



## **PROMOTION OF LEGAL EDUCATION AND AWARENESS IN INDIA**

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***“If we desire respect for the law, we must first make the law respectable”.***

***...Louis D. Brandeis<sup>1</sup>***



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If you go to India's best law schools, then you will learn to be a leader; it will make you responsible so that you can discharge your duties faithfully. You will learn to think beyond problems and will learn to focus their solutions and you will find ways to make those solutions happen and change something for the better - yes, you will learn to bring CHANGE. You could do this whilst standing before the Supreme Court or at the heart of the corporate world.

Legal Studies helps an individual to know about the government machinery and this helps him to take full advantage of government policies and find himself better position to protect his or others rights.

Studying law develops one's understanding of the levels of power in our society in a way that is even more effective than that of political science. This is because the law is directly concerned with power and reaches into every part of life. For that very reason, the law is extraordinarily important to the way of life of many people.

Lawyers refer to 'the rule of law' because a society which is governed without law leaves ordinary people at the mercy of the arbitrary abuse of power by those who are simply powerful. In societies where the rule of law exists, people may even be relatively unaware of it, because their life is not interfered with by corruption and abuse of power. Australia is a

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<sup>1</sup>Louis Dembitz Brandeis (November 13, 1856 – October 5, 1941) was an American lawyer and associate justice on the Supreme Court of the United States from 1916 to 1939. He was born in Louisville, Kentucky, to Jewish immigrant parents from Bohemia (now in the Czech Republic), who raised him in a secular home. He attended Harvard Law School, graduating at the age of twenty with what is widely rumored as the highest-grade average in the law school's history. Brandeis settled in Boston, where he founded a law firm (that is still in practice today as NutterMcClennen & Fish) and became a recognized lawyer through his work on progressive social causes.

country where the rule of law mostly exists, and although its legal system is not perfect in every respect, it does restrain unfettered power in many respects. Lawyers can use the law to hold governments accountable.

Studying law allows a person who has a strong sense of justice to see where there are defects in the system and to work constructively and effectively to change it. In this sense, studying law offers the idealistic person a realistic way to make a difference in the world. Many lawyers work in policy and law reform in this way.

India a country of varied culture and home of one of world's ancient culture and civilization; we have seen almost all the kinds of government system<sup>2</sup> whether Monarch, Dictator or modern Westminster<sup>3</sup> model of government. The modern system of government had been developed by the English to rule us<sup>4</sup>. There is old maxim "**Ignorantia legis non excusat**"<sup>5</sup>, meaning ignorance of the law does not excuse; is a centuries-old criminal law maxim familiar to lawyer and layperson alike and there is another maxim meaning "**ignorance of fact is excusable**"<sup>6</sup> is an orthodox maxim. One cannot imagine that he has knowledge of all popular laws of the land especially in a country like India, where at present near about 1075 acts exist and literacy rate is not good and most people are just literate enough to write their name only, they have no ability to read and understand technicalities of legal language and have no access to internet and law library.

There are two types of obligations in every political system. First one is on the part of the ruler/sovereign to protect freedom and integrity of people and make welfare schemes for their citizen's overall development and the second one is on the part of people to act in a way that helps their country to be powerful in terms of power and economy. The first obligation comes first, therefore, it is the duty of the government to develop a system that ensures people access to information that includes information of legislation and other legal documents, only then sovereign can expect obligation by his people. If we study closely then we will find that nothing special and practical has been done by the government on this front. The government had taken some measure to promote awareness of legal education in India, therefore, the government had established law Indian law Institutes and Universities to promote legal

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<sup>2</sup> <https://www.britannica.com/topic/ministerial-responsibility>

<sup>3</sup> <https://www.parliament.qld.gov.au/aspg/papers/930913.pdf>

<sup>4</sup> <https://www.britannica.com/topic/constitutional-law>

<sup>5</sup> <http://www.oxfordreference.com/view/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-875>

<sup>6</sup> <http://www.manupatra.com/roundup/343/Articles/Differences.pdf>

education than secondly fixed moral duty of every law college to run legal aid clinic to provide legal support to an economically weaker section of our society. But if critically examine that both steps are not adequate to spread legal awareness in India that is why Law Commission of India in his 184<sup>th</sup> Report<sup>7</sup> on The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956. The Commission took up the subject of 'Legal education', *suomotu*<sup>8</sup>, as the said subject is fundamental to the very foundation of the judicial system. The Commission in the year 1999, issued a working paper proposing certain amendments to the Advocates Act, 1961.

