



## LEGAL AWARENESS: AN EFFECTIVE TOOL TO REDUCE THE PENDENCY OF CASES IN INDIA.

Sujitkumar C. Tayde<sup>1\*</sup>, Dr. Ranjan Dube<sup>2</sup>

<sup>1\*</sup>Research Scholar (Ph.D.) (LAWG.H.) Raisonni University, Amravati

<sup>2</sup>Head of Department, School of Law, Amravati. G. H. Raisonni University, Amravati

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### ARTICLE INFO

### ABSTRACT

Legal awareness is crucial for citizens to understand their rights and duties, but the Indian judiciary faces increasing cases and vacancies, with over 4.7 crore cases pending across different levels. The Indian Supreme Court has emphasized the importance of free legal services, particularly for prisoners facing deprivation of life or personal liberty. The court has directed the state to provide legal assistance to all prisoners and emphasized the need for a comprehensive legal service program. Legal awareness aims to empower individuals and promote social justice, and access to justice. However, challenges include reluctance to accept advice, financial constraints, lack of knowledge of rights and duties, and excessive understanding of legal issues. To address this issue, the government should include legal awareness in school curriculums, engage lawyers and law students in awareness programs, organize legal awareness camps in villages, involve grassroots social workers, and inform litigants about alternative dispute resolution mechanisms.

**Keywords** – Legal awareness, Pendency of cases, speedy trial, Lok Adalat, Mediation, Courts.

### INTRODUCTION

It is seen that in modern or developed countries most of the citizens are aware and conscious about their legal rights and duties. In fact, the Indian constitution has provided fundamental rights in part III. As well as there are some legal and constitutional rights available for citizens in India. In fact, India is still developing. Compared to developed countries like the USA, UK, and Japan, Indian citizens are required to be made aware of their legal rights and constitutional rights. At the same time, they should know their duties also because rights and duties are two sides of a coin. There is no doubt that lawyers, judges, and law students get an idea of their rights and duties. But unless and until they spread their legal knowledge to a layman, we cannot expect citizens should behave in a proper and justified manner. In short, if we expect our society to be law-abiding and peaceful, a legally versed person must be aware of his family members, friends, and any person who comes into his contract for any purpose. Thus, in short, we can say that legal awareness is a tool to make the common public aware of their fundamental rights, constitutional rights, legal rights, and duties. If we succeed in increasing and improving the rate of legal literacy, then we can expect the effective participation of our citizens in democracy.

The judiciary is a crucial organ in a democracy, protecting citizens' constitutional and legal rights, interpreting the law, and ensuring the rule of law and legal security. It promotes peaceful societies and provides advice to executive and legislative bodies. However, the Indian judiciary faces increasing cases and vacancies across all levels. Between 2010 and 2020, pendency across all courts grew by 2.8% annually, with over 4.5 crore cases pending across India as of September 15, 2021. The judicial system faces tremendous pressure, with over 4.7 crore cases pending in courts across different levels of the judiciary as of May 2022. In the State of Maharashtra, on 8th March 2024, a total number of 4013990 Civil and Criminal Cases were pending for disposal in trial courts. Regarding Amravati District in Maharashtra, 135682 civil and criminal cases were pending on 01.01.2022. The pendency of cases is increased due to the rising trend of litigation, more people and organizations approaching courts, and inadequate infrastructure leading to overburdened courts and a massive backlog of cases.

“Justice delayed is justice denied,” as the saying goes. In reality, a swift trial is a crucial component of the reasonable, just, and equitable procedure that is promised by Article 21 of the Constitution of India. According to former Supreme Court Justice Markandey Katju, it will take 360 years to resolve the backlog of cases in all courts, if no new cases are filed. This approximation was published in "The Tribune." When he wrote, approximately 33 million cases were pending. Over 4.7 billion cases are waiting in the judiciary at all levels as of May 2022. It says that 87.4% are pending in lower courts, while 12.4% are in higher courts. It is essential to discover novel techniques to decrease the pendency of cases under such circumstances.

