Chapter-6

CONCLUSIONS AND SUGGESTIONS

Up to this point, the investigator has been concerned with the collection, processing and analysis of data. Usually, however, the data are collected to predict or draw inferences about situations that have not been measured in full. In this chapter, the researcher has focused on the pattern of litigation at district level which includes - nature and types of cases, socio-economic background of litigants, procedural complexities faced by litigants, possibilities of compromise and satisfaction level of litigants. On the basis of analyses and interpretations in the previous chapter, certain conclusions have been drawn, which are followed by suggestions and recommendations.

6.1 MAIN FINDINGS OF THE STUDY

Main findings of the study are as under:

6.1.1 Pattern of Litigation

- As many as 13589 criminal cases have been instituted in the year 2010 making the percentage 71.37. As far as civil litigation is concerned the maximum number of litigation has been instituted in 2009 (43.14%).
- In all, 7683 criminal cases have been disposed of in the year 2010 making the percentage 61.25. As far as civil litigation is concerned the maximum numbers of litigation have been disposed of in 2009 (44.32%).
- In the year 2010, out of 29572 pending cases, 66.74 percent are of criminal nature while 33.26 percent litigation is civil ones.
- Filed cases in district courts Rohtak show that out of total 150 cases, 80 (56 %) are criminal cases whereas 70 (44%) are filed as civil ones.
The 80 criminal cases belong to different categories like murder, sexual offences, property, thefts, drugs, atrocity, assault, negligence, fraud, offence against child and women, kidnapping and miscellaneous minor offences.

70 civil cases belong to different categories like property, succession, guardianship, recovery, rent, services, matrimonial, accident claim etc.

6.1.2 Socio-economic Background of Litigants

- It is noticed that 85 percent of the litigants are male and 15 percent are female.
- A large majority of respondents (52%) fall in 18-40 age groups.
- About half of the respondents are from general category. 28 percent belong to backward class and 20 percent belong to scheduled castes category.
- As far as educational background is concerned, 45 percent are under graduate whereas 29 percent are either illiterate or under-metric.
- Rural-urban dichotomy indicates that 66 percent (two-third) respondents hail from rural areas.
- The data show that over half respondents belong to low income group and the same belong to unemployed and agriculture/labour.

6.1.3 Procedural Complexities faced by the Litigants

- Out of 300 litigants, 66 percent are of the view that their litigation is pending for more than two years, while out of 66 percent, 35 percent respondents assert that they have spent more than 5 years.
- For 70 percent respondents, the procedure in district courts is expensive. The reason cited by most of them is advocate’s fees.
- 97 percent of the respondents accepted that their routine life has been disturbed by the litigation. 58 percent take it as mental disturbance.
• Three-fourth respondents are not satisfied with the court proceeding. Majority of them (70%) are dissatisfied due to long dates.
• 60 percent respondents are satisfied with the services of their advocates.
• As far as criminal cases are concerned 33 percent respondents are found dissatisfied while 45 percent give no answer about their satisfaction.
• The data show that only 5 percent litigants dispose of their cases through compromise. Out of 14, 57 percent cases are disposed of through Lok Adalat.
• Out of the total 100 advocates, 66 percent reply that the courts are not sufficient according to requirements whereas 34 percent reply in positive.
• In the case of satisfaction about time spent on a case by court is concerned, 66 percent say that they are not satisfied with the time given to them for a case hearing whereas 34 percent opine that they are satisfied.
• Data show that the majority of respondents/advocates (66%) are not satisfied with the case decided by a court in a reasonable time.
• Out of the total 100 respondents, 62 percent are satisfied with the working procedure of court while 38 percent are not satisfied with this procedure.
• Data reveal that out of the total 100 advocates, 55 percent reply that the Legal Services Authorities Act, 1987 is smoothly implemented whereas 45 percent reply in negative.

6.2 TESTING OF HYPOTHESES

The very first objective of the study was “To analyse the pattern of litigation in district courts Rohtak in Haryana”. To achieve this objective it was hypothesized that in district courts criminal cases outnumber the civil ones. Filed cases in district courts in Rohtak show that 56 percent are criminal cases
whereas 44 percent cases are civil ones. This way the first hypothesis is approved.

The second objective was “To study the socio-economic profile of litigants”. The hypothesis was that the profile influences the pattern of litigation in district courts. It was noticed that 85 percent of litigants are male. Further a large majority of respondents fall in 18-40 age group, about half are from general category, 45 percent are under graduate, two-third are ruralites, over half belongs to low income group, the same belongs to unemployed and agriculturist/ labourer. The second hypothesis is proved in this way.

