CHAPTER – 1

INTRODUCTION

"Judiciary is the guardian of civilized life"[1]

The essential function of the judiciary is to ensure justice to the people. Persons living in groups or a society very often differ on issues concerning their interests. This is a natural social phenomenon which gives rise to disputes. Who is wrong and who is right requires a resolution and its enforcement. Doing of justice by courts primarily means resolving a dispute between two or more parties by adjudicating their respective rights and obligations according to the law of the land.

Disputes are resolved broadly in three ways. Firstly, disputes may be resolved through negotiation without any formal third party intervention. It can be done through informal non-legal mechanism like intervention and advice of well-wishers, friends, social groups, elder-men and the like. This is the process of mediation. These are age-old conventional methods of informal dispute resolution and these have worked well. Unless compelled to resort to formal mechanism, by and large, people resolve their day-to-day disputes by these methods with utmost satisfaction. Disputes that are resolved in this manner are typically within a family, between colleagues, employer-employee etc.

Secondly, disputes may be resolved through arbitration, backed by a statutory mechanism. Quite often, arbitration finds favour in the resolution of commercial disputes.

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[1] Dr. A.J.P. Abdul Kalam, President of India, on the eve of the *Inauguration of the National Judicial Academy*, September 5, 2002, Bhopal

Thirdly, disputes may be resolved through State controlled adjudication by applying procedural and substantive laws applicable to the respective jurisdictions. Under the Constitution of India, the judicial function, as a sovereign duty, is assigned to the judicial wing of the State which is required to discharge its duty ensuring speed, accuracy and cost effectiveness. Deficiency in any of these three aspects can result in justice system failing to discharge its duties in a manner expected by the society. Hierarchically, the Indian judiciary has three levels. At the top is the Supreme Court with all India jurisdiction. For each State, there is a High Court. The Supreme Court and the High Courts together constitute the superior judiciary, being courts of record. Below the High Court is the third level called the subordinate courts[2]. These subordinate courts shoulder 90% of the Indian litigation. The efficacy of the adjudicatory system in subordinate courts in terms of time and cost has been under close scrutiny for quite some time. The general perception is that the lower reaches of the judicial hierarchy have gradually "locked into a spiral of escalating grid lock and ineffectiveness.[3] The purpose of the study is to ascertain reasons for delay in subordinate courts and devise solutions. For this purpose, the researchers have chosen the subordinate courts in Karnataka judiciary to carry out the case study. The expert studies conducted during the last five decades reveal that the subordinate judicial system's performance behaviour throughout India has remarkable similarity and therefore, the study in Karnataka can reasonably be accepted to be a representative study, the findings and recommendations of which would be valid with reference to the subordinate judiciary in other parts of India.

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[2] Constitution of India, Chapter IV in Part V (Union Judiciary), Chapter V in Part VI (the High Courts in the States) and Chapter VI in Part VI (subordinate courts)

[3] Marc Galenter, Fifty Years on, in Supreme but not Infallible, Essays in the Honour of the Supreme Court of India, Oxford.

1.1 Understanding the concept of 'Delay'

The 'Delay', for the purpose of the present research study, denotes the time consumed in disposal of a case in excess of the time period within which a case is reasonably expected to be resolved by a court. A case would naturally take a certain period of time for resolution. That is the expected 'life time' of a case. Such expected lifetime is reasonably ascertainable by looking into the nature of the case, the past track-record of the court in dealing with such cases and the complexities arising in such cases. Such expected lifetime is an inherent part of any adjudicatory system. However, the problem arises when the actual lifetime exceeds the expected lifetime. That is when we say 'delay' has arisen. This 'delay' has direct impact on docket loading of the courts. Increase in 'delay' also shows inefficiency of a court in delivering justice within an expected time frame. The greater the 'delay', the higher the inefficiency. Data shows that despite all apparent efforts at the State level, 'delay' between the expectation of justice seekers/disputants/litigants and the achievement recorded by the justice delivery system is progressively widening[4]. This study makes an assessment and analysis of what has already been done to reduce 'delay' and why these attempts have failed.