### NEED OF STUDY

There is significant pressure on the Indian Judicial system, around 4.7 billion cases are pending in the courts at all levels as of May 2022, according to information that was reported in the Hindu Newspaper on May 10th, 2022. The law ministry of India, Kiren Rijiju opined “Pendency of cases is a multi-faceted problem. Due to the increase in the population of the country and awareness of their rights amongst the public, filing of fresh cases is also increasing with leaps and bounds year after year.” It has been noted that the number of cases filed annually surpasses the number of cases disposed of. There are several reasons for increasing the pendency of cases. In short, our judicial system is unable to decide the cases within the time frame. In such a scenario, there is a need to stop the flow of filing cases and to increase the disposal rate. These may be possible if the public/litigants are aware of legal education.

### HYPOTHESIS

This paper is carried out to investigate the research problems that lack of legal awareness leads to an increase in the pendency of cases. Empirical study was conducted in the District Court Amravati and the Courts of Metropolitan Magistrate, Mumbai. The following hypotheses are framed: -

1. Whether there is a correlation between legal awareness and the increasing rate of filing cases.
2. Legal awareness plays a vital role in reducing the pendency of court cases.

### RESEARCH OBJECTIVES

The study aims at examining and analyzing the impact of legal awareness on the pendency of Court cases in India. The following are the main research objectives: -

1. To explore the importance of mediation and Lok Adalat which are parts of legal awareness.
2. To point out barriers/impediments in legal awareness in India.
3. To suggest practical and possible ways for reducing the pendency of cases by implementing the scheme of legal awareness in the proper perspective.

### RESEARCH DESIGN AND METHODOLOGY

The researcher has carried out a study on the crucial issue of the pendency of court cases and the role of legal awareness in reducing such pendency. For this purpose, the researcher has adopted a descriptive research design. As well as the opinions of some litigants and stakeholders of the Indian Judicial system were obtained to understand the importance of legal awareness. The research is a blend of doctrinal and non-doctrinal research methods. The empirical research method is used to carry out this study.

### SAMPLE SIZE

The universe of the empirical study is Judges, advocates, and litigants. For this purpose, questionnaires were given to 496 respondents. This sample size was divided into three groups:

- a. Judges (Total number of responses - 55)
- b. Advocates (Total number of responses -143)
- c. Litigants (Total number of responses - 298)

### AREA OF EMPIRICAL TEST

The jurisdictional area to ascertain statistical data by way of empirical study is confined to the District Court Complex, Amravati, and Courts of Metropolitan Magistrate, Mumbai. For an in-depth analysis of the problem, it is always better to confine to a relatively smaller area as a basis. If the area is larger, then the conclusions of the study tend to be generalized in nature. Moreover, A researcher becomes more anchored when he is required to do a study among his people, with whom he has an affinity.

### JUDICIAL PRONOUNCEMENT ON LEGAL AWARENESS

1. In the case of *M.H.Hoskot Vs. State of Maharashtra* As reported in (1978) 3 SCC 544, the Hon’ble Supreme Court of India held that free legal services at the trial court and appellant level where deprivation of life or personal liberty is at stake, are necessary components of procedural justice. Therefore, when a prisoner is disabled from engaging a lawyer on the ground of indigence, the court shall assign a competent council for the prisoner’s defense provided the party does not object to that lawyer. These services must be paid by the state.

