

Legal Literacy and Awareness through Social Group Work

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ABSTRACT:

“Our constitutional commitment to the Rule of Law becomes an empty dream when it is beyond the grasp of the common man. Democracy can effectively flourish only when people know their rights and privileges and also their duties and responsibilities”

{Ex Prime Minister Manmohan Singh, March 6, 2005}

India with a population of 1027 million as per Census 2001 {Roy and Kaloti {eds.}, 2004:31} is the biggest democracy in the whole world. She is conducting her affairs according to the provisions of the Constitution of India {which in its Preamble is committed to secure to all its citizens justice, equality, liberty and fraternity} as also of the various international Conventions and Recommendations of the United Nations and its various organs ratified by her. Unfortunately, even after more than five decades after the enforcement of the Constitution which in its Articles 45 and 21A provides for duty of the state to make arrangements for providing free and compulsory education to all children of the age of six to fourteen years, about 35 % of the India's population is illiterate, and therefore, ignorant of the provisions made under different laws – even those which have a direct bearing on their day - to - day life.

Today we are living in a globalised society in which we quite often come in contact with various types of people and organisations governed by typical legal provisions applicable to them.

KEY WORDS — Social Group work, Legal Literacy, Constitution, ignorance, Conventions & Recommendations.

In today's world, a lot of emphasis is being given on protection of human rights of people, especially of those who belong to weaker and vulnerable sections of society such as women, children, disabled, Scheduled Castes, Scheduled Tribes, etc.

But the unfortunate situation is that a large member of people, even those who are educated, do not know what their rights are, and as a consequence, not only they do not get what they are entitled to but are also cheated quite often. For example, cyber crime is posing new challenges. According to the Union Home Minister, Shivraj Patil, offences are serious enough to capture the priority attention of law - makers” {The Hindu, September 13, 2007 :14} .

We are living in a knowledge society - those who know, they are powerful because knowledge is power, and conversely, ignorance is weakness. Our unlettered brothers and sisters lacking in knowledge of legal provisions relating to them are, therefore, unable to protect their interests;

and consequently, they are quite often abused and exploited by those who are knowledgeable. Realizing this Article 39 –A has been added to our Constitution through 42nd Constitution Amendment Act, 1976 which provides as under:

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.”

In pursuance of this Article, the Central Government passed a Resolution on 26th September, 1980 to appoint a Commission for Implementing Legal Aid Scheme {CILAS} with justice P.N. Bhagwati as its Chairman to monitor and implement legal aid programmes on a uniform basis in all states and Union Territories , and the Legal Services Authorities

Act was passed in 1987 and amended in 1995 as a result of which National Legal Services Authority and State Legal Service Authority through Court Legal Authority, etc were constituted up to the Tehsil level {Balhara , 2001 : 51}. It is heartening to note that the National Legal Literacy Mission has also been launched on March 6 , 2005 by our Prime Minister, Manmohan Singh.

It is well known that any action is done only when people are motivated, and required motivation is created only when they know what they are required to do and how they are required to do what they are required to do ; and also that what can be possible consequences of their act. Following this analogy, we can very well conclude that mere existence of provisions relating to free legal aid in the Constitution of India and other relevant enactments will not help in initiating desired action to protect the genuine rights of people - what, in fact, is required is creation of knowledge and awareness of these provisions by organizing legal literacy programmes in an effective manner.

The Ex-Prime Minister of India, Manmohan Singh, has underscored the significance of legal literacy by observing that “it is a presumption of law that ignorance of law is no excuse... This presumption of law creates a duty on the part of the Government to make the people aware of laws which are enacted by the Government : {[http:// pm India. nic. in/ speech/ content 4 print. asp? id = 80: 2](http://pmindia.nic.in/speech/content4print.asp?id=80:2) }. Likewise, the former Chief Justice of India, Y.K. Sabharwal {2006:3} has also observed: “It is my firm belief that laws or legal institutions will not be completely effective as an instrumentality geared to deal with issues of poverty or deprivations unless we first Strengthen the mechanism of legal aid and advice... I truly believe that legal Literacy is the core basis of the rule of law and essential for the survival of our constitutional democracy.”

