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Legal Literacy: Need to Go a Long Way for the Much-Desired Impression

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ABSTRACT

Legal literacy assumes the predominant right along with other basic human rights of an individual with the passage of time. A man to complete his education, legal knowledge is core to his qualification. Legal literacy aims at educate people about his rights and entitlements, to voice against exploitations and violations and live a dignified life. Significance of legal literacy can be traced since childhood to the old age; people of all age are needed to learn about required legal knowledge. In view of the growing importance on legal literacy, government and judiciary have taken a good number of initiatives to impart legal awareness among people. The Legal Service Authority Act, 1987 performed profoundly by enacting numerous larger public interest-oriented provisions in it. NALSA under banner of the Legal Service Authority Act is proved to be a very efficient machinery in extending public awareness. Undoubtedly, legal literacy has covered a great journey, but it has more miles to go to achieve the expected outcomes. It does mean that a lot more effort to be added in the prevailing techniques of awareness with more simplicity and at the same time more expertise. Social thought making process should be built with new bricks and stones because united we stands, divide we fall. Once the society stands together against all evils, one can dare to commit crime against anyone. And for this to come true, efforts must come from both side of the coin; that is to say interest must come from those who will taught and learners i.e., who will be taught about law.

I. INTRODUCTION

India treasured a great system of legal chronologies since Vedic period. Societal practices to modern codified laws to adhering to international principles, the Indian legal system come out as a most emerging episode in the world today. However, there is duskiness opposed to this bright part – that refers to the unfamiliarity of the legal privileges available to the common people. It is not that only illiterates but many literate masses come under this part of darkness. Hence, organising time to time camp or training on legal literacy is the most

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welcoming step for the society at large.

Legal literacy assumes part of basic education of individuals with the rapid changing of society and system of administration. To impart legal literacy is the social liability of students pursuing law degree or non-governmental organisation, social welfare committees under the government, district or legal service authority. Literacy can be communicated to the people through various modes, like, organising seminar, workshop, camp, training sessions, etc. by the legal professionals or experts. Very often, legal literacy camps are proved to be very effective among common people as it is a great help to reach to the poor and underdeveloped. Hence, legal literacy can be a very effective and influential means to inculcate qualitative knowledge amid people and make them mindful about their rights and privileges.

II. LEGAL LITERACY

Legal literacy means to educate people about their legal rights and entitlements. Basically, legal literacy works as a precondition amongst people to live in dignity. To assure a dignified life with the skill of legal knowledge – is the moto of legal literacy. The famous philosopher Aleksandr Solzhenitsyn quotes,

“Justice is conscience, not a personal conscience but the conscience of the whole of humanity. Those who clearly recognise the voice of their own conscience usually recognise also the voice of justice”.

Therefore, legal literacy draws immense importance as it is technique to make attentive towards privileges of being human. To get justice in true sense, one must have basic legal knowledge and legal literacy serves this purpose. Literacy may be dispersed through camping, training, educating, so on and so forth.

Legal Literacy is very often aiming at in fulfilment of the following objectives –

1. To impart basic legal knowledge among the people who are uninformed,
2. To communicate with the common people to realise about their grievances and provide legal solution,
3. Build up the confidence of the common people over the law and justice delivery system,
4. To involve students pursuing law to realise their responsibility towards the society,
5. To design to have practical platform of client counselling for law students and enlightened them with societal outlook of ignorantia of law.

III. NEED FOR LEGAL LITERACY

The statistics of the National Human Rights Commission reveals that in the year 2019, only 6476 cases are registered in it under different categories of human rights violations in India. But the real number might be much more than the figure of the statistics. Despite having laws on domestic violation, incidences of domestic violence and bride burning cases are going at the same pace. Eve-teasing incidences are part of daily life in every knock and corner of many states in India even today. Moreover, increasing incidences of acid attack mostly for taking revenge added in enlarging the list of offences.

In India, at least one woman faced sexual harassment in every one and half minute and one child is abused in every three seconds. Kidnapping of minor girls and luring children from economically weak families of remote areas specially border areas for human trafficking are countless. Sexual harassment in work places comes under sophisticated offence of an employer are also usual circumstance for a working woman. Unsettled land disputes among the relatives, land partition disputes, legal heir and succession problems are very common in villages. Even the number of brides is not rare who are compelled to stay parent's home without any maintenance, while husband is practicing bigamy.

