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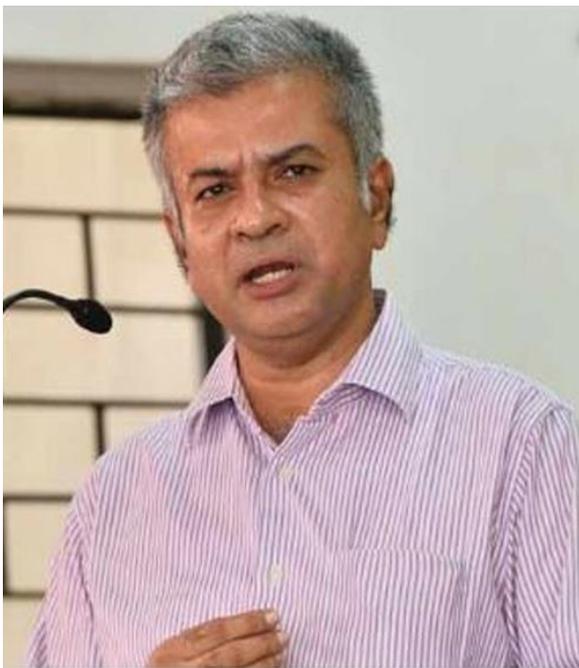
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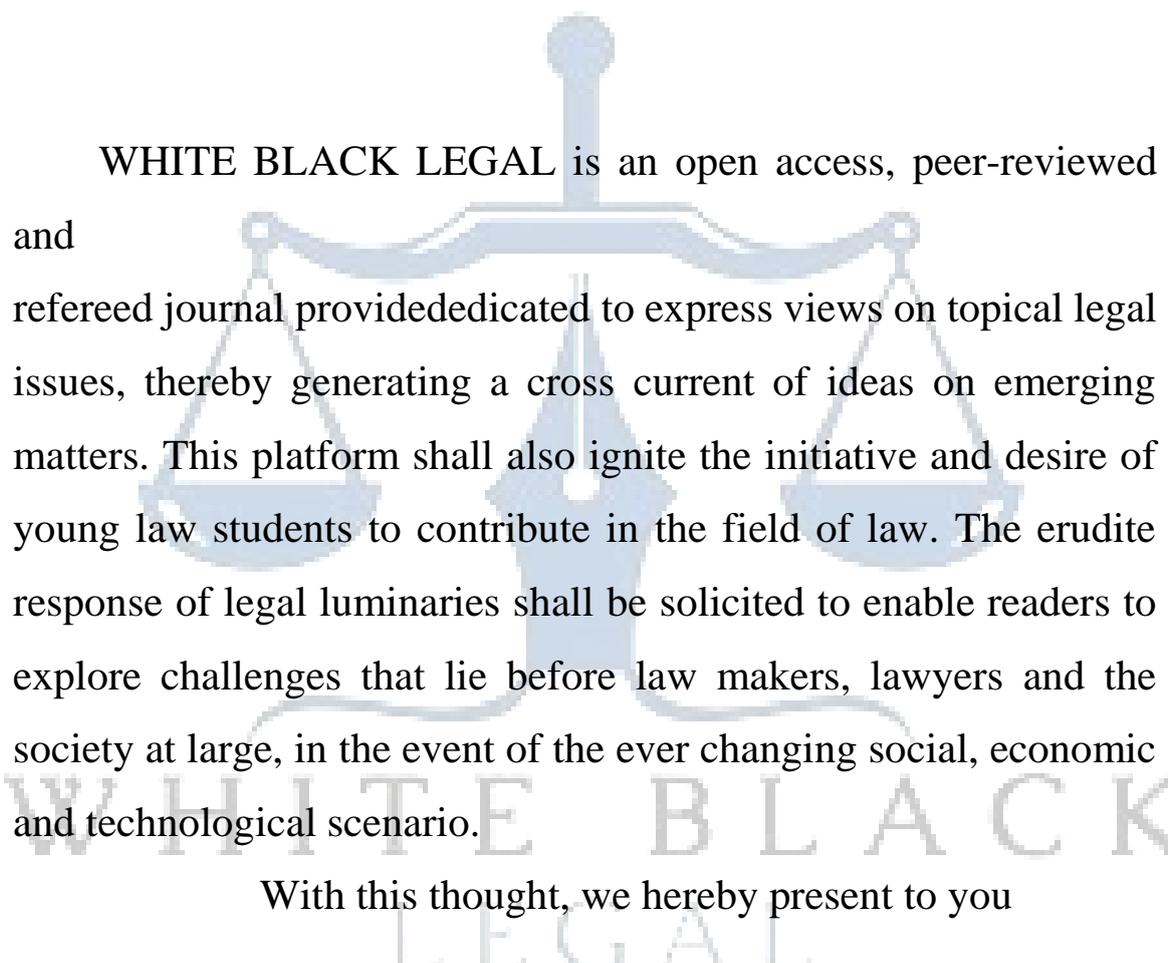


