



A SOCIOLOGICAL REVIEW OF LONG PROCEEDINGS IN THE COURTS FROM THE POINT OF VIEW OF JUDICIAL OFFICERS AND ADVOCATES

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ABSTRACT

From the perspective of judicial officers and advocates, this study investigated the factors and impacts of long proceedings in the courts within a sociological setting. Phenomenology was utilized as a research design and the thematic method was used for data analysis. Data were collected on a semi-structured questionnaire through face-to-face interviews with 20 judicial officers and advocates. Eight themes were derived from interviews of the participants. Weak economic position, mutual understanding in terms of acquaintance, exercising influences, using relationships, systematic and inborn corruption, benefits in terms of money, the social position of parties, the experience of a lawyer, political and media reported cases identified as factors of delays. Whereas, long proceedings in the courts are considered negatively and it gives birth to negative perception and results in damaging the expectations of the public about the courts. Social disorder, anger, losses of time and money, and promotion of



customary methods of dispute resolution were revealed as impacts of delayed proceedings.

Keywords: Sociological Review, Long Proceedings, Courts, Point of View, Judicial Officers, advocates.

BACKGROUND

Long proceedings or delays infer the measurement of time-based which something is conceded. The length of time between proceeding and arrest of an accused comprising the judgment pertaining to the same accused is known as delay (Tobi, 1997). The time, other than that required to acquire, present and weigh the evidence, conflicts, and law is termed as long proceedings at courts (Federal Court of Australia, 2015). Whereas, court delay means the measurement of time between the commencement and the completion of court procedure which outshines the time on a very basic level spent in the arrangement of a case for trial, the method for its hearing, and the declaration of its final outcome (Brebner and Foster, 1994).

Due to long timings in the court process witnesses, victims and litigants feel the worried and powerful operation of the court is also restricted (New Zealand Bill of Rights Act, 1990). Delays, particularly in criminal cases, impact more than one manner, so far an accused is given in custody, delays in this regard prolong the time and as the result adversely affects the jail system as well as the accused. It generates nervousness and pressure among the accused, the victim of the crime, and families of the both. Besides, the costs of the litigation are increased and monetary hardships are being felt by the court, jail, and parties. The enthusiasm of parties is decreased and they give up their assertion due to the probability of prolonged court proceedings. Evidence vanishes away and witness in various cases forget the evidence, even, they may die or becomes unable to produce them before the court of law. Whereas, due to extended timing in deciding the court matters the public confidence in the courts is also weakening (Brebner & Foster, 1994). Lengthy court proceedings impact the feelings of the victim, it left adverse impacts on the general public as well as it raises questions relating to the efficiency of the justice sector (Runciman & Baker, 2016).

A great number of cases are pendant at numerous courts and the disposal time on average is relatively long. This condition generates difficulties for the disputants (Masood, 2018). Law and Justice Commission of Pakistan (LJCP) in its report has revealed that 38,539 cases wait for disposal in the Supreme Court, 293,947 in the High Courts, whereas, 1,869,886 in the lower judiciary of the federal capital and the four provinces (Asad, 2018). Honorable Justice Jamali acknowledged a huge number of pending cases is resulting in delays in justice dispensing. Besides, it is creating sentimental and psychological distress along with the economic costs to the disputants (Ali & Sahoutra, 2016). Despite enough efforts to eradicate the accumulation, the pending cases are enhancing every day, as 38,913 cases were recorded in pendency in the



Supreme Court of Pakistan till April 30. This quick increase in the pendency is a great challenge confronted by the apex court which is now in the criticism for enough concerned in taking the political cases. During the last 5-7 years of pending cases, the rate has reached 100% (Malik, 2018).

Problem Statement

A multitude of communities and sections of society are being victimized by excessive timings in the court of law for reaching a decision. Though no accurate data is existing, innumerable orphans and widows, after being destitute of their claims, compelled to wander here and there for many years to get relief, have scarcely anything to celebrate when they come to courts. In addition to this business community is also victim to the process of delays as their business activities are affected when their cases related to the business are pending in the courts. Resultantly the dragging of business suits decreases foreign investment and damages the advancement of business which is a dire need in Pakistan today (Butt, 2018).