Third objective of the study was “To point out procedural complexities faced by the litigants”. Initially it was assumed that litigation in district courts is complicated, costly and often delayed. The data show that one-third cases are being delayed for the last five years. Two third respondents accepted that legal procedure in district courts is very costly. Thus the hypothesis is proved.

The fourth objective was “To point out the possibility of compromise among the litigants”. It was hypothesized that possibility of compromise increases manifold with the help of alternative dispute resolution. It was noticed that only 5 percent litigations were resolved with the help of various ADR mechanism. So this hypothesis is disapproved straightforwardly.

The fifth objective was “To assess the level of satisfaction among the litigants”. It was presumed that the level of satisfaction is very low. The data show that about two-third of the litigants are dissatisfied with regard to the decision and the legal proceeding as well. In this way the hypothesis is approved.
6.3 SUGGESTIONS

Following are the main suggestions:

6.3.1 Pendency of Cases in District Courts

The present study highlights the high rate of pendency in district courts in Haryana. To get rid of this problem following are the main suggestions-

- Fast track courts should be established parallel to regular district courts. It will help increase timely disposed of long standing cases.

- Mobile court is another way out of disposing huge pending cases. However, the concept of mobile court has already been initiated in Indian judicial system way back in 2005 from Punhana (Mewat). It needs replication in other districts also.

- Lok Adalats were established way back in 1987 with the enactment of Legal Services Authorities Act, 1987. No doubt, the mechanism is achieving its goals to a large extent; there is an urgent need to harness its full potential. The primary need is to aware people about the usefulness of Lokadalats and to encourage litigants to get their cases disposed of through Lok Adalat.

- In some parts of our country especially in Gujarat, district courts are working in two shifts. Evening courts help in speedy disposal of litigation files. It is needed to replicate the same in other states also.

- From earliest times, civil and criminal petitions are being heard by the same court, but with the constant increase of litigation, workload in Indian district courts has also increased manifold. It is high time that civil and criminal judicial system be bifurcated. This will certainly enhance expertise in case of judges’ capability and will decrease pendency of litigation also.

- Every matter serious or trivial cannot and should not be dragged in courts. Certain alternative routes should be adopted. The alternative dispute resolution mechanism may include out of court resolution and
within court compromise. A number of arbitrators may prove helpful in this regard i.e. civil society, NGOs, informal social platforms etc.

- The pilling up of court cases in a nationwide problem and every body, from the poorest man to the highest authority, talks about justice delayed being justice denied. Like Gujrat where in 2006 start evening court and in a short span time 116000 cases have been disposed off. The evening courts do not imply only additional working hours but also a system which enable to common man to seek justice without wasting his working hours during the day.

- To reduce the over load of pending litigation working hours of district courts should be increased. Population is increasing day and night and number of litigation are also increasing proportionally. To mitigate the situation, increase in the number of judges should be increase.

- Filling of vacancies should be initiated and completed without delay. A number of vacancies are there in district courts and unless the regular recruitment is made, retired district judges may be re-employed as district judges to hear the pendency (arrears) in district courts.

### 6.3.4 Procedural Irregularity/Complexities

The Indian judiciary especially district courts suffer from grave ailments in the shape of costly justice, inordinate delays, long and complicated legal procedure etc. Following are some structural and operational measures which will definitely prove helpful in removing these bottlenecks-

- To provide justice to the poor litigants, the Legal Services Authorities Act, 1987 is in place. Under the provisions of this Act, free legal aid is provided to poor people. But a number of irregularities are noticed in the implementation of this Act. Advocates working under this Act are not serious. Secondly people themselves are not aware enough about the
provision of this Act. Special awareness camps should be organized regularly.

- Practice of selecting inexperienced judges is increasing nowadays. Some minimum experience may be fixed in the selection procedure. This will enhance quality improvement in legal system.

- It was noticed during the course of study that sometimes adjournments are given on different counts. For example non-appearance of witness, absence of judge, absence of advocate etc. These reasons may be avoided and it will provide speedy justice to the victims.

- Generally arguments/evidence are made orally and coupled with overload of work, it hinders effective justice while making decisions. It is suggested that arguments should be accepted in writing and as far as possible the argument should be recorded.

