms for direct entry of cases details.
- Structured data Revenue Districts and to minimize.
- Apprehension and to minimize fewer Oral Hearings (Supreme Court in Eastern Iyer case)
- To combine Expertise in SC Proceedings and Data Analysis
- Conduct Empirical studies
- To engage with stakeholders
- To publish Transparency strategies

Thus six strategies to Reforming case Admission Process

- + Reforming case Admission Process
- + Digitizing efficiently
- + Using Data smartly
- + Oral Hearings
- + To establish a Reform body

**CHAPTER-III**  
**RESEARCH METHODOLOGY**

# **CHAPTER-III**

## **RESEARCH METHODOLOGY**

### **3.1 Introduction**

Research methodology is the process or techniques used to identify, select, and analyze information about any topic (Kothari & Garg, 2014). This chapter explains the stepwise detailed process used to achieve the objectives. The methodology discussed in this chapter has been extensively used as a code of conduct for guiding the research toward attaining objectives. The chapter discusses in detail the research design, sampling and population, sample size, sources of data, types of data, data collection tools, and the process of data analysis. The pilot study and focus group discussion parts were also discussed and included in this chapter. (Garg, 2014)

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.

### **3.2 Research Objectives**

After a thorough review of the literature and identification of the research gap, the following research objectives were identified for this study:

- ❖ 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.

### **3.3 Types of Research**

There are various types of research. The types of research that the researcher used in the study were descriptive, and exploratory.

#### **Descriptive Research**

Descriptive research, as the term implies, describes the characteristics of a population or phenomenon. It seeks to determine the answers to who, what, when, where, and how questions (Zikmund, 2012). It mainly focuses on the nature of the demographic element. The study is trying to describe the characteristics of Litigants and the perception and attitude they have on the legal system.

#### **Exploratory research**

Exploratory research is defined as research that is used to investigate a problem that is not clearly defined. This research is needed to understand the issues' dimensions (Zikmund, 2012). It is also exploratory because the study aims at finding the reasons and to find ways as how the pending cases can be cleared by courts at the earliest.

### **3.4 Research Design**

Research design constitutes the blueprint for data collection, measurement, and analysis. It helps the researcher allocate limited resources by posing crucial methodological choices (D. R. Cooper, 2006). The study adopted a Mixed research design using both Quantitative and Qualitative methods. The quantitative data was collected through questionnaires from the advocates, and litigants. The qualitative data were collected through interviews with 50 judges from seven district courts. The minimum number of interviews can be 9-15 (Hennink& Kaiser, 2022).

#### **3.4.1 Population of the study**

**Population** refers to the units or elements considered for the research (Kothari & Garg, 2014). In this study, the population relates to advocates working in district courts; litigants are those with pending cases. Judges are the judges of the district courts.

### 3.4.2 Sampling Frame

The sampling frame can be considered a source from which the sample is drawn. It is a specific list consisting of all the items in the population. It lays down a series of items or things from which a researcher takes a sample for his study (Thoresen et al., 2003). It is closely related to the population. It is the list of elements from which the sample is drawn. Ideally, it is only a complete and correct list of population members (Cooper & Schindler, 2006).

The study area selected for this research is the district courts of Jharkhand. Jharkhand is one of the states in the eastern part of India. It was formed on 15<sup>th</sup> November 2000 and has an area of 79,710 Km<sup>2</sup>. It shares its border with Bihar in the north, Uttar Pradesh in the northwest, West Bengal in the east, Chhattisgarh in the west, and Orissa in the south. Ranchi is the capital of Jharkhand.



3.1 Map of Jharkhand

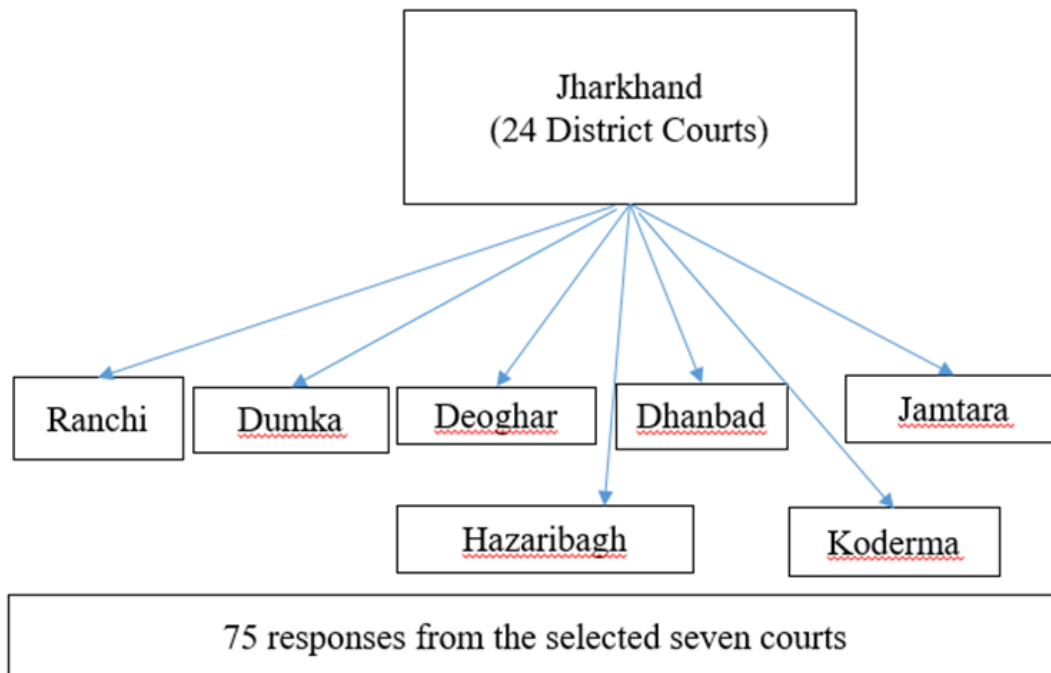


**Fig 3.2 District Map**

### 3.4.3 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).

Fig 3.3: Stratified Sampling Technique used in the study



*Source: Drawn by the researcher*

First, the Government of Jharkhand district area was correctly studied to determine the total number of pending cases.

Jharkhand's district court managers' office obtained an exhaustive list of pending cases.

Step-3-List of Advocates, Litigants, and Judges was then segregated based on types of Cases.

With the help of simple random sampling, the Advocates of Courts of Jharkhand were selected for data collection. The lottery method was used in the case of simple random sampling.

Step-5-The process mentioned in step no four was repeated to select the Litigants of the same cases that Advocates are dealing

Step-6- The respondents were selected through snowball sampling, where the reference was taken from Advocates, Litigants, and Judges randomly and through contacts while visiting the Courts

### 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)

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

Where,

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

$N = \text{Population Size}$

$z = \text{Standard Variate at a given confidence level. The value of } z \text{ for a confidence level of 95\% is } 1.96$

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

S.N	Type of civil courts	Number of Pending cases	Number of parties/litigants	Number of Advocates
			<b>At least both side 2 (Two) &amp; more</b>	<b>At least both sides have two &amp; more</b>
1	Family Judge	9	09*02= 18	18
2	ADDL. District Judge No (03) ADJ-03	59	59*02= 118	118
3	ADDL. District Judge No (04) ADJ-4	83	83*02= 166	166
4	ADDL. District Judge No (16) ADJ-16	7	07*02= 14	14
5	Civil Judge (Senior Div.) No. 01	103	103*02= 206	206

6	Civil Judge (Senior Div.) No. 02	143	143*02= 286	286
7	Civil Judge (Senior Div.) No. 05	257	275*02= 550	550
8	Civil Judge (Senior Div.) No. 07	288	288*02= 576	576
9	Civil Judge (Junior Div.) No. 01	244	244*02= 488	488
10	Civil Judge (Junior Div.) No. 02	272	272*02= 544	544
11	Civil Judge (Junior Div.) No. 05 (CJJD No. 05)	19	19*02= 38	38
12	Civil Judge (Junior Div.) No. 07 (CJJD No. 07)	74	74*02= 148	148
13	Civil Judge (Junior Div.)/Tabinda khan	20	20*02= 40	40
14	ADDL.civil Judge ACJ-13	25	25*02 =50	50
15	CJJD/Miss. Sangeeta	21	21*02=42	42
16	CJJD/Miss.Veena Kumari	36	36*02= 72	72
17	CJJD No. 16	31	31*02= 62	62
	<b>Total</b>	<b>1691</b>	<b>3428</b>	<b>3418</b>
	Tabulated based on figures, Source/court manager/Dhanbad District court			

Source: Court Manager District Court Dhanbad

The total population (Pending cases) was 1691

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.

### **3.6 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

#### **3.6.1 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.

#### **3.6.2 Questionnaire Design**

The data collection method was through the questionnaire. The questionnaire is the most effective and practical research instrument because it helps collect information from many respondents. Two sets of questionnaires were made separately for Litigants and Advocates. The scale used for data collection was a 5-point Likert scale. The Likert scale ranges from “to a minimal extent” to “to a considerable extent.” Each item scoring was assigned a weight ranging from 1 to 5. The interpretation of the score was 1- “To a minimal extent,” 2- “To a small extent,” 3- “To a moderate extent,” 4- “To a large extent,” and 5- “To a considerable

extent.” The questionnaire was designed in such a manner that it is simple, easy, structured, and understandable by the respondents.

#### **3.6.4 Interview**

The other most crucial stakeholder in the study was the judges. The interview was conducted with the judges to learn their perspectives on long-pending cases and the reasons for delays. The interview was conducted through physical modes. The participants in the interview were judges from all districts of Jharkhand.

#### **3.7. Pilot study**

A pilot study is an initial study conducted on a small number of respondents to determine the feasibility and validity of the survey undertaken (Kothari & Garg, 2014). Its main objective is also to identify and incorporate the required improvements into the existing research methodology. The goal of the pilot study is not to test the hypothesis but to determine the feasibility/acceptability of the approach so that it can be used for a larger study.

Regarding the current study, the preliminary pilot study was conducted to examine the suitability of the methodology, data collection tools, the significance of the study, the scale, and factors that will enable the smooth and timely completion of the work.

The pilot study was conducted on 30 Advocates. Responses were collected on a 5-point Likert scale ranging from “to a minimal extent” to “to a considerable extent.” The time taken to complete the questionnaire was approximately 7 to 10 minutes. A few suggestions came from the respondents, like removing repeated items, making the questions more straightforward, and giving a brief introduction. All these suggestions were incorporated after the pilot study, making the questionnaire more proper.

#### **3.8 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.

**CHAPTER-IV**  
**DATA ANALYSIS AND**  
**INTERPRETATION**

## CHAPTER-IV

### DATA ANALYSIS AND INTERPRETATION

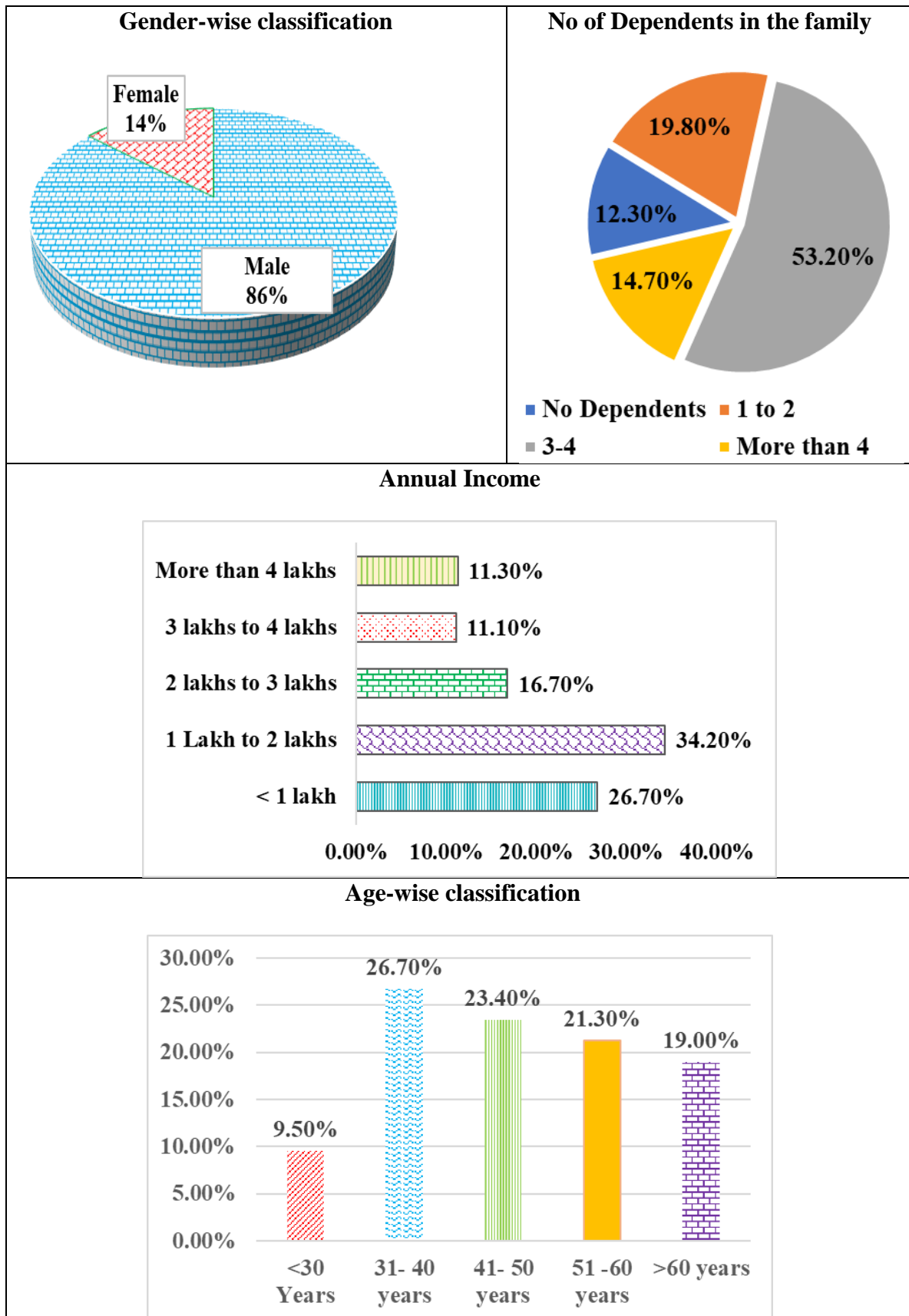
This chapter presents an analysis and interpretation of the data collected in alignment with the study's objectives. The analysis encompasses a simple percentage-based examination of the respondents' demographic profiles and assessing the differing perspectives among litigants, advocates, and judges. 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.

#### Section-A

**Table 4.1 Demographic Profile of Litigants (N=389)**

		<b>Count</b>	<b>Column N %</b>
Gender	Male	336	86.4%
	Female	53	13.6%
Age of the Respondents	<30 Years	37	9.5%
	31- 40 years	104	26.7%
	41- 50 years	91	23.4%
	51 -60 years	83	21.3%
	>60 years	74	19.0%
Annual Income	< 1 lakh	104	26.7%
	1 Lakh to 2 lakhs	133	34.2%
	2 lakhs to 3 lakhs	65	16.7%
	3 lakhs to 4 lakhs	43	11.1%
	More than four lakhs	44	11.3%
No Dependent in the Family	No Dependents	48	12.3%
	1 to 2	77	19.8%
	3- 4	207	53.2%
	More than 4	57	14.7%

**Fig: 4.1 Demographic Profile**



**Interpretation:**

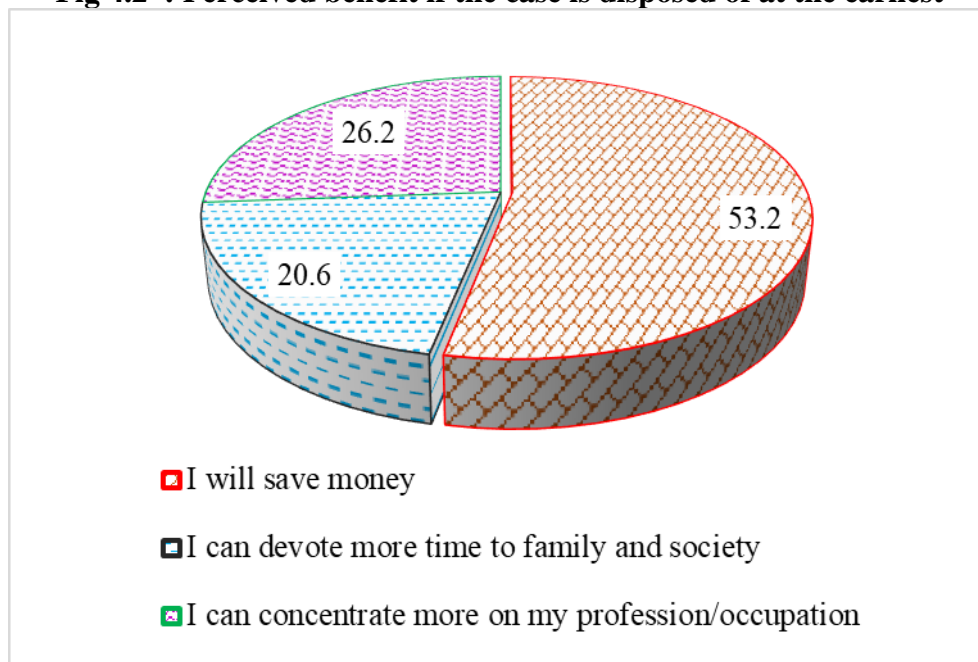
A simple percentage analysis was conducted to describe the demographic characteristics of the respondents. The gender distribution revealed that most respondents were male (86.4%, n = 336), with females comprising a smaller proportion (13.6%, n = 53). The age distribution showed that respondents were relatively evenly distributed across different age groups, with the largest group falling within the 31-40 years range (26.7%, n = 104). The following largest groups were those aged 41-50 years (23.4%, n = 91), followed by those aged 51-60 years (21.3%, n = 83), over 60 years (19.0%, n = 74), and under 30 years (9.5%, n = 37).

