

The undue delay in the civil suits and its symbiotic harms on the litigants' communal lives in Swat, Pakistan

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Abstract

The studies show that the civil justice system in Pakistan is facing undue delay in the resolution of civil suits. However, few studies have focused on the negative impacts on familial lives. Such negative impacts could be sufficiently covered by the term symbiotic harms as the nature of impacts on the families is wide-ranging and heterogeneous. This study analyses the symbiotic harms of delayed civil suits for litigants and their loved ones in Swat, Pakistan. We utilized a quantitative approach, and primary data were collected through interview schedules from litigants whose civil suits were pending at various courts. Participants were recruited through stratified random sampling from two strata, i.e., lower courts and high courts. Various aspects of litigants' experiences were analyzed with the help of descriptive and inferential statistics. The undue delay was found in litigants' suits, as the majority of respondents reported that their suits take too much time. This delay further brings symbiotic harm to the litigants' communal lives. It is significantly associated with defective socialization of children and dependents, not maintaining familial relationships and friendships, and not participating in communal functions. For the well-being of litigants, adequate social support and legal aid should be provided to litigants.

Article History

Received:
15-Apr-2022

Revised:
25-Aug-2022

Re-revised:
10-Dec-2022

Accepted:
15-Dec-2022

Published:
31-Dec-2022

Keywords: civil suits, undue delay in civil suits, litigants, civil courts, symbiotic harms, family members, socialization, familial relationships, social exclusion, stigmatization.

How to Cite: Mansoor, & Ullah, F. (2022). The undue delay in the civil suits and its symbiotic harms on the litigants' communal lives in Swat, Pakistan. *Liberal Arts and Social Sciences International Journal (LASSIJ)*, 6(2), 254-271. <https://doi.org/10.47264/idea.lassij/6.2.14>

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1. Introduction

The Justice system of a country plays a pivotal role in promoting peace, harmony, and the welfare of its citizen. The existing studies show that our civil justice system is facing undue delay in the resolution of civil suits however, few studies have focused on the negative impacts on familial lives. Such negative impacts could be sufficiently covered by the term “symbiotic harms” as the nature of impacts on the families is wide-ranging and heterogeneous. Therefore, we try to cover this gap and analyze the symbiotic harms of delayed civil suits for litigants and their loved ones. Conflict is one of the important features of human society holding a key position in Sociological and Criminological research. With its diverse forms and presence, people used different mechanisms for settling their own and others’ conflicts. At present, there are broadly two major forms of conflict resolution in practice, Formal and informal. However, in recent times, most people resort to formal means of conflict resolution by going to courts for settling their disputes and claiming their rights as enshrined by the constitution. While courts largely help in resolving local disputes through already laid down rules and laws, however, it can also result in undue delay in the resolution of these disputes/claims which could result in various negative impacts to the litigants and their loved ones (Ullah & Khan, 2021).

Delay in the civil justice system is one of the problems that are studied and analyzed by researchers frequently. Slapper and Kelly (2011) referred to the report of Civil Justice Review (CJR) published in 1988 that delaying the time period of judicial procedure has a lot of consequences on the lives of litigants which include financial constraints, stress, anxiety and other familial problems, which often compel the weaker parties to settle their dispute unfairly. This is a fact that civil suits are delayed more than that of criminals because of the more pendency and complexity of civil procedure code where most civil suits include commercial and land suits. The complex structure of land suits and the difficulty of interpreting them in the terminology of law need more duration, which ultimately affect the timely disposition of other suits (Shafi et al., 2022). Ordinary people in Pakistan who have experience of going to courts often do not trust and believe in the judiciary and the law-and-order enforcing agencies because of the injustice and enormous delay in judicial procedure. Civil suits take from 10 to 15 years on average, which should be decreased from 1 to 2 years for an efficient civil justice system (Hussain et al., 2015; Ahmad & Wangenheim; 2021).

The delay in justice system could not be perceived as a problem since a fair decision requires sometime between the institution of a case and its final judgment. However, the delay which becomes a problem is regarded as undue delay in the literature which is the too much time taken by the justice system for the disposition of a case. When it comes to civil procedure, the issue is not a new one, but such delay is regarded to be born along with civil litigation (Van Rhee, 2004). In Pakistan, according to Article 37 (d) of the Constitution, it is one of the prime objectives of the judiciary to provide justice to the parties within a reasonable time i.e. (Mughal & Ahmad, 2011). However, there is no time limit for the disposition of civil suits in the CPC of Pakistan (The News International, June 26, 2015).