The 14th Report of the Law Commission of India[5] states that having regard to figures of average duration, the standard time for disposal of a suit in a Munsiff's court should be one year and that in a subordinate judge's court, eighteen months. The Commission concluded that the real arrears would therefore be in the Munsiff's court, those cases which have been pending for more than a year after institution and in the subordinate

[4] See graphs *infra*
[5] Submitted to the Central Government on September, 26, 1958

judge's court, those cases pending for more than one and a half to two years.[6]

Thus, the expected time lapse between the institution and its disposal should normally be one year in Munsiff's court and 18 months in a subordinate judge's court. This implies that if a case is being disposed of within the above time frame, there would be no delay at all. The reason is that it does take sometime for the case to go through various stages[7] before judgment can be delivered. Such radial flexibility is a must in adjudicatory system. However, if a Munsiff takes more than a year to dispose of a case before him or a subordinate judge requires more than 18 months, then one can positively assert that there is a 'delay'. Such a case, whose disposal requires more than expected disposition time would be considered part of 'arrears'[8] and are the subject matter of this study.

The "arrears' in the 14th Law Commission Report was termed as 'old cases' in the 77th Report of the Law Commission. The Commission in its 77th Report was of the opinion that civil cases which would include civil suits as well as cases under Special Acts should be treated as 'old' if a period of more than one year has lapsed between the date of its registration and the pronouncement of the final judgment. The target for the most of the cases, the Report stated, should be a period of one a year.[9]

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[6] 14th Report of the Law Commission of India, p. 255

[7] Various stages in a case include the filing of the case, notice to the other party, determination of issues, evidence, arguments and judgment.

[8] Perry S. Millar & Carl Baar, Judicial Administration in Canada, 1981, p. 196 (noting that the term 'case backlog' is, in fact, usually misapplied, being frequently confused with the concept of case inventory. A court must have an inventory of current cases with which to work; that is, it should have on hand the number of cases – and only these – which it can conveniently dispose within a reasonable or tolerable period of time. Any cases above that number constitute a court's backlog. Attempts to apply mathematical queueing theory to the backlog problem have been largely unsuccessful; the use of inventory theory (that is, the work-in-process concept) can, however, be effective.

[9] Para 1.9 page 3

The High Court of Karnataka in 1971[10] prescribed the duration within which the cases pending before the subordinate courts should be disposed. In other words, it set the expected lifetime of a case. It was provided that ordinarily suits or other original matters in the nature of suits are expected to be disposed of within a year from the date of institution and all other civil matters within a period of six months. In case of criminal cases, a pendency of six months is regarded as the maximum. At the Magistrate level, three months' pendency is perhaps the ideal.[11] This expected lifetime was however not strictly adhered to. It was noticed that in most of the cases the time taken was much more than the expected maximum period of one year. In reality, courts are taking much more time to dispose of a case. The natural result was the creation of 'delay' and a consequential increase in arrears.