For a common man legal literacy seems to be utmost necessity to eliminate the misconception over the legal system. Some of the reasons discussed below on the need of literacy about legal system in India –

i. Legal aid measures: Cost of the litigation stands as a barrier to access to justice for common people. Awareness is necessary at this point to let them know that every judiciary provides free legal assistance to those who cannot afford to access to court. In case of free legal aid, the court appoints advocate for the sufferer to appear in the and for this they need not to bear any cost.

ii. To retrieve faith over the shrine of justice: Amendment of laws with harsh punishment for deadly offences, constitution of Fast-track courts for early delivery of justice, frequent commencement of Lok adalats for reducing the burden of the courts in pending cases, etc., are the initiatives taken to regain the faith over justice delivery system. Awareness is necessary to eradicate the prevailed concept of 'justice delays, justice denies' from the mind of the people.

iii. Convince people to register cases: Legal literacy is also essential to make people understand that what remedies are available to them against their sufferance. It will

encourage people to register cases and help to set examples for the offenders so as to deter them to repeat crimes.

iv. Change of attitude: It is very essential to change thought-process of the society towards the victims. In India, social humiliation, apathy, indignation towards a victim is a common social practice. Our society blames the victim first, for which often a victim hesitates to go to court. Awareness is absolutely obligatory to alter this social attitude.

v. Avail fundamental rights: Educate people as to their basic fundamental rights as well as remedies available for infringement of those rights extended by the Constitution of India.

vi. Awareness to the under-privileges: Legal literacy amongst the under-privileges is very essential to inform about the special legal assistance provided under the Legal Service Authority Act for the Schedule Caste and Schedule Tribes community².

IV. LEGAL LITERACY PROGRAMME IN INDIA SO FAR:

In India, every single day thousands of people suffer from various kinds of violations and they are not aware that they will be remedied under law. As a result, half dozen of the such incidences are buried under ignorance.

Legal knowledge is very essential for socio-economic growth of a country and for political participation in a democracy. It seems that there are good number of laws comprising every sector namely, person to property in India, but all such commandments go in vein because of the prevailing ignorance amongst the illiterate and disinclination attitude of the literate masses. Under the constitutional mandate of Article 39-A, i.e., free legal aid and social justice to the people³, the government of India has endeavoured manifold schemes with the novel intention of social welfare.

In India, the journey of legal literacy has got the momentum with the enactment of the Legal Service Authority Act, 1987. Another golden chapter of this journey is the adoption of the National Legal Literacy Mission in 1995 inspired by the United Nations Development Programme (UNDP) which hosted the Commission on Legal Empowerment of the poor. In the same year National Legal Service Authority (NALSA) was established under the Legal Service Authority Act, 1987 with prime object to provide free legal service to the weaker

² Sec. 12(a) of the Legal Service Authority Act, 1987

³ Article 39-A of the Constitution: Equal justice and free legal Aid -the State shall secure that the operation of the legal system promotes justice on a 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 any citizen by reason of economic or other disabilities.

sections of the society⁴ and also to organise Lok Adalats⁵ for amicable settlement of disputes. However, NALSA further directed the State judiciary and District judiciaries to constitute Legal Service Authority under its banner to hold seminars, workshop, awareness camps or programmes on legal subjects from time to time. Under the mandate of the Legal Service Authority Act, every District Legal Service Authority appoints para-legal volunteers (PLV) among the students pursuing Law Graduation. With the help of these PLVs, the Legal Service Authorities under different courts has taken up several awareness programme in the society as well as remote villages.

Moreover, the Bar Council of India instructed to constitute in every legal education centre one Clinical Legal Aid Centre to actively perform legal aid at the institutional level and to involve law students to abundant themselves with practical knowledge of legal education and also to realise the real state of legal awareness under which the common people are going through.

We can name several programmes of the government as well as non-governmental organisations on legal literacy mission, but a handful of people gets benefitted under it, while majority are still unfamiliar of the same.