Although, after the promulgation of the Act of Sharia Nizam-e-Adl Regulation (SNAR) in 2009, a provision of law was given to Malakand Division, Khyber Pakhtunkhwa which states that all suits of civil nature shall be decided within six months of time. The study area of this study also comes under this jurisdiction. Moreover, the aim of this Act was to provide speedy and cheap justice to the people (Dawn, 2009, April 22; Khan, 2009, March 3). Hassan (2014, November 29) commented on the outcome of SNAR as this act resulted in increase of cost of litigation instead of providing inexpensive justice, where according to him the delay is still a major cause for the litigants' grievances against the judicial system. Apart from the financial burden, the undue delay in civil suits also results to many social issues for the litigants and their family members; and may contribute to violence and conflict in society (Azim et al., 2018).

People in Pakistan face multiple problems while litigating their civil suits and the pendency of civil suits in the country is increasing with almost every passing day and with increase in the number of cases. There is not any fixed timeframe for civil suits in the CPC of Pakistan. There are socio-economic and legal factors, which may prolong the litigation process and may result in serious consequences on the socio-economic fronts of the litigants. As civil suits take more time in judgment, the litigants spend most of their time and resources while handling their civil suits to protect their civil rights and achieve the desired result. The delayed judgements are causing unrest in the society and predominantly resulting in undesired and negative repercussions for the litigants and their families.

In this study, we try to analyze the undue delay and its consequences for the litigants and their families whose civil suits are pending before the courts. As undue delay in civil suits took more time of the litigants so it resulted in the wastage of their time as well as resources, and hence it also affects their socio-economic conditions. It could also affect the education and socialization of a litigant's families due to their absence from home and other important events. The present study was conducted with the litigants at the civil courts of Swat, Khyber Pakhtunkhwa, Pakistan.

1.1. Objectives

The objectives of the study were:

- a) To assess the perception of litigants about the status of delay in their civil suits; and
- b) To understand the social consequences of undue delay in civil suits for the litigants.

1.2. Hypotheses

- a) The higher positive response to the various indicators of Independent Variables (Status of Delay in the Civil Suits), the greater will be the intensity of delay. (Proved)
- b) The more indicators of Dependent variable (Symbiotic Harms) show significant association with the independent variables (Status of Delay), the higher will be the symbiotic harms of delay in the communal lives of litigants. (Proved Partially)

1.3. Conceptual framework

Independent Variable	Dependent Variable
Status of Delay in Civil Suits	Symbiotic Harms

2. Literature review

Justice refers to fixing the appropriate distribution of shares and to determine fundamental rights and duties between or among parties (Nelson, 2019). It is one of the prime functions of a state to deal with its citizens justly, and no provision of justice, is a state's failure towards its duty accomplishment (Ali & Sadia, 2022). Freer (2021) has defined the civil justice system as the whole structure of the administration of justice in civil matters where people defend their civil claims through proper procedure and laws of the state. Generally, it is perceived that unreasonable and abnormal prolonging of judicial procedure in both civil and criminal matters is regarded as undue delay in the justice system (Van Rhee, 2004).

It is the responsibility of the state to provide its citizens with remedies for the losses caused by some other parties to the injured or disadvantaged party. The state is also responsible for providing justice to the parties in time and without unnecessary cost in accordance with the laws of that state. As per the civil justice system, those parties or persons are compensated who have received any kind of loss or disadvantage by the action of others. Tort suits, contract suits, property suits, family suits like divorce and heredity and all other suits that are not criminal in nature come within the jurisdiction of the civil justice system (Calvi & Coleman, 2016).

Unfortunately, in most developing countries, the civil justice system is not efficient. Webb (1995) has referred to a study of tort suits conducted in 1986 in Maharashtra, an Indian state, where he found that the average times taken by these cases were 17.4 years. Similarly, other suits of civil nature also took more time, which have consequences over the lives of litigants, and this problem can be tackled by effective and efficient reforms. Singapore, a Southeast Asian country, introduced reforms in the 1990s which decreased the pendency of all cases by 90%, which has resulted in decreasing the average time of suits to four months from five years within less than two years (Mahmood, 2013).