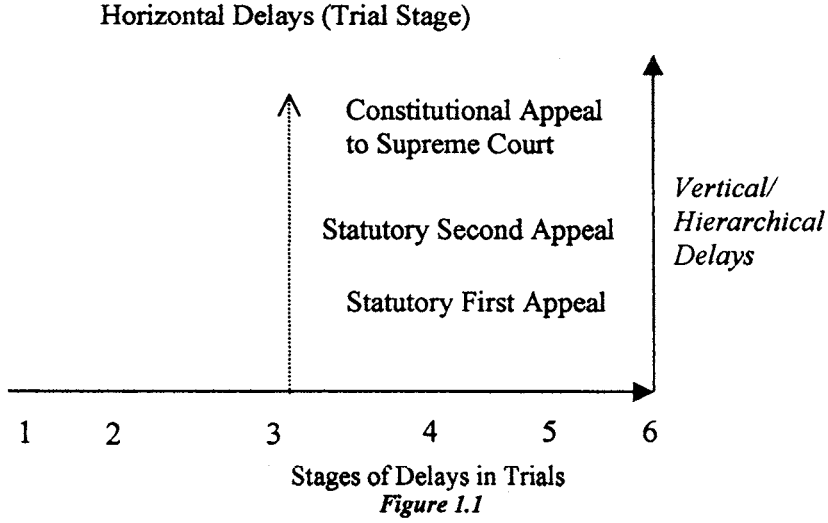


Figure 1.1

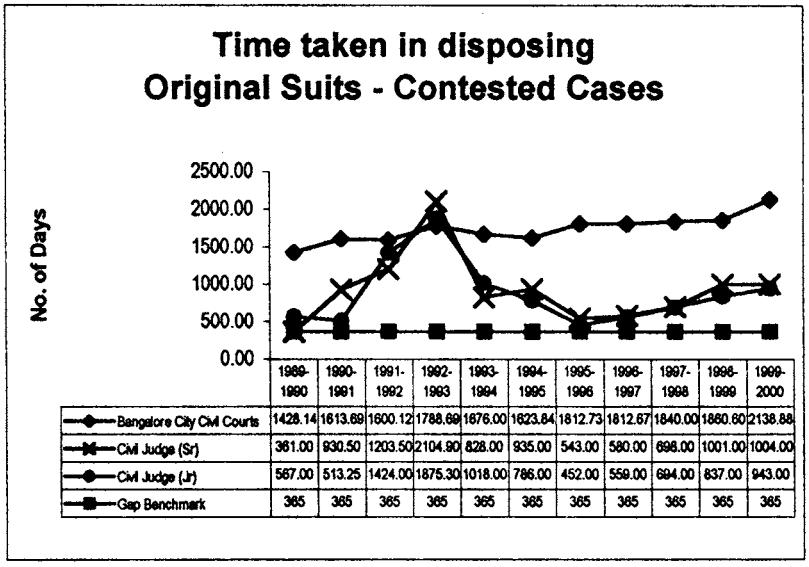
1. Filing *2. Notice to Opposite Party* *3. Issue Determination*

4. Evidence *5. Hearing* *6. Judgment*

Each stage of the trial (horizontal) contributes increase of delay. This delay is further accelerated by multi-tier vertical appellate remedies. Delays in the trial of a suit or

[10] Then the High Court of Mysore

proceeding often occur by reason of orders of stay of proceedings passed by appellate or superior courts. Apart from the stay of the execution of decrees, stay orders relating to suits and proceedings arise generally out of interlocutory matters. The progress of the suit is held up by an appeal or revisions against an interlocutory matter.[12] In quite a good number of cases, the higher courts instead of deciding the issues by themselves for which they are empowered under the procedural law, find it more convenient to remand the cases to the trial courts which gives a renewed lease to the delay process. This contributes to further delay. A glance at some real-time data would help us conceptualize better.