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

A CRITICAL ANALYSIS OF ADJOURNMENT PRACTICES IN THE HIGH COURT OF JHARKHAND: CAUSES, CONSEQUENCES AND REFORMS

AUTHORED BY - SUBODH KUMAR SINGH¹

ABSTRACT

The issue of adjournments in the judicial system, particularly in the High Court of Jharkhand, significantly impacts the timely delivery of justice. This research explores how adjournments contribute to delays in case resolution and the subsequent backlog in the court system. While adjournments are sometimes necessary for the effective administration of justice, their overuse has become a major challenge. The study highlights the role of judicial vacancies, inadequate infrastructure, and inefficient case management in exacerbating the problem. The excessive reliance on adjournments, often driven by convenience or unpreparedness of lawyers, causes significant delays, leading to frustration for litigants and undermining public trust in the judiciary. The paper further looks into the causes of adjournments, including the lack of stringent controls and the cultural practices within the legal profession that allow them to become a routine part of proceedings. Through an analysis of the current situation in Jharkhand, the study proposes solutions such as stricter regulations on adjournments, improvements in court infrastructure, and enhanced judicial accountability. The research also emphasizes the importance of adopting digital tools and promoting more efficient case management practices to reduce delays.

KEYWORDS

Adjournments, Judicial Delays, Case Backlog, High Court of Jharkhand. Justice Delivery System

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INTRODUCTION

Justice delayed is justice denied. This oft-repeated phrase underlines the critical importance of delivering justice within a reasonable timeframe. A complex and efficient judicial system is the backbone of a democratic society which ensures that disputes are resolved fairly and promptly. However, in India, judicial delays have become a pervasive issue, significantly impacting the delivery of justice. Among various causes, adjournment practices—where cases are postponed for various reasons—have emerged as a major contributor to these delays. The High Court of Jharkhand, like many other High Courts in India grapples with the challenges posed by frequent adjournments which results in prolonged case pendency and eroding public trust in the judiciary. Timely justice is more than just a procedural necessity; it is a critical component of the right to access justice guaranteed by Article 21 of the Indian Constitution. When justice is delayed, it affects not just the litigants but also the entire society, as unresolved disputes create uncertainty and impede social harmony. Furthermore, the economic implications of delays—ranging from many court appearances to growing legal fees—are expensive for both individuals and corporations. The judiciary is critical to ensuring the rule of law, and its effectiveness has a direct impact on public trust in democratic institutions. As a result, ensuring that cases are resolved on time is a critical component of an efficient justice system².

High Courts occupy a central position in India's judicial structure. They are appellate courts tasked with reviewing decisions of subordinate courts and ensuring the uniform application of laws. In this, High Courts not only rectify errors made by lower courts but also set legal precedents that guide the judiciary and the public. Additionally, they act as courts of first instance for certain cases, such as writ petitions and public interest litigations, which often address critical issues of governance and fundamental rights. This dual responsibility amplifies the importance of High Courts in maintaining the integrity and efficiency of the justice delivery system. The High Court of Jharkhand, established in 2000, has played a significant role in shaping the legal landscape of the state. Located in Ranchi, it caters to the judicial needs of a diverse population, including tribal communities, industrial workers, and urban residents. Despite its vital role, the High Court faces challenges similar to other courts in India, including a heavy workload and a high rate of case pendency. Adjournment practices are a key factor

² Wahab, Md. Imran, *Adjournment in Court*, Legal Service India, <https://www.legalserviceindia.com/legal/article-13807-adjournment-in-court.html> (last visited Sept. 5, 2024).

contributing to this backlog. Frequent and often avoidable adjournments delay the resolution of cases, prolong the suffering of litigants, and increase the financial and administrative burden on the judiciary³.

