



DPRC WORKING PAPER

Law In Practice – The Lahore District Courts Litigants Survey (2010 – 2011)

**Osama Siddique
June 2010**



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Development Policy Research Centre
School of Humanities Social Sciences and Law
Lahore University of Management Sciences

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The Development Policy Research Centre (DPRC) is a knowledge centre structured around core socioeconomic development themes with the objective of carrying out cutting edge multi-disciplinary research. The centre combines the disciplines of social sciences and law to strengthen evidence-based policymaking.



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1 Introduction

In my on-going research on the complex interactions between the Pakistani society and its formal legal system, I have diagnosed several limitations with the Pakistani justice sector reform discourse, framework and agenda. Considering the relevance of its colonial past in its post-colonial setting my contention is that they are remarkably ahistorical. Further, given the complexity, diversity and disparity of its social milieu I posit that they are incomprehensibly decontextualized. I argue that they focus on courts to the exclusion of the litigants and on legal cases while overlooking the nature of recurrent underlying disputes. They put a premium on 'efficiency' goals while remaining oblivious to equity and fairness concerns. Furthermore, they endeavor to achieve 'efficiency' goals predominantly through court room reforms while neglecting multiple additional variables that may be contributing to these inefficiencies – variables legal, social, cultural, and institutional. They erroneously hope that their 'efficiency' goals are achievable and as a matter of fact are close to achievement. Further, they fallaciously assume that 'efficiency' is the antidote to all litigant problems – including those posed by a remarkably unlevel playing field that results from disempowerments at several political, economic, social and cultural levels. The fallacy crystallizes in the thinking that 'efficiency' enhancement driven capacity building of courts for delay reduction will not only address issues of delay and case backlog, but also any deeper and more complex issues of inequity and social, political and economic disempowerment translating into legal disempowerment.

I recognize that these are fairly fundamental and damning assertions. In my related work I have endeavored to support them through literature, textual and documentary review of the colonial as well as post-colonial legal framework for Pakistan; an institutional and sociological review of the dominant players in the reform arena; and performance evaluation of the various Pakistan Law Commission Reports and other reform programs as well as major internationally funded and governed Rule of Law (ROL) programs for justice sector reform. I have further evaluated and gathered support for these assertions through detailed interview feedback from diverse operators within and commentators on the reform process. What is missing is direct empirical testing of these assertions. What is lacking

is credible data to support the contention that, inter alia, poverty, lack of education, unfamiliarity with the language of the laws and the legal system, asymmetries and disconnects between laws and peoples' actual problems as well as their social and cultural contexts, complexity and unintelligibility of legal processes and procedures, and several other personal, household and contextual variables have a direct and consistently ignored nexus with legal disempowerment and access to justice. I have argued that these obvious linkages and correlations not only remain inadequately theorized but also empirically unexplored. I further argue that this too contributes to the reality of their staying largely ignored in Pakistan's justice sector reform discourse, framework, agenda and initiatives in the past and at present. At the same time, according to arguments and analysis put forth in my on-going research one of the major reasons for this state of affairs is that the Pakistani justice sector policy dialogue and reform agenda has never made an attempt to be informed and shaped by any rigorous empiricism that looks to probe the nature of actual problems faced by disputants who seek recourse to courts. Neither has an attempt been made to deconstruct and analyze various factors that may contribute to the very emergence of these disputes as well as the elongated litigation surrounding the same. Or, for that matter, to gauge how, for instance, poverty and lack of education, directly and deeply impair citizen capacity to advocate and defend their rights under the law and the Constitution – phenomena that cannot be conceivably addressed by exclusively 'efficiency' oriented legal and judicial reforms. As a matter of fact, this neglect manifests in the absence of any past empirical study that explores these questions or centers its focus on the reality of the disputant/litigant and the dispute/litigation and their possible disconnects.

This has necessitated exploration of the empirical basis for my assertions and led to what can be claimed to be an exhaustive empirical study. This Study ('Study') is based on the findings of such an empirical evaluation of ordinary litigants' experience in the Lahore district courts. The courts of first instance or district courts are the avenue where most Pakistanis encounter the Pakistani laws and legal system. It is, therefore, incomprehensible as to why to date no attempt has been made to better understand the problems and challenges that ordinary citizens encounter there. Consequently, the instant Study was designed to focus on, evaluate and adopt as analytical

benchmarks the various personal and household variables of ordinary litigants in order to determine their correlation with popular experience with various out of court dispute resolution mechanisms in society, as well as the formal court system. The Study breaks down, differentiates and individually focuses on important individual components of the dispute and litigation matrix in Pakistan. It attempts to not only cover the various socio-politico-economic and legal facets of disputes and litigation, but emphasizes the centrality of economic and social disempowerments and inequities as determinants of legal empowerment and citizen capacity for rights protection. While primarily focused on bringing forth the social context of law, of 'law in practice,' and the differential impact of laws in society in terms of equity, fairness and justice; at a separate level the Study explores an additional significant area of inquiry. It also attempts to gauge the actual impact of several specific 'delay reduction' and 'efficiency' enhancement oriented reform projects in Pakistan that have more or less exclusively been the mainstay of its justice sector reform agenda over the past decade. Thus while exploring and criticizing the narrowness and inadequacy of this reform agenda, the Study tries to determine if even any of the officially stated 'efficiency' goals have actually been met.

The Study is based on a survey constituting detailed interviews of randomly selected four hundred and forty (440) litigants in the Lahore District Court Complex (the 'Survey') and covers the spectrum of civil disputes and litigation in Pakistani courts, including family and guardian court cases. The Survey was conducted in two phases. Findings and experiences from the first phase were employed to amend and improve the Survey technique and the questionnaire employed in the second phase. Some additional questions were also added. Quite apart from garnering quantitative data, the Survey was also designed to seek and record valuable qualitative information and feedback from the interviewees in order to highlight individual experiences and challenges faced by the same. The task was by no means an easy one. The court complex atmosphere was forbidding and at times hostile. Amongst other challenges, it was a challenge to win the trust of already anxious and harried litigants and get them to share their experiences of their disputes and legal battles, as well as speak openly about their observations and perceptions, as well as hopes and anxieties.

The next section describes in detail the nature, ambit and methodology of the Survey and the questionnaire, and the actual data collection, cleaning, finalization and analysis processes. The last section of this Study shares and analyzes the Survey findings.

2 The Survey

2.1 Research Study Development & Consultative Process

Though the actual questionnaire and final methodology for the Survey was finalized during November, 2010, it is based on extensive literature review, documentary review, deliberations, discussions and engagements conducted over 2009 and 2010 with lawyers, public policy practitioners, public policy academics, historians, legal academics, legal anthropologists, legal sociologists, political-economists, government officials and judges, generally from all over Pakistan and specifically at Harvard University, Tufts University, New York University and University of Wisconsin at Madison. Furthermore, the eventual questionnaire and methodology benefited from conference attendance, paper presentations and resulting discussions over 2009 and 2010 at Harvard Law School, Boston College School of Law, Tufts University, The United Nations Development Program (UNDP) – Asia Pacific Regional Centre, Thailand, the International Labor Organization (ILO) – Geneva, Switzerland, The Asia Foundation, Islamabad, The Foundation Open Society Institute (FOSI), Islamabad; and the Development Policy Research Center (DPRC) – Lahore University of Management Sciences (LUMS), Lahore.

2.2 Study Location – The Lahore District Courts

The Lahore District Courts are located in the old colonial part of the city of Lahore which is one of the oldest and culturally and architecturally richest cities in the Indian sub-continent. The Lahore District Courts are the main hub of litigation in the Lahore district.¹ Two additional and

smaller court complexes that also cater to the litigating public of the Lahore District are situated in the Cantonment and Sadar areas of Lahore. Lahore is a predominantly urban district due to the enormous size of the city of Lahore, which as the second largest city in the country has an estimated population of over ten million and is also the administrative capital of the province. The district courts also cater to the vast suburban areas as well as outlying rural areas of the Lahore District. The choice of the Lahore District Courts is significant for several reasons. Being literally a few kilometers away from the Lahore High Court which is the apex administrative and appellate court of the province one can gauge the efficacy of the various reform programs, funds and implementation for which is controlled and operated by the Lahore High Court for the province of Punjab. Lack of any discernable positive impact even at the level of the Lahore District Court bodes very poorly for the more far-flung and less institutionally significant and empowered District Courts in the rest of the Punjab. Additionally, being the administrative and political power capital of the province and the location of several institutions of higher learning, as well as commerce, trade, business, and industry, Lahore, and by dint of that the Lahore District, is the most developed area in the province in terms of performance along various socio-economic indicators according to regular governmental assessment of the same in the Punjab.² This would mean that with a more educated, affluent and hence socially and economically empowered population, the litigating public that accesses the Lahore District Courts ought to display greater legal empowerment *vis-à-vis* other residents in the Punjab. On the other hand, if they too are faced with several challenges in terms of access and empowerment,

¹ For purpose of administration, the province of Punjab is divided into 9 Divisions each of which comprises of a number of Districts which in turn comprise of a number of Tehsils and Towns. The total number of Districts, Tehsils and Towns in the Punjab currently stands at 36, 131 and 38 respectively. See Bureau of Statistics (2008), Punjab Development Statistics: 2009, Government of the Punjab, Lahore page 14. These administrative units vary significantly in terms of their size, population and socio-economic indicators. A Division refers to a local administrative unit comprising two or more districts notified under Section 5 of the Punjab Land Revenue Act, 1967. A District refers to a local administrative unit notified under Section 6 of the Punjab Land Revenue Act, 1967. A Tehsil refers to a local administrative unit notified under Section 6 of the Punjab Land Revenue Act, 1967 and may comprise of both rural and urban areas. The Towns are also part of a Tehsil. A Town is a part of City District notified under Section 9 of the Punjab Local Government Ordinance, 2001. According to the Multiple Indicator Cluster Survey (MICS) the 9 Towns that comprise the Lahore District all fall in the upper tier of the more socially and economically developed areas of the Punjab. The total area of the Lahore District is 1,772 sq km. According to the 1998 census of population its population was 6,318,745 of which 81.17% were urban area dwellers.

² The Multiple Indicator Cluster Survey (MICS) is a regularly conducted survey in Punjab, and is based on detailed household interviews that cover the entire province in order to gauge the performance of various Tehsils and Towns along several social and economic performance indicators. It results in ranking the same according to their performance along these indicators. The most recent MICS was completed in 2008 and it shows the various Towns comprising the Lahore District as falling in the top tier in the province in terms of economic and social performance.

the picture is bound to be bleaker elsewhere in the province. Finally, while primarily an urban district, the Lahore District has sizable suburban and rural enclaves which provide an interesting diversity of litigating population along the rural-urban spectrum as well as a vast range of civil disputes and resulting litigation.

2.3 Survey Questionnaire

Motivated by the considerations described in the introduction to this Study and benefiting from comments and feedback in the aforementioned consultations, the Survey Questionnaire (the 'Questionnaire') was divided into ten (10) sections. These gauged different aspects of the nature of disputes being litigated; any personal reconciliation or non-court dispute mechanisms explored by the litigants; the nature of legal remedy being sought and several additional facets of the litigants' experience with the applicable Pakistani laws and the court system during the course of litigation. More specifically, **Section One** of the Questionnaire sought personal and household information of the respondent. This included information about whether he/she was a plaintiff, applicant, appellant or a respondent and the nature of the court that was adjudicating his/her case. Apart from recording the respondent's identity and address it also determined his/her gender, age, religion, sect, ethnicity, caste, profession/occupation, education and monthly household income. Finally, it also asked about the rough distance between the respondents' home and the court as well as the respondent's mode of transportation.

Section Two sought information about the location, nature and background of the dispute as well as its possible linkages with any crime. **Section Three** sought information about the nature and duration of the legal proceeding. **Section Four** attempted to gauge whether the actual dispute had translated into an adequate legal remedy in the perception of the respondents. **Section Five** evaluated the respondents' perceptions about the status, resourcefulness and litigation experience of their legal opponents. It further probed whether any attempts had been made by either party to reconcile and if so then why such reconciliation attempts had not worked. It also asked whether the respondents would be amenable to reconciliation in future and if so then why. Finally, it explored whether the respondent had been subjected to any kind of coercion by his/her opponent(s) before

or during the current litigation.

Section Six of the Questionnaire explored respondent experience of and perceptions about the prevalence and effectiveness of non-court dispute resolution mechanisms in society. **Section Seven** evaluated respondent experience with various aspects of the legal system including, inter alia, the language of laws, legal documents and court proceedings, past experience of litigation, social support systems while pursuing litigation, familiarity with court processes and procedures and rights and remedies under law as well as perceptions about the prevalent laws' capacity to capture ground realities and peoples' actual problems, its impartiality and its provision of adequate rights and remedies. **Section Eight** shifted the focus to the court system and evaluated the duration of the current litigation, the number of hearings attended and court trips undertaken by the respondent, the gap between hearings, anticipated time span for the verdict, perceptions of delay as well as reasons for delay, plans about going into appeal in case of an adverse outcome, financial outlay on the litigation, availability of legal aid, experience with and perceptions of the performance of judges and court staff, satisfaction with court infrastructure and premises, and any additional impediments to the pursuit of the legal case. **Section Nine** focused on the respondents' experience with and perception of their lawyers. Finally, **Section Ten** explored respondent preferences for forums for resolving any disputes in future, if facing a similar dispute.

2.4 Sample Universe and Sample Size

The sample universe was one that changed on a daily basis as every day provided completely new litigants attending court hearings, with the rare exception of someone who had to return to the court to attend to any unfinished business from the previous day. On any given day, a few thousand people visit the Lahore District Courts to attend court hearings. The total number of successful detailed interviews was always going to be a function of the following known and unknown variables: (1) Since the Survey was conducted with the help of a team of volunteer students, the availability and continuing commitment of the volunteer student surveyors during their winter break from university. Given the demanding nature of the task they were, therefore, divided into two teams so that any given team did not have to survey for more than five successive days. As it turned out, more or less all the

students not only fulfilled their commitment to work for five days but some even volunteered and worked in the second phase. In doing this, they also overcame various logistical challenges of transportation, staying on in hostels during the holiday break etc. Their sense of involvement and achievement while conducting the survey also helped boost the number of volunteers in the second phase of the Study; (2) the long and complex Questionnaire could turn out to be too intimidating and time-consuming for the respondents to get involved with and respond to. It was calculated and later verified that an average Survey interview took around thirty to thirty five minutes (30-35) to conduct given the length and complexity of the Questionnaire as well as the sensitivity of some of the issues being discussed; and, (3) any unexpected obstacles, disruptions or opposition that could halt the Survey or bring it to a premature close. As it turned out some such disruptions and obstacles did contribute to at times slowing down the Survey but fortunately could not disrupt it completely.

Given all this, the target for total number of surveys was a shifting one and the initial expectation was to try and complete at least two hundred to two hundred and fifty (200-250) interviews and that was deemed as a meaningful sample size given the scope and depth of the inquiries. This was for the additional reason that the Study visualized not just a questionnaire based data collection exercise but essentially, and in addition to the same, it entailed detailed interviews of respondents to get their complete narratives and life-experience stories in connection with their disputes and litigation. Thus, the Survey was a cross between standard information collection through the mass survey methodology that is used in economics and politico-economic research for statistical data collection and detailed field interviews that are used in sociological and anthropological research for constructing qualitative information based contextual understanding of the subject. The fact that the Survey adduced a total of four hundred and forty (440) completed surveys was, therefore, a commendable achievement brought about by the zeal and sense of ownership displayed by the surveyors. Around twenty-one (21) surveys were rejected for being incomplete as the interviewees had to discontinue the interview for some reason. Had a day not been lost due to the tragic assassination of the governor of Punjab, the Study could have reached the milestone of five hundred

(500) completed interviews.

2.5 Survey Methodology & Phases

The twenty-three (23) pages long Questionnaire had a total of a hundred and twelve (112) questions. The minimum number of questions that a respondent was supposed to answer, excluding questions that became non-applicable depending on the nature of responses to certain questions, was ninety-eight (98). The Questionnaire was in English. It was also translated into Urdu so that the surveyors had Urdu translation printed underneath the English text. The actual Survey was conducted in Urdu and Punjabi. All the questions were close-ended questions with multiple response choices, prepared after extensive consultation, in order to ensure accurate collection of and rich analysis of quantitative data. The multiple choices were not offered upfront to the respondents in order to preclude surveyor or Questionnaire bias. However, if the respondent did not understand a particular question then the surveyor listed various possible response options, while also recording any responses that did not fit into available response categories. The surveyors were also instructed to record any important qualitative information when an already listed response was not applicable or when the respondents wanted to narrate his/her story in greater detail or reported something that was of relevance to the Study.

The Survey was conducted over nine (9) days spread over the third week of December, 2010 and the first week of January, 2011. A team of twenty two (22) surveyors plus the present author conducted the Survey. The first phase of the survey, spread over five (5) successive days, was conducted in December and involved a team of twelve (12) surveyors plus the present author. It resulted in a total of two hundred and seven (207) completed questionnaires. There was a gap of seven (7) days between the first and second phases of the survey which allowed evaluation of the various challenges faced during the first phase and necessary adjustments in research methodology. As a result, some additional response options as well as two additional questions were also added to the survey. The second phase of the survey, spread over four (4) successive days, was conducted in January and involved a team of fourteen (14) surveyors (the team was boosted by some surveyors from the previous team), and also included the present author. This too was meant to be a five (5) day affair but one day was lost due to the tragic assassination of

the Governor of Punjab that led to the courts being closed the following day. The second phase of the survey generated another two hundred and thirty three surveys (233), thus resulting in an overall total of four hundred and forty (440) completed questionnaires.

2.6 Survey Team, Training, On-going Consultations & Review

The Survey teams were drawn from undergraduate students at the Lahore University of Management Sciences (LUMS). They were from different disciplinary backgrounds which included law & policy, social sciences (particularly sociology, anthropology and politics), economics, and accounting & finance. Many of them had some prior experience of qualitative and quantitative field work. However, none of them had undertaken something similar before in terms of both content and methodology. Neither had they ever visited the Lahore District Courts. Detailed group meetings were, therefore, held prior to the Survey in order to provide the students important background to the research, to familiarize them with the main academic debates in the area, and to explain the Survey methodology and discuss the Questionnaire at length. They were also previously instructed in the background legal sociology, legal anthropology, legal history, legal theory, law and public policy, and law and justice sector reform literature and debates informing this research, as well as in the finer points of civil procedure and litigation and the Pakistani legal trial and trial court system. Furthermore, different possible issues that could crop up during the Survey were discussed and standard operating procedures explained to deal with the same. Given that many of the students did not have a background in law, aspects of the Pakistani legal and court system relevant to the survey were explained at length. Though the Questionnaire had been translated into Urdu, given the technical nature of some of the questions, the language was still legalistic and hence simpler, everyday substitute language in Urdu and Punjabi was also discussed and agreed upon in order to maximize responses and preclude interviewee incomprehension or intimidation as well as inconsistency in recording of Survey interviews. The present author was present in the Lahore District Courts through all nine (9) days of the Survey in order to

conduct interviews, but more importantly to address any issues faced by the student surveyors. There were also regular mid-day and end of the day meetings during Survey days in order to discuss the Survey experience and address any issues and queries. On the first day of both Survey phases one and two, the students were divided into groups of two so that one of them could conduct the interviews and the other could record the responses in the Questionnaire. On the following days almost all the surveyors felt confident enough to conduct the interviews on their own which greatly helped pick up speed.

The Survey targeted a random sample of litigants visiting the Lahore District Courts on a regular court day. In order to ensure comprehensive coverage of different kind of litigants visiting the courts on any day and thus the available sample universe on any given day, the team members were evenly spread out throughout the two buildings of the Lahore District Courts premises.³

This also ensured that they did not get in each other's way, attract unwanted attention, or frequent one particular part of the premises, while neglecting others. At the same time, they also kept rotating and swapping places during the course of the day in order to familiarize themselves with different parts of the Lahore District Courts premises and also kept a tab on each other in order to assist each other should the need arise. The surveyors were instructed to randomly approach any litigants who would be willing to answer questions. The post-survey de-briefing revealed that on any given survey day on the average one to two (1-2) litigants expressed unwillingness or unavailability to take the interview as compared to the four to five (4-5) who did take the interview. The responsiveness was somewhat higher to female interviewers as they found it easier to create a zone of comfort with the female respondents while also having the same facility in talking to the male respondents as the male interviewers.

The most common reasons why some respondents declined to be interviewed were that they did not fully comprehend why they were being interviewed or what useful purpose a survey would serve; they were reluctant about taking the risk of openly sharing details of their

³During the second phase of the Survey a smaller sub-team also spent part of the day in the nearby complex housing the Additional District and Sessions judges and also the Family Courts, in order to ensure coverage of family court cases.

dispute and legal case history as well as their experiences with the legal and court system with complete strangers; they were too depressed or bitter about their experiences and did not feel like talking to anyone; or, they were too preoccupied with an impending court hearing and were trying to track down their lawyer, waiting for the judge, coordinating with other parties or witnesses, getting some information from the court staff or going through their legal papers. An additional factor was the presence of their lawyer or his/her being in close vicinity and they felt that they should first seek the lawyers' permission as talking to people about their case may be something that he/she would object to. In some of the cases the lawyers actually told them to not talk to the interviewers or started interrogating the surveyors about the purpose of the survey. In some other instances the lawyers expressed no objection or were too occupied to raise any objection and hence the interview went ahead. In none of the interviews was the lawyer actually present during the interview as the surveyors were asked to seek uninhibited feedback from the interviewees.

As opposed to these reluctant interviewees, there were many others who were openly appreciative of what the Survey was trying to achieve and thus wanted to take the interview; who were just bored and found it an interesting distraction; who wanted sympathy and also hoped that the interviewers would also extend them some legal advice or assistance; or, who were very bitter about their experiences and wanted to vent their frustration as well as criticize the failings of the legal and court system. Around twenty one (21) questionnaires had to be discarded as the interview had to be suspended for one of various reasons. It was either because the interviewee got called away by his lawyer or his turn came up in court, or he/she found that he/she did not want to answer so many questions after all, or he/she found some of the questions to be either too probing or even potentially risky or scandalous (for instance when they attempted to gauge interviewee perception about the judge's integrity), he/she found

some of the questions to be too abstract and difficult to answer (when they asked the interviewee about prevalent practices in society when it came to resolving disputes out of court).

For some of the respondents the idea of a Questionnaire was not alien and hence once they agreed to be interviewed the Questionnaire could be filled during the interview. Others, however, especially some of the litigants from Lahore's surrounding rural areas, felt somewhat intimidated by someone noting down their responses as opposed to just having a conversation. In view of this it worked better with them to hear their narrative and fill out the Questionnaire later. Invariably, by the time they had narrated their story they had far less objections to answering some of the questions requiring specific responses. In view of the complexity and length of the Questionnaire, the anxious and high-stress atmosphere of the court rooms, a natural reluctance not to trust and talk to unknown people about private legal matters and especially views and perceptions about the legal and court system and also some of the additional court environment related obstacles that have been described below, the survey team had a very impressive success rate in terms of persuading people to take the long interview. The fact that that they were students, young, earnest and genuinely interested and empathetic, actually made them come across as more trustworthy as compared to surveyors from professional survey companies or the more typical investigative journalists.

2.7 Survey Challenges

The Survey team had to face several challenges during the course of the Survey. The foremost was the generally chaotic and crowded court premises environment. The 'Aiwan-e-Adal' (literally the 'Hall of Justice') is the official name of the main premises that house the civil courts of the Lahore district.⁴ Situated in the heart of the old colonial part of the city it constitutes a couple of large and drab four storey buildings which are connected by bridges at the

⁴ As mentioned before, the other locations that house civil courts for the Lahore District are in the Cantonment and Sadar areas and are known as the Cantt courts and Sadar courts respectively. The Aiwan-e-Adal, however, is the headquarters of the civil court system for the District, and houses the maximum number of civil judges. A few hundred meters away are additional court premises that house more civil court judges, civil judges with powers of the district magistrate to hold trial, additional district and sessions court judges, the office of the Senior Civil Judge, Lahore (administrative in-charge of all the civil judges in the district) and the office of the District & Sessions Judge, Lahore – the administrative head of the district court judiciary for the district including all civil and criminal courts. Part of the Survey work was carried out at these premises as they also house the family court judges.

third and four levels, surrounded by lesser structures and fronted by a very busy road. Upon entering through the main portal one is surrounded by scores of tin-roofed sheds and flimsy make-shift wood and board structures that act as lawyers' offices or the work places of several service providers to the court operations. The area is crowded by lawyers, law clerks, litigators, visitors, legal paper sellers, court staff, photocopying and typing service providers, tea and snack vendors and various other ancillary operatives of the court system as well as regular frequenters of the courts who may or may not have any particular reason for being there. The main buildings contain court rooms, retiring room for judges and work spaces for the court staff and are fronted by open corridors with occasional cement benches for public use.

The ground floor corridors are specially cramped and difficult to navigate due to encroachment by chairs, desks and benches that belong to lawyers. Along with an additional chair or two or a bench for clients, they constitute the entirety of their office space. These chairs and benches are invariably chained to the walls for safekeeping and display the names and qualifications of their owners. The outer walls of the court premises are covered by the name plaques of lawyers and visiting cards of candidates contesting the district bar elections and their supporters. The various entrances to the court premises are manned by police and electronic scanners due to the regular episodes of terrorism in the country. The buildings house around sixty to seventy (60-70) courts presided over by civil judges of various pecuniary jurisdiction, family court judges, guardian court judges and civil judges who also have jurisdiction over rent disputes.

Bustling and cramped even on ordinary days, the court premises were particularly chaotic at the time the Survey was conducted due to forthcoming Lahore District Bar elections. The corridors, verandahs, courtyards and the few available open spaces were thronged by chanting supporters of different candidates engaged in frenzied election activity, handing out promotional materials to passing lawyers. On one of the Survey days, the entire main courtyard of the court premises was covered by a tent and the supporters of an election candidate spent the entire morning and early afternoon in election canvassing followed by an extended meal. On two other Survey days court proceedings were interrupted for a fair part of the

day by lawyer strikes to protest against the abduction and murder of a lawyer in a small Punjabi town. On another Survey day all the judges were attending an administrative meeting and hence court proceedings came to a standstill for the better part of the day. The constant bustle, crowds and at times unsavory characters that frequent such places added to the already closed, suffocating and unappetizing mood of the place. Frequent power cuts meant that the court rooms were dark and activity slowed down as court staff could not use their computers, documents could not be copied on copying machines etc.

Though, the official court hours were from 9:00 am to 4:00 pm, by 1:30 pm judges would normally be done with the day's hearings and crowds of litigants would start thinning out. Though many of them seemed not to have made any appreciable progress in their cases, it was more or less generally understood that there would be no more court activity after 1:30 p.m. Many of the litigants could then be seen thronging outside the judges' readers' offices and seeking the next dates of hearing. The shortened court day meant more frenzied activity and hence greater difficulty in finding litigants who were not harried and pre-occupied. On the other hand, these disruptions in court proceedings due to either absent judges, power cuts or demonstrating lawyers did also at times provide unexpected opportunities for approaching potential interviewees who were sitting or strolling around and waiting for the court activity to resume.

An additional challenge was posed by the fact that sixteen (16) of the twenty two (22) surveyors were females and some of them were initially anxious about their capacity to be able to approach and successfully interview litigants in what appeared to be a forbidding environment. While their involvement in the Survey presented the obvious advantage of better access to female litigants, they also had to demonstrate greater perseverance in what is a predominantly male dominated environment, despite the presence of not an insignificant number of female lawyers. On a few occasions, some of them also had to ward off some unwanted attention from some of the younger male lawyers.

In addition, more or less all the students were approached at one stage or the other by some over-curious lawyers interested in finding out what they were up to or who did

not take kindly to our 'intrusion' into their 'clients' confidences. In some cases they expressed their suspicion that the Survey was meant to undermine them and their work or had some other secret agenda. In a few cases some rather hostile lawyers demanded a copy of the Questionnaire to determine to their 'satisfaction' that the Survey was indeed part of an academic study and thus could be allowed to go ahead. The Questionnaire, however, was not shared with them, as it contained a section gauging litigants' experience with their lawyers. It was highly likely that some lawyers would object to it and thereby potentially create a ruckus and disrupt the Study. Some of the lawyers also tried to discourage the surveyors by saying that the Study was going to achieve nothing and that the system was too corrupt and dysfunctional to reform. Others were more dramatic and said that the Survey seemed to them like a covert attempt to discredit lawyers but that any attempt to undermine the 'might of the lawyers' would come to a naught. The students, however, did an admirable job of politely warding off the over-curious, the intrusive, the skeptic and the intimidating. When faced with any of the above, they followed instructions and calmly explained the project and then diplomatically stepped away to another part of the court premises to resume their work, particularly if they thought that they were attracting unwanted attention and possible disruption of work.

The months during which the Survey was conducted are the coldest in Lahore and especially during the second phase of the Survey early day time temperatures dropped to 3 or 4 degree Celsius.⁵ The days were invariably overcast and gloomy. The general state of melancholy was accentuated by the fact that the court premises have minimal basic facilities. The only places provided for the public to sit are occasional cold cement benches. It was a struggle to simply stand in the exposed corridors, verandahs and bye-ways of the court premises. There are few public lavatories and a minimal fee is charged for using them – which in spite of being minimal was described as a burden by some obviously very poor litigants who come from long distances and have to spend the entire day on the court premises. There is one partially covered, ramshackle

cafeteria within the court premises to cater to the few thousand people who come to the court every day and it offers meager, and for many a fairly over-priced, fare. There is another cafeteria – both covered and more comfortable – but that is accessible only by the lawyers. Furthermore, the open corridors, especially on the upper floors of the court premises, were exposed to cold winds and freezing temperatures. The extreme cold and general gloominess contributed to both a lower than usual number of litigants as compared to summer months as also to a general tendency to huddle and crouch in corners and thus be generally unapproachable. This made the task of approaching people and striking a conversation more daunting. As mentioned earlier, the constant bustle, crowds, and at times unsavory characters that frequent such places added to the already closed, suffocating and unappetizing mood of the place.

2.8 Survey Finalization, Data Entry, Quality Check & Qualitative Feedback

At the conclusion of the Survey, the next ten (10) days were spent to individually examine in detail each of the four hundred and forty (440) completed questionnaires in order to identify any missing, contradictory or unclear recorded information. The surveyors had been asked to record portions of the narrative whenever they felt that they or the interviewee was unclear about his/her response to a particular question. Furthermore, they were asked to record any qualitative feedback where the interviewees' narrative adduced significant additional information that required capturing as it fell within the ambit of the Study or where it contained a poignant remark that encapsulated their experience with and resulting view of the legal and court system. This recorded information came in very handy for addressing any incomplete portions of the completed questionnaires as did follow-up conversations with the surveyors. Many of the respondents had agreed to provide their contact details and in a few cases a follow-up phone conversation adequately addressed any remaining unclarity.

While the above exercise took place, finalized questionnaires were forwarded to a team of ten (10) volunteers for

⁵ Though highly challenging these months are still more bearable than the hot weather. The additional reason why the Survey was conducted during these months was that during this time students were available during their winter break from their university to participate in the project.

data entry which took approximately another ten (10) days. Once all the data had been entered, two additional quality control exercises were undertaken. The first involved specific scrutiny of responses to certain questions in the Questionnaire that allowed for multiple responses and that had been identified during data entry as the ones where there were some inconsistencies or errors in data entry. The entire data for all these questions was rechecked to address any inconsistency or errors in data coding and entry. Furthermore, forty four (44) completed questionnaires (10% of the total number of completed surveys) were randomly selected (while ensuring that a proportionate number of questionnaires were randomly chosen from the questionnaires assigned to the ten (10) different data entry volunteers) and re-examined for accuracy of data entry. In addition, another team of volunteers sifted through all the questionnaires and chose those that reported any additional and significant qualitative feedback and then classified the same according to different response categories. This qualitative information was then incorporated into this Study. The finalized data set on the other hand was statistically analyzed using SPSS – a special statistical analysis program – in order to gauge significant statistical correlations with the various personal and household variables that have already been mentioned.

3 Survey Results

3.1 Litigants' Profile

In terms of the basic break-up of the randomly selected Survey population, of the 440 respondents around 42% of the respondents were plaintiffs, around 25% were applicants, around 4.5% were appellants and the remaining 28.5% were respondents. In terms of the court of adjudication where these respondents were contesting their cases, around 77% were appearing before civil judges of different monetary jurisdiction, another 15.5% were appearing before family court judges, and the remaining 7.5% were appearing before guardian court judges.

Proximity to the courts can be an important factor determining ease of accessibility considering the vast area comprising the geographical coverage of the Lahore District Courts. The Respondents were asked about the approximate distance of the courts from their places of abode.

Distance of Court from Home

Table A-1

Distance from home	No. of ppl	% of ppl
< 2 km	12	2.73
2-5 km	39	8.86
5-10 km	65	14.77
10-15 km	92	20.91
15-20 km	88	20.00
20-30 km	72	16.36
30-50 km	40	9.09
> 50 km	32	7.27
Total	440	100

Table A-1 shows a breakup of the respondents to the Survey according to the distance between their homes and the courtrooms. As can be seen, as many as a total of 73.63% of the respondents reported a distance over 10 kms from home. Around 16.36% of the respondents actually reported a distance between 30 and over 50 kms between the court and their places of abode. These numbers become significant as one looks later at the mode of transport used by the respondents as well as their economic status.

Mode of Transportation to Court

Table A-2

Mode of Transportation	No. of ppl	% of ppl
Public transport	245	55.68
Private car	85	19.32
Private motor cycle	86	19.55
Borrowed Car/Motorcycle	5	1.14
Rented car/motorcycle	0	0
Bicycle	4	0.91
Pedestrian	7	1.59
Other	8	1.82
Total	440	100

Whether lack of proximity is an impediment to accessibility to courts is further brought out by the mode of transportation reportedly used by the interviewed litigants. The break-up for the same is provided in **Table A-2**. As it emerges, more than half (55.68%) of the respondents reported using public transport and if we add to this number those who come to the courts on foot, on a bicycle or through miscellaneous other mechanisms that do not involve use of private transport, the number goes up to 60% of the respondents. Given the distance between their homes and the court reported earlier by the respondents, the highly unreliable, uncomfortable and inefficient state of public transport, this can be seen as a major inconvenience in terms of easily accessing the court. It was, therefore, actually mentioned by a fair number of respondents as a challenge in response to subsequent questions.

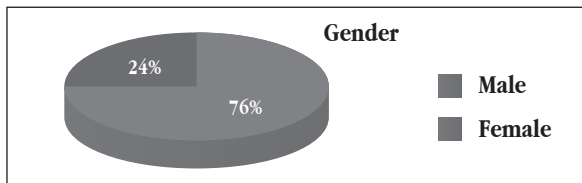
Gender of the Respondents

As **Table A-3** and **Figure A-3** show, though 3/4th of the respondents were males, the Survey managed to capture a sizable number of female respondents as well. These were predominantly engaged in litigation in the family and the guardian courts. As and when gender emerges as a significant variable in any of the responses it is discussed in this Study.

Table A-3

Gender	No. of ppl	% of ppl
Male	334	75.9
Female	106	24.1
Total	440	100

Figure A-3



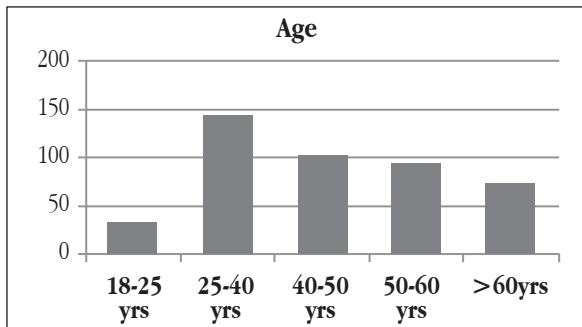
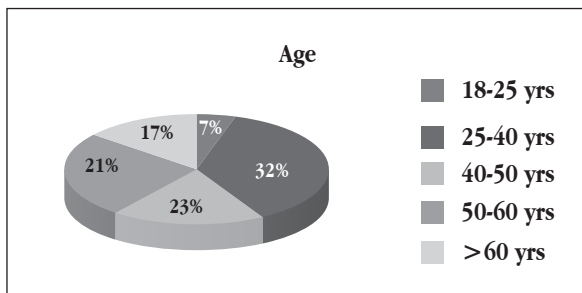
Age of the Respondents

In terms of the breakup of the respondent population according to their age, **Table A-4** provides this information. It emerges that there is a sizable chunk of older litigants who were above the age of 60 and in some cases older than 70. The largest category of litigants surveyed in terms of their age were those between ages 25 and 40, followed by those between ages 40-50 and 50-60 respectively. **Figure A-4** displays the same graphically.

Table A-4

Age	No. of ppl	% of ppl
18-25 years	30	6.8
25-40 years	143	32.5
40-50 years	101	23.0
50-60 years	93	21.1
> 60 years	73	16.6
Total	440	100

Figure A-4



Occupation of Respondents

Table A-5

Occupation	No. of ppl	% of ppl
Landowner	28	6.36
Agricultural Tenant	10	2.27
Agricultural Labor	14	3.18
Shop Owner	22	5.00
Craftsman	28	6.36
Private Business	72	16.36
Government employee	32	7.27
Private Employee	27	6.14
Student	7	1.59
Housewife	48	10.91
Retired Government or private employee	45	10.23
Cottage industry owner	2	0.45
SME owner	3	0.68
Big industry owner	1	0.23
Industrial employee	7	1.59
Industrial labor	17	3.86
Professional	22	5.00
Independently wealthy	2	0.45
Unemployed	23	5.23
Other	30	6.82
Total	440	100

Table A-5 gives a breakup of the occupation of the Survey respondents. Private businessmen, house wives, retired government or private company employees, government employees, landowners, craftsmen, private company employees, shop owners and professionals are the most common respondents, in that order. There is thus considerably diversity in the reported occupations and consequent diversity in the nature of disputes which brought these interviewees to the court. **Figure A-5** depicts the same graphically.

Educational Background of the Respondents

The Survey sample emerges as one where quite a few of the respondents had not had the benefit of a school or college education. As can be seen from **Table A-6**, an aggregate of around 25.45% of the respondents were either uneducated and had never been to school or had only received education up to or equal to primary school (grade 5). An aggregate of 31.82% of the respondents had under gone between up to or equal to eight and up to or

Figure A-5

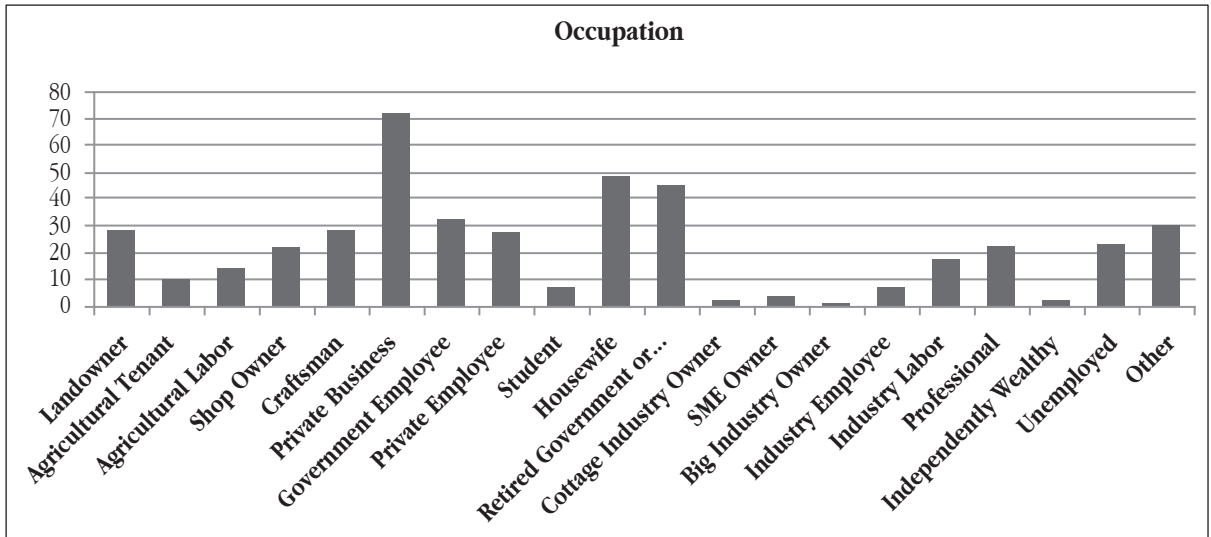


Table A-6

Education	No. of ppl	% of ppl
None/uneducated	67	15.23
Madrasa up to 2 years	1	0.23
Madrasa 2 - 5 years	2	0.45
Madrasa up to 10 years	2	0.45
Islamic Religious Educ (more than 10 years)	1	0.23
Primary School	39	8.86
Secondary School	47	10.68
Matriculation	93	21.14
FA/F.Sc/Equivalent	70	15.91
B.A/B.Sc	72	16.36
M.A/M.Sc Equivalent	38	8.64
Higher than a Master's degree	2	0.45
Basic Schooling plus vocational education	4	0.91
Other	2	0.45
Total	440	100

equal to ten years of schooling. This means that the remaining around 41.36% of the respondents had received a college education at some level. **Figure A-6** depicts this graphically. For purposes of further analysis in this Study I have essentially divided the above educational categories into two broad categories. The first broad category comprises of uneducated respondents and all those in the categories up to and including respondents with education less than or equal to secondary school (eight years of

schooling). These add up to 36.13% of the respondents. The second broad category comprises of the remaining seven categories of respondents with comparatively higher education that includes respondents with ten years of schooling (Matriculation) as well as with different levels of college education or basic schooling plus vocational education (an aggregate of 63.86% of the respondents).

Monthly Household Income of Respondents

In terms of their monthly household income, as **Table A-7** shows, the respondents primarily fall in the lowest two tiers of monthly income i.e. 62.73% of the respondents reported a monthly household income of less than or equal to Rs. 20,000 per month. 82.73% of the respondents fell in income categories below Rs. 50,000 per month. This polarization of income towards the lower income brackets clearly comes through in **Figure A-7** below. 6.82% of the respondents did not reveal their income but since it was apparent from their appearance as well as responses to other questions in the Questionnaire that they did not belong to the lower income categories, they have been included in the higher income categories for purposes of analysis in this Study. For purposes of analysis I have essentially divided the respondents into two categories: the first broad category includes respondents in the two lowest income categories and the second category includes all the higher income category respondents as well as the respondents who did not reveal their income.