- In India, it is a practice in Supreme Court and High courts that former decisions are cited in giving new decisions. This practice may be introduced in district courts also. This will be helpful in giving qualitative verdicts.

6.3.5 Legal Education, Training and Awareness

- Awareness of ADR through seminars, workshops and other means and its supervised and systematic implementation should be encouraged so that its effectiveness is proved and the message reaches a large section of population. For achieving success in the field of ADR, traind mediator and conciliators are required. Except arbitration and lok Adalats.

- Those judicial officers who are freshly recruited at the lowest rung are given extensive training over a larger period and the programme covers the study of basic principplles in different branches and also the practical side of a judge’s function in courts, starting from the stage of
framing of the issues, recording, evidence, hearing arguments up to the stage of delivery of reasoned judgements.

- Apart from training new recruits, continuing legal education to those who have already been in service in the subordinate judiciary for several years is also part of the functions of the State Academies and the National Judicial Academy. Judicial officers in service require fresh exposure to new subject in law. Judicial officers in service require fresh exposure to new subject in law.

- Other ADR techniques are virtually non-existent in India where ADR movement has yet to take force. The techniques have been scientifically developed in the USA and other countries. There must be diversification of dispute resolution techniques that suit our culture and temperament. Facilities, services and infrastructure should be created and provided that shall enable the implementation of such rules and lead to effective ADR practice.

- NGO’s have played important role in the functioning of Lok Adalat. In fact the initiation of Lok Adalat was done by NGO’s. Only few NGO’s are involved in legal aid and Lok Adalat movements. At least one NGO at each District should be accredited and such NGO’s should be entrusted with the responsibility to make aware the general masses about the Lok Adalat and Legal Aid movements.

6.3.6 Strengthening Lok Adalats

- Under the present ‘Lok Adalat’ scheme, the award passed by the Lok Adalat is a decree, which can be executed in civil courts. In order of ensure effective execution of the decree passed by the Lok Adalat a definite procedure should be evolved for follow up actions that the
decision is executed immediately in accordance with the settlement. Lok Adalat must be empowered to execute its own award.

- The place of holding Lok Adalat should be decided on the basis of the cases of the concerned area. It is advisable that few Lok Adalats are held in each Sub-Division in court free environment like village panchayat, school promises and college campus ete so that general people can participate in the process and the Lok Adalat on such occasion can be observed as ‘Festival of Justice’. This form of organization of the Lok Adalat will provide a new life and enthusiasm in the movement.

- Permanent Lok Adalat of former characteristic should be established in each district so that pending cases can be referred to the Lok Adalat regularly. These Lok Adalats will not only be able to settle large number of pending cases but also pre-litigation cases. Simultaneously, permanent Lok Adalat for public utilities service also is established. Such permanent Lok Adalat will be able to dispose of plenty of cases relating to public utility service.

- A monitoring cell under the State Authority Should be established to ensure proper implementation of the Lok Adalat Scheme at all level in general and at Sub-Divisional level in particular and for proper accounting and strict financial discipline of the Lok Adalat.

- The Lok Adalat movement can be successful only if the general masses will participate on voluntary basis in the functioning of the Lok Adalat. The researcher suggests that a co-ordination committee at each village panchayat level can be established. Such co-ordination committee will function as intermediary between Block level Board and village panchayat. It will help in bringing more people towards Lok Adalat, which will in result make the Lok Adalat in reality a ‘People’s court’.
6.3.7 Creating Gram Nyayalaya (Village Court)

- The poor living in villages will now get a cost-effective forum at the grassroot level to settle legal matters. The Gram Nyayalaya shall be a mobile court and shall exercise the powers of both criminal and civil courts.
- The seat of the Gram Nyayalaya will be located at the head quarters of the intermediate Panchayat, they will go to villages work and dispose of the cases.
- The Gram Nyayalaya shall try to settle the disputes as per as posible by bringing about conciliation between the parties and for this purpose, it shall make use of the conciliators to be appointed for this purpose.
- The judgement and order passed by the Gram Nyayalaya shall be deemed to be a decree and to avoid delay in its execution, the Gram Nyayalaya shall follow summary procedure for its execution.

6.3.8 Use of Information Technology

- A more effective use of information technology can be enable that judiciary in reducing time on all process. The experience of the Supreme Court in containing the docket explosion in the ninties is instructive in this regard. All over the world, court management and case flow management is recognised as a specialised skill which needs to be adopted by the Indian Judiciary.
- Latest technology can be used in case of video-conferencing at the time of recording evidence and argument.