Adjournments, while sometimes necessary, are often misused. Procedural laws in India, such as the Civil Procedure Code (Order XVII) and the Criminal Procedure Code (Section 309), provide for adjournments under specific circumstances. These provisions are meant to ensure fairness, allowing parties sufficient time to prepare their cases or address unforeseen challenges. However, in practice, adjournments are frequently sought for trivial reasons, such as lawyer unavailability, incomplete documentation, or lack of preparation. Such misuse undermines the intent of these provisions and contributes to systemic delays.

In the Indian context, adjournments reflect deeper structural and procedural challenges. Judicial vacancies, inadequate infrastructure, and a lack of effective case management systems exacerbate the problem. The High Court of Jharkhand, despite its efforts to streamline processes, continues to struggle with these systemic issues. Addressing adjournment practices requires a multifaceted approach that balances procedural fairness with judicial efficiency. Stricter regulations on granting adjournments, technological interventions like e-courts, and behavioral changes among legal practitioners are some of the potential solutions to mitigate this problem⁴.

REVIEW OF LITERATURE

The practice of granting adjournments has long been identified as a major contributor to delays in the judicial process, both globally and in India. A substantial body of literature has examined adjournments from various perspectives, exploring their causes, impacts, and potential reforms. This review of literature aims to provide an overview of key scholarly contributions to the topic, focusing on the challenges posed by adjournment practices in Indian courts, particularly the High Court of Jharkhand. The High Court of Jharkhand, like many other High Courts in India, has faced significant challenges related to case delays, and adjournments are a prominent factor. According to a report by the Jharkhand High Court in 2017, the court's caseload had

³ *Ibid*

⁴ Advocate Khoj, *Code of Civil Procedure, 1908 - Order XVII: Adjournments*, AdvocateKhoj, <https://www.advocatekhoj.com/library/bareacts/codeofcivilprocedure/orderXVII.php?Title=Code%20of%20Civil%20Procedure,%201908&STitle=Adjournments> (last visited Sept. 5, 2024).

increased significantly over the years, leading to substantial delays in case disposal. While the court has attempted to address these challenges through measures such as digital filing systems and case management reforms, adjournments remain a persistent issue.

A large body of literature has also explored the procedural inefficiencies that exacerbate adjournment practices. For example, the Indian Civil Procedure Code (Order XVII) and Criminal Procedure Code (Section 309) allow adjournments in certain situations, but there is considerable evidence that they are often granted for trivial reasons. Pandey (2018) studied the misuse of adjournments in the context of the Civil Procedure Code and found that delays in filing documents, incomplete paperwork, and lack of preparation were among the leading causes of adjournments. This misuse of procedural provisions results in delays that affect the timely disposal of cases and increase litigation costs for parties.

RESEARCH METHODOLOGY

This study is mostly based on secondary research, which entails collecting and analyzing existing data, reports, and scholarly works on adjournment procedures in the High Court of Jharkhand. Secondary research was chosen for this study because it provides for a thorough examination of existing literature, judicial statistics, and pertinent case studies, all of which provide significant insights into the reasons, repercussions, and prospective reforms related to adjournment procedures in Indian courts.

Additionally, data from sources such as the National Judicial Data Grid (NJDG) and reports from the Jharkhand High Court, which detail case pendency and adjournment statistics, have been examined. This allows a comprehensive understanding of the scale of the issue in Jharkhand, with a focus on the procedural bottlenecks and institutional challenges leading to delays.

HISTORICAL AND LEGAL CONTEXT OF ADJOURNMENTS

Adjournments have been an integral part of the judicial process since the inception of formal legal systems. While the primary purpose of granting adjournments is to ensure fairness and allow adequate time for the parties to prepare their cases, their misuse has often led to delays in the delivery of justice. The practice of seeking adjournments, when viewed through a historical and legal lens, reflects both the strengths and weaknesses of procedural law in

ensuring judicial efficiency.

The concept of adjournments in India has its roots in colonial jurisprudence. During the British era, procedural laws like the Civil Procedure Code (CPC) of 1908 and the Criminal Procedure Code (CrPC) of 1898 were enacted to standardize the functioning of courts. These codes included provisions for adjournments to prevent undue hardship to litigants and ensure a fair trial.

In the initial years, adjournments were granted sparingly, often only when justified by unavoidable circumstances, such as the unavailability of critical witnesses or unforeseen events. However, over time, the practice began to be exploited. Lawyers frequently sought adjournments as a strategy to delay proceedings, often at the expense of the opposing party. This misuse became a major issue, leading to a backlog of cases in Indian courts. Post-independence, the judiciary acknowledged the problem of frequent adjournments. Various commissions and committees, such as the Law Commission of India, highlighted the need to curb this practice to improve judicial efficiency. Despite such efforts, adjournments continue to contribute significantly to delays in the justice delivery system, particularly in overburdened courts like the High Court of Jharkhand⁵.

