

REVIEWER'S REPORT

Manuscript No.: IJAR- 58895

Title: Overcoming Judicial Backlog and Delay

Recommendation:

Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓		
Techn. Quality			✓	
Clarity			✓	
Significance	✓			

Reviewer's ID: Abdul Haseeb Mir

Detailed Reviewer's Report

The manuscript addresses a critical challenge facing the Indian legal system: the heavy backlog of court cases and the resulting judicial delays. The author examines Alternative Dispute Resolution (ADR) mechanisms—specifically Lok Adalats, arbitration, mediation, and conciliation—as complementary tools to realize the constitutional right to a speedy trial under Article 21. The narrative spans pre- and post-independence statutory evolutions (including the Code of Civil Procedure, the Arbitration and Conciliation Act of 1996, the Information Technology Act of 2000, and the Indian Evidence Act) and highlights key judicial precedents alongside the practical benefits of ADR processes.

The core subject matter is highly relevant to contemporary access-to-justice debates and judicial administration. However, in its present form, the paper is structurally disorganized, conceptually derivative, and mechanically flawed. It reads more like a introductory compilation of statutory notes than a rigorous scholarly research paper. Significant revisions are required to elevate the critical depth, fix severe structural redundancies, and correct formatting and bibliographic deficiencies before publication can be considered.

MAJOR AREAS FOR IMPROVEMENT

1. Structural Redundancy and Copy Editing

The manuscript contains glaring text duplicates and formatting errors that must be resolved:

- Lines 85–89 and lines 90–94 contain an **identical block of text** repeated verbatim regarding the Civil Procedure Code Amendment Act of 1999, Section 89, and Order 10. One instance must be removed.

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- Line 74 references "the Act of 1966 underwent two amendments". This is a typo for either the 1996 Act or prior legislation.
- Non-academic layout artifacts, such as "UNDER REVI" (line 79) and "JJAR" (line 123), interrupt the text body and must be removed.

2. Analytical Depth and Critical Engagement

The paper relies predominantly on descriptive summaries of statutory provisions (e.g., listing Section 89 CPC, IT Act provisions, and Lok Adalat features). To function as a publication-ready review, it needs to move beyond mere recitation.

- The author should critically evaluate *why* judicial backlogs persist despite these legislative interventions—examining empirical data on pending case counts, the judge-to-population ratio (touched upon briefly in line 220), infrastructural bottlenecks, or institutional resistance among litigants and legal practitioners.
- Section 2.0 or 4.0 should analyze the practical limitations of ADR (e.g., enforceability issues, lack of awareness, strategic delay tactics during arbitration) rather than presenting ADR exclusively as an unblemished solution.

3. Reference Integrity and Source Attribution

The citation methodology in the footnotes is severely substandard for an academic journal:

- Footnotes 2, 3, 5, 6, 7, 8, 9, and 10 consist of bare URLs (e.g., courts.state.de.us, thelawpoint.com, contractshield.in, testbook.com) or incomplete fragments without author names, publication titles, volume numbers, or retrieval dates.
- Citations to online blog posts (such as *contractshield.in* or *testbook.com*) should be replaced with peer-reviewed journal articles, legal treatises, statutory enactments, or official judicial reports (e.g., Law Commission of India Reports on judicial reforms and ADR).
- Footnote 5 cites *Hussainara Khatoon v. State of Bihar* (1979) on line 114 without full legal citation details (e.g., AIR/SCC citations).

MINOR ISSUES AND DETAILED RECOMMENDATIONS

1. Case Law Contextualization

- In lines 176–177, the author cites *Maruti Udyog Limited v. Maruti Software Pvt. Ltd.* and *Tata Sons v. The Advanced Information Technology Association* regarding WIPO domain resolution. The narrative jumps abruptly to these domain-name cases without demonstrating how online domain dispute resolution directly addresses judicial backlogs in traditional Indian courts. Provide clearer contextual bridging.

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- In lines 131–136, the discussion of *ONGC v. Saw Pipes* and *Associate Builders v. DDA* accurately notes the court's supervisory role, but needs to explicitly link how judicial intervention under Section 34 of the 1996 Act has historically added to court dockets when awards are routinely challenged.

2. Syntax and Formatting Corrections

- Abstract (line 12): The keywords provided ("Stringent; Legal practitioners; Disputes; Society") do not reflect the core theme ("Alternative Dispute Resolution", "Judicial Backlog", "Lok Adalat", "Arbitration"). Align the keywords with the content.
- Line 15: Typo in "guaranties" (should be "guarantees").

FINAL VERDICT AND NEXT STEPS

The paper addresses an essential and timely theme in legal studies and judicial administration. However, transforming this manuscript into a published article requires removing redundant text blocks, upgrading internet blog references to standard legal citations, deep-diving into empirical/critical analyses of judicial delay, and thorough proofreading.

Decision: Revisions Required.