Keeping in view above mentioned circumstances happening due to the prolonged cases, it is indispensable to unfold various aspects of inordinate delays in courts in a different manner focusing on the sociological feature of this phenomenon. Various studies were designed and undertaken in the shape of committees, commissions, and some bureaucratic manners in order to bring reform and know the nature of the delayed proceedings. Whereas, sociological study of this scenario of delays in the courts is still a gap in research. Besides, courts are the basic social institutions and the study of social institutions is the main concern of sociology. Secondly, the methodological difference is also a gap in the research. Quantitatively the phenomenon in the shape of judicial statistics (Annual Reports) and few scientific research studies is to some extent known but the qualitative studies are yet to be carried out. Therefore, this study fills the gap in the shape of qualitative manners too.

DESIGN OF THE STUDY

The particular focused phenomenon of this study is to identify the sociological factors and impacts of the process of long proceedings in the courts. Hence, the following are the central questions of this study.

1. What are the sociological factors of the process of long proceedings at the courts of Law?
2. What are the sociological impacts of long proceedings at the courts of Law?

LITERATURE REVIEW



The complexity of the system of justice contributes to the duration of the disputes of civil nature (Di Vita, 2010). The attorney's and judge's informed behavior, practices, and established expectations are the causes of delayed process in courts (Grossman et al., 1981). Three elements certainly, speed and cost are basic on which the efficiency of any judicial system depends (Warner, 1920). The delays process in the courts has always benefited the dishonest and clever person at the cost of poor and underprivileged persons in society (Ssenoga, 2007). The people are deprived of their right to impartial and free trial due to inappropriate political intervention, scandals of judicial officers, and corruption, and the same is causing delays (Okello, 2008).

The courts are less suitable for altering the further important inadequate dissemination of dealing influence among people (Hale, 1946). Backlogs are a huge cost for government institutions, citizen satisfaction as well as the productivity of business (Scialabba et al., 2019). The type of the case, volume, and time is being affected by economic elements along with legal factors (Aldashev, 2009). It has become difficult to access the courts due to delays, and high costs, their procedure is complex and involves more technicalities (Muigua & Kariuki, 2014).

The charter of Magna Carta, article 40 describes delays as "to none will we sell, to none deny or delay, right or justices". It denotes that in the primitive times' people of this globe were already more acquainted with the right to quick and prompt justice (Sarasola, 2001). Due to permanent delays in the courts, the witness dies or they may move away and becomes not available for testimony (Baca et al., 1971). Delays are creating a great threat to the constitution and democratic governance as due to delays public is losing its confidence in the judiciary (Gupta, 2012).

Many factors delay the court proceedings in Pakistan including scarcity of human resources, shortage of counsels and public prosecutors, cases are inefficiently managed, very old procedures being used, police investigation inefficiently, and corruption especially in the lower courts (Dawn, 2018). Due to enough means in Pakistan, a powerful person can get justice quickly. So, in order to progress the system of justice, it is essential to decrease inequalities in terms of finance, and human and social development. Beradaries, socio-economic position, and gender mostly known as conceptual constructs have a good influence on the justice sector in Pakistan. Besides, socio-political awareness, social mobility, and the achievements secured through education have influence on the justice sector.

As the litigation is more expensive and the powerful have the means to purchase the justice through their money and social contacts. Practically, on average half of the expenditure during the litigation incurs in the form of bribes and other illegal demands (Khan, 2004). It is due to the slothfulness and malfunctioning of the formal system of justice public opts informal justice dispensing system. Whereas, the informal sector of justice is no more expensive as compared to the formal court system (Shahid, 2012). Professor Anotol Lieven states, that in Pakistan justice is



an extension of politics by other means and everybody with the least power makes effort to utilize corruption in it and tries to turn the system of justice for its benefit (Lieven, 2011; Shahid, 2012:25).