Literacy is a process which dispels ignorance and promotes rational thinking” { Rao and Gupta, 2006:9}. The term legal literacy does mean awareness of rights along with awareness regarding remedies, the relevant institutions and procedure prescribed to get the remedy.

Former Chief Justice Y.K. Sabharwal has aptly observed: “when we say legal literacy, we do mean an awareness of rights but such awareness must go hand-in-hand with awareness regarding the remedies, the relevant institutions and procedure required to obtain that remedy.”

India is a vast country with population of more than one crore - a sizeable section of which is still illiterate and ignorant. In such a situation the most appropriate strategy for spreading legal literacy is to work with people in small groups by making use of social group work as a method of social work for the following reasons:

1. Social work is more particularly concerned with protecting and promoting the interests of weaker and vulnerable sections of society by equipping them with such competencies as may enable them to take required decisions and desired actions on their own.
2. Social group work is a primary method of social work to work with small homogeneous group of people, particularly for inculcating democratic attitudes and values by permitting them to take decisions regarding programmes to be organized and the methods and manners of organizing such programmes with the help of their own leader working under the guidance of a social group worker who is professionally trained in the sense that he / she is equipped with knowledge, skills and orientation required for effectively working with people in small homogenous groups. Social workers using social group work method are particularly having fairly well knowledge of social and social welfare legislation including that of industrial and labour laws, environmental laws, etc. criminal and correctional laws, consumer protection law, and other various laws related to protection and promotion of human rights, especially of weaker and vulnerable sections of society.
3. Interaction among people is more effective when they meet face- to- face in a small homogeneous group wherein opportunities for free, frank and fearless discussion inclusive of removal of doubts, seeking of clarifications, etc are provided, and they themselves are allowed to formulate and implement the programmes, generally of common interests, under the leadership of a person of their own choice.

However, a social group worker, while working with a legal literacy and awareness group, must have the following special considerations in mind:

1. Since language of laws and pronouncements made by the courts is too difficult for a common man, especially that who is illiterate and who has undergone some traumatic experience such as in the event of criminal assault, etc, to understand, a social group worker should explain the various legal provisions in a very simple and easily understandable language after making realistic assessment of the level of knowledge and understanding of the members of the group.
2. In order to enable the neo literates to read the material on their own, the social group worker should develop on his / her own some material in an easily understandable language and simple style. This material must incorporate required matters relating to the nature of specific problem, the Law relevant for dealing with it, the authority to be approached, method and Procedure prescribed for getting justice at earliest, sources of getting help for redress such as financial assistance, advocacy, physical safety and security, etc.
3. The social group worker working in the area of legal literacy awareness must himself / herself have clear knowledge of the NGOs, Government departments, organisations like law and social work schools media, well – meaning people in their individual capacity who are committed to the cause of protecting and promoting the interests of weaker and vulnerable

sections, and should remain in constant touch with them to enlist their cooperation as and when it is necessary.

4. Fully realizing that legal literacy and awareness requires continuity the social group worker should make follow – up efforts from time – to – time to find out the extent to which members of the group have been able to make use of legal knowledge imparted and awareness created for safeguarding their interests on their own after he / she has withdrawn from the group, Mere celebration of the National Legal Literacy Day on 9th November every year will not suffice.

5. The social group worker must make his / her best efforts to change the perception of the group members to the effect that they can get justice within a reasonable time on a reasonable expense or no expense because as pointed out by the former Chief Justice of India Mr. Y. K. Sabharwal {2006:6}, “There is a direct proportionate relationship between the faith the people have in an institution and the success of that institution.” The Right to Information Act, 2005 can be of immense help in restoring the faith of common people in the institutional mechanism created for safeguarding and guaranteeing people’s rights.

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