The economic impacts of undue delay of civil procedures are well established but its harms on the familial lives of litigants are not given adequate attention in the past. Building and maintaining adequate social relationships with family members, relatives, and friends are very essential in promoting a healthy society. These relationships include socialization and care of family members, maintaining ties with relatives, participating in familial functions, building and maintaining friendships, participating in communal functions, and so on. Owing to the capitalistic and liberal social structure, it has become very difficult to give proper time to maintain these relationships. The undue delay in the justice system in general and the civil justice system in particular, took enormous time from those who have pending civil suits.

Parents are primarily thought of as responsible to socialize their children, although, parents are not the only stakeholder in socialization, but the family is conceived as a primary institution responsible for socialization (Maccoby, 1994). In the Family, the younger members are socialized by the elders often parents or siblings in nuclear families, grandparents and other elders in joint families and extended families. By viewing socialization through the perspective of behaviourism, parents thought children acceptable behaviour through punishment and rewards which helps them to develop healthy personalities just like teachers do in school (Ibid.). Family socialization prepares children to participate in society successfully and thus help in a stable society (Putney, & Bengtson, 2002). For effective socialization, children are needed to be given proper time in the family by either parents or other elder members of the family. Rothman sees the increase in crime rate due to the decline of the influence of social institutions like family, school, and church in American society (Rothman, 2002).

The importance of social relationships is not limited to the family. The social ties and relationships outside the family with other relatives and kin is also important. Bengtson (2001) contends that despite the widely debated and supported hypothesis of “Family decline”, multi-generational relationships are more important in the 21st century owing to the three reasons. Firstly, the increase of average population age resulted in a longer period of shared lives between different generations. Secondly, the grandparents and other kin are playing their role in fulfilling the family functions. Lastly, intergenerational solidarity has strengthened over time. Similarly, developing and sustaining good relationships with friends is also beneficial for all age groups e.g., Rogers (2012) have analyzed the positive outcomes of children’s neighbourhood friends over their wellbeing, Boute et al. (2007) have assessed the importance of friends among university students, and Edward (2016) have analyzed the benefits of friends among the old age group. Giles et al. (2005) suggest that friends not only promote mental health but also promote our physical wellbeing. Overall, adequate social relations have positive impacts on both society and individuals but those litigants whose civil suits are pending before courts are unable to manage their time.

Participation in different social events also helps in the well-being of individuals and the social integration of the community (Qadir, 2022). Nguyen et al. (2013) and Rahemtulla (2015) examine that mosque attendance and congregation among American young American Muslim were found to be positively related with giving, receiving and anticipating support emotionally among Muslim coreligionists. Nooney and Woodrum (2002) observes that coreligionists among Christians are getting indirect support (instrumental, informational, emotional, appraisal, and spiritual assistance) which are positively related to their health. Tewari et (2012) al. highlights the importance of participation of the Hindu community in their religious functions. Owing to delaying of civil suits, litigants could not manage time to participate in religious and cultural practices. This non-participation could affect the social life of litigants and hence could exclude them from their community.

Social stigmatization is another important phenomenon negatively affects the victims of stigma

directly and society in general. Numerous studies have analyzed the consequences of social stigma. Goffman (1963) defined stigmas as attributes that are highly disadvantageous, and which also reduce whole persons to tainted and discounted others. Herek (2009) defines stigma as “the negative regard, inferior status, and relative powerlessness that society collectively accords to people who possess a particular characteristic or belong to a particular group or category” (p. 441). While many studies have evaluated the stigmatization of accused due to their involvement in criminal cases such as Megret (2013) sees stigma as the sociological outcome of criminal justice, very little is known about the impact of possible stigma which could be associated with going to courts and pursuing civil suit under the civil justice system. Frost (2011) argues that those who are stigmatized by society due to their any disadvantageous status, experience social exclusion, and discrimination while the consequences of stigmatization include poor mental and physical health, increased risk behaviour, and poor academic and job performance, and poor relationship outcomes.

