

# Reducing the Pendency of Cases at Court: Role of Clinical Legal Education

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**Abstract.** The Indian court system generates huge amount of data related to administration, arguments, litigation behavior and court decisions on a regular basis. But the present judiciary is unable to draw from this vast store of data to effectively practice - by which our community will be made up of competent and socially sensitive lawyers in legal education in case of huge amount of delays and pending cases in courts. Do what it aims to do in order to do its job efficiently and to improve the overall efficiency of the justice delivery system, with your ability to understand computationally and contribute to social welfare so as to reduce the pendency of court cases.

**Keywords:** Legal education, pendency, delay, clinical education

## Introduction

Studying court cases and drawing necessary conclusions as to how courts have applied certain norms and how they interpret them in accordance with the law. This is one of the most important parts of the training of all legal professionals to understand. Thus, a just society must have access to justice and a system of speedy justice in a strong democracy. As long as justice is delayed, not only does it block access to the system, but it also keeps people within and outside the country in a hallucinatory mindset. Justice is the administration of law by the courts. 'Justice is a constant and abiding desire to give everyone what he deserves'.

## Court cases pending in 2022

Pending of vast number of cases is a long ailing crisis of the Indian judiciary. The Indian court system includes the Supreme Court, High Courts in individual states and union territories, and lower courts at the district level suffering from same problem of pendency of cases. Recent data estimates (Estimated by the National Judicial Data Grid in July 02, 2022) show that a total of cases 4,17,19,969 are pending in various jurisdictions. Even though lower courts dispose of more than half of new cases within a year (56%), a significant number of these cases are either transferred to higher courts, or decisions are challenged in higher courts. Thus, it increases the total volume of cases pending in High Courts and Supreme Court. Moreover, the ongoing covid pandemic has severely affected the judicial system leading to further delays in the delivery of justice. Hence, legal education in our society will prepare competent and socially sensitive lawyers to deal with pending cases in court, and our request to the Bar Association and the government is to give monthly funds to the fresh enrollment advocates so that they can make their living by camping free of cost to the society and tell the society their rights, then it will also help in reducing the pending cases in the court. Researchers, lawyers, government and administration are working tirelessly to find ways to reduce copy pendency of cases and improve the overall efficiency of the legal system. For each case, after going through all the same prior documents and legal principles, the advocates of the parties concerned will have to present the arguments on behalf of the parties concerned. Often, these case documents are thousands of pages long and they take a long time to prepare the brewing. Then, when the judge pronounces the judgment of the case, all the legal issues, facts, arguments provided by advocate are examined by the court. For both procedures, case analysis is one of the most used techniques or methods available to legal practitioners. Therefore, it will improve the efficiency of the courts and help in reducing the major crisis by reduction. The judiciary in India is in a better position than many of its peers. Despite the many challenges surrounding the judiciary, people still have faith in the judiciary; Thus, they knock on its doors in the hope of getting justice, despite the paucity of money, judges and courts. These challenges not only slow down the administration of justice, but they also reduce the barriers of citizens to access to justice, which is vital for the enjoyment of human and basic rights.

**The foregoing scenario of pending litigation is not only problematic for the judiciary, but it also fails to provide constitutionally mandated access to justice.**

As a core idea of the rule of law, timely access to justice should be realized on all fronts, not only to handle conflict mechanisms, but also to eliminate economic, social and cultural imbalances among the population. To achieve this will take more than the stubbornness of the judiciary and judges. The entire community should support the judiciary, and other institutions, especially the legislature and executive branch, should take remedial action.

Efficient legal services will be available only when legal education produces competent and socially sensitive lawyers. And it will also help in reducing the pending cases in the court. Since India has the largest number of law schools in the world, it has great potential to promote access to justice for the marginalized section. This module therefore explores the role of law schools in reducing pendency in court cases and promoting access to justice through their clinical activities aimed at providing free legal aid.