Figure A-6

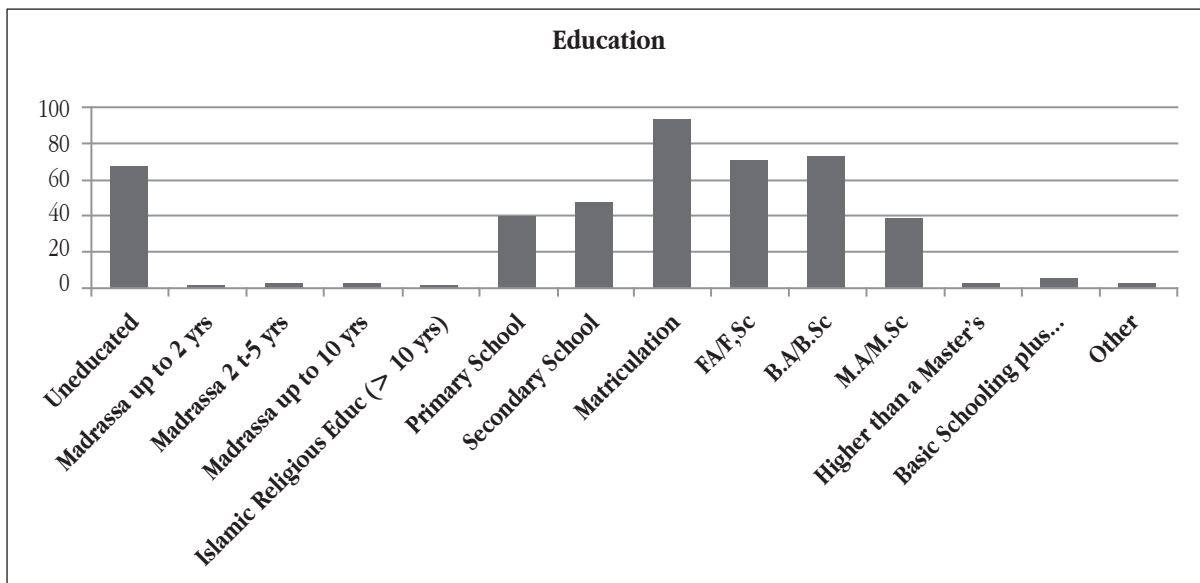


Table A-7

Income	No. of ppl	% of ppl
<Rs. 10k	169	38.41
Rs. 10k – 20k	107	24.32
Rs. 20k – 30k	47	10.68
Rs. 30k – 40k	23	5.23
Rs. 40k – 50k	18	4.09
Rs. 50k – Rs. 75k	19	4.32
Rs. 75k – 100k	9	2.05
Rs. 100k – 150k	10	2.27
Rs.150k – 200k	2	0.45
Rs. 200k – 300k	5	1.14
>Rs. 300k	1	0.23
Did not disclose	30	6.82
Total	440	100

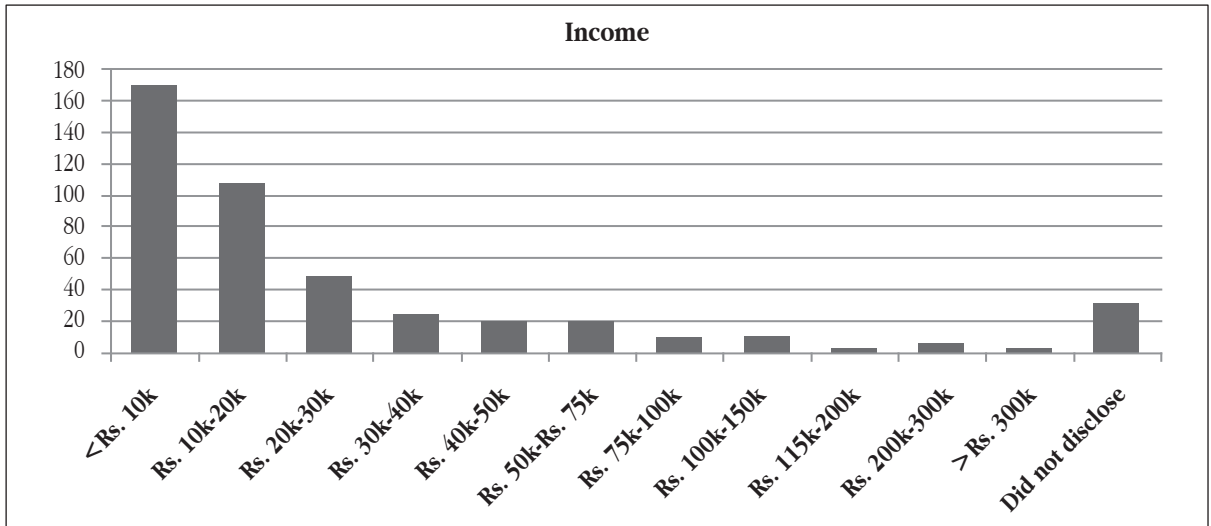
Religion, Sect, Caste and Ethnicity of Respondents

Though the Questionnaire also asked the respondents about their religion, since 99% of the respondents reported Islam as their religion, religion was not used as a variable for further analysis and evaluation in this Study. Similarly, almost 98% of the respondents reported ‘Sunni Islam’ as their sect and ‘Punjabi’ as their ethnicity, and hence these two personal variables emerged as statistically insignificant for purposes of any further disaggregated analysis. The respondents did report many different castes in response to a question about their caste. However, caste

too emerged as an insignificant personal variable in subsequent questions and was hence dropped as an evaluative variable in the analysis. Information as to the vocation and age of respondents was important to give a better overall idea about the nature of the sample population and is selectively used in some of the analysis where it has any significance. Ultimately, gender, education, place of abode and monthly household income, emerged as important evaluative variables for purposes of analysis of the data set that emerged from the Survey. The breakup of the data according to place of abode is provided in the next section.

Though religion, sect, ethnicity and caste did not emerge as significant variables for purposes of analysis of this data set, existing literature as well as the diversity of population in Punjab indicates that these may well be very important personal variables in terms of determining the nature of disputes as well as experience with the legal and court system in the rest of the province (especially in rural and semi-urban areas), and indeed the country. Disputes and resulting litigation in the Lahore District, however, due to its predominantly urban nature and higher levels of education as well as economic affluence does not seem to be triggered or influenced in any significant manner by these variables. Education and monthly household income are much more significant variables, as shall emerge during the course of this Study.

Figure A-7



3.2 The Disputes

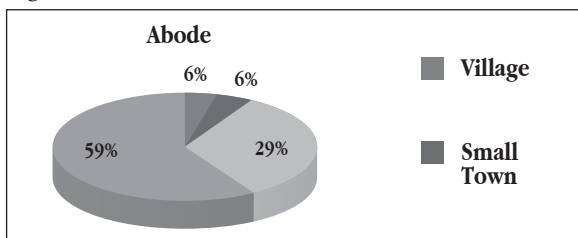
Though the Lahore District is primarily an urban district, it does present some demographical diversity as well as variation along the rural-urban spectrum due to its vast suburban areas as well as surrounding villages. As it turned out, over 59% of the respondents lived in the city itself whereas the rest came from the suburbs of Lahore as well as small towns and villages surrounding Lahore. The breakup of responses in terms of where the respondents were spread along the rural-urban spectrum is provided in **Table B-1** and graphically depicted in **Figure B-1**.

Place of Abode of Respondents

Table B-1

Abode	No. of ppl	% of ppl
Village	26	5.91
Small Town	26	5.91
Suburbs of Lahore City	128	29.09
Central City	260	59.09
Total	440	100

Figure B-1



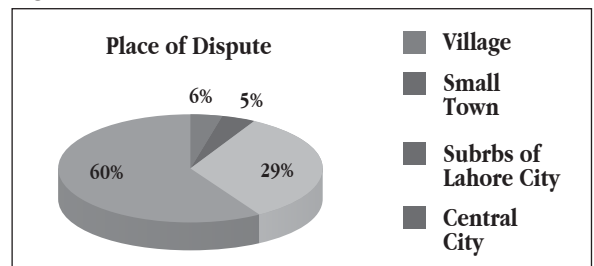
Location of Disputes

The location of dispute also closely correlated with the place of abode of the respondents with over 59% of the disputes located in the city and the rest in the suburbs, small towns and villages around Lahore. The breakup is provided in **Table B-2** and graphically depicted in **Figure B-2**.

Table B-2

Place of Dispute	No. of ppl	% of ppl
Village	28	6.36
Small Town	20	4.55
Suburbs of Lahore City	129	29.3
Central City	263	59.77
Total	440	100

Figure B-2



Correlation between Abode of Respondents and Location of Disputes

The close correlation between the place of abode of the respondents and their disputes is shown by the **Table B-3**

Table B-3

(# of ppl)	Place of Dispute				
	Place of Abode	Village	Small Town	Suburbs Lahore City	Central City
Village	24	0	1	1	26
Small Town	0	13	4	9	26
Suburbs of Lahore City	2	3	110	13	128
Central City	2	4	14	240	260
Total	28	20	129	263	440

below. Some of the variations are apparent from this breakup.

Nature of Disputes

Land and property emerge as the most common reason for disputes in the feedback from the Survey respondents and collectively accounted for a little over half (52.5%) of the reported disputes. As **Table B-4** shows, of this around 8.18% of the respondents reported agricultural land disputes, 21.59% respondents reported commercial land/property disputes and another 22.73% respondents reported personal residential property disputes. In addition, 10.45% of the respondents reported marital disputes, 7.27% reported transactional/contractual disputes, another 7.27% were involved in guardianship disputes, 6.59% were contesting inheritance disputes, another 5.23% of the respondents were embroiled in family disputes and around 2.95% of the respondents were contesting rent disputes. The respondents were further asked to elaborate upon the nature of land and property disputes and land title, registration, acquisition, transfer, transfer and partition are all being reported as legal areas that are the terrain of disputes. A recurrent issue is what is referred to in local parlance as ‘land grabbing,’ which is used to describe forced illegal possession of property or fraudulent possession through use of violence and/or fabricated documents.

Respondents reported the presence of strong and organized ‘land mafias’ that are in the business of illegally occupying unoccupied, vacant or disputed pieces of property for selling these off, or for performing such services on behalf of a contesting party which wants to seek forced possession in such a manner, on the payment of a fee. In a context where quite surprisingly there is no

credible existing disaggregated official or unofficial data on the nature of cases in the district courts of the country and which is also devoid of any meaningful focus on bringing about much needed law reform in areas of law that seem to witness the maximum litigation, these are important findings and a useful insight about the nature of the litigation terrain. The land titling, registration, acquisition, and transfer regimes are spread over different applicable laws and regulations that have not received any serious reformative and modernization attention over the years and seem to be a hotbed of disputes and resulting litigation. The other prominent areas of law that are the terrain of frequent disputes have also faced similar legislative neglect.

The sub-categories of land law where disputes and litigation is being reported the most require further scrutiny in order to determine as to what extent such disputes are triggered and/or exacerbated due to inadequate, weak or flawed legislation and regulation. Quite apart from the need to undertake this for curbing illegal activities and usurpation of property rights, it would also be necessary for any meaningful attempts to curb litigation and lessen caseload and case delays in courts as the bulk of the existing litigation seems to be located in these areas.

Individual and Group disputes

Interestingly, it emerged from the Survey that the Survey sample was more or less equally divided into those contesting legal cases with immediate or extended family members or the larger clan or political grouping and those contesting legal cases with parties that were not related or connected to them through family (**Table B.5**). This balance could further shift towards family disputes in rural

Table B-4

Nature of the Dispute	No. of ppl	Total
Agricultural Land Dispute		36
Title	13	
Registration	6	
Acquisition	2	
Transfer	3	
Water rights	1	
Land Grabbing	10	
Other	1	
Commercial Land/Property Dispute		95
Title	19	
Registration	12	
Acquisition	14	
Transfer	9	
Partition	9	
Lease	1	
Change Of Use	3	
Land Grabbing	27	
Other	1	
Personal Residential Property Dispute		100
Title	23	
Registration	9	
Acquisition	16	
Transfer	5	
Partition	10	
Change of use	3	
Land Grabbing	28	
Other	6	
Moveable Property Dispute		3
Inheritance Dispute		29
Marital Dispute		46
Guardian Case		32
Other Family Dispute		23
Rent Dispute		13
Transactional /Contractual Dispute		32
Application for Succession		7
Insolvency Case		0
Small Causes and Minor Offences		
Ordinance		1
Inquiry		0
Other		23
Total		440

Table B-5

Parties to the Dispute	No. of ppl	% of ppl
Immediate Family	157	35.68
Extended Family Dispute	46	10.45
Biradari	12	2.73
Political Grouping	4	0.91
Personal Non-Family	221	50.23
Total	440	100

and semi-urban areas where Khandan (Family) and Biradari (Clan) still have important social significance. This would also give important insights into the existence and health of non-court based and non-adversarial dispute resolution mechanisms. In the Lahore District as many family and clan disputes seem to be coming to court as disputes between strangers or non-family or non-clan members which is not surprising given the highly urban nature of the District and consequent lesser importance attached to more traditional notions of family and clan with the attached imperative of resolving any disputes within the family or clan. Political grouping did not come out as a significant factor in the sample but can be more significant in other areas along the rural-urban spectrum. What is worth further exploration are differences, if any, between the triggers and dynamics of family/clan and non-family/non-clan disputes and why one or the other have a greater preference for going to court. Some insights are provided in analysis that is conducted later in this Study.

Background Factors to the Disputes

Partially to answer the question posed above and also to understand the social milieu of disputes, the Questionnaire asked the respondents whether they felt that any background factors contributed to the emergence and continuation of the disputes that they were contesting in courts. The respondents were allowed multiple responses. Several factors emerged as important contributors to disputes, either from direct responses or from the general narrative of the disputes as presented by the respondents. The results are produced in **Table B-6**. These responses once again highlight the importance of context both to better appreciate the nature and stimulants for disputes in Pakistani society and also for informing meaningful policy, legislative and court reform to repress the emergence of disputes as well as to ensure just and efficient resolution of such disputes both inside and outside the court system.

The law reform projects in Pakistan, especially over the last decade and a half have looked at broad, aggregated and largely uninformative numbers for pending cases in courts, without making an attempt to better appreciate their context and the diversity of background and dynamics that they denote.

Table B-6

Background Factors to the Dispute	No. of ppl
Religious differences	1
Political Rivalry (dharra)	4
Caste conflict	0
Biradari politics	29
Social Class	8
Commercial Dispute	19
Land distribution and possession patterns	18
The application and administration of land law	79
The apparatus of formal justice and its mechanisms	119
Gender	66
Occupation	1
A problematic law or regulation and resulting disputes	180
Lack of formal regulation and resulting disputes	30
Conflict between local custom/practices and a law/regulation	12
Any additional social, cultural, political, economic, ethnic, linguistic, regional factors	18
Other (specify)	20
No response	122
Total	726

As can be seen from **Table B-6**, as many as 180 respondents reported (directly on in their general narrative) that a problematic law caused or contributed to the dispute; another 119 respondents highlighted that the existing apparatus of formal justice and its mechanisms for dispute resolution further aggravated or perpetuated their disputes; another 79 pinpointed the application and administration of land law as a problem; as many as 66 respondents felt that their gender was a causal factor in the dispute; and another 30 respondents related that a lack of formal regulation of certain areas of society contributed to the emergence of their disputes. As many as 29 respondents highlighted biradari politics and another 18 respondents spoke about problematic land distribution patterns. 18 respondents also pointed out additional social, cultural, political, economic, ethnic, linguistic and regional factors. Commercial disputes and conflict between local customs/

practices and a law or regulation also figured prominently in these responses. It can also be visualized that the response pattern may be quite different in other districts of Punjab and additional issues may be highlighted while others may get eclipsed. Very importantly, what is clear is that law reform is not just about ‘efficiency’ enhancement of the formal court system where the disputes may eventually make their way, fester and elongate but that if disputes are to be reduced and/or resolved quickly the scrutiny will also have to shift between possible disconnects between law and society, the over-presence or partial or complete absence of law, and complexity, ambiguity and/or legal lacunae that may create confusion, attrition, contention and/or possibilities of frivolous or coercive litigation. By ignoring these factors, the current reform process merely chooses to address the problem of the overwhelming number of disputes, only when they have already encumbered the courts and brought its operations to a snail-like pace. One of the negative externalities of this approach is that as disputes fester, elongate and become complex they not only create further disharmony but often lead to crime as frustrated civil disputants resort to violence or aggressive civil adversaries decide to use coercive tactics in order to extricate themselves from or bring to quicker resolution the interminable civil disputes. Evidence for this is presented next.

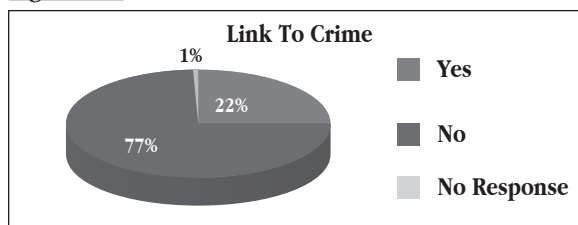
Linkage of Civil Disputes with Crime

The Questionnaire sought to gauge whether the civil disputes being contested by the respondents were linked

Table B-7

Has the dispute also generated or is linked to any crime?	No. of ppl	% of ppl
Yes	99	22.50
No	337	76.59
No Response	4	0.91
Total	440	100

Figure B-7



to the commission of any crime. As shown by the **Table B-7** and **Figure B-7** below, almost 1/4th or 22.5% of the respondents actually reported in the affirmative.

Nature of Crime

Table B-8

Nature of Crime	No. of ppl
Murder	4
Theft	11
Physical injury	37
Abduction	6
Harassment	31
Rape	1
Sexual harassment	3
Empty	0
Damage to property	11
Other	15
Harassment through Police	7
NA/No response	341
Total	467

In terms of the nature of crime associated with the civil disputes, **Table B-8** provides the breakup. The respondents were allowed multiple responses. Many of the respondents were reluctant to talk further about the crime that they had experienced. These have been included in the number of respondents for whom this question was inapplicable. Physical injury, harassment, theft and damage to property turn out to be the most frequently reported crimes. Serious crimes such as murder, abduction and rape are also reported.

Identity of Criminals

Table B-9

Identity of the criminal?	No. of ppl	% of ppl
Opposing party	78	17.73
Friends or relatives of the opposing party	6	1.36
Agents/servants/supporters of the opposing party	6	1.36
Other	0	0
Don't Know	2	0.45
Don't want to answer	7	1.59
NA/NR	341	77.50
Total	440	100

Table B-9 provides respondents views as to the identity of the criminal. The opposing party is pointed out as the culprit in most of the responses followed by friend/

friend/ relatives or agents/servants/supporters of the opposing party. Some of the respondents did not want to answer this question.

Outcome of the Criminal Act

Table B-10

Outcome of the criminal act?	No. of ppl	% of ppl
F.I.R not registered	36	8.18
F.I.R is not registered due to obstacles or intimidation	6	1.36
F.I.R registered	8	1.82
FIR registered, police investigation underway	2	0.45
FIR registered but no police investigation	11	2.5
FIR registered, police investigation completed but accused not arrested	9	2.05
FIR registered, police investigation completed, the accused arrested, but police not presenting		
Challan in court	1	0.23
The accused arrested, Challan presented in court	2	0.45
The accused arrested, criminal trial is underway	2	0.45
Other	7	1.59
Accused released on bail	14	3.18
NA/NR	342	77.73
Total	440	100

Table B-10 provides a breakup of responses as to the outcome of the criminal act. Amongst the responses that report a crime the most frequent response was that the First Information Report (F.I.R) or the formal complaint to the police in order to invoke a criminal investigation was not registered with the police. This was due to a whole host of reasons ranging from reluctantanc on part of the respondent to start a criminal investigation to coercion on part of the opponent to desist from such action as well police non-cooperation due to the pressure or influence exercised by the opponent. Very few of the cases have undergone police investigation and reached all the necessary formalities to generate a criminal trial. This feedback gives important insight into the nature and kind of pressure and intimidation that some of the civil disputants may be facing while contesting their civil cases and hence for many civil disputants necessary empowerment *vis-à-vis*

accessing the protection as well as investigative services of the police seems to be directly linked with empowerment and access to justice in the civil process.

3.3 The Legal Remedies

The Questionnaire then sought to find further details about the nature of the legal remedies being sought by the litigants in order to create a basic classification of the legal cases before the courts. The Questionnaire first asked when the respondents had initiated their legal case to gauge the duration of these cases before the courts.

Life of the Legal Case

Table C-1

Year the Case was Initiated	No. of ppl	% of ppl
2010	142	32.3
2009	63	14.3
2008	42	9.5
2007	38	8.6
2006	28	6.4
> 5 yrs	58	13.2
> 10 yrs	69	15.7
Total	440	100

As can be seen from **Table C-1**, while 32.3% of the cases were fairly recent as they were initiated in 2010, an aggregate of 28.9% of the cases, or almost 1/3rd of the cases had been initiated over five or over ten years ago. Furthermore, an aggregate 53.4% of the cases had been initiated during or before 2008.

Nature of Legal Remedy being Pursued

Table C-2

Legal remedies pursued?	No. of ppl	% of ppl
Monetary	93	21.14
Non Monetary	280	63.64
Both	67	15.23
Total	440	100

The breakup in terms of the nature of the remedy being pursued is given in **Table C-2** and it emerges that the respondents are predominantly pursuing non-monetary remedies. However, in an aggregate of 36.37% of the cases they are either pursuing a monetary remedy or both a monetary and non-monetary remedy.

Nature of Legal Proceedings

Further breakup of the exact legal remedies being pursued

Table C-3

Legal proceeding being pursued?	No. of ppl	% of ppl
Original Civil Suit	252	57.27
Civil Appeal	39	8.86
Civil Revision	6	1.36
Election Petition	0	0
Execution Petition	1	0.23
Other	6	1.36
Miscellaneous	132	30.0
Don't Know	4	0.91
Total	440	100

is provided in **Table C-3**. The Miscellaneous category includes various categories of civil application, family case applications as well as guardianship case applications.

3.4 The Disputes and the Legal Remedies

This portion of the Questionnaire was meant to determine how quickly the respondents had approached the courts after the emergence of their disputes, giving an insight also to attempts if any, made at reconciliation or for resolution of disputes through non-court dispute resolution mechanisms.

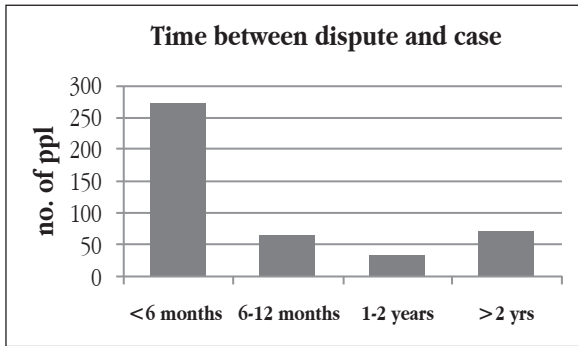
Time Lapse between Dispute and Legal Action

It emerged that 62.05% of the disputes had translated into court cases within six months of the emergence of the disputes, and another 14.77% made it to courts within twelve months of their emergence. In 15.68% of the disputes more than two years had passed before the disputants had brought the case to the courts or their opponents had take the disputes to the courts. The breakup is provided in **Table D-1** and graphically depicted in **Figure D-1**.

Table D-1

Time between the dispute and initiation of case?	No. of ppl	% of ppl
<6 months	273	62.05
6-12 months	65	14.77
1-2 years	33	7.5
>2 yrs	69	15.68
Total	440	100

Figure D-1



Reason for Time Lapse

It emerged that the most common reason offered for the gap between the emergence of the dispute and the initiation of court case, in cases where there was indeed a gap or perceived gap by the interviewees, was that the disputing parties were either pursuing a direct reconciliation or a solution through an out of court dispute resolution mechanism. Some additional reasons were also shared by the respondents of which ‘was collecting evidence and witnesses,’ ‘not having the information or knowhow to pursue a legal remedy,’ and ‘was being pressurized or harassed not to pursue a legal remedy,’ indicate the kind of constraints and pressures that certain disputants may face in accessing the courts. The breakup of all the reasons offered by the respondents is provided in **Table D-2**.

Whether Dispute Satisfactorily Represented in the Legal Case

Almost 1/3rd, or an aggregate of 31.4% of the overall respondents stated that their dispute were not satisfactorily represented in their legal cases, or that they were ‘not sure’ that their disputes were satisfactorily represented in their legal cases, or that they simply ‘didn’t know’ whether their disputes were satisfactorily represented in their legal cases. As opposed to this, 68.4% of the respondents said that their legal cases did satisfactorily represent their actual disputes. However, this number has to be evaluated with a certain amount of skepticism and is likely lower. This becomes apparent if one appreciates the educational qualifications of the respondents already provided and as one looks further down this Study at the data about respondent feedback on their comprehension of English as well as their capacity to understand laws, regulations, court documents, legal contracts, deeds, and court proceedings in English, which rules out the actual possibil-

Table D-2

Reason for the lapse?	No. of ppl
Parties pursuing reconciliation	128
Parties pursuing an out of court dispute resolution	54
Was working on collecting evidence and witnesses	17
Did not have the financial resources to pursue a legal remedy	3
Did not have the information or knowhow to pursue a legal remedy	17
Was being pressurized or harassed not to pursue a legal remedy	11
Was not physically around to pursue a legal remedy	9
Did not know or could not find a lawyer to advocate the case	2
Was too preoccupied with other work/responsibilities	7
Other	27
NR	23
NA	211
Total	509

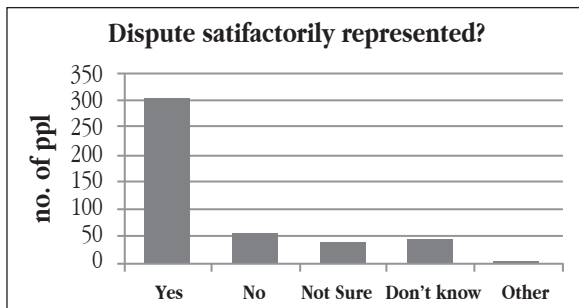
ity of 68.4% of the respondents actually knowing for sure whether their legal cases accurately reflected their disputes. The most obvious reason as to why certain respondents preferred to state ‘Yes’ to this question (quite apart from those who actually knew and genuinely felt that they knew their legal cases well enough under the applicable laws, as documented in legal documents and as being argued in the courts) was the perceived public embarrassment of acknowledging before a stranger that they did not fully comprehend their court cases in order to be able to say for sure. Another possible reason that became apparent from the demeanor of certain respondents with lower educational qualifications who immediately said ‘Yes’ in response to this question, while being comparatively unsure and reluctant while answering other simpler questions, was their apprehension that admitting lack of knowledge of their legal cases somehow made their cases appear weak or frivolous. It was apparent during the Survey that the otherwise unsure and reluctant respondents would become immediately guarded and defensive when this particular question was asked. On being further

probed, quite a few of them admitted that their knowledge of their cases was based on what their lawyers had told them and not any direct comprehension or reading of their legal documents. The breakup of responses is provided in **Table D-3** below and graphically represented in **Figure D-3**.

Table D-3

Is the dispute satisfactorily represented in the legal case?	No. of ppl	% of ppl
Yes	301	68.4
No	55	12.5
Not Sure	39	8.9
Don't know	44	10.0
Other	1	0.2
Total	440	100

Figure D-3



Reasons for Unsatisfactory Representation

The respondents who did not say that their disputes were satisfactorily represented in their legal cases were asked for reasons for the same and allowed multiple responses. Importantly, two of the most frequent responses put the blame for less than satisfactory representation of the disputes in the legal cases on the lawyers. The most frequent response was that, ‘the parties want to settle but the lawyers/court is embroiling them in the case’, followed by, ‘lawyer excluded certain facts and contestations as part of his strategy’. An additional response was, ‘lawyer omitted certain facts or contestations due to carelessness or lack of attention’. The breakup of responses is provided in **Table D-4**.

3.5 The Legal Opponents

The actual and/or perceived difference of experience and resourcefulness between legal contestants in an adversarial

Table D-4

If No then why?	No. of ppl
Lawyer excluded certain facts or contestations as part of his legal strategy	20
Lawyer omitted certain facts or contestations due to carelessness or lack of attention	12
Judge did not accept certain facts or contestations	10
Lack of evidence or unavailability of witnesses for certain facts or contestations	14
Certain facts or contestations did not attract a legal remedy	5
Other (Specify)	28
Parties want to settle but lawyers/court are embroiling them in the case	44
Not Applicable/No Response	325
Total	458

dispute resolution system in a social milieu characterized by various levels of disparity is an important factor contributing to the actual or perceived levelness of the playing field. The Survey respondents were, therefore, asked various questions about their perception of the experience and resourcefulness of their legal opponents and consequently whether they perceived the court arena as providing equal access and a level playing field, given possible variations in their respective capacity, experience, resources and networks.

Resourcefulness of Legal Opponent

To the question seeking respondent perceptions about the relative resourcefulness of their opponents, a majority of the respondents (65.2%) said that their opponents were ‘highly resourceful’ or ‘fairly resourceful’ in comparison with them. A possible explanation of this is that there is a tendency to always exaggerate the relative resourcefulness of one’s opponent in order to more persuasively present the case of one’s relative weakness, vulnerability and the consequent exploitation and injustice that one has been subjected to by the opponent, in order to gain sympathy and support. Another possible explanation is that since the respondents were randomly selected, a greater proportion of the relatively weak and less resourceful litigants are likely to be found frequenting the lowest levels of the court system, as compared to the more resourceful ones as the

latter are not as concerned or affected by on-going litigation in order to be obliged to make regular personal appearances at the court. They can rely more frequently instead on the services of better paid and more effective lawyers to carry forward their cases in their absence. This can be verified by following up on actual information about the opponents through a review of the actual legal documents and/or interviews with the opponents and/or their lawyers. The Survey did not seek to undertake this exercise but the Survey data does present independent evidence that many of the respondents may not have been exaggerating their opponents' greater resourcefulness. This is because as we have seen, a sizable majority of the respondents belong to the two lowest income categories and were thus likely to be relatively weak in resourcefulness as compared to their opponents in terms of income and consequent economic resourcefulness. There is always the possibility that their opponents actually belonged to the same income brackets but very few of the respondents actually pointed out the presence in court of their opponents in order for them to be interviewed so as to verify their relative resourcefulness. There are persuasive reasons, therefore, to take the feedback of the respondents on face value. The breakup of responses is provided in **Table E-1** and it is graphically represented in **Figure E-1**.

Occupation of Legal Opponent

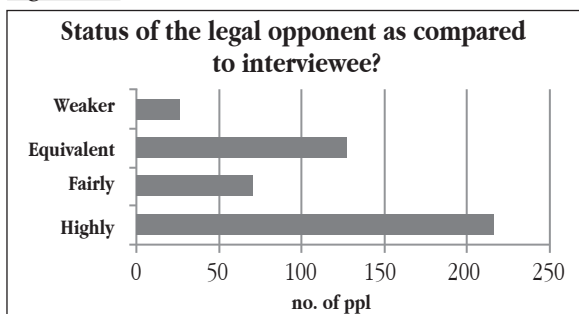
Table E-2

Occupation of legal opponent	No. of ppl	% of ppl
Landowner	35	8.0
Agricultural Tenant	4	0.9
Shop Owner	22	5.0
Craftsman	10	2.3
Private Business	81	18.4
Gov employee	34	7.7
Pvt Company Employee	27	6.1
Housewife	13	3.0
Retired Gov or Pvt Company employee	10	2.3
Cottage industry owner	5	1.1
SME owner	6	1.4
Big industry owner	4	0.9
Industrial employee	3	0.7
Industrial labor	2	0.5
Professional	23	5.2
Independently wealthy	8	1.8
Unemployed	18	4.1
Other	56	12.7
Criminals	20	4.5
Land Mafia	30	6.8
Government Dept	29	6.6
Total	440	100

Table E-1

Status of the legal opponent as compared to interviewee?	No. of ppl	% of ppl
Highly resourceful	216	49.1
Fairly resourceful	71	16.1
Equivalent	127	28.9
Weaker	26	5.9
Total	440	100

Figure E-1



In response to a question about the occupation of their legal opponents, the most prominent response was private business (18.4%), followed by landowners (8%), Government employees (7.7%) and private company employees (6.1%). Details are provided in **Table E-2**. As compared to this in response to the earlier question about their own occupation, private business, house wives, retired government or private company employees, government employees, landowners, craftsmen, private company employees, shop owners and professionals were the most common responses, in that order. Some disparity in terms of occupation does, therefore, emerge in the two sets of responses and the reported occupations can be seen to be relatively more resourceful in case of the legal opponents, as compared to the occupations that the respondents have reported for themselves. House wives, retired government or private company employees and craftsmen don't make an appearance in the top responses here, as they do in response to the question about the respondents' own occupation. Together these three occupation categories

accounted for the occupation of 27.5% of the respondents. However, these three relatively less resourceful occupation categories only account for 7.6% of the reported occupations of the legal opponents. Additionally, the categories ‘criminal’ and ‘land mafia’ are used to describe the occupation of an aggregate of 11.3% of the legal opponents.

Additional On-Going Litigation with Opponents

Table E-3

Any other present litigation with the legal opponent?	No. of ppl	% of ppl
Yes	101	22.95
No	339	77.05
Total	440	100

In order to gauge the level of litigiousness of the respondents as well as how deeply embroiled they were in legal contestations with their opponents they were asked if they were engaged in any additional litigation with their legal opponents. A fairly high percentage of 22.95% or almost 1/4th of the overall respondents responded in the affirmative. The breakup is provided in **Table E-3**.

Past Litigation with Legal Opponent

Table E-4

Any past litigation with the legal opponent?	No. of ppl	% of ppl
Yes	71	16.14
No	369	83.86
Total	440	100

The respondents were also asked about any past litigation with their legal opponents in order to gauge linkages of the current disputes with previous contestations and as many as 16.4% of the respondents replied in the affirmative. The breakup is provided in **Table E-4**.

Opponent’s Involvement in Litigation with Others

Table E-5

Any other present litigation with other people?	No. of ppl	% of ppl
Yes	143	32.50
No	143	32.50
Don’t know	154	35
Total	440	100

The respondents were also asked to comment if they knew that their legal opponent was also engaged in any litigation with other people, both to gauge their perception of their opponent as a more experienced and skillful litigator and also as someone who had a greater propensity to go to court than others and hence was a habitual litigator not amenable to resolving disputes out of court. Almost 1/3rd of the respondents (32.5%) said that their opponents were engaged in other litigation as well and exactly the same proportion said that they were not, with 35% of the respondents saying that they did not know. The breakup is provided in **Table E-5**.

Legal Opponents’ Past Experience of Successful Litigation

Table E-6

Legal Opponent’s Past experience of successful litigation?	No. of ppl	% of ppl
Yes	95	21.59
No	145	32.95
Don’t know	200	45.45
Total	440	100

The respondents were further asked whether their legal opponents had any past experience of successful litigation and more than 1/5th of them (21.59%) thought that they did, whereas almost 1/3rd (32.95%) thought that they did not. However, almost half of the respondents (45.45%) were unsure and did not have sufficient information to comment. The breakup is provided in **Table E-6**.

Whether Opponents used Coercion or Pressure Tactics

Table E-7

Has the legal opponent used any pressure/coercive tactics before or during the current litigation?	No. of ppl	% of ppl
Yes	211	47.95
No	228	51.82
Don’t know	1	0.23
Total	440	100

The respondents were then asked whether their opponents had used any coercion and pressure tactics

against them before or during the litigation and a very large proportion of the respondents (47.95%) replied in the affirmative. This is significant as it further highlights the pressures and coercion that litigants, especially the more vulnerable ones, might face while seeking recourse to courts to resolve disputes or seek protection of any rights. The breakup is provided in **Table E-7**. To further explore whether the more disempowered or less resourceful respondents were more vulnerable to being pressurized or coerced by their opponents, the following Tables present an analysis of the data generated in the Survey correlating it with the educational background, geographical location and monthly household income.

Exposure to Coercion and Educational Background of Respondents

In terms of the educational background of the respondents who reported that their legal opponents had coerced them or subjected them to pressure tactics a

Table E-8

(# of ppl)	Has the legal opponent used any pressure/coercive tactics before or during the current litigation?			
	Yes	No	Don't know	Total
Education				
None/uneducated	32	35	0	67
Madrassa up to 2 years	1	0	0	1
Madrassa 2 – 5 years	2	0	0	2
Madrassa up to 10 years	2	0	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	1
Primary School	24	15	0	39
Secondary School	26	21	0	47
Matriculation	42	50	1	93
FA/F.Sc/Equivalent	32	38	0	70
B.A/B.Sc	28	44	0	72
M.A/M.Sc Equivalent	18	20	0	38
Higher than a Master's degree	1	1	0	2
Basic Schooling plus vocational education	2	2	0	4
Other	0	2	0	2
Total	211	228	1	440

somewhat greater proportion of the respondents who were uneducated or had an education less than or up to secondary school reported coercion (55.34%), as compared to those with an education higher than secondary school (43.77%). However, this gap is actually larger if one considers that there are quite a few more respondents in the latter higher education categories. In other words whereas 159 respondents fall in the no education or lower education categories, 281 respondents fall in the higher education categories. Thus, though vulnerability to coercion and pressure tactics by the opponent may be dependent on several factors, the educational qualification of the respondent does seem to be one of the factors. The breakup of the overall responses is provided in **Table E-8**.

Exposure to Coercion and the Rural-Urban Spectrum

In terms of the rural/urban spectrum a much greater proportion of the respondents who live in villages (65.38%) reported coercion as compared to those from small towns (42.31%), the suburbs (50%) and the central city 45.77%). The breakup is provided in **Table E-9**.

Table E-9

(# of ppl)	Has the legal opponent used any pressure/coercive tactics before or during the current litigation?			
	Yes	No	Don't Know	Total
Abode				
Village	17	9	0	26
Small Town	11	15	0	26
Suburbs of Lahore City	64	63	1	128
Central City	119	141	0	260
Total	211	228	1	440

Exposure to Coercion and Household Wealth of Respondents

In terms of the monthly household income of the respondents, a much higher proportion of the respondents who fell in the two lowest income categories reported coercion (53.98%) as compared to the respondents falling in all the remaining higher income categories (37.80%). Due to the higher proportion of the low income respondents reporting coercion as a percentage of their overall number, and also because the overall number of respondents is higher in the first two monthly household income categories

Table E-10

(# of ppl)	Has the legal opponent used any pressure/coercive tactics before or during the current litigation?			
	Yes	No	Don't know	Total
Income				
<Rs. 10k	100	69	0	169
Rs. 10k– 20k	49	57	1	107
Rs. 20k– 30k	17	30	0	47
Rs. 30k– 40k	10	13	0	23
Rs. 40k – 50k	6	12	0	18
Rs. 50k-Rs. 75k	5	14	0	19
Rs. 75k-100k	7	2	0	9
Rs. 100k– 150k	4	6	0	10
Rs.150k- 200k	1	1	0	2
Rs. 200k– 300k	1	4	0	5
>Rs. 300k	0	1	0	1
Did not disclose	11	19	0	30
Total	211	228	1	440

(276) as compared to respondents in the remaining high income categories (164), respondents reporting coercion that fall in the two lowest income categories comprise 70.62% of the overall number of respondents who reported coercion and pressure tactics from legal opponents. Thus household income emerges as a significant variable when it comes to vulnerability to coercion and pressure tactics from legal opponents. The overall breakup of responses is provided in **Table E-10**.

Nature of Coercion by Legal Opponent

When asked about the nature of coercion and allowed to give multiple responses if applicable, ‘threat of violence’ emerged as the most common response, followed by ‘actual violence’, ‘harassment’, ‘threat of destroying business or personal reputation’, and ‘threat of ruination through extended litigation’. The overall response breakup is provided in **Table E-11**.

The focus of the Questionnaire then shifted to gauging whether the respondents had attempted to resolve their disputes with their legal opponents out of court and if not

Table E-11

If pressure/coercion was used then in what way?	No. of ppl
Actual violence	51
Threat of violence	144
Threat of destroying business or personal reputation	31
Threat of ruination through extended litigation	22
Ostracization from family or community	8
Threat of ostracization from family or community	9
Other	20
Harassment	35
NA	223
Total	543

so then their reasons for not doing so, or for failing to do so if they or their opponents had indeed made an attempt to avoid contesting the matter in court by resolving it out of court. The qualitative feedback from many of the respondents divulges a clear preference for resolving disputes out of court instead of bring the disputes to court. One of the respondents was categorical as to the choices: “If one can settle out of court, one always should. Only those can afford to come to court who have ample money and time. If you don’t have ample money or time you should just forget about your dispute and losses.”⁶ Another respondent was highly remorseful about having made the decision of coming to court in the first place: “After getting humiliated in the civil courts for thirty years, I am now trying to somehow get my dispute settled out of court. Thirty years is a big portion of one’s life to waste in a legal case.”⁷ One of the interviewee’s said: “Shareef” (upright) people don’t want to come to courts. They don’t want to get involved with the courts but they are left no option.”⁸ Yet another interviewee lamented: “A courtroom is a recipe for wasting one’s wealth, dignity and life.”⁹ This was echoed by another interviewee: “If someone wants to destroy their life they should come to the courts. I consider myself a fool who aimlessly roams around these corridors.”¹⁰ Given the strong sentiments expressed by

⁶ Interview with Respondent No.2, December 20, 2010

⁷ Interview with Respondent No.17, December 20, 2010

⁸ Interview with Respondent No.397, January 7, 2011

⁹ Interview with Respondent No.418, January 7, 2011

¹⁰ Interview with Respondent No.431 January 7, 2011

some of the respondents, they were asked whether they had ever been approached by the opponents to reconcile the matter out of court.