3. Theoretical framework

Since the undue delay in the resolution of civil suits requires enormous resources (time, money, energies) from litigants, it could result in negative impacts on the litigants’ familial and communal lives. Such undue delay is analogous to imprisonment in many ways as both bring about similar negative impacts on the familial and communal lives of those whose cases were pending before courts, goes frequently to courts, visit their legal counsels and pay their fees. The negative impacts of imprisonment on the families are identified in the literature by the terms such as collateral harms and secondary imprisonment where the former is insufficient, and the latter is wrong (Condry & Minson, 2021). These negative impacts of imprisonment could be captured by the term symbiotic harms as sufficiently as these harms are relational, mutual, non-linear, agentic and heterogeneous in character (Condry & Minson, 2021). The symbiotic harms are not limited to only imprisonment and while applying these terms to the similar harms that are produced by another phenomenon could be a useful strategy. For instance, symbiotic harms were extended to the negative impact of monetary sanctions on the families of those who were fined by courts in the two US states, Georgia, and Missouri (Boches et al., 2022). This study will further extend symbiotic harms to the familial and communal lives of litigants whose civil suits are pending before various courts in Swat Pakistan.

4. Methodology

The quantitative approach was adopted for conducting this study where the responses of the litigants were analyzed and presented in tabular forms. Descriptive and inferential statistics were applied for making sense of the collected and analyzed data. In descriptive statistics, the view of litigants about the delay in their civil suits and its consequences on their social life are presented in the form frequency and percentages while in inferential statistics, the association of delay in civil suits and its consequences on the social life of litigants were analyzed with the help of chi-square test.

4.1. Universe of the study

Civil suits which were delayed by at least 6 months or more time in the civil courts of Swat were included in the universe of the study where the total number of such cases were 6086. Furthermore, the litigants of two courts in Swat were selected for the data collection.

4.2. Tools of data collection

Primary data were collected from the litigants through the interview schedule. Kumar (2011) argued that interview schedule is the aggregate of various questions on paper related to the study problem. He further explained that it could be either close ended or open ended where the questions should be asked from the interviewee by the researcher and the interview schedule should be filled accordingly to the responses of the interviewee.

4.3. Sample size and sampling procedures

Stratified random sampling technique was used for this study as civil suits delayed for more than 6 months in Dar-ul-Qaza (High Court Bench) and District Judiciary of Swat were divided into two strata. There was a total of 11895 under trial civil suits including 5184 and 6711 at Dar-ul-Qaza and District Judiciary of Swat respectively. The total number of civil suits which were delayed for more than 6 months were 2175 at Dar-ul-Qaza and 3911 at District Judiciary of Swat. So, the total number of such cases was 6086. According to Krejcie and Morgan (1970), the total sample size becomes 361 which were further classified as per proportional allocation strategy in the following break up.

4.3.1 Sample Size Breakup

Pending Suits at	Total Under Trial Civil Suits	Pending Cases for More than 6 Months	Sample Size
1. Dar-ul-Qaza Peshawar High Court Bench, Mingora, Swat	5184	2175	129
2. District Judiciary of Swat	6711	3911	232
Total	11895	6086	361

1. (Office of the Controller, Peshawar High Court Bench at Swat, February 28, 2017)

2. (Office of the District & Session Judge at Swat, February 28, 2017)

4.4. Data analysis

The Primary data were presented and analyzed with the help of SPSS where the views of litigants were presented and analyzed in terms of frequency and percentages and then the association between the independent variable and dependent variable was measured and analyzed with the help of chi-square test.

5. Results and discussion

The primary data is presented in tabular forms where the responses of litigants is described both in terms of frequency and percentage under uni-variate analysis. Under bi-variate analysis, the association between the delay in the civil suits (independent variable) with the different aspects of the symbiotic harms (dependent variable) were assessed and supported with the relevant literature.

5.1 Type of civil suits

The above table distributes the respondents of the study in term of the nature of their civil suit. The nature of majority of civil suits i.e., 54 percent were property and land suits. There were 19.7 percent inheritance suits, 13.3 percent contract suits, 10.2 percent family suits and only 2.8 percent services matter that litigants were trying.

