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Socio-Economic Implications of Delayed Justice: An investigation into the recent practices in Pakistan

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ABSTRACT

Providing justice speedily and fairly is a fundamental right of every citizen, conferred by various international and regional conventions and native laws. In the modern democratic era, the responsibility of dispensation of justice is mandated to the institutions of the judiciary. The judicial system in Pakistan, along with the district courts, is the initial and most important forum for providing justice. Unfortunately, the district judiciary cannot arrange the cases efficiently, which ultimately imparts their socio-economic impacts on the lives of litigants. The study's objectives are to evaluate the efficiency of district courts and identify the socio-economic impacts of courts' performance on litigants in civil cases.

Further, while implying quantitative methodology, the research reveals that the district judiciary is performing inefficiently and violating the values of the litigation process. Court services are neither expeditious nor inexpensive, leading to the socio-economic lives of litigants that are affected due to delays in the delivery of justice at district courts. The study recommended that the socio-economic impacts of court performance on litigants during the proceedings are unpropitious, allowing slow process modification into speedy justice.



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1. Introduction

The judiciary has a very significant role in the state. Pakistan's judiciary has three stages of courts—the Superior judiciary, high Courts, and then Subordinating Courts (District Courts). As an interpreter of law, the judiciary is responsible for providing justice. Thus, the judiciary is a custodian of the fundamental rights of citizens, which are conferred by law, and the constitution also assures the provision of reasonable and speedy Justice. Justice is a foundation for making society civilized, and an individual's constitutional right is conferred by various Charters, Conventions, and Laws Universally. Admittance to legal fairness is an essential aspect that ensures that every individual has access to an impartial and fair trial when that person's freedom. Standing for speedy and reasonable justice can barely be over-emphasized (United Nations, 2011).

Pakistan's judicial system, where the District Judiciary is, is an initial stage for providing justice. Most of the litigation initiated trials by the District Judiciary (Judicial System of Pakistan, 2015). While the district judiciary has a huge backlog of cases. More than 90% of litigants face trial in the district judiciary. Due to a massive burden of cases, the pendency ratio is spiking daily. The litigants face trials from generation to generation in courts (Soiferman, 2010). These long period trials disturbed litigants socially and economically. This Adjournment in justice delivery highlights parlous impacts for litigants socially and economically.

This is the real problem that this study addresses. To evaluate the Efficiency of District Courts in Civil Cases, to Identify the Socio-Economic Impacts of Courts' Performance on Litigants in Civil Cases, and to suggest policy recommendations (Socio-economic Impact Assessment Toolkit, 2005). In this study, the researcher is primarily concerned with the effectiveness of the judicial system, particularly at the district level, and its Socioeconomic impacts on litigants (Siddique, 2016; Andrade et al., 2012). The main research question is whether the issue of delayed justice is new (Shehzad, 2017). It's been a challenge for the judiciary for a long time (Shaukat, 2016). This shows the need for 'the effectiveness of district courts. Besides this, two driving research questions are needed to understand and solve the broader query regarding the socio-economic impacts of the effectiveness of district courts on litigants. What is the Status of Court Efficiency at District Courts? Followed by what the Socio-Economic impacts are laying on litigants at District Courts Due to Court Performance and what the Way Forward for a Friendly Judiciary at District Courts.

2. Literature Review

In civilized cultures, the public and the government ensure that their legal system provides justice to the litigants as fast as possible and with minimum costs (Saini, 2018). It's a certain truth that delayed justice has always lost its importance, so the assurance of speedy justice is important for striving for a civilized society. Justice should do, but it is also seen to be done, and the laws about the privilege of justice and the functioning of courts are made in conventionality. The rule of law is also well-defined by the United Nations (Richardson et al., 2018). From the Judiciary's perspective, the indicators below are defined by the UN. It got attention from various scholars but specifically from the perspective of delayed causes, not the impacts of this delay and litigation (Railing et al., 2007). In this field of study, most researchers have identified the causes of delay rather than the impacts of judicial performance on litigants. The delay in the delivery of justice always harms someone seeking justice (Prateekhanda, 2009). In Pakistan, people face trials from generation to generation to get justice. This long period of trials is a cause of adverse Socio-Economic impacts on litigants.