V. LEGAL LITERACY: A WAY FORWARD:

There is a need of huge number of legal literacy programme in India at present time because law is still under the province of those who are qualified on it. Although law is enacted for the public welfare mainly, practically it is far away from the public dominion. From the history we can derived that legal awareness is not new phenomenon for Indians, but with the passage of time, it takes new twist and turns with more modern and modified techniques. In fact, many of the ongoing techniques of legal awareness programmes are not able meet with expected result. Hence, it's time to think some alternative practices with more effort to be adhered to compared to the present methods. For example,

Firstly, day long legal awareness programmes are simply not enough to literate people, it must be done door to door awareness to ensure that each and every individual is educated. Although, such process will be time consuming, but legal awareness process is itself a continuing process.

Secondly, "Access to justice for all" is the slogan of NALSA, it is duty of the judiciary to take justice to the threshold of each individual. It must be ensuring that awareness

⁴ Sec. 3 of the Legal Service Authority Act, 1987 – Constitution of the NALSA

⁵ Sec. 19 of the Legal Service Authority Act, 1987 – Organisation of Lok Adalats

programmes are held on vernacular language of the locality for the common people. Moreover, Legal Service Authority of every court with the help of PLV's or members of the Clinical Legal Aid Centre of the Law Institutes should act more on street play, because visualisation of the situation helps more than dictation.

Thirdly, legal aid is the primordial right of every citizen as enshrined in the Preamble of the Constitution of India, i.e., Justice – social, economic and political. Legal literacy programmes should be organised in order to spread the message of the right to legal aid to each and every phase of the society including the undertrials. It is equally important to aware the undertrials as well as the prisoners that they can also avail right to access to justice through legal aid. In addition, jail authority may also take initiative to educate the prisoners or undertrials with basic legal knowledge.

Fourthly, it is pertinent to mention that awareness as to the new enactments or law amendments and constitution of Fast-track court is not sufficient; furthermore, it must ensure that cases are under the jurisdiction of appropriate court in order to speedy delivery of justice.

Fifthly, another way to grow legal literacy is to introduce law at the primary level of education. It will be more fruitful if basic legal provisions are taught at the elementary level of education. It helps to the children to understand about the law and can recognise various acts as offences, e.g., child abuses, etc. Moreover, Law institution can offer online as well as offline diploma courses on basic law education for other people because law is such a subject which is essential from birth to death of every human being.

Sixthly and most importantly, special awareness programme exclusively for women and children draws supreme significance in legal literacy programme.

Last but not least, the broadcast media including television, electronic media, social media, etc., and print media as well can be a significant platform for legal literacy among the people. In present time quite a large number of people fond of these media platform, so, awareness can be effective through this way.

VI. CONCLUSION:

“All human beings are born free and equal in dignity and rights”⁶

Legal literacy is inevitable for every individual to complete his life. It is necessary to feel free and live with dignity. Approximate 74.4% of the Indian population are literate, but education including legal knowledge is significant for a comprehensive literacy. An individual can avail

⁶ Article 1 of the Universal Declaration of Human Rights, 1948

his basic human rights and protect himself against any kinds of exploitation, only when he obtains substantial legal knowledge. Likewise, a society may grow healthy, economically strong and politically active in a democracy, if it adheres to legal literacy as a mandatory affair.

Our duty does not end in just criticising the government and judiciary for their inability to attain the desired goal; in fact, NGO's, civil society, law graduates are equally liable to impart legal awareness as much as possible at their ends. Time is growing fast with technology, similarly society has to change its prevailing concept – 'justice is confined to the wealthy only'. Right to free legal aid to all under the constitutional mandate of Art. 39-A and the Legal Service Authority Act, 1987 is only perception to be kept in mind of every social man.

The prospects of welfarism will be nipped in the bud if legal knowledge is restricted to a handful of people. Literacy must start from the root of the earth, that is to say, from the survivor of misery. The essence of our Preamble – "assuring dignity of the individual and integrity of the nation" can be truly established only when we assure the legal empowerment of the society, where voices raised against violations, exploitation, intolerance, deprivation and discrimination; at the same time, stands in equal shoulder with sufferer, victims and wounded.