Approach by Legal Opponent for Out of Court Settlement

Table E-12

Whether Opponent approached for an out of court settlement?	No. of ppl	% of ppl
Yes	115	26.1
No	325	73.9
Total	440	100

To the question as to whether their legal opponents had ever approached them for an out of court settlement a little over 1/4th of the respondents (26.1%) conceded that their opponents had indeed approached them for reconciliation. The breakup of the responses is provided in **Table E-12**.

Approach by Legal Opponent for Out of Court Settlement & Education of Respondent

Table E-13

(# of ppl)	Whether Opponent approached for an out of court settlement?		
	Yes	No	Total
Education			
None/uneducated	11	56	67
Madrasa up to 2 years	1	0	1
Madrasa 2 t- 5 years	0	2	2
Madrasa up to 10 years	0	2	2
Islamic Religious Educ (more than 10 years)	0	1	1
Primary School	13	26	39
Secondary School	10	37	47
Matriculation	26	67	93
FA/F.Sc/Equivalent	17	53	70
B.A/B.Sc	20	52	72
M.A/M.Sc Equivalent	13	25	38
Higher than a Master's degree	1	1	2
Basic Schooling plus vocational education	2	2	4
Other	1	1	2
Total	115	325	440

More or less the same proportion of the uneducated respondents and respondents with less than or equal to a secondary school education (22.01%) were approached by their legal opponents as compared to respondents with a higher than secondary school education (28.4%). So there does not seem to be any significant linkage between a litigant's level of education and a propensity on part of his/her opponent to approach for an out of court settlement, though a somewhat higher proportion of the more educated respondents were approached for an out of court reconciliation as compared to the uneducated or less educated respondents. The response breakup is provided in **Table E-13**.

Approach by Legal Opponent for Out of Court Settlement & the Rural-Urban Spectrum

A lesser percentage of respondents from villages (19.23%) and small towns (15.38%) were approached by their legal opponents for out of court settlements as compared to respondents from the suburbs (25.78%) and the central city (28.07%). The breakup of responses is provided in **Table E-14**.

Table E-14

(# of ppl)	Whether Opponent approached for an out of court settlement?		
	Yes	No	Total
Abode			
Village	5	21	26
Small Town	4	22	26
Suburbs of Lahore City	33	95	128
Central City	73	187	260
Total	115	325	440

Approach by Legal Opponent for Out of Court Settlement & Respondents' Monthly Household Income

It emerges from the data that the less affluent respondents were more or less as likely to be approached by their opponents for an out of court settlement as the more affluent. This can be ascertained by the fact that 25.36% of the respondents in the two lowest income categories were approached by their legal opponents for an out of court settlement, as compared to 27.44% of those falling in the remaining higher income categories. The breakup of responses is provided in **Table E-15**.

Table E-15

(# of ppl)	Whether Opponent approached for an out of court settlement?		
	Yes	No	Total
Income			
<Rs. 10k	40	129	169
Rs. 10k– 20k	30	77	107
Rs. 20k– 30k	11	36	47
Rs. 30k– 40k	8	15	23
Rs. 40k – 50k	8	10	18
Rs. 50k-Rs. 75k	2	17	19
Rs. 75k-100k	1	8	9
Rs. 100k– 150k	4	6	10
Rs.150k- 200k	1	1	2
Rs. 200k– 300k	4	1	5
>Rs. 300k	0	1	1
Did not disclose	6	24	30
Total	115	325	440

Reasons for Failure of Out of Court Settlement Initiated by Legal Opponent

Those reporting an approach by a legal opponent for an out of court settlement were probed for the reasons for the failure of such an offer and allowed multiple responses. The most frequent response was essentially that, ‘the offer made was unfair.’ However, trust deficit and the consequent need for a court process and a legal verdict to bring certainty and closure to the disputed matter also emerged as the next most popularly cited reason, as can be seen from the results in **Table E-16**.

Table E-16

If such an approach was made, why did it not work?	No. of ppl
The offer made was unfair	77
Disrespectful attitude of the legal opponent	8
The legal opponent needs to be taught a lesson through a court case	4
The legal opponent is untrustworthy and hence a legal verdict is necessary to bring the matter to a close	40
Other	7
NA	327
Total	463

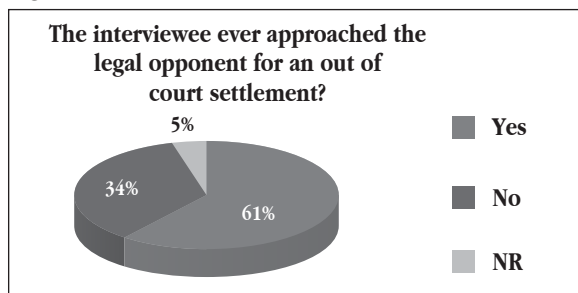
Approach by the Respondent for Out of Court Settlement

As compared to reported approaches by the legal opponents for an out of court reconciliation, many more respondents reported that they themselves had actually approached their legal opponents for an out of court settlement or reconciliation. Almost thrice as many or 60.68 % of the respondents said this, as compared to 26.1% of the overall respondents who said that their opponents had approached them for an out of court settlement of the dispute. This does provide an indication of the relatively low bargaining power of the Survey population as many more people are reporting an initiative on their part to settle the dispute out of court as compared to a similar initiative on part of their legal opponents. The breakup of responses is provided in **Table E-17** and graphically depicted in **Figure E-17**. Gender does not seem to be a very significant factor here as 62% of the male and 55.6% of the female respondents approached their legal opponents for an out of court settlement.

Table E-17

Has the interviewee ever approached the legal opponent for an out of court settlement?	No. of ppl	% of ppl
Yes	267	60.68
No	150	34.09
NR	23	5.23
Total	440	100

Figure E-17



The propensity of the respondents to approach their legal opponents for an out of court settlement or reconciliation was then further deconstructed and evaluated based on their education and monthly household income. Greater propensity to reconcile could just generally be a function

of greater preference for harmony and avoidance of discord. However, it could also be a function of lesser bargaining power as well as weaker capacity and resourcefulness to take on and sustain a legal battle in court. However, the following data analysis does not show the educational background or monthly household income of the respondents to be significant variables determining a greater or lesser propensity to reconcile disputes out of court as more or less the same proportion of respondents across the educational and income spectrum divulged a propensity and initiative for settling the disputes out of court. This can, however, also indicate the same level of reluctance to get embroiled in court battles across the educational and income spectrum for factors and challenges pertaining to legal battles in courts that inconvenience and adversely affect all litigants.

Approach by Respondent for Out of Court Settlement & Education of Respondents

Uneducated and less educated respondents reported as

Table E-18

(# of ppl)	Has the interviewee ever approached the legal opponent for an out of court settlement?			
	Yes	No	NR	Total
Education				
None/uneducated	40	21	6	67
Madrassa up to 2 years	0	1	0	1
Madrassa 2 t- 5 years	2	0	0	2
Madrassa up to 10 years	0	2	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	1
Primary School	19	17	3	39
Secondary School	32	13	2	47
Matriculation	60	28	5	93
FA/F.Sc/Equivalent	40	24	6	70
B.A/B.Sc	49	22	1	72
M.A/M.Sc Equivalent	20	18	0	38
Higher than a Master's degree	1	1	0	2
Basic Schooling plus vocational education	2	2	0	4
Other	1	1	0	2
Total	267	150	23	440

much inclination to approach their legal opponents for reconciliation as the more educated ones. 59.12% of the respondents who were uneducated or had an education less than or equal to secondary school reported approaching their legal opponents for reconciliation as compared to 61.56% of the respondents with a higher than secondary school education. **Table E-18** provides the breakup of the overall responses.

Approach by Respondent for Out of Court Settlement & Monthly Household Income of Respondents

Less affluent respondents reported as much inclination to approach their legal opponents for reconciliation as the more affluent ones. 60.87% of the respondents in the two lowest income categories reported approaching their legal opponents for reconciliation as compared to 60.36% of the respondents in the remaining higher income categories. Because of the higher number of respondents in the lowest income categories, respondents from the same comprise 62.92% of all the respondents who said that they approached their legal opponents for an out of court settlement. **Table E-19** provides the breakup of the overall responses.

Table E-19

(# of ppl)	Has the interviewee ever approached the legal opponent for an out of court settlement?			
	Yes	No	NR	Total
Income				
<Rs. 10k	104	51	14	169
Rs. 10k– 20k	64	37	6	107
Rs. 20k– 30k	29	18	0	47
Rs. 30k– 40k	12	10	1	23
Rs. 40k – 50k	10	8	0	18
Rs. 50k-Rs. 75k	14	5	0	19
Rs. 75k-100k	4	4	1	9
Rs. 100k– 150k	7	2	1	10
Rs.150k- 200k	1	1	0	2
Rs. 200k– 300k	2	3	0	5
>Rs. 300k	0	1	0	1
Did not disclose	20	10	0	30
Total	267	150	23	440

Reasons for Failure of Out of Court Settlement Initiated by Respondent

The respondents were then asked as to why their initiative

to resolve the dispute out of court or to reconcile the matter resulted in failure and they ended up in court instead and multiple responses were allowed. The most commonly offered reason was that the ‘the legal opponent is unreasonable.’ However, interestingly the coercive possibilities of taking a dispute to court were highlighted by the second and third most popular responses which were, respectively, ‘the legal opponent wants to waste my time and energy in court before coming to the negotiation table,’ and that, ‘the legal opponent does not want a resolution of the issue but wants to insult me and drag me through the court due to our enmity.’ Other responses hinting it a propensity to use the court to settle scores was that, ‘the legal opponent has made this dispute a matter of pride,’ and, ‘others in his family or community want this litigation to continue, as apparent in **Table E-20**.

Collectively, there were as many as 146 responses that indicate that the respondents perceive that their opponents have dragged the matter to court pressurize, insult and/ or punish them and that but for this the matter could have been resolved out of court, other than the additional 188 responses that blame the failure of the reconciliation attempt on the ‘unreasonableness’ of the legal opponent.

Table E-20

If such an approach was made, why did it not work?	No. of ppl
The legal opponent is an unreasonable man	188
The legal opponent has made this dispute a matter of pride	19
Others in his family or community want this litigation to continue	23
The legal opponent does not want a resolution of the issue but wants to insult me and drag me through the court due to our enmity	36
The legal opponent feels that he can get a favorable verdict in court	27
The legal opponent wants to waste my time and energy in court before coming to the negotiation table	68
Other	30
NA	170
Total	561

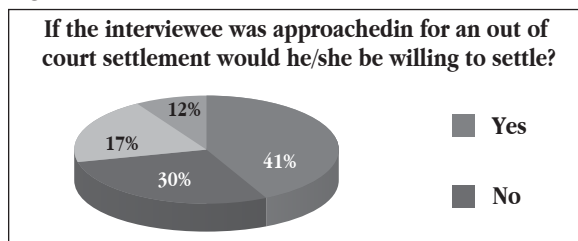
Future Inclination for Exploring Out of Court Settlement

Almost half of the respondents (41.14%) responded that they would be willing to settle out of court if they were approached in the future for such a settlement. Another 17.5% kept the option open by saying that their decision would be dependent on the nature of the offer made to them, but that in principle they would not be averse to settling the dispute out of court. Another 11.59% were not sure what they would do. That essentially left only 29.77% of the respondents who were not interested in settling out of court in future and thus wanted to continue with the litigation. The response breakup is provided in **Table E-21** and depicted graphically in **Figure E-21**.

Table E-21

If the interviewee was approached in future for an out of court settlement would he/she be willing to settle?	No. of ppl	% of ppl
Yes	181	41.14
No	131	29.77
Depends on the offer	77	17.50
Don't know	51	11.59
Total	440	100

Figure E-21



Future Inclination for Exploring Out of Court Settlement & Gender

Men displayed somewhat greater level of inclination (43.41%) as compared to women (33.96%) for exploring an out of court settlement in the future. This may be explicable by the fact that many of the women respondents were embroiled in divorce, custody or other marital disputes and were skeptical about the neutrality and efficacy of traditional dispute resolving mechanisms such as Khandan (family) and Biradari (clan). The overall breakup of responses is provided below in **Table E-22**.

Table E-22

(# of ppl)	Gender		
	Male	Female	Total
If the interviewee was approached in future for an out of court settlement would he/she be willing to settle?			
Yes	145	36	181
No	87	44	131
Depends on the offer	59	18	77
Don't know	43	8	51
Total	334	106	440

Future Inclination for Exploring Out of Court Settlement & Educational Background of Respondents

The uneducated and less educated respondents (less than or equal to secondary school education) displayed a slightly lesser inclination (37.73%) as compared to those education upwards of secondary school (43.06%). The overall response breakup is provided in **Table E-23**.

Future Inclination for Exploring Out of Court Settlement & Household Income

The less affluent respondents falling in the two lowest income categories displayed a slightly less inclination to settle the matter out of court in future (39.85%), as

compared to the more affluent respondents falling in the higher income categories (43.29%). The overall response breakup is provided in **Table E-24**.

Reasons for Willingness for Out of Court Settlement in Future

The respondents who had expressed a willingness to explore an out of court settlement in future were then asked to explain their reasons and allowed multiple responses. The most common and rather telling response was that after their experience of the court process, 'an out of court solution seemed simpler and quicker now.' The next most common response was 'dissatisfaction with the efficiency of the court process,' followed by 'dissatisfaction with the fairness of the court process,' the response that they 'did not have the energy to continue pursuit of a legal remedy,' the response that they 'did not have the financial resources to continue pursuit of a legal remedy,' and the response that they were 'ill-equipped to fight a legal battle due to lack of experience or legal know how.' Thus an aggregate of 300 responses out of the total 312 responses that give any reasons for willingness to settle the dispute out of court in future fall in the above-mentioned six response categories and even the bulk of the remaining 12 responses highlight other elements of dissatisfaction with the court system. This clearly brings forth interviewee

Table E-23

(# of ppl)	If the interviewee were approached in future for an out of court settlement would he/she be willing to settle?				
	Yes	No	Depends	Don't know	Total
Education					
None/uneducated	24	21	14	8	67
Madrassa up to 2 years	1	0	0	0	1
Madrassa 2 t- 5 years	1	0	1	0	2
Madrassa up to 10 years	0	2	0	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	0	1
Primary School	14	13	6	6	39
Secondary School	19	10	11	7	47
Matriculation	39	27	16	11	93
FA/F.Sc/Equivalent	31	21	10	8	70
B.A/B.Sc	32	21	12	7	72
M.A/M.Sc Equivalent	16	14	5	3	38
Higher than a Master's degree	1	1	0	0	2
Basic Schooling plus vocational education	1	1	2	0	4
Other	1	0	0	1	2
Total	181	131	77	51	440

Table E-24

(# of ppl)	If the interviewee was approached in future for an out of court settlement would he/she be willing to settle?				
	Yes	No	Depends	Don't know	Total
Income					
<Rs. 10k	73	42	33	21	169
Rs. 10k– 20k	37	35	22	13	107
Rs. 20k– 30k	21	19	5	2	47
Rs. 30k– 40k	13	5	2	3	23
Rs. 40k – 50k	6	10	1	1	18
Rs. 50k-Rs. 75k	10	5	2	2	19
Rs. 75k-100k	6	2	0	1	9
Rs. 100k– 150k	3	3	1	3	10
Rs.150k- 200k	2	0	0	0	2
Rs. 200k– 300k	1	0	3	1	5
>Rs. 300k	0	1	0	0	1
Did not disclose	9	9	8	4	30
Total	181	131	77	51	440

Table E-25

If the answer is 'Yes' (to Question 5.13) then why so?	No. of ppl
Dissatisfied with the efficiency of the court process	88
Dissatisfied with the fairness of the court process	36
Interviewee ill-equipped to fight a legal battle due to lack of experience or legal know-how	19
Interviewee does not have the energy to continue pursuit of a legal remedy	32
Interviewee does not have the financial resources to continue pursuit of a legal remedy	28
Interviewee under social/community pressure to settle out of court with opponent	0
Interviewee facing threats/coercion from opponent to settle out of court	1
Interviewee dissatisfied with the quality or commitment of the lawyer	4
Interviewee under pressure to bribe court/judicial officers	2
Legal opponent is able to unfairly influence the court process	5
An out of court solution seems simpler and quicker now	97
Other	19
NA	238
NR	17
Total	586

dissatisfaction with the court system and that in turn persuading them to be open to the idea of an out of court resolution in future, despite the fact that many of the respondents had been unsuccessful in previous attempts to resolve the matter out of court. **Table E-25** provides the breakup of responses.

Reasons for Lack of Willingness for Out of Court Settlement in Future

On the other hand, the respondents who had expressed a lack of willingness to explore an out of court settlement in the future were asked to explain their reasons and allowed multiple responses. Trust deficit vis-à-vis the legal opponent emerged as a primary concern as the most common response was that: 'The legal opponent is untrustworthy and hence a legal verdict is necessary to bring the matter to a close.' However, lack of availability of alternatives was another reason as a close second response in terms of frequency was: 'A legal remedy is the only way to get a just solution.' Personal vendetta or a sense of being wronged seemed to motivate the third most common response: 'The legal opponent needs to be taught a lesson through a court case,' thus highlighting the use of the court process as a punishment that can be inflicted on an opponent. What is significant is that only 8 respondents mentioned any positive reasons for sticking to the formal legal system for dispute resolution, mentioning that they were 'satisfied with the experience of pursuing a legal remedy so far,' or that they had, 'faith in the fairness of the court system.' All the rest of the responses are either

Table E-26

If the answer is 'No' (to Question 5.13), then why not?	No. of ppl
The legal opponent needs to be taught a lesson through a court case	39
The legal opponent is untrustworthy and hence a legal verdict is necessary to bring the matter to a close	48
A legal remedy is the only way to get a just solution	46
No viable mechanism available for reaching a fair out of court settlement	12
No viable mechanism available for ensuring compliance of parties with an out of court settlement	8
Too much effort/resources have already been invested in the legal case	11
Interviewee satisfied with his experience of pursuing a legal remedy so far	3
Interviewee has faith in the fairness of the court system	5
Other	11
NA	304
NR	10
Total	497

motivated by the failure of the possibility of a reconciliation due to a trust deficit, lack of availability, efficacy or fairness of out of court dispute resolution mechanisms or a motivation to the teach the legal opponent a lesson through embroilment in a court case. Some of the respondents also said that it was rather late in the day as they had already invested considerable effort and financial resources in litigation. The overall response breakup is provided in **Table E-26**.

3.6 Non-Court Dispute Resolution Mechanisms

Successive justice sector reform projects and resulting reports in Pakistan have highlighted a high level of litigiousness in Pakistani society and the resulting mounting caseloads and delays in the court system. However, even from a narrow 'efficiency' enhancement perspective of reform, which imbued these reform approaches, it

would be necessary to better appreciate why disputes and litigation are on the rise, why people continue approaching the courts despite the obvious problems and delays that they face and what alternatives to court based dispute resolution exist, have broken down and/or ought to be revived and supported as convenient and viable alternatives to courts if the case load in courts is to be reduced and case disposal enhanced. However, quite surprisingly no systematic attempts have been made or any studies undertaken to better understand the nature and causal factors for growing disputes and consequent litigation in Pakistani society, the state of non-court dispute resolution mechanisms and the reasons behind contestations resulting in greater litigiousness rather than being amenable to alternative resolution possibilities. The Survey is also seminal in that quite apart from developing empirical understanding of the average citizens' experiences with the formal legal system and in the court system it also attempted to document their experiences and perceptions of the non-court dispute resolution mechanisms and the reasons why they did not explore the same or did explore the same but eventually ended up in court.

Qualitative feedback generated by the Survey divulges important information about the reasons for citizen preference or lack thereof for non-court dispute resolution mechanisms as well as the reasons for not being able to utilize such mechanism. A fair number of respondents expressed both a preference for non-court dispute resolution mechanisms as well as hinted at frivolous, coercive or illegitimate use of the courts. According to one respondent: "If non-court dispute resolution mechanisms were strong, people would never choose to come to courts."¹¹ Another respondent was of the view: "Legitimate disputes get resolved out of court. The rest come to court."¹² Many reasons were offered for why they thought that the non-court dispute resolution mechanisms in society no longer worked. Break down of traditional social and normative structures was frequently pointed out as the main contributory reason for ineffectiveness of non-court dispute resolution mechanisms. In the words of one of the respondents: "Out of court mechanisms don't work as there is no respect left for elders. We are living in an age of breakdown of social fabric and ethical frameworks."¹³

¹¹ Interview with Respondent No. 24, December 20, 2010.

¹² Interview with Respondent No. 249, January 3, 2011

¹³ Interview with Respondent No. 371, January 6, 2011.

Another respondent had similar views. According to him: “The elders no longer agree to try and resolve peoples’ disputes as no one listens to them anymore. People are much more antagonistic in what is a time of selfishness, materialism and anarchy. God should save everyone from doctors and lawyers.”¹⁴ Social malaise and societal breakdown were also frequent observations informing the framework of analysis adopted by certain respondents while deciding to come to courts, as they felt that given these trends in society non-court dispute resolution mechanism had no way for ensuring that disputants abided by their decisions. As one interviewee said: “Times have changed. Social ostracization, community pressure and public disrepute can no longer be exercised by the *biradari* against those who transgress other peoples’ rights.”¹⁵ Non-implementation of the decisions of non-court dispute resolution mechanisms was pointed out as a primary reason why many people had stopped using them by quite a few of the respondents. One respondent said: “When someone does not listen to an out of court dispute resolution mechanism’s decision, there is simply nothing that one can do about it.”¹⁶ Another respondent offered a different explanation: “When parties are of unequal resourcefulness, out of court mechanisms don’t work as the powerful are least bothered.”¹⁷

A number of respondents felt that the now dysfunctional non-court dispute resolution mechanisms had presented many advantages in the past. According to one interviewee: “The media has propagated a very negative and unfair image of *panchayats*. They had a lot of advantages.”¹⁸ One respondent said: “Non-court settlements should be made more systematic and binding. The legal and court system is very complex and it has far too many unnecessary formalities and flaws that are used for creating delay.”¹⁹ However, there were also quite a few

respondents who did not share the same idealistic or rosy notion for Panchayats. One female respondent said that: “Panchayats don’t listen to women. That is why coming to the court is preferable.”²⁰ Another female respondent said: “Custody issues are very sensitive issues and one can’t take the risk of going to non-court mechanisms. Female judges are more understanding and make humane decisions.”²¹ A contrary view was: “Young women have gotten it into their minds that courts provide them better protection. So they no longer agree to resolving disputes out of court. Courts should be closed down and *sharia* should be introduced instead.”²² There were yet others who were equally skeptical about the independence and fairness of both courts and non-court mechanisms. They were of the view that the principle of ‘might is right’ applied whether you tried to resolve the matter of court or whether you came to court. According to a female respondent: “Women are suppressed, whether in court or outside court.”²³ Quite a few respondents said: “One can’t hope for fairness even outside courts. *Jiss ki latbi us ki bhains* (a common saying in Urdu which literally means that whoever has a large stick, owns the cattle).”²⁴

Quite apart from the disintegration of traditional modes of dispute resolution such as Khandan (family), Panchayat (council of elders) and Biradari (clan), respondents also reported a breakdown of modern social and market mechanisms for dispute resolution such as market and traders’ unions. According to one litigant contesting a commercial dispute: “Market/traders’ unions used to be an effective forum for dispute resolution. Now, even they are dominated by capitalists backed by criminals. They are increasingly a failing mechanism and are indifferent to resolving commercial disputes of the business community.”²⁵ Others pinpointed that in disputes with a government department, one always ended up in court.

¹⁴ Interview with Respondent No. 375, January 6, 2011.

¹⁵ Interview with Respondent No. 399, January 7, 2011.

¹⁶ Interview with Respondent No. 374, January 6, 2011.

¹⁷ Interview with Respondent No. 284, January 4, 2011.

¹⁸ Interview with Respondent No. 365, January 6, 2011.

¹⁹ Interview with Respondent No. 25, December 20, 2010.

²⁰ Interview with Respondent No. 388, January 7, 2011.

²¹ Interview with Respondent No. 65, December 21, 2010.

²² Interview with Respondent No. 329, January 6, 2011.

²³ Interview with Respondent No. 261, January 3, 2011.

²⁴ Interview with Respondent No. 376, January 6, 2011. Also, interviews with Respondent No. 310, January 6, 2011, and Respondent No. 420, January 7, 2011, who said more or less exactly the same.

²⁵ Interview with Respondent No. 3, December 20, 2010.

One respondent said: “In any dispute with the government, the government always goes to court and it wastes a lot of time. There should really be a mechanism for resolving such issues through an officially designated third party and a quicker process.”²⁶

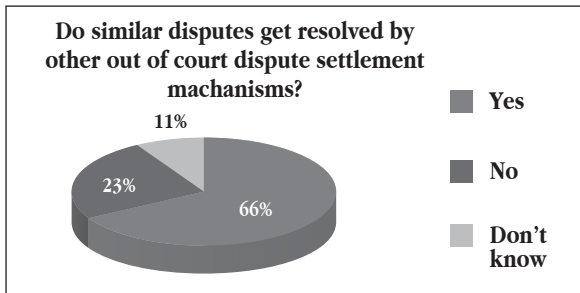
Moving on to the quantitative data, the Survey sought litigants’ views and perceptions about the existence and efficacy of non-court dispute resolution mechanisms in society. It further probed whether they had actually explored resolving their disputes through such mechanisms and if so, then their experience of the same. To a general question about the existence of such mechanisms, a vast number of the respondents replied in the affirmative and reported that disputes similar to their own were resolved by out of court dispute settlement mechanisms. The breakup of the responses is provided in **Table F-1** and it is graphically represented in **Figure F-1**.

Whether Similar Disputes get Resolved by Non-Court Mechanisms

Table F-1

Do similar disputes get resolved by other out of court dispute settlement mechanisms?	No. of ppl	% of ppl
Yes	292	66.36
No	99	22.50
Don't Know	49	11.14
Total	440	100

Figure F-1



If Disputes Similar to Yours Do Not get Resolved by Non-Court Mechanisms then which Kinds of Disputes get Resolved by such Mechanisms

Those respondents whose response was that disputes

similar to their own did not get resolved by non-court mechanisms, were then asked which kinds of disputes did they think got resolved through non-court dispute resolution mechanisms and they were allowed multiple responses. In **Table F-2** below, the category ‘Don’t Know’ includes not just respondents who were not sure of their response and hence didn’t reply but also those who had replied in the affirmative to the previous question and indicated that disputes similar to their own did get resolved by non-court dispute resolution mechanisms so that this question was not applicable to them. The respondents were allowed multiple responses. Marital, family and inheritance disputes emerge as the most popular responses to this question. A number of people (28) are also skeptical that any disputes actually get resolved out of court anymore, but at the same time there are many who

Table F-2

If the answer is ‘no’ (to Question 6.1), then which kinds of disputes are settled by non-court dispute resolution mechanisms?	No. of ppl
Agricultural Land Dispute	11
Commercial Land/Property Dispute	9
Moveable Property Dispute	3
Inheritance Dispute	17
Marital Dispute	27
Guardian Case	10
Other Family Dispute	21
Rent Dispute	2
Transactional Dispute/Contractual Dispute	3
Application for Succession	0
Insolvency Case	0
Small Causes and Minor Offences Ordinance	1
Inquiry	1
Other	8
None of these disputes get resolved out of court	28
All these disputes can be resolved out of court if the parties are willing	42
All these disputes and even criminal disputes like murder are resolved out of court if parties are willing	6
Don't Know	319
Total	508

²⁶ Interview with Respondent No. 53, December 21, 2010.

feel (42) that all disputes can be resolved out of court provided the disputing parties are willing to do so.

Most Popular Non-Court Dispute Resolution Mechanisms

All the respondents were then asked about the most popular modes of non-court dispute resolution in society and multiple responses were allowed. Khandan (Extended Family) (198), Panchayat (Council of Elders) (131),²⁷ other local influentials (119), Mohalla (Neighborhood) (117) and Biradari (Clan) (116) emerged as the most popular responses as shown by **Table F-3**.

Table F-3

For disputes forwarded to non-court dispute resolution mechanisms, which options do the disputants normally choose?	No. of ppl
Khandan (Extended Family)	198
Mohalla (Neighborhood)	117
Biradari (Clan)	116
Local Large Landowner (Village Chaudhry/Malik)	34
Panchayat (Village council of elders as well other council of elders)	131
Other Local Influential(s)(local, provincial, national)	119
Local Bureaucracy – Patwaris (Land Record Keepers); Nambardars (Village Headmen); Tehsildars (Tehsil administration/revenue collection heads), Union Council members or others	76
District Bureaucracy	27
Political Groupings/vote banks (dharas)	19
Self-Provision Village Organizations; Community Organizations; other local NGOs and other organizations	7
Local Police	12
Private Dispute Resolution Mechanisms that charge a Fee	14
Local Crime lords	25
Other	80
Total	975

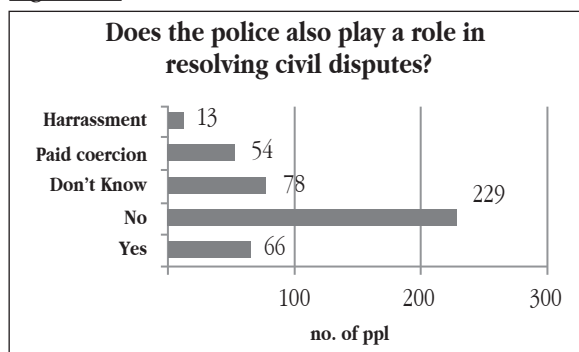
Role of Police in Civil Disputes

Given popular perceptions about the police meddling in or playing the role of power broker in civil disputes the respondents were also asked if the police played a role in resolving civil disputes. While just over half responded in the negative (52.05%), the remainder either simply acknowledged that it played a role (15%), expressed lack of knowledge (17.73%) or accused the police of exercising coercion upon being bribed (12.27%). Some even reported direct experience of being harassed by the police at the behest of their opponents (2.95%). The breakup of responses is provided below in **Table F-4** and it is graphically represented in **Figure F-4**.

Table F-4

Does the police also play a role in resolving civil disputes?	No. of ppl	% of ppl
Yes	66	15
No	229	52.05
Don't Know	78	17.73
The police is used for coercion by whoever pays it off	54	12.27
The police was used by the other party to harass me	13	2.95
Total	440	100

Figure F-4



Role of Police in Civil Disputes & Household Income of Respondents

Further analysis of the data reveals that less affluent respondents get harassed more frequently by the police.

²⁷ Traditional Village Panchayats (council of village elders) as well as modified urban versions involving a group of local elders and/or notables appointed to resolve disputes on an ad hoc or on-going basis.

Table F-5

Monthly income	Yes	No	Don't Know	Coercion	Harassment	Total
< Rs. 10k	27	71	39	25	7	169
Rs. 10k– 20k	13	61	18	11	4	107
Rs. 20k– 30k	10	26	6	4	1	47
Rs. 30k– 40k	1	14	5	3	0	23
Rs. 40k – 50k	2	13	1	2	0	18
Rs. 50k-Rs. 75k	1	9	3	6	0	19
Rs. 75k-100k	4	5	0	0	0	9
Rs. 100k– 150k	3	6	1	0	0	10
Rs.150k- 200k	1	1	0	0	0	2
Rs. 200k– 300k	0	5	0	0	0	5
> Rs. 300k	0	1	0	0	0	1
Did not disclose	4	17	5	3	1	30
Total	66	229	78	54	13	440

Table F-5 reveals that the bulk of the responses accusing the police of coercion or reporting direct experience of police harassment are emanating from the two lowest income categories (66.67% of those who say that the police coerces on receiving a bribe and 84.61% of those reporting direct experience of police coercion).

Most Typical Decisions by Non-Court Dispute Resolution Mechanisms

Table F-6

Typical Decisions of Non-Court Dispute Resolution Mechanisms	No. of ppl
Settlement of financial claims	207
Financial penalties	38
Public chastisement & demand for apology	38
Social ostracization for a given period of time	8
Physical Confinement	2
Physical punishment	6
Other	26
No Response	150
Settlement of other non-financial disputes	127
Total	602

Respondents were then asked about the most typical decisions by non-court dispute resolution mechanisms. Multiple responses were allowed. As **Table F-6** shows, ‘settlement of financial claims’ and ‘settlement of other non-financial disputes’ emerge as the most frequent responses. Many respondents, however, could come up with no response to this question. Normative pressure in

the form of ‘public chastisement and demand for apology’ or ‘social ostracization for a given period of time’ was comparatively fairly infrequent responses. So while a fairly large number of respondents indicated that non-court dispute resolution mechanisms were involved in certain kinds of dispute resolution that involved both financial as well as non-financial claims (and from the responses to the previous question to those respondents who said that disputes similar to theirs don’t go anymore to such forums it emerges that marital, family and inheritance disputes are most frequently the disputes that go these forums), relatively few respondents are pointing out any implementation mechanisms that lie with these forums. Both from this and the conversations with the respondents it becomes clear that these mechanisms only work anymore to the extent that the contesting parties themselves are willing to abide by their decisions. While their decisions have no binding value in court or any great persuasive binding value due to community or social pressure, at times the party in whose favor a decision is given may benefit from assistance and evidential support during the subsequent court battle if his/her opponent decides to take the matter to court.

Mode of Implementation of Decisions of Non-Court Dispute Resolution Mechanisms

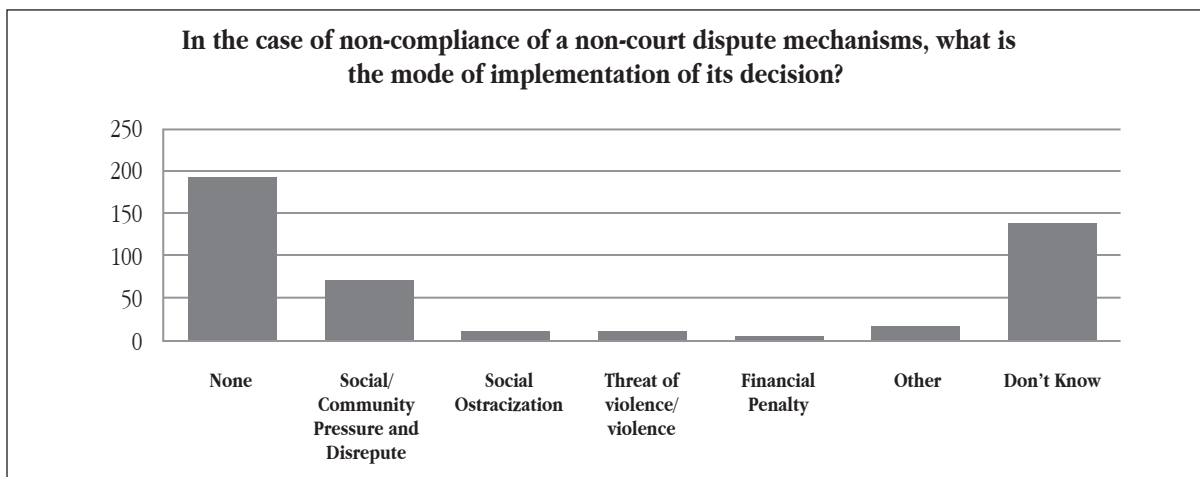
The above finding was led further credence when respondents were directly asked about the mode of implementation of the decisions of non-court dispute resolution mechanisms. The most popular response was that the non-court dispute resolution mechanisms did not have a

mode of implementation (43.64%), followed by the response that the interviewee did not know about the mode of implementation of non-court dispute resolution mechanisms (31.36%). Taken together these constitute exactly 2/3rd of the respondents (75%). The breakup of responses is provided in **Table F-7**. This is graphically represented in **Figure F-7**. The most common positive response in terms of the existence of a mode of implementation for decisions of non-court dispute resolution mechanisms was social/community pressure and disrepute (15.91%).

Table F-7

	No. of ppl	% of ppl
None	192	43.64
Social/Community Pressure and Disrepute	70	15.91
Social ostracization	10	2.27
Threat of violence/ violence	11	2.50
Financial Penalty	4	0.91
Other	15	3.41
Don't Know	138	31.36
Total	440	100.00

Figure F-7



Views on Mode of Implementation and Educational Background of Respondents

As **Table F-8** shows, in terms of the educational background of the respondents, there is not much variation in terms of responses. Skepticism about the existence of effective modes of implementation for the

decisions of non-court dispute resolution mechanisms is spread across the board. More or less the same proportion of the uneducated or less educated respondents (less than or equal to secondary school education) report absence of modes of implementation (40.25%), as the more educated respondents (with education greater than secondary school) (45.55%).

View on Mode of Implementation and Household Wealth of Respondents

In terms of the economic status of the respondents, the less affluent respondents falling in the two lowest income categories are more or less as skeptical about the existence of any effective modes of implementation for decisions of the non-court dispute resolution mechanisms (40.58% of them said there were no modes of implementation) as compared to the more affluent respondents falling in all the remaining higher income categories (48.78% of them said there were no modes of implementation) 34.8% of the less affluent respondents said they did not know whether these mechanisms had any modes of implementation whereas 25.61% of the more affluent respondents also did not know anything in response to this question. The breakup of these responses is provided in **Table F-9**.

Mode of Implementation and the Rural-Urban Spectrum

Skepticism about existence of effective modes of implementation for non-court dispute resolution mechanisms also seems to be spread more or less evenly across the rural-urban spectrum with more or less the same propor-

Table F-8

Education	Mode of implementation of decision							Total
	None	P & D	SO	TV	FP	Other	D Know	
None/ Uneducated	26	8	2	3	0	5	23	67
Madrassa < 2yrs	0	0	0	0	0	1	0	1
Madrassa 2-5	0	0	2	0	0	0	0	2
Madrassa < 10 years	1	0	1	0	0	0	0	2
Islamic Religious Edu > 10 years	1	0	0	0	0	0	0	1
Less than Primary Edu < 5years	13	6	1	0	0	0	19	39
Less than Sec Edu < 8 years	23	5	1	4	1	1	12	47
Matriculation 10 years	40	20	0	3	0	3	27	93
F.A/ F.Sc. 12 years	34	10	2	0	1	1	22	70
B.A/B.sc. 14 years	33	14	1	0	2	2	20	72
MA/ M.Sc. 16 years	19	4	0	1	0	1	12	38
Higher than MA/MSc	1	0	0	0	0	0	1	2
Basic schooling + vocational	1	3	0	0	0	0	0	4
Other	0	0	0	0	0	0	2	2
Total	192	70	10	11	4	15	138	440

Table F-9

Monthly income	Mode of implementation of decision							Total
	None	P & D	SO	TV	FP	Other	D Know	
< Rs. 10k	65	18	7	6	0	9	64	169
Rs. 10k– 20k	47	18	3	3	2	2	32	107
Rs. 20k– 30k	25	8	0	1	0	2	11	47
Rs. 30k– 40k	13	4	0	1	0	0	5	23
Rs. 40k – 50k	5	4	0	0	1	2	6	18
Rs. 50k-Rs. 75k	9	7	0	0	0	0	3	19
Rs. 75k-100k	6	0	0	0	1	0	2	9
Rs. 100k– 150k	6	4	0	0	0	0	0	10
Rs. 150k- 200k	1	1	0	0	0	0	0	2
Rs. 200k– 300k	2	0	0	0	0	0	3	5
> Rs. 300k	1	0	0	0	0	0	0	1
Did not disclose	12	6	0	0	0	0	12	30
Total	192	70	10	11	4	15	138	440

tion of respondents from villages (42.31%), small towns (42.31%), suburbs (39.06%) and the central city (46.15%) reporting non-existence of modes of implementation. Ignorance about whether such modes exist or not is also evenly spread with more or less the same proportion of respondents from villages (34.61%), small towns (30.77%), suburbs (35.94%) and the central city (28.85%) reporting that they don't know what the modes of implementation for the decisions of non-court dispute resolution mechanisms are. Taken together these figures convey that the vast majority of the overall respondents either believe that

modes for implementation for the decision of non-court dispute resolution mechanisms don't exist and even if they do, they are not aware of what they are. The breakup of these responses is provided in **Table F-10**.

Use of Coercion in Choice of Non-Court Dispute Resolution Mechanisms

The respondents were also asked whether they knew whether people willingly referred their disputes to non-court based dispute resolution mechanisms, or if there was any coercion involved. Almost 1/3rd of the

Table F-10

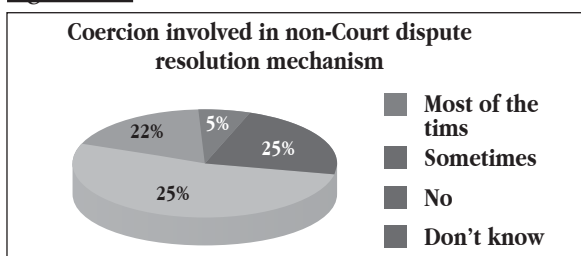
Place of Abode	Mode of implementation of decision							Total
	None	P & D	SO	TV	FP	Other	D Know	
Village	11	3	1	0	0	2	9	26
Small Town	11	4	1	0	0	2	8	26
Suburbs of Lahore City	50	22	4	4	1	1	46	128
Central City	120	41	4	7	3	10	75	260
Total	192	70	10	11	4	15	138	440

respondents (30%) responded that coercion was a factor most of the times or that it was a factor sometimes but a greater number of respondents (47.95%) reported that coercion did not play a role and that people willingly forwarded their disputes to non-court dispute resolution mechanisms. While a sizable chunk of the respondents (22.05%) said that they did not know the answer to this question, given that a greater proportion of the respondents had expressed lack of knowledge/information to earlier questions about non-court dispute resolution mechanisms, it is likely that responses reporting coercion or absence of coercion here are somewhat colored by the personal preferences/biases of the respondents for or against non-court dispute resolution mechanisms. **Table F-11** provides the breakup of the responses and **Figure F-11** depicts it graphically.

Table F-11

Do the disputes which get referred to non-court dispute resolution mechanisms get referred through the willingness of the disputing parties or is there any duress or coercion involved?	No. of people	% of people
Coercion most of the times	24	5.45
Coercion sometimes	108	24.55
No coercion	211	47.95
Don't know	97	22.05
Total	440	100

Figure F-11



Use of Coercion in Choice of Non-Court Dispute Resolution Mechanisms & Educational Background of Respondents

A more or less equal proportion of the less educated and the more educated respondents are reporting use of coercion in society 'most' or 'some' of the times while referring disputes to non-court based disputes resolution mechanisms. 31.45% of the respondents who are uneducated or have an education less than or equal to secondary school (the first seven educational categories) are reporting this; whereas 29.18% of the more educated respondents with a secondary school or higher level of education (the latter seven education categories) are reporting the same. A more or less equal proportion of these two categories of respondents are also unaware whether coercion is a factor or not. 23.27% of the respondents who are uneducated or have an education less than secondary school (the first seven educational categories) are reporting this; whereas 21% of the more educated respondents with a secondary school or higher level of education (the latter seven education categories) are reporting the same. The breakup of these responses is provided below in **Table F-12**.

