2. Objectives of Research and Methodology

2.1 Formulation of Problem.

It is said that ‘Delay defeats justice’ and ‘Justice delayed is justice denied’. There are two procedural laws for trial of civil and criminal cases. They are mainly Code of Civil Procedure and Code of Criminal Procedure. Bombay High Court of Judicature, has issued administrative directions for trial of civil and criminal cases. They are Civil Manual and Criminal Manual, respectively. Some provisions are based on Code of Civil Procedure and Code of Criminal Procedure. There are some unique provisions. By following those provisions trial of cases can be speeded up. Criminal cases which are unready can be put up separately so that courts can give more time & attention for ready matters to disposed off them. Aforesaid procedural laws are having provisions for curtailing oral evidence substantially. If these provisions are followed by advocates, litigants, judicial officers and police officers then trial of cases can be concluded within short time. Similarly it could save time and money of courts, advocates, public prosecutors, public servants and litigants.

But, these provisions are not followed strictly by the persons those are involved in day to day work of justice delivery. The quality of judicature depends upon the persons those are involved in it such as judicial officers, advocates, public prosecutors, police officers, litigants and ministerial staff.
It is said that ignorance of law is no excuse. It is presumed that judicial officers and advocates know all procedural laws which are being used in day to day work of courts. But inspite of this time requires for trial of civil and criminal cases is increasing too much. Similarly pendency of cases are increasing day by day. In criminal cases accused are remaining behind the bars for the period more than for the punishment provided for commission of such offence. Supreme Court of India, since 1978 observed that speedy trial is the fundamental right of accused. Though judicature could not overcome to the problem of arrears of pendency of cases. Whether there is a need of proper management of courts, files, witness, daily board, undertrial prisoners and ministerial staff?

In the year 1996 Supreme Court of India, in Common Cause Society v/s. Union of India, had given certain directions to dispose off certain categories of cases pending in courts. These directions were to be followed by criminal courts in future when they were issued. Inspite of these directions pendency of criminal cases could not be reduced.

In the year 1998 Supreme Court of India, in Rajdeo Sharma V/s. State of Bihar, observed that in certain categories of cases if trial is not commenced within certain period and accused had cooperated to the court then such cases be stopped. If prosecution did not produce its witnesses then such cases be step forwarded to further step according to law. Inspite of the direction given by Apex Court, pendency of criminal cases could not be reduced.
2.2 Objectives of Research.

- To study the extent and causes of pendency of cases in courts of C.J.J.D. and J.M.F.C. in the State of Maharashtra.

- To study the existing system, organisation and procedure at lower courts i.e. C.J.J.D. and J.M.F.C.

- To suggest method for evaluation of work (efficiency) of judicial officers and to provide a mode for improvement in judicial work.

- To analyse duties of ministerial staff to suggest administrative reforms.

- To suggest measures for regularity and economy in respect of expert witnesses & police witness in criminal cases.

- To suggest measures for attendance of under trial prisoners regularly and economically.

- To critically examine the provisions of law regarding appointment of counsel for victims in criminal cases and its impacts on disposal of cases.
2.3 Scope of Study.


2.4 Nature and Type of Data Required.

To study objectives of research data was required on following points:-

- Total number of various categories of cases civil & criminal pending on 31.12.2000 in courts of CJJD and JMFC.

- Number of advocates (senior-junior) available in each court at every station.

- Total number of staff provided to each court.

- Total number of typewriters available in each court and their condition.

- Whether advocates and parties followed provisions of C.P.C, Cr.P.C and Evidence Act, properly at particular stage of trial of proceeding?

- Whether assistant public prosecutors followed provisions of section 294 of Cr.P.C. in the trial of criminal cases?

- How many civil, criminal and, other cases are received by each court per day?

- Procedure adopted for procuring attendance of undertrial prisoners in court.

- How much time is required by a judicial officer for administrative work?

- How much time is required by each judicial officer for remand work and other judicial work?

- Furniture provided to each court.
• How judicial officers were getting typewriters serviced or repaired? Privately or through Govt. agency?

• How many cases are kept on daily board by each judicial officer?

• Availability of public prosecutor in each court.

• Total number of summary cases pending as on 31.12.2000.

• Total number of pending cases relating to bodily injuries as on 31.12.2000.

• Total number of cases put up on dormant file during period 1.1.2000 to 31.12.2000.

• Total number of cases disposed off during period 1.1.2000 to 31.12.2000 in view of Common Cause Society case judgement.

• Procedure adopted by each judicial officer for procuring attendance of medical officers/ investigating officers to give evidence in court.

• Procedure adopted by each judicial officer for doing daily judicial work.

• Atmosphere available at work place.

• Facilities available to staff such as lunch room, drinking water, urinals & others.

• Service of summons in criminal cases. In Rural and Urban areas.
2.5 Sources of Data

Primary data was collected through questionnaires.

Respondents i.e. judicial officers and assistant superintendents of courts are spread over in the State. Hence it was decided that primary data on aforesaid points should be collected by questionnaire method. Three questionnaires were prepared for this purpose namely A, B and C. Questionnaire A was required to be filled by judicial officers who were dealing in criminal matters only. Questionnaire B was required to be filled by judicial officers who were dealing in civil matters only. Questionnaires A and B were required to be filled by judicial officers those were dealing in civil as well as in criminal matters. Questionnaire C was required to be filled by assistant superintendant II of each taluqa court.