2. In the case of *Sheela Barse Vs. State of Maharashtra* (1983) 2 SCC 96, the Hon'ble Supreme Court of India issued directions on the need to provide legal assistance to all prisoners lodged in jails. In Maharashtra state. The court reiterated the constitutional imperative of providing legal aid to poor accused who faced deprivation of life or personal liberty. It emphasized the importance of these rights to restore failure in the justice system.
3. In the case of *Rajoo Ramakant Vs. State of Madhya Pradesh* (2012) 8 SCC 553, the Supreme Court of India held that an eligible person is entitled to legal services at any stage of the preceding which she or he is prosecuting to defending.
4. In the case of *Hussainara Khatoon & Ors. Vs Home Secretary, State of Bihar* 1979 AIR 1369, 1979 SCR (3) 532, the Hon'ble Supreme Court held that legal services are an essential ingredient of just, fair, and reasonable procedure under article 21 of the Indian Constitution. It impressed upon the government. There is need to introduce a comprehensive legal service program.
5. In the case of *Mohammad Jalmal Mohammad Amir Kasab and others Vs. State of Maharashtra* (2012) 9 SCC 1, the Hon'ble Supreme Court retreated right to access legal aid arises when a person arrested in connection with the cognizable offence is forest produce before a magistrate. It is further held that the magistrate is obligated to make the accused fully aware of these rights and failure to discharge this duty would make the magistrate liable to departmental inquiry.
6. Shir Justice S Abdul Nazeer, Judge Supreme Court of India, said that awareness of the law prevents docket exclusion which is the outcome of peoples' reluctance to approach either to police or the courts and suffer injustice. He further opined that the docket exclusion and docket explosion which result from pendency of cases are the two prime issues of concerts for the judiciary.

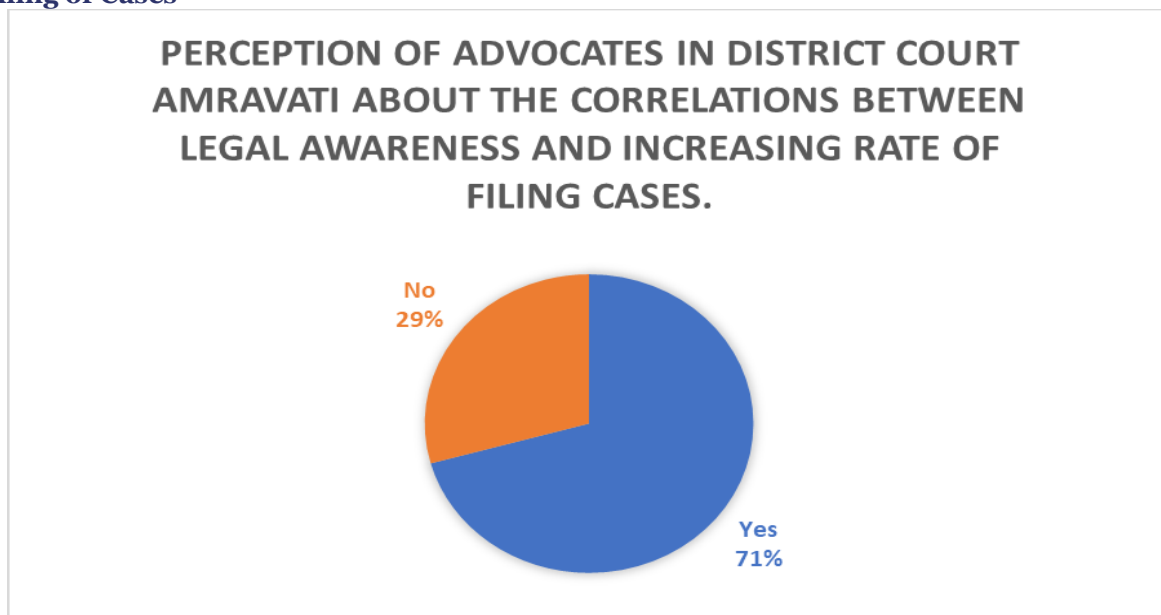
#### ANALYSIS OF DATA WHICH WAS COLLECTED TO TEST THE HYPOTHESIS

Feedback from Judges, advocates, and litigants was gathered from the District Court Complex, Amravati, and Courts of Metropolitan Magistrate, Mumbai. It is discussed and analyzed in different scenarios, based on the various assessment parameters selected for the study. Respondents from District Courts Amravati and Courts of Metropolitan Magistrate, Mumbai are chosen at random. They were supplied with questionnaires to collect the data based on the objective of the study. The feedback provided by the respondents on different parameters based on their practical experience is depicted in the shape of pie diagrams and graphs.