The scope of the working paper was wide and it contained five chapters. Chapter I thereof was Introductory, Chapter II related to 'Legal Education and Professional Training, Chapter III to 'Professional Competence and Social Responsibility', Chapter IV to 'entry of Foreign Legal Consultants and Liberalization of Legal Practice, and Chapter V to 'Management and Development of the Profession'. However, in the present report, the Commission has confined its recommendations to the 'Legal Education and Professional Training' only. The Bar Council of India (BCI), under Section 7 (1) (h) of the Advocates Act, 1961, is empowered to promote legal education and lay down 'standards' of such education in consultation with the Universities imparting such education. The University Grants Commission, under Section 2 (f) of the University Grants Commission Act, 1956 (UGC Act) is also having the power to exercise control over the Universities and affiliated colleges for prescribing standards of education. The BCI may prescribe standards of legal education in consultation with the universities. But in practice, it is not possible for the BCI to consult each University and there is no manner prescribed in the Advocates Act, 1961 for rendering effective consultation in this regard. Therefore, in this Report, the Commission has proposed that the University Grants Commission should constitute its 'Legal Education Committee' consisting of various specified faculty members<sup>9</sup>.

The recommendations made by the 184<sup>th</sup> report of law commission<sup>10</sup> are too vague, bulky and old-fashioned. As far as my opinion government should give emphasis on providing legal education to every citizen and not only to law professionals only. At present all schemes of

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<sup>7</sup><http://www.lawcommissionofindia.nic.in/main.htm#a7>

<sup>8</sup><https://www.collinsdictionary.com/submission/8861/suo+motu>

<sup>9</sup> Law Commission of India 184<sup>th</sup> (December 2002) Report on The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956.

<sup>10</sup><http://lawcommissionofindia.nic.in/reports/184threport-parti.pdf>

legal awareness is to train law graduates that they can work efficiently and effectively but not to educate a layman to know their rights and duties which are beneficial to him.

Legal awareness is the empowerment of individuals regarding issues involving the law”<sup>11</sup>. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law. Every individual has the right to know what government is doing and how the political system works? This demand is protected under Right to Information Act, 2005 which guarantees every individual to get information under Article 19 (1) (a) of the constitution of India, which echoes Article 19<sup>12</sup> of the Universal Declaration of Human Rights, 1948. “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Dr. Cooray stated, “the freedom of speech is the single most important political right of citizens, although private property is required for its operation. Without free speech, no political action is possible and no resistance to injustice or oppression is possible. Without free speech elections, would have no meaning at all. Policies of contestants become known to the public and become responsive to public opinion only by free speech. During elections, the freely expressed opinions of citizens help to restrain oppressive rule. Without this freedom, it is futile to expect political freedom or, consequently, economic and social freedom. Thus, freedom of speech is the *sine qua non* of a democratic society”<sup>13</sup>

The Parliamentary Assembly of the Council of Europe has stated that “The Parliamentary Assembly of the Council of Europe reaffirms that there cannot be a democratic society without the fundamental right to freedom of expression. The progress of society and the development of every individual depending on the possibility of receiving and imparting information and ideas. This freedom is not only applicable to expressions that are favorably received or regarded as inoffensive but also to those that may shock, offend or disturb the state or any sector of the population, in accordance with Article 10 of the European Convention on Human Rights(ETS NO.5).”<sup>14</sup>

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<sup>11</sup>[http://www.athabascau.ca/syllabi/lgst/docs/LGST249\\_sample.pdf](http://www.athabascau.ca/syllabi/lgst/docs/LGST249_sample.pdf)

<sup>12</sup> UNDR (Article 19 of Universal Declaration of Human Rights – 1948)

<sup>13</sup> Dr. M. Cooray, ‘The Importance of Freedom of Expression’ (An explanation of the importance of freedom of expression and freedom of association and how they are being eroded in Australia in 1996.)

<http://www.ourcivilisation.com/cooray/btof/chap211.htm> accessed 04 December 2008

<sup>14</sup> P.A. Recommendation 1510 (2006) 28 June 2006, 19th. Sitting

In the State of U.P. vs Raj Narain case (1975) 4 SCC 428<sup>15</sup>, it has been held that “in a Government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing.”<sup>16</sup> Every citizen of India has right to know what is the government doing and it covers legislation too thus it is implied duty of the government to develop a system that ensures access to legal development to every citizen.

