

ROLE OF LEGAL FRATERNITY IN IMPARTING LEGAL LITERACY: A STUDY IN INDIAN CONTEXT

Dr. Mukesh Kumar*

Nareshlata Singla**

Abstract:

Knowledge of Law of the one's own land is one of the most effective vehicles of development of its country. Ignorance of law of the land is no excuse. Ignorance of law can be wiped out only by spreading legal awareness amongst the people. A Legal literate person knows his rights, duties and privileges. He knows what he should do or what he should not do in his day to day life. A legal literate person can fight for the injustice in the society. It is the knowledge of law which resolve the grievances of a person. It is also helpful in effective administration of justice. Many times ignorance of law becomes a main cause of instituting cases. As per census 2011 Indian population is 1.21 billion and majority of the people are living in villages. They are not aware about the basic laws. Even the persons living in the cities are also not aware about the laws and the procedure. Success of any Statute depends upon its awareness; many times its Ignorance becomes its failure. For the success, peace, development and effective administration of justice in a society, legal literacy is mandatory. For spreading legal awareness amongst the people, legal fraternity can play an effective role. It can be used as a default missile.

* Assistant Professor, Department of Law, Ch. Devi Lal University, Sirsa (Haryana) India

** Teaching Associate, Department of Law, Ch. Devi Lal University, Sirsa (Haryana) India.

1. Introduction:

Ignorance of the law excuses no man: Not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to refute him.

John Selden

jurist (1584 - 1654)

Everyone is supposed to know about the law of land where he lives. If he does not know about it then he cannot take it as plea of ignorance. A Latin phrase: “ignorantia juris non excusat” which is applied universally, provides that ignorance of law is no excuse. This principle is applied to all either the advocates, students or even to the laymen. In a society everyone should be legally aware. For the legal awareness amongst the people in a society, imparting legal education is must. Legal education in a society is one of the key of success, prosperity, peace and popularity of a country. It is the foundation of judicial system in a society. By the knowledge of law in the society justice delivery system can develop effectively because law is the science to make people aware about the good and just.

Legal literacy is also compulsory for the proper dispensation of the justice in the society because its way goes to provide justice in the society. The failure of execution of many laws also depends upon the lack of awareness about these laws. Legal literacy is comprehensive in its nature. After getting degree in law, one can also set his/her professional life. Under the Advocates Act, 1961 it is the statutory responsibility of the Bar Council of India to maintain the standards of professional legal education in India.¹ It lays down the curriculum for imparting legal education throughout India. Bar council of India makes rules of legal education in consultation with the universities and state bar councils.² But in practice, it is not possible for the BCI to consult each and every University and there is no manner prescribed in the Advocates

¹ Section 7(1) (h), the Advocates Act, 1961.

² Part –IV, Rules of Legal Education: Rules on standards of legal education and recognition of degrees in law for the purpose of enrolment as advocate and inspection of Universities for recognizing its degree in law under Sections 7(1)(h) and (i), 24(1)(c)(iii) and (iii a), 49(1)(a f), (a g) and (d) of the Advocates Act, 1961 made by the Bar Council of India in consultation with Universities and State Bar Councils

Act, 1961 for effective consultation in this regard. Therefore, 184th Law Commission report has proposed that the University Grants Commission should constitute its 'Legal Education Committee' consisting of various specified faculty members. The procedure for consultation is provided in the proposed section 10AA of the Advocates Act, 1961.³

Maintaining standards in professional legal education is important but the main point what we want to discuss in this study is the role of legal fraternity in spreading the legal literacy in India. In the society legal awareness can be spread by law teachers, students, advocates amongst the people. They can play vital role for spreading legal awareness by conducting legal awareness camps, seminars, by adoption of any village or colony or by using other mechanism. Mr. Venkataramani also said while delivering a lecture at a programme organised by the Dr. Ambedkar Andhra University College of Law that Law students and advocates have a great role to play in shaping the destiny of the country.⁴ They can work effectively to literate the people in the society about the basic laws.