Regarding annual income, most respondents had an income between 1 lakh and 2 lakhs (34.2%, n = 133). Other income groups included those earning less than 1 lakh (26.7%, n = 104), between 2 lakh and 3 lakhs (16.7%, n = 65), between 3 lakh and 4 lakhs (11.1%, n = 43), and more than 4 lakhs (11.3%, n = 44). Finally, the number of dependents in the respondents' families was predominantly in the range of 3-4 dependents (53.2%, n = 207). Other categories included respondents with 1-2 dependents (19.8%, n = 77), no dependents (12.3%, n = 48), and more than 4 dependents (14.7%, n = 57).

**Table 4.2: Perceived benefit if the case is disposed of at the earliest**

Statement	Frequency	Percent
I will save money	207	53.2
I can devote more time to family and society	80	20.6
I can concentrate more on my profession/occupation	102	26.2
<b>Total</b>	<b>389</b>	<b>100.0</b>

**Fig 4.2 : Perceived benefit if the case is disposed of at the earliest**



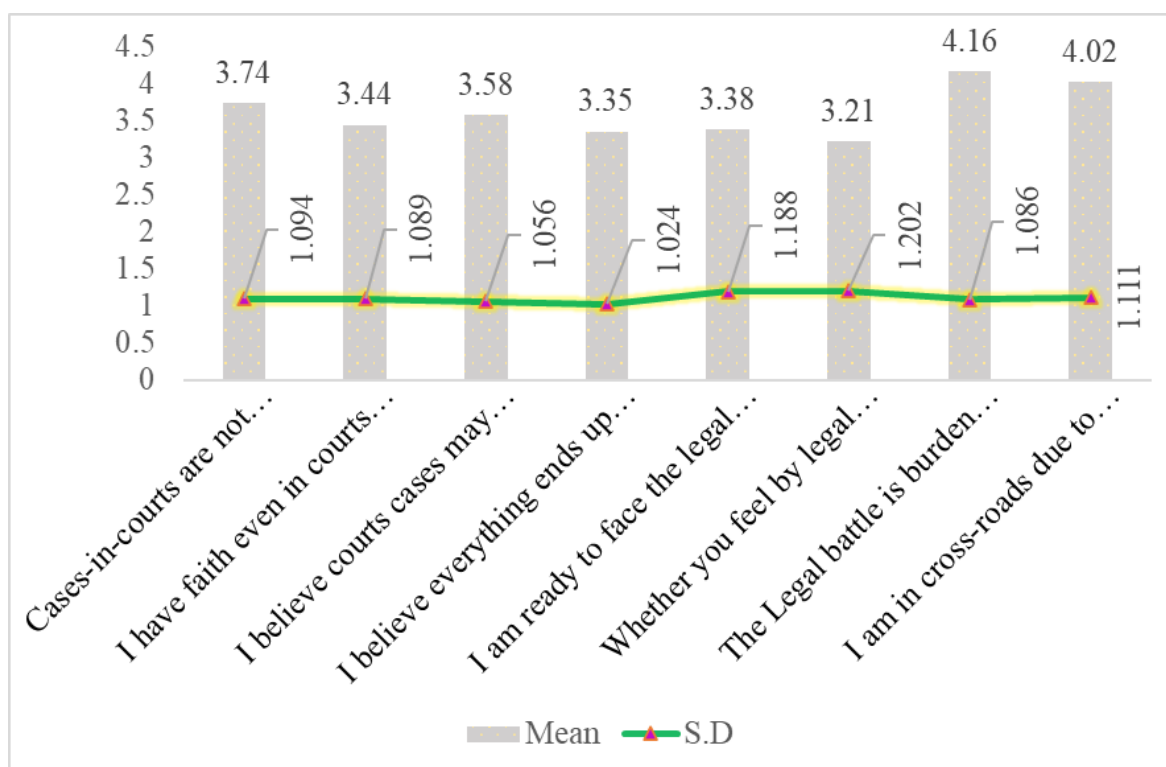
**Interpretation:**

A simple percentage analysis was conducted to understand respondents' preferences regarding the potential benefits of resolving their legal disputes. Among the respondents (N = 389), a majority (53.2%, n = 207) indicated that resolving disputes would enable them to save money. Additionally, 26.2% (n = 102) expressed that they could concentrate more on their profession or occupation, while 20.6% (n = 80) stated they could devote more time to their family and society.

**Table 4.3: Litigants perceptions and attitudes toward court proceedings and the legal system**

Statements	Mean	S. D
Cases-in-courts are not disposed of as early as possible	3.74	1.094
I have faith even in court Judgements for delay	3.44	1.089
I believe court cases may be fought by Monied Persons	3.58	1.056
I believe everything ends up in court.	3.35	1.024
I am ready to face the legal battle for a Long time	3.38	1.188
Whether you feel by legal battles in courts, you get social recognition	3.21	1.202
The Legal battle is a burden for my family	4.16	1.086
I am at a crossroads due to a legal battle in court	4.02	1.111

**Chart: 4.3: Litigants perceptions and attitudes toward court proceedings and the legal system**



**Interpretation:**

The descriptive statistics for participants’ perceptions and attitudes toward court proceedings and the legal system are presented in Table 4.3. Respondents agreed most strongly

with the statement, *"The legal battle is a burden for my family"* ( $M = 4.16, S. D = 1.086$ ), indicating a significant perception of personal burden. Similarly, they felt at a "crossroads" due to ongoing court battles ( $M = 4.02, S. D = 1.111$ ).

In contrast, statements reflecting confidence in the efficacy of the legal system received relatively moderate agreement. For instance, *"I have faith even in courts' judgments for delay"* ( $M = 3.44, S.D = 1.089$ ) suggests a mixed attitude regarding trust in court judgments despite delays. Furthermore, respondents showed moderate agreement with statements indicating the influence of financial power in legal battles, as illustrated by the item *"I believe monied persons may fight court cases"* ( $M = 3.58, S.D = 1.056$ ).

Finally, statements such as *"Whether you feel by legal battles in courts you get social recognition"* ( $M = 3.21, S.D = 1.202$ ) received lower mean scores, indicating limited belief in social recognition as an outcome of legal battles

**Table 4.4: ANOVA- Age on Litigants perceptions and attitudes toward court proceedings and the legal system**

		<b>N</b>	<b>Mean</b>	<b>Std. Deviation</b>	<b>F-value</b>	<b>Sig.</b>
Cases-in-courts are not disposed of as early as possible	<30 Years	37	3.95	0.911	3.864	.004
	31- 40 years	104	3.81	1.141		
	41- 50 years	91	3.95	1.058		
	51 -60 years	83	3.70	0.907		
	>60 years	74	3.34	1.253		
	Total	389	3.74	1.094		
I have faith even in court Judgements for delay	<30 Years	37	3.32	0.852	4.632	.001
	31- 40 years	104	3.70	1.023		
	41- 50 years	91	3.07	1.172		
	51 -60 years	83	3.49	1.040		
	>60 years	74	3.53	1.125		
	Total	389	3.44	1.089		
I believe court cases may be fought by Monied Persons	<30 Years	37	3.68	0.944	5.621	.000
	31- 40 years	104	3.93	0.906		
	41- 50 years	91	3.31	1.297		
	51 -60 years	83	3.60	0.883		
	>60 years	74	3.35	1.026		
	Total	389	3.58	1.056		
I believe everything ends up in court.	<30 Years	37	3.14	1.110	9.145	.000
	31- 40 years	104	3.62	0.969		
	41- 50 years	91	3.35	0.959		
	51 -60 years	83	2.86	0.899		
	>60 years	74	3.64	1.054		
	Total	389	3.35	1.024		
I am ready to face the legal battle for a Long time	<30 Years	37	3.03	1.040	3.736	.005
	31- 40 years	104	3.17	1.110		
	41- 50 years	91	3.51	1.303		
	51 -60 years	83	3.33	1.180		
	>60 years	74	3.74	1.135		
	Total	389	3.38	1.188		
Whether you feel by legal battles in courts, you get social recognition	<30 Years	37	3.68	1.056	5.796	.000
	31- 40 years	104	3.47	1.114		
	41- 50 years	91	3.21	1.269		
	51 -60 years	83	3.07	1.080		
	>60 years	74	2.76	1.280		
	Total	389	3.21	1.202		

The Legal battle is a burden for my family	<30 Years	37	4.05	1.079	2.395	.050
	31- 40 years	104	3.94	1.078		
	41- 50 years	91	4.36	0.949		
	51 -60 years	83	4.13	1.102		
	>60 years	74	4.32	1.195		
	Total	389	4.16	1.086		
I am at a crossroads due to a legal battle in court	<30 Years	37	4.11	0.994	5.595	.000
	31- 40 years	104	3.74	1.097		
	41- 50 years	91	4.36	0.972		
	51 -60 years	83	4.18	1.002		
	>60 years	74	3.76	1.312		
	Total	389	4.02	1.111		
To what extent will you be interested in patching up the dispute through mutual settlement outside the court?	<30 Years	37	3.65	0.789	4.000	.003
	31- 40 years	104	2.91	1.107		
	41- 50 years	91	3.38	0.997		
	51 -60 years	83	3.23	1.262		
	>60 years	74	3.08	1.258		
	Total	389	3.19	1.140		

## Interpretation

An ANOVA was conducted to examine the differences in perceptions about cases in courts not being disposed of as early as possible across five age groups: less than 30 years, 31-40 years, 41-50 years, 51-60 years, and above 60 years. The analysis revealed a statistically significant difference in the opinions across these age groups,  $F(4,384) = 3.864, p = .004$ . Post hoc comparisons using the Games-Howell test indicated that the mean score for the group aged over 60 years ( $M = 3.34, S. D = 1.253$ ) was significantly lower than both the group aged under 30 years ( $M = 3.95, S. D = 0.911$ ) and the group aged 41-50 years ( $M = 3.95, S. D = 1.058$ ). This suggests that individuals over 60 years are less likely to perceive that court cases are delayed compared to those in the younger age groups.

ANOVA test was conducted to examine the effect of age group on individuals' faith in court judgments despite delays. There was a statistically significant difference in the mean faith in court judgments across the different age groups,  $F(4,384) = 4.632, p = 0.001$ . Post hoc comparisons using the Games-Howell test indicated that the mean score for the 41–50-year age group ( $M = 3.07, SD = 1.172$ ) significantly differed from the 31–40-year age group ( $M = 3.70, SD = 1.023$ ). This result suggests that individuals in the 41–50 age range expressed less faith in

court judgments, even with delays, than those in the 31–40 age group. There were no significant differences between the other age groups.

The results further indicated a statistically significant difference in opinions among the age groups,  $F(4, 384) = 5.621, p < .001$ . The mean opinion scores were as follows: under 30 years ( $M=3.68, SD=0.944$ ), 31-40 years ( $M=3.93, SD=0.906$ ), 41-50 years ( $M=3.31, SD=11.297$ ), 51-60 years ( $M=3.60, SD=0.883$ ), and over 60 years ( $M= 3.35, SD=1.026$ ). Post hoc comparisons using the Games-Howell test showed a significant difference in opinion between respondents aged 31-40 years and those over 60 years, suggesting that respondents in the 31-40 age group are more likely to believe that court cases are fought by monied individuals compared to those over 60 years.

The results revealed a statistically significant difference in mean scores among the age groups,  $F(4, 384) = 9.145, p < .001$ . Post hoc comparisons using the Games-Howell test indicated that participants aged 51–60 years ( $M = 2.86, SD = 0.899$ ) significantly differed in their opinions compared to those aged 31–40 years ( $M = 3.62, SD = 0.969$ ), 41–50 years ( $M = 3.35, SD = 0.959$ ), and more than 60 years ( $M = 3.64, SD = 1.054$ ). However, no significant differences were found between the other age groups.

From the table, it was found that a statistically significant effect of age group on the perception of readiness,  $F(4, 384) = 3.736, p = .005$ . Descriptive statistics revealed that participants in the age group  $>60$  ( $M = 3.74, SD = 1.135$ ) reported the highest readiness to face a legal battle. In contrast, those in the age group  $<30$  years ( $M = 3.03, SD = 1.040$ ) reported the lowest readiness. A Games-Howell post hoc test further indicated that the  $>60$  years age group had a significantly higher perception of readiness to handle legal battle, compared to the  $<30$  years group ( $p < .05$ ) and the 31-40 years group ( $p < .05$ ). No significant differences were found among the other age groups.

ANOVA results revealed a significant difference in social recognition through legal battles across age groups,  $F(4,384)=5.796,p<.001$ . Mean scores were: under 30 ( $M=3.68, SD=1.06$ ), 31–40 ( $M=3.47,SD=1.11$ ), 41–50 ( $M=3.21,SD=1.27$ ), 51–60 ( $M=3.07,SD=1.08$ ), and over 60 ( $M=2.76,SD=1.28$ ), with an overall mean of  $M=3.21,SD=1.20$ . Post hoc analysis using the Games-Howell test showed significantly higher social recognition for those under 30 compared to the 51–60 and over 60 age groups ( $M=3.07, M=2.76$ , respectively). Younger individuals,

especially those under 30, perceive greater social recognition through court battles than older groups.

ANOVA compares opinions of different age groups regarding the statement, "I am at a crossroads due to a legal battle in court." The results revealed a statistically significant difference in opinions among the age groups,  $F(4,384)=5.595, p<.001$ . Post-hoc comparisons using the Games-Howell test indicated that individuals in the 41-50 years age group significantly differed in their opinion compared to those in the 31-40 years age group and those aged >60 years. Specifically, the 41-50 years group reported higher levels of agreement with the statement than the 31-40 years group and the >60 years group. These findings suggest that individuals in the 41-50 years age group are more likely to feel at a crossroads due to legal battles in court compared to those in the other two age groups.

The analysis revealed a statistically significant difference in interest,  $F(4,384)=4.000, p=.003$ . Post-hoc comparisons using the Games-Howell test showed that individuals aged <30 years were significantly more interested in settling disputes outside of court than those aged 31-40 and those aged >60. This suggests that younger individuals (<30 years) are more inclined toward resolving disputes through mutual settlement compared to those in the 31-40 years and >60 years age groups.

**Table 4.5: ANOVA- Income on Litigants perceptions and attitudes toward court proceedings and the legal system**

		N	Mean	Std. Deviation	F-value	Sig.
Cases-in-courts are not disposed of as early as possible	< 1 lakh	93	3.72	1.210	2.196	.069
	1 Lakh to 2 lakh	140	3.93	1.008		
	2 lakh to 3 lakh	76	3.62	1.045		
	3 lakh to 4 lakh	47	3.66	1.147		
	More than 4 lakh	33	3.39	1.059		
	Total	389	3.74	1.094		
I have faith even in court Judgements for delay	< 1 lakh	93	3.27	1.320	4.181	.003
	1 Lakh to 2 lakh	140	3.61	0.957		
	2 lakh to 3 lakh	76	3.21	0.970		
	3 lakh to 4 lakh	47	3.30	1.121		
	More than 4 lakh	33	3.91	0.879		
	Total	389	3.44	1.089		
I believe court cases may be fought by Monied Persons	< 1 lakh	93	3.78	1.009	4.918	.001
	1 Lakh to 2 lakh	140	3.72	1.025		
	2 lakh to 3 lakh	76	3.34	1.078		
	3 lakh to 4 lakh	47	3.53	1.080		
	More than 4 lakh	33	3.03	0.984		
	Total	389	3.58	1.056		
I believe everything ends up in court.	< 1 lakh	93	3.46	1.147	1.283	.276
	1 Lakh to 2 lakh	140	3.39	0.911		
	2 lakh to 3 lakh	76	3.36	1.029		
	3 lakh to 4 lakh	47	3.09	1.039		
	More than 4 lakh	33	3.21	1.053		
	Total	389	3.35	1.024		
I am ready to face the legal battle for a Long time	< 1 lakh	93	3.56	1.410	1.923	.106
	1 Lakh to 2 lakh	140	3.31	1.132		
	2 lakh to 3 lakh	76	3.12	1.006		
	3 lakh to 4 lakh	47	3.57	1.211		
	More than 4 lakh	33	3.45	1.003		
	Total	389	3.38	1.188		
Whether you feel by legal battles in courts, you get social recognition	< 1 lakh	93	3.72	1.288	7.089	.000
	1 Lakh to 2 lakh	140	3.16	1.158		
	2 lakh to 3 lakh	76	3.08	0.977		
	3 lakh to 4 lakh	47	2.74	1.093		
	More than 4 lakh	33	2.94	1.321		
	Total	389	3.21	1.202		

The Legal battle is a burden for my family	< 1 lakh	93	4.52	0.746	5.723	.000
	1 Lakh to 2 lakh	140	4.02	0.956		
	2 lakh to 3 lakh	76	4.16	1.084		
	3 lakh to 4 lakh	47	3.72	1.499		
	More than 4 lakh	33	4.42	1.393		
	Total	389	4.16	1.086		
I am at a crossroads due to a legal battle in court	< 1 lakh	93	3.81	1.279	3.769	.005
	1 Lakh to 2 lakh	140	4.16	0.957		
	2 lakh to 3 lakh	76	3.75	1.060		
	3 lakh to 4 lakh	47	4.34	1.069		
	More than 4 lakh	33	4.15	1.202		
	Total	389	4.02	1.111		
To what extent will you be interested in patching up the dispute through mutual settlement outside the court?	< 1 lakh	93	2.66	1.211	9.337	.000
	1 Lakh to 2 lakh	140	3.43	1.094		
	2 lakh to 3 lakh	76	3.37	1.031		
	3 lakh to 4 lakh	47	2.98	0.989		
	More than 4 lakh	33	3.61	1.029		
	Total	389	3.19	1.140		

An ANOVA was conducted to examine the differences in responses based on annual income groups for various statements regarding legal battles. The following results were obtained.