They must spend their money and bear the expense of justice, which disturbs their social and economic lives (Osama, 2010). This study is focused on two basic dimensions: 1st, the performance evaluation of District Courts with Litigants perception, and 2nd, the evaluation of the socioeconomic impacts of litigation on litigants. The study provided litigants' perceptions regarding court performance at district courts, and it identified the Socio-Economic Impacts of litigation on litigants, which will help in further

policy making. Performance: Public Self-assurance, entrée to justice, Efficiency, and competence. Honesty, transparency, and accountability: Integrity and independence, corruption free and accountability. Capacity includes Material resources, Human resources, administration, and government. Pakistan is among those 21 countries where the rule of law is improving from below to medium, according to the rule of Law Index 2017-18. Pakistan's position is comparatively not good in terms of civil and criminal justice effectiveness. In the civil justice factor, Pakistan lies at 107, while in the criminal justice factor, Pakistan is placed in the 81st position (Manzoor, 2014). The performance of the Pakistan Judicial System is not as efficient as required for a better court process. The nation's general position in Justice Efficiency is 106, which is not just very low by global assessments.

It also has similar results concerning the responses regarding socio-economic impacts. Overall, the respondents expressed that the impact of court performance is negative for them in both social and economic aspects. Data divulge that the inefficiency of courts violates the directions provided in Article Thirty-Eight of the Constitution of Pakistan. Article Thirty-Eight of the Constitution directed for the "Promotion of social and economic well-being of the people." The statistical data pointed out that litigants are not satisfied with the effectiveness of courts. Litigants regarding the accessibility of courts have moderate perceptions but generally do not feel comfortable in courts. There are a smaller number of sitting areas and court seats as per the litigants' needs. The amenities situation is not good at district courts (Gupta, 1950). Data also depict that the courts are not following the timelines in providing services.

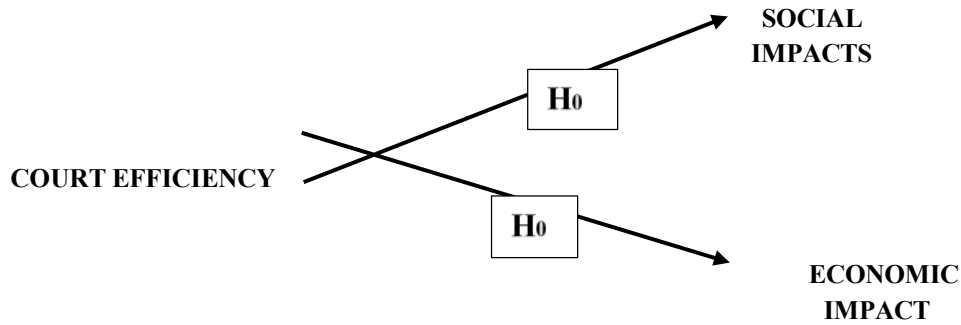
There has always been a delay in court decisions. Litigants clearly stated that the information in district courts is incomplete. Information boards regarding hearings and other schedules are not displayed. Four dimensions of social impacts are investigated, and they are directly associated with the social lives of litigants. These dimensions are based on necessary elements of a social life cycle and are used by scholars to assess the social impacts of different projects, etc. The study tried to find the relationship between court efficiency at the district level and with social lives of litigants. The study's major aim in the context of impact assessment is to assess the social impacts of court efficiency at district courts. Schooling of litigants is when their spouse is affected directly or indirectly by trials in district courts. Some respondents were students who had to quit their education due to trials. The overall litigants indicated that they experienced negative impacts of court efficiency and procedures socially. According to the report of World Justice Project 2018, approximately the most commonly reported issue by litigants is mental illness.

3. Theoretical Understanding of Justice Delayed:

Richard Posner's Theory of Economic Analysis provides a way of processing a file or an issue related to a specific issue (Posner, 2014). However, in courts, this phenomenon became a principle for litigants and staff relevant to court. Posner, in their theory, directed the pure economics analysis on the procedures. He, the author, divides cost into two dimensions: Error cost and Direct cost. Robert S. Summer, while presenting his theoretical perspective on the efficiency of the court process, is based on these twelve principles: Sharing Governance, Practice Legality, Quietness, Privacy, Admiration for Individual Dignity, Conceptualism, Procedural Fairness, Procedural Legality, Rationality, Timeliness, and Finality. The instrumental justification and respect of moral values. The problem is that these are the principal directions and rules mentioned in the procedures. The difference in summer's arguments is that efficiency is relevant to procedures or timely decisions and should be followed according to the law.

Further, the rules are constrained and binding by the implication of law and processed values. In his Economic Analysis of Procedures, Posner describes the effects of the Cost of justice. Summer presented the idea of Process values like respect for individuals, cost, and time during the procedures.