METHODOLOGY

The study is adopted as a qualitative approach wherein Phenomenological study design is used. A thematic method as used by Braun & Clarke (2006) has been utilized for the collection and analysis of data. Data have been collected on a semi-structured questionnaire through face-to-face interviews of judicial officers of district judiciary, Karachi, Sindh, Pakistan. Besides, face-to-face interviews of famous advocates having their cases fixed in the above-mentioned district judiciary were also conducted. The purposive sampling technique is used and the sample size is 20. Further, this sample was divided into 10 judicial officers and 10 advocates. Data are recorded and it is taped with the prior permission of the participants.

Table No. 01: *Explaining the Distribution of the Participants*

No. of Participants	Gender	Profession	Working Place	Tool
07	Male	Advocate	District Judiciary, Karachi	Semi-structured Questionnaire
03	Female	Advocate	District Judiciary, Karachi	Semi-structured Questionnaire
08	Male	Judicial Officer	District Judiciary, Karachi	Semi-structured Questionnaire
02	Female	Judicial Officer	District Judiciary, Karachi	Semi-structured Questionnaire

The average length of each interview is 15-20 minutes. Data are analyzed by transcribing the recorded data. Repeatedly the reading of the written data is made. Coding is assigned, themes are extracted, and reviewed, meaning is given and a report is generated.

Table No. 02: *Explaining the Coding and Interviewee's Information*

S. No.	Code Assigned	Category
01	JM & CJ1	Judicial Magistrate and Civil Judge
02	JM & CJ2	Judicial Magistrate and Civil Judge
03	JM & CJ3	Judicial Magistrate and Civil Judge
04	JM & CJ(FJ)1	Judicial Magistrate and Civil Judge (Family Judge)
05	SCJ1	Senior Civil Judge
06	SCJ2	Senior Civil Judge



07	SCJ3	Senior Civil Judge
08	ADJ1	Additional District Judge
09	ADJ2	Additional District Judge
10	ADJ3	Additional District Judge
11	ADVLC1	Advocate Lower Courts
12	ADVLC2	Advocate Lower Courts
13	ADVLC3	Advocate Lower Courts
14	ADVHC1	Advocate High Court (Also Practicing in Lower Courts)
15	ADVHC2	Advocate High Court (Also Practicing in Lower Courts)
16	ADVHC3	Advocate High Court (Also Practicing in Lower Courts)
17	ADVHC4	Advocate High Court (Also Practicing in Lower Courts)
18	ADVSC1	Advocate Supreme Court (Also Practicing in Lower Courts)
19	ADVSC2	Advocate Supreme Court (Also Practicing in Lower Courts)
20	ADVSC3	Advocate Supreme Court (Also Practicing in Lower Courts)

Researchers have tried their best to maintain the validity of this qualitative data. Hence, in this regard after writing the interviews, as themes were created and clusters were generated, and data provided significant meaning, then the results were corroborated with the original data. It was referred back to participants to ascertain the genuineness of their true accounts as they provided in the interviews. Besides, every possible effort was taken to comply with the ethics of social research. Prior to taking the interviews of the participants, their permission was obtained and the purpose of the study was described to them. It was assured them that this study is only for academic purposes. They were assigned the right to withdraw from the study at any stage. Special care was taken during the interviews of the judicial officers keeping in view their privacy of the response.

FINDINGS AND DISCUSSIONS

All interviews are transcribed in order to extract significant statements. Eight main and numerous sub-themes from the discussion of the participant emerged. While each theme is described with the true account of the participants. The following tables provide an illustration of the themes and sub-themes of this study.

Table: 03: Theme 01 and its Sub-Themes

Theme: 01	Weak Economic Position
Sub-Themes	Hiring a Competent Lawyer
	Stratification among the Lawyers
	Lawyers Charge Higher Fees
	Search of Best to Best Counsel
	Comparison in civil and criminal cases in the context of weak economic position



Under this theme, it has emerged that people cannot employ a competent lawyer for their defense due to their weak economic status. A competent and experienced lawyer charges high as compared to other advocates. Such a competent counsel arranges the good pace of the case and also wins the case accordingly.