**Faith in Court Judgments for Delay:** The ANOVA revealed a significant difference in the mean scores across income groups,  $F(4, 384) = 4.181, p = .003$ . Post hoc comparisons using the Games-Howell test indicated that respondents with an annual income of less than 1 lakh ( $M = 3.27, SD = 1.320$ ) had significantly lower scores than those with an income greater than 4 lakh ( $M = 3.91, SD = 0.879$ ).

**The belief that Monied Persons fight Court Cases:** A significant difference was found between income groups,  $F(4, 384) = 4.918, p = .001$ . Post hoc tests revealed that respondents with an income of more than 4 lacks ( $M = 3.03, SD = 0.984$ ) had significantly lower scores compared to those with an income of less than 1 lakh ( $M = 3.78, SD = 1.009$ ) and 1-2 lakh ( $M = 3.72, SD = 1.025$ ).

**Perception of Gaining Social Recognition through Legal Battles:** The ANOVA indicated a significant difference across income groups,  $F(4, 384) = 7.089, p < .0001$ . Post hoc comparisons showed that respondents with an income of less than 1 lakh ( $M = 3.72, SD = 1.288$ ) had significantly higher scores than those in all other income groups (1-2 lakh,  $M =$

3.16, SD = 1.158; 2-3 lakh, M = 3.08, SD = 0.977; 3-4 lakh, M = 2.74, SD = 1.093; more than 4 lakh, M = 2.94, SD = 1.321).

**Legal Battles as a Burden for Family:** There was a significant difference among the income groups,  $F(4, 384) = 5.723$ ,  $p < .0001$ . Post hoc tests revealed that respondents with an income of less than 1 lakh (M = 4.52, SD = 0.746) reported significantly higher perceptions of family burden than those with an income of 1-2 lakh (M = 4.02, SD = 0.956) and 3-4 lakh (M = 3.72, SD = 1.499).

**Feeling at Crossroads Due to Legal Battle:** The ANOVA showed a significant effect of income group on responses,  $F(4, 384) = 3.769$ ,  $p = .005$ . Post hoc analysis revealed that respondents with an income of 2-3 lakh (M = 3.75, SD = 1.060) reported significantly lower scores than those in the 1-2 lakh (M = 4.16, SD = 0.957) and 3-4 lakh (M = 4.34, SD = 1.069) income groups.

**Interest in Mutual Settlement Outside Court:** A significant difference was found in responses across income groups,  $F(4, 384) = 9.337$ ,  $p < .0001$ . Post hoc tests indicated that respondents with an income of less than 1 lakh (M = 2.66, SD = 1.211) had significantly lower interest in mutual settlement compared to those in the 1-2 lakh (M = 3.43, SD = 1.094), 2-3 lakh (M = 3.37, SD = 1.031), and more than 4 lakh (M = 3.61, SD = 1.029) income groups.

**Table 4.6: ANOVA- Dependents on Litigants perceptions and attitudes toward court proceedings and the legal system**

		N	Mean	Std. Deviation	F-Value	Sig
Cases-in-courts are not disposed of as early as possible	No Dependents	48	3.10	1.276	11.591	.000
	1 to 2	77	4.19	1.113		
	3- 4	207	3.67	1.000		
	More than 4	57	3.93	0.942		
	Total	389	3.74	1.094		
I have faith even in court Judgements for delay	No Dependents	48	3.27	1.144	2.436	.064
	1 to 2	77	3.71	1.157		
	3- 4	207	3.36	1.079		
	More than 4	57	3.49	0.928		
	Total	389	3.44	1.089		
I believe court cases may be fought by Monied Persons	No Dependents	48	3.50	0.899	1.006	.390
	1 to 2	77	3.77	1.123		
	3- 4	207	3.54	1.046		
	More than 4	57	3.54	1.119		
	Total	389	3.58	1.056		
I believe everything ends up in court.	No Dependents	48	3.75	0.934	5.258	.001
	1 to 2	77	3.43	1.093		
	3- 4	207	3.18	0.986		
	More than 4	57	3.53	1.020		
	Total	389	3.35	1.024		
I am ready to face the legal battle for a Long time	No Dependents	48	3.42	1.088	9.412	.000
	1 to 2	77	3.30	1.496		
	3- 4	207	3.20	1.081		
	More than 4	57	4.11	0.880		
	Total	389	3.38	1.188		
Whether you feel by legal battles in courts, you get social recognition	No Dependents	48	3.08	0.986	3.713	.012
	1 to 2	77	3.30	1.358		
	3- 4	207	3.08	1.161		
	More than 4	57	3.65	1.203		
	Total	389	3.21	1.202		
The Legal battle is a burden for my family	No Dependents	48	4.23	0.973	4.588	.004
	1 to 2	77	4.25	1.137		
	3- 4	207	4.00	1.130		
	More than 4	57	4.58	0.801		
	Total	389	4.00	1.130		

	Total	389	4.16	1.086		
I am at a crossroads due to a legal battle in court	No Dependents	48	3.15	1.167	13.768	.000
	1 to 2	77	4.17	1.197		
	3- 4	207	4.06	1.043		
	More than 4	57	4.39	0.796		
	Total	389	4.02	1.111		
To what extent will you be interested in patching up the dispute through mutual settlement outside the court?	No Dependents	48	3.25	1.391	8.823	.000
	1 to 2	77	2.68	1.163		
	3- 4	207	3.42	0.976		
	More than 4	57	3.04	1.210		
	Total	389	3.19	1.140		

Analysis of variance test was conducted on the effect of family size of respondents on the variables considered in the study.

**Cases in Courts Are Not Disposed as Early as Possible** The results revealed a statistically significant difference among the groups,  $F(3,385)=11.591, p<.001$ . Post hoc analysis using the Games-Howell method indicated that respondents with no dependents ( $M = 3.10, SD = 1.276$ ) differed significantly from others, with lower agreement than respondents with 1–2 dependents ( $M = 4.19, SD = 1.113$ ).

**I Believe Everything Ends Up in Court:** A significant difference was observed,  $F(3,385)=5.258, p=.001$ . Post hoc analysis using the Games-Howell test showed significant differences between respondents with no dependents ( $M = 3.75, SD = 0.934$ ) and those with 3–4 dependents ( $M = 3.18, SD = 0.986$ ).

**I Am Ready to Face the Legal Battle for a Long Time:** From the table, it was found that significant differences in readiness to endure prolonged legal battles across family sizes,  $F(3,385)=9.412, p<.001$ . Post hoc analysis showed significant differences between respondents with more than four dependents ( $M = 4.11, SD = 0.880$ ) and other groups.

**Whether You Feel Legal Battles in Courts Provide Social Recognition:** A one-way ANOVA showed significant differences in perceptions of social recognition through legal battles across family sizes,  $F(3,385)=3.713, p=.012$ . Post hoc analysis revealed significant differences between respondents with no dependents ( $M = 3.08, SD = 0.986$ ) and those with more than four dependents ( $M = 3.65, SD = 1.203$ ).

**The Legal Battle Is a Burden for My Family:** Test results revealed significant differences across groups,  $F(3,385)=4.588, p=.004$ . Post hoc analysis indicated significant differences between respondents with more than four dependents ( $M = 4.58, SD = 0.801$ ) and those with 3–4 dependents ( $M = 4.00, SD = 1.130$ ).

**I Am at Crossroads Due to Legal Battles in Court:** A one-way ANOVA demonstrated significant differences in feelings of uncertainty due to legal battles,  $F(3,385)=13.768, p<.001$ . Post hoc analysis showed significant differences between respondents with no dependents ( $M = 3.15, SD = 1.167$ ) and other groups.

**Interest in Settling Disputes Outside the Court:** From the analysis, it was found that significant differences in willingness to settle disputes outside court,  $F(3,385)=8.823, p<.001$ . Post hoc analysis showed significant differences between the respondents with 3–4 dependents ( $M = 3.42, SD = 0.976$ ) and those with 1–2 dependents ( $M = 2.68, SD = 1.163$ ).

**Table 4.7: Independent Sample T-test- Gender on Litigants perceptions and attitudes toward court proceedings and the legal system**

Gender		N	Mean	Std. Deviation	Std. Error Mean	t-value	sig
Cases-in-courts are not disposed of as early as possible	Male	336	3.68	1.100	.0600	74.843	.002
	Female	53	4.15	0.969	.1331		
Who is responsible, either the courts or Advocate for Delay	Male	336	3.54	1.103	.0602	387	.010
	Female	53	3.96	1.073	.1475		
I have faith even in court Judgements for delay	Male	336	3.42	1.070	.0584	387	.296
	Female	53	3.58	1.200	.1648		
I believe court cases may be fought by Monied Persons	Male	336	3.55	1.067	.0582	387	.117
	Female	53	3.79	0.968	.1330		
I believe everything ends up in court.	Male	336	3.23	0.989	.0540	387	.000
	Female	53	4.09	0.925	.1271		
I am ready to face the legal battle for a Long time	Male	336	3.29	1.134	.0618	63.938	.001
	Female	53	3.96	1.358	.1866		
Whether you feel by legal battles in courts, you get social recognition	Male	336	3.12	1.156	.0631	64.734	.002
	Female	53	3.75	1.343	.1845		
The Legal battle is a burden for my family	Male	336	4.15	1.122	.0612	86.318	.286
	Female	53	4.28	0.818	.1123		
I am at a cross-roads due to a legal battle in court	Male	336	4.01	1.116	.0609	387	.686
	Female	53	4.08	1.089	.1496		
To what extent will be interested to patch up the dispute by Mutual settlement outside the court?	Male	336	3.23	1.052	.0574	59.414	.281
	Female	53	2.98	1.587	.2180		

An independent samples t-test was conducted to compare male and female respondents' perceptions regarding various aspects of legal battles and court processes. Significant gender differences were observed for several items. Females perceived that **cases in courts are not disposed of promptly** ( $M = 4.15$ ,  $SD = 0.97$ ) compared to males ( $M = 3.68$ ,  $SD = 1.10$ ),  $t(387)=74.843, p=.002$  ( $t(387) = 74.843, p = .002$ ), and attributed more responsibility to **courts or advocates for delays** ( $M = 3.96$ ,  $SD = 1.07$ ) than males ( $M = 3.54$ ,  $SD = 1.10$ ),  $t(387)=3.87, p=.010$  ( $t(387) = 3.87, p = .010$ ). Females were more

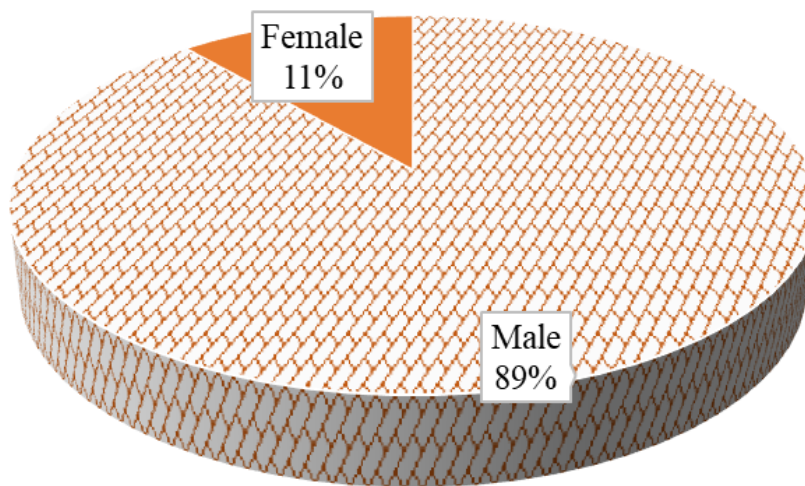
likely to believe that **everything ends up in court** ( $M = 4.09$ ,  $SD = 0.93$ ) compared to males ( $M = 3.23$ ,  $SD = 0.99$ ),  $t(387)=59.414, p<.001$   $t(387) = 59.414$ ,  $p < .001$   $t(387)=59.414, p<.001$ , and reported a higher **readiness to face prolonged legal battles** ( $M = 3.96$ ,  $SD = 1.36$ ) than males ( $M = 3.29$ ,  $SD = 1.13$ ),  $t(387)=63.938, p=.001$   $t(387) = 63.938$ ,  $p = .001$   $t(387)=63.938, p=.001$ . Additionally, females perceived that **legal battles lead to social recognition** more strongly ( $M = 3.75$ ,  $SD = 1.34$ ) than males ( $M = 3.12$ ,  $SD = 1.16$ ),  $t(387)=64.734, p=.002$   $t(387) = 64.734$ ,  $p = .002$   $t(387)=64.734, p=.002$ . No significant differences were observed in faith in courts despite delays, perceptions of financial influence in court cases, the burden of legal battles on families, feelings of being at a crossroads due to legal conflicts, or interest in mutual settlement outside the court. These findings suggest that females may have heightened sensitivity to delays and advocate accountability in the legal process, possibly due to their experiences or expectations of systemic inefficiencies. Furthermore, females may view legal battles as socially significant and demonstrate greater readiness to engage in lengthy court cases, reflecting either a sense of determination or societal pressures to resolve conflicts thoroughly. Conversely, shared perceptions across genders indicate a mutual recognition of the emotional and financial burdens imposed by legal disputes.

## ADVOCATES

**Table 4.8: Gender wise classification of Advocates**

	Frequency	Percent
Male	361	88.7
Female	46	11.3
Total	407	100.0

**Chart 4.8: Gender wise classification of Advocates**

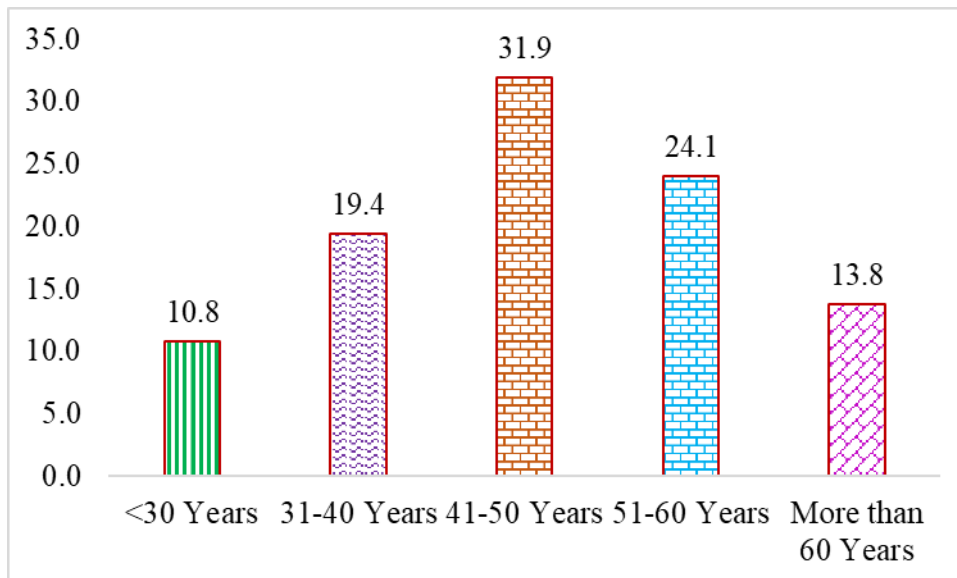


The sample consisted of 407 participants, with the majority being male (n=361, 88.7%) and a smaller proportion being female (n=46, 11.3%).