#### A. Correlation Between Legal Awareness and Increasing Rate of Filing Cases

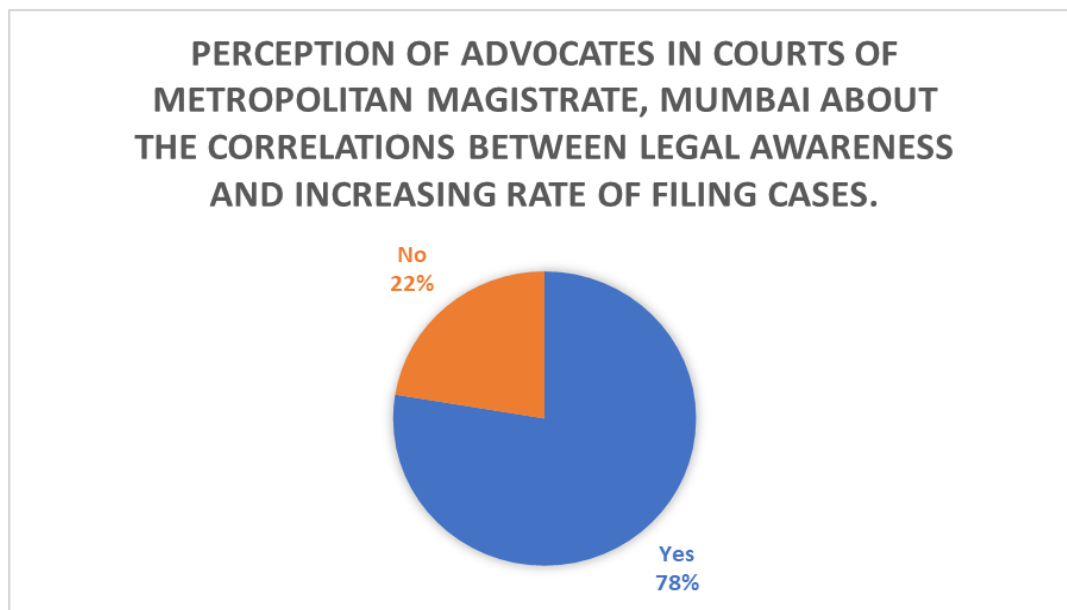
To ascertain the correlation between legal awareness and the increasing rate of filing cases, the researcher has collected the primary data from the advocates practicing in the area of empirical tests by sending them relevant questionnaires. The advocates were asked whether the legal awareness programs have increased the flow of filing cases in courts. Their relevant perceptions are as under: -

#### Perceptions of Advocates about the Correlations Between Legal Awareness and Increasing Rate of Filing of Cases



The pie chart shows the perception of advocates in District Court Amravati about the correlations between legal awareness and increasing rate of filing cases. In the survey, it is revealed that 71% of the advocates believe that there is a correlation between increased legal awareness and a higher rate of cases being filed in District Court Amravati. Only 29% of the advocates surveyed believe there is no correlation. This suggests that a large majority

of advocates in District Court Amravati believe that as people become more aware of their legal rights, they are more likely to file lawsuits. This could be seen as a positive development, as it suggests that people are more empowered to stand up for themselves.