RELEVANT PROVISIONS IN PROCEDURAL LAWS

Civil Procedure Code (Order XVII)

Order XVII of the CPC governs the grant of adjournments in civil cases. It provides that adjournments may be granted if sufficient cause is shown, but they should not be granted unnecessarily or in a way that delays the disposal of the suit. Key provisions include:

- *Reasonable Cause: Courts must ensure that adjournments are granted only when a valid reason, such as the illness of a lawyer or witness, is provided.*
- *Limited Adjournments: Order XVII stipulates that the number of adjournments granted to a party should be limited. Repeated adjournments without adequate justification are discouraged.*
- *Costs for Adjournments: Courts may impose costs on parties seeking adjournments to deter frivolous requests.*

⁵ Agrawal, Aishwarya, Adjournment in CPC, Law Bhoomi, <https://lawbhoomi.com/adjournment-in-cpc/> (last visited Sept. 6, 2024).

Despite these safeguards, Order XVII is often misused in practice. Lawyers frequently cite trivial reasons, such as conflicting schedules or incomplete preparation, to secure adjournments. This misuse not only delays case disposal but also increases litigation costs for the parties involved⁶.

CRIMINAL PROCEDURE CODE (SECTION 309)

Section 309 of the CrPC addresses adjournments in criminal trials. It mandates that inquiries and trials be conducted as expeditiously as possible, emphasizing the need for continuous proceedings. The section empowers courts to adjourn proceedings but imposes the following restrictions:

- *Recording Reasons: Courts must record the reasons for granting adjournments in writing.*
- *Discouraging Delays: Adjournments should not be granted unnecessarily, particularly in cases involving severe offenses or vulnerable parties, such as victims of sexual violence.*
- *Timely Disposal: The provision aims to prevent unnecessary delays that could undermine the objectives of criminal justice, such as the punishment of offenders and the protection of society.*

Despite the intent of Section 309, its implementation remains inconsistent. In many instances, adjournments are granted without substantial justification, prolonging trials and affecting the delivery of justice⁷.

Indian courts have repeatedly addressed the issue of adjournments in their judgments, emphasizing the need for judicial discipline and procedural efficiency. One landmark case in this context is *Hussain v. Union of India*⁸. In this case, the Supreme Court observed that the excessive grant of adjournments is one of the primary causes of delays in criminal trials. The Court directed that adjournments should be granted only when absolutely necessary and that efforts should be made to ensure continuous trial proceedings. It further emphasized the need

⁶ Advocate Khoj, *Code of Civil Procedure, 1908 - Order XVII: Adjournments*, AdvocateKhoj, <https://www.advocatekhoj.com/library/bareacts/codeofcivilprocedure/orderXVII.php?Title=Code%20of%20Civil%20Procedure,%201908&STitle=Adjournments> (last visited Sept. 5, 2024).

⁷ *Section 309 CrPC, iPleaders*, <https://blog.ipleaders.in/section-309-crpc/#:~:text=A%20plain%20reading%20of%20Section,present%20have%20been%20cross%2Dexamined> (last visited Sept. 6, 2024).

⁸ CRIMINAL APPEAL NO.509 OF 2017 (Arising out of Special Leave Petition (Crl.)No. 4437 of 2016)

to prioritize cases involving vulnerable victims, such as women and children, and cases where the accused is in custody.

ADJOURNMENTS AND THEIR IMPACT ON CASE BACKLOGS IN THE HIGH COURT OF JHARKHAND

Adjournments play a significant role in the functioning of judicial systems, allowing time for parties to prepare their cases adequately. However, when granted excessively or unnecessarily, they can severely impact the timely delivery of justice. In the High Court of Jharkhand, as in other Indian High Courts, the frequent granting of adjournments has contributed significantly to the growing backlog of cases. This issue not only hampers judicial efficiency but also creates undue hardship for litigants, particularly those from economically weaker sections.