**Table 4.9: Age-wise Classification of Advocates**

	Frequency	Percent
<30 Years	44	10.8
31-40 Years	79	19.4
41-50 Years	130	31.9
51-60 Years	98	24.1
More than 60 Years	56	13.8
Total	407	100.0

**Chart 4.9: Age-wise Classification of Advocates**



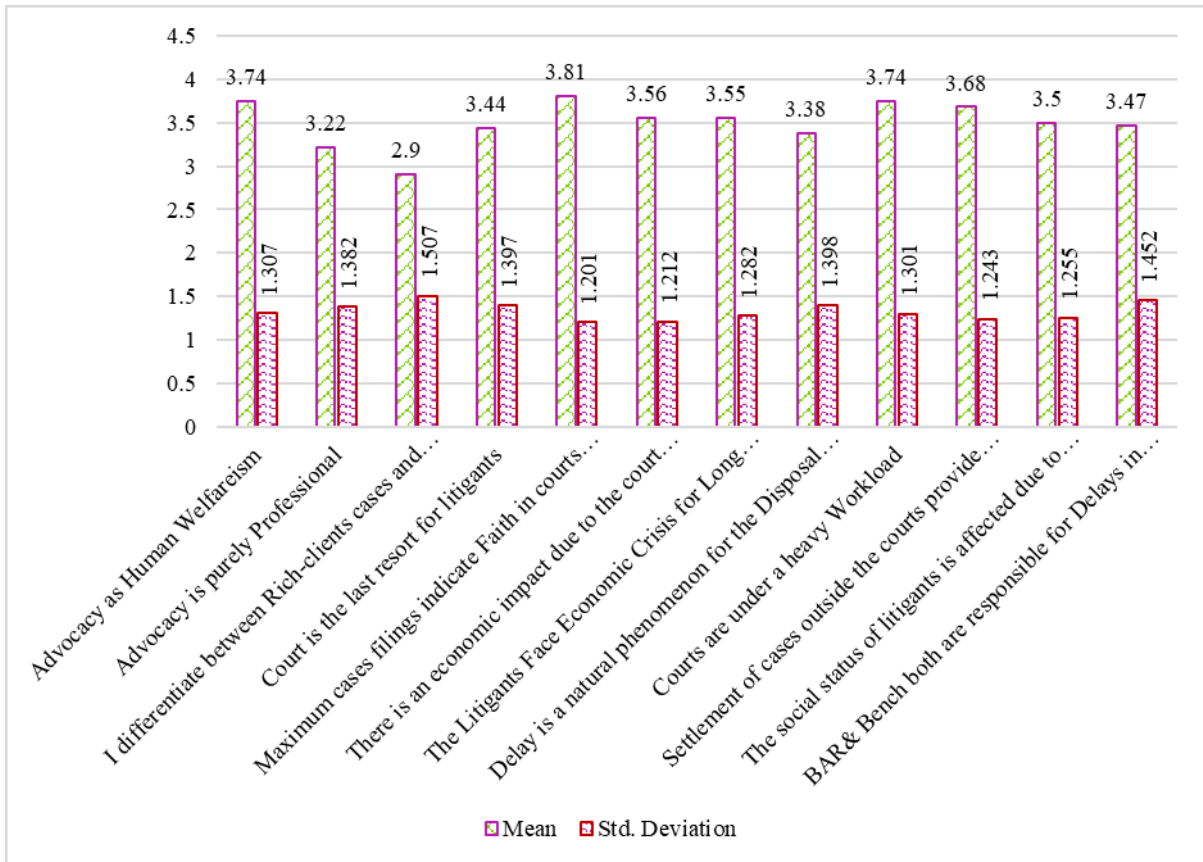
**Interpretation**

The age distribution of the participants indicates that 31.9% were aged 41–50 years, making it the largest group. This was followed by 24.1% in the 51–60 years age group, 19.4% in the 31–40 years group, 13.8% aged over 60 years, and 10.8% under 30 years.

**Table 4.10: Advocates perceptions and attitudes toward court proceedings and the legal system**

	<b>Mean</b>	<b>Std. Deviation</b>
Advocacy as Human Welfareism	3.74	1.307
Advocacy is purely Professional	3.22	1.382
I differentiate between Rich-clients cases and Poor client cases	2.90	1.507
Court is the last resort for litigants	3.44	1.397
Maximum cases filings indicate Faith in courts as a legal awareness	3.81	1.201
There is an economic impact due to the court case pendency	3.56	1.212
The Litigants Face Economic Crisis for Long Legal Battles	3.55	1.282
Delay is a natural phenomenon for the Disposal of cases by courts	3.38	1.398
Courts are under a heavy Workload	3.74	1.301
Settlement of cases outside the courts provides complete satisfaction to litigants	3.68	1.243
The social status of litigants is affected due to Long Legal battles	3.50	1.255
BAR& Bench both are responsible for Delays in Disposal of cases	3.47	1.452

**Chart 4.10: Advocates perceptions and attitudes toward court proceedings and the legal system**



**Interpretation:**

Descriptive statistics were computed to assess advocates' perceptions and attitudes toward court proceedings and the legal system. Advocates moderately agreed with the statements “*Advocacy as Human Welfareism*” (M=3.74,SD=1.31), “*Courts are under a heavy workload*” (M=3.74,SD=1.30), and “*Maximum case filings indicate faith in courts as legal awareness*” (M=3.81,SD=1.20). Moderate agreement was also observed for “*Settlement of cases outside the courts provides satisfaction to litigants*” (M=3.68,SD=1.24), “*There is an economic impact due to court case pendency*” (M=3.56,SD=1.21), and “*The litigants face an economic crisis for long legal battles*” (M=3.55,SD=1.28). Advocates expressed slightly lower agreement with “*Court is the last resort for litigants*” (M=3.44,SD=1.40) and “*BAR and Bench are responsible for delays in disposal of cases*” (M=3.47,SD=1.45). Relatively lower agreement was seen for “*Advocacy is purely professional*” (M=3.22,SD=1.38) and “*I differentiate between rich-client cases and poor-client cases*” (M=2.90,SD=1.51). These results reflect varying levels of agreement among advocates on key aspects of court proceedings and the legal system.

**Table 4.10: ANOVA- Age on Advocates perceptions and attitudes toward court proceedings and the legal system**

		N	Mean	Std. Deviation	F- Value	Sig.
Advocacy as Human Welfareism	<30 Years	44	3.00	1.778	8.349	.000
	31-40 Years	79	3.35	1.378		
	41-50 Years	130	3.85	1.086		
	51-60 Years	98	4.04	1.209		
	More than 60 Years	56	4.09	1.066		
	Total	407	3.74	1.307		
Advocacy is purely Professional	<30 Years	44	2.52	1.663	7.502	.000
	31-40 Years	79	3.23	1.395		
	41-50 Years	130	3.01	1.303		
	51-60 Years	98	3.45	1.261		
	More than 60 Years	56	3.84	1.187		
	Total	407	3.22	1.382		
I differentiate between Rich-clients cases and Poor client cases	<30 Years	44	2.30	1.564	3.211	.013
	31-40 Years	79	2.66	1.475		
	41-50 Years	130	3.01	1.573		
	51-60 Years	98	3.13	1.337		
	More than 60 Years	56	3.04	1.513		
	Total	407	2.90	1.507		
Court is the last resort for litigants	<30 Years	44	3.09	1.597	2.637	.034
	31-40 Years	79	3.20	1.436		
	41-50 Years	130	3.49	1.443		
	51-60 Years	98	3.50	1.286		
	More than 60 Years	56	3.86	1.151		
	Total	407	3.44	1.397		
Maximum cases filings indicate Faith in courts as a legal awareness	<30 Years	44	4.14	.930	2.967	.020
	31-40 Years	79	3.81	1.156		
	41-50 Years	130	3.55	1.447		
	51-60 Years	98	4.00	.963		
	More than 60 Years	56	3.84	1.108		
	Total	407	3.81	1.201		
There is an economic impact due to the court case pendency	<30 Years	44	4.07	1.149	5.006	.001
	31-40 Years	79	3.14	1.174		
	41-50 Years	130	3.53	1.265		
	51-60 Years	98	3.72	1.138		
	More than 60 Years	56	3.50	1.144		

	Total	407	3.56	1.212		
The Litigants Face Economic Crisis for Long Legal Battles	<30 Years	44	3.95	1.077	3.210	.013
	31-40 Years	79	3.22	1.402		
	41-50 Years	130	3.48	1.228		
	51-60 Years	98	3.60	1.266		
	More than 60 Years	53	3.81	1.302		
	Total	404	3.55	1.282		
Delay is a natural phenomenon for Disposal of cases by courts	<30 Years	44	3.43	1.634	2.339	.055
	31-40 Years	79	3.72	1.154		
	41-50 Years	130	3.43	1.358		
	51-60 Years	98	3.12	1.387		
	More than 60 Years	56	3.20	1.554		
	Total	407	3.38	1.398		
Courts are under a heavy Workload	<30 Years	44	4.45	.730	4.186	.002
	31-40 Years	79	3.71	1.167		
	41-50 Years	130	3.58	1.386		
	51-60 Years	98	3.62	1.418		
	More than 60 Years	56	3.79	1.261		
	Total	407	3.74	1.301		
Settlement of cases outside the courts provides complete satisfaction to litigants	<30 Years	44	3.82	1.206	5.062	.001
	31-40 Years	79	3.23	1.432		
	41-50 Years	130	3.67	1.164		
	51-60 Years	98	3.71	1.201		
	More than 60 Years	56	4.16	1.041		
	Total	407	3.68	1.243		
The social status of litigants is affected due to Long Legal battles	<30 Years	44	4.39	.970	8.229	.000
	31-40 Years	79	3.51	1.119		
	41-50 Years	130	3.18	1.422		
	51-60 Years	98	3.50	1.133		
	More than 60 Years	56	3.57	1.110		
	Total	407	3.50	1.255		
BAR& Bench both are responsible for Delays in Disposal of cases	<30 Years	44	4.30	1.391	5.807	.000
	31-40 Years	79	3.52	1.357		
	41-50 Years	130	3.18	1.408		
	51-60 Years	98	3.31	1.453		
	More than 60 Years	56	3.71	1.486		
	Total	407	3.47	1.452		

**Advocacy as Human Welfareism:** An analysis of variance (ANOVA) was conducted to examine the differences in responses to "Advocacy as Human Welfareism" across different age groups. The results indicated a significant effect of age on the responses,  $F(4, 402) = 8.349$ ,  $p$

< .001. Post hoc comparisons using the Games-Howell test revealed that advocates under 30 years of age ( $M = 3.00$ ,  $SD = 1.78$ ) had significantly different opinions compared to all other age groups, who reported higher mean scores. The total sample ( $N = 407$ ) had a mean of 3.74 ( $SD = 1.31$ ).

**Advocacy is Purely Professional:** For the statement "Advocacy is purely professional," the ANOVA revealed a significant effect of age,  $F(4, 402) = 7.502$ ,  $p < .001$ . Post hoc comparisons indicated that advocates under 30 years of age ( $M = 2.52$ ,  $SD = 1.66$ ) differed significantly from those aged 51-60 years ( $M = 3.45$ ,  $SD = 1.26$ ) and over 60 years ( $M = 3.84$ ,  $SD = 1.19$ ). The overall mean was 3.22 ( $SD = 1.38$ ) for all respondents.

**I Differentiate Between Rich-Client Cases and Poor-Client Cases:** The ANOVA for "I differentiate between rich-client cases and poor-client cases" showed a significant effect of age,  $F(4, 402) = 3.211$ ,  $p = .013$ . Post hoc analysis revealed that advocates under 30 years ( $M = 2.30$ ,  $SD = 1.56$ ) significantly differed from those aged 51-60 years ( $M = 3.13$ ,  $SD = 1.34$ ). The overall mean for all respondents was 2.90 ( $SD = 1.51$ ).

**Court is the Last Resort to Litigants:** An ANOVA conducted on "Court is the last resort to litigants" revealed a significant effect of age,  $F(4, 402) = 2.637$ ,  $p = .034$ . The post hoc analysis indicated that advocates aged over 60 years ( $M = 3.86$ ,  $SD = 1.15$ ) had significantly different opinions from those aged 31-40 years ( $M = 3.20$ ,  $SD = 1.44$ ). The overall mean for all participants was 3.44 ( $SD = 1.40$ ).

**Maximum Case Filings Indicate Faith to Courts as Legal Awareness:** For the statement "Maximum case filings indicate faith in courts as legal awareness," the ANOVA showed a significant effect,  $F(4, 402) = 2.967$ ,  $p = .020$ . Post hoc tests revealed that advocates aged 41-50 years ( $M = 3.55$ ,  $SD = 1.45$ ) differed significantly from advocates under 30 years ( $M = 4.14$ ,  $SD = 0.93$ ) and those aged 51-60 years ( $M = 4.00$ ,  $SD = 0.96$ ). The overall mean was 3.81 ( $SD = 1.20$ ).

**There is an Economic Impact Due to Court Case Pendency:** An analysis of variance revealed that age had a significant effect on responses to "There is an economic impact due to court case pendency,"  $F(4, 402) = 5.006$ ,  $p = .001$ . Post hoc analysis showed significant differences between advocates under 30 years ( $M = 4.07$ ,  $SD = 1.15$ ) and those aged 31-40

years ( $M = 3.14$ ,  $SD = 1.17$ ) and 51-60 years ( $M = 3.72$ ,  $SD = 1.14$ ). The overall mean for all participants was 3.56 ( $SD = 1.21$ ).

**The Litigants Face Economic Crisis for Long Legal Battles:** For "The litigants face an economic crisis for long legal battles," the ANOVA revealed a significant effect of age,  $F(4, 401) = 3.210$ ,  $p = .013$ . Post hoc tests indicated that advocates under 30 years old ( $M = 3.95$ ,  $SD = 1.08$ ) had significantly different views than advocates aged 31-40 ( $M = 3.22$ ,  $SD = 1.40$ ). The total sample's mean was 3.55 ( $SD = 1.28$ ).

**Delay is a Natural Phenomenon for Disposal of Cases by Courts:** The ANOVA for the statement "Delay is a natural phenomenon for disposal of cases by courts" did not reach statistical significance,  $F(4, 402) = 2.339$ ,  $p = .055$ .

**Courts are Under Heavy Workload:** An ANOVA for "Courts are under heavy workload" showed a significant effect of age,  $F(4, 402) = 4.186$ ,  $p = .002$ . Post hoc results indicated that advocates under 30 years ( $M = 4.45$ ,  $SD = 0.73$ ) differed significantly from other age groups, particularly from those aged 31-40 years ( $M = 3.71$ ,  $SD = 1.17$ ) and 41-50 years ( $M = 3.58$ ,  $SD = 1.39$ ). The overall mean was 3.74 ( $SD = 1.30$ ).

**Settlement of Cases Outside the Courts Provides Complete Satisfaction to Litigants:** For the statement "Settlement of cases outside the courts provides complete satisfaction to litigants," the ANOVA revealed a significant effect of age,  $F(4, 402) = 5.062$ ,  $p = .001$ . Post hoc tests showed that advocates aged over 60 years ( $M = 4.16$ ,  $SD = 1.04$ ) had significantly different opinions compared to those aged 31-40 years ( $M = 3.23$ ,  $SD = 1.43$ ) and 41-50 years ( $M = 3.67$ ,  $SD = 1.16$ ). The overall mean was 3.68 ( $SD = 1.24$ ).

**Social Status of Litigants is Affected Due to Long Legal Battles:** The ANOVA for "Social status of litigants is affected due to long legal battles" showed a significant effect of age,  $F(4, 402) = 8.229$ ,  $p < .001$ . Post hoc tests indicated that advocates under 30 years old ( $M = 4.39$ ,  $SD = 0.97$ ) had significantly different views than advocates in all other age groups. The overall mean for all respondents was 3.50 ( $SD = 1.26$ ).

**BAR & Bench are Both Responsible for Delay in Disposal of Cases:** Finally, the ANOVA for "BAR & Bench are both responsible for delay in disposal of cases" showed a significant effect,  $F(4, 402) = 5.807$ ,  $p < .001$ . Post hoc results indicated that advocates under 30 years ( $M$

= 4.30, SD = 1.39) had significantly different views compared to those aged 31-40 years (M = 3.52, SD = 1.36), 41-50 years (M = 3.18, SD = 1.41), and 51-60 years (M = 3.31, SD = 1.45). The total sample had a mean of 3.47 (SD = 1.45

**Table 4.12: Independent Sample T-test- Gender on Advocates perceptions and attitudes toward court proceedings and the legal system**

Gender	N	Mean	Std. Deviation	Std. Error Mean	T-value	Sig
Advocacy as Human Welfareism	Male	361	3.86	1.226	4.468	.000
	Female	46	2.80	1.544		
Advocacy is purely Professional	Male	361	3.30	1.359	3.569	.000
	Female	46	2.54	1.394		
I differentiate between Rich-clients cases and Poor client cases	Male	361	2.91	1.475	.478	.635
	Female	46	2.78	1.750		
Court is the last resort to litigants	Male	361	3.53	1.358	3.459	.001
	Female	46	2.78	1.534		
Maximum cases filings indicate Faith in courts as a legal awareness	Male	361	3.78	1.239	-2.264	.026
	Female	46	4.09	.812		
There is an economic impact due to the court case pendency	Male	361	3.52	1.216	-1.814	.075
	Female	46	3.85	1.154		
The Litigants Face Economic Crisis for Long Legal Battles	Male	358	3.47	1.298	-4.500	.000
	Female	46	4.17	.950		
Delay is a natural phenomenon for the Disposal of cases by courts	Male	361	3.29	1.405	-4.361	.000
	Female	46	4.09	1.132		
Courts are under a heavy Workload	Male	361	3.67	1.331	-3.775	.000
	Female	46	4.24	.899		
Settlement of cases outside the courts provides complete satisfaction to litigants	Male	361	3.71	1.223	1.172	.246
	Female	46	3.46	1.378		
The social status of litigants is affected due to Long Legal battles	Male	361	3.40	1.246	-5.236	.000
	Female	46	4.28	1.047		
BAR& Bench both are responsible for Delays in Disposal of cases	Male	361	3.37	1.458	-5.260	.000
	Female	46	4.30	1.093		

**Interpretation:**

An independent samples t-test conducted to compare advocates' perceptions and attitudes toward court proceedings and the legal system across gender groups. The results are represented as follows:

**Advocacy as Human Welfareism:** Male advocates ( $M=3.86, SD=1.23$ ) reported significantly higher agreement than female advocates ( $M=2.80, SD=1.54$ ),  $t(405)=4.47, p<.001$ .

**Advocacy is Purely Professional:** Male advocates ( $M=3.30, SD=1.36$ ) also rated higher than female advocates ( $M=2.54, SD=1.39$ ),  $t(405)=3.57, p<.001$ .

**Court is the Last Resort to Litigants:** Male advocates ( $M=3.53, SD=1.36$ ) reported significantly higher agreement than female advocates ( $M=2.78, SD=1.53$ ),  $t(405)=3.46, p=.001$ .

**Maximum Case Filings Indicate Faith in Courts as Legal Awareness:** Female advocates ( $M=4.09, SD=0.81$ ) rated higher than male advocates ( $M=3.78, SD=1.24$ ),  $t(405)=-2.26, p=.026$ .