Now the question arises, can the legal fraternity play an effective role in spreading legal literacy in Indian society? What are the challenges for achieving the goal of spreading legal literacy, they may face? In this paper an effort has been made to answer these questions and some suggestions are made. In Legal fraternity we discuss the role of law teachers, advocates and law students in imparting legal literacy in India. Teacher of law can take part effectively in imparting legal literacy in India. In the formal legal education there role and efforts need not be highlighted.

In the administration of justice an advocate has multitudinal role to play. He is the officer of the court and play vital role in the administration of the justice. He not only assists the court in chase of justice but also helps the society in legal awareness. They are directly connected to the people in the society because they solve their problems which are faced in their day to day life. So, they may prove themselves in spreading legal literacy in India.

Students studying law can also play an effective role in disseminating legal knowledge amongst the mass people. Legal literacy in a society is a requirement. It enhances the

³ <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf>

⁴ <http://www.hindu.com/2011/06/30/stories/2011063065790600.htm> (last visit 25 August 2011)

capacity of self realization in the people. A legal-literate person knows about his rights-duties, his claim and privileges and all needed information to fight the unwanted supremacy of the Executive in the country. Legal literacy means “the elementary knowledge of law and information about the legal processes and not explicitly the in-depth advocacy.”⁵ Formal legal education is imparted by the Centres of legal education which include approved law departments in the Universities, Colleges of law, Constituent Colleges under recognized Universities, the National Law Universities constituted and established by statutes of the Union or States and mandated to start and run Law courses.⁶ These institutions conduct LL.B. 3 Year course and LL.B. 5 Year course. The University Grants Commission has the power to exercise control over the Universities and affiliated colleges for prescribing standards of education.⁷ The subject of education was initially inserted in the State List Schedule VII of the constitution of india, so at that time the burden of imparting education was on the States but after 42nd Amendment Act 1972, it was inserted in the List III known as Concurrent List and now it is the duty of the States as well as of the Centre to impart the education. Legal profession is involved in the Entry 26 of the Concurrent List. There is no specific entry in Schedule VII of the Constitution of India to deal with legal education⁸

Keeping in view the importance of the legal awareness amongst the people we have selected this area for research. We have applied the doctrinal research method for the completion of this work. It is divided into four parts. First part of the work is related to the introduction, second part deals with the importance of the legal literacy, third part is related to the legal literacy and the role of the legal fraternity and the fourth part deals with the conclusion and suggestions.

2. Importance of the Legal Literacy:

Literacy, as defined in Census operations, is the ability to read and write with understanding in any language. Legal literacy includes the knowledge of laws and the know-how of the constitutional machinery which is the lay foundation of a better society.

⁵ <http://www.lawyersclubindia.com/articles/Expanding-The-Parameter-of-Legal-Literacy-In-ndia-3810.asp>

⁶ Chapter-1, Part-IV Bar Council of India.

⁷ Section 2 (f) University Grants Commission Act, 1956

⁸ <http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf>

A citizen should be aware of his rights. He may know that he has a right to a ration card. But he doesn't know how to get it in a reasonable time if it is lost. Similar is the question of personal liberty. He doesn't know what to do if a constable comes for calling. There are so many procedural things courts have laid down. It is in these matters regarding life and liberties that legal literacy is not realised. A legislation like the Right to Information Act will be blocked by bureaucrats if people don't know its provisions and procedures. If there is an enlightened citizenry such things will not happen. What can a citizen do if a financially powerful person blocks access to his plot of land? How to petition the panchayat? We had to explain all these, including how to write a petition and his right to get redressal from the panchayat. This is effective legal literacy.⁹