Participants (ADJ-1, ADJ-3, JM & CJ-2) parties during the trial often provide their excuse for not having the financial capacity to hire a counsel in general and in particular a competent counsel. Ultimately, they supplicate for the adjournment of their cases for some time. A senior officer (ADJ-2) states that 95% of people in society come for getting relief from the lower courts and approximately 75% of such population is poor or belongs to such segment which does not have strong financial resources.

There occurs a stratification among the lawyers regarding their education and training as the following participants pointed out that:

(ADVHC-4, SCJ-1 & SCJ-2) some of the advocates are foreign-trained and qualified, and the rest of the lawyers are having degrees from local universities. Now, one who has earned a degree from a foreign country is more trained and proceeds the case more effectively than the locally trained lawyer, but the former charges more than the latter. Consequently, the cases become prey to the delays as people do not have enough to hire a more qualified and trained lawyer.

It is proved that foreign qualified lawyers charge higher fees, but data also reveals that in general the fees for the advocacy services are higher in our country and such fees are out of the reach of the poor people. As a result, litigants usually change their lawyer and their cases fall the delayed.

(ADVHC-3) here advocates charge high. The popular, experienced, and reputable advocates are highly paid and they are beyond the reach of a poor litigant.

Search for the best to best counsel is one of the reasons for the delays on the part of the parties. In this quest, usually, they change their lawyers. This often changing of the counsel affect the case in the form of delays and most affluent parties become poor as the result.

(ADVSC-2) people use to search best to best counsel for their defense and in this search, they cross their economical limits, even sell out properties. Resultantly, their cases become prey to delays in the process of searching best to the best lawyer.

The data exposes that the weak economic position of litigants greatly has an impact on delaying the criminal trial rather than the civil suits.



(SCJ-1 & SCJ-2) in civil litigation, when, parties are not able to pay fees of the court is redressed with a remedy in the shape of a pauper suit. Secondly, it is not necessary for the parties to appear in the court at each hearing, their counsel manages for it, and parties are protected from further expenses. On the criminal side, particularly, in matters of murder wherein by the law, a case cannot be proceeded without hiring an advocate. Therefore, in this circumstance, a poor accused suffers because he/she cannot hire a lawyer, and the matters of this accused fall in the delay until and unless the State or a Legal Forum may arrange a lawyer for the same.

Table: 04: Theme 02 and its Sub-Themes

Theme: 02	Mutual Understanding
Sub-Themes	Adjournment Applications
	Advocates Remain Busy in Apex Court, Hence, get Adjournment in Lower Courts
	A Judge was Once a Lawyer (From Similar Chamber)
	Political Cases (Relief of one or two hearings)

In this theme of mutual understanding, data shows that adjournment applications are usually filled with no objection when the advocates have a relationship among them. Such as, they are knowing to each other.

(ADJ-1 and SCJ-2) when advocates have acquaintance with each other, they file adjournment applications mutually with no objection to either side. The respondents (JM and CJ-1) additionally validated that shared adjournment techniques are being utilized by advocates to postpone the matters.

Following two participants told the reason for taking adjournments. Hence, they stated as:

(ADJ-2, SCJ-1, ADJ-3 & ADVLC-2) usually, the lawyer remains busy in the higher courts. Eventually, they attach the cause list of such apex courts with their applications and get their cases in the lower courts postponed. This practice delays the proceedings for a long time.

Under the sub-theme, 'a Judge was once a Lawyer (From Similar Chamber)', a probability of having a mutual relationship with the advocates of the same chamber/office was emerged, and in this regard following respondents stated that:

(SCJ-3, ADVSC-1 & ADVSC-2) if a judge is from a similar chamber/office of the advocates, in this case, it is observed that he/she supports the cause for such chambers, but not always. (ADVHC-1) the facts confirm that lawyers and judges have an association with one another because at last, an advocate turns into a judge, but such a connection between these people



isn't a solid reason for the long proceedings at courts. This is at some extent a wrong recognition.