## Legal education in India

Legal education in India is primarily regulated by the Bar Council of India to further the powers vested under the Advocates Act, 1961. Legal education is provided by various law schools in India, including those funded and managed by the government; financially aided by the government but managed privately; Privately managed colleges and universities do not receive government aid; and University Law College managed by government-aided university departments. Traditionally, legal education has been offered as a three-year undergraduate degree that can be pursued after completing at least a bachelor's degree in any field of education. However, with a path-breaking initiative in the last two decades in the form of National Law School of India University, is moving towards a five-year integrated LLB course, which can be pursued after higher secondary studies. The successful implementation of the five-year curriculum design at the School of India University prompted several other institutions across India to follow suit. With the success of the NLSIU, many other states also adopted the same model and established National Law Schools. Some such national law schools expanded the practice process, introduced science, management and other liberal subjects in the first two years of the integrated curriculum, and offered intermediate degrees in various streams. The Bar Council of India had in 2008 issued new rules on Standards of Legal Education and Recognition of Degrees, introducing double degree integrated curriculum instead of five years syllabus. Today, there are more than 1000 law colleges and about 80,000 law students pass out every year and more than 10,000,00 lawyers are registered, India has the largest number of lawyers in the world. With this staggering number, it can be expected that law colleges will play a vital role in promoting and providing access to these justice. Legal education shall inculcate high moral values, maintain a high standard of competence and discipline, and ensure that no section of the society is denied access to its services because of poverty or social status. All forms of legal education are supposed to influence government policies on social justice and prevent distortions. It should play a role in rectifying government mistakes, enhancing efficiency of excellence and achieving achievement in all areas of its activities. To understand the role of law schools in providing legal aid to the needy, one must understand the fact that mere legal aid to litigants in court will not ensure access to justice. Though it is one of the essential components, it by itself will not be sufficient to achieve the goal of free access to justice. Then the question would be, what legal services are needed to ensure equality and justice? To answer such a question one must understand the fact that people need access to the services of lawyers to defend and claim their legal rights, however simple they may be. Constitutional guarantees of equality before law and protection If people are expected to represent themselves in court, the law would have no meaning. It would be more meaningless if they had to do so simply because they can't afford the lawyers' fees. Furthermore, if free legal aid is limited to litigation, it is insufficient and redundant as many cases do not involve litigation, yet require professional help. Such services are often more important because they help people decide how to respond to legal issues and avoid prosecution. The three major committees appointed to provide legal aid briefly describe what legal aid is he identified seven components of legal aid. He hoped that law colleges would play a vital role in providing legal aid and suggested that the participation of students in legal aid clinics would help them acquire the necessary skills in the legal market and also in providing opportunities to the students to develop humanitarian will help Attitude and social orientation.

### CLINICAL LEGAL EDUCATION

The concept of practical problem solving, whether by working in the laboratory or in the field, has been accepted since ancient times as an important means of developing skills. However, The concept of clinical legal education, although one of the most outstanding developments, became incorporated into the teaching method from the beginning of the twentieth century. It was in 1901, that a Russian professor, Alexander Lublinsky, first proposed clinical education in law along similar lines in medicine. Until clinical programs entered the scene, skills training and social justice work were for all intents and purposes off the legal education agenda. Legal theory dominated the law school curriculum, with almost all instruction given through classroom courses dominated by "Socratic" dialogue and appellate-court-oriented case books or traditional lectures. The focus on "law" pushed the idea of law practice into the background, to the extent that any practical training in law school seemed useless – except for a moot court preparation. Legal education was "law school", not "lawyer" school."

Clinical legal education aims to develop the perception, attitude, skills and sense of responsibilities that lawyers are expected to acquire after completing their professional education. The overarching goal of clinical legal education is to enable law students to understand and assimilate responsibilities as a member of public service in the administration of law, in the reform of law, in the equitable distribution of legal services in society, in the protection of individual rights is and in maintaining the core elements of public interest and professionalism. Thus, clinical legal education provides opportunities for professional and intellectual development to the students and prepares them to be competent and socially as well as professionally responsible for the practice of law Advocate.