The Legislative Department is mainly concerned with the drafting of all principal legislation for the Central Government viz, bills to be introduced in Parliament, Ordinances to be promulgated by the President, measures to be enacted as President's Acts for States under the President's rule and Regulations to be made by the President for Union territories. It is also concerned with election Laws namely the Representation of the People Act 1950 and the Representation of the People Act 1951. In addition, it is also entrusted with the task of dealing with certain matters relating to List III of the Seventh Schedule to the Constitution like personal law, contracts evidence etc. The responsibility of maintaining upto date the statutes enacted by Parliament is also with this Department.<sup>17</sup>

There are more things which should be considered by the Ministry of law and justice i.e. to run awareness program etc. I have made some suggestions to make things clear and practical. These suggestions are given below:

1. The government should open law house (for training and awareness) in every state (Especially in state's capital city).
2. There are near about 1075 acts in India and there is dire need to categorize them i.e. women and children, Banking and Insurance, Administrative and service etc.
3. There should be two breaches in law house. First is to give a platform for filing public grievances and secondly is to educate people about relevant laws and make a summary of the Act that a layman can understand the message of the Act.
4. There must be some mobile units that they can educate people working in corporate offices, factories, School, college, and any place which is engaged in any kind of production, service, education & trade activities.

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<sup>15</sup> State of U.P. vs Raj Narain case 1975 AIR 865, 1975 SCR (3) 333

<sup>16</sup> State of U.P. vs Raj Narain case 1975 AIR 865, 1975 SCR (3) 333

<sup>17</sup> <http://lawmin.nic.in/functions.htm>

5. Registered complaints, must be sent to relevant departments for quick action/disposal.
6. This law house must run an internship program for law/business/other graduates that they can be familiar with the application of the law and its legal technicalities.
7. This law house should make a draft of technical problems which hinders enforcement of law and must submit a report to the ministry of law and justice for the needful action.
8. This law house can conduct a survey to get people's opinion on upcoming Act's. This step can be helpful to reduce friction among government system and various social and corporate groups.
9. This law house can broadcast law news on local FM and AIR radio station.
10. Open public library (legal) in every district.
11. Opening law house will also generate employment.
12. Democracy can be protected in the transparent and responsible government system and promotion of legal education to all citizens will surely fix greater responsibility of the government toward citizens.

Right to information has been recognized by almost every democratic country in the world and it is guaranteed in India under the Article 21 of the Constitution of India which enshrines "right to life and a person liberty" are a compendious term which includes within themselves variety of right and attributes. Some of them are also found in article 19 and thus have two sources at the same time. In **R.P Ltd v Indian express newspaper**<sup>18</sup> the SC reads right to know in article 21. The SC held that right to know is a necessary ingredient of participatory democracy. In view of translational development when the distance is shrinking international communities are coming together for cooperation in the various sphere and they are moving toward the global preparative in various field including the human right, the expression liberty must receive an expanded meaning. The Supreme Court is the limited mere absence of bodily restraint. It is wide enough to expand full range of right to hold a particular opinion and right to sustain and nurture that opinion Article 21 confer on all person a right to know which include right to receive information. The ambit and scope of article 21 are much wider as compared to article 19(1)(a).

Thus, the courts are required expand its scope by the way of judicial activism. In **PUCL v UOI**<sup>19</sup> the supreme court observed that fundamental right themselves have no fixed content,

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<sup>18</sup> 1989 AIR 190, 1988 SCR Supl. (3) 212

<sup>19</sup> <http://www.legalserviceindia.com/article/l88-Right-To-Information.html>

most of them are an empty vessel into which each generation must pour its content in the light of its experience. The attempt of the court should be to expand the reach and ambit of the fundamental right by the process of judicial interpretation. There cannot be any discrimination between fundamental rights mentioned in chapter III of the constitution and the declaration of such rights on the basis of the judgment rendered by the supreme court.

We are living in the age of information and denial of information is a violation of human rights. Today information is everything and one who has control over information can control world politics, economy and power. In the year 2013 Internet is declared as Human Rights by the United Nations; which expressly defines the importance of Information and we knew that internet has become people's voice. Responsibility is the foundation stone of democracy. Government is servant to his people, so how can government deny access to information except to that information which is expressly against the general will of the people i.e. Constitution of the land. Awareness is the sign of progress and progress is the symbol of Human Race.