	Frequency	Percentage
Property and Land	195	54.0
Inheritance	71	19.7
Contract	48	13.3
Family	37	10.2
Services	10	02.8
Total	361	100

5.2 Uni-variate analysis

5.2.1 Status of delay in civil suits (independent variable)

This table illustrate the multiple aspects of delay in the civil suits of litigants. There were a majority of litigants i.e., 83.4, who objected to the Civil Justice System that it takes more time to resolve civil suits while 13 percent disagreed with this objection while 3.6 percent were uncertain about this objection. There were a majority of litigants i.e., 80.6 percent who agreed with the statement that six months of time is enough for disposing of a civil case, while 16.1 percent were against this statement and 3.3 percent were unsure about this statement. There were most litigants i.e. 67.6 percent who frequently paid visit to the courts for early disposition of cases while 24.7 percent did not frequently visit the courts and 7.8 percent were unsure about their visits to courts. There were a majority of litigants i.e., 61.2 percent who frequently visited their lawyers for consultation while 29.6 percent did not frequently visit the courts and the remaining 9.1 percent did not know about their frequency of visits to their lawyer. There were a majority of litigants i.e., 67 percent who agreed with the statement that legal counsels did not give appropriate time to listen to litigants' issues while 22.7 percent litigants disagreed with this statement and the remaining 10.2 percent did not have any idea. There were a majority of litigants i.e., 57.3 percent who objected to the response of the lawyer and agreed with the

statement that legal Counsels' response is not satisfactory while 31.3 were disagreed with the statement and the remaining 11.4 were uncertain about this statement.

Statement	Agree		Disagree		Don't Know		Total
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency
The Civil Justice System takes too much time to resolve civil suits.	301	83.4	47	13.0	13	3.6	361
Six months of time is enough for disposing of a civil suit.	291	80.6	58	16.1	12	3.3	361
I do frequently pay visits to the courts in the trial process for early disposition of your case	244	67.6	89	24.7	28	7.8	361
I do visit frequently lawyer/lawyers for consultation	221	61.2	107	29.6	33	9.1	361
Legal counsels do not give appropriate time to listen to the issues.	242	67.0	82	22.7	37	10.2	361
Legal Counsels' response is not satisfactory	207	57.3	113	31.3	41	11.4	361
Legal Counsels frequently ask for more and more money.	275	76.2	75	20.8	11	3.0	361
Legal counsels don't make preparation for the case rather get another date	225	62.3	54	15.0	82	22.7	361
Courts, where cases are tried, are overcrowded.	267	74.0	59	16.3	35	9.7	361
Judges do not give appropriate time to litigants to listen to their point of view.	256	70.9	56	15.5	49	13.6	361

There were a majority of litigants i.e., 76.2 percent who had referred to the problem that legal Counsels frequently ask for more and more money while 20.8 percent disagreed with this statement while only 3 percent were uncertain about this practice of legal counsels. There were a majority of litigants i.e., 74.5 percent who agreed with the statement that a huge fee was charged by the legal counsels while 18 percent were against this statement and the remaining 7.5 percent were unsure about this statement. There were a majority of litigants i.e., 62.3 percent who were of the view that legal counsels don't make appropriate preparations rather they get another date from the court which prolongs the case while 15 percent were against this view and the remaining 22.7 percent were uncertain about this view. There were a majority of litigants i.e., 74.5 percent who were of the view that court staff demand for money or other valuables while 17.5 percent were against this view and the remaining 8 percent had no idea about this view. The majority of litigants i.e., 74 percent had objected that the court where cases are tried is overcrowded while 16.3 percent were against this objection while the remaining 9.7 percent did not know about the over crowdedness of the courts. There were a majority of litigants i.e., 70.9 percent who agreed with the statement that judges do not listen to their point of view while 15.5 percent were against this view while 13.6 percent were unsure

about the behaviour of judges. To every indicator of delay, the majority of litigants have answered in the affirmation so it shows that delay could be seen in every aspect of the status of delay.

5.2.2. Symbiotic harms of delay (dependent variable)

The table demonstrates the views of litigants on the consequences of delay in the civil justice system on the social life of litigants. Most litigants i.e. 66.2 percent had reported that they cannot give proper attention to the socialization of their children or other family members while 19.4 percent disagreed with the statement and the remaining 14.4 percent were unsure about this statement. There were a majority of litigants i.e., 57.3 percent agreed with the statement that they cannot give proper time to the socialization of family members while 27.1 percent disagreed with the statement and 15.5 percent were doubtful about this statement. There were a majority of litigants i.e., 80.9 percent declared that they could not maintain their relationship with their relatives while 8.9 percent were against this statement and 10.2 percent did not know about this statement. There were a majority of litigants i.e., 65.7 percent who had observed that they could not maintain their relationship with friends while 25.2 percent were against this view and the remaining 9.1 percent were uncertain about this view.