Sub-theme political cases show that the acquaintance in the judicial system only provides relief of one or two hearings but not all the time.

(ADVHC-2) I have observed that common relationships or acquaintances among the court stakeholder only delay the cases of political nature. It means such techniques are employed in political cases. The layman does not have such influences. (ADVHC-3) shared his experience that relationships or acquaintances of different stakeholders in the justice sector do not provide much relief. It is only one or two hearings that are postponed on such grounds.

Table: 05: Theme 03 and its Sub-Themes

Theme: 03	Corruption
Sub-Themes	Parties file cases with ill intentions
	Many Forms of Corruption (Such as: Influence, Using Association with Legal Officers and Systematic Corruption)
	Zero Tolerance and Enhancement of Salaries of Court Staff
	Surge of Work
	Corruption is more High in Lower Courts as Compared to the Apex Courts,
	Litigants are Important Source of Corruption

The data declares the filling of the legal cases with an ill intention of dragging the opposite parties into the court as one of the sorts of corruption and cause of the long proceedings of the legal matters.

(JM and CJ-1) more often the parties file cases intending to exhaust the opposite party in court procedures. So the party with an ill intention of causing worries to the opposite party tries to offer some money or other benefits to the staff as the opposite party may be bothered. The ill-intended parties moreover try to reach the legal officers for the satisfaction of their motive of causing suffrage to the opposite party. This whole process contributes to the length of the proceedings.

It is revealed that there are few forms of corruption found in the judicial system; which ultimately becomes the reason for long proceedings. As mentioned by the following participants.

(ADJ-1 & ADVLC-1) providing the money to the staff of the court or other related persons with courts is not only the form of corruption. Use of influence on court staff including



judicial officers, associating oneself with the staff members of the court, and we do have innate corruption in the system for a long time. So, all these elements affect the speed of the cases.

Some of the participants do not consider corruption as the complete cause of the delay in the court process.

(SCJ-2) certainly, the component of ill practices such as corruption is found in the courts. However, at this time, there is zero-tolerance for such practices in courts. Inspection of judges and court staff is tight in the issues identified with the monetary matters and managed with iron hands. Besides, judges, presently get attractive salaries including different perks and privileges, individual vehicles, official housing, drivers, and so on. (ADJ-02, SCJ-1 & JM, and CJ-2) corruption in the courts has been decreased after the enhancement of the salaries of the court staff through different judicial policies. Hence, it is no more reason for the delays in the court process.

Two most senior advocates participant in this study also refuted corruption as the cause of the delays. Whereas, they declared workload as one of the causes of delays in the court.

(ADVHC-2) expresses that the cause list of each court is arranged day by day, checked, and its alarms are sent through SMS to the parties, so no chances of delays taking place owing to corruption. (ADVHC-3) today judiciary is 90% functioning admirably, however, a surge of work somewhat causes court deferrals.

Some participants consider ill practices like corruption as a cause of delays and find it more in the lower courts as compared to the apex courts.

(ADVLC-3 & ADVHC-4) ill practices like corruption are a noteworthy reason for the long proceedings at the courts, particularly in the lower courts. However, they have exceptionally short roots in the higher courts.

Two most senior advocates stand responsible to the litigants as the reason for long proceedings and corruption in the courts.

(ADVSC-2 & ADVSC-2) if someone in or outside the courts says to the litigating parties that he or she has a relationship or knows the presiding officer of such court. Parties become ready to pay an amount to such a person for getting the benefits. Though, such persons in actuality do not have such a relationship with legal officers. At the same time, the same litigating parties adopt delayed techniques in paying the fees to their counsel who is working hard to get



relief for them. Even, the parties under the influence of such persons change their competent and honest lawyers. With this effect, their cases delay for a long.