**The Litigants Face Economic Crisis for Long Legal Battles:** Female advocates ( $M=4.17, SD=0.95$ ) rated significantly higher than male advocates ( $M=3.47, SD=1.30$ ),  $t(402)=-4.50, p<.001$ .

**Delay is a Natural Phenomenon for the Disposal of Cases by Courts:** Female advocates ( $M=4.09, SD=1.13$ ) rated higher than male advocates ( $M=3.29, SD=1.41$ ),  $t(405)=-4.36, p<.001$ .

**Courts Are Under a Heavy Workload:** Female advocates ( $M=4.24, SD=0.90$ ) reported significantly higher agreement than male advocates ( $M=3.67, SD=1.33$ ),  $t(405)=-3.78, p<.001$ .

**The Social Status of Litigants Is Affected Due to Long Legal Battles:** Female advocates ( $M=4.28, SD=1.05$ ) rated higher than male advocates ( $M=3.40, SD=1.25$ ),  $t(405)=-5.24, p<.001$ .

**BAR and Bench Are Responsible for Delays in Disposal of Cases:** Female advocates ( $M=4.30, SD=1.09$ ) reported significantly higher agreement than male advocates ( $M=3.37, SD=1.46$ ),  $t(405)=-5.26, p<.001$ .

For the non-significant results, no statistically significant gender differences were found in advocacy differentiation between rich and poor clients ( $p=.635$ ) or satisfaction with case settlements outside courts ( $p=.246$ ). Additionally, the perception that economic impact occurs due to case pendency approached significance ( $p=.075$ ) but did not meet the threshold.

## **SECTION -B**

### **INTERVIEW FROM JUDGES**

#### **Q-1: Is the 'Rule' directly proportional to 'Law'?**

The relationship between 'Rule' and 'Law' is often a subject of philosophical and legal debate. One prominent view is that while the 'Rule' represents a broad guiding principle, applying the law is more concrete and specific. In constitutionalism, the Rule of Law is not simply about obeying the law but ensuring that laws are applied fairly and consistently. It involves a dynamic interaction between legal systems and societal expectations. Legal principles like constitutionalism go beyond mere obedience, encompassing ideals of fairness, justice, and equality before the law. In this context, 'Niti' (law or rule) and 'Nyaya' (justice) are considered distinct but complementary: 'Niti' sets the framework for legal conduct, while 'Nyaya' ensures the law aligns with justice. This alignment is crucial for realizing constitutional goals. However, the application of law does not always directly correlate with the Rule of Law as perceived by the citizens or legal practitioners, emphasizing that constitutionalism is not solely about legal obedience but also about achieving equitable justice.

#### **Q-2: Do Laws make men, or do men make Laws?**

Laws are not merely abstract norms; they reflect societal values, beliefs, and needs. Human decisions, cultural contexts, and socio-political pressures inherently shape lawmaking. Laws are a product of society—they are created, modified, and enforced based on that society's collective will and governance structures. In this sense, human beings make laws, but the laws, in turn, shape individuals' behavior and societal structure. The interplay between human agency and the law demonstrates the duality of legal systems: laws are created by human beings, yet they dictate the bounds of acceptable behavior within a society. Legal engineering, which combines law and socio-economic realities, underscores this relationship. As societies evolve,

so do the laws, suggesting that law is continuously shaped by human interaction with social norms, economic realities, and political considerations.

**Q-3: How can the integration of technology, or the concept of 'Technocrat,' enhance the efficiency of court management and improve the judicial process in the modern legal system?**

The intersection of technology and law has become indispensable in today's digital age. The increasing complexity of case management, the need for transparency, and the pressure for faster judicial processes demand that both the Bar and the Bench embrace technology. The judiciary's role has transformed with the integration of information technology, and court managers, judges, and legal professionals need to adapt by becoming proficient in these tools. The concept of 'Technocrat' refers to the idea of creating synergy between law and technology, where legal professionals understand the law and utilize technological innovations to improve case management and enhance judicial efficiency. Court managers, in particular, must use databases and technological platforms to organize and track cases, manage cause lists, and implement effective scheduling systems. Training in legal technology, procedural regulations, and judicial norms is essential to improve judicial outcomes and address the mounting backlog of court cases. Through such integration, judicial systems can function more efficiently, reduce case delays, and provide better access to justice.

**Q-4: How can integrating technology with legal principles help address the challenges of long-pending lawsuits and improve the efficiency of judicial processes?**

Applying a synthetic theory of law, which integrates legal principles with technological advancements, is crucial for addressing long-pending lawsuits. The blending of law and technology offers a practical solution to inefficiencies in the judicial process. In many courts, delays in case resolutions arise from outdated systems and manual processes. However, by applying modern technological solutions such as case management software, automated scheduling, and digital court records, the speed and efficiency of court proceedings can be significantly enhanced. Courts are increasingly adopting technologies like Artificial Intelligence (AI) to predict case durations, assist in legal research, and streamline administrative tasks. This integration speeds up the legal process and ensures more accurate and timely judgments. Furthermore, using technology can help overcome the backlog of pending cases by enabling better case tracking, reducing human error, and improving the

overall management of judicial processes. Thus, the interface of law and technology holds significant promise for transforming the judicial landscape and reducing case pendency.

**Q-5: What is the socioeconomic impact of long-pending cases in courts, and how do factors like poverty, education, and access to legal services exacerbate the delays in justice?**

Socioeconomics is the study of how economic activity and social behavior influence each other, encompassing factors such as wealth distribution, education, and employment. In the legal context, socioeconomics plays a significant role in understanding the impact of long-pending cases. Delayed justice has a profound socioeconomic impact, affecting individuals' livelihoods, rights, and opportunities. Long-pending cases contribute to the denial of justice and hinder economic development, especially for vulnerable populations who may not have the resources to wait for legal redress. Socioeconomic factors like poverty, education, and access to legal services also exacerbate the impact of delayed justice. For example, people from disadvantaged backgrounds may face even longer waits due to systemic barriers to accessing legal support. Furthermore, inefficient judicial processes also strain public resources as the cost of litigation, judicial time, and administrative resources increase. Understanding the socioeconomic implications of these delays highlights the need for reform and efficient management to ensure that justice is both timely and equitable.

**Q-6: How Does a Court Manager Make a Value Judgment About the Case Complexity and Time-Frame While Preparing the Daily Court Cause List?**

Court managers make critical decisions regarding case prioritization, time allocation, and scheduling. These decisions involve evaluating the complexity of cases, the availability of judicial resources, and the urgency of each case. A value judgment is made based on various factors, including the type of case, its procedural status, the expected duration of hearings, and the resources available to the court. For instance, cases involving fundamental rights or urgent issues like bail applications may be prioritized over routine matters. Effective case management is a strategic process that ensures the optimal allocation of time and resources while considering the procedural demands of each case. In preparing the daily court cause list, court managers must also account for judicial availability, attorney scheduling conflicts, and the need for specialized judges. This careful evaluation ensures that the court operates efficiently, with a reduced risk of delays and an enhanced ability to dispose of cases promptly.

**Q-7: Does the irregular transfer of judicial officers between districts affect the speedy disposal of cases, and how does it impact the continuity and efficiency of case management?**

The transfer of judicial officers between districts, while often a part of administrative procedures, can significantly disrupt the continuity of judicial work. Such transfers may lead to delays in cases due to the new officer's unfamiliarity with the local context, caseload, and ongoing cases. This disruption can slow down proceedings, especially if the new judge needs time to adapt to the new district and familiarize themselves with the backlog of pending cases. The lack of continuity can lead to unnecessary adjournments, inefficient case management, and delayed justice. Ensuring a more stable assignment of judicial officers could help maintain the momentum in case processing, allowing for more consistent and timely disposal of cases.

**Q-8: Do excessive adjournments contribute to delays in case disposal, and what measures can be taken to reduce their impact on the efficiency of the legal system?**

Excessive adjournments are a major contributor to delays in case disposal. The granting of frequent adjournments can stall judicial processes, prolong litigation, and add to the case backlog. At the same time, some adjournments are necessary to ensure fair proceedings—such as when one party requires additional time to prepare their case—excessive adjournments often reflect inefficiencies within the system. These delays may be caused by factors such as the unavailability of legal representatives, incomplete preparation by the parties involved, or administrative issues. Excess adjournments not only hinder timely access to justice but also contribute to the overall inefficiency of the legal system. To address this issue, reforms, such as stricter guidelines for adjournment requests and better case management practices, could be implemented to reduce unnecessary delays.

**Q-9: How can courts balance the concepts of 'justice delayed is justice denied' and 'justice hurried is justice buried' to ensure that justice is timely and fair?**

The adage “justice delayed is justice denied” underscores the importance of timeliness in the judicial process. However, there is a delicate balance between avoiding unnecessary delays and ensuring justice is not rushed. Rushed justice can lead to flawed decisions, miscarriages of justice, and violations of due process. On the other hand, delays in justice can harm individuals, undermine trust in the legal system, and prevent people from obtaining the redress they deserve.

The key lies in striking a balance between the two extremes. Courts must ensure that justice is delivered expeditiously without compromising the quality of the decision-making process. Effective case management, clear procedural guidelines, and a well-resourced judiciary are essential to achieve this balance, ensuring that justice is neither delayed nor hurried but delivered fairly and timely.

### **Section-C**

#### **Case Studies**

##### **Case Study 1 :**

Title Suit No. 184/1969 - An In-depth Analysis of Delay and Pendency

**Court:** Civil Judge (Senior Division) No. 10, Dhanbad

**Parties Involved:** Mr. Banaras Lal Agarwal (Plaintiff) vs. Nisar Ahmed and Others (Defendants)

**Central Issue:** Delay of 55 years and ongoing pendency

**Status:** Pending before the Hon'ble High Court of Jharkhand, Ranchi, and the Execution Case No. 08/1997 is still pending in the court of Civil Judge (Senior Division) No. 10, Dhanbad.

**Chronology of Events:** Trial Court Judgment: Delivered on 26th April 1997, First Appeal No. 12/1997: Decided on 24th May 2003, Second Appeal No. 387/2003: Filed by the Defendants and still pending before the Hon'ble High Court of Jharkhand since 2003 (21 years). Execution Case No. 08/1997: Pending for over 27 years in the Civil Judge (Senior Division) No. 10, Dhanbad.

**Case Background:** The Plaintiff obtained possession of the suit property through a Registered Kewala Deed on 22nd January 1944, after the expiration of a Mortgage Deed dated 12th December 1931. Defendants 1 to 5 and 6 collected rent from tenants on the mortgaged property. After the expiry of the mortgage deed, the Defendants failed to deliver possession of the property to the Plaintiff. Consequently, the Plaintiff filed a suit for khas possession of the property, seeking eviction of the Defendants and mesne profits. The Defendants claimed absolute right, title, interest, and possession over the suit property, which they acquired through a Registered Sale Deed on 3rd March 1948, executed by Allabux and others, who had obtained possession via a Registered Deed of Indenture dated 3rd September 1946. The Plaintiff's Deed, dated 22nd January 1944, was disputed as it was outside the scope of the property claimed by the Defendants. The Defendants argued that the suit was barred by time, as both the Sale Deed and the Mortgage Deed were not filed within the prescribed time limits.

Court Decisions: Trial Court Judgment (26th April 1997) - The trial court ruled in favor of the Plaintiff, decreeing that the Defendants must hand over possession of the property to the Plaintiff. The decree was passed accordingly.

**Analysis of Delay/Pendency:** Frequent adjournments have contributed to the delay in resolving the case. The non-application of Articles 61, 63, and 136 of the Limitation Act and possible misinterpretation have extended the pendency. The non-application of the legal concept of "Decline of Merger" has also resulted in prolonged delays. The Cross-Appeal Decree 2003 was not executed within 12 years, adding to the continued pendency.

**Researcher's Interpretation:** The delay in this case can be primarily attributed to the insufficient application of legal intelligence within the judicial community. Inefficient case disposal often results from a lack of thorough understanding of legal principles and procedural mechanisms. A more refined legal intelligence can significantly expedite case resolution by enabling more effective navigation of legal concepts and procedural requirements. This case highlights systemic inefficiencies in the Indian judicial system, driven by frequent adjournments, misapplication of the Limitation Act, and a lack of legal clarity. The prolonged pendency, spanning over five decades, underscores the urgent need for judicial reforms. These reforms should focus on enhancing case management, promoting deeper legal understanding, and ensuring a quicker and more efficient resolution of disputes. Addressing these concerns can lead to a more effective justice delivery system, ultimately ensuring timely resolution and reducing the backlog of cases.

## **Case Study 2:**

**Title:** Arbitration Reference vide Notice dated 27.7.1995

**Court:** Civil Judge (Senior Division) No. 10, Dhanbad

**Parties Involved:** Steel Authority of India Limited (SAIL) vs. Mercantile Construction Company (MCC)

**Central Issue:** Delay in the enforcement of the final award and unresolved legal issues under the Arbitration Act

**Status:** Pending before the Hon'ble Civil Judge (Senior Division) No. 10, Dhanbad

### **Chronology of Events:**

- **Contract Awarded:** On 17th December 1983, SAIL awarded the contract to MCC for 3 years.

- **Arbitration Reference:** The claimant, SAIL, sought Arbitration Reference on 27th July 1995.
- **First Arbitrator Appointment:** The first Arbitrator was appointed by SAIL, and his award was published.
- **Challenge to the Award:** The award was challenged under A.P. No. 55/1998, Section 34 of the 1996 Arbitration Act, which remains pending in the Hon'ble Calcutta High Court for 26 years.
- **First Arbitrator's Expiry:** The first Arbitrator passed away on 29th November 1997.
- **Second Arbitrator Appointment:** A second Arbitrator was appointed on 3rd January 2007 who gave a final award on 8th April 2019.
- **Enforcement of Final Award:** Enforcement Case No. 28/2019 is pending for the enforcement of the final award under Section 36 of the Arbitration Act.

**Legal Issues Involved:** The case involves several sections of the 1996 Arbitration Act, including:

- **Section 34:** Challenge to the Arbitration Award
- **Section 35:** Finality of the award
- **Section 36(5):** Enforcement of the final award
- **Section 36(6):** Impact of the pending challenge on the enforcement
- **Section 2(1)(c):** Definition of an "Arbitration Award"
- **Section 37:** Appeals regarding arbitral awards

The key issue concerns whether the interim award under Section 34, pending adjudication in the Calcutta High Court, affects the finality and enforceability of the final award under Section 36.

**Court Decisions:**

- **Initial Award:** The first Arbitrator's award was challenged and is pending under A.P. No. 55/1998 in the Hon'ble Calcutta High Court.
- **Second Award:** The second Arbitrator issued a final award on 8th April 2019, now subject to enforcement proceedings.

**Analysis of Delay/Pendency:** The case has faced significant delays primarily due to:

1. **Prolonged Legal Proceedings:** The challenge to the interim award has been pending for over 26 years, contributing to the delay in the resolution of the dispute.
2. **Change of Arbitrators:** The passing of the first Arbitrator and the appointment of a second Arbitrator added to the delay in issuing the final award.

3. **Enforcement Pending:** Even after the final award was given in 2019, the proceedings have not been concluded, further prolonging the case.

**Researcher's Interpretation:** The delay in this case reflects a systemic issue within arbitration proceedings where the challenge to interim awards and delays in enforcement lead to protracted litigation. In this instance, the enforcement of the final award is significantly hindered by the unresolved legal issue surrounding the interim award. To address these issues, it is crucial to enhance the understanding of the arbitration process and improve case management, particularly with the prompt adjudication of challenges to arbitration awards. The prolonged pendency highlights the need for judicial reforms that streamline arbitration processes, ensure timely enforcement of awards, and reduce the burden on the court system.

**Conclusion:**

The legal issues in this case must be properly diagnosed to ensure a conclusive adjudication. Specifically, the relationship between interim awards, their challenge under Section 34, and the finality of the final award under Section 36 should be clarified. A proper legal understanding and a more effective legal framework for handling arbitration disputes are essential for resolving such cases promptly.

### **Case Study 3**

**Title:** Special Leave Petition

**Court:** Supreme Court of India

**Parties Involved:** Ms. Sumit Sanwari (Petitioner) vs. Vinay Choudhary (Respondent)

**Central Issue:** Delay in arbitration proceedings and challenge to the arbitral award

**Status:** Pending before the Hon'ble Supreme Court of India

**Chronology of Events:**

1. **Notice of Dispute:** On 4th January 2005, the Respondent issued a notice under Section 21 of the 1996 Arbitration Act, initiating a dispute regarding a partnership deed dated 2nd May 2002.
2. **Reply to Notice:** The Petitioner, Ms. Sumit Sanwari, replied to the notice on 4th February 2005, challenging the jurisdiction of the Arbitrator under Section 16.

3. **Arbitrator's Notice:** After a considerable period, the Arbitrator issued a notice to both parties to appear before him with pleadings.
4. **Petitioner's Challenge:** The Petitioner formally challenged the Arbitrator's jurisdiction under Section 16.
5. **Arbitrator's Decision to Proceed:** After no further appearance from the Petitioner, the Arbitrator proceeded with the case under Section 25(b) of the Arbitration Act.
6. **Award Issued:** Despite giving sufficient opportunity to the Petitioner, the Arbitrator issued an award on 17th June 2007.
7. **Challenge to the Award:** The Petitioner filed a challenge under Section 34 of the Arbitration Act in Arbitration Case No. 33/2007, which was later renumbered to Suit No. 36/2018 after an 11-year delay.
8. **District Court's Ruling:** The learned District Judge XIV-Cum-P.O. Commercial Court set aside the award on 17th July 2018 in Miscellaneous Arbitration Case No. 33/2007, which was converted to O.S. No. 36/2018.
9. **Appeal to the High Court:** The Respondent, Vinay Choudhary, filed Commercial Appeal No. 21/2019 before the Hon'ble High Court of Jharkhand at Ranchi.
10. **High Court's Judgment:** The Hon'ble High Court, after hearing both sides, set aside the District Court's judgment in O.S. No. 36/2018 on 12th May 2023, in Commercial Appeal No. 21/2019.
11. **SLP Filed:** The Petitioner filed Special Leave Petition (SLP) No. 16771/2023 against the Hon'ble High Court's order dated 12th May 2023, challenging the decision based on the misconception regarding the Dhanbad Civil Court's jurisdiction.