Population of India has crossed 1.21 billion as per census of 2011¹⁰ and the literacy rate has gone up from 64.83 per cent in 2001 to 74.04 per cent in 2011, showing an increase of 9.21 percentage points. The data shows 26 per cent of the population is still unlettered.¹¹ But the increase in the literacy rate will be useful only with the increase in the legal literacy. Most of the people living either in rural areas or in cities, they don't know even the basic law. Legal Literacy is much more than just making men and women how to read and write cat, mat and rat. Law is something which even a layman comes across in his day to day life. If people are aware of their rights and duties, the delivery of justice and balancing of various interests in a society will become so much easier. Increase in legal literacy ultimately develops into a transparent and accountable government truly based on the 'Rule of Law'. Since the fundamental postulate of the Indian Criminal Procedure Code is "ignorance of law excuses no one from compliance therewith," the need for legal literacy is undisputable.¹²

Legal literacy has been seen as a tool to bring about qualitative change at the grass-root level. It has been witnessed that better awareness of laws helps people work more effectively in diverse spheres. Bhagwati Prasad, Chief Justice of Jharkhand High Court said in a day long legal awareness camp that "Awareness in every field is needed. Awareness is a question that needs to be answered in every field. Legal awareness is needed in this area so the officials

⁹ http://articles.timesofindia.indiatimes.com/2006-02-11/edit-page/27826236_1_legal-literacy-ration-card-camp

¹⁰ http://www.indianchild.com/population_of_india.htm

¹¹ <http://www.thehindu.com/news/national/article1588270.ece>

¹² <http://www.hurights.or.jp/archives/asia-pacific/section1/08Jananeethi.pdf>

have organised a legal awareness camp in this area," He also asked villagers to equip themselves with the nuances of law to avoid depending on others to overcome legal wrangles.¹³

An incident happened in a workshop on legal literacy also shows the importance of the legal literacy. On the second day of the workshop, a constable came to the workshop venue to call a woman on the pretext of interrogation in regard to an FIR (First Information Report) lodged by her. Since, the lady was aware about the right of women vis-à-vis police which was discussed a day before in the workshop, she refused to accompany the constable to the police station saying that if an interrogation had to be made, the Deputy Superintendent of Police was supposed to come to her, as a woman could not be called to the Police Station for this purpose, according to the law and in half-an-hour the DSP reached the training venue to interrogate her saying he had merely asked the constable to see if she was available there, so that he could come and ask her few things.¹⁴

A legally-literate person, who is well versed with his rights and duties, can fight against the injustice in the society and do well for providing punishment to the perpetrators of the injustice and also ameliorate the condition of the victims. In day to day life we see that a number of persons are being humiliated, harassed and felt under pressure only because they are not legally aware. They don't know either their own rights, duties and privileges or the responsibilities and accountability of the government and the government officials. It may also be a cause of corruption in the society. A group of people devoid of legal knowledge were adamant on not getting a bail order from the Magistrate but to bribe the Police officials to postpone his arrest under the influence that the thanedar is more powerful than the Court!!¹⁵

3. The Legal Literacy and Role of Legal fraternity:

Legal fraternity can play a vital role for imparting legal literacy in India. For achieving this goal, teachers of law departments, advocates and students of the law departments and colleges are very useful. Literacy rate may be going on but even those who are literate are helpless and confused when there is a violation or infringement of a right enforceable in law.

¹³ <http://www.sify.com/news/legal-awareness-camp-in-maoist-affected-latehar-news-national-lesnufhgefe.html>

¹⁴ <http://timesfoundation.indiatimes.com/articleshow/64138.cms>

¹⁵ <http://www.lawyersclubindia.com/articles/Expanding-The-Parameter-of-Legal-Literacy-In-India-3810.asp>