Statement	Agree		Disagree		Don't now		Total
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency
Litigants cannot give proper attention to socialization of their children or other family members.	239	66.2	70	19.4	52	14.4	361
Litigants cannot give proper time to socialize their children or other family members.	236	65.4	55	15.2	70	19.4	361
Litigants' child or any other younger family member is convicted for committing any offense since the pendency of their cases.	207	57.3	98	27.1	56	15.5	361
Litigants could not maintain active relationships with their relatives.	292	80.9	32	8.9	37	10.2	361
Litigants could not maintain relationships with their friends.	237	65.7	91	25.2	33	9.1	361
Litigants cannot celebrate familial and communal functions.	244	67.6	70	19.4	47	13.0	361
Litigants are stigmatized for going to courts every time.	200	55.4	95	26.3	66	18.3	361
Family members of litigants are also stigmatized.	187	51.8	91	25.2	83	23.0	361

There were a majority of litigants i.e., 67.6 percent were in the favour of the statement that they cannot celebrate familial and communal functions while 19.4 percent were not in the favour of this statement and the remaining 13 percent were unsure about this statement. There were a

majority of litigants i.e., 55.4 percent who claimed that they were stigmatized for going to courts while 26.3 percent were against the claim and the remaining 18.3 percent did not know whether they were being stigmatized or not. There were almost half of the litigants i.e., 51.8 percent who claimed that their family members were also stigmatized while 25.2 percent were against this claim and 23 percent were uncertain about this claim.

5.3 Bi-Variate analysis: symbiotic harms association with delay in civil suits

Below table evaluates the association of delay in civil cases with its consequences on the social life of litigants. There was a highly significant association ($P = .001$) found between delaying civil suits of litigants with their proper attention to their socialization of their children or other family members. A significant association ($P = .016$) was observed with the statement that litigants cannot give proper time to socialize their children and other family members. Rothman (2002) argues that in a free society, people often commit crimes due to the lack of influence of social institutions like family, church, and school. Hence in the study area, the pending civil suits of litigants resulted in a lack of influence of family as those who have pending civil suits cannot focus on the socialization of their younger members of family and consequently cannot give proper time to socialize them. The lack of attention and socialization could further lead to indulging in anti-social and criminal activities. A non-significant association ($P = .072$) was established in this study between the delaying of civil suits with a child or any other younger family member conviction due to committing any offense since the pendency of their cases. This finding could not reject the finding of Rothman (2002) that conviction in a criminal offense is often due to the lack of influence of social institutions in a capitalistic society because many criminal activities are often unreported and those which are reported often do not lead to conviction in Pakistan. Moreover, as delay in civil cases affects the social relationships as observed in this study, hence this finding also undermines the importance of these social relationships as given by (Maccoby, 1994; Putney, & Bengtson, 2002; Bengtson 2001).

There was a significant association ($P = .042$) found with the view that litigants could not maintain active relationships with their relatives. Similarly, there was also a significant association ($P = .022$) observed with the view that litigants could not maintain their relationships with friends. Edward (2016) and Giles (2005) contends the importance of maintaining ties with friends which have positive impacts on individual and society which could be affected by the delay in civil claims of litigants. There was a strongly significant association found with the statement ($P = .001$) that Litigants cannot celebrate familial and communal functions. Participation in these communal functions is important for balance and inclusive social life as studied by (Nguyen et al., 2013; Nooney and Woodrum, 2002) and hence by not participating in such events, the litigants could be deprived of the support which they could get by participating in those functions. There was a non-significant association ($P = .394$) found with the statement that litigants are stigmatized for going to courts. There was also a non-significant association ($P = .989$) observed with the statement that family members of litigants are also stigmatized.