Table: 06: Theme 04 and its Sub-Themes

Theme: 04	Inequality in Judicial System
Sub-Themes	Social Position of Parties
	Popularity of a Lawyer
	Political Cases

Data reveals the element of inequality in the judicial system concerning the social position of the parties. This does mean a party that is more influential or has higher social status; its case is preferred more.

(ADJ-1 & JM and CJ (FJ)- 1) Oh! truly, inequality in the status of parties is one of the factors of delays. (ADVSC-1, ADVSC-3 and ADVLC-1) examines that individual from the higher social status are more entertained and favored by the courts at some level.

It is found through the data that influential parties hire competent lawyers; who manage their cases more effectively and with enough speed.

(JM and CJ-1 & JM and CJ-2) the person who has a place with the exclusive class in society employs a reputable attorney. Consequently, such an attorney wins the case and also maintains the speed of the case. Whereas, due to lower earning capacity and social status poor parties remain unable to hire such reputable lawyers.

The popularity of a lawyer has been identified by this study as one of the causes of long proceedings and it is one of the kinds of inequality being exercised in the judicial system.

(ADJ-2 & ADVHC-3) a lawyer has extensive experience and a good position in a professional field, when appearing in the courts, especially the lower courts, he/she exercises impact over the court and resultantly, gets the matter deferred. Likewise, a factor in such manner having possibility might be an advocate is a senior most or occupying an influential designation of the Bar Council.

Talking about the political cases few participants agreed and they termed it as one of the elements of the inequality of the judicial system.

(ADJ-2 & ADVHC-2)) shares their experiences as political cases are given importance and additional time which keep on delays to other regular cases. Hence, unequal treatment of the



parties may occur, which is not the intention of the judicial system but happens due to the media and other pressures.

Table: 07: Theme 05 and its Sub-Themes

Theme: 05	Expectations of the Public
Sub-Themes	Expectations of public damages
	Increasing Case Ratio in the Courts
	General Perception
	Other Administrative Institutions are Responsible for long Court Proceedings
	Delays and Expectations are Interconnected

The data shows that as an eventuality of the long proceedings, the expectations of the public are damaged from the formal court system.

(SCJ-2 & ADJ-2) long proceedings at the court have resulted in the damaging the expectations of the public as well as the cases of the public being destroyed due to it. (JM & CJ-1) expectations of the public have been damaged owing to the delayed technicalities being employed by the lawyers as well as their parties. Courts are no more involved in this process. (ADVSC-1) expectations of the public have been damaged as courts are mostly involved in the adjudication of political cases rather than paying attention to the general public matters. This is being revealed by the speeches of the various chief justices of Pakistan on different occasions. (ADJ-1) now we are under the watch of competent authorities due to the Case Flow Management System (CFMS). Our performance is being observed and the public does have access to the different stages of their matters. So, I think now expectations of the public have been improved to some extent.

Few participants reported that yes expectations of the public are damaged due to long proceedings in courts but at the same time case filling ratio in the courts is also increasing day by day.

(SCJ-1, ADJ-3, ADVHC-2 & 1) increasing case filling ratio shows that expectations of the public in the courts have not damaged. However, complex procedures and related formalities are factors keeping the public out of the courts. Despite all the facts, courts are the best option for the solution of the matters. (ADVSC-2 & ADVSC-3) long proceedings are the inherent issue of courts, then why institution of cases at courts increasing. It is because we do not have another realistic system for the resolution of disputes. As the court provides accurate relief, so, due to this feature of the courts, the public rushes towards the courts despite the delayed procedure.



We come to know that there is a common perception (Taser) among the public that it is good to decide disputes at home or somewhere else, rather take the same to courts; as courts take a long time to reach a decision.