**According to Prof. Kenneth Ale.** The focus will be on Penegar, clinical legal education;

1. The creation of more relevant information about and its institutions so that people can easily know where to go, what kind of services to get;
2. Develop suitable applications of social science findings to improve access to justice for disadvantaged or disorganized groups. For example, if we know that an organization has a higher chance of winning in a lawsuit than an individual litigant, why doesn't the clinic organize and organize such individual litigants as an influence group.
3. Develop delivery systems involving team services rather than with other professionals such as social workers, psychologists, etc.;
4. Build learning materials with case histories of various cases processed in the clinic;
5. Expand the reach of the clinic to clients beyond environmental law, poverty law, tax law, women's rights etc. The clinic may venture on the service of public agencies dealing with welfare, prisons, social services etc., where the

authorities can be tackled well to receive new ideas, critiques and evaluations;

### CLINICAL LEGAL EDUCATION AND JUSTICE

The relationship between law and society is complex, though very important. Therefore each society must identify the goals of the legal system, in case a legal system is more adopted, which is expected to turn the concept of the welfare state into reality, the concept and operation of law in terms of rights and duties and in terms of mechanism, judicial and otherwise, necessary to enforce such rights and duties. However, laws and legal processes may not exist in abstract form, but they need to exist and meet the needs of the society. Therefore, the concept of law and its operation is without a clear understanding of its goals and role in social control and development and its disadvantages. Moreover, when we talk of achieving a welfare state, we talk of a common goal for the betterment of the society. Thus, such a goal must be reflected in legislation and legal procedures. Legal professionals, whether in the bar or bench or even as policy makers, are agents in the legal process. Thus the legal education system, which creates these professionals, must itself have similar social goals and ensure that such social goals are reflected in the content as well as the methods of teaching. Therefore, there is a need to transform legal education from a technical legal education to a socially relevant legal education.

Therefore, a good system of legal education considered and used appropriately, can make a significant, positive contribution to national development and also determine the quality of lawyers that will ultimately determine access to legal Services, and in securing their simple legal right to improve the quality of life. There is no doubt in the minds of the members of the various Committees on Legal Aid that this is a difficult task considering the vastness of the country. They should build a legal system that can bring justice to a billion people. Consequently, law students are expected to share part of the responsibilities of legal aid, i.e. provision of legal literacy, legal awareness and paralegal services. Providing legal representation to an individual client is only a small part of the social justice mission in India. To promote social justice, law colleges must play an important role, particularly in programs that promote legal awareness, legal literacy, and influence public policy. One effective way by which a law college can successfully promote social justice is through the adoption of clinical legal education. It has the potential to change the approach of lawyers, judges and other law enforcement agencies not only with respect to traditional methods of dispute resolution but also to bring about structural changes in legal policy and implementation. Therefore, the main function of clinical legal education is to ensure that the legal system does not allow the law to act as a tool to oppress the weaker sections of the country community.

### Conclusion

Equality jurisprudence under the Indian Constitution aims at securing access to justice to the people, irrespective of their status. However, ensuring such a guarantee for more than a billion is difficult, though not impossible. As a result, several attempts were made to involve law schools in sharing this noble cause. Various reports on legal aid emphasize the need for the involvement of law students in this effort. Such efforts can be traced back to the early 1960s, where several law schools such as Delhi University and Banaras Hindu University experimented with a fair amount of success in providing justice to marginalized sections. Unfortunately, such efforts voluntarily and practically without any support from the authorities fell short over time. At the same time in other countries, especially in the United States, legal aid clinics flourished with the initial support of the government and later became part of one of the effective legal pedagogy in the majority of law schools. The introduction of a five-year program integrated into law spurred legal educational reforms across the country and fueled the success of the National Law School of India University in Bangalore, which revived clinical legal education in India. With the Bar Council of India mandating clinical courses and law schools making legal aid mandatory, clinical education has suddenly become mandatory in all law schools. Although this is a misguided decision, it resulted in several problems such as both lack of resources; Human and material. Despite these initial hurdles, it opened up a plethora of adoption options for law schools and the implementation of a number of social justice initiatives such as legal literacy, quasi-legal services, law reform, and community legal aid clinics. Clinical legal education as it has had a major role in ensuring access to the twin benefits of imparting skills to students and sensitizing them to the societal need of justice. Legal education in our society will prepare competent and socially sensitive lawyers and our bar association & the government are requested to give monthly funds to the new intern advocate so that they can make their living by camping free of cost to the society and tell their rights to the society. Then it will also help in reducing the pending cases in the court.

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