Use of Coercion in Choice of Non-Court Dispute Resolution Mechanism and Household Income of Respondents

In terms of the household income of the respondents, almost 1/3rd (31.16%) of the respondents falling in the two lowest income categories report use of coercion in forwarding disputes to non-court dispute resolution mechanisms 'most' or 'some' of the times. As compared to this, 28.05% of all the respondents in the higher income categories are reporting this. At the same time, 22.83% of the respondents falling in the two lowest income categories expressed no views on this or pleaded ignorance, as compared to 20.73% of all the respondents in the higher income categories. Therefore, household wealth of the

Table F-12

(# of ppl)	Do the disputes which get referred to non-court dispute resolution mechanisms get referred through the willingness of the disputing parties or is there any duress or coercion involved?				
	most of the times	sometimes	no	Don't Know	Total
None/uneducated	4	12	33	18	67
Madrassa up to 2 years	0	0	1	0	1
Madrassa 2 - 5 years	1	1	0	0	2
Madrassa up to 10 years	1	0	1	0	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	1
Primary School	3	9	15	12	39
Secondary School	3	16	21	7	47
Matriculation	4	26	42	21	93
FA/F.Sc/Equivalent	2	11	40	17	70
B.A/B.Sc	3	21	36	12	72
M.A/M.Sc Equivalent	2	11	18	7	38
Higher than a Master's degree	0	0	2	0	2
Basic Schooling plus vocational education	1	1	1	1	4
Other	0	0	1	1	2
Total	24	108	212	96	440

Table F-13

(# of ppl)	Do the disputes which get referred to non-court dispute resolution mechanisms get referred through the willingness of the disputing parties or is there any duress or coercion involved?				
	There is coercion most of the times	There is coercion sometimes	There is no coercion	Don't Know	Total
<Rs. 10k	11	45	71	42	169
Rs. 10k– 20k	5	25	56	21	107
Rs. 20k– 30k	1	12	23	11	47
Rs. 30k– 40k	1	5	13	4	23
Rs. 40k – 50k	0	5	9	4	18
Rs. 50k-Rs. 75k	0	5	12	2	19
Rs. 75k-100k	1	1	5	2	9
Rs. 100k– 150k	1	4	3	2	10
Rs.150k- 200k	1	0	1	0	2
Rs. 200k– 300k	0	1	2	2	5
> Rs. 300k	0	0	0	1	1
Did not disclose	3	5	16	6	30
Total	24	108	211	97	440

respondents does not seem to be a determining factor here, though it must be stated that there are many more respondents in the two lowest income categories than in

the higher income categories. **Table F-13** provides the breakup for the responses to this question.

Who Exercises Coercion in Referral of disputes to Non-Court Dispute Resolution Mechanisms?

Table F-14

If the disputes get referred through coercion who is coercive?	No. of people
One of the disputing parties	85
Khandan	38
Biradari	17
Local Large Landowner	17
Village Panchayat	14
Other local influentials	32
Local bureaucracy	15
District bureaucracy	1
Political Grouping	4
Local police	10
Other	5
Don't know	307
Criminal elements	5
Total	550

The respondents were then asked that if coercion played a role in the referral of disputes to non-court based dispute resolution mechanisms then who exactly employed such coercion. Only those respondents who had said that coercion plays a role 'most of the times' or 'some of the times' in the referral of disputes to non-court based dispute resolution mechanisms were asked this question and they were allowed multiple responses.²⁸ The most popular response to this question was 'one of the disputing parties,' and any social mechanism or organization does not figure prominently in the feedback, though 'Khandan' and 'Other Local Influentials' are also mentioned more prominently than other options in the responses. The breakup of these responses is provided in **Table F-14**.

Disputes not taken to Non-Court Dispute Resolution Mechanisms

The respondents were also asked about the kinds of disputes which they thought were not taken to non-court dispute resolution mechanisms and allowed multiple responses. Property disputes (agricultural, personal

residential and commercial) figure very prominently in these responses. At the same time, it is definitely worth noting that the most frequent response to this question (144 responses) is that 'all disputes can get settled out of court if parties are willing' which conveys that quite a few respondents feel that if non-court dispute resolution mechanisms are mutually acceptable to the disputing parties and/or they have an effective mode of implementation of their decisions, they could and indeed do effectively resolve many disputes out of court. The breakup of these responses is provided in **Table F-15**. In the absence of any implementation mechanisms or strong normative frameworks in society that require compliance, their viability and success turns out to be solely dependent on the good will and good faith of the two contesting parties. As it turns out that is seldom sufficient and the party that is unhappy with the decision decides to go to court, or in other instances one or both parties don't even consider the possibility of exploring any such mechanisms as they both know that the other can conveniently still go to court if its unhappy with the outcome. So there is no advantage whatsoever in any

Table F-15

Which disputes aren't taken to non-court dispute resolution mechanisms?	No. of people
Agricultural Land Disputes	55
Personal Residential Property Disputes	58
Commercial Land/Property Disputes	62
Moveable Property Disputes	7
Inheritance Disputes	18
Marital Disputes	21
Guardian Cases	5
Other Family Disputes	17
Rent Disputes	9
Transactional Dispute/Contractual Disputes	11
Application for Succession	6
Insolvency Cases	1
Inquiry	1
Other	36
Don't know	142
All disputes can get settled out of court if parties are willing	144
All disputes can be settled out of court if one has money or influence	20
Total	613

²⁸ The large number of responses of 'Don't Know' is owing to the fact that it includes those respondents who had said in response to an earlier question that coercion did not play a role in referral of disputes to non-court based dispute resolution mechanisms, as well as those who did not know the answer to this particular question. This category therefore includes responses of 'Don't know' to the current question as well as those respondents to whom this question was not applicable.

way to the party which goes through the process of non-court dispute resolution, invests and time and effort and gets a favorable decision.

Reasons for Non-Referral of Disputes to Non-Court Dispute Resolution Mechanisms

The respondents were then probed further for what they thought were the reasons that the aforementioned disputes were not taken to non-court dispute resolution mechanisms. They were allowed multiple responses. What prominently emerges as the most popular reason communicated by the respondents is that, ‘such mechanisms have no powers to enforce their decisions’ (118 responses), followed by the response that, ‘people don’t have faith in the capacity and efficiency of such mechanisms’ (104 responses), and the perception that ‘these mechanisms are vulnerable to private pressure and influence’ (89 responses). It is interesting to see that the most frequent response is essentially value neutral and has no negative connotation *vis-à-vis* the actual fairness or efficiency of operation of the non-court mechanisms. It can be interpreted to mean that if the non-court mechanisms were to have better implementation mechanisms these respondents would likely prefer using them than accessing courts. The second and third most frequent comments,

however, point out problems with the capacity, efficiency and integrity of existing non-court mechanisms. The breakup of these responses is provided in **Table F-16**.

The fourth most frequent comment is once again value neutral and says that ‘no such viable mechanisms exist whereas the fifth most frequent comment actually suggests that the more influential people have a preference for coming to courts as the courts are more manipulable by them. However, a more or less equal number of respondents also regard the courts as more empowering for the weaker parties.

Accessing Non-Court Options

The focus of the Survey then shifted to the litigants’ direct experience, if any, of using non-court dispute resolution mechanisms and they were asked if they had explored any such alternatives before coming to court. More than half of the respondents (53.41%) reported that they had actually explored non-court dispute resolution alternatives before coming to court. This provided a very good data set for gauging people’s actual experience of non-court dispute resolution mechanisms. **Table F-17** provides the breakup of these responses, and **Figure F-17** depicts it graphically.

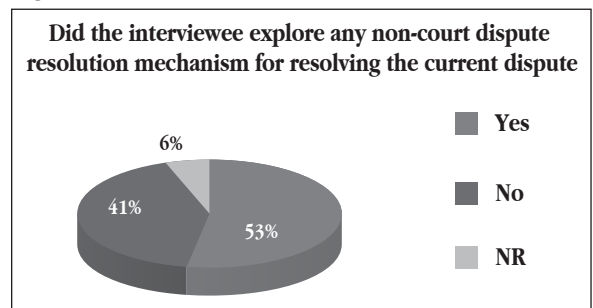
Table F-16

Why are these disputes not taken to non-court dispute resolution mechanisms	No. of ppl
People don’t have faith in the capacity and efficiency of such mechanisms	104
These mechanisms are vulnerable to private pressure and influence	89
Such mechanisms are outdated and unfamiliar with modern ideas of fairness and justice	24
No such viable mechanisms exist	49
Such mechanisms have no power to enforce their decisions	118
People have greater faith in the fairness of the court system	13
The court system is more easily accessible	11
Influential people feel more confident of manipulating the formal legal/court system	39
Weaker parties feel more empowered by the formal legal/court system	37
Other	27
Don’t know	149
Total	660

Table F-17

Did the interviewee explore any non-court dispute resolution mechanism for resolving the current dispute?	No. of ppl	% of ppl
Yes	235	53.41
No	181	41.14
NR	24	5.45
Total	440	100

Figure F-17



Accessing Non-Court Dispute Resolution Options and Educational Background of Respondents

Table F-18

(# of ppl)	Exploration of non-court dispute resolution mechanism			
	Yes	No	NR	Total
Education				
None/uneducated	34	26	7	67
Madrassa up to 2 years	1	0	0	1
Madrassa 2 - 5 years	2	0	0	2
Madrassa up to 10 years	0	2	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	1
Primary School	15	24	0	39
Secondary School	31	12	4	47
Matriculation	54	36	3	93
FA/F.Sc/Equivalent	33	30	7	70
B.A/B.Sc	46	26	0	72
M.A/M.Sc Equivalent	15	21	2	38
Higher than a Master's degree	1	1	0	2
Basic Schooling plus vocational education	2	2	0	4
Other	0	1	1	2
Total	235	181	24	440

In terms of the educational background of the respondents who said that they had explored non-court dispute resolution mechanisms prior to coming to court, the majority are those with a higher than secondary school education (64.25%) while the minority are those who are uneducated or have an education less than or up to secondary school (35.75%). However, as a proportion of the overall respondents in the first seven educational categories that comprise of those who are uneducated or have an education less than or equal to secondary school, 52.83% of these respondents said that they had tried to settle the matter out of court through non-court dispute resolution mechanisms, as compared to 53.74% of the respondents falling in educational categories higher than secondary school education. This shows that people across the educational spectrum displayed a more or less equal level of willingness to resolve matters through non-court dispute resolution mechanisms before finally coming to the courts. **Table F-18** provides the overall breakup of these responses.

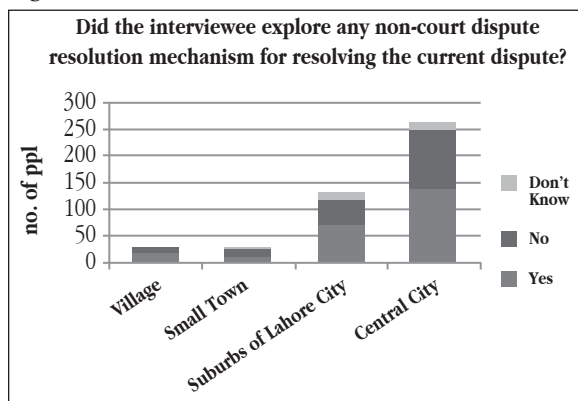
Accessing Non-Court Dispute Resolution Options and Rural-Urban Spectrum

The propensity to access non-court dispute mechanisms also seems to run more or less equally across the rural-urban spectrum with more than half of the respondents belonging to villages (61.54%), small towns (50%), suburbs (54.69%) and central city (52.31%) reporting such exploration. **Table F-19** provides the breakup of responses and **Figure F-19** depicts it graphically.

Table F-19

(# of ppl)	Did the interviewee explore any non-court dispute resolution mechanism for resolving the current dispute?			
	Yes	No	NR	Total
Abode				
Village	16	10	0	26
Small Town	13	12	1	26
Suburbs of Lahore City	70	47	11	128
Central City	136	112	12	260
Total	235	181	24	440

Figure F-19



Exploring Non-Court Dispute Resolution Options and Household Income

In terms of the household income of the respondents, a greater proportion of the poorer respondents (57.25%) – those falling in the two lowest income categories – reported that they had explored non-court dispute resolution mechanisms, as compared to those falling in all the remaining higher income categories (46.95%). **Table F-20** provides the overall breakup of these responses. Thus the less affluent respondents had shown a greater keenness to resolve their disputes out of court before ending up in the courts.

Table F-20

(# of ppl)	Did the interviewee explore any non-court dispute resolution mechanism for resolving the current dispute?			
	Yes	No	NR	Total
Income				
<Rs. 10k	100	56	13	169
Rs. 10k– 20k	58	42	7	107
Rs. 20k– 30k	25	21	1	47
Rs. 30k– 40k	11	12	0	23
Rs. 40k – 50k	6	12	0	18
Rs. 50k-Rs. 75k	11	7	1	19
Rs. 75k-100k	5	4	0	9
Rs. 100k– 150k	2	8	0	10
Rs.150k- 200k	1	1	0	2
Rs. 200k– 300k	2	3	0	5
>Rs. 300k	0	1	0	1
Did not disclose	14	14	2	30
Total	235	181	24	440

Popular Non-Court Dispute Resolution Mechanisms

The respondents who had reported accessing non-court dispute resolution mechanisms before coming to court were then asked about the mechanisms that they had accessed. They were allowed multiple responses. Khandan (Extended family), Mohalla (Neighborhood), Other Local Influentials, Biradari (Clan), and Panchayat (Council of elders) are the most frequent responses, in that order.

Table F-21 provides the overall breakup of the responses.

Reasons for Failure of Non-Court Dispute Mechanisms

The respondents who had reported exploring non-court dispute resolution mechanisms before coming to courts were then asked about the outcome of such exploration. They were allowed multiple responses. The most common response is that they found the non-court dispute resolution mechanisms to be ‘inefficient or dysfunctional.’ Lack of capacity for implementation of decisions comes across as the next most frequent response with quite a few respondents saying either that the dispute resolution mechanism ‘came with a fair outcome but had none or weak implementation,’ or that the dispute resolution mechanism ‘came with a fair outcome but the legal opponent disregarded it and went to court.’ This further

Table F-21

If the answer is “Yes” (to Question 6.11) then which non-court dispute resolution mechanism was explored?	No. of ppl
Khandan (Extended Family)	114
Mohalla (Neighborhood)	49
Biradari (Clan)	40
Local Large Landowner (Village Chaudhry/Malik)	10
Panchayat (Village council of elders as well as urban council of elders)	36
Other Local Influential(s)(local, provincial, national)	42
Local Bureaucracy – Patwaris (Land Record Keepers); Nambardars (Village Headmen); Tehsildars (Tehsil administration/revenue collection heads), Union Council or others	24
District Bureaucracy	9
Political Groupings/vote banks (dharas)	4
Self-Provision Village Organizations; Community Organizations; other local NGOs and other organizations	1
Local Police	8
Private Dispute Resolution Mechanisms that charge a Fee	1
Local Crime lords	0
Other	0
NA	0
NR	18
Total	356

augments the earlier findings that the main grievance that the Survey respondents have against the existing non-court dispute resolution mechanisms is their ‘inefficiency’ and their ‘lack of implementation mechanisms for their decisions.’ The overall breakup of the responses is provided in **Table F-22**.

Reasons for Not Accessing Non-Court Mechanisms (Plaintiffs)

The respondents who had reported that they had not explored non-court dispute resolution mechanisms were asked why they had not explored the same and were allowed multiple responses. The plaintiffs and respondents were asked this question separately. In the case of the

Table F-22

If any of the above non-court dispute mechanisms were explored, then what was the outcome?	No. of ppl
Was inefficient or dysfunctional	111
Followed a flawed or unfair process	13
Was biased to start with	25
Came up with an unjust outcome	15
Was influenced by the legal opponent & came up with an unfair outcome	28
Came with a fair outcome but had none or weak implementation	71
Came with a fair outcome but the legal opponent disregarded it and went to court	43
Other	20
NA	205
Total	531

petitioners many of them said that ‘such matters always go to courts as a matter of common practice’ or that in certain cases ‘the law required a court proceeding for seeking a remedy.’ Others, however, professed a ‘lack of faith in the effectiveness and efficiency of non-court dispute resolution mechanisms’ or bemoaned ‘the absence of implementation mechanisms for the decision of non-court dispute resolution mechanisms.’ The overall breakup of responses is provided in **Table F-23**. Thus Lack of ‘effectiveness,’ ‘efficiency’ and ‘implementation mechanisms’ once again emerge as prominent reasons as to why such mechanisms had not been explored and the courts were resorted to. Relatively rather few responses indicate a reason for non-exploration of such mechanisms that actually indicate a greater faith and confidence in the speed and quality of justice available through the courts.

Reasons for not Accessing Non-Court Mechanisms (Respondents)

The respondents were also asked the same question and allowed multiple responses. This time the most popular response was that the, ‘petitioner left the respondent no choice as he/she was not willing to explore non-court based dispute resolution mechanisms,’ followed by, ‘petitioner has a weak or frivolous case and felt that going to court would be a more effective manner of embroiling the petitioner in legal troubles.’ Both these most frequent responses reveal an element of regret at not having been able to explore non-court dispute resolution mechanisms

Table F-23

Reason If no non-court dispute resolution mechanism was explored (in the case of the interviewee being the initiator of the court case)	No. of ppl
Such matters always go to court as a matter of practice	54
The law requires a court process for seeking remedy in such cases	30
No faith in effectiveness or efficiency of non-court dispute resolution mechanisms	32
Generally no faith in the fairness of non-court dispute resolution mechanisms	15
The dispute is too complicated or technical for a non-court dispute resolution mechanism to resolve	12
There are no means for implementation for verdicts of non-court dispute resolution mechanisms	29
The opponent is in a position to influence such non-court dispute resolution mechanisms	12
Greater faith in the impartiality and effectiveness of courts	3
Local mechanisms use outdated custom and can be violative of human rights and the constitution	2
Lack of satisfaction with past outcomes of non-court dispute resolution mechanisms	3
The opposing party is a trouble-maker and needed to be taught a lesson in court	8
Other	16
NA	287
NR	31
Total	506

and resentment at having been taken to court instead. The breakup of responses is provided in **Table F-24**.

3.7 The Legal System

After having adduced respondents’ experiences and perceptions about non-court dispute resolution mechanisms, the Questionnaire then explored their experiences and perceptions about the overall Pakistani legal system. Before looking at the statistical analysis of the information thus gathered, it is illuminating to list some characteristic views expressed by the respondents while generally

Table F-24

Reason if no non-court dispute resolution mechanism was explored (in the case of the interviewee being the respondent in the court case)	No. of ppl
Petitioner left the respondent no choice as he/she was not willing to explore non-court based dispute resolution mechanisms	35
The law requires a court process for seeking remedy in such cases	8
Petitioner did explore local non-court dispute resolution mechanism but was unhappy with the unfavorable outcome	2
Petitioner has a weak or frivolous case and felt that going to court would be a more effective manner of embroiling the petitioner in legal troubles	19
Petitioner is vindictive or has a grudge and wanted to embroil the respondent in legal troubles	6
Petitioner is influential and resourceful and felt confident that he would get a legal verdict in his favor	3
There is really no real dispute and the court case is actually being used for coercion or to settle scores	7
Other	7
NA	366
NR	18
Total	471

commenting on the legal system. One recurrent theme pertained to the complexity and unintelligibility of the laws and the legal system and also the differential treatment by and under the law and the legal system. According to one respondent: “The laws are a complex and confusing mix of

English and Islamic laws.” They need to be one or the other so that they are more intelligible.”²⁹ Archaic laws and lack of regulation in important areas of property rights was pinpointed as one source of interminable litigation by a respondent. He said: “My case has been carrying on since 1979 and purely because government regulations are confused and archaic on change of land use. They are also discriminatory as many in our locality took government payment and are still living in their houses while I am being evicted.”³⁰ Some of the respondents expressed a particular preference for Islamization of laws, while pointing out that the current Pakistani laws were archaic: “The British laws are outdated. Islamic laws should be introduced instead.”³¹ Others lamented what they felt was differential treatment under the law: “The law is different for the resourceful and different for the poor. The rich get legal protection; the poor are made culprits.”³² According to another respondent: “The poor don’t stand a chance under this legal system.”³³ Yet another respondent opined: “The law has no remedies for the under privileged. Might is right!”³⁴

Still others criticized the uncertainty of outcome caused by the extant legal procedure: “No one can predict when a case will be decided with the current legal procedures in place.”³⁵ Those with a more sarcastic bent described their predicament with a bitter sense of humor: “The English set up these *Deewani Adalatain* (civil courts) in our country so that our people go *Deewana* (mad).”³⁶ Many expressed their incredulity over the fact that the Pakistani laws were in the English language: “I just don’t understand why our laws are in English and that too in old-fashioned English which we cannot understand.”³⁷ This was echoed by another respondent who was critical not just of the language of the laws but also their origin and content: “I cannot understand why we have the law of the British.

²⁹ Interview with Respondent No. 173, December 24, 2010

³⁰ Interview with Respondent No 119, December 22, 2010

³¹ Interview with Respondent No. 198, December 24, 2010.

³² Interview with Respondent No. 212, January 3, 2011.

³³ Interview with Respondent No. 141, December 23, 2010

³⁴ Interview with Respondent No. 143, December 23, 2010.

³⁵ Interview with Respondent No. 213, January 3, 2011.

³⁶ Interview with Respondent No. 234, January 3, 2011. The word ‘deewana’ in Urdu means mentally unhinged and is oft used in Urdu poetry to describe unrequited love and the doomed toils and travails of the lover to seek the beloved, ultimately leading him or her to madness. A more prosaic term is ‘Deewan’ – which is the Mughal title for the minister of finance and civil and commercial matters and hence the term ‘deewani adalatain’ for civil courts – a term that the British borrowed from their Mughal predecessors, as opposed to ‘faujdar adalatain’ which is the term used for criminal courts. ‘Faujdar’ was a Mughal functionary who looked after the maintenance of rule of law and policing.

³⁷ Interview with Respondent No. 247, January 3, 2011.

Should we not have our own laws?"³⁸ Another respondent added: "This legal system is utterly obsolete and needs complete overhauling."³⁹ Some of the respondents linked the archaic nature of the legal system with its dysfunctionality: "How can you expect anything from a crumbling, outdated legal system which is a remnant of the British? Even if it worked before, it just does not work anymore. The property being disputed in my case is worth one hundred and twenty thousand rupees and so far I have spent a hundred thousand rupees on litigation, with no clear outcome in sight?"⁴⁰ A resigned respondent opined: "The current laws simply force one to sell oneself."⁴¹ Yet another gloomy voice added: "The law is completely flawed and there seems no hope that it will be improved."⁴² Another popular theme for comment was corruption in the legal system. Quite a few of the respondents blamed corruption and lessening credibility and stature of judges as the main contributory causes for the breakdown of the legal system. One interviewee said: "Judges and lawyers have made the legal system a money making business."⁴³ Another interviewee admitted: "Honesty has no place in court proceedings. I myself have bribed judges and judges get bought routinely through their touts who roam around the court corridors. Lawyers can also be bought."⁴⁴ According to another respondent: "The reason why I am stuck in this court process for the last 8 years is that I have no money to give to the judges to push along the case. Can you please bring my case to the Chief Justice's attention?"⁴⁵ One respondent claimed: "One can get any suitable date for the next date of hearing. It depends on the amount of bribery one is willing to pay. This is how this system works."⁴⁶ Another respondent said: "The lower courts are really weak and corrupt. They operate purely on corrup

tion. I can tell you that I have bribed the judge. Now he is in my pocket. This is the reason why Pakistan will fail one day"⁴⁷ According to one interviewee: "My opponent threatened the judge in open court."⁴⁸ One of the respondents sarcastically claimed: "Everything is fine with the legal system, as long as you are willing to pay a bribe. In future, if faced with a similar dispute I shall just use Quaid-e-Azam."⁴⁹ Yet another interviewee opined: "Such is the rot in the system now that we feel that a person who takes a bribe and delivers is honest, as there are many who take a bribe and even then they don't help you."⁵⁰ According to another interviewee: "If they had their way the greedy court staff would even bite off the flesh from our bodies."⁵¹ A resigned litigant summed up the prevalent bleak mood: "This is the *Atwan-e-Adal* (pavilion of justice) but there is no *Adal* (justice) here."⁵²

Before moving on to a statistical analysis of the responses to this section of the Questionnaire it would be pertinent to note that the language of the laws and regulations and of the legal judgments of the courts in Pakistan is English. A few laws are irregularly available in official or unofficial Urdu translations but availability of Urdu translations is by no means comprehensive, regular and reliable, and neither are new amendments to the law translated into Urdu through any systematic manner or on any regular basis. This means that a fairly advanced level of facility with the English language is a prerequisite for reading and understanding Pakistani laws.

Language of Laws/Regulations Governing the Respondents' Legal Cases

The Survey respondents were put a variety of questions

³⁸ Interview with Respondent No. 364, January 6, 2011.

³⁹ Interview with Respondent No. 178, December 24, 2010

⁴⁰ Interview with Respondent No. 398, January 7, 2011

⁴¹ Interview with Respondent No. 272, January 4, 2011

⁴² Interview with Respondent No. 167, December 24, 2010

⁴³ Interview with Respondent No. 150, December 23, 2010

⁴⁴ Interview with Respondent No. 143, January 23, 2011

⁴⁵ Interview with Respondent No. 181, December 24, 2010

⁴⁶ Interview with Respondent No. 6, December 20, 2010

⁴⁷ Interview with Respondent No. 185, December 24, 2010

⁴⁸ Interview with Respondent No. 233, January 3, 2011

⁴⁹ Interview with Respondent No. 365, January 6, 2011. All Pakistani currency bills carry the image of the founder of the nation Muhammad Ali Jinnah who is reverently referred to as the 'Quaid-e-Azam' or the great leader. The less reverent or the humorously inclined also refer to Pakistani currency bills by the same term.

⁵⁰ Interview with Respondent No. 285, January 4, 2011

⁵¹ Interview with Respondent No. 208, January 3, 2011

⁵² Interview with Respondent No. 403, January 7, 2011.

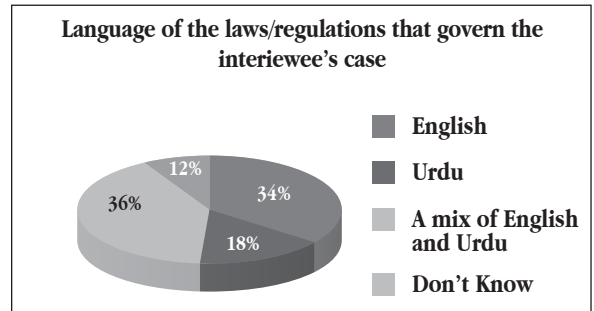
Table G-1

Language of Laws	No. of ppl	% of ppl
English	148	33.64
Urdu	79	17.95
A mix of English and Urdu	161	36.59
Don't Know	52	11.82
Total	440	100.00

about their experiences and perception of Pakistani laws and the overall legal system. At the start, the Survey respondents were asked as to what was the language of the laws/regulations that governed their cases. As can be seen from **Table G-1** below a mere 33.64% of the respondents actually knew that the applicable laws/regulations were in English. One can perhaps potentially look upon the 36.59% of the respondents who said that it was 'a mix of English and Urdu' as also being not far from the truth as a lot of the legal paperwork, especially in trial courts, is in Urdu and hence they can be excused for thinking of both languages when they visualize Pakistani laws, regulations, legal documents etc. However, the 17.95% who said 'Urdu' in response to this question were obviously off the mark and another 11.82% simply did not know the answer to this question.

The 17.95% of the respondents who said 'Urdu' or the 11.82% who said that they 'don't know,' had obviously never even seen the laws or regulations governing their

Figure G-1



immediate cases and hence could not be expected to be actually familiar with the same or for that matter their rights and obligations thereunder. Collectively they comprise almost 30% (29.77%) or almost 1/3rd of all respondents. This is graphically depicted below in **Figure G-1**.

Language of Laws/Regulations Governing the Respondents' Legal Cases and Educational Background of Respondents

Table G-2 provides a breakup of the overall responses as to the language of the laws/regulations based on the educational qualification of the respondents. It emerges that 42.77% of the respondents who fall in the categories of uneducated or with education less than or equal to secondary school education (the first seven categories in the education column) don't realize that the country's laws are in English as they either respond 'Urdu' or 'Don't

Table G-2

Education	Language of Laws/Regulations				Total
	English	Urdu	A mix of English and Urdu	Don't Know	
None/ Uneducated	17	9	21	20	67
Madrassa < 2yrs	0	0	1	0	1
Madrassa 2-5	0	0	1	1	2
Madrassa < 10 years	1	1	0	0	2
Islamic Religious Edu > 10 years	0	0	0	1	1
Less than Primary Edu < 5years	7	11	15	6	39
Less than Sec Edu < 8 years	14	12	14	7	47
Matriculation 10 years	31	19	38	5	93
F.A/ F.Sc. 12 years	32	9	22	7	70
B.A/B.sc. 14 years	22	11	34	5	72
MA/ M.Sc. 16 years	21	5	12	0	38
Higher than MA/MSc	0	0	2	0	2

know.’ As compared to this as we move up the education scale (when one looks at the next seven educational categories) almost half as many or 22.42% of the respondents don’t realize that the country’s laws are in English as they either respond ‘Urdu’ or ‘Don’t know,’ thus indicating a clear correlation between level of education and information about the language of the country’s laws/regulations.

Language of Laws/Regulations Governing the Respondents’ Legal Cases and Household Income of Respondents

The correlation of knowledge about the language of the country’s laws/regulations and the monthly household income of the respondents is provided in **Table G-3**. It emerges that 34.78% of the respondents in the two lowest income categories are not cognizant that the language of the laws/regulations is English as compared to 21.34% of the respondents in all the higher income categories (including those who did not disclose their income). This indicates a correlation between knowledge about the language of laws and economic affluence.

Language of Court Documents Legal Contracts, Deeds etc.

The Survey respondents were also asked about the language of court documents, legal contracts and deeds

etc. A variable set of responses emerged once again. In actuality the court orders/documents/applications in the trial courts are in English and Urdu and yet collectively 50.9% of the respondents responded either ‘English’ or ‘Urdu’ and 6.36% actually conceded that they did not know, as emerges from **Table G-4**. These responses are graphically depicted in **Figure G-4**.

Table G-4

Language of Legal Documents	No. of ppl	% of ppl
English	123	27.95
Urdu	101	22.95
A mix of English and Urdu	188	42.73
Don't Know	28	6.36
Total	440	100.00

Figure G-4

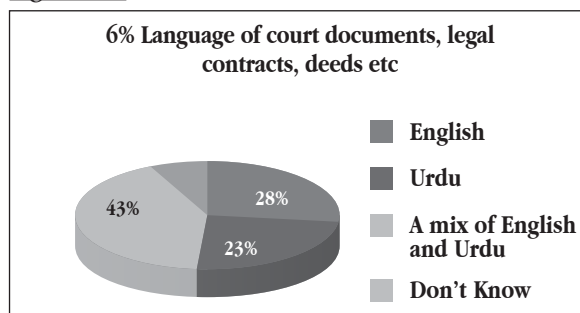


Table G-3

Monthly incomes	English	Urdu	A mix of English and Urdu	Don't Know	Total
<Rs. 10k	51	35	51	32	169
Rs. 10k– 20k	36	18	42	11	107
Rs. 20k– 30k	17	7	19	4	47
Rs. 30k– 40k	7	3	10	3	23
Rs. 40k – 50k	7	2	9	0	18
Rs. 50k-Rs. 75k	11	3	4	1	19
Rs. 75k-100k	4	2	3	0	9
Rs. 100k– 150k	3	4	3	0	10
Rs.150k- 200k	1	0	1	0	2
Rs. 200k– 300k	1	2	2	0	5
>Rs. 300k	0	0	1	0	1
Did not disclose	10	3	16	1	30
Total	148	79	161	52	440

Language of Court Documents Legal Contracts, Deeds etc., and Educational Background of Respondents

Looking at the breakup of these responses according to the educational background of the respondents, **Table G-5** shows that 42.14% of the respondents who were uneducated or had an education below or equivalent to the secondary school level (the first seven categories in the education column) don't realize that the legal and court documents in Pakistan exist in both English and Urdu as they either responded 'English' or 'Urdu.' As compared to

this, interestingly as the respondents move up the education scale 55.87% of the respondents don't realize that the legal and court documents in Pakistan exist in both English and Urdu as they either responded 'English' or 'Urdu.' Therefore, higher education in this case does not necessarily seem to contribute to a clearer understanding of the nature and language of legal and court documentation. However, it needs to be noted that 71.43% of all those respondents who said they 'Don't know' to this question fall in the seven lower educational categories.

Table G-5

Education	English	Urdu	A mix of English and Urdu	Don't Know	Total
None/ Uneducated	7	16	33	11	67
Madrassa < 2yrs	0	1	0	0	1
Madrassa 2-5	0	1	0	1	2
Madrassa < 10 years	1	1	0	0	2
Islamic Religious Edu > 10 years	0	0	1	0	1
Less than Primary Edu < 5years	8	10	15	6	39
Less than Sec Edu < 8 years	7	15	23	2	47
Matriculation 10 years	27	18	45	3	93
F.A/ F.Sc. 12 years	30	14	22	4	70
B.A/B.sc. 14 years	22	15	35	0	72
MA/ M.Sc. 16 years	19	7	11	1	38
Higher than MA/MSc	1	0	1	0	2
Basic schooling + vocational	0	2	2	0	4
Other	1	1	0	0	2
Total	123	101	188	28	440

Table G-6

Monthly Income	English	Urdu	A mix of English and Urdu	Don't Know	Total
< Rs. 10k	30	47	72	20	169
Rs. 10k– 20k	32	24	46	5	107
Rs. 20k– 30k	20	5	20	2	47
Rs. 30k– 40k	7	5	10	1	23
Rs. 40k – 50k	8	4	6	0	18
Rs. 50k-Rs. 75k	8	3	8	0	19
Rs. 75k-100k	3	2	4	0	9
Rs. 100k– 150k	4	3	3	0	10
Rs.150k- 200k	1	1	0	0	2
Rs. 200k– 300k	1	2	2	0	5
> Rs. 300k	0	0	1	0	1
Did not disclose	9	5	16	0	30
Total	123	101	188	28	440

Language of Court Documents Legal Contracts, Deeds etc., and Household Income of Respondents

In terms of the household income of the respondents, (Table G-6) 48.19% of the respondents in the two lowest income categories are not cognizant the legal and court documents in Pakistan are both in English and in Urdu. Furthermore, 89.28% of the overall respondents who admitted that they ‘Don’t know’ the answer to this question also fall in these income categories. As compared to this 55.49% of the respondents in the remaining higher income categories (including those who did not disclose their income) display the same lack of cognizance.

Language of Court Proceedings

The respondents were further asked about the language in

Table G-7

Language of Court Proceedings	No. of ppl	% of ppl
English	27	6.14
Urdu	137	31.14
Punjabi	10	2.27
A mix of English and Urdu	170	38.64
A mix English, Urdu and Punjabi	44	10
A mix of Urdu and Punjabi	29	6.59
Don't Know	23	5.23
Total	440	100.00

Table G-8

Education	English	Urdu	Punjabi	A mix of English and Urdu	A mix of English, Urdu & Punjabi	A mix of Urdu and Punjabi	Don't Know	Total
None/ Uneducated	3	17	1	24	8	7	7	67
Madrassa < 2yrs	0	0	0	1	0	0	0	1
Madrassa 2-5	0	0	0	1	0	1	0	2
Madrassa < 10 years	1	1	0	0	0	0	0	2
Islamic Religious Edu > 10 years	0	0	0	1	0	0	0	1
Less than Primary Edu < 5years	2	10	0	16	3	2	6	39
Less than Sec Edu < 8 years	4	15	1	17	5	4	1	47
Matriculation 10 years	6	24	4	42	11	5	1	93
F.A/ F.Sc. 12 years	2	25	3	24	6	5	5	70
B.A/B.sc. 14 years	1	28	1	29	7	4	2	72
MA/ M.Sc. 16 years	7	14	0	12	3	1	1	38
Higher than MA/MSc	0	0	0	1	1	0	0	2
Basic schooling + vocational	0	2	0	2	0	0	0	4
Other	1	1	0	0	0	0	0	2
Total	27	137	10	170	44	29	23	440

which court proceedings were conducted. A variety of responses came forth. These are shown in Table G-7. These convey highly differential experiences due to actual diversity of courtroom practice as well diverse perceptions of court practice.

Language of Court Proceedings and Educational Background of Respondents

Table G-8 further highlights this differential experience and perception according to the educational background of the respondents.

Language of Court Proceedings and Household Income of Respondents

Table G-9 further highlights this differential experience and perception according to the monthly household income of the respondents. It is apparent that the majority of the respondents who reported that they were not aware of the language of the court proceedings fall in the two lowest income categories (78.26%) which shows that either they do not comprehend actual court proceedings or that they are completely reliant on their lawyers and don’t actually attend the court proceedings under instructions from their lawyers. They essentially wait outside the court rooms when their lawyers appear in court. Quite a few such respondents were seen sitting outside the courtroom whilst their lawyers were waiting for their turn

Table G-9

Education	English	Urdu	Punjabi	A mix of English and Urdu	A mix of English, Urdu & Punjabi	A mix of Urdu and Punjabi	Don't Know	Total
< Rs. 10k	5	54	3	62	20	11	14	169
Rs. 10k– 20k	11	30	4	41	10	7	4	107
Rs. 20k– 30k	3	15	1	19	3	5	1	47
Rs. 30k– 40k	2	7	0	10	1	1	2	23
Rs. 40k – 50k	1	4	1	9	3	0	0	18
Rs. 50k-Rs. 75k	0	10	0	5	3	1	0	19
Rs. 75k-100k	0	4	0	3	0	1	1	9
Rs. 100k– 150k	0	3	0	5	0	2	0	10
Rs.150k- 200k	0	1	0	1	0	0	0	2
Rs. 200k– 300k	0	1	0	3	1	0	0	5
> Rs. 300k	0	1	0	0	0	0	0	1
Did not disclose	5	7	1	12	3	1	1	30
Total	27	137	10	170	44	29	23	440

to argue their cases inside the court room or were actually arguing the cases. Upon being asked they reported that they were always told by their lawyers to wait outside the courtroom during court hearings.

Comprehension of English

Given the significance of facility in the English language due to the fact that Pakistani laws and regulations are in English, as are the predominant majority of legal and court documents, the respondents were asked whether they

understood English. As can be seen from **Table G-10**, an aggregate of 68.87% of the respondents admit that they either ‘don’t understand English’ or that they only ‘understand it somewhat.’ This is a fairly large proportion of the Survey respondents and divulges a fundamental limitation in accessing, comprehension and utilization of the legal and court system for seeking justice, directly and solely caused by unfamiliarity with the language of the laws and the courts in Pakistan. This is graphically represented in **Figure G-10**.

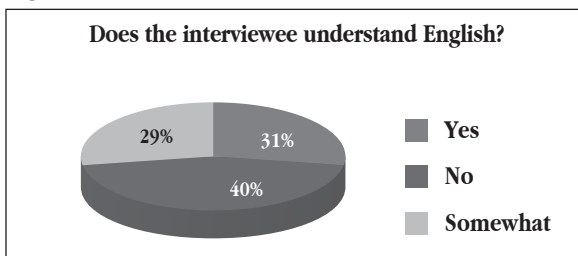
Table G-10

Understanding of English	No. of ppl	% of ppl
Yes	137	31.14
No	174	39.55
Somewhat	129	29.32
Total	440	100.00

Comprehension of English and Education of Respondents

The picture becomes more engaging as we look at the educational background of the respondents reporting their level of comprehension of English as shown in **Table G-11**. Not unsurprisingly 83.01% of the respondents in the first seven educational categories that include uneducated respondents as well as those with an educational qualification up to or equal to secondary school education report that they don’t understand English at all. If you add to this those who are saying that they only understand the language somewhat, the proportion of those who either don’t understand English or have a fairly limited understanding goes up to 98.74% of all the respondents in these categories. Furthermore, given that the laws and regulations are written in a technical and even archaic language

Figure G-10



and also the highly variable and inadequate quality of school education available to most citizens it is very unrealistic to expect anyone with even a secondary school education to have any great success with reading and understanding laws in English. Thus, one has to approach the responses of the 25 respondents in these seven lower educational categories who report that they are 'somewhat' familiar with English, and which include the illiterate as well as respondents with an education below the secondary school level, with a fair amount of skepticism. It is quite likely that there is an element of over-reporting here as familiarity with English is regarded as a status symbol and hence some of the respondents felt that it was embarrassing to respond 'No' to this question. This further reduces the number of respondents who report a credible level of facility in English that are displayed in **Table G-10**.

Given the technical language of the laws in English, as well as the highly stylized and at times archaic language, it can be stated with a fair amount of certainty that not just 98.74% but actually 100% of the respondents in the seven lower educational categories would not have much success with reading and developing even a basic understanding of the laws and regulations that govern their cases from such direct review. As a matter of fact, many in the higher educational category of Matriculation which is equivalent to ten years of schooling (matriculation) would also not find the going easy due to the highly variable quality of available school education. It is also noteworthy that only two (2) respondents in these lower educational categories actually affirmatively report familiarity with English and hence there is clearly a very direct correlation between the level of education of the respondents and familiarity with English.

Comprehension of English and the Rural-Urban Spectrum

That the rural respondents fare worse than their urban counterparts becomes clear when one looks at **Table G-12**.