Figure 1.1 Conceptual Framework



Source: Author's Development

4. HYPOTHESIS

H_0 = There is positive relationship between court efficiency and social impacts on litigants

H_A = There is Negative relationship between Court Efficiency and Social Impact on Litigants

H_0 = There is Positive relationship between Court Efficiency and Economic Impact on Litigants

H_A = There is Negative relationship between Court Efficiency and Economic Impact on Litigants

5. Methodology

The nature of the study is Quantitative, and Quantitative data requires statistical analysis to test hypotheses. The deductive approach is popularly used as it enables the research to reason from generic to specific. The Pragmatic research paradigm is used for mixed research methods. The post-positivism paradigm (Philosophy) is used for this study. This is because the quantitative approach is considered as an approach to research. This technique might have some advantages and disadvantages. The research of this study is based on a quantitative method that emphasizes statistics, surveys, and questionnaires (Gliem&Gliem, 2003: Ghai, 2015). The accurate information and data in questionnaires and surveys support the effective analysis of court performance evaluation and assessing the socio-economic impacts of court performance on litigants. The data is utilized for this research. The questionnaire instrument is used for this research. The primary sources of data are considered to be quantitative research. The primary sources are termed sources because data is collected firsthand through surveys from litigants. For this research in both objectives, the data was collected firsthand through a survey of litigants.

Valid	Frequency	Percent
Govt. Service	4	1.6
Private Job	86	35.2
Self Employed	66	27.0
Daily Wages	15	6.1
Former	5	2.0
Other	68	27.9
Total	244	100.0

The respondents have diverse backgrounds in the context of their profession. The highest number of respondents belongs to private sector jobs containing 35.2 percent of total respondents.

Figure: 4.9: Frequency of Respondents by Income

RESPONDENTS BY INCOME

Valid	Frequency	Percent
Less than 10,000	29	11.9
10,000 -20,000	97	39.8
20,000-50,000	77	31.6
50,000-75,000	29	11.9
75,000-100,000	8	3.3
Above 100,000	2	0.8
Prefer not to answer	2	0.8
Total	244	100.0

The inferential analysis is considered to be the overall results of the study. In the regression model, the results of the t-test confidence interval p-value and coefficients are illustrated.

The regression analysis is performed on the Court Efficiency CE, of the respondents as the independent variable. The dependent variable is Social Impacts (SI) and Economic Impacts (EI) where the impact of court efficiency is assessed to keep in view the prior literature and assumptions. (Dahiru, 2008: Ehtisham, 2013). Stated that if the p-value for a variable is less than the Significance level of sample data provides enough evidence to reject the null hypothesis for the entire population. The data favor the hypothesis that there is a non-zero correlation. Changes in the independent variable are associated with changes in the response at the population level. The P-value in a regression model is 0.000 for both dependent variables which indicated support for the views of scholars and proved the significance of the study. The overall regression analysis seems to be good. The coefficient of determination is reliable (R-square). The outcome of R-Square is .47, and the Adjusted R-Square is 0.44, which is considered significant by

scholars (Dave Young, 2017). The estimated coefficient of court performance is significant and consistent with the conceptual framework.

The Court Efficiency, Social Impacts, and Economic Impacts. Under the court performance the indicators contribute as a component of court performance (Dakolias, 1999; Curia, 2014; Bohler et al., 2018). Social Impacts and Economic Impacts come under the category of Socio-Economic Impacts assessment. The sample size was determined using a formula by Bill Godden (2004). The overall population was above forty thousand. As the population size is below fifty thousand, the formula for finite population applies to sample size determination. Of the entire population, eighty percent belong to civil-related cases. So, the population proportion of eighty percent was adopted in research. The 244 respondents declared the most suitable sample size.

The development of Court performance evaluation variables and assessment of court performance's socioeconomic impacts on litigants (Coviello et al., 2018; Costly, 2019). In 1st measurement, there are two types of court performance evaluation: Internal and external. In this study, only external court performance is evaluated (Campbell& Campbell, 2013; Baqir, 2017). Because external court performance evaluation is entirely based on the litigant's perception. The assessment of the Socio-Economic impacts of court performance on litigants is directly linked with the court and litigants. To fulfill the requirements of the study, a survey was conducted of litigants on a comprehensive questionnaire. Their questionnaire is divided into six sections.

The 1st section is about the litigant's details and the interview's date. The 2nd section of the questionnaire is based on details of the nature of the case, the institution date, and the distance of the litigant from the court. The 3rd section is based on the respondent's profile. The 4th section is based on the questions related to Court Efficiency. The 5th and 6th sections are based on the questions related to Social and Economic Impacts. Descriptive and inferential analysis methods were used in the research (Commonwealth, 2005; Center, 2019). Descriptive statistics assist in drawing inferences about the population and estimating the variances. Inferential statistics are based on descriptive statistics, and the overall results of the research are elucidated by various software tests (Trochim, 2006). The data was analyzed using the Statistical Package for Social Sciences software. The tables of all descriptive statistics were generated with SPSS.