(ADVHC-3 & ADVHC-4) yes, long proceedings in the courts are considered negatively and it gives birth to negative perceptions regarding the courts. The participants, (ADVLC-2, ADVLC-1 & 3) declared other related institutions such as police and prosecution responsible for long proceedings of the courts and says that these intuitions are linked with courts. The decisions of the court are depending upon the proper discharge of the duties by these interrelated institutions. Furthermore, long proceedings and public expectations are reciprocal.

Table: 08: Theme 06 and its Sub-Themes

Theme: 06	Social Disorder
Sub-Themes	Social Disorder, Long Proceedings of Courts and Poverty Two Types of the Parties

It is revealed that social disorder and anger are the natural impacts of the long proceedings of courts and this type of disorder is not only due to delays of the courts. Other factors like poverty are responsible for it too.

(JM & CJ-1, ADJ-3 & (ADVLC-1) the anger and social disorder among the population naturally develops as a result of a long time taking at the courts. This type of feeling is also related to other factors, such as poverty. As people are not able to cater to their routine life along with court expenses. Their fundamental necessities are unfulfilled. No doubt delays occur in the courts have negative impacts on society, but courts are only for substantial justice. Distributive justice is the sole function of the state. The equal distribution of wealth and opportunity can help the public to sustain court expenditures and follow the court procedure for the final decision of their disputes.

Mostly two types of parties come to the courts, one is interested in the quick relief and the other for dragging the case long with intention of causing worries, stress, and pressure upon the opposite party.

As per (ADVHC-1, ADVHC-3 & ADVSC-1) we face two types of parties. In criminal proceedings, especially complainants, about 20% are interested in the finality of cases. However, 70%-80% are interested in causing worries, pressure, stress, and persecution to the accused. So, they ask for the utilization of delay tactics. While, in the civil side, one party especially comes with intention of delays. As such party knows at the time of the institution of



a case that he or she is having incomplete documents. But, still comes for causing the worries to the opposite party.

Table: 09: Theme 07 and its Sub-Themes

Theme: 07	Customary Methods of Dispute Resolution
Sub-Themes	Common in Sub-content & Social Compulsion
	No Patience in Public
	Public Wants Decision of their Problems in a Day
	Role of Police & Advocates

Customary methods of dispute resolution are common in Indo-Pakistan sub-content and these are social compulsions too.

(JM & CJ-1, SCJ-2 & SCJ-3) mentioned that as long as the cases are pending in the courts, parties parallel to this try to resolve them through customary methods. So, they seek adjournments, and as a consequence, cases remain in the long-pending process. They do so because the resolution of disputes through customary methods is common in our region. We do find its existence in history. (ADJ-1) Oh! yes, delays in the proceedings at the courts create the chances of resolving the matters through customary means. Besides, customary methods are easy to reach and are inexpensive, that is why people do prefer them. Additionally, these methods of dispute solution are social compulsions as these are deep-rooted in the social system.

The public does not possess the element of patience and they want the decision of their case within a single day.

As said by (ADJ-1, ADVHC-1 & ADVHC-3) people do not wait for the legal process to be followed. They are lacking in patience. Hence they want the decision of their case as soon as possible and perhaps if possible in one day. So, a decision is impossible in one day. Yes, the procedure is followed, and definitely, it takes time. Meanwhile, people bring their cases to the customary methods and try to resolve their cases as soon as possible. They do this because they are lacking in the knowledge of the legal process to be followed in the formal justice system.

Talking about the role of the police and advocates *(JM & CJ-2 & ADVLC-2) states that yes delays at the court of law promote the system of bringing the cases to the customary methods of resolution of disputes. In this context police and to some extent advocates also helps the parties to bring their cases to the customary side of the resolution.*



Table: 10: Theme 08 and its Sub-Themes

Theme: 08	Losses Due to Enhanced Court Proceedings
Sub-Themes	Two types of Losses Poor People Suffer More and their progress hampers

About the losses due to the long court proceedings, it is revealed that two types of losses occur during this process.