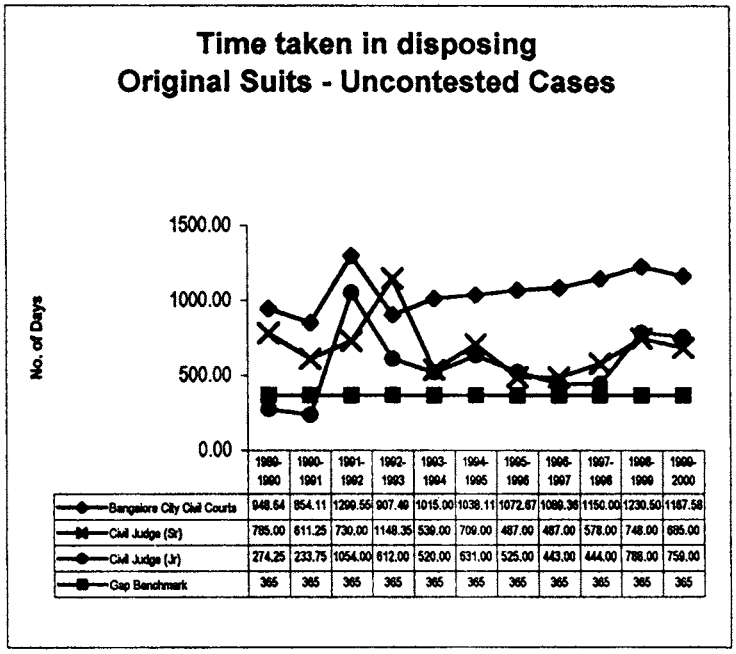


Fact Situation of 'Gap' in Karnataka judiciary
Figure 1.2

The above chart relates to contested cases only, that is, those cases which actually are defended and reach trial. The above chart relates to data between the years 1989-90 to 1999-2000. Between 1989 to 2000, the reasonable time fixed for disposition of cases was on an average 365 days. This means that an original suit was expected to be finally

[11] Handbook of Administration and Inspection of Civil and Criminal Courts Subordinate to the Karnataka High Court, p. 9

disposed off within a period of 365 days. However, as the chart reflects, not even a single court in any year could reach the target. In the last ten years, there is only one instance when the Civil Judge (Sr. Division) in the year 1989-90 could on an average dispose of *contested* cases within the expected disposition time. As a matter of fact, in the year 1999-2000, the Bangalore City Civil Courts took on an average 2,138 days to dispose of an original suit as against the benchmark of 365 days. The 'delay' thus is of 1,773 days. The data clearly reveals that in comparison to other courts in the State of Karnataka the Bangalore City Civil Courts have taken much more time to dispose of the original suits. As far as the Courts of Civil Judge (Sr. Division) are concerned, the 'delay' in 1999-2000 was of 639 days and in the courts Civil Judge (Jr. Division), it was 578 days.



	1989-1990	1990-1991	1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
Bangalore City Civil Courts	948.64	854.11	1299.56	907.48	1015.00	1038.11	1072.67	1089.36	1150.00	1230.50	1167.58
Civil Judge (Sr)	785.00	611.25	730.00	1148.35	539.00	709.00	487.00	487.00	578.00	748.00	685.00
Civil Judge (Jr)	274.25	233.75	1054.00	612.00	520.00	531.00	525.00	443.00	444.00	788.00	759.00
Gap Benchmark	365	365	365	365	365	365	365	365	365	365	365

Fact Situation of 'Delay' in Uncontested Cases
Figure 1.3

The above chart takes only uncontested original suits into account, that means, such suits which do not reach the trial at all for various reasons like withdrawal of suit, compromise

[12] Law Commission of India, *14th Report*, p. 355, pr. 101

between the parties, etc. Even in such uncontested suits, the courts have taken much more time than is expected. But, the Bangalore City Civil Courts even in the year 1989-90 were taking as much as 948 days to dispose of even an uncontested civil suit which figure rose to 1,167 days in 1999-2000. Thus in a decade, an increase of 218 days can be witnessed. Therefore, if the benchmark for disposal of an uncontested case is 365 days and the Bangalore City Civil Court in 1999-2000 has taken 1,167 days, then the 'delay' was of 802 days.

With the bedrock of hard realities, the present work proceeds to explore the reasons and the remedies.

1.2 Statement of the Problem

Day-to-day experience reflects that the justice system in India is not working satisfactorily. Apart from other expert bodies, even the Constitution Review Committee, recently constituted[13] by the Government of India to suggest overall reforms, in its final report,[14] has observed that, **"in terms of performance, there has been a certain amount of uneasy**