6. Results & Discussion:

Considering the results of the research, it is observed that there are significant negative Socio-Economic impacts of court performance and efficiency on litigants. The results above indicate that the alternative hypothesis stands while the null hypothesis is rejected. The values of coefficients proved the rejection of the null hypothesis. The study outcomes illustrate that if the efficiency of court increases the cost of social and economic impacts will decrease. Most importantly the significance level of the research is also acceptable and by prior literature and assumptions.

Description	Court Performance	Social Impact	Economic Impact
Court Performance	1		
Social Impact	-0.9306	1	
Economic Impact	-0.9643	-0.9164	1

The study “Efficiency and Judicial System at District Courts: Socio-Economic Impacts on Litigants” is conducted through primary data collection sources. This study is based on external court performance evaluation and the socio-economic impacts of district courts, which depend on the litigant’s perception and satisfaction with the services provided by the courts during their proceedings. The questionnaire contains two major parts, including questions regarding the public satisfaction and perception of litigants with court services, which highlighted the efficiency of courts.

Year Wise Institution of Cases by Respondents

Year	Plaintiff	Defendant	Total	Percent
2002	3	0	3	1.2
2005	2	1	3	1.2
2006	0	3	3	1.2
2007	4	2	6	2.5
2008	1	2	3	1.2
2009	5	1	6	2.5
2010	1	0	1	0.4
2011	5	5	10	4.1
2012	11	3	14	5.7
2013	3	7	10	4.1
2014	7	6	13	5.3
2015	13	5	18	7.4
2016	17	11	28	11.5
2017	23	19	42	17.2
2018	27	15	44	18.3
2019	28	14	40	16.3

Respondents highlighted that the justice at district courts is neither inexpensive nor speedy. In fact it’s expensive as well delayed. The delayed and expensive justice negates the constitution of Pakistan. Article 37d states that “State shall ensure inexpensive and expeditious justice.” The ground realities at district courts are found against the constitution's article, which shows the state's failure to provide justice. Data disclose that the state cannot provide constitutionally conferred rights to citizens of the land.

Inferential analysis containing regression model and ANOVA. The inferential analysis is considered to be the overall results of the study. In the regression model, the results of the t-test confidence interval p-value and coefficients are illustrated. The regression model is presented in Figure 4.11.

Figure: 4.11: Regression Model

Description	Residual Sum of Squared	Degree of Freedom	MS	Number of Observation	of 244
Model	357.5225	2	178.7613	F (2, 242)	598.46
Residual	146289.8365		0.298699	Prob. >F	0.0000
Total	146638.3584		0.29942	R-Squared	0.47
				Adj.- R-Squared	0.44
				Root MSE	0.54653

Court Efficiency	Coefficient	Stander Error	t- statistics	p-value	Confidence Interval [95%]
Social Impact	-0.0125	0.0014932	-8.19	0.0000	-0.015154 - 0.0093016
Economic Impact	-0.0347	0.0010251	-33.76	0.0000	-0.036609 - 0.0325924
Constant	0.1312	0.0072303	18.14	0.0000	0.1170088 0.1453506

These dimensions are straightforwardly based on the elements of an economic life progression and are used by various scholars for assessing the economic impacts of different projects etc. The study tried to find the relationship between court efficiency at the district level and with economic lives of litigants. The major objective of the study in the context of impact assessment is to assess the economic impacts of courts efficiency at district courts. With the adoption of a quantitative research method, the results and goals of the study have been achieved. The judiciary is considered as the custodian of laws. Therefore, the public looks after the judiciary to get justice in an inexpensive and timely manner. For providing justice efficiently the Judiciary needed to enhance its efficiency. The training of court staff is mandatory for enhancing their efficiency. In the courts, the training of court staff should be according to the behavior of litigants. The court staff must be trained regarding social values and norms. This is important in every decision-making process that follows the court proceedings of the court. Digital systems are faster accessible and transparent as compared to traditional systems. The essential and advanced Information Technology Equipment is needed to be in district courts. Other tools of artificial intelligence or applications like the presentation of cases through video link initiative considered and taken by the Supreme Court of Pakistan, is a recent example and it should be deployed at the local courts as well. There is needed for the establishment of help desks for litigants within the jurisdictions of district courts physically as well as online. Such initiatives on the part of the executive are to help the public in reaching certain decisions which are commonly pending for more than a decade. There is needed for courts to follow the timelines of cases for speedy justice. The poor condition of the justice system in Pakistan unfolded cases having more than a decade or two with no effective result that destroyed the entire life of the litigants. When an appellant seeks a lawyer's services it has to pay a handsome amount to the lawyer for satisfactory advocacy. The paperwork, transportation for the lawyer, and expenses are separate from the lawyer fee. Lawyers are not bonded to provide a receipt of fees to litigants so they can demand fees more than one time. Including all these expenses the litigants' traveling costs are separate. Keeping in the findings of research it is recommended that litigants from low-income backgrounds should be