The enormity of the issue can be understood through national data, *which highlights that over 45 million cases are pending across various judicial bodies in India*⁹. Within this backlog, High Courts face a particularly alarming situation, with millions of cases pending for several years. In Jharkhand, the High Court's pendency mirrors this national crisis, where a large proportion of cases remain unresolved for years, adding to the burden on the judiciary and litigants alike. Cases that have been ongoing for more than a decade highlight the cumulative impact of adjournments. For example, records from the National Judicial records Grid (NJDG) show that approximately 4 million cases in India have been pending resolution for more than ten years. The High Court of Jharkhand, which handles a large number of cases involving complex disputes, is no exception¹⁰.

In some cases, adjournments are unavoidable. They may be required to allow parties to gather evidence, prepare arguments, or coordinate the availability of witnesses. Complex cases, particularly those involving expert testimony or forensic evidence, often necessitate additional time. In the High Court of Jharkhand, cases involving industrial disputes, tribal rights, and criminal matters frequently require such adjournments. Adjournments are sometimes sought as a deliberate tactic to prolong proceedings. Lawyers representing well-funded parties may request repeated adjournments, hoping that the opposing side, often less financially stable, will feel pressured to settle or withdraw the case. This strategy is particularly evident in cases

⁹ National Judicial Data Grid, *National e-Governance Plan (NeGP)*, https://njdg.ecourts.gov.in/hcnjdg_v2/

¹⁰ *Ibid*

involving financial disputes, where delays can cause significant hardship to economically disadvantaged parties.

Like many High Courts in India, the High Court of Jharkhand faces administrative challenges that contribute to adjournments. For instance, the unavailability of judges due to extended hearings in earlier cases often results in subsequent cases being rescheduled. Limited courtroom space and inadequate infrastructure further exacerbate the problem, creating a domino effect where delays in one case impact others on the docket¹¹.

CAUSES OF ADJOURNMENTS IN THE HIGH COURT OF JHARKHAND

Adjournments are a significant factor contributing to case delays in Indian courts, including the High Court of Jharkhand. While some adjournments are unavoidable, others arise due to procedural, behavioral, and institutional inefficiencies. Understanding the causes behind these delays is essential to develop solutions that ensure justice is delivered efficiently and on time. Below is an exploration of these causes in detail.

Procedural inefficiencies are one of the most common reasons for adjournments in the High Court of Jharkhand. These arise from delays in completing required documentation, errors in filings, and other technical lapses.

➤ **Procedural inefficiencies**

• **Delayed Filing of Replies or Documents**

A common procedural cause of adjournments is the failure of litigants or their counsel to file necessary replies or supporting documents within the stipulated time frame. Cases in the High Court often involve complex legal and factual questions that require detailed documentation, such as affidavits, evidence records, or responses to petitions. However, delays in submitting these documents can stall proceedings. For example, in civil cases, parties may fail to file written statements or evidence on time, resulting in the court granting an adjournment to provide additional preparation time. This delay may be due to poor coordination between clients and their lawyers or logistical challenges in gathering the required information,

¹¹ The Hindu, Tackle the Issue of Adjournments, Case Pendency, *The Hindu* (Sept. 7, 2024), <https://www.thehindu.com/opinion/op-ed/tackle-the-issue-of-adjournments-case-pendency/article68815714.ece> (last visited Sept. 7, 2024).

particularly in rural or tribal areas of Jharkhand.

- **Technical Errors in Petitions**

Technical errors in petitions or procedural filings also contribute to delays. Errors such as incorrect formats, missing information, or inadequate stamp duty often require corrections before the case can proceed. In the High Court of Jharkhand, where a significant number of litigants are from rural or economically disadvantaged backgrounds, the lack of familiarity with legal procedures sometimes leads to such errors. Lawyers representing these litigants may also face challenges in adhering to procedural requirements, further exacerbating the issue. Additionally, in cases involving government departments, procedural delays are common due to the bureaucratic process of obtaining approvals or completing documentation, resulting in frequent adjournments¹².

- **Behavioral Causes**

The behavior and preparedness of lawyers, litigants, and witnesses also play a critical role in causing adjournments.

- **Lawyer Unpreparedness or Deliberate Delays**

Lawyer unpreparedness is a prevalent behavioral cause of adjournments. In many instances, lawyers request additional time because they are unprepared to argue a case or have conflicting schedules. This lack of readiness often results in the court granting adjournments to ensure a fair hearing. Another behavioral issue is the deliberate misuse of adjournments as a strategy. Lawyers representing financially well-off clients may intentionally delay proceedings to frustrate the opposing party, particularly in cases involving financial disputes or property matters. These delays can pressure the other party into accepting unfavorable settlements or withdrawing the case altogether.