#### **Legal Issues Involved:**

- **Section 21 of the 1996 Arbitration Act:** Applicability of notice and dispute initiation
- **Section 16:** Challenge to the Jurisdiction of the Arbitrator
- **Section 25(b):** Arbitrator's power to proceed in case of non-appearance of a party
- **Section 34:** Challenge to an arbitral award
- **Section 37:** Appeal to higher courts against arbitral decisions
- **Special Leave Petition (SLP):** Application for SLP before the Supreme Court

**Analysis of Delay/Pendency:** The delay in this case is attributable to several factors:

1. **Misapplication of Court Procedures:** The renumbering of Arbitration Case No. 33/2007 to Suit No. 36/2018 took 11 years, mainly due to procedural delays and misunderstandings within the Dhanbad Civil Court.
2. **Jurisdictional Challenges:** The dispute over the jurisdiction of the Arbitrator and delay in judicial proceedings at multiple levels contributed to the pendency of the case.
3. **Administrative Delays:** Lack of proper training and understanding of High Court rules by the Court Master in the lower court led to significant delays.

**Researcher's Interpretation:** The delay in this case illustrates systemic inefficiencies, particularly in the application of court rules and arbitration procedures. The 11-year delay in the renumbering of the case, coupled with the prolonged litigation over the arbitrator's jurisdiction and the award's validity, reflects the need for better procedural adherence and improved court administration. These delays often result from miscommunication between different levels of the judicial system and the failure to implement timely legal remedies.

**Conclusion:**

The case highlights the challenges caused by administrative inefficiencies and legal misapplications. The 11-year delay in renumbering the case reflects a deeper issue in the procedural handling of arbitration disputes. There is a pressing need for more effective training for court staff, better coordination between the lower and higher courts, and a more consistent application of legal provisions. Reform in these areas can reduce delays, ensuring more efficient arbitration case resolution and improving the justice delivery system.

**Case Study 4**

**Title:** Title Suit No. 171/2002

**Court:** Civil Judge (Junior Division) No. 2, Dhanbad

**Parties Involved:** Ms. Roy Tenants & 13 others (Plaintiffs) vs. Mr. Subrata Kumar Roy (Defendant)

**Central Issue:** Delay in the execution of the decree and uncertainty regarding the validity of a Sale Deed

**Status:** Pending execution before the Civil Judge (Junior Division) No. 2, Dhanbad (Execution Case Nos. 23, 24, 25, 26, 27 of 2023)

**Chronology of Events:**

1. **Filing of Suit:** The Plaintiffs, who were property tenants, filed Title Suit No. 171/2002 seeking a decree to recognize their tenancy status and rights.
2. **HRC Cases:** Simultaneously, the Plaintiffs filed HRC Cases Nos. 39 to 51 of 2002 before the Rent Controller-cum-SDO, Dhanbad, to determine the rightful landlord to receive the rents. These cases are still ongoing.
3. **Sale Deed Dispute:** During the pendency of Title Suit No. 171/2002, the Defendants claimed that the property had been sold to them via a Registered Sale Deed (No. 5279) dated 16th July 2004.
4. **Court's Decision:** On 9th October 2018, the learned trial court ruled that since the Sale Deed had not been acted upon within 12 years from its execution, it had effectively lost its validity and was considered a “dead paper.”
5. **Execution Cases:** Despite the judgment, the execution of the decree is still pending, with Execution Case Nos. 23 to 27 of 2023, currently before the court.

**Legal Issues Involved:**

- **Validity of Sale Deed:** A Sale Deed not acted upon for 12 years can still be considered valid under the law.
- **The doctrine of "Eclipse":** The legal principle that a document, such as a Sale Deed, which is not acted upon for a period, loses its effect, as articulated in the trial court's judgment.
- **Execution of Decree:** Issues surrounding the execution of the decree and the ongoing pendency of execution cases.

**Analysis of Delay/Pendency:** The delay in the case has several contributing factors:

1. **Legal Doctrine Misconception:** The issue of whether a Sale Deed that is not acted upon for 12 years can still have legal standing remains contentious. This delay stems from the misconception of how long a Sale Deed can be valid without delivering

possession. The trial court applied the doctrine of "eclipse," where a document loses its validity if it is not acted upon for a significant period.

2. **Execution Delay:** The execution of the decree has been delayed due to the complex nature of the dispute and the pending HRC cases.
3. **Jurisdictional Issues:** The pendency of related HRC cases and the delay in resolving these disputes have also contributed to the prolonged period before the execution of the decree.

**Researcher's Interpretation:** This case highlights the complexity of legal doctrines like "eclipse" and their impact on case resolution. The delay in execution, combined with the ongoing HRC cases, indicates a gap in the timely enforcement of decrees. Additionally, the long delay before the sale deed was considered invalid underscores the challenges of handling disputes involving property rights, especially when coupled with procedural inefficiencies and legal uncertainties.

**Conclusion:**

The case demonstrates how misconceptions regarding legal doctrines and delayed judicial proceedings can contribute to the protracted pendency of cases. To minimize delays and ensure the timely resolution of disputes, both the Bar and Bench must consistently apply legal principles, particularly in property-related matters. A more streamlined approach to handling execution cases and clear guidelines regarding the validity of legal documents could help expedite case resolutions and reduce pendency.

**Case Study 5**

**Title:** Title Suit No. 31/1966

**Court:** Munsif Court, Dhanbad; Title Suit No. 341/2014, Civil Judge (Senior Division No. 01), Dhanbad

**Parties Involved:** Mr. Samsher Rathore (Plaintiff) vs. BedniMahatain (Defendant)

**Central Issue:** Validity of Title Suit No. 31/1966 and delay in the resolution of the dispute

**Status:** Pending before the Hon'ble Appellate Court, ADJ No. 16 (Appeal filed in 2014)

### **Chronology of Events:**

1. **Filing of Suit:** The Plaintiff filed Title Suit No. 341/2014 on 5th December 2014 in the Civil Judge (Senior Division No. 01) court at Dhanbad, seeking relief for declaration of Right, Title, and Interest over the disputed property, along with a declaration that the order passed in Revenue Misc. Appeal No. 929/2008 was void ab initio.
2. **Defendant's Defense:** The Defendant raised the defense that the suit was barred under the Chotanagpur Tenancy (CNT) Act and that there was no compromise in Title Suit No. 31/1966.
3. **Trial Court Judgment:** After hearing both parties, the learned Trial Court dismissed the suit on 30th June 2018 in Title Suit No. 341/2014.
4. **Appeal and Cross-Appeal:** The Plaintiff filed Civil Appeal No. 98/18 against the dismissal, and the Defendant filed a Cross-Appeal disputing the judgment in Title Suit No. 31/1966.
5. **Miscellaneous Application:** The Plaintiff filed MCA No. 73/19 under Order 41, Rule 27, for additional evidence.
6. **Appeal Court Decision:** The Hon'ble Appellate Court, on 24th August 2024, disposed of MCA No. 73/19 without passing any orders on it while discussing Title Suit No. 31/1966 and the Cross-Appeal.

### **Legal Issues Involved:**

1. **Validity of Title Suit No. 31/1966:** The main issue revolves around whether Title Suit No. 31/1966 was a legitimate or fabricated proceeding.
2. **Compromise Between Parties:** Whether any compromise was reached in the previous litigation.

**Analysis of Delay/Pendency:** The delay in this case has resulted from the protracted nature of the dispute, which has been ongoing for 58 years, starting from Title Suit No. 31/1966. Several factors contribute to the delay:

1. **Misapplication of Legal Provisions:** The primary reason for the delay is the failure to adequately address the provisions of law about the CNT Act and the alleged compromise in the previous suit. The case has been in legal limbo for decades, with

multiple appeals, cross-appeals, and miscellaneous applications extending the pendency.

2. **Lack of Clear Legal Understanding:** The complexity of the case demands a clear and thorough understanding of the legal provisions, which have not been adequately addressed, contributing to the prolonged delay.
3. **Court and Bar's Role:** Both the court and the Bar must ensure that cases are adjudicated efficiently. The lack of effective argumentation and clear legal interpretation has led to unnecessary delays in this case.

**Researcher's Interpretation:** The delay in this case can be attributed to procedural inefficiencies and the lack of a clear legal strategy. The prolonged pendency of this case, spanning from 1966 to 2024, highlights the need for a more systematic and streamlined approach to handling property disputes. Proper legal understanding, timely application of legal doctrines, and clear adjudicative decisions can help reduce such delays. In this case, the failure to resolve the core issue of the legitimacy of Title Suit No. 31/1966 has caused a backlog of legal proceedings that could have been avoided with more focused attention to the legal principles involved.

**Conclusion:** This case demonstrates the importance of a clear understanding of legal provisions, compelling argumentation, and timely action by both the Bar and Bench to minimize delays. The resolution of this case is still pending, and the issue of whether the proceedings in Title Suit No. 31/1966 were legitimate remains unresolved. A more proactive approach to case management and legal clarity could help prevent further delays and provide closure to the parties involved.

## **Case Study 6**

**Title:** Title Suit No. 20/2010

**Court:** Civil Judge Junior Division, Tenughat

**Parties Involved:** Mr. Padmini (Plaintiff) vs. Nanku Thakur and others (Defendants)

**Central Issue:** Delay of 14 years in the resolution of the case

**Status:** The case remains pending as of 2024, with unresolved appeals and SLP extending the pendency to over 34 years.

**Chronology of Events:**

**Nature of the Suit:** The Plaintiff seeks relief for declaration of title, recovery of possession, demolition of construction, and an injunction to prevent further construction by the Defendants.

**Plaintiff's Pleading:**

The Plaintiff's husband, Rameshwar Sao, obtained the suit property via a 'Hakumnama' dated 25th May 1937, following Settlement Case No. 79 of 1937, and was in possession of the property.

Defendants allegedly began encroaching on the suit land on 8th March 2010, leading to Cr.P.C. Section 144 proceedings (M.P. Case No. 28/2010).

**Defendant's Written Statement:**

Defendants claim the suit land was settled in their favor via a 'Hakumnama' and assert long-standing possession. They cite Partition Suit No. 69 of 1990, which was decided in their favor by Additional Munsif-III, Bermo, Tenughat.

**Applications and Preliminary Issues:**

On 17th November 2021, the Plaintiff applied to appoint a Receiver. Defendants raised a preliminary issue on 15th March 2022, questioning the maintainability of the Plaintiff's suit filed 20 years after Partition Suit No. 69/1990.

**Legal Issues Involved:**

**Maintainability:** Whether the Plaintiff's suit, filed after 20 years, is barred due to the delay and the resolution of Partition Suit No. 69/1990.

**Possession and Title:** Determining the rightful owner and whether the Defendants' claim based on 'Hakumnama' and possession holds merit.

**Analysis of Delay/Pendency:** Delayed Preliminary Issues: The Defendants' preliminary issue, raised 11 years after the filing of the Written Statement, caused avoidable delays.

**Lack of Legal Expertise:** Inadequate legal handling and failure to prioritize procedural and substantive issues contributed to protracted proceedings. Partition and Legal Provisions: Proper application of Section 58 and Order 20, Rule 18(2) of the CPC, 1908, could have expedited the resolution.

**Researcher's Interpretation:** The delays in this case stem from procedural inefficiencies and a lack of proactive handling of preliminary issues. Early adjudication of these issues could have significantly shortened the case's timeline. The case also underscores the importance of legal clarity and expertise in resolving partition disputes effectively.

**Conclusion:** This case emphasizes the need for timely handling of preliminary issues, practical application of procedural and substantive law, and ensuring that legal professionals are well-versed in relevant provisions. Early intervention and a streamlined approach can prevent

protracted litigation, ultimately reducing the pendency period and providing relief to the parties involved.

## **Case Study 7**

**Title:** Civil Appeal No(s) (Pending)

**Court:** Supreme Court of India, Civil Appellate Jurisdiction

**Parties Involved:** Asarfi Hospital (Plaintiff) vs. State Government of Jharkhand (Defendant)

**Central Issue:** Delay of 14 years in resolving the dispute

**Status:** Litigation has been ongoing since 2010, with appeals and remand orders contributing to prolonged pendency.

### **Chronology of Events:**

**Original Case:** Title Suit No. 92/2010 was filed, marking the beginning of the dispute over title deeds and possessory rights.

**First Appeal:** First Appeal No. 43/2011 arose from Title Suit No. 92/2010.

**Supreme Court Involvement:** Civil Appeal Nos. 6781-6782/2023 were remanded by the Hon'ble Supreme Court to the High Court on 26th April 2024 for fresh consideration.

### **Current Scenario:**

Litigation continues with the reopening of First Appeal No. 43/2012.

Numerous interlocutory applications must be re-heard or re-argued before addressing the main appeal.

The outcome of the original Title Suit No. 92/2010 hinges on resolving these issues.

### **Legal Issues Involved:**

**Validity of Title:** Determination of the rightful ownership under Title Suit No. 92/2010.

**Conflict Between Title-Deeds and Possessory Rights:** Applicability of Section 5 of the Transfer of Property Act.

**Procedural Missteps:** Misinterpretation and misapplication of provisions such as:

Order 1, Rule 10(2): On impleading intervenors.

Order 18, Rule 1: On hearings.

### **Analysis of Delay/Pendency:**

**Misinterpretation of Legal Provisions:** Emissions in procedural rules resulted in remand and additional litigation.

**Failure to Address Legal Provisions Properly:** A more precise understanding of procedural and substantive laws could have prevented delays.

**Ineffective Legal Argumentation:** Lack of timely and coherent presentation of arguments contributed to prolonged pendency.

**Researcher’s Interpretation:** The primary reason for the delay is procedural inefficiency and misapplication of legal principles. The remand by the Supreme Court underscores the need for a more systematic approach to procedural rules. Early adjudication of interlocutory applications and focused legal argumentation could have expedited the case.

**Conclusion:** This case illustrates the impact of procedural missteps and the importance of a detailed understanding of legal provisions. Proper application of laws such as Order 1, Rule 10(2), and Order 18, Rule 1 of the Civil Procedure Code, along with clear and timely legal argumentation, is essential to minimize delays. The ongoing pendency of this case highlights the need for a more efficient and streamlined judicial process.

S.No	Title Suit No	Years of Pendency	Reasons for Delay	Researcher's Observations
1	<b>Title Suit No. 171/2002</b> (Dhanbad Court)	<b>22 years</b> (2002-2024)	Misconception of legal provisions, lack of timely execution of the sale deed, and procedural delays.	The delay was due to the incorrect application of legal principles, particularly regarding the sale deed's validity. Timely legal interpretation could have minimized the delay.
2	<b>Title Suit No. 31/1966</b> (Dhanbad Court)	<b>58 years</b> (1966-2024)	Complicated legal arguments regarding the CNT Act, disputes over whether a compromise existed, and misinterpretation of the law.	A deeper study of legal provisions and timely application of correct legal doctrines could have reduced the prolonged litigation.
3	<b>Title Suit No. 20/2010</b> (Tenughat Court)	<b>14 years</b> (2010-2024)	Late raising of preliminary issues, mismanagement of procedural stages, delayed response from defendants.	Early resolution of preliminary issues and stronger legal argumentation could have expedited the case. Legal expertise is key to reducing delays.
4	<b>Special Leave Petition No. 16771/2023</b> (Supreme Court)	<b>11 years</b> (2007-2018)	Misinterpretation of court procedures, delayed proceedings, and procedural errors at the district court.	Missteps at the procedural level, particularly from court staff, led to significant delays. A clearer application of judicial rules is required.
5	<b>Title Suit No. 92/2010</b>	<b>14 years</b> (2010-2024)	Remanding the case to the High Court for fresh consideration, delay in	The delay resulted in a remand for a fresh hearing, highlighting a lack of

	(Supreme Court Appeal)		hearing, and additional interlocutory applications.	clarity in initial legal proceedings. Proper legal arguments and adherence to court deadlines could have shortened the pendency.
6	<b>Title Suit No. 341/2014</b> (Dhanbad Court)	<b>10 years</b> (2014-2024)	Misunderstanding and failure to apply legal principles in relation to the CNT Act, lack of clarity on compromise, and evidence issues.	The failure to address legal nuances in the early stages of the case led to prolonged hearings. Better legal representation could have helped resolve the matter sooner.
7	<b>Title Suit No. 69/1990</b> (Tenughat Court)	<b>34 years</b> (1990-2024)	Procedural delays in the partition suit, misapplication of law, and failure to raise issues earlier.	Raising key legal issues earlier, such as the preliminary issue, could have prevented delays. Legal efficiency is critical for faster resolution.
8	<b>Case Ref. No. INSC 948</b> (The Supreme Court of India)	<b>41 years</b> (1982-2023)	Due to a misconception of the substitution dispute	The Supreme Court noted that such delays are emblematic of chronic pendency in Indian courts, often worsened by: Dilatory tactics by litigants, Lack of strict enforcement of procedural timelines, Overburdened trial courts and frequent adjournments

**CHAPTER-V**

**RESULT, DISCUSSION,  
AND  
CONCLUSION**

## CHAPTER-V

### RESULT, DISCUSSION, AND CONCLUSION

#### **Result and Discussion:**

##### **5.1. Litigants:**

- Data analysis showed that most respondents were males. However, the study does not ignore female respondents, which shows it is free from gender bias.
- Regarding the age distribution, respondents were pretty evenly spread across various age groups, with the majority belonging to the 31-40 years category. Other prominent age groups included 41-50 and 51-60 years. This balanced age representation ensures that the study reflects the perspectives of individuals across different age groups.
- In terms of annual income, it was observed that most respondents fell within the 1 lakh to 2 lakh income brackets. Other income categories, such as those earning less than 1 lakh and 2 lakh to 3 lakhs, were also well-represented. This distribution highlights respondents' participation with varied annual incomes, freeing the study from income-based bias.
- The number of dependents in respondents' households predominantly ranged between 3-4 dependents. A smaller proportion reported having 1-2, no dependents, and more than four dependents. This indicates that respondents with varied dependents in the family have participated in the study.
- A simple percentage analysis was conducted to understand respondents' preferences regarding the potential benefits of resolving their legal disputes. Among the respondents, a majority indicated that resolving disputes would enable them to save money. This was the most commonly reported benefit. Additionally, many respondents expressed that resolving legal disputes would allow them to focus more on their profession or occupation, highlighting the potential professional benefits of dispute resolution. Lastly, some respondents noted that resolving their disputes would give them more time to dedicate to their family and society, underscoring conflict resolution's personal and social advantages.
- The descriptive statistics for participants' perceptions and attitudes toward court proceedings and the legal system revealed several key findings. Respondents strongly agreed with the statement, "The legal battle is a burden for my family," indicating that the majority perceive ongoing legal disputes as a significant personal and familial burden. Similarly, many respondents said they were at a "crossroads" due to the

ongoing court battles. This highlights legal proceedings' meaningful emotional and psychological impact on individuals involved in such situations. In contrast, statements reflecting confidence in the legal system and its effectiveness received more moderate levels of agreement. Respondents displayed a mixed attitude towards the efficacy of court judgments, particularly when delayed. This suggests that while some have faith in the legal system, there are significant concerns about its timeliness.