Government programs alone, however well intentioned, may not be able to break these barriers, mainly due to the social vulnerability of the people writ large. Ignorance of legal rights, human rights, civil liberties, constitutional mandates and several other laws of the land that defend the people and protect their dignity, freedom, right to equality and access to justice, etc., are manifestations of their vulnerable existence. Major social reformation efforts are required to bring about a change in the rural scenario,¹⁶ which can be done by making people literate about basic laws. Mr. Justice Altmas Kabir, Judge, Supreme Court of India asserted that legal knowledge upto bottom level is needed to be spread. Advocates can spread legal awareness effectively. Approx. number of advocates (men & women) enrolled with the state bar councils as on 31.03.2007 is 9, 55,013.¹⁷ They are spreading legal awareness amongst the society in association with the legal services authorities. Legal Services Authorities are doing well in spreading the legal awareness amongst the people in the society which would enable them to know about their rights and duties. The government of India enacted Legal Services Authorities Act 1987¹⁸ with a view to provide free legal services to the eligible persons. Enactment of this act was the result of Article 39-A of the Constitution¹⁹ which provides that The State shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to anyone by reason of economic or other disabilities.

Under this Act a body which is called National Legal Services Authority (NALSA) is constituted at national level, Supreme Court Legal Services Committee and in every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee have been constituted. District Legal Services Authorities and Taluka Legal Services Committees have been constituted in the Districts and most of the Talukas in order to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.²⁰

¹⁶ <http://www.hurights.or.jp/archives/asia-pacific/section1/08Jananeethi.pdf>

¹⁷ <http://www.lawyersclubindia.com/experts/List-of-advocates-46896.asp>

¹⁸ This Act came into force on 9th November 1995 with an object to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. This act was amended in

¹⁹ Incorporated in the Part-4 of the Constitution by the 42nd Amendment Act, 1976.

²⁰ http://www.india.gov.in/citizen/justice/legal_act.php

State legal services authority engages advocates for spreading legal awareness and it also pays remuneration to them. Advocates also identify the willing persons for spreading legal awareness. In order to spread legal awareness among people in rural areas, the KSLSA has initiated a plan to identify paralegal volunteers, who will be trained for the cause. KSLSA²¹ had identified 50 advocates at the district level and 25 at the taluk level who would be trained to identify volunteers and train them in turn to hold legal awareness camps in rural areas. Manjula Chellur, Karnataka High Court Judge and working president of the Karnataka State Legal Services Authority (KSLSA), has said that the responsibility of the volunteers would be not only to educate rural people about the law, but also to guide them on where to lodge complaints based on the type of legal problems. She also cautioned the volunteers against acting as proxy advocates, as their responsibility is limited to spreading awareness by educating and guiding the people and send them to the appropriate authority to get their legal problems addressed and do not go beyond this limit.²²

National Commission for Women (NCW) organises legal awareness programmes to impart legal awareness to women and girls, regarding their rights, the Commission has initiated a countrywide Legal Awareness Programme for Women and Girls. The awareness programme is implemented through Non Governmental Organizations (NGOs) and reputed institutions and aims to empower women and girls with the knowledge of their legal rights and duties, ultimately to be able to share power equally, gain full access to the means of development and to inspire a whole generation of women to work together towards achieving equality and justice.²³ It can also associate legal fraternity with it.

The law teacher and law students can play an effective role in spreading legal awareness in the society. Below mentioned table²⁴ shows the state wise strength of law colleges, teachers and students in India.

²¹ Kerala State Legal Services Authority.

²² <http://www.hindu.com/2011/05/19/stories/2011051954140300.htm>

²³ http://ncw.nic.in/PDFFiles/Legal_Awareness_Programme.pdf

²⁴ This table is prepared on the basis of data available in Centres of Legal Education in India, published by Directorate of Legal Education Bar Council of India, 2011.