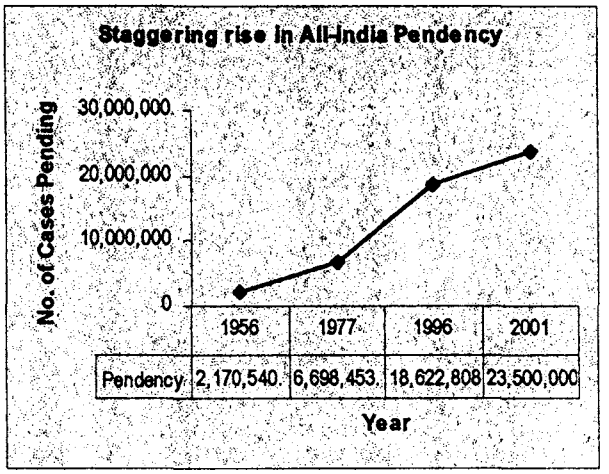


Figure – 1.4

[13] Pursuant to the President's address to the two Houses of Parliament assembled together at the commencement of the first session after the thirteenth general election to Lok Sabha, the Government of India, Ministry of Law, Justice and Company Affairs (Department of Legal Affairs), *vide* its Resolution, dated the 22 February, 2000 resolved to constitute "the National Commission to Review the Working of the Constitution" to make suitable recommendations. The said resolution was subsequently modified by the State Government *vide* its notifications dated 17 March, 2000 and 27 March, 2000.

dissatisfaction in the functioning of the judiciary." According to the Committee, in particular, the problematic areas are, (a) **Undue delays** in the disposal of cases and (b) **lack of sensitivity (accountability)** to the mounting arrears of cases; (c) Specific absence of **strategic Action Plans** for clearance of arrears in courts; and, (d) Poor **management** of resources and ineffective standards of judicial administration including legal aid.

One may conceive of many ways of tackling the problem of delays in judicial dispositions but it seems quite clear that delays cannot be legislated away. A conclusive lesson can be learnt from the American experience to better understand this phenomenon. In the early 1970s, the United States Congress and several state legislatures enacted laws requiring that criminal cases be resolved quickly. These 'speedy trial' Acts typically set deadlines for the completion of each stage of the proceedings in a criminal case, from arrest to trial. If a deadline was not met, the case was usually dismissed. Exceptions were made 'in the interests of justice'. Despite the clear, unambiguous mandates in these laws, few shortened disposition times. In the United States, simply ordering courts to process their caseloads faster proved to be a failure.[15]

Similarly, in India, in the last one and a half centuries, the central amendments to the Code of Civil Procedure has been many to induce speed in the justice delivery system.[16] But none of the amendments have been able to achieve the objective of reducing delays.

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[14] Report of the National Commission to Review the Working of the Constitution, 2002, Chapter VII – Judiciary, Part 7.9

[15] Reducing court delays: Five lessons from the United States, Prem Notes, Public Sector, December 1999, Number 34, The World Bank

[16] Act no. 26 of 1939, Act no. 34 of 1940, Act no. 23 of 1942, Act no. 24 of 1942, Act no. 5 of 1943, Act no. 6 of 1948, Act no. 32 of 1949, Act no. 2 of 1951, Act no. 19 of 1951, Act no. 71 of 1952, Act no. 66 of 1956, Act no. 26 of 1963, Act no. 49 of 1973, Act no. 104 of 1976, Act of 1999, Act of 2002

It cannot be disputed that reforms must come from within, not from without. One cannot legislate virtues.

There is a gap between the goals that we have set for the justice delivery system half a century back and the way the system has worked. The reasons causing the gap need to be identified with precision and accuracy. The reasons of inaptness of the remedial measures so far undertaken need to be identified and then means and methods have to be devised to bridge the gap.

1.3 Delays and Arrears

The Official data shows that in the last five decades, both the gap and the arrears have gradually increased.[17] The question is that, if the other factors impressing upon the justice delivery system are taken to be constant, then,

(i) Whether the increase in the 'delay' is responsible for increase in the arrears? Or,

(ii) Are mounting arrears responsible for widening the 'delay'?

To test the hypothesis, let us take an example. Let the benchmark tune for disposal of a case be 'X' (one year) and the caseload of an otherwise fully equipped court at the end of 'X' period be 'Y' (240 cases by presuming monthly filing of 20 cases per month). At the end of the year, say 31st December, the pendency will be 240 cases. In the month of January of the succeeding year, the cases filed in the month of January of previous year get disposed of in the month of January of the succeeding year and it will square up the

new filing in that month. If the flow continues like this, then in no month of a succeeding year, the arrears will exceed 240 cases.