Comprehension of English and Household Income of Respondents

Not surprisingly, while focusing on the variable of monthly household income of the respondents, those in the two lowest income categories fare worse than those in the higher income categories when it comes to comprehen-

Table G-11

(# of ppl)	Does the interviewee understand English?			
	Yes	No	Somewhat	Total
Education				
None/uneducated	0	61	6	67
Madrassa up to 2 years	0	1	0	1
Madrassa 2 - 5 years	0	2	0	2
Madrassa up to 10 years	0	1	1	2
Islamic Religious Educ (more than 10 years)	0	1	0	1
Primary School	0	35	4	39
Secondary School	2	31	14	47
Matriculation	16	31	46	93
FA/F.Sc/Equivalent	29	7	34	70
B.A/B.Sc	53	1	18	72
M.A/M.Sc Equivalent	34	0	4	38
Higher than a Master's degree	2	0	0	2
Basic Schooling plus vocational education	1	2	1	4
Other	0	1	1	2
Total	137	174	129	440

Table G-12

(# of ppl)	Does the interviewee understand English?			
	Yes	No	Somewhat	Total
Abode				
Village	0	21	5	26
Small Town	9	13	4	26
Suburbs of Lahore City	26	59	43	128
Central City	102	81	77	260
Total	137	174	129	440

sion of English. In terms of proportion, twice as many or 84.78% of the respondents in the first two categories say that they don't comprehend English or only comprehend it 'somewhat,' as compared to 42.07% of those in all the higher income categories or those who don't disclose their income. A direct correlation between low income and hence low exposure to education and other opportunities and hence a lower capacity to understand a language which is neither the mother tongue of the populace nor taught adequately in most schools accessible by the citizens, is highly intuitive and is also proven by the numbers in **Table G-13**.

Table G-13

(# of ppl)	Does the interviewee understand English?			
	Yes	No	Somewhat	Total
Income				
<Rs. 10k	18	111	40	169
Rs. 10k– 20k	24	37	46	107
Rs. 20k– 30k	24	8	15	47
Rs. 30k– 40k	15	3	5	23
Rs. 40k – 50k	9	4	5	18
Rs. 50k-Rs. 75k	12	2	5	19
Rs. 75k-100k	8	1	0	9
Rs. 100k– 150k	6	2	2	10
Rs.150k- 200k	1	1	0	2
Rs. 200k– 300k	4	0	1	5
>Rs. 300k	1	0	0	1
Did not disclose	15	5	10	30
Total	137	174	129	440

Stated Comprehension of English and Actual Comprehension of Laws/Regulations in English

The 266 respondents out of the overall 440 respondents who had stated that they did not comprehend English, or that they only comprehend it somewhat, were then asked if they were able to understand laws and regulations relevant to their case, that were all in English. It emerges that stated comprehension of English does not necessarily translate into an ability to understand laws in English. In view of the responses received, the percentage of the overall respondents who said that they could understand laws & regulations relevant to their case turned out to be a mere 21.36% of the overall sample with another 22.95% saying they could understand them somewhat. At the same time, 39.55% of the overall respondents have already stated that they do not comprehend English and combining these with the 16.14% saying no to this question, 55.69% of the overall respondents are reporting that they cannot at all comprehend the laws and regulations pertaining to their case as they are in English. The breakup of responses is provided in **Table G-14** and graphically shown in **Figure G-14**.

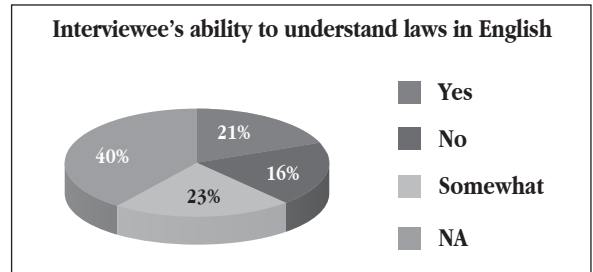
Stated Comprehension of English and Comprehension of Court Documents in English

The 266 respondents out of the overall sample of 440 respondents who had stated that they comprehend

Table G-14

If the answer is “Yes” or “Somewhat” (to Question 7.4), is the interviewee able to understand the relevant laws, regulations in English that govern the interviewee’s case?	No. of people	% of people
Yes	94	21.36
No	71	16.14
Somewhat	101	22.95
NA	174	39.55
Total	440	100

Figure G-14

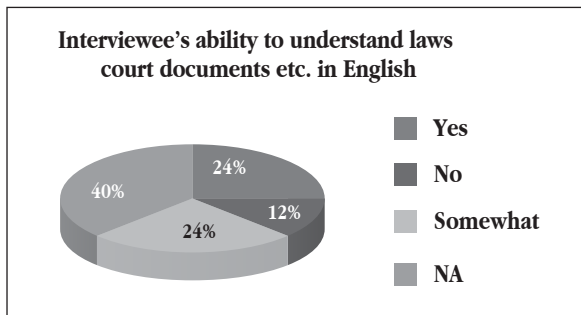


English, or comprehend it 'somewhat', were then asked if they were able to understand court documents, legal contracts, deeds etc., that were in English. It emerges that stated comprehension of English does not necessarily translate into an ability to understand legal documents in English. In view of the responses received, the percentage of the overall respondents who said that they could under-

Table G-15

If the answer is “Yes” or “Somewhat” (to Question 7.4), is the interviewee able to understand the court documents, legal contracts, deeds etc that are in English?	No. of people	% of people
Yes	105	23.86
No	55	12.50
Somewhat	106	24.09
NA	174	39.55
Total	440	100

Figure G-15



stand court documents, legal contracts, deeds etc., turned out to be a mere 23.86% with another 24.09% saying they could understand them 'somewhat'. We have already seen that 39.55% of the overall respondents have already stated that they do not comprehend English and combining these with the 12.5% saying 'No' to this question, more than half or 52.05% of the overall respondents are reporting that they cannot at all comprehend court documents, legal contracts, deeds etc., in English. The overall breakup of responses is provided in **Table G-15** and graphically shown in **Figure G-15**.

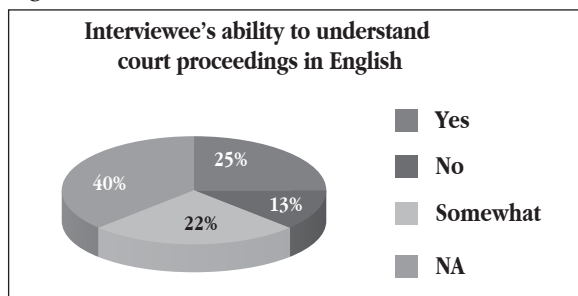
Stated Comprehension of English and Comprehension of Court Proceedings in English

The 266 respondents out of the overall sample of 440 respondents, who had stated that they comprehend English, or comprehend it 'somewhat', were then asked if they were able to understand court proceedings that were in English. Once again, it emerges that stated comprehension of English does not necessarily translate into an ability to understand court proceedings in English. In view of the responses received, the percentage of the overall respondents who said that they could understand court proceedings in English, turned out to be a mere 24.77% with another 22.5% saying they could understand them 'somewhat.' We have already seen that 39.55% of the overall respondents have stated that they do not comprehend English and combining these with the 13.18% saying 'No' to this question, once again over half or 52.73% of the overall respondents are reporting that they cannot at all comprehend court documents, legal contracts, deeds etc., in English. The overall breakup of responses is provided in **Table G-16** and graphically shown in **Figure G-16**.

Table G-16

If the answer is "Yes" or "Somewhat" (to Question 7.4), is the interviewee able to understand the court proceedings that are in English?	No. of people	% of people
Yes	109	24.77
No	58	13.18
Somewhat	99	22.50
NA	174	39.55
Total	440	100

Figure G-16



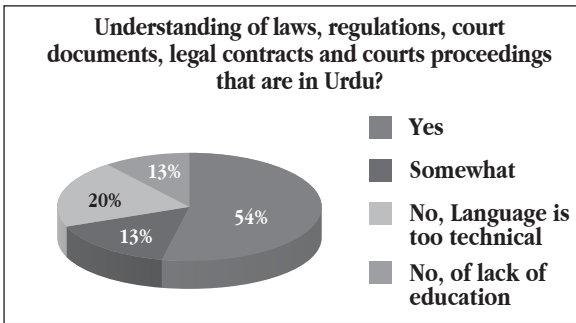
Ability to Understand Technical Documents, Contracts and Proceedings in Urdu

As was mentioned earlier, some of the court documents, land records, legal contracts and court proceedings are also in Urdu and employ a technical language and terminology with a highly Persian influence from the Mughal era over three hundred and fifty years ago when land revenue administration was undertaken in a major and systematic way in South Asia. This is a very different language from the everyday spoken Urdu of the market, the streets and the homes. Hence the respondents were also asked about their level of comprehension of this Urdu of the courts. As **Table G-17** shows that while 53.64% respondents said that comprehension was not as issue, an aggregate of 46.36% of the respondents reported that they only 'somewhat' understood the technical Urdu, or that they did not understand it at all because it was too technical or because of lack of education. Thus almost half of the respondents communicated a difficulty or inability to even understand the technical legal Urdu used in legal and court proceedings. **Figure G-17** depicts this graphically.

Table G-17

Is the interviewee able to understand laws, regulations, court documents, legal contracts and court proceedings that are in Urdu?	No. of people	% of people
Yes	236	53.64
Somewhat	58	13.18
No because the language is too technical	88	20.00
No because of lack of education	58	13.18
Total	440	100

Figure G-17



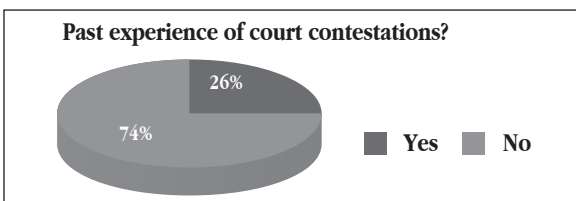
Past Litigation Experience

The respondents were then probed about past litigation experience and how that equipped and assisted them in their current litigation. 74.32% or almost 3/4th of the

Table G-18

Does the interviewee have past experience of court contestations?	No. of people	% of people
Yes	113	25.68
No	327	74.32
Total	440	100

Figure G-18



respondents reported an absence of such experience, as depicted in **Table G-18** and **Figure G-18**.

Past litigation Experience & Educational Background of Respondents

In terms of the educational qualification of the respondents (**Table G-19**), 35.4% of the respondents who reported prior litigation experience fall in the educational categories of uneducated or educated below or equivalent to secondary school level as compared to the 64.6% that fall in the higher education categories. The more educated respondents are thus reporting greater past litigation experience.

Table G-19

(# of ppl)	Does the interviewee have past experience of court contestations?		
	Yes	No	Total
Education			
None/uneducated	17	50	67
Madrasa up to 2 years	0	1	1
Madrasa 2 - 5 years	1	1	2
Madrasa up to 10 years	1	1	2
Islamic Religious Educ (more than 10 years)	0	1	1
Primary School	8	31	39
Secondary School	13	34	47
Matriculation	27	66	93
FA/F.Sc/Equivalent	15	55	70
B.A/B.Sc	17	55	72
M.A/M.Sc Equivalent	10	28	38
Higher than a Master's degree	1	1	2
Basic Schooling plus vocational education	2	2	4
Other	1	1	2
Total	113	327	440

Past litigation Experience & Rural-Urban Spectrum

In terms of the residential location of the respondents, a relatively greater proportion of city dwellers from central city (29.23%) are reporting past litigation experience, as compared to those from the suburbs (22.65%), small towns (11.54%) and villages (19.23%). **Table G-20** provides the breakup of responses.

Table G-20

(# of ppl)	Does the interviewee have past experience of court contestations?		
	Yes	No	Total
Abode			
Village	5	21	26
Small Town	3	23	26
Suburbs of Lahore City	29	99	128
Central City	76	184	260
Total	113	327	440

Past Litigation Experience & Household Income of Respondents

In terms of the financial situation of the respondents and past litigation experience, 77.54% of the respondents in the two lowest income categories are saying they have no prior litigation experience as compared to 68.9% of the respondents in the remaining higher income categories. Also 65.44% of all the respondents who say they have no prior litigation experience fall in the two lowest income categories. The overall breakup of responses is provided in **Table G-21**.

Table G-21

(# of ppl)	Does the interviewee have past experience of court contestations?		
	Yes	No	Total
Income			
<Rs. 10k	41	128	169
Rs. 10k– 20k	21	86	107
Rs. 20k– 30k	11	36	47
Rs. 30k– 40k	8	15	23
Rs. 40k – 50k	7	11	18
Rs. 50k-Rs. 75k	5	14	19
Rs. 75k-100k	2	7	9
Rs. 100k– 150k	6	4	10
Rs.150k- 200k	2	0	2
Rs. 200k– 300k	0	5	5
>Rs. 300k	0	1	1
Did not disclose	10	20	30
Total	113	327	440

Utility of Past Litigation Experience

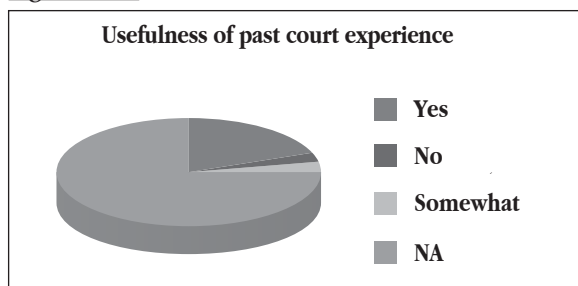
The 113 respondents who had reported past litigation

experience were then asked about whether they found such experience to be an advantage while contesting their current cases. 86 of these replied in the affirmative. However, as a component of the overall sample these experienced individuals benefiting from their past litigation experience only comprise a mere 19.55% of the overall sample. **Table G-22** provides the breakup and **Figure G-22** graphically shows the component of respondents benefiting from past litigation experience *vis-à-vis* the overall sample. The rest of the sample population, therefore, is not reporting any such direct and clear advantage.

Table G-22

If the answer is “Yes” (to Question 7.9) is such past experience of court contestations useful in effectively handling his/her case?	No. of people	% of people
Yes	86	19.55
No	13	2.95
Somewhat	14	3.18
NA	327	74.32
Total	440	100

Figure G-22



Handicap Posed by Lack of Past Litigation Experience

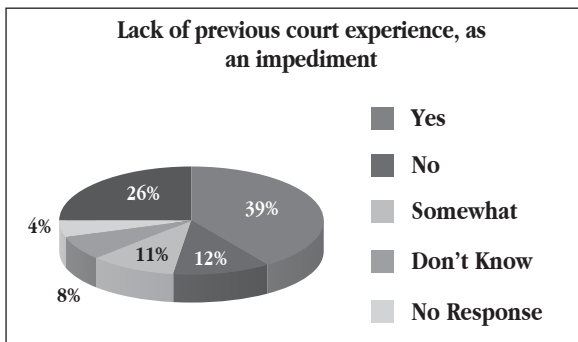
Almost 2/3rd of the overall sample of respondents (74.32%) who had said that they did not have any past litigation experience were then asked whether they felt such lack of experience was an impediment or handicap. A variety of responses emerge that include those who think it is handicap (39.22% of the overall sample), those who think it is 'somewhat' of a handicap (10.68% of the overall sample), those who don't know (8.41% of the overall sample) and

those who did not respond (4.09% of the overall sample). These various views collectively comprise 62.5% of the overall sample of 440 respondents. The breakup is provided in **Table G-23** and **Figure G-23** graphically represents it. Another way of looking at this is that only 11.82% of the overall sample does not think lack of past litigation experience poses a handicap. These are respondents who have not had any past litigation experience but are still confident that they are not missing out on anything due to lack of experience.

Table G-23

If the answer is “No (to Question 7.9) is such lack of past experience of court contestations an impediment?	No. of people	% of people
Yes	173	39.32
No	52	11.82
Somewhat	47	10.68
Don't Know	37	8.41
No Response	18	4.09
NA	113	25.68
Total	440	100

Figure G-23



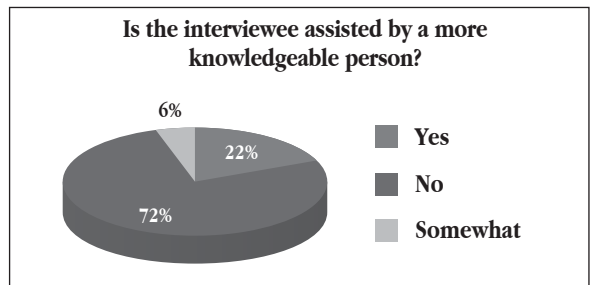
Availability of Knowledgeable Assistance in Litigation

The respondents were also asked whether they were assisted by a more knowledgeable person in their case proceedings, other than their legal counsel. Almost 2/3rd of the respondents (72.04%) responded in the negative along with another 6.36% saying that they only had access to such assistance sometimes. **Table G-24** provides the breakup and **Figure G-24** depicts it graphically.

Table G-24

Is the interviewee assisted by a more knowledgeable person in the court proceedings (other than his/her lawyer)?	No. of people	% of people
Yes	95	21.59
No	317	72.04
Sometimes	28	6.36
Total	440	100

Figure G-24



Source of Knowledgeable Assistance

The respondents who had stated that they had access to knowledgeable assistance were asked about the identity of the person providing such assistance and allowed multiple responses. Family members, friends and other relatives were the most common responses. The overall response breakup is provided in **Table G-25**.

Table G-25

If the answer is “Yes” (to Question 7.12), who is this person? (allow multiple answers)	No. of people
Family member	69
Friend	32
Other relative	19
Other	16
NA	317
Total	453

Level of Comprehension of Court & Legal Processes

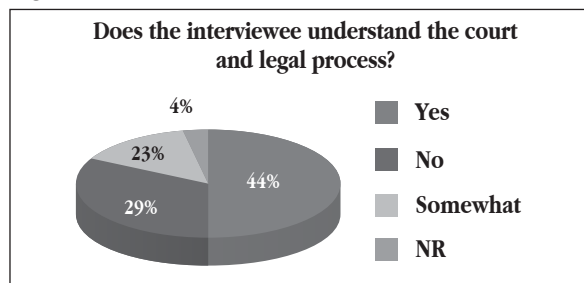
Quite apart from the language of the courts, the legal procedure and court processes (which are complex, copious and essentially date back to the middle and late 19th century and have undergone little amendment) can also pose a significant challenge and bewildering enigma,

especially to litigants with little or no education as well as no prior litigation experience and/or available assistance in court from a knowledgeable support person. A complete dependence on lawyers is quite pronounced in such situations. The respondents were asked about their level of comprehension of court and legal processes and 29.32% of the respondents reported lack of comprehension while an additional 22.95% reported occasional comprehension. **Table G-26** gives this break-up and **Figure G-26** shows it graphically. Of the 44.32% of the overall respondents who say 'Yes' to this question it needs to be added that while regular trips to courts can augment understanding of procedure and processes, one has to be wary of a level of over-reporting here as saying 'No' to this questions denotes a certain level of naiveté and related vulnerability which some of the respondents may obviously not want to communicate to strangers. Furthermore, since the procedure is also in English, the limitation posed by non-existent or partial comprehension of the language of the laws that has been previously seen to inhibit comprehension of laws/procedures/court documents etc., is also applicable here. At the same time one might add that since procedure and processes can be seen directly in practice in court rooms, there does exist here a greater possibility of comprehension through direct observation. Nevertheless,

Table G-26

Apart from the language does the interviewee understand the court and legal processes?	No. of people	% of people
Yes	195	44.32
No	129	29.32
Sometimes	101	22.95
No response	15	3.41
Total	440	100

Figure G-26



a fairly high proportion of the respondents are reporting lack of comprehension of court processes and procedure and an equally large proportion is reporting partial or occasional understanding.

Level of Comprehension of Court & Legal Processes & Procedures and Gender

A greater percentage of female respondents (62.26%) report complete lack of or partial comprehension of legal and court processes as compared to the male respondents (49.1%) as can be seen in **Table G-27**.

Table G-27

Apart from the language does the interviewee understand the court and legal processes?	Male	Female	Total
Yes	159	36	195
No	88	41	129
Sometimes	76	25	101
No response	11	4	15
Total	334	106	440

Level of Comprehension of Court & Legal Processes & Procedures and Education

In terms of the educational background of the respondents, 47.82% of the respondents who report that they either don't comprehend legal and court processes or only comprehend them occasionally, fall in the educational categories of illiterate or with education less than secondary school, the remaining 52.18% fall in the higher educational categories. **Table G-28** provides the break-up. 69.18% of all the respondents who are uneducated or fall with an education less than or equal to secondary school report incomprehension or partial comprehension of court and legal processes. This number is likely even higher as one has to be skeptical here of the claim by the uneducated respondents or those with an education less than or equal to primary school that they fully understand court and legal processes and procedure. As compared to this 42.70% of the respondents in the higher educational categories report complete incomprehension or partial comprehension of court and legal processes and procedures. Thus a clear and logical correlation exists between comprehension of court and legal processes and procedures and level of education.

Table G-28

(# of ppl)	Apart from the language does the interviewee understand the court and legal processes?				
	Yes	No	Sometimes	No response	Total
Education					
None/uneducated	10	36	17	4	67
Madrasa up to 2 years	1	0	0	0	1
Madrasa 2 - 5 years	1	1	0	0	2
Madrasa up to 10 years	2	0	0	0	2
Islamic Religious Educ (more than 10 years)	0	1	0	0	1
Primary School	9	15	12	3	39
Secondary School	17	19	9	2	47
Matriculation	46	21	22	4	93
FA/F.Sc/Equivalent	41	15	12	2	70
B.A/B.Sc	37	13	22	0	72
M.A/M.Sc Equivalent	27	7	4	0	38
Higher than a Master's degree	2	0	0	0	2
Basic Schooling plus vocational education	1	0	3	0	4
Other	1	1	0	0	2
Total	195	129	101	15	440

Level of Comprehension of Court & Legal Processes & Procedures and Household Income

In terms of the monthly household income of the respondents, almost 3/4th (72.17%) of the respondents who report complete incomprehension or occasional comprehension of court and legal processes and procedures actually fall in the two lowest income categories. While this could be

partially and intuitively explained by the fact that a proportionately large number of the overall respondents fall in these two categories, even as a percentage of their overall number a greater proportion of the poorer respondents report lack of or inadequate comprehension. As many as 60.14% of all the respondents in the two lowest income categories report this incomprehension or inadequate

Table G-29

(# of ppl)	Apart from the language does the interviewee understand the court and legal processes?				
	Yes	No	Sometimes	No response	Total
Monthly Household Income					
< Rs. 10k	46	63	50	10	169
Rs. 10k– 20k	53	33	20	1	107
Rs. 20k– 30k	24	12	8	3	47
Rs. 30k– 40k	14	5	4	0	23
Rs. 40k – 50k	10	3	4	1	18
Rs. 50k-Rs. 75k	10	4	5	0	19
Rs. 75k-100k	4	0	5	0	9
Rs. 100k– 150k	7	2	1	0	10
Rs.150k- 200k	1	1	0	0	2
Rs. 200k– 300k	3	1	1	0	5
> Rs. 300k	1	1	0	0	1
Did not disclose	22	5	3	0	30
Total	195	129	101	15	440

comprehension as compared to 39.02% of all the respondents in the all the remaining higher income categories. This clearly shows a positive correlation between comprehension of legal and court processes and monthly household income due to the added exposure as well as access to education that a higher income brings.

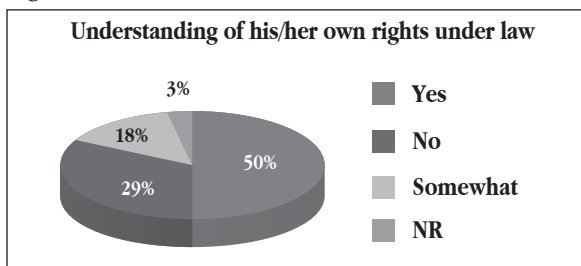
Understanding of Legal Rights & Remedies

Next, the respondents were asked about their general comprehension of their legal rights and remedies under the law. Knowledge of one’s rights is not necessarily a function of one’s ability to read and comprehend laws as information about rights may also be available through more knowledgeable people in one’s social circle, government, NGO or private sector programs and schemes for rights awareness, the newspaper and electronic media and other avenues of seeking information orally. Still, less than half of the respondents (49.77%) responded in the affirmative to this question, as can be seen from **Table G-30** and **Figure G-30**.

Table G-30

Does the interviewee have an understanding of his/her rights and remedies under the law?	No. of people	% of people
Yes	219	49.77
No	127	28.86
Somewhat	80	18.18
No response	14	3.18
Total	440	100

Figure G-30



Understanding of Legal Rights & Remedies and Educational Background

If we evaluate the above responses on the basis of the educational background of the respondents, it emerges that less than 1/3rd (31.45%) of the respondents who are

either uneducated or have an educational qualification below or equivalent to secondary school (respondents in the first seven educational categories below) respond in the affirmative and hence say that they understand their legal rights and remedies. As compared to this, almost double or 60.14% of the respondents in the higher educational categories (the latter seven educational categories below) respond in the affirmative and report an understanding of their legal rights and remedies. Thus a direct positive correlation is apparent between level of education and general understanding of one’s legal rights and remedies. What is not surprising is that 27.56% of those respondents who said that they don’t understand their legal rights and remedies are uneducated. What is surprising is that another 20.47% of the respondents who report the same ignorance have had the benefit of up to or equal to ten years of schooling which reveals the inadequacy of the quality of schooling in terms of raising general awareness about citizen rights and remedies. The overall breakup of responses is given below in **Table G-31**.

Understanding of Legal Rights & Remedies and Rural-Urban Spectrum

In terms of the rural-urban spectrum respondents, **Table G-32** shows that lesser proportion of respondents from villages (34.61%) and small towns (30.77%) feel that they are familiar with their legal rights and remedies as compared to those from the suburbs of Lahore (49.22%) and the central city (53.46%). Thus urbanization has a positive linkage with greater rights awareness.

Understanding of Legal Rights & Remedies and Monthly Household Income

In terms of the household income of the respondents only 39.85% of the respondents in the two lowest income categories claim to be familiar with their legal rights and remedies, as compared to 66.46% of the respondents in all the higher income categories (including those who did not disclose their income). A direct correlation between income and rights awareness is thus obvious. **Table G-33** provides the overall breakup of responses.

Table G-31

(# of ppl)	Does the interviewee have an understanding of his/her rights and remedies under the law?				
	Yes	No	Somewhat	NR	Total
Education					
None/uneducated	18	35	12	2	67
Madrasa up to 2 years	1	0	0	0	1
Madrasa 2 - 5 years	1	1	0	0	2
Madrasa up to 10 years	2	0	0	0	2
Islamic Religious Educ (more than 10 years)	0	1	0	0	1
Primary School	8	14	14	3	39
Secondary School	20	19	7	1	47
Matriculation	51	26	13	3	93
FA/F.Sc/Equivalent	43	12	13	2	70
B.A/B.Sc	40	14	15	3	72
M.A/M.Sc Equivalent	30	4	4	0	38
Higher than a Master's degree	2	0	0	0	2
Basic Schooling plus vocational education	2	0	2	0	4
Other	1	1	0	0	2
Total	219	127	80	14	440

Table G-32

(# of ppl)	Does the interviewee have an understanding of his/her rights and remedies under the law?				
	Yes	No	Somewhat	NR	Total
Abode					
Village	9	10	7	0	26
Small Town	8	9	6	3	26
Suburbs of Lahore City	63	40	17	8	128
Central City	139	68	50	3	260
Total	219	127	80	14	440

Table G-33

(# of ppl)	Does the interviewee have an understanding of his/her rights and remedies under the law?				
	Yes	No	Somewhat	NR	Total
1.16 Income					
<Rs. 10k	61	63	38	7	169
Rs. 10k– 20k	49	33	21	4	107
Rs. 20k– 30k	28	12	5	2	47
Rs. 30k– 40k	14	6	2	1	23
Rs. 40k – 50k	12	3	3	0	18
Rs. 50k-Rs. 75k	13	2	4	0	19
Rs. 75k-100k	6	2	1	0	9
Rs. 100k– 150k	9	0	1	0	10
Rs.150k- 200k	1	1	0	0	2
Rs. 200k– 300k	4	1	0	0	5
>Rs. 300k	1	0	0	0	1
Did not disclose	21	4	5	0	30
Total	219	127	80	14	440

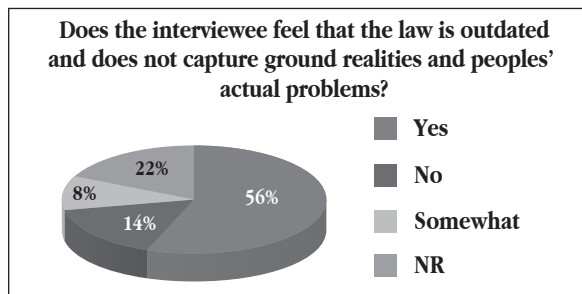
Is the Law Outdated?

Quite apart from gauging levels of respondent comprehension of the language(s) of the laws/regulations etc., legal and court processes and procedures and legal rights and remedies, as well as their past litigation experience, the Questionnaire also sought respondent views and perceptions about the overall legal system. The idea was to identify the existence of a gap, if any, between popular perceptions of Pakistani law and everyday and lived ground experience of life in Pakistani society. Therefore, the respondents were specifically asked if they felt or agreed with the statement that the Pakistani laws were outdated and did not capture ground realities and peoples' actual problems. The results are quite categorical. Only 14.09% of the overall respondents disagreed with this statement. In other words, more than half of the respondents (55.91%) said that the Pakistani laws were outdated and did not capture ground realities and people's actual problems. Another 8.41% of the respondents partially agreed with this statement and 21.59% of the respondents were not sure of their response as they thought that they had an inadequate understanding of the legal system and laws and hence were unable to make a judgment. **Table G-34** provides the breakup of the overall responses and **Figure G-34** shows this graphically.

Table G-34

Does the interviewee feel that the law is outdated and does not capture ground realities and peoples' actual problems?	No. of	% of
Yes	195	44.32
No	129	29.32
Sometimes	101	22.95
No response	15	3.41
Total	440	100

Figure G-34



Perceptions about Law being Outdated and Educational Background

In terms of the educational background of the respondents, a lesser proportion (55.34%) of the uneducated and the less educated respondents (with education less than or equal to secondary school education) fully or partially agreed with the statement that the Pakistani law was outdated, and that it did not capture ground realities and peoples' actual problems, as compared with respondents with higher than secondary school education (69.39%). However, this is partially explicable by greater levels of uncertainty amongst the less educated respondents as to how to respond to this question. This is shown by the fact that as many as 35.22% of the uneducated and less educated respondents (with education less than or equal to secondary school education) felt that they had insufficient information or knowledge to answer this question, as compared to a much lesser 13.88% of those respondents with a higher than secondary school education. **Table G-35** provides the overall break-up of the responses. Thus greater levels of education bring about greater awareness of both the laws as well as the gaps, if any, between the rights and protections that the laws and the legal system offer and the actual challenges and scenarios of rights violation in society. What follows is greater capacity and ability for a more informed and critical view of the laws and legal system.

Perceptions about Law being Outdated and Monthly Household Income

In terms of the monthly household income of the respondents, as many as 60.87% of the respondents agreed or partially with the statement that the Pakistani laws were outdated and did not capture ground realities and peoples' actual problems. However, the discontent is even higher if we look at the aggregate proportion of the higher income respondents above these two income categories who agreed with this statement. 70.12% of these respondents agreed or partially agreed with the statement that the Pakistani laws were outdated and did not capture ground realities and peoples' actual problems. Once again an explanation for this is that 27.54% of the respondents in the two lowest income categories said they did they did not have enough information to comment on this statement, as compared to only 11.58% of the respondents in the higher income categories who expressed a similar reticence to respond. Conversely, a mere 11.59% of the respondents in the two lowest income categories disagree

Table G-35

(# of ppl)	Does the interviewee feel that the law is outdated and does not capture ground realities and peoples' actual problems?				
	Yes	No	Somewhat	Don't know	Total
Education					
None/uneducated	36	3	1	27	67
Madrassa up to 2 years	0	1	0	0	1
Madrassa 2 - 5 years	1	0	0	1	2
Madrassa up to 10 years	1	1	0	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	0	1
Primary School	13	2	6	18	39
Secondary School	26	8	3	10	47
Matriculation	50	17	9	17	93
FA/F.Sc/Equivalent	49	11	4	6	70
B.A/B.Sc	40	12	11	9	72
M.A/M.Sc Equivalent	26	6	2	4	38
Higher than a Master's degree	2	0	0	0	2
Basic Schooling plus vocational education	1	1	1	1	4
Other	0	0	0	2	2
Total	246	62	37	95	440

Table G-36

(# of ppl)	Does the interviewee feel that the law is outdated and does not capture ground realities and peoples' actual problems?				
	Yes	No	Somewhat	Don't Know	Total
Income					
< Rs. 10k	83	18	11	57	169
Rs. 10k– 20k	61	14	13	19	107
Rs. 20k– 30k	28	8	3	8	47
Rs. 30k– 40k	20	2	1	0	23
Rs. 40k – 50k	9	6	2	1	18
Rs. 50k-Rs. 75k	15	1	2	1	19
Rs. 75k-100k	7	1	1	0	9
Rs. 100k– 150k	4	1	2	3	10
Rs.150k- 200k	0	2	0	0	2
Rs. 200k– 300k	4	1	0	0	5
> Rs. 300k	0	1	0	0	1
Did not disclose	15	7	2	6	30
Total	246	62	37	95	440

with the statement that the law is outdated and that it does not capture ground realities and peoples' actual problems as compared with 18.29% of the respondents in the higher income categories. **Table G-36** brings forth the overall breakup of responses.

Perceptions about Law being Biased or Unjust and Inadequate

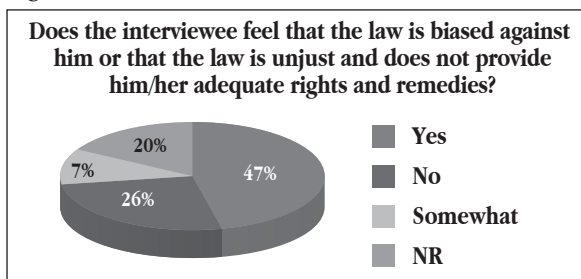
Respondent perception was also sought about the neutrality as well as capacity of Pakistani laws to furnish adequate rights and remedies. As many as 53.86% of the respondents were fully or partially of the view that the law was biased against them or that it was unjust and did not provide them adequate rights and remedies. Another 20.45% of the

respondents felt they could not comment or did not know and only 25.68% of the respondents disagreed with this statement. **Table G-37** depicts this response breakup and **Figure G-37** shows it graphically.

Table G-37

Does the interviewee feel that the law is biased against him or that the law is unjust and does not provide him/her adequate rights and remedies?	No. of	% of
Yes	205	46.59
No	113	25.68
Somewhat	32	7.27
Don't know	90	20.45
Total	440	100

Figure G-37



Perceptions about the Bias and Unjustness of Law and Educational Background

Almost half of the respondents (47.17%) who were illiterate or had less than or equivalent to a secondary school education (the first seven educational categories) fully or partially agreed that the law was biased against them or that it was unjust and did not provide them adequate rights and remedies. As compared to this, 57.65% of the respondents in the higher educational categories agreed with this statement. However, it has to be borne in mind that as many as 32.7% of the respondents who were illiterate or had a less than or equivalent to secondary school education felt unable to comment on this, as compared to only 13.52% of the respondents in the higher educational categories who felt similarly incapacitated to respond. Conversely, only 20.12% of the respondents who were illiterate or had less than or equivalent to secondary school education disagreed with this statement as compared to almost 28.82% of those in higher income categories. **Table G-38** provides the overall response breakup.

Perceptions about Bias and Unjustness of Law and Household Income

In terms of the household income of the respondents over half (51.81%) of the respondents in the two lowest income

Table G-38

(# of ppl)	Does the interviewee feel that the law is biased against him or that the law is unjust and does not provide him/her adequate rights and remedies?				
Education	Yes	No	Somewhat	Don't know	Total
None/uneducated	28	9	1	29	67
Madrasa up to 2 years	0	1	0	0	1
Madrasa 2 - 5 years	2	0	0	0	2
Madrasa up to 10 years	0	2	0	0	2
Islamic Religious Educ (more than 10 years)	1	0	0	0	1
Primary School	14	7	3	15	39
Secondary School	25	13	1	8	47
Matriculation	45	25	8	15	93
FA/F.Sc/Equivalent	32	21	4	13	70
B.A/B.Sc	32	24	11	5	72
M.A/M.Sc Equivalent	22	10	3	3	38
Higher than a Master's degree	2	0	0	0	2
Basic Schooling plus vocational education	2	1	1	0	4
Other	0	0	0	2	2
Total	205	113	32	90	440

Table G-39

(# of ppl)	Does the interviewee feel that the law is biased against him or that the law is unjust and does not provide him/her adequate rights and remedies?				
	Yes	No	Somewhat	Don't Know	Total
Income					
<Rs. 10k	71	34	10	54	169
Rs. 10k–20k	53	28	9	17	107
Rs. 20k–30k	26	9	4	8	47
Rs. 30k–40k	15	7	1	0	23
Rs. 40k–50k	10	5	2	1	18
Rs. 50k-Rs. 75k	10	5	2	2	19
Rs. 75k-100k	4	4	1	0	9
Rs. 100k–150k	2	4	2	2	10
Rs.150k-200k	0	2	0	0	2
Rs. 200k–300k	4	1	0	0	5
>Rs. 300k	0	1	0	0	1
Did not disclose	10	13	1	6	30
Total	205	113	32	90	440

categories fully or somewhat agreed that the laws were biased against them or that they were unjust and did not provide them adequate rights and remedies. Another 25.72% felt that they were unable to make a comment or did not know. As compared to this, 57.32% of the respondents in the higher income categories fully or somewhat agreed that the laws were biased against them or that they were unjust and did not provide them adequate rights and remedies. However, only 11.58% of the respondents in the higher income categories felt that they did not know the answer to this question or otherwise declined to respond. The overall breakup of responses is provided in **Table G-39**.

3.8 The Court System

Urdu - which is Pakistan's national language - and various Pakistani regional languages are replete with adages that describe the plight of those who may be facing the predicament of being implicated or embroiled in a court case. One such saying in Urdu is that: "Khuda beemari aur kachehri sai hamesha bachayay" (May God always save us from illness and the courts). An ubiquitous threat which the villain invariably utters in popular Punjabi movies while harassing the law-abiding and meek good guy is: "Tenon adalatan dai chakar lawa lawa keh maran ga" (I will kill you

by wearing you down by interminably dragging you through the courts). The courts in the popular imagination are akin to an ordeal where the hapless are interminably caught up as if in a circle of Dante's Inferno. The statistical data provided below attempts to gauge various facets of litigant experience with and perceptions of the performance of the court system. For many those for whom this experience had turned out to be less than savory, certain poignant comments capture the depth of their despair. One the most passionate remarks came from a Christian litigant involved in litigation over a residential property who said: "If Harrison William does not get justice he will commit suicide."⁵³ A female respondent was extremely upset and during the course of the interview she started shouting outside the court. "If you don't give me justice I will assemble local people and occupy my usurped land myself."⁵⁴ Another respondent cynically remarked: "This is Pakistan. How can you expect justice?"⁵⁵ Yet another interviewee voiced what many said about the social stigma attached to not being able to resolve one's disputes and having to come to court: "Which respectable person wants to come to court. It's only under compulsion that one comes here."⁵⁶

Others took a longer term and equally bleak view of things:

⁵³ Interview with Respondent No. 40, December 20, 2010.

⁵⁴ Interview with Respondent No. 188, December 24, 2010

⁵⁵ Interview with Respondent No. 63, December 21, 2010.

⁵⁶ Interview with Respondent No. 42, December 20, 2010.

“I have been a citizen of this country for sixty two years and have not even witnessed one per cent improvement in the court system.”⁵⁷ Many of the bitterly critical respondents were understandably those with long-running court cases: According to one respondent: “My case has been running for seven years and I have not progressed from square one which leads me to think that either the judges or the lawyers are corrupt. I know this as one of my previous lawyers was bought over by the other party.”⁵⁸ An old man broke down during the interview and had to be consoled before carrying on. He was not the only one who started crying during the Survey interviews. According to him: “I am eighty years old and my brother died fighting this land case. This case consumed and killed him. We have had extensive litigation on it and won at many junctures. Many local commissions appointed by the High Court have decided in our favor but the case remains unresolved so many years after it was initiated.”⁵⁹ Another respondent echoed him: “I know that like my father I will die pursuing this case. And then my son will have to take it over like I did.”⁶⁰ Finally, according to another respondent: “I settled on this land after the 1971 war. The politicians said that the land that you physically possess is yours and so we believed them. I want to get this land registration done so that my children don’t face difficulties tomorrow. Some of us were approached so that we could get the registration done through bribes but I chose to come to the court. I come to the courts as I don’t want to take short cuts. I have an additional two cases against other parties regarding the title of this land that I have won. However, I have spent away my youth in the courts.”⁶¹

While these comments cover both a range and depth of experience, what follows is a statistical analysis of the overall feedback from the Survey population who were asked a variety of questions about the nature of their experiences with the court system. This section of the Questionnaire started off with gathering information about the length of the respondents’ legal cases, the number of court hearings that had taken place, the number of court trips by the respondents, the regularity of attendance of court hearings, the gap between court hearings and the

anticipated time before a final court decision.

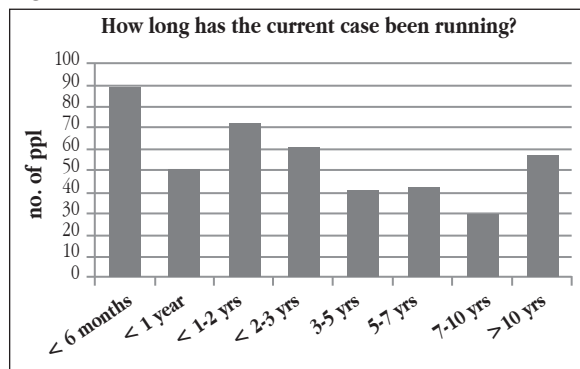
Length of Legal Cases

The overall breakup of respondents’ cases according to the length of time they had been running for is provided in **Table H-1** and graphically depicted in **Figure H-1**. It emerges that though there were quite a few recently initiated legal cases, over half the cases (52.06%) had been running for over two years. Furthermore, almost 1/3rd of the cases (29.33%) had been running for over five years and 12.96% of the cases had been running for over ten years.