Secondary data.

Secondary data was made available from report of Manodhane Study Group. The data relates to pending cases in the year 1980. Staff provided to various courts in the year 1980. Various reports referred in Manodhane study group since 1904.

They are as under,

- Report dt. 6.7.1904 submitted by Mr. Joseph Bocaro, Assistant Secretary to Govt. Judicial Department on special duty.


- Report of shri. V.A. Naik, Special Officer then District and Sessions Judge, Pune 1957.


• Report Arrears Committee 1980.


• Report of Justice, Mallimath Committee 1990.
2.6 Presentation of data.

Collected data was tabulated in tables.

T-1 Showing pendency of cases in the year 1980 and 2000 in the state in the courts of C.J.J.D. and J.M.F.C. district and taluqa wise.

T-2 Showing relation of pendency of cases, staff provided and advocates available (Ranking tables)

T-3 Showing information about daily Judicial work of Judicial Officers under study

T-4 Showing information about infrastructure to provided courts under study.

Cases pending in the year 1980 and 2000 are shown in the tables T-1-1 to T-1-26 each district and taluqa wise. Where the cases shown Nil in the year 2000 be treated as data not received from concerned courts. Similarly where the cases shown Nil be treated as court was not functioning at relevant time or it was only entrusted civil or criminal cases. In the year 1980 Jalna was in Aurangabad district and Latur was in Nanded district. After 1980 some new taluqa courts were came in to existance. Similarly at district head quarters new courts were established.
2.7 Analysis and Interpretation of Data.

Collected data was analysed and interpreted by determining percentage method to show in how many courts procedure laid down in C.P.C. Cr.P.C. Civil manual and Evidence Act and other procedural laws are strictly followed or not by litigants, advocates Judges, Magistrate and Public prosecutors. How many courts followed direction given by Apex court, in Common Cause Society case judgement. The relation between pendency of cases and staff provided. What was the impact of the size of increased staff as suggested by Manudhane Study Group. The relation between pendency of cases and number of legal practitioners available in courts.
2.8 Organisation of the Report.

The report consists of eight chapters.

1. Chapter I Introduction

In chapter first introduction of research subject is given, similarly terms of reference and findings of previous reports are given in brief. The importance of present research to overcome the problem of arrears is also discussed.

2. Chapter II Objectives of Research and Methodology.

Chapter two contains introduction of problem of arrears. Statement regarding problem. It contains research objectives. The nature and type of data required. The method for collection of data. From where primary and secondary data was collected. The points on which data was collected from judicial officers and assistant superintendents. Limitations of the study.


This chapter contains history of judicial system in the State. From where it was brought. How changes took place in it. Reasons for independence of judiciary. Appointment of judges and jury. Method of administration of justice.

4. Chapter IV Organisational setup and procedural aspects of Judicature.

This chapter contains organisational setup, three tier judicature system. It contains procedure which is followed for trial of civil and criminal cases.

5. Chapter V Pendency of civil and criminal cases in the year 1980 and 2000

This chapter contains pendency of civil and criminal cases in the year 1980 and 2000 district and taluqa wise. It contains rank wise pendency. Lowest number of pendency was given rank first. The rank wise pendency shows relation between number of pending cases and staff provided.
6 Chapter VI Analysis and interpretation of data.

This chapter contains analysis of data relating to provisions of C.P.C. and Cr.P.C. followed by courts, advocates, litigants, police and public prosecutors. There were 642 courts of CJJD and JMFC in the State in the year 2000. Out of these 295 were taluqa courts. The questionnaires A and B were sent to all Judicial Officers, through Hon High Court and their respective District Judges. Questionnaires were also got filled from AS of taluqa courts. Data received only from 211 courts [Judicial Officers]. No data was received from Amraoti and Chadrapur districts. The data was analysed and interpreted by using percentage method. This chapter also contains microanalysis of other judicial work of Judicial Officers. How judicial officers manage their work optimum.

7 Chapter VII Conclusions and Recommendations

This chapter contains conclusion and recommendations made for the implementation of this report.

8 Chapter VIII Administration Reforms.

This chapter contains various administration reforms, which are suggested by researcher for the economy and efficiency. Maintenance of equipments. Management of human resources efficiently and economically. If victims are given liberty to conduct their cases prosecution by the [pleader] of their own choice and its impact on the disposal of criminal cases. At last summary of the thesis is given.
Limitations of Study.

• Involvement of advocates [legal practitioners] are inseparable part of the judicial system. No reforms are possible without their cooperation. Similarly their cooperation in research study is very important.

        Manudhane Study Group, failed to evoke their [legal practitioners] responses. The researcher also had the same experience and therefore data from advocates could not be collected. This is a major limitation of the study. However an attempt was made to obtain data indirectly and ensure the reliability of the study.

• Though the questionnaires were circulated to all judicial officers i.e. 642 CJJD and JMFC all did not respond to the request. Out of 642 courts responses were received from 211 courts. This is a fair representation.

• It is assumed that the responses given by the judicial officers are reliable however researcher at certain stages had doubt regarding reliability of information. This fact has been mentioned in the report at appropriate spaces.