Therefore, if 'X' remains constant, 'Y' will also remain constant. If, for any increase in efficiency in the system, the gap reduces i.e. the value of 'X' is decreased automatically (negative 'delay'), then the value of 'Y' will also reduce. But if 'X' increases, then 'Y' also starts increasing. For example, if in the month of January of the succeeding year, the court is able to dispose of only 15 cases as against the goal of 20 cases, it will supplement arrears by 5 cases. If this process continues for the whole year, at the end of the year i.e. in December, the arrears will be 'Y+60'.

There seems to be a direct incremental/decremental relationship between arrears and the gap. This happens because of the simple reason that every case during its life span i.e. pendency, consumes certain amount of judicial time, which is otherwise required to be consumed in disposal of case falling under the natural flow. But since part of the judicial time is consumed by cases forming arrears say 'Z', the gap for all pending cases start increasing. If due care is not taken at appropriate time to liquidate the extra burden of cases i.e. arrears, then it results in cyclic regression giving rise to fatal signs for the system. This is what seems to have happened to our judicial system. According to me, now looking at the present scenario, in order to reduce the gap the only solution could be to shorten the time period for disposal of cases of every court having pendencies (that is by reducing delays).

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[17] *See* Graph (above)

1.4 *No Scientific Study to Capture the Crisis & Causes*

No comprehensive scientific unified plan, or national policy was ever evolved or any scientific study[18] done to arrest and cure the aggravating ailments in the justice delivery system though after the 42nd Constitutional Amendment, the subject "administration of justice; constitution and organization of all courts, except the Supreme Court and the High Court" was transferred from the State List to the Union List empowering the Parliament as well as the Central Government to effectively handle the situation despite the fact that courts were, and are, a very important part of the State and the arena for many social, economic and political disputes, virtually no research has examined this fertile area.[19]

The reasons for non-existence of systematic, scientific research include the non-availability of empirical data[20], non-accessibility to such data even where it exists, non-transparency and non-cooperation by personnel manning the system, either judicial or administrative.

One of the most serious problems in doing research in general is to find enough time to digest voluminous data and materials. But in the area of judicial reforms the reverse is the case, and the researcher faces the more frustrating problem of lack of sufficient information or research materials concerning legal developments in certain countries or

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[18] Justice A.S.Anand, *Delayed Justice?, in* Hindustan Times, June 20, 2001, while addressing the Jharkhand Bar Association at Ranchi, Jharkhand

[19] This is confirmed for example by, Rajeev Dhavan, *Litigation Explosion in India*, ILI, 1986, p. 23

[20] March Galanter & Jayanth Krishnan, *Debased Informalism: Lok Adalats and Legal Rights in Modern India*, March 16, 2002 – 'Reliable data are scarce and state of record-keeping makes collecting them a daunting task.'

on certain topics.[21] Researchers and scholars wanting to analyse the problems of delay in judicial adjudication are stopped by the absence of required data. The unmethodical and part maintenance of records, wrong notions of confidentiality, non-cooperative attitude of persons in charge of records and antiquated procedures combine to obstruct the collection of data from recorded materials in India.[22] Rajeev Dhavan in his book *Litigation Explosion in India* speaks of the non-availability of information which hampers research effort. In particular, he refers to an effort made on problems of workflow and finance of the Allahabad High Court, where, after a preliminary sketch, much exploratory research was left stranded due to paucity of information.[23]

The predicament has been described by the Apex Court in the following words:

> "It is fair to confess that the scientific method of undertaking research and study into public problems as prelude to legislation is a 'consumption (sic!) devoutly to be wished' and lamentably lacking in our country; and court management, with special reference to maximization of judicial time – a matter of great national movement – is a problem the very existence of which is currently beyond the ken

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[21] P.M.Bakshi, *Legal Research and Law Reform*, Legal Research and Methodology, 1983, p.217 at 218