Table H-1

How long has the current case been running?	No. of ppl	% of ppl
< 6 mnths	88	20
< 1 year	51	11.59
1-2 yrs	72	16.36
2-3 yrs	60	13.64
3-5 yrs	40	9.09
5-7 yrs	42	9.55
7-10 yrs	30	6.82
> 10 yrs	57	12.96
Total	440	100

Figure H-1



Number of Court Hearings

A fairly bleak picture emerges in response to the question as to how many court hearings had taken place in the

⁵⁷ Interview with Respondent No. 106, December 22, 2010.

⁵⁸ Interview with Respondent No. 115, December 22, 2010.

⁵⁹ Interview with Respondent No. 118, December 22, 2010.

⁶⁰ Interview with Respondent No. 210, January 3, 2011

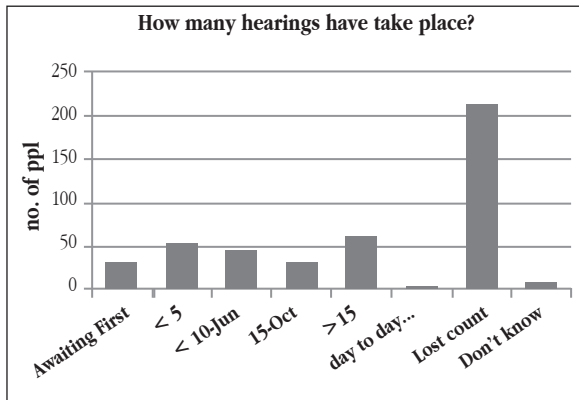
⁶¹ Interview with Respondent No. 344, January 6, 2011

respondents' court cases as almost half the respondents actually said that they had lost count as there had been so many hearings since their cases had started (48.18%). Another 13.64% of the respondents said that over fifteen hearings had taken place but this included a vast range of numbers between sixteen to upwards of forty hearings. **Table H-2** gives the overall response breakup and **Figure H-2** depicts it graphically.

Table H-2

How many hearings have take place?	No. of ppl	% of ppl
Awaiting First	31	7.05
< 5	52	11.82
6-10	45	10.23
10-15	30	6.82
> 15	60	13.64
day to day hearing case	2	0.45
Lost count	212	48.18
Don't know	8	1.82
Total	440	100

Figure H-2



Number of Court Trips

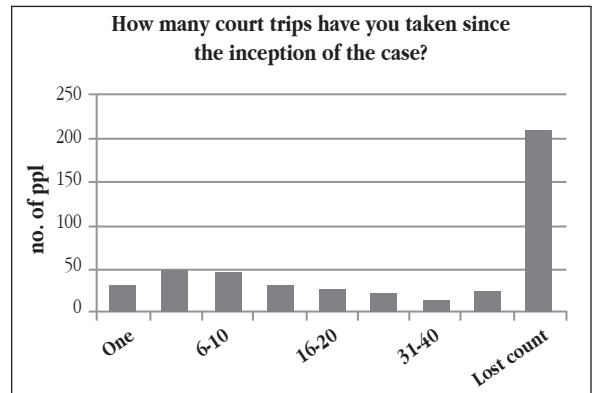
Another bleak picture emerges in terms of the time and effort invested by the litigants while pursuing their cases in courts in response to a question about the number of trips that they had taken to the courts since the initiation of their cases. Since every court trip is not necessarily undertaken to attend a court hearing but it can also be to follow up with lawyers or with court staff; and further since in many cases court hearings are scheduled by don't take place, it was important to gauge the overall time and effort investment required of the litigants in the Lahore District

Courts. With an aggregate of 12.51% of the respondents reporting between over twenty and over forty court trips and almost half of the respondents (48.64%) reporting that they had come to the court so many times that they had lost count, the enormity of the burden for the majority of the respondents in terms of time, effort and financial outlay is fairly apparent. **Table H-3** provides the breakup and **Figure H-3** depicts it graphically.

Table H-3

How many court trips have you taken since the inception of the case?	No. of ppl	% of ppl
One	26	5.91
2-5	46	10.45
6-10	44	10.00
11-15	30	6.82
16-20	25	5.68
21-30	20	4.55
31-40	12	2.73
Over 40	23	5.23
Lost count	214	48.64
Total	440	100

Figure H-3



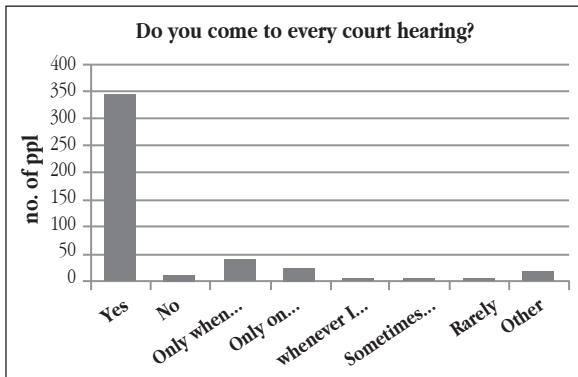
Attendance of Court Hearings

Over 3/4th of the respondents (77.73%) reported that they came to every court hearing. This further highlights the heavy burden in terms of the time and effort investment placed on the litigants given what we have already seen in terms of the very high number of court hearings and court trips that the majority of the respondents reported. The overall breakup of the responses is provided in **Table H-4** and it is graphically depicted in **Figure H-4**.

Table H-4

Do you come to every court hearing?	No. of ppl	% of ppl
Yes	342	77.73
No	12	2.73
Only when my lawyer tells me to	38	8.64
Only on important days whenever I have time	23	5.23
sometimes send someone else	2	0.45
Rarely	3	0.68
Other	18	4.09
Total	440	100

Figure H-4



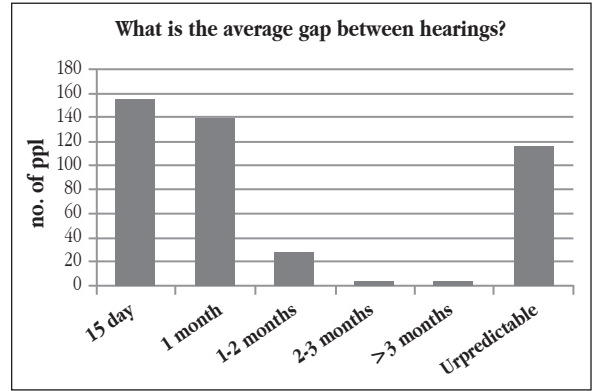
Gap between Court Hearings

Court hearings seem to occur fairly frequently with a gap of fifteen days (reported by 35% of the respondents) and one month (reported by 31.36% of the respondents) being the most frequent responses. However, 26.14% of the respondents also said that the gap between court hearings was unpredictable. **Table H-5** provides the overall breakup of responses and **Figure H-5** depicts it graphically.

Table H-5

What is the average gap between hearings?	No. of ppl	% of ppl
15 days	154	35
1 month	138	31.36
1-2 months	27	6.14
2-3 months	3	0.68
>3 months	3	0.68
Unpredictable	115	26.14
Total	440	100

Figure H-5



How Long before the Final Court Decision Expected

A predominant majority of the respondents said that they could not predict when the final court verdict would arrive (67.5%), thus highlighting the very high level of unpredictability associated with the court adjudication process. **Table H-6** provides the overall breakup for the responses to the question as to how long before a verdict was expected and **Figure H-6** depicts it graphically.

Figure H-6

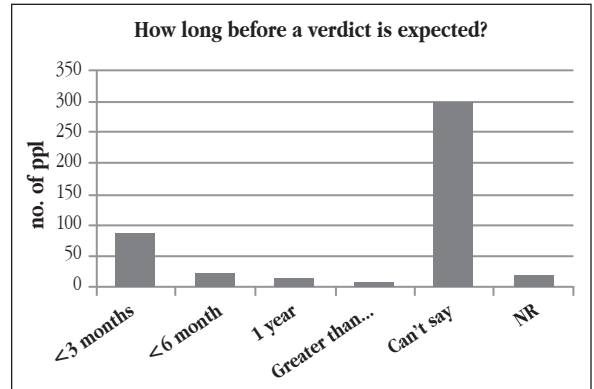


Table H-6

How long before a verdict is expected?	No. of ppl	% of ppl
<3 months	86	19.55
<6 months	20	4.55
1 year	12	2.73
Greater than 1 year	7	1.59
Can't say	297	67.50
NR	18	4.09
Total	440	100

Delay in Courts

Delay reduction has been the most prominent slogan and ubiquitous mantra for justice sector reform in Pakistan, particularly over the past almost decade and a half. The picture emerging from the Survey in terms of actual progress in reducing delays in courts, however, is a very discouraging one. There were quite a few respondents whose frank comments exposed the ineffectualness of Lahore High Court's oversight of the performance of the Lahore District Courts and also the Supreme Court of Pakistan's oft stated commitment to expedite cases, reduce case backlog and cut down on delays in the country's district courts. These comments also unraveled the inefficacy of a high profile district court performance monitoring mechanism by the High Courts. According to one respondent: "I wrote many letters to the Chief Justice to expedite my case. He has issued directions to the district judges on several occasions and directed the District & Sessions Judge, Lahore to decide my case within one month but these directions have been completely disregarded."⁶² According to another respondent: "To give you an idea of how long my case has been running, I used to accompany my grandfather as a child when he used to come to the court to pursue this case. I am a grown man now and the case is still undecided after over thirty years."⁶³ Another respondent said: "This case is 28 years old and I am over 70 years old. There have been several court orders in my favor and I have also switched up to 15 lawyers but I am still stuck in court. I want to resolve this case before I die but my opponents don't want to. I am sure they are waiting for me to die."⁶⁴ A female respondent lamented: "I have been waiting for justice for 20 years now. Judges and lawyers just ensure that the case does not come to a conclusion. I am very tired but have no other place to go. This legal system is a complete failure."⁶⁵ Yet another respondent complained: "My father and brother died

pursuing this case. If I die tomorrow there will be no one to pursue it. If I carry a gun I will be branded as a terrorist; but if I don't I feel unsafe."⁶⁶ According to another interviewee: "The judge in my case took two and a half years to write his order, even though I requested him in court to decide the matter either way so that I could escape this ordeal."⁶⁷ The negative externalities of elongated civil litigation were described by another respondent: "Civil cases become the root causes for criminal cases as people don't get justice in civil cases."⁶⁸

Frivolous litigation was frequently perceived as rampant and blamed as a contributory cause for heavy caseloads and case delays. One interviewee said: "My opponents have a frivolous case. They first sought a court stay order to put pressure on us and only then said that we could discuss the matter out of court. In my view, 80% of the cases in courts are frivolous cases."⁶⁹ Another respondent was of the view: "It is the people with false and frivolous cases who mostly go to court."⁷⁰ Yet another respondent had the following to say: "Everything can be resolved out of court. Only frauds drag disputes to court as they can misuse the court system."⁷¹ One of the respondents recommended: "If the government wants to limit frivolous property litigation then plaintiffs should be asked to submit an amount equivalent to the contested property as a guarantee. Otherwise people will continue with frivolous litigation over property."⁷² Some of the respondents openly admitted that they were using the court process to pressurize their opponents: "I am using the court proceedings to pressurize my opponents."⁷³ Another interviewee shared: "I am using the court process to delay matters as much as I can so that the other party can see the light of the day by being dragged through courts and eventually settle the matter with me."⁷⁴

⁶² Interview with Respondent No.3, December 20, 2010.

⁶³ Interview with Respondent No.72, December 21, 2010.

⁶⁴ Interview with Respondent No.104, December 22, 2010.

⁶⁵ Interview with Respondent No.133, December 23, 2010.

⁶⁶ Interview with Respondent No.311, January 6, 2011.

⁶⁷ Interview with Respondent No. 221, January 3, 2011.

⁶⁸ Interview with Respondent No. 272, January 4, 2011.

⁶⁹ Interview with Respondent No.102, December 22, 2010.

⁷⁰ Interview with Respondent No.140, January 23, 2011.

⁷¹ Interview with Respondent No. 205, December 24, 2010.

⁷² Interview with Respondent No. 96, December 21, 2010.

⁷³ Interview with Respondent No. 196, December 24, 2010.

⁷⁴ Interview with Respondent No. 139, December 23, 2010.

Legal lacunae being the source of opportunities for creating delay was also pointed out as a contributory factor for delays: “There are too many lacunae in the law which means that either party can misuse the same and elongate the court process. Its operators constantly expect ‘speed money’ to push the process along. It is very difficult to get justice.”⁷⁵ Some of the respondents pointed out what they thought were unnecessary and time-wasting legal requirement to even bring certain non-contentious issues to the court for resolution. One respondent protested: “Any changes in legal records or documentation should not involve a court process as it wastes a lot of time.”⁷⁶ Another respondent echoed this view: “There should really be no need to come to court for non-contentious matters and thus having to face the never-ending court processes. My family has withered away pursuing this matter.”⁷⁷

The financial cost imposed by elongated litigation was also the theme of quite a few comments, some of which pointed out how the costs and expenses made the ultimate gain rather meaningless. One respondent said: “Cases never get resolved. The courts keep giving date after date for the next hearings. People get destroyed in litigation. The courts have become like shops. As long as you can pay bribes you can delay a case forever and coerce your opponents and tire them out. You may be fighting for something worth Rs.2 million and your case will remain interminably stuck as your opponent will bribe the court staff with a mere two hundred rupees to ensure that the hearing does not take place and carry on doing this hearing after hearing after hearing.”⁷⁸ Another respondent shared: “If you ask me how much money I have spent so far on this case, it is limitless like the waters in the ocean.”⁷⁹

Apart from lack of faith in, non-availability of, and dissatisfaction with the performance and implementation capacity of non-court dispute mechanisms, a variety of additional

reasons seemed to be governing respondent decisions to bring their disputes to court and to persist with litigation. One of the respondents shared: “One of the disputing parties always resorts to courts even when you try and resolve the matter out of court. So it makes sense to start one’s contestation from the court itself.”⁸⁰ Another respondent had a more personal motivation: “The reason why I am persisting with this litigation is because I want to confront my opponent with the fake documents he has forged and look him eye to eye and talk face to face.”⁸¹ Yet another imperative came through in the following comment, one galvanized by resentment over time and money already wasted in litigation: “Now that I have spent all this money on litigation I will only settle for a court verdict. Initially when my opponents approached me to settle the matter out of court he demanded Rs.300, 000 in lieu of vacating my house. Now they are even ready to do the same for Rs.20, 000 but why should I settle after all this litigation?”⁸² For others there simply seemed to be no choice but to come to court. One female respondent broke down while complaining: “I don’t like coming to the court. Who wants to come to court and sit amongst so many strange men? I come all the way from the border area, why should I have to come such a distance? Whenever I come to the court I go back home crying.” An older male respondent confided: “No respectable person wants to come to court. People come as a last resort when all else fails.”⁸⁴ The burden is all the more onerous for anyone facing a debilitation. One respondent shared: “I have several health issues and constantly having to come to court and observing no progress in my case is a torture.”⁸⁵

Moving on a statistical analysis of the overall data, Given the feedback shared above it comes as no surprise that the overwhelming majority of respondents reported ‘a lot of delay’ in the court process (80.77%) whereas another 12.73% of the respondents reported ‘a fair bit’ of delay in

⁷⁵ Interview with Respondent No. 201, December 24, 2010.

⁷⁶ Interview with Respondent No. 123, January 23, 2011.

⁷⁷ Interview with Respondent No. 208, January 3, 2011.

⁷⁸ Interview with Respondent No. 206, December 24, 2010.

⁷⁹ Interview with Respondent No. 182, December 24, 2010.

⁸⁰ Interview with Respondent No. 220, January 3, 2011.

⁸¹ Interview with Respondent No. 274, January 4, 2011.

⁸² Interview with Respondent No. 341, January 6, 2011.

⁸³ Interview with Respondent No. 342, January 6, 2011.

⁸⁴ Interview with Respondent No. 260, January 3, 2011.

⁸⁵ Interview with Respondent No. 122, January 23, 2011.

the court process, thus contributing to an aggregate of 93.5% of the respondents reporting delay. The response breakup is provided in **Table H-7** below and graphically depicted in **Figure H-7**.

Table H-7

Do you feel that there are a lot of delays in the court process?	No. of ppl	% of ppl
A lot	355	80.77
A fair bit	56	12.73
No Delay	8	1.82
Don't Know	21	4.77
Total	440	100

Figure H-7

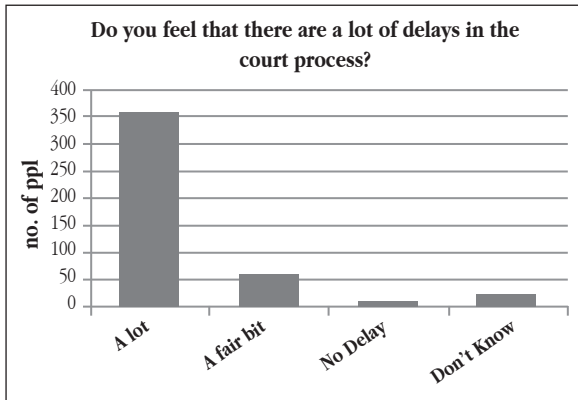


Table H-8

Education	A lot of delay	A fair bit of delay	No delay	Don't Know	Total
None/ Uneducated	54	8	1	4	67
Madrasa < 2yrs	1	0	0	0	1
Madrasa 2-5	2	0	0	0	2
Madrasa < 10 years	2	0	0	0	2
Islamic Religious Edu > 10 years	1	0	0	0	1
Less than Primary Edu < 5years	26	6	0	7	39
Less than Sec Edu < 8 years	38	7	1	1	47
Matriculation 10 years	73	13	2	5	93
F.A/ F.Sc. 12 years	57	9	2	2	70
B.A/B.sc. 14 years	59	10	1	2	72
MA/ M.Sc. 16 years	36	1	1	0	38
Higher than MA/MSc	1	1	0	0	2
Basic schooling + vocational	3	1	0	0	4
Other	2	0	0	0	2
Total	355	56	8	21	440

Delay in Courts & Educational Background of Respondents

It turns out that 94.66% of the more educated respondents (with education greater than secondary school) are reporting 'a lot' or 'a fair bit' of delay but respondents who are uneducated or with lesser education (less than secondary school) are close behind with 91.2% of them reporting the same. The response breakup is provided in **Table H-8**.

Delay in Courts & Household Income of Respondents

Whereas 91.67% of the respondents who fall in the two lowest income categories are reporting 'a lot' or 'a fair bit' of delay, an even greater proportion of the respondents falling in the higher income categories is also reporting the same (96.34%). The results are provided in **Table H-9**.

Court Delay and Consequential Benefit to Certain Parties

Those respondents who reported 'a lot of delay' or 'a fair bit of delay' were then asked whether they felt that the delay in the court system benefited and was hence motivated by certain parties. As a percentage of the overall sample population a resounding 73.41% of the respondents feel that delay is not accidental or without consequences and it actually benefits certain parties. On the other hand, only 5.91% of the respondents actually disagree with this view. The breakup of responses is provided in **Table H-10**.

Table H-9

Monthly incomes	A lot of delay	A fair bit	No delay	Don't Know	Total
<Rs. 10k	130	23	2	14	169
Rs. 10k– 20k	89	11	2	5	107
Rs. 20k– 30k	42	4	1	0	47
Rs. 30k– 40k	17	6	0	0	23
Rs. 40k – 50k	16	2	0	0	18
Rs. 50k-Rs. 75k	16	1	2	0	19
Rs. 75k-100k	7	1	0	1	9
Rs. 100k– 150k	7	2	0	1	10
Rs.150k- 200k	2	0	0	0	2
Rs. 200k– 300k	4	1	0	0	5
> Rs. 300k	1	0	0	0	1
Did not disclose	24	5	1	0	30
Total	355	56	8	21	440

Table H-10

Q 8.8	No. of ppl	% of ppl
Yes	323	73.41
No	26	5.91
Perhaps	25	5.68
Sometimes	15	3.41
Don't Know	22	5.00
NA	29	6.59
Total	440	100.00

Court Delay, Consequential Benefit to Certain Parties & Respondent Education

A somewhat greater proportion of respondents with education higher than secondary school (75.44%) are reporting that they think that the delays in the court system definitely benefit certain parties, as compared to those respondents who were uneducated or had education below or equivalent to secondary school (69.81%). The breakup is provided below in **Table H-11**.

Table H-11

Education	Yes	No	Perhaps	Sometimes	Don't Know	Total
None/ Uneducated	44	3	3	4	13	67
Madrassa < 2yrs	1	0	0	0	0	1
Madrassa 2-5	2	0	0	0	0	2
Madrassa <10 years	2	0	0	0	0	2
Islamic Religious Edu >10 years	1	0	0	0	0	1
Less than Primary Edu <5years	23	1	4	2	9	39
Less than Sec Edu < 8 years	38	1	4	0	4	47
Matriculation 10 years	65	6	6	2	14	93
F.A/ F.Sc. 12 years	53	6	1	2	8	70
B.A/B.sc. 14 years	55	8	5	2	2	72
MA/ M.Sc. 16 years	33	0	2	2	1	38
Higher than MA/MSc	2	0	0	0	0	2
Basic schooling + vocational	2	1	0	1	0	4
Other	2	0	0	0	0	2
Total	323	26	25	15	51	440

Court Delay, Consequential Benefit to Certain Parties & Household Income

Roughly 3/4th of both the less affluent respondents as well as the more affluent respondents are of the clear view that the delays in the court system benefit certain parties. So 71.01% of the respondents falling in the more thickly populated first two and also the lowest income categories. At the same time, 77.44% of the more affluent respondents falling in the remaining and higher income categories are reporting the same. Thus a clear perception of the strategic and self-advantageous creation and use of court delays transcends the income boundaries. The overall breakup of the responses is provided in **Table H-12**.

Court Delay as a Leverage to Pressurize Opponents in Out of Court Negotiations

The respondents who had reported 'a lot of delay' or a 'a fair bit of delay' in the court process were then asked if they felt that court delay was used as leverage by some

contesting parties in order to pressure their opponents to settle the matter out of court. A vast proportion of the respondents replied in the affirmative (68.86%) and others said that that may be the case 'sometimes' or that 'perhaps that was the case,' leaving only 7.27% who disagreed with this statement. The overall breakup of responses is provided in **Table H-13**.

Court Delay as a Leverage to Pressurize Opponents in Out of Court Negotiations and Respondent Education

A somewhat greater proportion of the more educated respondents (with a higher than secondary school education) were certain that court delay was used as a leverage to pressure opponents (71.17%) as compared to uneducated respondents or respondents with a less than secondary school education (64.78%). The overall breakup is provided in **Table H-14**.

Court Delay as a Leverage to Pressurize Opponents in Out of Court Negotiations and Respondent Household Income

A somewhat greater proportion of the more affluent respondents (with an income above Rs. 20,000 per month) said that they felt that court delay was used as a leverage to pressure opponents (72.56%) as compared to the respondents falling in the two lowest income categories with an income less than Rs. 20,000 per month (66.67%). The overall breakup of responses is provided in **Table H-15**.

Table H-13

	No. of ppl	% of ppl
Yes	303	68.86
No	32	7.27
Perhaps	30	6.82
Sometimes	19	4.32
Don't Know/N.A	56	12.73
Total	440	100.00

Table H-12

Monthly incomes	Yes	No	Perhaps	Sometimes	Don't Know	Total
<Rs. 10k	119	8	9	8	25	169
Rs. 10k– 20k	77	6	5	2	17	107
Rs. 20k– 30k	37	6	1	1	2	47
Rs. 30k– 40k	18	1	1	1	2	23
Rs. 40k – 50k	16	0	2	0	0	18
Rs. 50k-Rs. 75k	13	2	2	1	1	19
Rs. 75k-100k	8	0	0	0	1	9
Rs. 100k– 150k	6	0	1	1	2	10
Rs.150k- 200k	1	1	0	0	0	2
Rs. 200k– 300k	5	0	0	0	0	5
>Rs. 300k	1	0	0	0	0	1
Did not disclose	22	2	4	1	1	30
Total	323	26	25	15	51	440

Table H-14

Education	Yes	No	Perhaps	Sometimes	Don't Know	Total
None/ Uneducated	40	3	9	2	13	67
Madrassa < 2yrs	1	0	0	0	0	1
Madrassa 2-5	2	0	0	0	0	2
Madrassa <10 years	2	0	0	0	0	2
Islamic Religious Edu > 10 years	1	0	0	0	0	1
Less than Primary Edu < 5years	21	2	3	4	9	39
Less than Sec Edu < 8 years	36	3	1	2	5	47
Matriculation 10 years	65	8	5	1	14	93
F.A/ F.Sc. 12 years	48	6	3	4	9	70
B.A/B.sc. 14 years	53	8	6	2	3	72
MA/ M.Sc. 16 years	28	2	2	3	3	38
Higher than MA/MSc	1	0	0	1	0	2
Basic schooling + vocational	3	0	1	0	0	4
Other	2	0	0	0	0	2
Total	303	32	30	19	56	440

Table H-15

Monthly incomes	Yes	No	Perhaps	Sometimes	Don't Know	Total
< Rs. 10k	114	11	11	6	27	169
Rs. 10k– 20k	70	5	8	6	18	107
Rs. 20k– 30k	33	7	3	1	3	47
Rs. 30k– 40k	19	0	1	1	2	23
Rs. 40k – 50k	17	1	0	0	0	18
Rs. 50k-Rs. 75k	12	2	1	2	2	19
Rs. 75k-100k	6	1	0	1	1	9
Rs. 100k– 150k	4	2	2	1	1	10
Rs.150k- 200k	2	0	0	0	0	2
Rs. 200k– 300k	5	0	0	0	0	5
> Rs. 300k	1	0	0	0	0	1
Did not disclose	20	3	4	1	2	30
Total	303	32	30	19	56	440

Court Delay as a Leverage to Pressurize Opponents in Out of Court Negotiations and the Rural-Urban Spectrum

A greater proportion of respondents from the central city

(71.15%) feel that court delay is used as a leverage to pressurize opponents, as compared to respondents from suburbs (66.41%), small towns (69.23%) and villages (57.69%). Overall the breakup is provided in **Table H-16**.

Table H-16

Place of Abode	Yes	No	Perhaps	Sometimes	Don't Know	Total
Village	15	4	2	0	5	26
Small Town	18	4	1	0	3	26
Suburbs of Lahore City	85	8	8	7	20	128
Central City	185	16	19	12	28	260
Total	303	32	30	19	56	440

Main Reasons for Delays in Court Proceedings and Legal Decisions

The respondents were then asked to point out what they thought were the main reasons for long delays in court proceedings and judicial decisions, a phenomenon which their vast majority was pointing out, and they were allowed multiple options. As it emerged, the most common response was ‘delaying tactics by opponent,’ followed by ‘adjournments by opposing lawyer.’ However, ‘judicial ineptitude to decide cases,’ and ‘overload of cases in courts’ emerge as the third and fourth most frequent responses. ‘Judicial corruption’ is the fifth most frequent response. Many of the additional problems that have been highlighted in the qualitative feedback above also figure prominently in the overall responses. ‘Unavailability of parties or witnesses to appear in court,’ ‘complexity of laws and resulting disputes,’ and ‘frivolous and/or mischievous litigation clogging courts,’ are the other frequent responses that point out deeper systemic flaws with the legal system as well as substantive issues with the laws and procedures. Details of the responses are provided in **Table H-17**.

Table H-17

Reasons for Delay	No. of ppl
Overload of cases in courts	115
Complexity of laws and resulting disputes	77
Multiplicity of contesting parties	12
Unavailability of parties or witnesses to appear in court	87
Delaying tactics by opponent	206
Adjournments by opposing lawyer	132
Unavailability and adjournments by interviewee’s lawyer	81
Ineffectiveness of interviewee’s lawyer to push the case along	53
Judicial ineptitude to decide cases	121
Reluctance on part of judge to decide the case	49
Judicial corruption	101
Frivolous and/or mischievous litigation clogging courts	68
Other	32
Not Sure	41
Total	1175

Whether the Respondents will Appeal an Adverse Decision?

Upon being asked whether they would appeal an adverse decision in court, more than 3/4th (77.95%) of the respondents expressed the intent to do so. The overall breakup is provided in **Table H-18**.

Table H-18

Appealing an Adverse Decision	No. of ppl	% of ppl
Yes	343	77.95
No	37	8.41
Don't Know	32	7.27
No Response	28	6.36
Total	440	100.00

Whether the Respondents will Appeal an Adverse Decision & Educational Background

No real variation emerged in response to this question on the basis of the education of the respondents and over 3/4th of both the uneducated and less educated respondents with a less than secondary school education, as well as respondents with a higher than secondary school education expressed the intent to appeal an adverse decision. 75.47% of the former and 79.36% of the latter expressed this intent. The response breakup is provided in **Table H-19**.

Whether the Respondents will Appeal an Adverse Decision & Household Income

Not surprisingly, a somewhat greater proportion of the more affluent respondents, with an income upwards of Rs. 20,000 per month expressed the intent to appeal an adverse court decision, as compared to the respondents falling in the two lowest income categories and with income less than Rs.20,000 per month. 84.76% of the former and 73.91% of the latter expressed such intent. The response breakup is provided in **Table H-20**.

Table H-19

Education	Yes	No	Don't Know	No Response	Total
None/ Uneducated	55	3	5	4	67
Madrasa < 2yrs	1	0	0	0	1
Madrasa 2-5	2	0	0	0	2
Madrasa <10 years	2	0	0	0	2
Islamic Religious Edu > 10 years	0	0	1	0	1
Less than Primary Edu <5years	27	4	4	4	39
Less than Sec Edu < 8 years	33	7	4	3	47
Matriculation 10 years	67	11	8	7	93
F.A/ F.Sc. 12 years	57	3	3	7	70
B.A/B.sc. 14 years	58	7	5	2	72
MA/ M.Sc. 16 years	35	1	2	0	38
Higher than MA/MSc	1	1	0	0	2
Basic schooling + vocational	4	0	0	0	4
Other	1	0	0	1	2
Total	343	37	32	28	440

Table H-20

Monthly incomes	Yes	No	Don't Know	No Response	Total
< Rs. 10k	122	17	18	12	169
Rs. 10k– 20k	82	11	4	10	107
Rs. 20k– 30k	42	2	3	0	47
Rs. 30k– 40k	20	2	1	0	23
Rs. 40k – 50k	14	1	2	1	18
Rs. 50k-Rs. 75k	16	1	2	0	19
Rs. 75k-100k	8	0	0	1	9
Rs. 100k– 150k	6	0	1	3	10
Rs.150k- 200k	2	0	0	0	2
Rs. 200k– 300k	4	1	0	0	5
> Rs. 300k	1	0	0	0	1
Did not disclose	26	2	1	1	30
Total	343	37	32	28	440

Reasons for not Appealing an Adverse Decision

Table H-21

If the answer is “No” or “Don’t Know” (to Question 8.9 above) then is it because of	No. of ppl
Lack of resources	33
Too tired and fed up to pursue this	27
Have no faith in appeal translating into justice	19
Too little time in view of other obligations	8
Too old and weak	3
Very difficult as a women	6
Too much pressure from family or community to not to do so	5
Other (specify)	13
No Response	376
Total	490

The respondents who said that they would not appeal an adverse decision were asked their reasons and allowed multiple responses. ‘Lack of resources,’ that they were ‘too tired and fed up to pursue this,’ and that they, ‘have no faith in the appeal translating into justice,’ emerged as the most frequent responses. The results are provided in **Table H-21**.

The Cost of Litigation

Respondents were then asked to provide a rough estimate of the financial outlay that their legal case had caused. This is of course a relative burden and the monthly household income of the respondents has to be taken into account. As we have seen most of the respondents in the Survey fall in the two less than Rs. 20,000 income categories.

As can be seen, 62.5% of the overall respondents are actually reporting an outlay of up to or greater than Rs. 50,000 or that the litigation has been carrying for so long and has been such a drain on their resources that they have lost count. On the higher end, more than 1/3rd of the respondents (38.41%) are actually reporting that they have spent up to or over Rs. 200,000 or that the litigation has been carrying for so long and has been such a drain on their resources that they have lost count. **Table H-22** provides the breakup of responses and **Figure H-22** depicts it graphically.

Access to Free Legal Aid

That awareness and availability of free legal aid is essentially non-existent emerged with stark clarity as a mere 1.36% of the respondents said that they had ever heard of or availed free legal aid during the course of their litigation. The breakup of responses is provided in **Table H-23**.

Table H-22

Roughly how much financial outlay has the legal case caused the interview so far?	No. of people	% of people
Up to Rs. 10,000	46	10.45
Up to Rs. 25,000	66	15.00
Up to Rs. 50,000	55	12.50
Up to Rs. 100,000	51	11.59
Up to Rs. 200,000	49	11.14
Up to Rs. 500,000	35	7.95
More than Rs. 500,000	40	9.09
No response	53	12.05
Have lost count	45	10.23
Total	440	100

Figure H-22

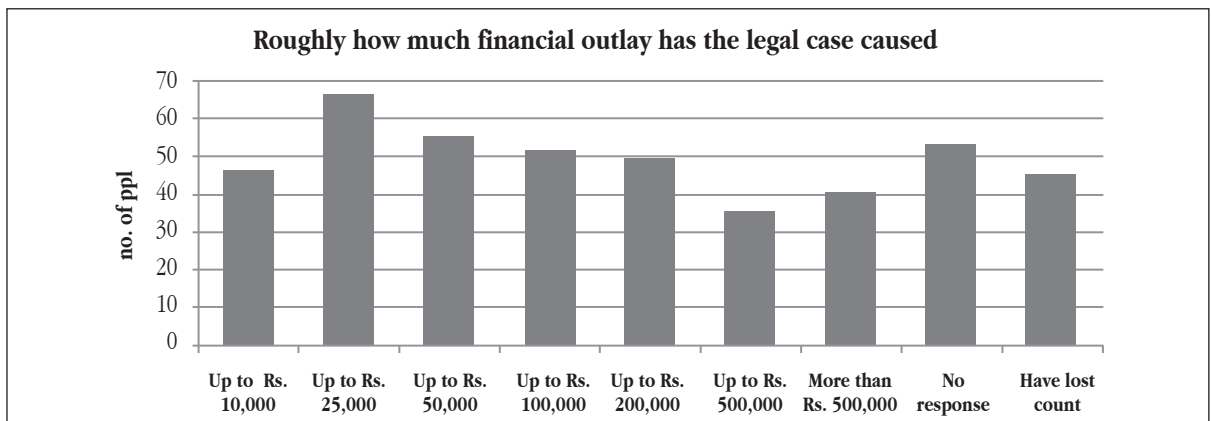


Table H-23

Did you ever avail any legal aid to assist in your legal case?	No. of people	% of people
Yes	6	1.36
No	408	92.74
No Response	26	5.90
Total	440	100

Perceptions about Judges – Competence

The respondents were then directly asked about their experience and perception of the various performance facets of the judges who had presided over their cases. This pertained specifically to the current judges presiding over their cases as well as overall views pertaining to the current judges as well as any other judge or judges who may have presided over their cases in the past. There was understandably marked reluctance on the part of many of the respondents to answer this question as they were visibly apprehensive about speaking openly on this theme, while their cases were before the judges being spoken about, and that too with complete strangers. Therefore, even though many of the respondents were otherwise critical of their court experience, they frequently became guarded and reticent on being posed this question. Therefore, not surprisingly almost 1/4th (as many as 22.27%) of the respondents declined to answer this question. Quite a few of those who did not respond to this question also argued that being uneducated or with little education they were completely reliant on their lawyers and hence were not in a position to gauge the competence of the judges. More surprisingly, however, over 1/3rd or an aggregate of

35% of the respondents openly shared that they were ‘unsatisfied’ or ‘deeply unsatisfied’ with the competence level of the judge/judges. A slightly larger percentage (37.05%) stated that they were ‘satisfied’ with the competence of the judge/judges and only 5.68% of the respondents were zealous in praising the competence of the judge/judges. The overall response breakup is provided in **Table H-24**. There was negligible difference between the responses on the basis of gender with 33% of the female respondents expressing the view that they were ‘unsatisfied’ or ‘deeply unsatisfied’ with the competence of the judge/judges and 35.6% of the male respondents saying the same.

Table H-24

Is the interviewee satisfied with the competence of the judicial officer?	No. of people	% of people
Highly satisfied	25	5.68
Satisfied	163	37.05
Unsatisfied	96	21.82
Deeply unsatisfied	58	13.18
No Response	98	22.27
Total	440	100

Table H-25

(# of ppl)	Is the interviewee satisfied with the competence of the judicial officer?					Total
	Highly Satisfied	Satisfied	Unsatisfied	Deeply unsatisfied	No Response	
Education						
None/uneducated	4	24	13	8	18	67
Madrasa up to 2 years	0	0	1	0	0	1
Madrasa 2 - 5 years	0	1	0	0	1	2
Madrasa up to 10 years	0	0	1	0	1	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	0	1
Primary School	2	11	8	3	15	39
Secondary School	4	17	10	4	12	47
Matriculation	3	37	18	16	19	93
FA/F.Sc/Equivalent	3	29	17	10	11	70
B.A/B.Sc	4	27	14	13	14	72
M.A/M.Sc Equivalent	2	14	12	4	6	38
Higher than a Master’s degree	0	1	1	0	0	2
Basic Schooling plus vocational education	2	2	0	0	0	4
Other	1	0	0	0	1	2
Total	25	163	96	58	98	440

Perceptions about Competence of Judges and Education of Respondents

A larger proportion of the more educated respondents (with an education over secondary school) expressed that they were ‘unsatisfied’ or ‘deeply unsatisfied’ with the competence of the judge/judges (37.37%) as compared to respondents who were uneducated or had an education qualification less than or equal to secondary school (30.82%). Not surprisingly, a greater proportion of respondents who were uneducated or had an education qualification less than or equal to secondary school chose not to respond to this question either because they felt apprehensive to speak on such matters or because they felt they did not have requisite information or exposure to comment, highly reliant as they were on their lawyers for taking care of their legal cases. 29.56% of them, therefore, did not respond to this question as compared to a little over 18.15% of those who had an education above secondary school. **Table H-25** provides the response breakup.

Perceptions about Competence of Judges and Household Income of Respondents

Household income of the respondents does not emerge as a significant variable as 35.14% of the respondents who fall in the two lowest income categories stated that they were

Table H-26

(# of ppl)	Is the interviewee satisfied with the competence of the judicial officer?					
	Income	Highly satisfied	Satisfied	Unsatisfied	Deeply unsatisfied	No Response
<Rs. 10k	9	58	36	16	50	169
Rs. 10k– 20k	7	34	27	18	21	107
Rs. 20k– 30k	5	19	9	6	8	47
Rs. 30k– 40k	2	11	6	2	2	23
Rs. 40k – 50k	0	6	2	7	3	18
Rs. 50k-Rs. 75k	0	9	4	4	2	19
Rs. 75k-100k	0	5	1	0	3	9
Rs. 100k– 150k	0	8	1	0	1	10
Rs. 150k- 200k	0	1	1	0	0	2
Rs. 200k– 300k	0	2	2	0	1	5
> Rs. 300k	0	0	1	0	0	1
Did not disclose	2	10	6	5	7	30
Total	25	163	96	58	98	440

‘unsatisfied’ or ‘deeply unsatisfied’ with the competence of the judicial officer/officers as compared to 34.76% of all those falling in the higher income categories. However, a greater reluctance on part of the poorer respondents to respond to this question is obvious as over 1/4th of them (25.72%) gave no response to this question as compared to 16.46% of the respondents in the higher income categories. The response breakup is provided in **Table H-26**.

Perceptions about Judges – Impartiality & Integrity

This was an even harder question to pose to the respondents who were mostly anxiously waiting outside the courtrooms where the fates of their legal cases were going to be decided. However, a surprisingly high number of respondents divulged that they had doubts about the integrity of the judicial officers hearing their cases. Almost 1/3rd of them (29.78%) said they were ‘unsatisfied’ or ‘highly unsatisfied’ on that score. Almost 1/4th of them

Table H-27

Is the interviewee satisfied with the impartiality and integrity of the judicial officer?	No. of people	% of people
Highly satisfied	32	7.27
Satisfied	170	38.64
Unsatisfied	75	17.05
Deeply unsatisfied	56	12.73
No Response	107	24.32
Total	440	100

(24.32%) also excused themselves from responding to the question. The overall response breakup is provided in **Table H-27**.

Perceptions about Impartiality & Integrity of Judges and Gender of Respondents

A much higher proportion of male respondents (33.23 %) expressed doubts on this score and said that they were ‘unsatisfied’ or ‘deeply unsatisfied’ with the integrity of the judges as compared to 18.87 % of the female respondents. However, a greater proportion of female respondents (32.07 %) declined to respond to this question as compared to male respondents (21.85 %). The overall breakup of responses is provided in **Table H-28**.

Table H-28

(# of ppl)	Gender		
	Male	Female	Total
Is the interviewee satisfied with the impartiality and integrity of the judicial officer?			
Highly satisfied	16	16	32
Satisfied	134	36	170
Unsatisfied	64	11	75
Deeply unsatisfied	47	9	56
No Response	73	34	107
Total	334	106	440

Table H-29

(# of ppl)	Is the interviewee satisfied with the competence of the judicial officer?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	4	27	10	7	19	67
Madrasa up to 2 years	0	0	1	0	0	1
Madrasa 2 - 5 years	0	1	0	0	1	2
Madrasa up to 10 years	0	0	1	0	1	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	0	1
Primary School	1	10	8	3	17	39
Secondary School	4	17	11	4	11	47
Matriculation	6	34	16	16	21	93
FA/F.Sc/Equivalent	5	34	8	10	13	70
B.A/B.Sc	7	30	8	10	17	72
M.A/M.Sc Equivalent	3	13	10	6	6	38
Higher than a Master's degree	0	1	1	0	0	2
Basic Schooling plus vocational education	1	3	0	0	0	4
Other	1	0	0	0	1	2
Total	32	170	75	56	107	440

Perceptions about Impartiality & Integrity of Judges and Education of Respondents

Roughly the same proportion of the uneducated and less educated respondents (with education less than or equal to secondary school) said that they were ‘unsatisfied or ‘highly unsatisfied’ with the impartiality and integrity of the judges (28.93%) as compared to 30.25% of the respondents who were more highly educated (education above secondary school) . However, a higher proportion of the uneducated or less educated respondents (30.82%) were reluctant to talk about this and declined to answer the question as compared to 20.64% of the respondents with higher than secondary school education. **Table H-29** provides the overall response breakup.