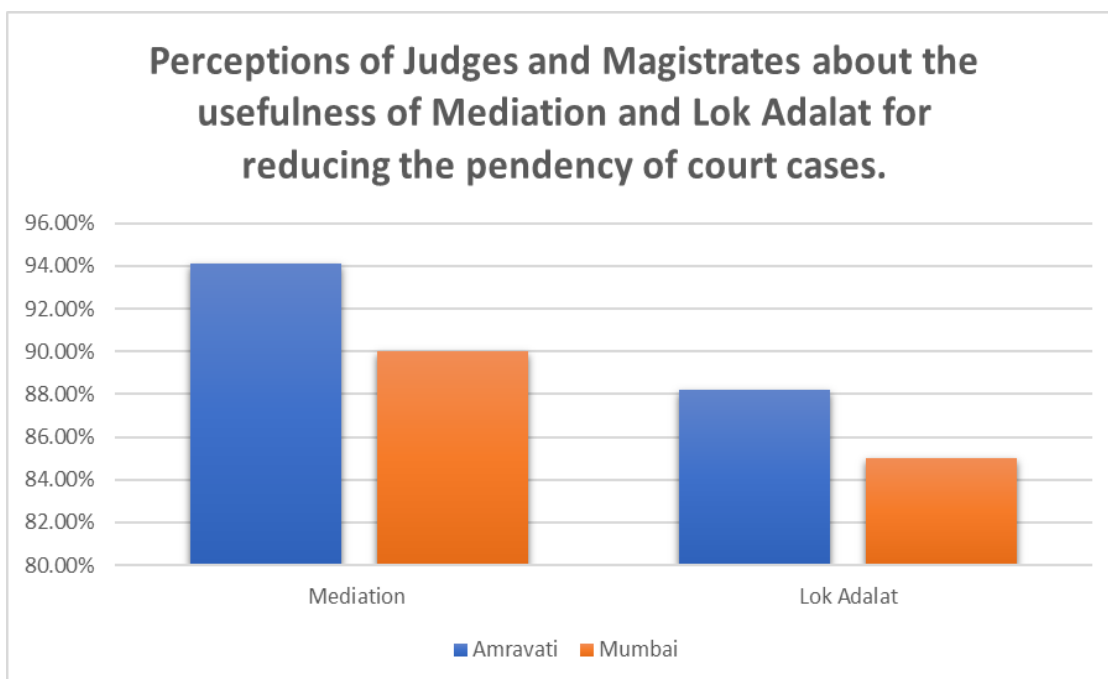


The pie chart demonstrates the opinion of advocates practicing in the Courts Metropolitan Magistrate, Mumbai regarding the relationship between rising caseloads and legal knowledge. As to the survey, 22% of the advocates think there is no association, while 78% of them think there is a positive correlation.

***B. Significance of Lok Adalat and Mediation which are the Parts of the Legal Awareness, in Reducing the Pendency of the Cases.***

There is a famous quote by American philosopher Jerome Frank that in democracy, the court belongs not to the lawyers and judges, but it belongs to the citizens. However, it is seen that even after 75 years of independence, there are so many people who do not know their rights, duties, and liabilities. In fact, a lack of legal awareness not only gives rise to injustice but also deprives a person of getting justice. Hence, legal awareness has become the need of the hour. It is known that in the world, India has a majority of pending court cases. Considering the huge pendency of cases in various courts, Alternative Dispute Resolution (ADR) is the need of the hour.

To find out whether mediation and Lok Adalat are useful in reducing the pendency of court cases, the researcher has conducted a survey and obtained the primary data in this regard from the stakeholders of the judiciary. The perception of judges/magistrates on this point is described as under,



The bar graph shows the perceptions of Judges and Magistrates about the usefulness of Mediation and Lok Adalat for reducing the pendency of court cases in Amravati and Mumbai.