- Additionally, respondents moderately acknowledged the perception that financial power influences legal outcomes. Many agreed that court cases could be disproportionately influenced by those with greater financial resources, indicating a potential lack of trust in the fairness of legal proceedings. Finally, respondents showed relatively low agreement with the idea that legal battles lead to social recognition, suggesting that social status gained through legal proceedings is not a major motivating factor for most participants.
- **Age on Litigants perceptions and attitudes toward court proceedings and the legal system**
  - ANOVA test results on perceptions about court case delays showed that individuals aged over 60 years perceived court delays less significantly than those in the under 30 years and 41-50 years age groups. Older individuals may have different life experiences or have encountered longer delays, making them more familiar with the slower pace of legal proceedings. Their life stage may also make them less focused on the urgency of case resolution compared to younger age groups, who may have greater expectations for quicker legal outcomes.
  - ANOVA on faith in court judgments despite delays showed that individuals in the 41-50 age group had less faith in court judgments despite delays compared to those in the 31-40 age group. This result might reflect the increased responsibility and life stress typically experienced by individuals in the 41-50 age range. As they may be more focused on career and family stability, they might be less patient with delays in legal processes, which could affect their perception of the court system's reliability.
  - ANOVA results on perceptions of monied individuals in court cases revealed that respondents in the age group of 31-40 years were more likely to believe that financially powerful individuals fight court cases compared to those over 60

years of age. Younger individuals may be more aware of the influence of wealth on legal outcomes, possibly due to greater exposure to media and discussions surrounding inequalities in the justice system. In contrast, older respondents may have developed a more neutral view shaped by their historical legal system experience.

- Results of ANOVA about opinion on the legal system highlighted that participants aged 51-60 significantly differed in their opinion about it compared to those aged 31-40 and over 60 years. Individuals aged 51-60 years may have had varied experiences with the legal system, possibly viewing it more critically due to their long-term involvement with legal issues over time. Their views may be shaped by changes in the legal system, making them more doubtful or disappointed compared to younger groups.
- Concerning the perception of readiness to face legal battles, Participants aged over 60 years reported the highest readiness to face legal battles, significantly higher than those under 30 years and 31-40 years. Older individuals may feel more equipped to handle legal challenges due to accumulated life experience and a sense of having weathered more challenges. In contrast, younger individuals may be less confident in navigating the complexities of legal battles, given their relative inexperience with such matters.
- Test results on social recognition through legal battles showed that younger individuals, particularly those under 30 years, perceived greater social recognition from court battles than those aged 51-60 years and over 60 years. Younger individuals may associate legal battles with gaining social status or recognition, possibly due to how the media portrays high-profile court cases. Older individuals, however, might view court battles as less necessary for social recognition, as they may have different priorities as they age.
- Individuals in the 41-50 years age group reported a higher feeling of being at a crossroads due to legal battles than those in 31-40 years and over 60 years groups. People in the age group of 41-50 range may be going through significant life changes, such as career shifts or family responsibilities, which could make them more likely to feel at a crossroads due to the added stress of legal battles. On the other hand, those in the 31-40 years and over 60 years groups may not feel as affected or view legal challenges differently based on their life stage.

- Individuals aged under 30 years were significantly more inclined toward settling disputes outside of court than those in the 31-40 years and over 60 years groups. Younger individuals may prefer alternative dispute resolution methods, such as mediation or settlement, as they are more familiar with modern, informal ways of resolving conflicts. This preference may reflect a desire for quicker and more cost-effective solutions compared to the formal court system, which older groups might still view as the main way to resolve disputes.
- **Income on Litigants perceptions and attitudes toward court proceedings and the legal system**
  - ANOVA on faith in court judgments for delay showed a significant difference. Respondents with an annual income of less than 1 lakh reported significantly lower faith compared to those with an income greater than 4 lakh. Individuals with lower incomes may feel less trust in the fairness of court judgments due to their limited access to resources. In comparison, higher-income people may have more confidence due to better legal support or previous positive experiences.
  - Respondents with an income of more than 4 lakh had significantly lower beliefs that wealthy individuals fight court cases compared to those with incomes of less than 1 lakh and 1-2 lakh. People with higher incomes might perceive that wealth does not play as large a role in legal battles, possibly because they feel more secure within the system. In contrast, lower-income individuals may view wealth as a key factor in gaining an advantage in court.
  - Respondents with an income of less than 1 lakh perceived greater social recognition from legal battles compared to those in all other income groups. Lower-income individuals may see legal battles as a way to gain recognition or prove their social standing, possibly due to fewer opportunities for visibility in other areas of life. Those with higher incomes may not view court cases as a means of gaining recognition, as they may have other avenues for social acknowledgment.
  - Respondents with less than 1 lakh income reported significantly higher perceptions of family burden due to legal battles than those with incomes of 1-2 lakh and 3-4 lakh. Individuals with lower incomes may experience more stress from legal battles, more acutely feeling the financial strain on their families.

Those with higher incomes might be better able to manage legal proceedings' financial and emotional tolls.

- Respondents with an income of 2-3 lakh reported significantly lower feelings of being at a crossroads due to legal battles than those in the 1-2 lakh and 3-4 lakh income groups. Individuals in the 2-3 lakh income group may feel more stable or better able to cope with legal issues. In contrast, those in the lower and higher income groups may experience greater uncertainty due to financial or other pressures.
- Respondents with an income of less than 1 lakh showed significantly less interest in settling disputes outside of court compared to those in the 1-2 lakh, 2-3 lakh, and more than 4 lakh income groups. Lower-income individuals may feel less inclined to settle disputes outside of court, possibly due to a lack of resources or trust in alternative dispute resolution methods. In contrast, higher-income people might view out-of-court settlements as more practical and beneficial.

- **Dependents on Litigants' perceptions and attitudes toward court proceedings and the legal system**

- **Cases in Courts Are Not Disposed as Early as Possible:** A significant difference was found among groups, with respondents who had no dependents showing lower agreement that court cases are delayed than those with 1–2 dependents. Individuals without dependents may have fewer personal obligations which could make them more indifferent to the delay of court cases, while those with dependents may feel more urgency for a quicker resolution due to family responsibilities.
- **I Believe Everything Ends Up in Court:** Significant differences were observed, with respondents who had no dependents believing more strongly that everything ends up in court than those with 3–4 dependents. Individuals without dependents may have a more straightforward view of legal issues, assuming that matters naturally lead to court. On the other hand, individuals with dependents might be more inclined to seek alternative solutions to avoid legal complications for the sake of their families.
- **I Am Ready to Face the Legal Battle for a Long Time:** Respondents with more than four dependents showed significantly greater readiness to endure prolonged legal battles compared to other groups. People with larger families

may feel more committed to resolving legal issues over the long term, possibly because they see it as necessary to secure their family's future. In contrast, smaller family groups might feel less inclined to prolong legal disputes.

- Whether You Feel Legal Battles in Courts Provide Social Recognition: Respondents with no dependents perceived less social recognition through legal battles than those with more than four dependents. Individuals without dependents may not view legal battles as a means of gaining social recognition. At the same time, those with larger families might feel that taking a stand in court provides validation or recognition for themselves and their families.
- The Legal Battle Is a Burden for My Family: Respondents with more than four dependents reported a greater perception of legal battles as a burden for their families compared to those with 3–4 dependents. Larger family groups may experience greater strain from legal battles, feeling the emotional and financial burden more acutely, while smaller family groups might not perceive the same level of impact.
- I Am at Crossroads Due to Legal Battles in Court: Respondents with no dependents expressed feeling less at a crossroads due to legal battles compared to other groups. People without dependents may have fewer responsibilities or factors influencing their decision-making, leading them to feel less affected by legal challenges. In contrast, individuals with dependents might experience more uncertainty or feel that their legal battles have greater consequences for their lives.
- Interest in Settling Disputes Outside the Court: Respondents with 3–4 dependents showed a greater interest in settling disputes outside of court compared to those with 1–2 dependents. Individuals with more dependents may prefer avoiding the prolonged stress of court battles by seeking alternatives like mutual settlement to protect their family, while those with fewer dependents may not feel the same urgency to avoid legal proceedings.
- **Gender on Litigants perceptions and attitudes toward court proceedings and the legal system**
  - Independent Sample t-test between gender on Litigants perceptions and attitudes toward court proceedings and the legal system revealed that, Significant gender differences were found in various aspects of legal battles. Females perceived that court cases are not disposed of promptly, held courts or

advocates more responsible for delays, believed that everything ends up in court, showed higher readiness for prolonged legal battles, and felt that legal battles lead to more social recognition than males. Females may have heightened sensitivity to delays and accountability in the legal process, potentially due to their experiences or expectations about inefficiencies in the system. This could reflect a greater awareness of how court delays affect their lives. Additionally, females may view legal battles as more socially significant, possibly due to societal pressures or personal experiences, leading them to demonstrate greater readiness to engage in lengthy legal proceedings. On the other hand, no significant gender differences were observed regarding perceptions of faith in the courts, financial influence in cases, the burden of legal battles on families, feelings of being at a crossroads, or interest in settling disputes outside the court. This indicates a shared understanding between genders regarding legal disputes' emotional and financial impacts.

## **5.2 Advocates:**

- Data analysis showed that most respondents were males (88.7%). However, the study includes female participants (11.3%), ensuring it is free from gender bias.
- Data analysis showed that the largest age group was 41–50 years (31.9%), followed by 51–60 years (24.1%), 31–40 years (19.4%), over 60 years (13.8%), and under 30 years (10.8%). This distribution highlights a higher representation of middle-aged participants in the study.
- The descriptive statistics for advocates' perceptions and attitudes toward court proceedings and the legal system revealed several key insights. Advocates moderately agreed that advocacy serves a welfare purpose ( $M=3.74$ ,  $SD=1.31$ ) and that courts are under a heavy workload ( $M=3.74$ ,  $SD=1.30$ ). They also recognized that high case filings indicate public trust and legal awareness ( $M=3.81$ ,  $SD=1.20$ ). Economic concerns were also notable, with advocates acknowledging that case pendency has financial implications ( $M=3.56$ ,  $SD=1.21$ ) and that litigants face economic hardship due to prolonged legal battles ( $M=3.55$ ,  $SD=1.28$ ). There was moderate agreement that settling cases outside the court provides greater satisfaction ( $M=3.68$ ,  $SD=1.24$ ) and that legal delays impact litigants' social status ( $M=3.50$ ,  $SD=1.25$ ). Perceptions of court efficiency were mixed. Advocates showed lower agreement with the idea that court is

the last resort for litigants ( $M=3.44$ ,  $SD=1.40$ ) and that delays in case disposal are natural ( $M=3.38$ ,  $SD=1.40$ ).

- Additionally, while some believed that BAR and Bench contribute to delays ( $M=3.47$ ,  $SD=1.45$ ), the responses suggest a shared responsibility for judicial inefficiencies. Ethical concerns were evident, as advocates expressed relatively low agreement with advocacy being purely professional ( $M=3.22$ ,  $SD=1.38$ ) and even lower agreement with differentiating between rich and poor clients ( $M=2.90$ ,  $SD=1.51$ ). This suggests that while financial considerations exist, they may not be a defining factor in advocacy. Overall, the findings highlight concerns about judicial delays, economic burdens, and ethical considerations in the legal profession. The results suggest the need for improved case management, legal reforms, and a more balanced judicial workload to enhance efficiency and public trust in the legal system.
- **ANOVA-Age-Related Differences in Advocates' Perceptions of Legal Practice**
  - Advocacy as Human Welfareism: A significant effect of age was found ( $F(4, 402) = 8.349$ ,  $p < .001$ ). Advocates under 30 years of age ( $M = 3.00$ ,  $SD = 1.78$ ) had significantly different views compared to other age groups, who reported higher mean scores (overall mean = 3.74,  $SD = 1.31$ ). Younger advocates tend to perceive advocacy less as a form of human welfareism, possibly viewing it more as a career or professional duty. Older advocates may have a broader perspective, seeing their work as contributing to societal welfare.
  - Advocacy is Purely Professional: Significant differences were observed ( $F(4, 402) = 7.502$ ,  $p < .001$ ). Advocates under 30 years ( $M = 2.52$ ,  $SD = 1.66$ ) differed significantly from those aged 51-60 years ( $M = 3.45$ ,  $SD = 1.26$ ) and over 60 years ( $M = 3.84$ ,  $SD = 1.19$ ). Younger advocates may place less emphasis on the purely professional aspect of advocacy, possibly due to less experience, while older advocates have a more entrenched professional identity.
  - Differentiating Between Rich-Client and Poor-Client Cases: A significant effect of age was found ( $F(4, 402) = 3.211$ ,  $p = .013$ ). Advocates under 30 years ( $M = 2.30$ ,  $SD = 1.56$ ) significantly differed from those aged 51-60 years ( $M = 3.13$ ,  $SD = 1.34$ ). Younger advocates may not yet differentiate between rich and poor clients in the same way as more experienced advocates, possibly due to differing attitudes or exposure to diverse cases over time.

- Court is the Last Resort to Litigants: A significant age-related difference ( $F(4, 402) = 2.637, p = .034$ ) showed that advocates aged over 60 years ( $M = 3.86, SD = 1.15$ ) had different views from those aged 31-40 years ( $M = 3.20, SD = 1.44$ ). Older advocates might believe more strongly in the idea that court is a last resort for litigants, reflecting their experience with alternative dispute resolution methods or evolving views on the legal process.
- Maximum Case Filings Indicate Faith in Courts as Legal Awareness: Significant age effects were found ( $F(4, 402) = 2.967, p = .020$ ), with advocates aged 41-50 years ( $M = 3.55, SD = 1.45$ ) differing from those under 30 years ( $M = 4.14, SD = 0.93$ ) and 51-60 years ( $M = 4.00, SD = 0.96$ ). Younger advocates may associate higher case filings with legal awareness and faith in the courts. In comparison, older advocates might have a more nuanced view of the reasons behind the volume of cases.
- Economic Impact Due to Court Case Pendency: Significant differences were observed ( $F(4, 402) = 5.006, p = .001$ ). Advocates under 30 years ( $M = 4.07, SD = 1.15$ ) had higher ratings than those aged 31-40 years ( $M = 3.14, SD = 1.17$ ) and 51-60 years ( $M = 3.72, SD = 1.14$ ). Younger advocates are more likely to perceive an economic impact due to case pendency, possibly due to heightened awareness of the financial strain on litigants and the court system.
- The Litigants Face Economic Crisis for Long Legal Battles: A significant effect of age was found ( $F(4, 401) = 3.210, p = .013$ ). Advocates under 30 years ( $M = 3.95, SD = 1.08$ ) had significantly different views from those aged 31-40 years ( $M = 3.22, SD = 1.40$ ). Younger advocates may be more aware of or sympathetic to the economic crisis faced by litigants due to prolonged legal battles.
- Courts are Under Heavy Workload: A significant effect of age was observed ( $F(4, 402) = 4.186, p = .002$ ). Advocates under 30 years ( $M = 4.45, SD = 0.73$ ) differed significantly from those aged 31-40 years ( $M = 3.71, SD = 1.17$ ) and 41-50 years ( $M = 3.58, SD = 1.39$ ). Younger advocates may perceive a heavier workload in courts, possibly reflecting more immediate involvement in or awareness of court cases compared to older advocates.
- Settlement of Cases Outside the Courts Provides Complete Satisfaction to Litigants: A significant age-related difference was found ( $F(4, 402) = 5.062, p = .001$ ). Advocates aged over 60 years ( $M = 4.16, SD = 1.04$ ) had different

views from those aged 31-40 years ( $M = 3.23$ ,  $SD = 1.43$ ) and 41-50 years ( $M = 3.67$ ,  $SD = 1.16$ ). Older advocates may view out-of-court settlements as more satisfactory to litigants, reflecting a greater appreciation for alternative dispute resolution methods.