- **Absence of Parties or Witnesses**

The absence of litigants or witnesses is another significant cause of adjournments. In the High Court of Jharkhand, many cases involve parties from remote areas, and logistical challenges such as poor transportation or lack of awareness often result in their absence on hearing dates. Witnesses, particularly in criminal cases, are crucial for the progression of trials. However, their unavailability—either due to intimidation, unwillingness to testify, or logistical issues—frequently leads to adjournments. In some cases, expert witnesses or forensic analysts required

¹² Unacademy. "Adjournment." Unacademy. Available at: <https://unacademy.com/content/wbpsc/study-material/polity/adjournment/>. Last visited 8 September 2024.

for evidence examination are also unavailable, delaying the case further.

➤ **Institutional Causes**

Institutional shortcomings within the judicial system significantly contribute to the frequent granting of adjournments.

• **Judicial Vacancies and Overburdened Benches**

Judicial vacancies are a persistent problem in the High Court of Jharkhand. A shortage of judges results in an overburdened judiciary, with each bench handling a large number of cases daily. This heavy caseload often leads to adjournments, as judges are unable to allocate adequate time to hear each case comprehensively. For example, if a judge is unable to conclude a case scheduled for a specific day due to time constraints, subsequent cases on the same docket are often adjourned. This creates a domino effect, where even minor delays in one case can affect multiple others. Judicial vacancies also mean that urgent or priority cases take precedence, leaving other cases pending for extended periods.

• **Lack of Effective Case Management Systems**

The absence of complex case management systems in the High Court of Jharkhand further exacerbates delays. Efficient case management involves setting clear timelines, minimizing procedural redundancies, and ensuring accountability among all stakeholders. However, in many courts, including Jharkhand, the lack of a systematic approach to managing cases often results in disorganized scheduling and frequent rescheduling of hearings. For example, outdated manual systems for scheduling cases and tracking their progress lead to confusion and inefficiencies. The absence of technology-driven solutions, such as automated case tracking or virtual hearings, further compounds the problem. Moreover, the lack of coordination between judicial officers, lawyers, and court staff often results in delays that could have been avoided with better planning¹³.

CONSEQUENCES OF ADJOURNMENTS

Adjournments, though sometimes necessary, can have far-reaching consequences for the judiciary, litigants, and society at large. In the context of the High Court of Jharkhand, the frequent granting of adjournments exacerbates case pendency, imposes burdens on litigants, and undermines public confidence in the justice delivery system.

¹³ Advocate Khoj, *Code of Civil Procedure, 1908 - Order XVII: Adjournments*, AdvocateKhoj, <https://www.advocatekhoj.com/library/bareacts/codeofcivilprocedure/orderXVII.php?Title=Code%20of%20Civil%20Procedure,%201908&STitle=Adjournments> (last visited Sept. 5, 2024).

➤ **Impact on Pendency and Backlog of Cases in the High Court**

One of the most visible consequences of frequent adjournments is the increasing pendency and backlog of cases. The High Court of Jharkhand, like many other courts in India, is already burdened with a significant number of pending cases. Adjournments contribute to this issue by delaying the resolution of cases and clogging the judicial docket. Every adjournment pushes a case to a later date, creating a cascading effect on the scheduling of other cases. For instance, if a single bench handles multiple matters in a day and a few cases are adjourned, subsequent cases scheduled for the same bench are also delayed. This creates a vicious cycle where new cases are continuously added to the docket without resolving older ones in a timely manner. The backlog caused by adjournments not only hinders the delivery of justice but also affects the court's ability to handle urgent matters effectively. In some cases, adjournments result in disputes losing relevance over time, as parties may settle outside the court or abandon their claims due to frustration with the delays.

➤ **Effects on Litigants**

Adjournments also have a direct and profound impact on litigants, who bear the brunt of delays in the judicial process. These effects are both economic and psychological, making the pursuit of justice a costly and distressing experience.

• **Economic Costs**

Litigants often incur significant financial expenses due to adjournments. For instance:

- **Travel Costs:** Many litigants in Jharkhand come from remote rural areas. Traveling to the High Court in Ranchi involves substantial expenses, including transportation, food, and accommodation. Each adjournment requires additional trips, compounding these costs.
- **Lawyer Fees:** Legal representation is an essential aspect of court proceedings, but frequent adjournments increase the cost of hiring lawyers. Most lawyers charge fees per hearing, meaning that litigants must pay repeatedly for appearances that yield no progress in their cases. For economically disadvantaged individuals, these costs can become unsustainable.