Perceptions about Impartiality & Integrity of Judges and Income of Respondents

More or less the same proportion of the less affluent respondents that fall in the two lowest income categories reported that they were ‘unsatisfied’ or deeply unsatisfied’ with the impartiality and integrity of the judges (29.35%) as compared to the respondents that fell in all the higher income categories (30.49%). However, almost twice as many less affluent respondents that fell in the two lowest income categories were reluctant to respond to this question (29.71%) as compared to the ones that fell in the

higher income categories (15.24%), as a proportion of their total populations. The response breakup is provided in **Table H-30**. This is important because while one does not want to take away anything from the sincerity of the responses of those who are expressing satisfaction with the impartiality or integrity of judges the fact that almost 1/3rd (29.71%) of the poorer respondents are declining to answer this question could be as much due to a certain meekness or lack of direct information needed to comment, as it may be that that they don’t want to voice their discontent as they could have easily said that they were ‘satisfied’ or ‘highly satisfied’ on this score given that that would have been a ‘safe’ answer in talking about a judge to complete strangers while sitting outside his court. But what is significant is that they did not opt for the ‘safe’ answer.

Perceptions about Judges – Attitude

A relatively higher percentage of the respondents had no complaints about the politeness and courtroom courtesy of judges as compared to their responses as regards competence and impartiality as well as integrity of judges. 10.23% of the respondents, however said that they were ‘unsatisfied’ with the attitude of judges, 8.64% of the respondents also said that they were ‘highly unsatisfied’ with the attitude of judges, and almost 1/4th of the respon-

Table H-30

(# of ppl)	Is the interviewee satisfied with the competence of the judicial officer?						
	Income	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
<Rs. 10k		10	60	32	15	52	169
Rs. 10k– 20k		10	33	15	19	30	107
Rs. 20k– 30k		4	17	9	7	10	47
Rs. 30k– 40k		3	11	6	0	3	23
Rs. 40k – 50k		0	8	2	7	1	18
Rs. 50k-Rs. 75k		2	11	2	2	2	19
Rs. 75k-100k		1	4	2	0	2	9
Rs. 100k– 150k		0	9	0	0	1	10
Rs.150k- 200k		0	1	1	0	0	2
Rs. 200k– 300k		0	2	2	1	0	5
>Rs. 300k		0	1	0	0	0	1
Did not disclose		2	13	4	5	6	30
Total		32	170	75	56	107	440

Table H-31

Is the interviewee satisfied with the attitude (politeness and courtesy) of the judicial officer?	No. of people	% of people
Highly satisfied	44	10.00
Satisfied	210	47.73
Unsatisfied	45	10.23
Deeply unsatisfied	38	8.64
No Response	103	23.41
Total	440	100

dents (23.41%) once again declined to answer the question. Collectively they add up to 42.28% of the overall sample – these are respondents who had something negative or nothing to say about the attitude of the judges. The overall response breakup is provided in **Table H-31**.

Perceptions about Attitude of Judges and Gender of Respondents

In terms of gender, there did not seem a significant variation as 20.26% of the male respondents and 14.15% of the female respondents reported that they were ‘unsatisfied’ or ‘deeply unsatisfied’ with the attitude of the judges. However, importantly, 30.19% of the female respondents did not answer this question, as compared to 21.26% of the male respondents. This means that in terms of those who

had something positive to say there is not much variation with 58.38% of the male respondents saying that they were ‘satisfied’ or ‘highly satisfied’ with the attitude of judges, as compared to 55.66% of the female respondents. The overall breakup is provided in **Table H-32**.

Table H-32

(# of ppl)	Gender		
	Male	Female	Total
Is the interviewee satisfied with the attitude (politeness and courtesy) of the judicial officer?			
Highly satisfied	27	17	44
Satisfied	168	42	210
Unsatisfied	36	9	45
Deeply unsatisfied	32	6	38
No Response	71	32	103
Total	334	106	440

Perceptions about Attitude of Judges and Education of Respondents

The more educated respondents (with a higher than secondary school education) are proportionately more critical of the attitude of judges (20.64%) as compared to the uneducated and less educated respondents (with an education less than or equal to secondary school) with

15.72% of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the attitude of judges. However, the uneducated and less educated respondents are also

more reluctant to respond to this question (30.19%) as compared to the more educated (19.57%). The overall breakup is provided in **Table H-33**.

Table H-33

(# of ppl)	Is the interviewee satisfied with the attitude (politeness and courtesy) of the judicial officer?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	7	36	3	4	17	67
Madrasa up to 2 years	0	0	0	0	1	1
Madrasa 2 - 5 years	0	2	0	0	0	2
Madrasa up to 10 years	0	1	0	0	1	2
Islamic Religious Educ (more than 10 years)	0	0	0	0	1	1
Primary School	2	14	6	2	15	39
Secondary School	4	20	6	4	13	47
Matriculation	8	45	11	11	18	93
FA/F.Sc/Equivalent	8	32	11	4	15	70
B.A/B.Sc	9	35	3	10	15	72
M.A/M.Sc Equivalent	3	21	5	3	6	38
Higher than a Master’s degree	0	2	0	0	0	2
Basic Schooling plus vocational education	2	2	0	0	0	4
Other	1	0	0	0	1	2
Total	44	210	45	38	103	440

Table H-34

(# of ppl)	Is the interviewee satisfied with the attitude (politeness and courtesy) of the judicial officer?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
Income						
<Rs. 10k	18	69	17	11	54	169
Rs. 10k– 20k	9	50	11	13	24	107
Rs. 20k– 30k	5	25	5	3	9	47
Rs. 30k– 40k	4	16	2	0	1	23
Rs. 40k – 50k	1	10	2	4	1	18
Rs. 50k-Rs. 75k	4	8	2	3	2	19
Rs. 75k-100k	1	2	2	0	4	9
Rs. 100k– 150k	0	9	0	0	1	10
Rs.150k- 200k	0	2	0	0	0	2
Rs. 200k– 300k	0	4	1	0	0	5
>Rs. 300k	0	1	0	0	0	1
Did not disclose	2	14	3	4	7	30
Total	44	210	45	38	103	440

Perceptions about Attitude of Judges and Household Income of Respondents

The less affluent respondents (respondents falling in the two lowest income categories) are proportionately as vocal about their lack of satisfaction with judicial attitudes with 18.84% of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with judicial attitudes, as compared to the respondents in all the higher income categories, 18.9% of whom are saying the same. However, a proportionately higher number of the less affluent respondents (falling in the two lowest income categories) are hesitant to respond to this question with 28.26% of the same declining to answer this question, as compared to the respondents in all the higher income categories, 15.24% of whom don’t answer this question. The overall response breakup is provided in **Table H-34**.

Perceptions about Judges – Resistance Against Lawyer Intimidation & Delaying Tactics

The respondents were also asked about their experience and perception of the ability of judges presiding over their cases to overcome any attempts made by certain lawyers to cause delay, their tendency to behave rudely or unprofessionally and/or their attempts to influence the decision-making of the judicial officer. A fairly significant proportion – more than 1/3rd or 34.77% of the respondents said that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the ability of their judges on these scores. Another almost 1/3rd of the respondents (32.5%) declined to respond to this question. The overall breakup is provided in **Table H-35**. 36.53% of the male and 29.24% of the female respondents

Table H-35

Is the interviewee satisfied with the judicial officer’s ability to overcome the attempts made by certain lawyers to cause delay, their tendency to behave rudely or unprofessionally and/or their attempts to influence the decision-making of the judicial officer?		
	No. of ppl	% of ppl
Highly satisfied	17	3.86
Satisfied	127	28.86
Unsatisfied	92	20.91
Deeply unsatisfied	61	13.86
NR	143	32.50
Total	440	100

expressed their dissatisfaction. However, 30.24% of the male respondents did not respond to this question as compared to 39.62% of the female respondents.

Perceptions about Judges – Resistance Against Lawyer Intimidation & Delaying Tactics & Education of Respondents

The more educated respondents (with a higher than secondary school education) are proportionately more critical of the ability of judges to ward off delaying or intimidatory tactics by lawyers (38.08%), saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the ability of judges on this score. As compared to the uneducated and less educated respondents (with an education less than or equal to secondary school) with 28.93% of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the ability of judges on this score. However, the uneducated and less educated respondents are also more reluctant to respond to this question (37.11%) as compared to the more educated (29.89%). The overall response breakup is provided in **Table H-36**.

Perceptions about Judges – Resistance Against Lawyer Intimidation & Delaying Tactics & Household Income of Respondents

The less affluent (respondents falling in the two lowest income categories) are proportionately less vocal about their lack of satisfaction with judicial ability on this score with 32.97% of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with judicial ability to control delaying or intimidatory tactics by lawyers, as compared to the respondents in all the higher income categories, 37.8% of whom are saying the same. However, a proportionately higher number of the less affluent respondents (falling in the two lowest income categories) are hesitant to respond to this question with 39.49% of the same declining to answer this question, as compared to the respondents in all the higher income categories, 20.73% of whom don’t answer this question. The overall response breakup is provided in **Table H-37**.

Table H-36

(# of ppl)	Is the interviewee satisfied with the judicial officer's ability to overcome the attempts made by certain lawyers					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	6	20	9	6	26	67
Madrasa up to 2 years	0	0	0	1	0	1
Madrasa 2 t- 5 years	0	0	1	0	1	2
Madrasa up to 10 years	1	0	0	1	0	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	0	1
Primary School	1	7	6	6	19	39
Secondary School	4	15	12	3	13	47
Matriculation	2	24	17	19	31	93
FA/F.Sc/Equivalent	0	23	17	8	22	70
B.A/B.Sc	2	23	15	14	18	72
M.A/M.Sc Equivalent	1	12	13	3	9	38
Higher than a Master's degree	0	1	0	0	1	2
Basic Schooling plus vocational education	0	2	1	0	1	4
Other	0	0	0	0	2	2
Total	17	127	92	61	142	440

Table H-37

(# of ppl)	Is the interviewee satisfied with the judicial officer's ability to overcome the attempts made by certain lawyers					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
<Rs. 10k	9	40	33	16	71	169
Rs. 10k– 20k	2	25	20	22	38	107
Rs. 20k– 30k	3	17	9	6	12	47
Rs. 30k– 40k	1	9	5	2	6	23
Rs. 40k – 50k	0	5	6	4	3	18
Rs. 50k-Rs. 75k	0	9	5	3	2	19
Rs. 75k-100k	1	3	4	0	1	9
Rs. 100k– 150k	0	6	0	1	3	10
Rs.150k- 200k	0	0	2	0	0	2
Rs. 200k– 300k	0	4	1	0	0	5
>Rs. 300k	0	1	0	0	0	1
Did not disclose	1	8	7	7	7	30
Total	17	127	92	61	143	440

Perceptions about Court Staff – Professional Performance & Sense of Responsibility

Table H-38

Satisfaction with the professional performance and sense of responsibility of the court staff		
	No. of ppl	% of ppl
Highly satisfied	16	3.64
Satisfied	135	30.68
Unsatisfied	101	22.95
Highly unsatisfied	115	26.14
NR	73	16.59
Total	440	100

There was comparatively less inhibition about giving feedback on the professional performance and sense of responsibility of the court staff. Only 16.59% of the respondents did not reply. Other than that almost half the respondents (49.09%) expressed that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the court staff and spoke openly about rampant corruption and their inability to push their cases along without meeting constant demands from the staff for ‘speed money.’ Importantly, 26.14% or more than 1/4th of the respondents expressed a strong opinion on this matter and said that they were ‘highly unsatisfied’ with the performance of the court staff. **Table H-38** provides the overall breakup of responses.

Perceptions about Court Staff and Gender of the Respondents

Table H-39

(# of ppl)	Gender		
	Male	Female	Total
Level of Satisfaction with Court Staff			
Highly satisfied	7	9	16
Satisfied	100	35	135
Unsatisfied	78	23	101
Deeply unsatisfied	99	16	115
NR	50	23	73
Total	334	106	440

Proportionately many more men (52.99 %) had something adverse to say as compared to 36.79% of the female respondents who said that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the performance of the court staff. However, this may be explicable by the fact that 21.7% of the female respondents did not respond to this question,

as compared to 14.97% of the male respondents. The response overall breakup is provided in **Table H-39**.

Perceptions about Court Staff and Education of the Respondents

In keeping with the trend shown by responses to previous questions, the more educated respondents (with a higher than secondary school education) are proportionately more critical of the professional performance of the court staff (53.74%) as compared to the uneducated and less educated respondents (with an education less than or equal to secondary school) with 40.88 % of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with their performance. However, once again the uneducated and less educated respondents are also more reluctant to respond to this question (22.01%) as compared to the more educated respondents (13.52%). The overall response breakup is provided in **Table H-40**.

Perceptions about Court Staff and Household Income of the Respondents

The less affluent respondents (falling in the two lowest income categories) are proportionately less vocal about their lack of satisfaction with judicial ability on this score. Though still a fairly highly proportion with 46.74% of the same reported that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the professional performance of the court staff, as compared to the respondents in all the higher income categories, 53.05% of whom are saying the same. However, a proportionately higher number of the less affluent respondents (falling in the two lowest income categories) are hesitant to respond to this question with 20.65% of the same declining to answer this question, as compared to the respondents in all the higher income categories, 9.76% of whom don’t answer this question. The overall response breakup is provided in **Table H-41**.

Table H-40

(# of ppl)	Satisfaction with the professional performance and sense of responsibility of the court staff?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	3	23	9	14	18	67
Madrasa up to 2 years	0	0	0	0	1	1
Madrasa 2 - 5 years	0	2	0	0	0	2
Madrasa up to 10 years	0	1	0	1	0	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	0	1
Primary School	1	14	11	3	10	39
Secondary School	4	11	14	12	6	47
Matriculation	4	24	22	29	14	93
FA/F.Sc/Equivalent	0	22	17	21	10	70
B.A/B.Sc	3	23	16	20	10	72
M.A/M.Sc Equivalent	0	11	11	13	3	38
Higher than a Master's degree	0	0	0	1	1	2
Basic Schooling plus vocational education	1	3	0	0	0	4
Other	0	1	0	1	0	2
Total	16	135	101	115	73	440

Table H-41

(# of ppl)	Is the interviewee satisfied with the professional performance and sense of responsibility of the court staff?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
<Rs. 10k	8	43	42	32	44	169
Rs. 10k– 20k	4	35	18	37	13	107
Rs. 20k– 30k	1	14	13	12	7	47
Rs. 30k– 40k	1	9	2	11	0	23
Rs. 40k – 50k	0	4	3	10	1	18
Rs. 50k-Rs. 75k	1	7	5	5	1	19
Rs. 75k-100k	0	1	6	1	1	9
Rs. 100k– 150k	0	8	0	0	2	10
Rs.150k- 200k	0	0	2	0	0	2
Rs. 200k– 300k	0	2	1	2	0	5
>Rs. 300k	0	1	0	0	0	1
Did not disclose	1	11	9	5	4	30
Total	16	135	101	115	73	440

Physical Infrastructure of Courts & Facilities for Litigants

Table H-42

Satisfaction with the physical infrastructure of the court and the facilities provided to litigants		
	No. of ppl	% of ppl
Highly satisfied	8	1.82
Satisfied	127	28.86
Unsatisfied	145	32.95
Deeply unsatisfied	117	26.59
NR	43	9.77
Total	440	100

Over half the respondents (59.54%) expressed dissatisfaction with the physical infrastructure of the courts and the facilities provided for litigants and leaving aside the 9.77% who were indifferent to this question and did not respond, only 30.68% of the respondents did not have any complaints and were 'satisfied' (28.86%) and in case of a miniscule component even 'highly satisfied' (1.82%). The breakup of responses is provided in **Table H-42**. 62.87%

of the male and 49.05% of the female respondents expressed dissatisfaction or a deep level of dissatisfaction. Another 9.4% of the female respondents did not respond to this question as compared to 9.9% of the male respondents.

Physical Infrastructure/Facilities of Courts and Education of Respondents

In keeping with the trend shown by the responses to previous questions, the more educated respondents (with a higher than secondary school education) are proportionately more critical of the physical infrastructure of the court and the facilities provided to litigants (62.99%) as compared to the uneducated and less educated respondents (with an education above secondary school) with 53.46% of the same saying that they were 'unsatisfied' or 'highly unsatisfied' with the infrastructure and the facilities. However, once again the uneducated and less educated are also somewhat more reluctant to respond to this question (10.69%) as compared to the more educated (9.25%). The overall response breakup is provided in **Table H-43**.

Table H-43

(# of ppl)	Is the interviewee satisfied with the physical infrastructure of the court and the facilities provided to litigants?					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	2	21	20	16	8	67
Madrassa up to 2 years	0	1	0	0	0	1
Madrassa 2 - 5 years	0	1	1	0	0	2
Madrassa up to 10 years	0	1	0	1	0	2
Islamic Religious Educ (more than 10 years)	0	0	1	0	0	1
Primary School	1	15	14	4	5	39
Secondary School	2	13	18	10	4	47
Matriculation	2	22	31	30	8	93
FA/F.Sc/Equivalent	1	18	21	20	10	70
B.A/B.Sc	0	23	21	23	5	72
M.A/M.Sc Equivalent	0	8	17	11	2	38
Higher than a Master's degree	0	0	0	1	1	2
Basic Schooling plus vocational education	0	3	0	1	0	4
Other	0	1	1	0	0	2
Total	8	127	145	117	43	440

Physical Infrastructure/Facilities of Courts and Household Income of Respondents

The less affluent respondents (falling in the two lowest income categories) are proportionately less vocal about their lack of satisfaction with judicial ability on this score. Though still a fairly high proportion with 57.61% of the same saying that they were ‘unsatisfied’ or ‘highly unsatisfied’ with the physical infrastructure of the court and facilities provided for litigants, they are somewhat behind as compared to the respondents in all the higher income categories, 62.8% of whom are saying the same. However, a proportionately higher number of the less affluent (respondents falling in the two lowest income categories) are hesitant to respond to this question with 11.59% of the same declining to answer this question, as compared to the respondents in all the higher income categories, 6.71% of whom don’t answer this question. The overall response breakup is provided in **Table H-44**.

Pace of Legal Proceedings

The respondents were queried about the pace at which their legal cases were proceeding and a remarkable 3/4th of the respondents (75.91%) expressed dissatisfaction, saying either that they were ‘dissatisfied’ or ‘deeply dissatisfied’ at the pace at which their legal cases were progressing. With 42.05% of the respondents actually saying that they were

‘deeply dissatisfied’ with the pace at which their cases were proceeding, this is one aspect of their court experiences that came under the severest criticism from the Survey population. With 73.58% of the female respondents saying they were ‘dissatisfied’ or ‘deeply dissatisfied’ and 76.65% of the male respondents saying the same, there is not much to choose between the two. It needs to be noted that a mere 16.36% of the overall sample is actually ‘satisfied’ or ‘highly satisfied’ with the pace at which their legal cases were proceeding. **Table H-45** provides the overall breakup of responses.

Table H-45

Is the interviewee satisfied with the pace at which his/her case is proceeding?		
	No. of ppl	% of ppl
Highly satisfied	10	2.27
Satisfied	62	14.09
Unsatisfied	149	33.86
Deeply unsatisfied	185	42.05
NR	34	7.73
Total	440	100

Table H-44

(# of ppl)	Is the interviewee satisfied with the physical infrastructure of the court and the facilities provided to litigants?					Total
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	
<Rs. 10k	7	44	59	34	25	169
Rs. 10k– 20k	0	34	33	33	7	107
Rs. 20k– 30k	1	13	18	11	4	47
Rs. 30k– 40k	0	5	6	11	1	23
Rs. 40k – 50k	0	3	5	9	1	18
Rs. 50k-Rs. 75k	0	8	5	5	1	19
Rs. 75k-100k	0	4	4	1	0	9
Rs. 100k– 150k	0	4	3	2	1	10
Rs.150k- 200k	0	0	1	1	0	2
Rs. 200k– 300k	0	1	2	2	0	5
> Rs. 300k	0	1	0	0	0	1
Did not disclose	0	10	9	8	3	30
Total	8	127	145	117	43	440

Pace of Legal Proceedings and Education of Respondents

The uneducated and less educated respondents (with education less than or equal to secondary school) are more or less as vocal in their criticism of the pace at which their legal cases are proceedings. 73.58% of them said that they were ‘unsatisfied’ or ‘deeply unsatisfied’ at the pace of progress of their legal cases as compared to 77.22% of those with a higher education (higher than secondary school). There were also relatively few people who did not have a view on this matter or were reticent to respond. Only 9.43% of those who were uneducated or less educated did not reply to this question and only 6.76% of those in the higher educational categories did not answer the question. **Table H-46** provides the breakup of responses.

Pace of Legal Proceedings and Household Income of Respondents

The level of frustration about the slow pace of legal proceedings and delays in the progress of cases is more or less evenly spread across economic divisions. 74.27% of the respondents in the two lowest income categories said that they were unsatisfied or deeply unsatisfied at the pace

at which their cases were proceeding. 78.66% of the respondents in the higher income categories also said the same. **Table H-47** provides the overall breakup of responses.

Impediments to Pursuing the Legal Battle

Given the sensitivity of the respondents to answer direct questions about their lawyers, the judges presiding over their cases, the court staff and to a lesser extent their overall direct experience of the laws and the legal and court system, they were indirectly asked to list what they felt were the main impediments that confronted them while pursuing their legal battles. They were not provided any prompts or suggestions and their spontaneous responses were ticked off on the list of possible responses in the Questionnaire. If any interviewee was unclear about the question, he or she was read out the entire list of possible answers and also urged to give any responses that may fall outside the list but which they thought were important. They were also allowed multiple responses. ‘Cost of litigation’ emerges as the most frequently mentioned impediment, followed by ‘attitude of lawyers,’ ‘complexity of legal system,’ ‘corruption,’ ‘judicial attitudes’ and ‘distance of court from home.’ All these responses

Table H-46

(# of ppl)	Interviewee satisfaction with pace of case progress					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/uneducated	3	11	24	22	7	67
Madrasa up to 2 years	0	0	1	0	0	1
Madrasa 2 - 5 years	0	1	0	1	0	2
Madrasa up to 10 years	0	0	0	2	0	2
Islamic Religious Educ (more than 10 years)	0	0	0	1	0	1
Primary School	0	4	15	15	5	39
Secondary School	2	6	17	19	3	47
Matriculation	0	7	35	42	9	93
FA/F.Sc/Equivalent	3	10	26	26	5	70
B.A/B.Sc	2	15	20	32	3	72
M.A/M.Sc Equivalent	0	7	8	21	2	38
Higher than a Master’s degree	0	0	1	1	0	2
Basic Schooling plus vocational education	0	1	2	1	0	4
Other	0	0	0	2	0	2
Total	10	62	149	185	34	440

Table H-47

(# of ppl)	Interviewee satisfaction with pace of case progress					
	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
<Rs. 10k	3	24	61	60	21	169
Rs. 10k– 20k	2	15	30	54	6	107
Rs. 20k– 30k	1	9	19	17	1	47
Rs. 30k– 40k	1	3	6	11	2	23
Rs. 40k – 50k	0	2	6	9	1	18
Rs. 50k-Rs. 75k	2	1	4	11	1	19
Rs. 75k-100k	0	0	6	3	0	9
Rs. 100k– 150k	0	3	2	4	1	10
Rs.150k- 200k	0	1	0	1	0	2
Rs. 200k– 300k	0	1	1	3	0	5
>Rs. 300k	0	0	1	0	0	1
Did not disclose	1	3	13	12	1	30
Total	10	62	149	185	34	440

Table H-48

Main impediments while pursuing Legal Battle	No. of ppl
Language	83
Distance of court from home	135
Cost of litigation	200
Complexity of legal system	152
Discrimination and/or intimidation on basis of caste, clan, class, gender, religion, ethnicity, sect etc.	23
Judicial attitudes	141
Attitude of Lawyers	166
Attitude of court staff	52
Corruption	143
Other	64
No Response	36
Strikes by lawyers	43
Constant shifting/transfer of judges	97
Total	1335

were given by more than a 100 respondents each. The detail of all the responses is provided in **Table H-48** below. Constant shifting/transfer of judges and ‘language’ appear as the next two most frequently mentioned impediments.

Changing Lawyers

As described earlier in this Study the Survey was conducted in two phases. Two things that emerged from the first phase were that respondents were reluctant to talk about their lawyers and the presiding judges of their cases. In view of this, two additional questions were added to indirectly gauge respondent experience of their lawyers and judges as quite a few of the respondents, while expressing satisfaction with their current lawyer or judges had pointed out that they had had to change their lawyer in the past due to lack of satisfaction with their quality of work. Furthermore, they had also complained about the fact that judges got transferred far too often and that further added to their troubles and the longevity of litigation as the new judge started the proceedings or certain steps of the same afresh or took quite a bit of time to get familiar with the case. While these responses could not be systematically recorded in the first 207 interviews that were conducted during the first phase of the Survey they were recorded in the second phases during which another 233 interviews were conducted. The sample population for the remaining two questions in this section is therefore 233 instead of 440. While more than half the respondents (55.36%) say that they have not changed their lawyer (and changing the lawyer may be attributable to reasons to do with the lawyer’s performance as well as additional unrelated reasons), almost 1/4th of the respondents (24.9%) report changing their lawyer twice or more,

Table H-49

No of times lawyer changed	No. of ppl	% of ppl
Have not changed the lawyer	129	55.36
Once	25	10.73
Twice	21	9.01
Thrice	8	3.43
Four Times	10	4.30
Five Times	5	2.14
More than five times	7	3.01
Have lost Count	7	3.01
No Response	21	9.01
Total	233	100.00

which is fairly high proportion. An additional 9.01% of the respondents were still uncomfortable responding to this question. The overall response breakup is provided in **Table H-49**.

Transferring Judges

Once again a fair number of respondents pointed out a problem with their presiding judges getting transferred or their cases getting shifted to new judges, thus adding further delay to the case proceedings. While a judge getting transferred or a case getting shifted to new court due to administrative restructuring or operational imperatives can be expected, as can be seen from the data below an aggregate of 48.5% of the respondents are reporting their judges getting transferred and/or their cases getting shifted to new courts twice or more than twice. This can be attributable both to an administrative structure and policy where transfer of judges and cases is all too frequent or the very longevity of cases that span over the normal tenure of several judges. Either way, it can be seen how such frequents transfers/shifts can further elongate litigation. The adverse impact in terms of slowing down and further complicating legal proceedings can be well imagined. What is quite disturbing is that 18.88% of the respondents are saying that their presiding judges have changed and/or their cases have been transferred to new judges so many times that they have simply lost count. The breakup of responses is provided in **Table H-50**.

Table H-50

Transferred Judges/Relocated Cases	No. of ppl	% of ppl
Has not been transferred/ case has not been shifted	68	29.18
Once	18	7.72
Twice	16	6.87
Thrice	17	7.30
Four Times	15	6.44
Five Times	8	3.43
More than five times	13	5.58
Have lost Count	44	18.88
No Response	34	14.60
Total	233	100.00

3.9 The Lawyers

The Questionnaire then moved to seek respondent feedback on their experiences with their lawyers. There was considerable reticence to speak openly, not least because the interviews were conducted in crowded court premises, often within hearing shot of the interviewees' lawyers. Nevertheless, there were quite a few respondents who felt strongly about this topic and were uninhibited in their feedback. A common complaint was that lawyers don't push the case along and expect money at every stage of the proceedings. One respondent said: "Lawyers ask for Rs 500 or Rs.1000 for taking care of some urgent case related expenses just when the court usher calls one's case for hearing. Given how anxious litigants are and the timing of the request one has no option but to hand over the money or else one risks their getting offended and not appearing in court."⁸⁶ The criticism also extended to opponents' lawyers and their skill at keeping non-existent cases alive: "My opponent's case has been dismissed four times due to non-prosecution but the opposing lawyer somehow manages to resuscitate it."⁸⁷ The integrity of lawyers also came under a lot of criticism. According to one interviewee: "Lawyers are corrupt in ninety percent of the cases."⁸⁸ Another respondent stated: "Lawyers have a rate for everything. Even if you want the case delayed they will charge you for it and get it done."⁸⁹ I shall come to more

⁸⁶ Interview with Respondent No 1, December 20, 2010.

⁸⁷ Interview with Respondent No 1, December 20, 2010.

⁸⁸ Interview with Respondent No 164, December 24, 2010.

⁸⁹ Interview with Respondent No. 353, January 4, 2011.

qualitative feedback later in this section after looking at the overall feedback to the questions in this section. There was a lot more inhibition in responding to direct questions about the lawyers in the Questionnaire but a lot less inhibition when respondents shared their larger narrative or made unprovoked or unsolicited comments about lawyers, as shall be seen.

Selection of Lawyers

Moving on to specific questions and a statistical analysis of the overall responses, the respondents were first asked how they had chosen and retained their lawyers. ‘Personal contact’ emerged as the most prominent response (20.68%) followed by ‘referral through a friend’ (17.73%), ‘family contact’ (15.23%), and ‘reference through someone in the locality/community in which the interviewee lives’ (15.00%). However, 13.64% of the respondents also said that they ‘randomly approached lawyers in the district court and made a selection.’ The overall response breakup is provided in **Table I-1**.

Table I-1

Selection of Lawyer	No. of ppl	% of ppl
Personal Contact	91	20.68
Family Contact	67	15.23
Reference through someone in the locality/community in which interviewee lives	66	15.00
Reference through a friend	78	17.73
Reference through someone known to me already fighting a legal battle	21	4.77
Reference through Biradari or caste	5	1.14
Lawyer or his agent approached the client	6	1.36
Randomly approached lawyers in the district courts and made a selection	60	13.64
Chose the lawyer as he/she was an office holder of the legal bar	6	1.36
Other	20	4.55
No Response	20	4.55
Total	440	100.00

Selection of Lawyers and Gender of Respondents

For female respondents ‘reference through someone in the locality/community in which the interviewee lives,’ and ‘reference through a friend’ are the most common response as compared to male respondents for whom ‘personal contact’ and ‘reference through a friend’ are the most common responses. The response breakup is provided in **Table I-2**.

Table I-2

Selection of Lawyer	Gender		
	Male	Female	Total
Personal Contact	76	15	91
Family Contact	52	15	67
Reference through someone in the locality/community in which interviewee lives	37	29	66
Reference through a friend	62	16	78
Reference through someone known to me already fighting a legal battle	14	7	21
Reference through Biradari or caste	2	3	5
Lawyer or his agent approached the client	4	2	6
Randomly approached lawyers in the district courts and made a selection	48	12	60
Chose the lawyer as he/she was an office holder of the legal bar	4	2	6
Other	16	4	20
No Response	19	1	20
Total	334	106	440

Selection of Lawyers and Education of Respondents

Certain interesting trends emerge when we look at the educational qualification of the respondents and how they selected their lawyers. A greater proportion of the uneducated and less educated respondents (with education less than or equivalent to secondary school) did not have any

Table I-3 (Key given in footnote)⁹⁰

Education	a	b	c	d	e	f	g	h	i	j	k	Total
None/ Uneducated	9	9	17	7	5	2	2	11	1	0	4	67
Madrassa < 2yrs	1	0	0	0	0	0	0	0	0	0	0	1
Madrassa 2-5	0	0	0	0	0	0	1	1	0	0	0	2
Madrassa <10 years	1	0	1	0	0	0	0	0	0	0	0	2
Islamic Religious Edu >10 years	0	0	1	0	0	0	0	0	0	0	0	1
Less than Primary Edu <5years	9	5	5	4	2	0	0	9	2	1	2	39
Less than Sec Edu < 8 years	8	8	3	13	1	0	0	9	2	2	1	47
Matriculation 10 years	22	19	11	16	2	2	1	9	0	4	7	93
F.A/ F.Sc. 12 years	17	12	6	16	4	0	0	9	0	2	4	70
B.A/B.sc. 14 years	14	9	12	15	6	1	1	6	1	6	1	72
MA/ M.Sc. 16 years	7	4	8	6	1	0	0	6	0	5	1	38
Higher than MA/MSc	1	0	1	0	0	0	0	0	0	0	0	2
Basic schooling + vocational	0	1	1	1	0	0	1	0	0	0	0	4
Other	2	0	0	0	0	0	0	0	0	0	0	2
Total	91	67	66	78	21	5	6	60	6	20	20	440

prior contact and randomly approached lawyers in the district courts and made a selection. Almost 1/5th (18.87%) of the respondents in this category chose their lawyers in such a manner as compared to 10.68% of the respondents in the more educated educational categories (education higher than secondary school). Furthermore, for 16.98% of the respondents in the first category of lesser or no education the fact that the lawyer was recommended by someone in the locality/community in which they lived was a deciding factor, as compared with 13.88% of the respondents in the higher educational categories. Local referral seems particularly important for uneducated respondents as over 1/4th of them (25.37%) made their choice based on this. The response breakup is provided in **Table I-3**.

Selection of Lawyers and Household Income of Respondents

'Random approach' once again figures prominently as a response amongst the less affluent respondents. Exactly 70% of the respondents who made the choice of a lawyer in this manner belong to the two lowest income categories. All the respondents who made their decision based on the fact that the lawyer was an officeholder of the bar also

belong to this category. Also, 80% of the respondents who decided on the basis of a referral from biradari or caste and 66.67% of the respondents who decided based on a referral from someone already a fighting a legal battle belong to these two lowest income categories. And 59.09% of the respondents who relied on a referral from someone in the locality/community in which they live also belong to the two lowest income categories. However, 'personal contacts,' 'family contacts' and 'contacts through friends' are important factors across the income categories, and proportionately more so for the more affluent income categories. The overall response breakup is provided in **Table I-4**.

Level of Satisfaction with Lawyer's Performance

This was perhaps the most awkward question to ask given the almost complete reliance of many respondents (especially the less affluent and less educated ones) on the support, skill and advice of their lawyers and also the close proximity to the lawyers while the interviews were being conducted. While many of the respondents were quite reluctant to speak about their lawyers when asked a direct question, there were several uninhibited comments about their experiences with lawyers in their general narratives,

⁹⁰ a- Personal contact, b- Family contact, c- Preferred by someone in locality, d- Reference through a friend, e- Already fighting a legal battle, f- Reference through Biradari or caste, g- Lawyer or his agent approached the client, h- Randomly approached lawyers in the district courts and made a selection, i- Chose the lawyer as he/she was an office holder of the legal bar, j- Other, K- no response

Table I-4 (Key given in footnote)⁹¹

Monthly Income	a	b	c	d	e	f	g	h	i	j	k	Total
<Rs. 10k	32	24	27	29	4	2	5	29	3	3	11	169
Rs. 10k– 20k	21	18	12	18	10	2	0	13	3	4	6	107
Rs. 20k– 30k	9	4	10	9	2	1	0	6	0	5	1	47
Rs. 30k– 40k	6	8	4	4	0	0	0	1	0	0	0	23
Rs. 40k – 50k	6	1	3	4	2	0	0	1	0	1	0	18
Rs. 50k-Rs. 75k	5	3	3	5	0	0	0	1	0	2	0	19
Rs. 75k-100k	2	1	1	4	0	0	0	1	0	0	0	9
Rs. 100k– 150k	2	2	0	1	0	0	1	1	0	2	1	10
Rs.150k- 200k	1	1	0	0	0	0	0	0	0	0	0	2
Rs. 200k– 300k	1	0	0	1	0	0	0	2	0	1	0	5
>Rs. 300k	0	0	0	1	0	0	0	0	0	0	0	1
Did not disclose	6	5	6	2	3	0	0	5	0	2	1	30
Total	91	67	66	78	21	5	6	60	6	20	20	440

the most characteristic of which have been captured here. Thus, in spite of the aforementioned constraints there was a fair amount of frank feedback that focused on various aspects of the attorney-client relationship. Some of the feedback was starkly condemnatory and without much reasoning or analysis, but motivated by strong emotions and based on highly unpleasant personal experience. According to one respondent: “Lawyers are thugs and Satans,”⁹² and another, “When the first lawyer was born in this world, Satan said that my accomplice has arrived on earth.”⁹³ Metaphysics also made an appearance: “I can say with certainty that all these people in black coats and pants will go to hell as they are all scoundrels. If you see their faces, none of them has the light of honesty. That is because they are petty and dishonest.”⁹⁴ Another respondent was of the view that: “The lawyers are all engaged in consuming haram (un-kosher) income.”⁹⁵ An ‘us’ against ‘them’ divide/disconnect also appears in some of the comments. According to one of the respondents: “The judges and lawyers speak very nicely but they are cunning

and play with words in order to fool us simple people.”⁹⁶ For some others lawyers presented a spectacle creating a sense of bewilderment: “Lawyers are the weirdest (ajeeb-o-ghareeb) people that I have ever come across.”⁹⁷

Others respondents elaborated upon the broad reasons for their discontent. Professional irresponsibility, delaying tactics, lack of integrity and greed/corruption emerged as recurrent points of criticism. According to one respondent: “All the lawyers are the same. They are inefficient and don’t perform their responsibilities towards their clients. But I can’t say more right now because I think my lawyer is coming this way.”⁹⁸ While another respondent had to say: “It is the lawyers who cause all the delay as the longer the cases linger the more they can line their pockets.”⁹⁹ Another respondent was of the view: “Lawyers are corrupt. They get bribed by the opposing party and don’t allow cases to come to a conclusion. Judges keep granting adjournments. My case has been going on for 12 years and sometimes I just feel like giving up. There is no justice

⁹¹ a- Personal contact, b- Family contact, c-Referred by someone in locality, d- Reference through a friend, e- Already fighting a legal battle, f- Reference through Biradari or caste, g- Lawyer or his agent approached the client, h- Randomly approached lawyers in the district courts and made a selection, i- Chose the lawyer as he/she was an office holder of the legal bar, j- Other, K- no response

⁹² Interview with Respondent No. 412, January 7, 2011.

⁹³ Interview with Respondent No. 106, December 22, 2010.

⁹⁴ Interview with Respondent No. 184, December 24, 2010.

⁹⁵ Interview with Respondent No. 14, January 23, 2011.

⁹⁶ Interview with Respondent No. 100, December 22, 2010.

⁹⁷ Interview with Respondent No. 376, January 6, 2011

⁹⁸ Interview with Respondent No 173, December 24, 2010.

⁹⁹ Interview with Respondent No. 127, January 23, 2011.

here!”¹⁰⁰ One of the interviewee’s summed up this line of criticism: “The lawyers have only one interest – money.”¹⁰¹

More specific experiences leading to an acute discontent with lawyers were also narrated. According to a female respondent: “My first lawyer took Rs. 20,000 when I filed this case two years ago, but he simply did nothing. Not even a single hearing took place. I have since retained a new lawyer and today is the first hearing of the case in two years. But I am not confident about him as well. I feel that since I am a woman they think that they can hoodwink me and get away with it.”¹⁰² According to another respondent: “Lawyers are compulsive liars! My lawyer told me this morning that he is already at the court and waiting for me. I have now been here for over two hours and he has not yet arrived. And this is not the first time this has happened. One time, a friend was contesting a case in court and his lawyer would always tell him that the case has been postponed. One day he said the same but my friend was in the vicinity of the court and so he went himself to check on the status of his case and realized that the case had actually been decided in his favor some days ago. The lawyer did not know as he would skip the hearings and then lie to my friend that they had been adjourned.”¹⁰³ Another female respondent had the following to say: “My ex-lawyer is a fraud as he deceived my mentally unstable husband into handing over some of our land to him. I found out and put a stop to it. Now he has filed a case against us to claim it on the basis of some of the documents he got signed from my husband.”¹⁰⁴ Yet another respondent claimed that: “My opponents’ lawyers assist him in committing fraud and forging false land and other legal documents.”¹⁰⁵ Another interviewee shared: “I have changed my lawyer thrice. My experience has been that they take money and go over to the other side.”¹⁰⁶

Though Pakistani lawyers have historically been very active in national and local politics (and have played a robust pro-democratization role, especially during periods of military rule, that has won them much public appreciation), the much heightened political mobilization and activity in the post Lawyers’ Movement era was also criticized by some of the respondents. Their reasons had to do with how this constant politicking disrupted the lawyers’ professional work at the cost of their clients’ legal cases, and also the growing aggressive and at times violent behavior of certain sections of lawyers towards their political opponents, and at times even judges who did not bow to their pressure to decide cases one way or another. One respondent reported that she was shocked when she witnessed that: “A female lawyer assembled a crowd of lawyers in the court of a female judge and used abusive language.”¹⁰⁷ Her sentiment was shared by another respondent who said: “These days the lawyers are so aggressive that judges try and stay out when they fight amongst each other in court.”¹⁰⁸ Another respondent was of the view that: “Lawyers are headed in the wrong direction as they are more interested in politics than in representing their clients.”¹⁰⁹ Constant lawyer agitation was criticized by another respondent who said: “They just want to protest and go on strikes all the time.”¹¹⁰

A sense of resignation at the pivotal importance of lawyers in an adversarial litigation system and yet the weakening client control over the efficiency and quality of lawyer services also reflects in the feedback. According to one of the respondents: “Whichever party has the weaker lawyer, adopts the strategy to keep on delaying the outcome of the case.”¹¹¹ Another interviewee was of the view that: “Both contesting parties suffer at the hands of lawyers as both have to keep changing them and paying them.”¹¹² Another

¹⁰⁰ Interview with Respondent No. 275, January 4, 2011.

¹⁰¹ Interview with Respondent No. 30, December 20, 2010.

¹⁰² Interview with Respondent No. 328, January 6, 2011.

¹⁰³ Interview with Respondent No. 400, January 7, 2011.

¹⁰⁴ Interview with Respondent No. 93, December 21, 2010.

¹⁰⁵ Interview with Respondent No. 110, December 22, 2010.

¹⁰⁶ Interview with Respondent No. 18, December 20, 2010.

¹⁰⁷ Interview with Respondent No. 405, January 7, 2011.

¹⁰⁸ Interview with Respondent No. 385, January 7, 2011.

¹⁰⁹ Interview with Respondent No. 11, December 22, 2010.

¹¹⁰ Interview with Respondent No. 176, December 24, 2010.