[22] Rajkumari Agarwala, *Experiments of a Law Teacher in Empirical Research*, Legal Research and Methodology, 1983, p.689 at 698. Prof. Agarwala provides us with a few examples of such obstructions: (a) A Ph.D. student was denied access to relevant records relating to adulteration of food, drugs and cosmetics in the State of Mahasrashtra (which was his area of research) on the ground that the concerned records were confidential documents; (b) Few LL.M. students were refused permission to go through the past judgments at the court of a district judge for studying the socio-economic and educational background of the accused and the type of offences usually brought for trial on ground that there was lack of space in the court for the investigators to sit and work; (c) A project concerned with legal history requiring perusal of the judgments of the Sadar Dewani Adalat, Sadar Nizamat Adalat and Supreme Court of erstwhile Bombay Presidency was stalled since the High Court of Bombay (the successor to these three courts) had no trace of these old and rare records; (d) In a research scheme to study the use of the power of executive pardon in case of the death sentence, it was found that due to lack of proper maintenance of records, it was very difficult to locate files for a couple of years, which related to the use of executive pardon or any other matter.

[23] Evidently statistics about the court ceased to be published after 1977. The Registry's own file does not have all the information available within easy access (p. 27)

of juristic research."[24]

The plea for more facts is simple enough. Rajeev Dhavan is of the view that **facts about the courts are simply not available.** Researchers are generally interested in the doctrine generated by the higher judiciary rather than a systematic study of the working of the courts. What is missing is not just gross data analysis but practically everything else as well. We know little about the users of courts. We do not know enough about how they use the courts and what they get out of the courts. We know little of what happens to cases after their initial entry into the docket of the courts. Apart from some limited research into the relationship between lawyers, munshis, touts and clients, there is little systematic research on the role of lawyers in litigation. Much of what we know is the product of intuition. Much of what we do not know we think we know![25]

Suggestions for reforms available on record are based basically on archaic data, borrowed ideas or mere personal perceptions. Moreover, there has been little effort to ascertain as to whether suggestions were in fact carried out by necessary amendments or by implementation in real-time environment and even if implementation was attempted, the end-result was rarely assessed, and evaluated in order to recast or re-design the suggestions and again press them into service.

1.5 Present Work: Scope and Expectations

Judicial reform had been a subject of great interest to me and immediately on elevation to the Bench in 1990, the researcher undertook a study of the causes, which has resulted in

[24] P.N.Eswara Iyer v. Registrar of Supreme Court of India, AIR 1980 SC 808 at pr. 9, p. 812
[25] Rajeev Dhavan, *Litigation Explosion in India*, ILI, 1986, p. 41-2

eradicating various vices at the ministerial and administrative level in the judicial functioning. The researcher undertook the process of computerization in the Patna High Court and soon it started showing encouraging results in various areas. On the researcher's coming over to the High Court of Karnataka at Bangalore, he undertook the present clinical research.

1.6 Objective and Significance of the Study

It is well recognized that justice delayed is justice denied. Judicial delays culminate in a frustrating sense of injustice, uncertainty, disorder and notoriety. Delays have brought Indian courts into disrepute. Persons from within the system may have many arguments to defend the prevailing serious deficiencies of the system. Some good reasons may very well be valid. As catalogued in detail in succeeding chapters, there have been a number of studies identifying the *real reasons* for the failure. Innumerable suggestions are on record advocating remedies to problems including from the Law Commission of India, various expert bodies, social organizations, and jurists, academicians, judges, lawyers, legislators and many other eminent celebrities of society.

The Parliament and State legislatures have been enacting and amending both substantive and procedural laws to make the wheels of justice move faster. But these steps have all been in vain. The pace of justice has remained stagnant or has slowed down. Where lies the fault? Are we missing some vital keys to the problem? Have we been able to put our fingers at the right place? Or have we been just moving around the problem and collecting certain subsidiary, short term, insignificant causes? Or is it that by the time the solution based on a given pattern is worked out, it loses its relevance in relation to the

problem? Or is it that the solutions suggested have been found to be impractical on the pragmatic factual matrix? Or whether the solutions suggested have remained unexecuted for want of will and required inclination and hence, conveniently forgotten? Justice Krishna Iyer marvels at the situation as he remarks that, 'the common man is overawed by the judicial process as a riddle wrapped in a mystery inside an enigma'.