These financial burdens often discourage litigants from pursuing their cases, forcing them to either settle on unfavorable terms or abandon the legal process altogether¹⁴.

¹⁴ Drishti Judiciary. "The Aftermath of Adjournments." Drishti Judiciary. Available at: <https://www.drishtijudiciary.com/editorial/the-aftermath-of->

- **Psychological Stress and Loss of Trust in the Judiciary**

Apart from financial costs, adjournments take a psychological toll on litigants. Long-drawn legal battles cause anxiety, stress, and emotional exhaustion. For individuals involved in sensitive cases such as family disputes, property matters, or criminal appeals, the uncertainty created by adjournments can be particularly distressing.

Frequent delays also erode trust in the judiciary. Litigants who experience repeated adjournments may perceive the legal system as inefficient or biased. This perception undermines the judiciary's credibility and discourages people from seeking justice through formal channels. For marginalized communities, the loss of trust in the judicial system is even more pronounced, as they already face systemic barriers to accessing justice.¹⁵

CONCLUSION

The issue of adjournments in the judicial system, particularly in the High Court of Jharkhand, highlights a significant barrier to timely justice delivery. While adjournments are essential in some cases to ensure fairness and adequate preparation, their frequent and often unnecessary use contributes to severe delays, exacerbating case backlogs and undermining public trust in the judiciary. The misuse of adjournments not only burdens litigants—especially those from economically disadvantaged backgrounds—but also places enormous pressure on the judiciary, which is already struggling with vacancies and inadequate infrastructure. In the context of Jharkhand, the frequency of adjournments in cases, whether civil, criminal, or constitutional, has been a primary contributor to the mounting backlog of cases. This backlog in the High Court and subordinate courts has led to significant delays, with many cases remaining unresolved for years. Such delays are not only frustrating for the litigants who await justice but also lead to economic and social consequences for them, particularly for those involved in civil disputes or criminal matters where their freedom or financial stability is at stake. It is observed that in many cases, the reasons for adjournments are not grounded in necessity but rather in convenience or inefficiency, such as unpreparedness of the lawyers, absence of parties, or simply an overloaded court schedule. In this context, adjournments become an obstacle to the efficient functioning of the judicial system and ultimately obstruct the speedy delivery of justice.

adjournments#:~:text=Delays%20in%20the%20resolution%20of,fees%2C%20and%20other%20associated%20costs (last visited 9 September 2024)

¹⁵ *Ibid*

Moreover, the cultural dynamics of the legal profession and the general approach to litigation play a role in this issue. Lawyers, on many occasions, request adjournments without sufficient justification, relying on them as a standard part of legal proceedings. While this may be in the interest of ensuring proper representation, it also increases the time taken for a case to be resolved. In some cases, adjournments are requested for trivial reasons that have no bearing on the actual proceedings, further contributing to unnecessary delays. Similarly, the lack of stringent control over the number of adjournments a party may seek has led to a situation where they are viewed as an almost guaranteed part of the judicial process.

PROPOSED REFORMS TO ADDRESS ADJOURNMENTS

The frequent adjournments in the High Court of Jharkhand, and across the Indian judiciary, have contributed to significant delays in the justice delivery system. To address these issues, various reforms can be introduced, ranging from procedural changes to technological and behavioral interventions. These reforms aim to streamline the judicial process, reduce pendency, and ensure that justice is delivered in a timely and efficient manner.

➤ **Procedural Reforms**

One of the most straightforward and effective ways to reduce adjournments is to place limits on the number of adjournments allowed in any given case. Setting a clear maximum number of adjournments can encourage lawyers and parties to be better prepared for hearings and encourage swift resolution of cases. Currently, cases are often adjourned repeatedly due to minor issues such as incomplete paperwork or the unavailability of lawyers or witnesses. By placing a cap on adjournments, the court can encourage all parties to ensure that they come prepared, with all required documents and witnesses present. A clear limit will also motivate litigants to prioritize their case hearings and ensure that all proceedings take place on schedule, without unnecessary delays.

Another important reform is to impose stricter penalties on parties seeking adjournments without valid reasons. The frequent granting of adjournments by judges often encourages litigants or lawyers to request them at the slightest inconvenience. This has become a common practice that disrupts the judicial process. To combat this, courts can impose financial penalties on parties that request adjournments without justifiable reasons. For example, if a lawyer requests an adjournment due to lack of preparation or minor procedural errors, the court can

levy a fine or charge additional costs. This would serve as a deterrent and encourage lawyers to act responsibly and to ensure that cases proceed smoothly. Furthermore, repeated adjournments could lead to the case being dismissed, or the requesting party could lose the right to seek adjournments for a specified period. This would send a strong message that adjournments should not be used as a tool for delaying justice unnecessarily.