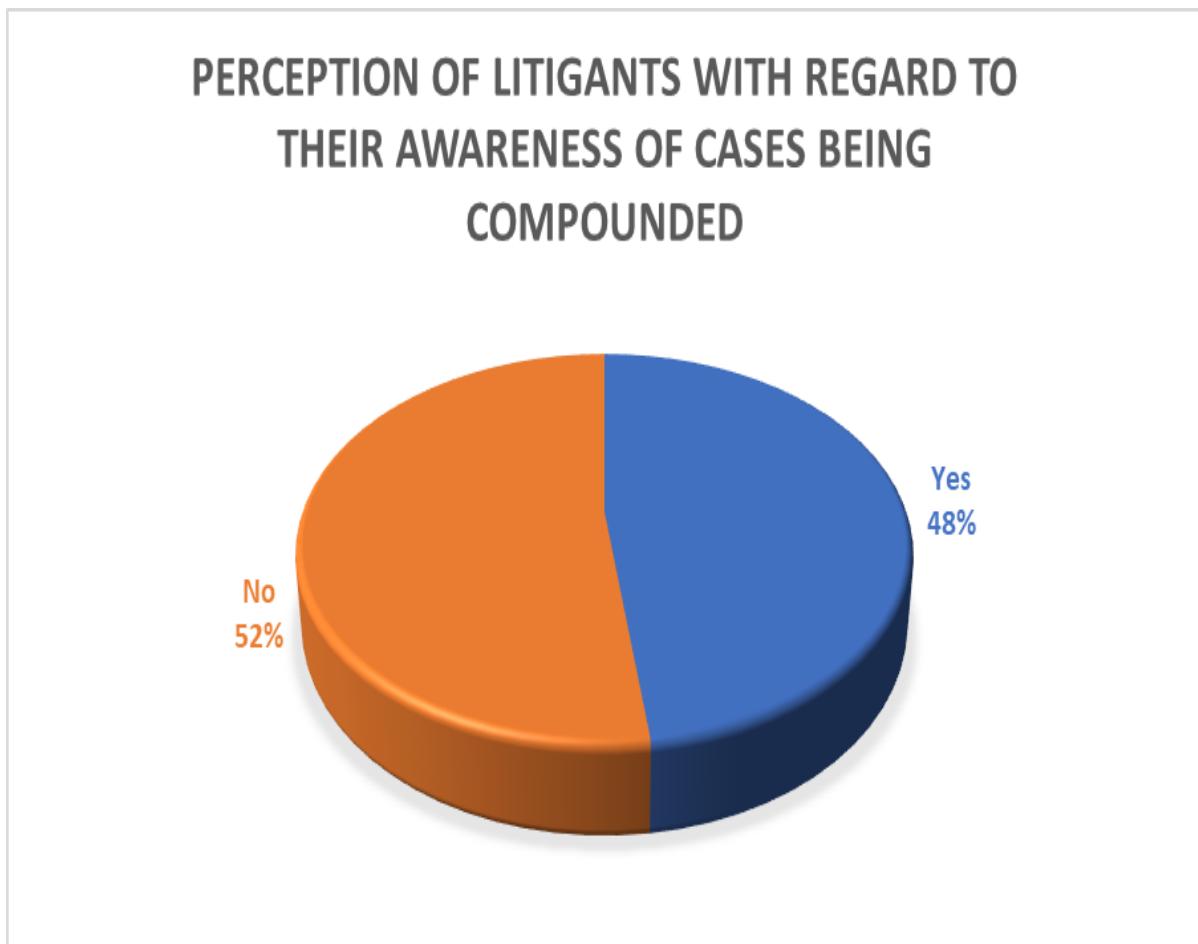
#### **Key findings**

- In both Amravati and Mumbai, a very high percentage of Judges and Magistrates believe that both Mediation and Lok Adalat are useful for reducing court backlog.
- Judges and Magistrates in Amravati appear to find Mediation slightly more useful than Lok Adalat, with 95% endorsing Mediation and 88.2% endorsing Lok Adalat.
- In Mumbai, the endorsement for both methods is nearly the same, with 90% for Mediation and 85% for Lok Adalat.

#### **C. Importance of Legal Awareness among Litigants**

It is always said that if litigants do not possess proper knowledge of their legal rights and therefore, then there is a likelihood of being misguided. The researcher has conducted interviews with the litigants through staff members on the point of their awareness about the provisions regarding Judicial Settlement under Section 89 of the Code Of Civil Procedure that are useful to reduce the pendency of cases.

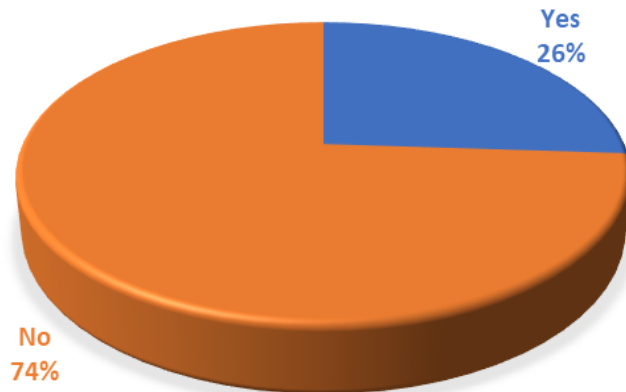
#### **Perception Of Litigants with Regard to Their Awareness of Cases Being Compounded and Referred for Mediation or Lok Adalat.**



The diagram shows the perception of litigants with regard to their awareness of cases being compounded.  
Here's a breakdown of the data:

- **52%** of litigants are aware of the fact that their pending cases may be compounded.
- **48%** of litigants do not know whether their respective cases are compoundable or not.