facilitated with free legal aid for pursuing their trials.

State-given governance and challenges of policy execution in Pakistan must realize that without aiding people for their just cause of justice, it would not be able to achieve the objectives of fulfilling basic principles of administration. Most of the litigants have the problem of psychological pressures. For the provision of pertinent comfort to litigants in court it is recommended that there should be psychologists in courts for litigants. In the courtroom of a judge, at least one psychologist must be there to know the social and psychological issues of litigants. For providing a superior service to women litigants it is recommended that there should be additional female staff for women litigants. These should be given due priority in interacting with the court proceedings and system of judiciary where the females could feel confident while seeing their fellow women as part of the judicial system. Statistics highlighted that most litigants have moderating perceptions about the quality of court decisions and the behavior of judges. While the greatest number of litigants are not satisfied with the behavior and work of court staff. The court staff does not behave equally to all litigants. Court staff behave with litigants according to their social status. In short, the overall litigants are not satisfied with the services of courts.

7. Conclusion

In response to the objectives and questions of this research, the study concluded that the existing status of court efficiency is not in an appropriate state. The court service delivery is not as efficient as required for better public service delivery. The delivery methods are traditional and need to be modernized. The litigants approach the court for relief, but the courts cannot provide relief to litigants, and they suffer from court procedures. District courts do not follow the timelines, and there has always been a delay in the courts' decisions. Statistical data proves that the economic impacts of court efficiency are deleterious for litigants. The income of litigants is declining due to litigation. They have to reduce their family expenditures on education and health due to the high cost of justice.

The traveling cost of reaching court is not appropriate for litigants. Despite these expenditures, litigation costs are not appropriate at district courts. Most of the litigants have to visit courts twice in a month, and the average amount for a single hearing in court is around one to two thousand. While most of the litigants have a monthly income of twenty thousand. The lawyer fee is not included in these expenditures. Litigants face economic catastrophes due to court procedures at district courts. The general picture of court efficiency shows that the courts are not efficient at district level. The overall views of litigants are that the district-level courts' inefficiency affected them negatively in terms of their economic stature. The social and economic impacts of court efficiency are negative for litigants. The data findings reveal the inefficiency of district courts in civil cases, and the socio-economic impacts are adverse for litigants.

8. Implications

The training of court staff is mandatory to enhance their efficiency. In the courts, the training of court staff should be according to the behavior of litigants. The court staff must be trained regarding social values and norms. This is important in every decision-making process that follows the court proceedings. The recruiters are an essential aspect of the process but must consider the training more than the higher qualification of the candidate.

Further meritocracy, as observed by the Supreme Court in recruiting judges who cannot pass the exam, must be maintained and reviewed. The E-Governance system has been placed in the judiciary of developed countries. Digital systems are faster, more accessible, and more transparent than traditional systems. The essential and advanced information technology equipment is needed in district courts. Other artificial intelligence tools or applications, like the presentation of cases through video link initiatives considered and taken by the Supreme Court of Pakistan, are recent examples, and they should be deployed at local courts.

The jurisdictions of district courts are physical as well as online. Such initiatives on the part of the executive are to help the public in reaching certain decisions which are commonly pending for more than

a decade. The practice as experienced by the local, districts and higher courts in Pakistan requires a highly comprehensive approach that could resolve the pending cases and the future of litigants. Evaluating only the External performance of courts at the district level which is entirely based on the perception and satisfaction of litigants (Court Users). There are various kinds of cases in court like the sections of courts regarding hearings and other schedules are not displayed. Statistics highlighted that most litigants have moderating perceptions about the quality of court decisions and the behavior of judges. While the greatest number of litigants are not satisfied with the behavior and work of court staff. The court staff does not behave equally to all litigants. Court staff behave with litigants according to their social status. In short, the overall litigants are not satisfied with the services of courts. This study is confined only to the perception of litigants regarding court performance in civil cases.

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