➤ **Technological Interventions**

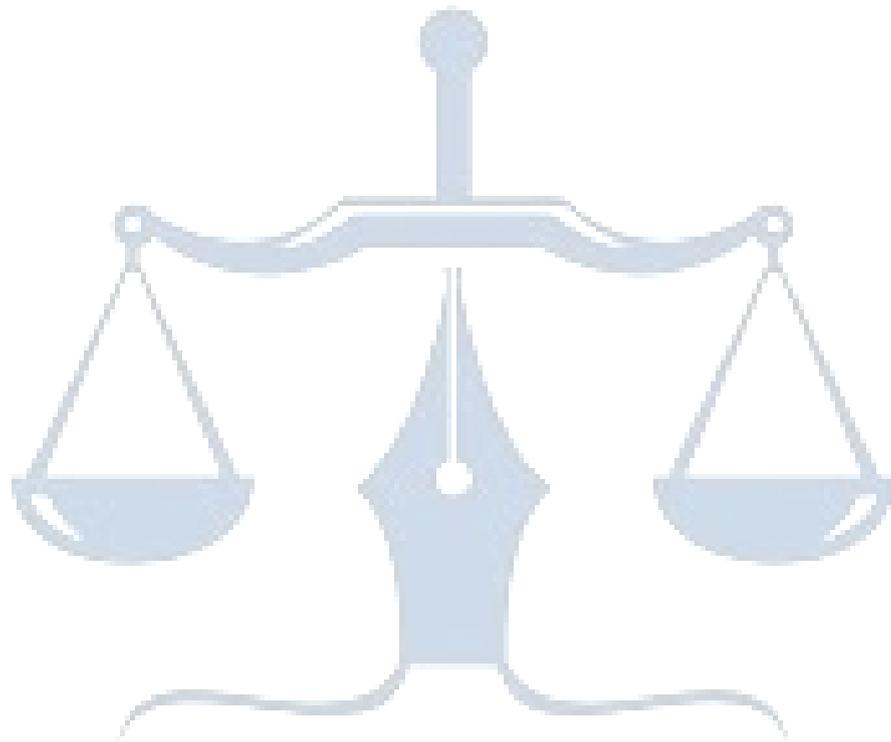
One of the most promising solutions to reduce adjournments and improve the efficiency of the judicial system is the adoption of e-courts and online case management systems. These platforms allow for digital filing of cases, virtual hearings, and better tracking of case progress. In the High Court of Jharkhand, the implementation of e-courts could significantly streamline the entire judicial process. Additionally, an online case management system can be used to track the progress of cases, including the number of adjournments requested, reasons for adjournments, and timelines for the next hearings. This would allow the judiciary to monitor the frequency of adjournments and intervene when they become excessive. Such systems can also facilitate better scheduling and help avoid overlapping hearings, which is often a reason for adjournments.

➤ **Behavioral Reforms**

Adjournment issues must also be addressed through behavioral changes. One important area to focus on is informing both lawyers and litigants about the harmful repercussions of adjournments. Often, lawyers and litigants request adjournments without fully understanding the impact on the justice system, other litigants, and society at large. Sensitization campaigns can be conducted by the judiciary, bar associations, and legal organizations to raise awareness about the importance of timely hearings and the detrimental effects of unnecessary adjournments. Lawyers, especially those handling cases that may not be of a personal nature, should be encouraged to consider the long-term effects of their actions. If a lawyer requests multiple adjournments in a case, they should be made aware that such actions not only delay justice but also lead to significant economic and emotional costs for the litigants.

Another important behavioral reform is to promote mediation and alternative dispute resolution (ADR) mechanisms. These approaches can reduce the dependency on court proceedings and minimize the need for adjournments. Mediation, arbitration, and conciliation can help resolve disputes outside the courtroom, reducing the caseload in the High Court and subordinate courts.

In many cases, a matter that would otherwise take years to resolve in court can be settled within months through ADR. Encouraging the use of these mechanisms at an earlier stage in a dispute can help prevent adjournments in the first place. Courts can actively refer cases to mediation or arbitration, especially for non-complex cases, thereby reducing the need for lengthy hearings and adjournments.



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