| Name of State | Total Colleges/ Law Departments | Approx. Law Teachers | Approx. Law Students |
|-------------------|------------------------------------|-------------------------|-------------------------|
| Andhra Pradesh | 49 | 577 | 11378 |
| Arunachal Pradesh | 1 | 13 | 215 |
| Assam | 25 | 261 | 3950 |
| Bihar | 20 | 286 | 16904 |
| Chhattisgarh | 19 | 139 | 3468 |
| Delhi | 10 | 194 | 3450 |
| Goa | 2 | 24 | 891 |
| Gujarat | 37 | 262 | 15130 |
| Haryana | 16 | 207 | 2813 |
| Himachal Pradesh | 9 | 71 | 1258 |
| Jammu & Kashmir | 14 | 157 | 1902 |
| Jharkhand | 6 | 70 | 1944 |
| Karnataka | 85 | 817 | 15470 |
| Kerala | 9 | 122 | 2404 |
| Madhya Pradesh | 92 | 623 | 13115 |
| Maharashtra | 91 | 822 | 37746 |
| Manipur | 2 | 32 | 414 |
| Meghalaya | 4 | 36 | 875 |
| Mizoram | 1 | 9 | 208 |
| Nagaland | 3 | 19 | 415 |
| Orissa | 23 | 199 | 5716 |

| | | | |
|---------------|------------|-------------|---------------|
| Pondicherry | 2 | 34 | 549 |
| Punjab | 26 | 293 | 4383 |
| Rajasthan | 67 | 607 | 11683 |
| Sikkim | 1 | 15 | 121 |
| Tamil Nadu | 12 | 165 | 7640 |
| Tripura | 1 | 7 | 7 |
| Uttarakhand | 15 | 127 | 2042 |
| Uttar Pradesh | 119 | 1387 | 35343 |
| West Bengal | 23 | 321 | 5357 |
| Total | 784 | 7896 | 206791 |

On the basis of available information in India there are 784 law colleges/law departments in which approx. 7896 law teachers are teaching irrespective of their rank which means they may be professor, associate professor, assistant professor or teaching associates and they may be working on regular or part time basis and approx. 206791 students are studying. This strength of law teachers and students is very important and can spread the legal awareness in the society. They can be used as a default missile in spreading legal awareness. **Conclusion and Suggestions:**

The present study asserts that legal literacy is a tool for changing the scenario of the development of rural and urban areas in the country from the grass root level. Only with the help of legal literacy one can prevent unfairness and inequality from the society and can work more effectively in the diverse spheres. It also asserts that legal literacy will be helpful in making responsible civil society. By its help, people will be made aware about their rights and duties under basic laws. For achieving this purpose, it is necessary that from the tenth standard onwards the legal lesson should be started to teach. This system would be helpful in creating sense of social responsibility and duties amongst the children and the children are the future of a country.

This study reveals that legal fraternity can play an important role for achieving the goal of spreading legal awareness in the society. Legal fraternity is well conversant with the

problems of the people in the society. For achieving this goal they should take it as a social responsibility. Bar Council of India and University Grants Commission should make some efforts in this regard. The study finds that orientation programmes, professional training programmes and teaching workshops may be organised for the training of the law teachers and the law students at the university level apart from the existing orientation and refresher courses conducted by the University Grants Commission, so that they can spread legal literacy in better way. Bar Council of India can promote the establishment of evening law colleges and to run law course in evening also in law departments, so that the people who are working and are willing to do law course either for the sake of getting degree or the legal knowledge may get admission in these courses. University Grants Commission can add the time spent to legally literate the people in the workload of a law teacher. State Legal Services Authority is also doing well but can do more by providing handsome remuneration to the advocates and the participants of the legal awareness camps. The help of the non-practising lawyers can be taken in this regard. Students can participate more effectively in imparting informal legal education in the society because they are young and energetic. Imparting legal awareness in the rural and urban areas should be the part of the course curriculum and students participation should be awarded/honoured and some incentive may be provided to them from the department/law college/university. State Bar Council and University Grants Commission should establish a fund in this regard which will be spent only for imparting informal legal education in the society.

Succinctly, it may be said that law is like a candle and legal awareness is like match box which can be used to spread the light of justice.