- **Social Status of Litigants is Affected Due to Long Legal Battles:** Significant age effects were found ( $F(4, 402) = 8.229$ ,  $p < .001$ ). Advocates under 30 years ( $M = 4.39$ ,  $SD = 0.97$ ) had significantly different views from all other age groups. Younger advocates are more likely to perceive that long legal battles affect the social status of litigants, possibly due to their fresh perspectives on the personal consequences of prolonged court involvement.
- **BAR & Bench are Both Responsible for Delay in Disposal of Cases:** Significant age-related differences were found ( $F(4, 402) = 5.807$ ,  $p < .001$ ). Advocates under 30 years ( $M = 4.30$ ,  $SD = 1.39$ ) had significantly different views compared to older age groups. Younger advocates may be more inclined to blame both the bar and bench for delays, possibly reflecting a more critical view of the legal system or frustration with inefficiencies.
- **Independent Sample t-test: Perceptions and Attitudes Toward Court Proceedings and the Legal System Based on Gender:** Significant gender differences were found in various aspects of advocacy. Male advocates showed higher agreement than female advocates on issues such as advocacy being a form of human welfare, advocacy being purely professional, and the court being the last resort for litigants. Female advocates, on the other hand, rated higher on views regarding maximum case filings indicating faith in courts, the economic crisis faced by litigants due to protracted legal battles, delays in court case disposal, the heavy workload on courts, the impact of prolonged legal battles on the social status of litigants, and the responsibility of the bar and bench for delays. Male advocates are more likely to view advocacy as professional duty and human welfare, possibly reflecting a more traditional or practical approach to their role in the legal system. In contrast, female advocates appear to have a more critical view of the legal process, highlighting systemic issues such as delays, economic burdens, and the role of courts and legal professionals in these delays. Female advocates are also more likely to emphasize the social consequences of prolonged legal battles for litigants, suggesting greater concern for the broader societal impacts of the legal system. No significant differences were observed in perceptions of advocacy differentiation between rich and poor clients or satisfaction with case settlements outside courts,

indicating that both genders may view these issues similarly. The perception of economic impacts due to case pendency showed a trend toward significance but did not reach statistical significance.

### **Interview from the Judges:**

- **Relationship Between Rule and Law:** The judges emphasized that while ‘Rule’ provides a guiding principle, ‘Law’ is its actual application in the legal system. The Rule of Law is not just about following rules but ensuring fairness, justice, and equality. The distinction between ‘Niti’ (law/rule) and ‘Nyaya’ (justice) highlights that laws set a framework, but true justice depends on their fair application. This balance is essential for maintaining constitutional values and ensuring that laws serve society effectively.
- **Law and Society:** Laws are shaped by society and, in turn, shape social behavior. Judges noted that laws evolve based on cultural, economic, and political changes. Since legal systems must remain relevant, continuous adaptation is necessary. Legal engineering, which integrates laws with social and economic realities, plays a key role in making rules more effective and applicable in a changing society.
- **Technology in Judicial Processes:** The concept of ‘Technocrat’—integrating technology in court management—was seen as essential for improving judicial efficiency. Digital tools such as case management software, AI-based legal research, and automated scheduling help streamline processes, reduce errors, and manage case backlogs. Judges highlighted the need for legal professionals to be trained in these technologies to ensure smoother judicial operations.
- **Addressing Legal Delays:** Delays in the judicial process remain a major challenge, often due to outdated manual procedures. Judges emphasized the role of technology in reducing delays by improving case tracking, automating administrative tasks, and ensuring timely hearings. Adopting digital records and AI tools can help courts function more efficiently and deliver judgments faster.
- **Socioeconomic Impact of Delays:** Prolonged court cases disproportionately affect marginalized communities, limiting access to justice and causing financial hardships. Delays also burden public resources, increasing litigation costs and judicial workload. Judges pointed out that improving case disposal rates and procedural efficiency is crucial to making the legal system more accessible and fair for all.
- **Court Management and Case Prioritization:** Efficient case management is vital for timely justice. Court managers are key in scheduling cases based on their complexity,

urgency, and available judicial resources. Judges noted that prioritizing cases strategically can help reduce delays and improve court efficiency.

- **Judicial Transfers and Adjournments:** Frequent transfers of judicial officers disrupt case continuity and slow down proceedings as new judges take time to familiarize themselves with pending cases. Judges suggested that maintaining stability in judicial assignments could improve efficiency. Additionally, excessive adjournments contribute to delays, and stricter regulations on adjournments were recommended to ensure smoother proceedings.

### **Result and Discussion from the Case Studies:**

- The case studies show that delays in the judicial system are mainly caused by inefficiencies in legal processes and poor case management. A significant issue is the lack of proper legal understanding, which leads to frequent adjournments, misinterpretation of laws, and procedural confusion. Arbitration cases face delays because of slow enforcement of awards and lengthy legal challenges. Administrative problems, such as delays in renumbering cases and miscommunication between courts, also contribute to the problem. Complex legal rules, like the doctrine of eclipse, make property disputes even more difficult to resolve. In some cases, delays happen because higher courts send cases back for further review, showing the need to handle procedural matters better. These findings highlight the need for judicial reforms to improve legal knowledge, streamline procedures, and ensure faster case resolution. Fixing these issues can help reduce case backlogs and improve the efficiency of the justice system.

## **5.3 IMPLICATIONS OF THE STUDY**

### **Theoretical Implications:**

The findings of this study contribute to the broader theoretical understanding of the socio-psychological and occupational consequences of prolonged legal proceedings. Consistent with prior literature (Shack, 2020; Nigmatullina, 2021), the study reaffirms that timely resolution of legal disputes facilitates individuals' re-engagement with professional responsibilities. Furthermore, the post-resolution phase enhances litigants' familial and social involvement capacity, corroborating Sharma's (2023) observations. These patterns reinforce theoretical models that frame conflict resolution as a multidimensional process with implications extending beyond legal clarity to personal and social well-being. The data also revealed a strong perception among respondents that legal disputes exert significant emotional and

familial strain, echoing the findings of Parimah et al. (2021). The moderate acknowledgment that financial power affects legal outcomes suggests an erosion of trust in the neutrality of judicial processes, aligning with concerns raised by Johnson et al. (2011) and Badas and Justus (2024). This distrust highlights the need to refine theoretical perspectives on procedural justice and equity in legal systems. Age-based variations in faith in court judgments, notably diminished confidence among individuals aged 41–50 compared to those aged 31–40, support age-differentiated interpretations of judicial efficacy (Mohan et al., 2021). Gendered differences in perceptions were also notable. Female respondents more frequently held courts or advocates responsible for delays, anticipated prolonged litigation, and perceived higher social recognition from legal battles. These findings extend Saxena's (2022) work and suggest that gendered experiences significantly shape engagement with and expectations of the legal system. Lastly, the lower agreement among advocates regarding the view that courts are the final resort for litigants (Mehta & Pandey (2020) point toward evolving legal cultures where alternative dispute resolution mechanisms may be gaining relevance.

### **Socioeconomic Implications**

- The study reveals that prolonged legal proceedings impose severe financial burdens on lower-income litigants, often leading to economic distress and an inability to sustain legal battles. Delays in civil cases particularly hinder economic productivity, as individuals remain entangled in disputes rather than engaging in income-generating activities. Due to unresolved legal matters, businesses suffer from financial uncertainty, reduced investments, and economic stagnation. The financial strain is further exacerbated for families with dependents, impacting their overall well-being. Moreover, the loss of income, prolonged legal expenses, and emotional toll discourage individuals from seeking justice, thereby weakening trust in the legal system. Addressing these challenges requires legal aid programs, subsidized legal services, and financial assistance mechanisms to mitigate the economic hardships associated with lengthy judicial processes.

### **Psychological and Social Implications**

- Prolonged legal proceedings have a significant psychological impact on litigants, leading to heightened stress, anxiety, and emotional exhaustion. Many individuals feel trapped in an endless cycle of litigation, negatively affecting their mental health and overall quality of life. The study also highlights that lower-income groups and

marginalized communities experience greater distress due to limited access to legal resources. Additionally, a perception of inequality exists, where financial power appears to influence judicial outcomes, eroding public confidence in the fairness of the legal system. Socially, prolonged litigation damages the reputation and credibility of individuals involved in disputes, leading to stigma and isolation. There is also a notable generational and gender-based disparity in attitudes toward legal proceedings, with younger individuals demanding greater efficiency and women perceiving systemic delays more acutely. Integrating mental health support, legal counseling, and awareness programs within the justice system is essential to address these issues.

### **Practical and Policy Implications**

- The study underscores the urgent need for judicial reforms to reduce case backlogs and expedite legal proceedings. Strengthening court management strategies, implementing fast-track courts, and adopting alternative dispute resolution (ADR) mechanisms can significantly improve case disposal rates. Technological interventions, such as AI-based legal research, automated scheduling, and digital case management, can enhance judicial efficiency and transparency. Furthermore, limiting judicial transfers and enforcing stricter adjournment regulations would help maintain continuity in case proceedings. Courts should also consider the age-based expectations of litigants, where younger individuals demand quicker resolutions, by leveraging technology-driven judicial processes such as e-courts. Additionally, gender-sensitive legal policies and increased accessibility of legal aid for women litigants are necessary to ensure an inclusive legal framework. As held by the Honorable Supreme Court in *Salem Advocate Bar Association v. Union of India* [(2005) 6 SCC 344] highlights the continued anomaly in Rule 14(4) of Order VII of the CPC, where the Supreme Court directed that “plaintiff’s witnesses” be read as “defendant’s witnesses” until corrected legislatively. Despite this observation, no amendment has been made by Parliament to date. There should not be legislative negligence of the observation made by the law commission of India vide report no 278 as reported in the mentioned hearing above.

### **Judicial System Reforms**

To enhance the efficiency and credibility of the legal system, judicial reforms should focus on minimizing procedural delays and streamlining legal processes. Ensuring

stronger accountability for court delays, enforcing time-bound case resolutions, and improving court infrastructure can facilitate faster justice delivery. The study highlights frequent adjournments, court miscommunication, and procedural missteps contribute to unnecessary delays, necessitating strict case management reforms. Encouraging out-of-court settlements through incentives and awareness programs can further alleviate the burden on the judiciary while ensuring timely conflict resolution. Additionally, legal education and training reforms for lawyers and judges are needed to reduce misinterpretation of laws and procedural confusion, ultimately leading to more effective dispute resolution.

### **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. Among litigants, delays were widely perceived as a significant obstacle, with younger and lower-income individuals expressing greater skepticism about the fairness of legal outcomes. Wealth was seen as an influencing factor in case proceedings, and gender differences were evident, as female litigants reported experiencing greater delays and a stronger sense of social recognition from legal battles. These findings highlight the need for a more accessible and equitable legal system. Advocates similarly acknowledged judicial delays and their economic impact. However, perspectives on advocacy differed by age and gender. Younger advocates were more critical of systemic inefficiencies and less likely to view advocacy as a form of human welfare.

In contrast, older advocates showed greater support for alternative dispute resolution and preferred to see courts as a last resort. Male advocates emphasized advocacy as a profession, while female advocates highlighted litigants' financial struggles due to systemic delays. Judges underscored the importance of balancing legal principles with societal needs and ensuring that laws are applied fairly. The role of technology in judicial processes ('Technocrat') was identified as a crucial tool for reducing delays, improving efficiency, and managing case backlogs. Judges also pointed out that judicial transfers, excessive adjournments, and procedural inefficiencies contribute to delays, emphasizing the need for structural reforms in court management. The case studies further reinforced these concerns,

identifying inefficiencies in legal processes, poor case management, and administrative hurdles as major contributors to delays. A lack of legal understanding led to frequent adjournments, procedural confusion, and misinterpretation of laws. Complex legal doctrines further complicated arbitration cases suffered from slow enforcement and property disputes. Additionally, administrative inefficiencies, such as case renumbering delays and court miscommunication, exacerbated case backlogs.

This study highlights the urgent need for judicial reforms, digital transformation, and improved case management strategies. Addressing these issues through enhanced legal knowledge, streamlined procedures, and technological integration will ensure a more efficient, fair, and accessible legal system.

### **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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# APPENDICES

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## QUESTIONNAIRE USED FOR DATA COLLECTION

# Litigants Questionnaire

1. Name: \_\_\_\_\_ 2. Age: \_\_\_\_\_ 3. Gender: M/F/Others \_\_\_\_\_
4. Qualification: \_\_\_\_\_
5. No of dependents:  No Dependents  1-2  3-4  More than 4
6. Annual Income (in Lakhs):  
 < 1 lakh  
 1 Lakh to 2 lakhs  
 2 lakhs to 3 lakhs  
 3 lakhs to 4 lakhs
7. Perceived benefit if the case is disposed off at the earliest:  
 I will save money  
 I can devote more time to family and society  
 I can concentrate more on my profession/occupation

### **Note:**

1. Please tick mark in the following questions.(5 is highest and 1 is lowest)

SN	Questions	Rate the following				
1	Cases-in-courts are not disposed of as early as possible	1	2	3	4	5
2	I have faith even in court Judgments for delay	1	2	3	4	5
3	I believe court cases may be fought by Monied Persons	1	2	3	4	5
4	I believe everything ends up in court.	1	2	3	4	5
5	I am ready to face the legal battle for a Long time	1	2	3	4	5
6	Whether you feel by legal battles in courts you get social recognition	1	2	3	4	5
7	The Legal battle is a burden for my family	1	2	3	4	5
8	I am in a cross-roads due to a legal battle in court	1	2	3	4	5

# Advocates Questionnaire

Name:

Age:

Gender: M/F/ Others

Mobile No (Optional):

Email address:

Rate these options on scale of 1-5 as basis for decision making for your long pending cases

SN	Statements	Rate				
		1	2	3	4	5
1	Advocacy as Human Welfareism	1	2	3	4	5
2	Advocacy is purely Professional	1	2	3	4	5
3	I differentiate between Rich-clients cases and Poor client cases	1	2	3	4	5
4	Court is the last resort for litigants	1	2	3	4	5
5	Maximum cases filings indicate Faith in courts as a legal awareness	1	2	3	4	5
6	There is an economic impact due to the court case pendency	1	2	3	4	5
7	The Litigants Face Economic Crisis for Long Legal Battles	1	2	3	4	5
8	Delay is a natural phenomenon for the Disposal of cases by courts	1	2	3	4	5
9	Courts are under a heavy Workload	1	2	3	4	5
10	Settlement of cases outside the courts provide complete satisfaction to litigants	1	2	3	4	5
11	The social status of litigants is affected due to Long Legal battles	1	2	3	4	5
12	BAR& Bench both are responsible for Delays in Disposal of cases	1	2	3	4	5

# Judicial officers

Name (Optional):

Gender:

## Interview Questions:

Q-1: Whether the 'Rule' is directly proportional to 'Law'?

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Q-2: Do Laws make men or do men make Laws?

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Q-3: How can the integration of technology, or the concept of 'Technocrat,' enhance the efficiency of court management and improve the judicial process in the modern legal system?

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Q-4: How can the integration of technology with legal principles help address the challenges of long-pending lawsuits and improve the efficiency of judicial processes?

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Q-5: What is the socioeconomic impact of long-pending cases in courts, and how do factors like poverty, education, and access to legal services exacerbate the delays in justice?

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Q-6: How Does a Court Manager Make a Value Judgment About the Case Complexity and Time-Frame While Preparing the Daily Court Cause List?

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Q-7: Does the irregular transfer of judicial officers between districts affect the speedy disposal of cases, and how does it impact the continuity and efficiency of case management?

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Q-8: Do excessive adjournments contribute to delays in case disposal, and what measures can be taken to reduce their impact on the efficiency of the legal system?

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Q-9: How can courts strike a balance between the concepts of 'justice delayed is justice denied' and 'justice hurried is justice buried' to ensure that justice is both timely and fair?

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## PUBLICATIONS AND PRESENTATIONS BY THE SCHOLAR IN THE RESEARCH AREA

### Publications:

Sr.	Title	Journal Name	Indexed	Volume and Issue no	Page Nos (from - to)	Month of Publication
1	Stand-up to Trickle Knowledge down: Agenda for opening Legal Clinical	IUJ Journal of Management		VOL No 4	56-59	Nov 2016
2	Covid 19 Crisis and jurisprudence	International Journal of Current Advance Research		VOL 10	24031-24033	Nov 2021

### Presentations:

Sr .	Name of Conference	Date of Conference	Paper Title	Location	Arranged By
1	Stand up In Knowledge Communication	27 <sup>th</sup> September 2016	Stand-up to Trickle Knowledge down :Agenda for opening Legal Clinical	Ranchi	ICFAI University Jharkhand
2	National Seminar on Cyber Security :Emerging Trends	29 <sup>th</sup> November 2017	Awareness of Legal Provisions in India As a Means to Curb Crimes in Cyber space	Ranchi	ICFAI University Jharkhand
3	International Conference on Sustainable Water Resources	29 <sup>th</sup> January 2021	“The Restoring of wholesomeness of water as the Centroid of Hydro Jurisprudence	Bhubaneswar	Kalinga University of Industrial Technology
4	National Conference on Digital Transformation for socio Economic Development of Rural India	25 <sup>th</sup> February 2022	Democractic Legality and Rural Development A short Survey	Ranchi	ICFAI University Jharkhand
5	Paradigm Shift in FLN	11 <sup>th</sup> July 2022	Foundational Literacy & Numeracy	Delhi	Synergy Summit