Statement		Delay in Civil Justice System			Total	Statistics
		Agree	Disagree	Don't Know		
Litigants cannot give proper attention to the socialization of their children or other family members.	Agree	184	39	16	239	X ² =18.045 P = .001
	Disagree	36	22	12	70	
	Don't Know	37	9	6	52	
Total		257	70	34	361	
Litigants cannot give proper time to socialize their children or other family members.	Agree	177	45	14	236	X ² =12.168 P = .016
	Disagree	33	14	8	55	
	Don't Know	47	11	12	70	
Total		257	70	34	361	
Litigants' child or any other younger family member is convicted for committing any offense since the pendency of their cases.	Agree	157	35	15	207	X ² =8.592 P = .072
	Disagree	66	23	9	98	
	Don't Know	34	12	10	56	
Total		257	70	34	361	
Litigants could not maintain active relationships with their relatives.	Agree	214	57	21	292	X ² =9.936 P = .042
	Disagree	20	7	5	32	
	Don't Know	23	6	8	37	
Total		257	70	34	361	
Litigants could not maintain relationships with their friends.	Agree	180	39	18	237	X ² =11.453 P = .022
	Disagree	58	24	9	91	
	Don't Know	19	7	7	33	
Total		257	70	34	361	
Litigants cannot celebrate familial and communal functions.	Agree	186	40	18	244	X ² =18.384 P = .001
	Disagree	36	24	10	70	
	Don't Know	35	6	6	47	
Total		257	70	34	361	
Litigants are stigmatized for going to courts.	Agree	141	36	23	200	X ² =4.088 P = .394
	Disagree	71	17	7	95	
	Don't Know	45	17	4	66	
Total		257	70	34	361	
Family members of litigants are also stigmatized.	Agree	133	37	17	187	X ² =.310 P = .989
	Disagree	66	16	9	91	
	Don't Know	58	17	8	83	
Total		257	70	34	361	

Although, a significant number of litigants (i.e., 200 out of 361) agreed that litigants themselves were stigmatized (187 out of 361) and that their family members were also stigmatized due to their going to courts but there were no significant association found between delay in the resolution of civil claims of litigants and their perceived stigmatization of themselves and their family members. Hence Megret (2013) finding could be limited to the accused in criminal cases and there may be little influence of civil cases in relation to stigma. While keeping in view the second hypothesis of this study, it is proved partially that delay in the civil suits has resulted in some of the symbiotic harms as some of the indicators of the symbiotic harms (independent variables) which are significantly associated with the independent variable. On the other hand, few indicators are found not to be significantly associated with delay and hence delay in civil suits doesn't bring these kinds of symbiotic harms to the communal lives of litigants such as stigmatization of litigants and their family members are not significantly associated with the delay in their civil suits.

5.4. Future research

This study has evaluated the symbiotic harms of delay in civil suits with particular reference to and limited to the litigants whose civil suits were pending before civil suits in the various courts of Swat, Pakistan. Future studies can find out the symbiotic harms of delay in specific kinds of civil suits and criminal suits. Moreover, Cross-sectional and longitudinal studies could be conducted to compare the intensity and magnitude of various aspects of symbiotic harms brought about due to undue delay in the disposition of civil suits. Furthermore, this study is conducted through a quantitative approach, so various aspects of symbiotic harms in relation to delay in civil suits could be explored through an in-depth qualitative study.

6. Conclusion

While there is a large body of knowledge that focuses on delayed justice, however, in this study we focused on the Symbiotic Harms of undue delay in civil suits on litigants as well as their families. We argue that there are tens of thousands of cases pending before the courts, however, the delay is caused by an increase in cases, lack of interest, few courts in the district, and issues of litigants with the counsels. This delay is not only impacting the administration of justice but also resulting in serious social and familial consequences for the litigants and their families. Besides the economic loss and time wastage for litigants, the undue delay also brings symbiotic harm as the litigants are not able to give proper time to the socialization of their children. Litigants are unable to attend family events which are directly impacting the family environment and affect their kinship bonds. Due to frequent visits to courts and meeting with the legal counsels, litigants could not give proper time to participate in communal functions which can result in disastrous consequences for family members if not taken care of at the earliest. Keeping in view the symbiotic harms of undue delay on the litigants and their families, this study seeks to draw the attention of authority to increase the capacity of the justice system and to provide adequate social support to the aggrieved litigants and their families.

Declaration of conflict of interest

The author(s) declared no potential conflicts of interest(s) with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship and/or publication of this article.

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