¹¹¹ Interview with Respondent No. 111, December 22, 2010.

¹¹² Interview with Respondent No. 59, December 21, 2010.

respondent reported: “ If I don’t keep a constant eye on my lawyer he does nothing.”¹¹³ Another comment was: “The lawyers take money from both sides.”¹¹⁴ This was echoed by the feedback: “My lawyers colluded with my opponent and we found out very late in the day that this had happened.”¹¹⁵ Others pointed out collusion between judges and lawyers: “There is an unholy alliance between the judges and the lawyers.”¹¹⁶ For some the only solution left was to represent themselves: “My lawyer kept prolonging my case. Ultimately I fired him and now I represent myself.”¹¹⁷

Moving on to a statistical analysis of the overall respondent feedback, the numbers showing the proportion of the respondents who were ‘highly satisfied’ or ‘satisfied’ with their lawyers includes many who genuinely meant it. However, it was evident from the manner in which others quickly wanted to allay any possibility of a misunderstanding with their lawyers, as well as the contradiction of the response to this direct question about their lawyers’ performance with their more critical feedback in response to more general questions about the challenges and problems they faced in their legal battles (in which they had obliquely criticized lawyers including their own), that there was marked reticence on their part to be completely open and forthright. Additionally, in response to this direct question many of the respondents essentially spoke about their current lawyers, and past experience with lawyers is actually captured in the analysis provided earlier in this Study. Despite these inhibitions to speak openly, 27.73% of

the respondents still shared that they were ‘unsatisfied,’ or ‘deeply unsatisfied’ with the performance of their lawyers. Another 7.73% diplomatically declined to answer this question. The overall response breakup is provided in **Table I-5**.

Level of Satisfaction with Lawyers and Gender

Proportionately more female respondents (31.13%) expressed dissatisfaction or deep dissatisfaction with their lawyers’ performance as compared to male respondents (26.65%) respondents. At the same time, proportionately more females also said that they were ‘highly satisfied’ with the performance of their lawyers (21.7%) as compared to their male counterparts (16.47%). The breakup is provided in **Table I-6**.

Table I-6

Selection of Lawyer	Gender		
	Male	Female	Total
Highly satisfied	55	23	78
Satisfied	163	43	206
Unsatisfied	74	21	95
Deeply unsatisfied	15	12	27
No Response	27	7	34
Total	334	106	440

Level of Satisfaction with Lawyers and Education

A slightly higher proportion of the more educated respondents (with education higher than secondary school) are critical of their lawyers and say that they are ‘dissatisfied’ or ‘deeply dissatisfied’ with their professional performance (29.18%) as compared to uneducated or less educated respondents (with education less than or equal to secondary school) who say this (25.16%). However, 9.43% of the uneducated or less educated respondents were reticent to reply to this question as compared to 6.76% of the respondents in the more educated categories. The overall response breakup is provided in **Table I-7**.

Table I-5

Is the interviewee satisfied with the lawyers’ performance?	No. of ppl	% of ppl
Highly satisfied	78	17.73
Satisfied	206	46.82
Unsatisfied	95	21.59
Deeply unsatisfied	27	6.14
No Response	34	7.73
Total	440	100.00

¹¹³ Interview with Respondent No. 228, January 3, 2011.

¹¹⁴ Interview with Respondent No. 252, January 3, 2011.

¹¹⁵ Interview with Respondent No. 253, January 4, 2011.

¹¹⁶ Interview with Respondent no. 238, January 3, 2011.

¹¹⁷ Interview with Respondent No. 217, January 3, 2011.

Table I-7

Education	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
None/ Uneducated	15	27	10	7	8	67
Madrasa < 2yrs	0	1	0	0	0	1
Madrasa 2-5	0	2	0	0	0	2
Madrasa < 10 years	1	1	0	0	0	2
Islamic Religious Edu > 10 years	0	0	1	0	0	1
Less than Primary Edu < 5 years	6	18	10	1	4	39
Less than Sec Edu < 8 years	8	25	8	3	3	47
Matriculation 10 years	17	39	24	2	11	93
F.A/ F.Sc. 12 years	12	39	13	4	2	70
B.A/B.sc. 14 years	9	35	17	6	5	72
MA/ M.Sc. 16 years	8	17	10	2	1	38
Higher than MA/MSc	1	0	0	1	0	2
Basic schooling + vocational	1	1	2	0	0	4
Other	0	1	0	1	0	2
Total	78	206	95	27	34	440

Level of Satisfaction with Lawyers and Monthly Household Income

Proportionately, an almost equivalent portion of the respondents from the two lowest income categories are critical of their lawyers and say that they are dissatisfied or deeply dissatisfied with their performance (28.62%) as compared to respondents from the remaining higher income categories (26.22%). However, it is interesting to see that all the respondents who said that they were ‘deeply unsatisfied’ with their lawyers fall in the bottom five income categories and 62.96% of these are actually in

the bottom three income categories. Further, 82.35% of the respondents who did not respond to this question also fall in the bottom two income categories. The overall breakup of responses is provided in **Table I-8**.

Reasons for Dissatisfaction with Lawyers’ Performance

Respondents who said they were ‘dissatisfied’ or ‘deeply dissatisfied’ with their lawyers’ performance were asked for their reasons and allowed multiple responses. ‘Punctuality in appearing in court,’ ‘following client instructions,’ ‘delays,’ ‘effectiveness of argumentation in court,’

Table I-8

Monthly incomes	Highly Satisfied	Satisfied	Unsatisfied	Deeply Unsatisfied	No Response	Total
< Rs. 10k	26	76	36	10	21	169
Rs. 10k– 20k	17	50	29	4	7	107
Rs. 20k– 30k	11	23	9	3	1	47
Rs. 30k– 40k	7	10	5	1	0	23
Rs. 40k – 50k	2	8	4	3	1	18
Rs. 50k-Rs. 75k	4	9	5	0	1	19
Rs. 75k-100k	3	4	2	0	0	9
Rs. 100k– 150k	1	8	0	0	1	10
Rs.150k- 200k	0	2	0	0	0	2
Rs. 200k– 300k	2	2	1	0	0	5
> Rs. 300k	0	1	0	0	0	1
Did not disclose	5	13	4	6	2	30
Total	78	206	95	27	34	440

Table I-9

Reason for Dissatisfaction with Lawyer	No. of ppl
Competence in law	26
Legal fees and Expenses	33
Punctuality in appearing in court	60
Following client instructions	49
Explanation of the client’s case and his/her legal strategy	16
Availability to answer clients questions	16
Ability to explain legal concepts	7
Effectiveness of argumentation in the court	41
Effectiveness in dealing with court staff	5
Overbooking of cases and resulting unavailability	39
Language issues	1
Delays	43
Haughtiness of attitude	11
Other	19
Not applicable	284
No Response	18
Total	668

‘overbooking of cases and resulting unavailability,’ ‘legal fees and expenses,’ and ‘competence in law’ were the most frequent responses, in that order as seen in **Table I-9**.

3.10 Future Preferences

In the final part of the Questionnaire the respondents were asked that if they confronted a similar dispute or problem in future then would they prefer going to court again. A significant portion of the respondents (41.82%) replied in the negative and another 9.77% said that they were unsure. Thus more than half of the litigating public that comprised the Survey population was sure that it would not come to court again or unsure as to what it would do. The overall response breakup is provided in **Table J-1** and graphically presented in **Figure J-1**. A proportionately higher number of the male respondents said that they would not come to court or were unsure (53.39%) as compared to female respondents (46.23%).

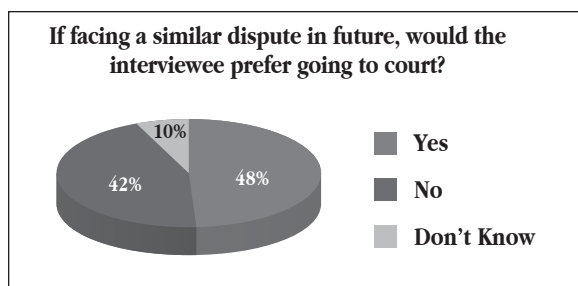
Future Preferences and Education of the Respondents

The more educated respondents (with education above secondary school) were somewhat more definite that they would not come to court again (43.06%) as compared to uneducated or less educated respondents (with education

Table J-1

If facing a similar dispute in future, would the interviewee prefer going to court?	No. of people	% of people
Yes	86	19.55
No	13	2.95
Somewhat	14	3.18
NA	327	74.32
Total	440	100

Figure J-1



equivalent or below secondary school) (39.62%). However, only 8.18% of the respondents in the more educated categories (with education greater than secondary school) were unsure as to what they would do as compared to 13.21% of the respondents in the uneducated or less educated categories (education less than or equivalent to secondary school). Exactly 1/4th or 25% of the respondents who said they were unsure as to future choices were uneducated. On the other hand only 3.2% of the respondents with some level of college education were unsure as to their future course of action. Significantly, more than half of the uneducated respondents (50.75%) said that they would not come to court or were unsure as to their future course of action if faced with a similar dispute. The overall response breakup is provided in **Table J-2**.

Future Preferences and Household Income of the Respondents

A somewhat higher proportion of the respondents falling in two lowest income categories said that they will not go to court if faced with such a problem in future or that they were unsure about their future course of action (52.54%) as compared to 50.61% of the respondents in the all the higher income categories. As to lack of clarity about future course of action, 13.04% of the respondents in the two

Table J-2

(# of ppl)	If facing a similar dispute in future, would the interviewee prefer going to court?			
	Yes	No	Don't know	Total
Education				
None/uneducated	33	23	11	67
Madrassa up to 2 years	0	1	0	1
Madrassa 2 t- 5 years	2	0	0	2
Madrassa up to 10 years	2	0	0	2
Islamic Religious Educ (more than 10 years)	0	1	0	1
Primary School	17	14	8	39
Secondary School	21	24	2	47
Matriculation	47	34	12	93
FA/F.Sc/Equivalent	37	29	4	70
B.A/B.Sc	35	34	3	72
M.A/M.Sc Equivalent	16	20	2	38
Higher than a Master's degree	0	2	0	2
Basic Schooling plus vocational education	1	1	2	4
Other	1	1	0	2
Total	212	184	44	440

Table J-3

(# of ppl)	If facing a similar dispute in future, would the interviewee prefer going to court?			
	Yes	No	Don't know	Total
Income				
<Rs. 10k	75	68	26	169
Rs. 10k– 20k	56	41	10	107
Rs. 20k– 30k	21	24	2	47
Rs. 30k– 40k	9	14	0	23
Rs. 40k – 50k	12	5	1	18
Rs. 50k-Rs. 75k	6	12	1	19
Rs. 75k-100k	5	4	0	9
Rs. 100k– 150k	6	2	2	10
Rs.150k- 200k	1	1	0	2
Rs. 200k– 300k	2	2	1	5
>Rs. 300k	1	0	0	1
Did not disclose	18	11	1	30
Total	212	184	44	440

lowest income categories said that they were unsure as compared to 4.88% of the respondents in all the higher

income categories. The overall breakup of responses is provided in **Table J-3**.

If Not the Courts, Where would the Respondent take their Disputes in Future

Respondents who had said that they would not bring a similar dispute to court in future were asked where they would go instead and allowed to give multiple responses. 'Khandan (family),' 'Mohalla (neighborhood),' 'Biradari,' 'Panchayat,' and 'local influentials' were the most frequent responses. The complete breakup of the responses is provided in **Table J-4**.

Table J-4

If the answer is 'No' (to Question 10.1 above) then where would the interviewee prefer to take the matter for dispute resolution instead?	No. of people
Khandan	74
Mohalla	44
Biradari	33
Local Large Landowner	14
Panchayat	26
Other Local Influential(s)	26
Local Bureaucracy	14
District Bureaucracy	6
Political Groupings/vote banks	1
Self-Provision Village Organizations;	
Community Organizations; other local NGOs and other organizations	1
Local Police	3
Private Dispute Resolution Mechanisms that charge a Fee	1
Local Crime lords	1
Other	6
Will not contest anywhere	1
Not Applicable/No Response	1
Total	252

Reasons for Opting for Courts for Similar Future Disputes

In response to the previous question whether they would take a similar dispute to court in future a total of 213 (or 48.41% of the overall respondents) had said 'Yes' i.e. they would bring their disputes to the courts in future as well. These respondents were then asked as to why they would prefer coming to court again.¹¹⁹ Any notion that the

¹¹⁹ A total of 224 respondents responded to this question even though only 213 had said 'Yes' when asked if they would come to court again. The reason is that some of the respondents who had said 'don't know' to the question whether they would again come to court decided that they wanted to answer this question in order to better communicate what contributed to their predicament of uncertainty.

positive response in favor of again coming to courts (to the question about future preferences as to the dispute resolution forum) denoted that almost half the respondents (48.41 %) saw some inherent or innate merit in the courts was quickly dispelled when one actually looks at the responses. A mere 16.07% of the respondents are saying that they would come back to courts as they are satisfied with the courts. Over 3/4th of the respondents (a resounding 77.23%) are actually saying that they are not satisfied with the courts but that there are no other viable alternative dispute resolution mechanisms to resolve their disputes. The overall response breakup is provided in **Table J-5**. In the overall scheme of things, as shown in the pie diagram in **Figure J-5**, respondents who want to come back to court as they find their court experience satisfactory are a mere 8% of the overall sample of 440 respondents (as represented by the dark blue sliver of the pie diagram). The turquoise slice of the pie denotes those respondents who had already ruled out coming to court in the previous question. The red slice of the pie diagram denotes those who said they would come to court but

explain that they are actually dissatisfied with the courts but have no option.

Reasons for Opting for Courts for Future Disputes and Education of Respondents

Of the subset of respondents who said they would take their future disputes to the courts as well, almost 3/4th of the uneducated or less educated respondents (with education less than or equivalent to secondary school) (71.79%) say that they are actually dissatisfied with the court system and that the only reason that they would come to court again is the lack of viable alternative mechanisms for resolving their disputes. Only 19.23% of the respondents in this category on the other hand say that they will come back to court as they are satisfied with the courts. As compared to this, an even higher proportion (80.14%) of the respondents with education greater than secondary school say that that their reason for coming to court in future is a negative one – the non-availability of other alternatives. And only 14.38% of these more educated respondents are saying that they would come back to court for future disputes as they are satisfied with the performance of the courts. **Table J-6** provides an overall breakup of the responses.

Table J-5

If the answer is 'Yes' (to Question 10.1 above) then why would the interviewee prefer to take the matter to court?	No. of people	% of people
Satisfied with courts	36	16.07
Not satisfied with courts but no other viable alternatives	173	77.23
Other	13	5.81
It is cheaper to pursue a remedy in court	2	0.89
Total	224	100

Reasons for Opting for Court for Future Disputes and Income of Respondents

Of the subset of respondents who said they would take their future disputes to the courts as well, almost 3/4th (74.64%) of the respondents in the two lowest income categories say that they are not satisfied with the courts and that they will only opt for bringing their disputes to the courts in future because of the non-availability of viable alternative mechanisms for dispute resolution. Only 18.11% of these low income respondents say that they will opt for coming to the courts in future for the positive reason that they are satisfied with the courts. As compared to this an even higher proportion of respondents in higher income categories (81.39%) say that they are not satisfied with the courts and that they will only opt for coming to the court in future for similar disputes because of the absence of viable alternative mechanisms for dispute resolution. Only 12.79% of these higher income respondents say that they will opt for coming to court in future for the positive reason that they are satisfied with the courts. **Table J-7** provides the complete breakup of responses.

Figure J-5

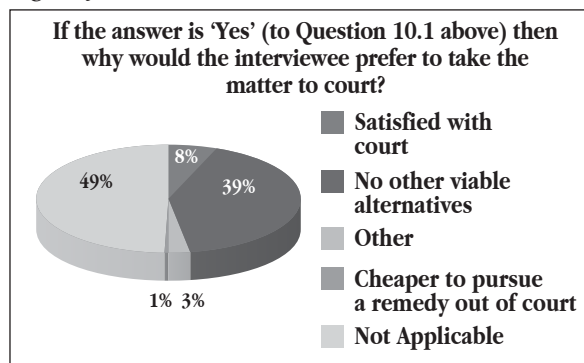


Table J-6

(# of ppl)					
Education	Satisfied with courts	Not satisfied with courts but no other viable alternatives	Other	It is cheaper to pursue a remedy in court	Total
None/uneducated	8	26	3	0	37
Madrasa up to 2 years	0	0	0	0	0
Madrasa 2 - 5 years	1	1	0	0	2
Madrasa up to 10 years	0	1	1	0	2
Islamic Religious Educ (more than 10 years)	0	0	0	0	0
Primary School	2	12	2	0	16
Secondary School	4	16	1	0	21
Matriculation	7	40	1	2	50
FA/F.Sc/Equivalent	4	33	2	0	39
B.A/B.Sc	6	28	2	0	36
M.A/M.Sc Equivalent	4	13	1	0	18
Higher than a Master's degree	0	0	0	0	0
Basic Schooling plus vocational education	0	2	0	0	2
Other	0	1	0	0	1
Total	36	173	13	2	224

Table J-7

(# of ppl)					
Income	Satisfied with courts	Not satisfied with courts but no other viable alternatives	Other	It is cheaper to pursue a remedy in court	Total
<Rs. 10k	14	60	7	0	81
Rs. 10k– 20k	11	43	2	1	57
Rs. 20k– 30k	3	18	1	0	22
Rs. 30k– 40k	1	8	0	0	9
Rs. 40k – 50k	2	10	0	1	13
Rs. 50k-Rs. 75k	1	6	0	0	7
Rs. 75k-100k	0	5	0	0	5
Rs. 100k– 150k	0	5	1	0	6
Rs. 150k- 200k	0	1	0	0	1
Rs. 200k– 300k	2	0	1	0	3
> Rs. 300k	0	1	0	0	1
Did not disclose	2	16	1	0	19
Total	36	173	13	2	224

4 Conclusions

In many ways the experience of those who expressed a deep level of dissatisfaction with the Pakistani court system is encapsulated in the following comments: “I would not wish a court case on anyone;” “I even pray for my enemies that they don’t have to face the courts;” and: “One should always pray that Allah saves one from illness and the courts.” These are not isolated rants or utterances of anguish. The final section of the Questionnaire that discusses the respondents’ forum preferences for resolution of future similar disputes reveals that 41.82% of the respondents would not like to bring their disputes to the courts in future, owing to their dissatisfaction with their current experiences. Another 39.32% of the respondents say that they are dissatisfied with the performance of the courts. However, they would bring future similar disputes to courts but only because they don’t have any other available and viable alternatives for dispute resolution. Thus those dissatisfied with the courts grow to constitute well over 3/4th (81.14%) of the 440 randomly selected litigants in the Lahore District Courts who were interviewed at length in the Survey. Those actually satisfied with the performance of the courts constitute a small minority of the overall sample population (16.07%) and the few remaining respondents are unsure as to their future course of action. The clear big picture, therefore, is one of vast prevalent dissatisfaction with the operation of the court system. These numbers are quite a serious exposé of various official claims that the performance of the courts of first instance has actually improved; as indeed it is also an exposé of the lack of impact of the various justice sector reform programs in Pakistan over the past decade and a half.

Quite apart from this overall sense of despair with the courts, the detailed quantitative and qualitative information from the Survey also empirically confirms contentions made by me in other related on-going research. The contentions are that the justice sector reform discourse and process in Pakistan has been, and continues to be both ahistorical and socially decontextualized. Further, because of these characteristics, the reform discourse and

process has both neglected and further pronounced a vital disconnect between the Pakistani laws/legal system and the country’s actual societal conditions, problems, challenges and aspirations. At the same time, the reform discourse and process has ignored and caused further aggravation of the various social, cultural, political and economic inequities that characterize Pakistani society and contribute to the disempowerment of Pakistani citizens in general and its disputants/litigants in particular. In other words, my larger contention has been that when Pakistani disputants/litigants approach the courts they bring with them various levels of existing and entrenched disenfranchisement and disempowerment. The milieu that they confront when they interact with the legal and court system, however, is not one where any institutional, structural and substantive attempts are made to attempt to level the playing field for them. Instead, not only does the legal and court system further accentuate the unevenness of the playing field, it actually it makes it even more lop-sided, unfair and disadvantageous for the already disempowered and vulnerable. The most obvious evidence for this is the disempowerment accentuated by the language of the Pakistani legal system and the courts. Language is the most obvious divider of the Pakistani society into two distinct classes of the proficient, advantaged and hence empowered, and all the rest. Though various justice sector reform programs, including the ADB’s ‘Access to Justice Program,’ had some components focusing on, inter alia, translation of laws into local languages, legal literacy, rights awareness dissemination, legal aid etc; the situation that emerges from the Survey results is one of stark alienation from the legal and court system for those who do not comprehend English. As a corollary they have no opportunity whatsoever to comprehend firsthand their legal rights and remedies and thereby effectively monitor the progress of their legal cases and the performance of their lawyers. They are not much different from deaf and dumb spectators in the incomprehensible spectacle of the courts which decide the fates of their legal cases. On this particular point, the data from the Survey speaks for itself. A mere 33.64% of the respondents are even aware that the language of the Pakistani laws/regulations is exclusively English. Only 31.14% of the

¹¹⁹ Interview with Respondent No. 400, January 7, 2011

¹²⁰ Interview with Respondent No. 184, December 24, 2010.

¹²¹ Interview with Respondent No. 183, December 23, 2010.

respondents claim to understand laws/regulations in English. Another 29.32% say they can 'somewhat' comprehend the same. A vast 39.55% of the respondents categorically rule out comprehension of these laws/regulations, because they are in English. The numbers are more or less similar when they are asked about their levels of comprehension of court documents, legal contracts, deeds etc., and court proceedings or portions thereof that are in English.

The alienation caused by English aside, the near-absence and/or failure of any attempts to inform and facilitate the average litigant through provision of any fundamental legal education, rights awareness, translations of laws/regulations/processes in local languages and any legal aid manifests in several other significant ways. Almost half or 46.36% of the respondents are reporting that when it comes to the archaic and highly technical Urdu that is used for some legal court documentation and processes they either do not comprehend it at all or the comprehension is at best partial or patchy. Almost 3/4th or 74.32% of the respondents have no past litigation experience and hence cannot draw on any lessons from past experience. Another almost 3/4th or 72.04% of the respondents don't have recourse to any other resource persons who are knowledgeable in the legal and court processes. Over half or 52.27% of the respondents report complete incomprehension or at best partial comprehension of the legal and court processes. Another almost half or 47.04% of the respondents report complete incomprehension or at best partial general comprehension of their rights and remedies under the law. Finally, a miniscule 1.36% of the respondents say that they have ever heard of any free legal aid scheme for vulnerable or disadvantaged litigants and an even smaller proportion has actually ever utilized such a scheme. The rest have never even heard of it.

That a comparative disadvantage in knowledge induced empowerment and consequently legal capacity, leverage, and effectiveness is clearly a function, in the Lahore district, of, inter alia, the education and income of the respondents emerges quite clearly from Survey results. At times, gender and whether the respondent is an urban or a rural dweller also become significant. In the overall sample, 15.23% of the respondents are completely illiterate and over a quarter (25.45%) are either uneducated or have only received an education up to or equal to

secondary school (eight years of education). Lack of or inadequate levels of education, poor quality of education and the educational curriculum lacking any component on constitutional, legal and civic rights awareness combined with a near-absence of any reform steps to educate, facilitate and empower the uneducated or the less educated in the legal and court process translates into some sobering numbers. More than a quarter of the Survey population emerges to be clearly much more disadvantaged at several important levels, as compared to their more educated counterparts. These include, inter alia, general comprehension of legal rights and remedies; comprehension of English; specific knowledge and comprehension of law/regulations, courts documents, contracts and legal proceedings in English; comprehension of legal processes and procedures; vulnerability to coercion by legal opponents; past litigation experience; and choices and contacts for selecting legal counsel.

Economic status is the other significant variable that emerges in the Survey sample. There are many more comparatively less affluent respondents than affluent ones in the random sample which in turn tells us two things. First, that the Pakistani courts of first instance are primarily accessed for justice by its poor citizens. There is the likelihood that their legal opponents are on the average more affluent and resourceful. However, since this was a random sample with an equal likelihood of them being interviewed, unless many of them were absent during the Survey as they can afford to stay away from personally appearing in courts and can confidently rely instead on their more expensive and effective lawyers, the random sample reveals the courts as the terrain of contestation primarily for the less affluent. Still, even while acknowledging the possibility that a fair proportion of the overall litigants may fall in the more affluent categories (even if they don't appear on the sample radar screen due to their physical non-presence in courts), the fact remains that those who actually appear on the radar screen are the comparatively poor. This is an important finding in itself – that the poor and less resourceful have no option but to regularly be present in the courts for long spans of time in order to oversee the fate of their legal contestations. Or to put it differently, the courts on any random day have far more poor and less resourceful litigants than the more affluent and resourceful ones. One ought to also mention here the additional finding that as to the perception of the

respondents vis-a-vis the relative resourcefulness of their legal opponents, 65.2% of them perceived their opponents to be 'highly resourceful' or 'fairly resourceful' as compared to them. Also, 21.59% of the respondents said that their legal opponents had experience of past successful litigation. If anything this supports the argument that those who are actually likely to be found languishing in the courts on a regular basis are the poor and less resourceful.

The second finding is that when one says poor one really mean poor and not merely in a relative sense. I am talking here of the monthly income categories of Rs. 10,000 or less (less than or equal to \$ 117 per month) and Rs.20, 000 or less (less than or equal to \$ 235 month). According to the reported monthly income of the respondents, as high a proportion as 62.73% of the Survey respondents, actually fall in the two aforementioned lowest income categories. Further, 82.73% of the respondents fell in income categories below Rs. 50,000 per month (less than or equal to \$ 588). That low monthly income is a significant disempowering variable when it comes to contesting a legal case becomes clearly apparent in Sample statistics and the analysis conducted in this Study. It manifests itself in many different ways. It reveals itself for instance in the additional inconvenience and the burdensome cost of travel to the courts and hence the inaccessibility of courts. This is because 73.63% of the respondents report having to travel for over 10 kms to get to the courts from their homes and 16.36% report actually having to travel between 30 kms and over 50 kms to get to the courts from their homes. Over half (55.68%) of the respondents also report having to rely on highly unreliable and uncomfortable public transport to get to courts. This is obviously a greater strain for the less affluent respondents. The respondents in the two low income categories also report higher exposure to coercion by their legal opponents; greater harassment by the police; greater, though ultimately unsuccessful, exploration of non-court dispute resolution mechanisms; lesser comprehension of English; lesser specific comprehension of laws/regulations and court proceedings in English; lesser past litigation experience; lesser comprehension of legal processes and procedures; lesser comprehension of general legal rights and remedies; and more limited choices and contacts for selecting legal counsel. Given the low economic capacity of the less affluent respondents it needs to be further noted that 62.5% of the overall respondents are actually report an outlay of up to or greater than

Rs. 50,000 on their litigation or report that the litigation has been carrying for so long and has been such a drain on their resources that they have lost count. On the higher end, more than 1/3rd of the respondents (38.41%) are actually report that they have spent up to or over Rs. 200,000 on litigation or that the litigation has been carrying for so long and has been such a drain on their resources that they have lost count.

As mentioned at the very start of this concluding section, those dissatisfied with the courts constitute well over 3/4th (81.14%) of the 440 randomly selected litigants in the Lahore District Courts who were interviewed in the Survey. It is not as if these respondents had great expectations before coming to court or that they did not make an effort to avoid ending up in courts. While 26.1% of the overall respondents report an approach by their opponents for an out of court reconciliation/settlement, almost thrice as many respondents (60.68%) report that they themselves approached their opponents for out of court reconciliation/settlement. However, these attempts are reported to have failed primarily due to lack of agreement on terms, trust deficit, unreasonable attitudes, the alleged intent on part of opponents to use the courts to waste the respondents' time and energy in order to create greater leverage for a possible reconciliation/settlement, and/or pride or enmity on part of their opponents or their families/communities motivating them to use the courts for settling scores and punishing the respondents. What is significant, however, is that despite these failed attempts to settle matters through reconciliation, 41.14% of the overall respondents are still willing to settle their disputes out of court in future and another 17.5% maintain the position of keeping the option open by saying that their decision would be dependent on the nature of the offer made to them, but that in principle they would not be averse to settling the dispute out of court. Thus, a fair number of the overall respondents would rather settle their disputes through reconciliation than keep litigating.

The main reasons for this, according to them are: 'an out of court solution seemed simpler and quicker now'; 'dissatisfaction with the efficiency of the court process'; 'dissatisfaction with the fairness of the court process'; 'that they did not have the energy to continue pursuit of a legal remedy'; 'that did not have the financial resources to continue pursuit of a legal remedy'; and 'that they were

ill-equipped to fight a legal battle due to lack of experience or legal know how'. For those wanting to continue with litigation, the reasons are rarely to do with satisfaction with and faith in the court process. Trust deficit *vis-à-vis* the legal opponent emerges as a primary concern as their most common response was that: 'The legal opponent is untrustworthy and hence a legal verdict is necessary to bring the matter to a close'. However, lack of availability of alternatives was another reason as a close second popular response was: 'A legal remedy is the only way to get a just solution'. Personal vendetta or a sense of being wronged seems to motivate the third most common response: 'The legal opponent needs to be taught a lesson through a court case', thus highlighting the use of the court process as a punishment that can be inflicted on an opponent. What is significant is that very few respondents mention any positive reasons for sticking to the formal legal system for dispute resolution; in other words choosing to say that they were actually 'satisfied with the experience of pursuing a legal remedy so far', or that they had, 'faith in the fairness of the court system'.

A similar robust propensity to attempt to settle the disputes through a third-party non-court dispute resolution mechanism is also evident in the Survey results. Khandan (Extended Family), Panchayat (Council of Elders), local influentials, Mohalla (Neighborhood) and Biradari (Clan) are pointed out as the most frequently approached non-court dispute resolution mechanisms to which more or less all kinds of disputes are referred, though property disputes largely seem to come to courts. However, weakness of implementation; operational lack of capacity and efficiency; vulnerability to private pressure; the at times absence of such mechanism; and a preference on part of the more influential people to come to court as they feel more confident of manipulating the same, are pointed out as the main reasons why people do not access these non-court dispute resolution mechanisms any more. Nevertheless, over half (53.41%) of the respondents still report that they did actually explore non-court dispute resolution mechanisms before coming to or being brought to the courts. Yet they did not work due to operational inefficiency or due to inadequate capacity for implementation of their decisions (either because while 'they came with up a fair outcome they had none or weak implementation', or that even though they 'came up with a fair outcome the legal opponent disregarded it and went to

court'. One has no cavil with several persuasive arguments that exist for allowing easier universal access to courts to the disputants (especially the weak and vulnerable ones who may find the courts more efficient, neutral and empowering as compared to at times patriarchal, hierarchical or elite dominated non-court dispute resolution mechanisms). What is on display, however, from the quantitative and qualitative feedback from the Survey is that far too many people are unwillingly ending up in courts and getting embroiled in extended, expensive, frustrating and seemingly inconclusive litigation.

The aforementioned high number of respondents who expressed a future willingness to settle out of court; the respondents who shared that they had actually explored non-court dispute resolution mechanisms before coming or being brought to courts; and the respondents who would rather not come to court in future for similar disputes or would only come as there are no alternatives, suggests something very clearly (this is also supplemented by the qualitative feedback in the analysis in this Study). It is that there is much respondent dismay at what are perceived as crumbling social norms and normative frameworks which in turn has made non-court dispute resolution mechanisms dysfunctional and unreliable. It is, therefore, no surprise that litigation is consistently on the rise in Pakistan my data in other related, on-going research shows. Quite apart from the advantage of non-court dispute resolution mechanisms potentially providing cheaper, quicker, more intelligible and more sustainable solutions to citizen disputes, the negative externality of their growing inefficacy and disintegration is increasing court workloads and case delays, distraction of court resources from more appropriate matters for court adjudication, and an escalation of the overall public disenchantment and frustration with the legal and judicial system. On the other hand, mandatory legal requirements to even bring various kinds of non-contentious issues to the courts further raises their already heavy workloads. And yet, to date there has been no serious or sustainable justice sector reform initiative (unlike in neighboring India, as discussed in my related, on-going research), to map, recognize, bolster, empower and utilize traditional or newer non-court societal mechanisms for providing simpler and cheaper dispute resolution solutions to the public, while ensuring that they operate under the overarching national framework for substantive and due process rights protec-

tion. Thus while neglecting the obvious qualitative justice improvement possibilities thereby; the law reform approaches in Pakistan have also neglected a vital ingredient for ‘efficiency’ enhancement – which has been the predominant slogan and end-goal of their court-centric reforms.

Focusing further on the ‘court-centricity’ and ‘efficiency enhancement’ emphasis of the Pakistani law reform approaches, another vital antidote for frivolous, mischievous and/or excessive as well as unnecessary litigation is substantive and procedural law reform in areas of social and commercial life that may be facing heightened contestation and resulting litigation. In order to better appreciate which areas constitute the bulk of such contestations and litigation and also why so, a necessary first step would be to identify and map the same. As mentioned earlier, quite remarkably there is no disaggregated current or historical data available for this purpose at the district courts level. The various law reform programs including ADB’s ‘Access to Justice Program’ seem, therefore, to have proceeded with little empirical basis. This Survey makes an attempt to probe and find where the concentration of litigation is and identifies land/property (agricultural, commercial and residential) as the main bone of contention, further highlighting specific aspects of the land/property law regime that are attracting the most contestations. The fact that an aggregate of 11.3% of the respondents use the categories ‘criminal’ and ‘land mafia’ to describe the occupation of their legal opponents also highlights the increasing prevalence of organized property mafias that engage in criminal activities. Property disputes are succeeded by marital disputes, transactional/contractual disputes, guardianship disputes, inheritance disputes, family disputes in terms of prevalence of disputes.

Identifying the nature of litigation ought to be a fundamental step, even if the end-goal is only to reduce the quantum of litigation. Deeper and more meaningful attempts towards filling legal and regulatory lacunae and gaps; amending/bolstering archaic, outdated and weak laws and procedures; and providing laws and regulations for areas that currently have none, would actually require an even profounder probing. This deeper probing ought to shift the focus from the case and the litigant to the dispute and disputant and try and better appreciate the real nature of underlying disputes and their transformation into legal

contestations. Context, contributory factors and the different personal and household variables of the disputants take on significant importance in such an inquiry. Needless to say, even though such background analysis would be necessary in order to meaningfully address the social issues of growing disputes, discord and contestations, it would be unrealistic to expect that the past and extant Pakistani law reform approaches that did not even focus on vital primary data on the legal cases in courts, would actually engage in such deeper scrutiny. And, therefore, it comes as no surprise that indeed they have not. The significance of these variables, however, comes forth in the Survey results that reveal that almost half of the respondents’ legal cases (49.77%) stem from immediate family, extended family, biradari or political grouping disputes. That existing litigation may be connected to and conflated with additional legal battles or past disputes, is supported by the fact that 22.95% of the respondents report additional on-going litigation with their legal opponents. Further, an additional 16.14 % of the respondents report past litigation with their legal opponents. That the legal opponent may be a particularly litigious individual who is trigger-happy to and/or adept at using the courts is supported by the fact that 32.5% of the respondents report that their opponent is also involved in litigation with others. Furthermore, many of the respondents (as discussed in this Study above) report that a problematic law caused or contributed to their disputes; that the existing apparatus of formal justice and its mechanisms for dispute resolution further aggravated or perpetuated their disputes; that the application and administration of land law is a problem; that their gender was a causal factor in the disputes; that lack of formal regulation of certain areas of society contributed to the emergence of their disputes; that biradari politics, problematic land distribution patterns, and additional social, cultural, political, economic, ethnic, linguistic and regional factors were very important causal reasons and /or catalysts for their disputes; and that conflicts between local customs/practices and a law or regulation were germane to their disputes.

Furthermore, almost 1/4th of the respondents (22.5%) report that their civil disputes are linked with the commission of several kinds of crimes against them by their opponents – proving the general perception that elongated civil litigation raises the possibility of crime

victimization and/or coercion/harassment in order to force a settlement formula that is preferable to the coercer. A fair number of respondents report police meddling in and/or assisting the coercing party in civil disputes. The differential vulnerability to as well as the perception of vulnerability to crime as a function of several individual social, cultural, economic, political, geographical and gender disempowerments is also a theme explored in my other related, on-going research. These important sociological insights point at multiple reasons that may contribute to not just the growth and perpetuation of disputes and the resulting violence in society, but also a more comprehensive and nuanced framework for understanding the problems of mounting litigation, case loads and case delays. And yet even though there is a clear 'efficiency promotion' justification for such legal-sociological analysis, this analytical dimension is by and large absent from the Pakistani justice sector reform approaches laid out in and discussed in detail in my other related, on-going research.

Shifting the focus to the courts – which it has been argued in my other related on-going research, are the more or less exclusive ambit of focus of various Pakistani justice sector reform approaches – another important area for reform, in order to improve court efficiency, would be the enhancement of the capacity, incentives and accountability of judicial officers and court staff, as well as up-gradation of the infrastructure and facilities of the court complexes. Indeed, these have been prominent themes in recent judicial reform programs such as the ADB's 'Access to Justice Program.' Survey results also divulge significant respondent dissatisfaction (despite the inhibition to answer such direct and sensitive questions) with the competence, impartiality & integrity, courtroom attitudes, and ability to resist lawyer intimidation and delaying tactics, on part of the judicial officers; the professional performance and sense of responsibility of court staff; and the physical infrastructure of the court complex as well as the facilities provided for litigants. Furthermore, the contention that it is not merely the court efficiency related factors that cause hurdles for the litigating public is supported by the Survey data that shows 'cost of litigation', 'attitude of lawyers', 'complexity of legal system', 'corruption', 'judicial attitudes', 'distance of court from home', constant shifting/transfer of judges' and 'language' as the most frequently cited impediments to the pursuit of legal battles. The critique, therefore, transcends the court

'system and its operators and encompasses the larger legal system and laws, its procedures and processes, its outreach, its complexity, its costs and its language. As to the practitioners of law (who in contexts like Pakistan where many of the litigants faced added obstacles and alienations due to constraints of language, experience, education and economic resources), they assume a paramount importance and an ascendant and unassailable position vis-à-vis their clients. The Survey reveals various strains of discontent with the largely poorly regulated and unaccountable lawyers. In spite of all this, the focal lenses of the Pakistani justice sector reform approaches have rarely attempted to magnify this larger and much more complex and conflated picture.

At the very end I want to emphasize certain categorical findings. 'Delay reduction' has been the mantra of choice of the Pakistani justice sector reform approaches – both past and current. And yet quite remarkably that is the very area where the Survey respondent feedback has been the most damning. The bitter condemnation is reflected in feedback from vast sections of critical respondents on the long length of their legal cases; the high number of court hearings and court visits they have had to undertake, especially given the high frequency of the former; their acute discontent at the pace of their legal proceedings; and their low expectations in terms of when to expect the final verdicts in their cases. It is further encapsulated in the stark statistic that an overwhelming majority of the Survey respondents report 'a lot of delay' in the court process (80.77%) whereas another 12.73% of the respondents report 'a fair bit' of delay in the court process, thus contributing to an aggregate of 93.5% of the respondents complaining of debilitating delays. Asked about what they thought were the main reasons for delays in court proceedings and legal decisions; 'delaying tactics by opponent', 'adjournments by opposing lawyer', 'judicial ineptitude to decide cases', 'overload of cases in courts', 'judicial corruption', 'unavailability of parties or witnesses to appear in court', 'unavailability and adjournments by interviewees' lawyers', 'complexity of laws and resulting disputes', and 'frivolous and/or mischievous litigation clogging courts', are the most frequent responses that in turn point out deeper systemic flaws with the legal system as well as substantive issues with the laws and procedures.

Furthermore, the Survey results reveal no fatalistic

explanation of delay or its resigned acceptance as a bitter inevitability. Almost 3/4th of the overall respondents (73.41)% are of the unequivocal view that delay is not accidental or without consequences and that it actually benefits certain parties. Another 68.86% of the overall respondents are emphatic that court delay is used as leverage by some contesting parties in order to pressure their opponents to settle the matter out of court. So delay seems to be as securely a part of the litigation experience as ever and its victims are cognizant of its perpetrators, perpetrators and beneficiaries as they clearly point out in responses to other related questions. These ought to have been believable statistics from the era before the grand arrival of massive delay reduction programs for Pakistani courts. That they are statistics in the era after the mega-reforms, makes them a very tragic reading.

However, this is still not the entire story. There is yet one thing to add. And that once again pertains to the larger argument that I have made in this and in my other related, on-going research. It is that the problem with the justice sector is not merely a narrower, technical and court-centric one. Instead, it pertains to both the additional important facets, expectations and outcomes of the justice sector such as the quality, contemporariness and fairness of the actual laws and legal institutions and also the equity and justice of their outcomes; as well as the social-political and economic context and relative as well as absolute empowerment of its end-users. While making the contentions that the justice sector reform discourse and process in Pakistan has ignored vital historical and social contextual dimensions that contribute to disputes, legal contestations, vulnerability and exploitation, I have relied in my other related, on-going research on various arguments from available literature, interviews, organizational and policy analysis and other sources of information and feedback. One needs, however, to only speak to the average litigant in the main district courts of the most socio-economically advanced district in the most socio-economically advanced province in the country. That there is an actual as well as a widely perceived gap between popular experiences and perceptions of the quality of Pakistani laws and the everyday and lived ground experience of life and its challenges in Pakistani society, is clearly brought forth by the following statistics. An aggregate of 64.32% of the overall Survey respondents are firmly or generally of the view that Pakistani laws are outdated and do not capture

ground realities and peoples' actual problems. Another 21.59% are unsure as they don't know enough to comment. A mere 14.09% think that this is not the case. Additionally, over half or an aggregate of 53.86% of the overall respondents are firmly or generally of the view that the Pakistani laws are biased against them and do not provide them adequate rights and remedies. Another 20.45% are unsure as they don't know enough to comment. Only a quarter or 25.68% of the respondents don't think that this is the case. When the past and current justice sector reform approaches in Pakistan refuse to acknowledge the significance of history and context, they do so at the increasing peril of completely losing the confidence of not just the odd critical academic but indeed the very people.



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