It is high time that concerted efforts are made to find out the true answers to the above questions and evolve a mechanism to make the Indian justice delivery system move at a desired speed. *But how to find it, and where to find it, had also been a problem. It was felt that the system requires a more deeper and scientific study, to discern the hidden reasons, which are gradually failing the system.* Efforts should be made to undertake a scientific analysis by someone from within the system and to unravel the obvious as well as hidden or less obvious reasons for delays.

In addition, the analysis each of the classes/objects/ stakeholders/interest groups, constituting or associated with the judicial system is required. Their individual or combined roles in varying permutations and combinations contribute unfortunately to the delay and arrears i.e 'gaps' and the 'load'. These class/objects are, (1) Litigants; (2) Lawyers; (3) Litigation; (4) Courts; (5) Judges; (6) Ministerial Staff; (7) Prosecuting Agencies; (8) Legal Tools (Statutes and Case Laws); (9) Prison Department; (10) Revenue, and; (11) Administrative authorities.

The issues relating to backbreaking docket overloading can be resolved only through clinical research.

1.7 The Research Questions

1.7.1 Main Research Question

What are the underlying problems causing and solutions to overcome, the problem of delay and backlog in subordinate courts in India?

1.7.2 Research Sub-questions

Looking at the pitiable condition of the Indian judiciary, particularly at its lower reaches with which the common man primarily comes into contact, many mind-boggling questions arise, like did we ever made any effort to solve the problem.

(A) How do problems of delay and backlog of subordinate courts affect the delivery of justice in India?

(B) How are the problems of delay and backlog defined and diagnosed currently? Are current approaches correct?

(C) What are the underlying factors responsible for delay and backlog?

(D) What solutions have been recommended? Have they been implemented? Have they had the desired effect? If not, why not? If so, why?

(E) What solutions and strategies are likely to reduce delay and backlog in subordinate courts?

1.8 The Research Design

The present study attempts to assess the reasons of the delays and arrears in disposition of the cases at the subordinate level in the Indian Judiciary and then proposes certain clinically tested solutions to the problem. Keeping this picture in mind, the research design was formulated.

Stage One

The first step was to actually analyze the extent to which the problem itself has been identified by responsible entities and their reactions. There is a general acceptance among judges, lawyers, academicians and jurists that a delay does exist in the Indian judiciary. An in-depth analysis of the various official reports since the days of independence on the subject of arrears and delays in the subordinate judiciary was carried out. These reports include the Fourteenth[26] (1958), Twenty-Seventh[27] (1964), Fifty-fourth[28] (1973) and Seventy-Seventh[29] (1978) Reports of the Law Commission of India, the report of the Indo-US group which was called upon by Justice Ahmadi (the then Chief Justice of India) to look into the problems of delay in India and finally, the 'Report on Improving Work Methods and Work Environment in Subordinate Courts in India' by the Indian Institute of Management which was submitted to the First Judicial Pay Commission. Each of these reports assign different reasons for the cause of delay in the subordinate judiciary and then, suggests solutions to the problem. Further, the writings and studies undertaken by individual judges, members of the Bar, academicians and jurists including certain reports of certain foreign writers were also analyzed to have an understanding of the problem from their perspective and the solutions each of them had devised. The present study takes careful note of the official reports as well as unofficial studies in detail and analyzes the way in which these reports have identified the delay and reasons for it and suggested solutions to fill up the delay.

[26] Reform of Judicial Administration
[27] Code of Civil Procedure, 1908
[28] Code of Civil Procedure, 1908
[29] Delay and Arrears in Trial Courts

Stage Two

The researcher simultaneously undertook an empirical study of the actual working of the sub-ordinate courts in Karnataka and the reasons for causing delays and arrears. The work culture of the judges and court staff were closely watched. Procedural laws were minutely examined and analaysed. Thereafter, information technology applications were developed for effective supervision over court functioning and automate various ministerial activities like preparation of cause lists (daily court calendars), prioritization of cases, generation of summons, grant of certified copies, progression of case stages, judicial work performance reports and the like. The application of these strategies have shown very encouraging results, as shown in the succeeding chapters.