According to (ADJ-1, 2 & SCJ-1) parties and government suffers when court proceedings take a long time. Parties appear in the courts, spend money on the fare of transport, pay advocates and their daily routine work is also disturbed. The government in a single proceeding spends money on the police, and jail system, tries to maintain the court expenditures, and public revenue is utilized in different manners during a long proceeding. Few participants such as (those ADVSC-1 & ADVSC-2) were of the view that in terms of the losses of the money and time more suffered segment of the population is the poor class. The progress of the poor class of the people restricted during the long proceedings in the court system.

CONCLUSION

This sociological review of the process of a long time taking in disposing of the court matters from the perspective of judicial officers and advocates has exposed very important findings. The study reveals that the weak economic position of the parties is one of the elements of long proceedings, especially since it is the greater cause in criminal than civil cases. Weak economic status hinders a party to hire a trained and competent lawyer; such a lawyer smoothly takes the case and also prevents delays in the proceedings. Additionally, popular, experienced, and reputable advocates are highly paid and they are beyond the reach of a poor litigant. The study identified mutual understanding in terms of acquaintance (knowing each other) of different stakeholders in the courts as the factor of the long proceedings in the shape of taking mutual adjournments. Besides, adjournments are taken as advocates remain busy at apex courts. Corruption has been recognized as an element of long court proceedings in the manners of exercising influences, using relationships, systematic and inborn corruption, and benefits in terms of money. On the contrary, participants rejected the common perception that courts do not work without taking money; as the days have gone by, now strict policies with no tolerance are in practice, and simultaneously perks and privileges of the court staff and judicial officers have been enhanced, which has reduced corruption at good extent. Whereas, participants are of the view that corrupt practices are greater in lower courts as compared to the apex courts. The more significant finding of this study is that the participants consider litigants as the source of corrupt practices in the courts. The study reveals the presence of the element of inequality in the court system in different ways. The social and financial position of parties, experience and standing of



a lawyer, cases of political nature, and the media reported are some features of inequality in the court process. While, few participants are of the view that courts deal with the general public equally irrespective of their gender, social, and financial standing.

This research has recognized that long proceedings in the courts are considered negatively and it gives birth to negative perceptions regarding the courts. Inordinate delays not only damage the public expectations about the court, but also destroy the cases of the parties. Delays and public confidence are interconnected and interrelated. Talking about the increasing case filing ratio in the courts; participants are of the view that the public has no good alternative to the courts that is why, despite the long timings of the proceedings in the court process, they are bringing their cases to the courts for proper adjudication. Other related institutions such as police and prosecution are also responsible for long proceedings of the courts. It is revealed that social disorder and anger are the natural impacts of the long proceedings of courts and this type of disorder is not only due to delays of the courts. Other factors like poverty are also responsible for it. It is further observed that mostly two types of parties come to the courts, one is interested in the quick relief and the other for dragging the case long with intention of causing worries, stress, and pressure upon the opposite party. The study depicts that it is common practice in our society that during the pendency of the cases in the courts; some are referred to customary methods of dispute resolution as these methods are common and present in our culture. Besides, people prefer customary methods of dispute resolution due to social compulsions and fear, so cannot be avoided at all. Advocates and police are also helping the parties to bring their cases to customary, social, and cultural methods of conflict resolution. The study identified disturbance of daily work, and suffering of the public exchequer as the losses of money due to long proceedings at courts. It is further observed in this process more losses of time and money are borne by the poor segment of the society as compared to the elite class.

RECOMMENDATIONS

Based on the findings following recommendations are given.

- More qualitative and in-depth studies involving more participants should be conducted to identify the nature of the process of long proceedings in the courts.
- Long proceedings at the courts are interconnected and interrelated with other institutions such as police and prosecution. So, it is recommended that these institutions should also perform their due role when a case is pending in the courts.
- No doubt the procedures at the courts of law are long and time-consuming; but the public must adhere to the principle of patience and tolerance, this, in consequence, will save it from anxiety.



- It is necessary that all stakeholders having association with courts should adopt the principles of religious norms moral, social, and ethical values. This will help to prevent malpractices present in the system.



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