



LEGAL LITERACY GROWING NEED OF THE SOCIETY

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Abstract

Law of the land are made for the growth and benefit of the society. They are made to protect and preserve the human rights of all individuals. Laws are made for better governance of the country and it becomes imperative for the people of the country to become aware of the existing laws. Every nation is governed by a system of laws for the growth and overall development of the society. It is a system of rules and regulations which are found in judicial interpretations, constitutional and legislative enactments, made by the competent authority so as to govern society and to influence behaviour of the individuals therein in the righteous manner. It is a powerful concept and also a mechanism of social control and law and order in the society. The present paper aims to throw light on the importance of legal literacy for the overall growth and development of the nation.

Keywords: *Legal literacy, Law, Society*



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Introduction

John Austin defined law as “A rule laid down for the guidance of an intelligent being by an intelligent being having power over him.”

Laws are made for the benefit of the people and are powerful, only if used correctly. Legal literacy means bringing awareness to the masses regarding the laws of the land and their respective rights. In India, people are not aware of the legal terminologies and the available provisions which are made for their benefit. India is a country with poor literacy rate, so major population is illiterate and not aware of their rights. Govt have been reframing the present statutes so the masses can avail their fundamental rights. Fundamental Rights are a set of rights contained in Part III of the Indian Constitution. It guarantees rights, such that all citizens can live their lives in peace and harmony. Such rights are a symbol of democratic government, these include Right to Equality and Freedom of Speech and Expression, and Right to assemble peacefully, follow and practice any religion, etc. People being ignorant of the laws face exploitations and few, who claim to know engage into faulty interpretations

because they are not aware of the recent changes in the statutes. Therefore legal awareness is the present need of the society. It is pertinent for the overall growth, development and protection of the individuals. It is an important key to unlocking the doors for positive change and transformation in the society.

India is the world's largest democracy. Since independence, India has been growing and developing by a system of governance which involves self-rule by the people, a government which is by the people, of the people and for the people.

As envisaged by -Ex-Chief Justice of India, P. Sathasivam

“Legal Literacy is essential for the survival of our Constitutional Democracy. The judicial set-up works on the presumption that all people are aware of their rights.” People must be made aware of their rights and duties for a systematic functioning of the nation.

The supreme law of our nation is the Constitutional Law which governs the country. The main idea behind framing of the constitution was to get governance norms and safeguarding the interests of the people of the nation.. The core reason behind lack of awareness is either the inability of the authority to spread the message of the laws and relevant provisions or the faulty understanding of the common man. Lack of knowledge with regard to the legal and fundamental rights gives rise to problem of untouchability, child labour, human trafficking, unlawful detention, etc and hence threatens the very safety of the citizens.

In *Air India Statutory Cooperation v. United Labour Union*, the concept of social justice has been explained: “.....The ethos of social justice is to attain equality in all faces – social, economic and political. In a country like ours there is huge economic gap between the masses, inequalities in matter of employment opportunities, etc but in such conditions law acts a catalyst. Law also covers the aspects of ignorance. The famous legal maxims- “Ignorantia legis neminem excusat “or “ignorantia juris non excusat’ meaning ignorance of the law is no excuse are followed in our country. Citizens are thereby responsible for their inactions where they are ignorant of their rights and duties.

Importance of Legal Literacy

Legal Literacy is an instrument to bring about change in the lives of the common man. A sociological study of 1st world nations clearly shows the fact that better awareness of the legal provisions helps citizens to implement and exercise their rights. The different ways which can lead to favourable legal literacy are:

1. Policies and constitutional mandates to be implemented effectively.
2. Implementation of social mechanisms such as Legal seminars, camps, workshops etc, must be undertaken to make the people aware of the present legal structure

3. Help of legal jurists, academicians, professors, advocates and other such professionals who can aid in the better understanding of laws and its working should be resorted.
4. Making basic –level legal education mandatory for all.
5. Legal assistance to the underprivileged, uneducated/ citizens.

Present Growth and Implementation Plans

The legal aid movement in India came up in the year 1952, when the Government of India gave attention to legal aid for the poor. Later in the year 1960, Government resolved to various guidelines for legal aid schemes. The legal aid schemes were brought forward through various departments in different states.