### PERCEPTION OF LITIGANTS REGARDING THE REFERENCE OF THEIR CASES FOR MEDIATION OR LOK ADALAT



The pie chart shows that **74%** of litigants do not know whether their matters were referred for mediation or settlement. Thus this fact is sufficient to come to the conclusion that most of the litigants are not aware of the significance and benefits of Lok Adalat and Mediation which are the effective tools to reduce the pendency of cases.

#### **BARRIERS / IMPEDIMENTS IN LEGAL AWARENESS**

There are three objectives of legal awareness. i.e., legal empowerment, getting social justice, and access to justice. However, there have been main impediments/hurdles to effective legal awareness campaigns. They are summarized as follows;

1. Most of the people are reluctant to accept the legal advice due to their predetermined attitude.
2. Some of the people are convinced about their legal rights and duties. But for want of financial support, they can not act upon the legal advice provided to them.
3. We know that rights and duties are two sides of one kind and social justice can be achieved if a person has knowledge of rights and duties. However, it is observed that while imparting legal awareness, only the rights are informed, and therefore, for want of knowledge of corresponding duties, the disputes may be increased. Hence it can be suggested that while creating legal awareness the rights and duties should be intimated to the beneficiaries.
4. Excessive understanding of legal issues may impede a seamless justice delivery system. In other words, a person with little or excessive understanding of legal awareness may use delay tactics to prolong the situation.

#### **CONCLUSION AND SUGGESTIONS**

The famous maxim "*Ignorantia Facti excusat., Ignorantia juris non-excusat*" means ignorance of the law can never be excused. This maxim is applicable in the current justice system where Courts check if there is any ignorance of the law by parties in any case. But while performing this task, a lot of time is consumed by the Courts. Having analyzed the primary data, it can be concluded that legal awareness promotes access to justice. There is a correlation between legal awareness and the increasing rate of filing cases. Lok Adalat and Mediation are part of the Alternative Dispute Resolution Mechanism and they can play a vital role in reducing the pendency of cases. However, having gone through the responses of the litigants, it is revealed that most of the litigants are not aware of the significance and benefits of Lok Adalat and Mediation. Therefore, their cases can not be disposed of by process of amicable settlement which is contemplated under section 89 of the Code of the Civil Procedure. Having regard to the burning issue of pendency, it is the need of the hour to impart legal awareness among the litigants and the general public. If a person is made aware of his rights and duties, then he/she will suit which may be just and legal. Thus, legal awareness may reduce the flow of filing false and frivolous cases and thereby contribute to saving the valuable time of the courts. If a litigant is aware of the provisions for settlement of dispute outside the court, the pendency of cases can be reduced by referring to the pending cases Mediation and Lok Adalat. Hence based on the above study, the researcher has made the following suggestions: -



1. To create legal awareness, the Government should include a chapter about legal awareness in the school curriculum. Society-devoted lawyers and Law college students should be engaged in camps for creating legal awareness.
2. At every police station and every local body office, a periodical legal awareness program should be held on working days.
3. In every village, legal awareness camps should be arranged on the weekly market day in the market area so that people may get knowledge about their rights and duties.
4. The state government and local bodies shall make positive attempts to involve Anganwadi and ASHA workers in legal awareness because they are grassroots-level social workers.
5. The Courts/Magistrates should intimate the litigants about the Alternative Dispute Resolution Mechanism at the first hearing of the proceeding. Thus, by proper implementation of the legal awareness scheme, the burden of the judiciary may be reduced and litigants may save their time and money.

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