In 1980, Committee for Implementing Legal Aid Schemes was constituted at the national level to oversee and supervise legal aid programmes throughout the country under the Chairmanship of the former judge of the Supreme Court, Hon. Mr. Justice P.N. Bhagwati. Later a new chapter of Lok Adalats was added to the justice dispensation system, which succeeded in providing a supplementary forum to the litigants for conciliatory settlement of their disputes. In 1986, in the case of Sukhdas Vs Union Territory of Arunachal Pradesh AIR1986 SC pg 991, Justice P.N Bhagwati talked about the decision of Hussainara Khatoon's Dictum and thus discussed importance of Article 39 A. He pointed that absence of legal knowledge is the root cause of all disadvantages to the people and they are not being benefitted by the legal rights. However owing to this later, enactment of the Legal Services Authorities Act 1987 was undertaken. The year 1987 marks a golden chapter in the history of legal aid in India. However, there is still a strong need to make the people fully aware of their rights. In India, National Legal Literacy Day is on November 9. More than 70% of the population lives in rural areas. They are not aware of their basic legal right which adds agony to their unfortunate situations such as arrest, detention, etc. The growing deception, exploitation of the poor and illiterate is because of poor knowledge of their legal rights. Many cases of illegal arrests by the police department come to light, without following the guidelines issued by the Apex Court. Also time and again through various judgements supreme court is laying guidelines for lodging of an FIR (First information Report) but not much have been understood by the people at large. The simple reason for this is lack of legal right and information. No matter how big rules and regulations are made by the legislature, they will fail to have massive transformative impact unless the masses are made aware of the same. In the present scenario Govt has started taking up awareness programmes wherein authorities are working to create awareness. Various District legal service authorities have initiated Legal literacy Schemes – Mission Jannneethi, Panchayats for redressal of village

disputes. Likewise, various steps have been initiated by the Haryana State Legal Services Authority for creating legal Awareness in their state;

- Legal literacy camps/seminars
- Implementation of various literacy missions Ex- PLLM (Prisoner's Legal Literacy Mission), LLUP (Legal Literacy Mission for Empowerment of Underprivileged)
- Mass awareness through Print Media
- Various Publications of the authority itself
- Creating awareness through EDUSAT
- Awareness programmes for women
- Training and Strengthening of legal aid department

Similar strategies are now being implemented nationwide by the legal service authorities.

Conclusion

A basic knowledge of law has become necessary for all those who are engaged in administration, trade or industry. Hence, a change in the quality, content and complexion of legal education is now viewed as a great social necessity. Thus there is a need to bring awareness with people for their rights and duties, as well as remedies. In India, illiteracy is still there and people don't have knowledge of the various legal provisions running for their benefit. In such a changing society there is need to educate people. There is need to increase ambit of legal educations in the masses. People must be made aware of the procedures and policies available for their betterment. Legal Aid is an instrument by the Constitution, as a right. Majority of people in our country are poor and because of their poverty, they are unable to afford expensive legal procedures and hence are denied justice. Law provides means to combat this situation but still many people are not aware of this. Article 39-A inserted by Constitution (Amendment) Act 1976, provides for Legal Aid and assistance to poor and indigent litigants.

Many enactments have been made for society's greater good, such as Dowry Prohibition Act, Child Marriage Restraint Act, Sati Prohibition Act, etc. In many cases, it was seen that under trials were given delayed justice and the main reason was inability to generate legal aid for them. Therefore the apex court in the landmark case of Hussainara Khatoon Vs Home Secretary, State of Bihar pointed towards the importance of Ar-39A providing free legal aid, just and fair procedure as envisaged in Article 21. Many major changes have been brought forth by the Criminal Law Amendment Act 2013, changes in the labour laws of the country, new law on Bankruptcy, Juvenile laws and recent changes in the immigration laws are few to

list of many legal changes. Therefore, the people of India must be made well versant with the changing scenario. The main reason is that Legal education helps in changing the attitude of public and make them connect to the social problems; it makes people more aware about their rights and duties and help them to become ideal citizens.

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