

# LEGALFOXES LAW TIMES

## **PUBLIC LEGAL EDUCATION: UNDERSTANDING ITS IMPORTANCE AND NEED IN THE INDIAN SOCIETY**

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### **Abstract**

In our Indian society, a huge percentage of population is unaware of the basic laws existing in the country. The situation of rural areas is even worse where people do not have much knowledge about their rights and duties due to illiteracy. In urban areas too, though people are literate enough, they too have a little knowledge about rights given and duties imposed on them by the Constitution. Public Legal Education (PLE) can play a vital role in order to better the conditions of people in the society. The major role of PLE is to rescue people from exploitation of any kind. It is the responsibility of government to provide basic legal education to its citizens.

**Keywords:** Public Legal Education, Legal rights, Duties, Legal education, Welfare state.

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"Law without education is a dead letter. With education the needed law follows without effort and, of course, with power to execute it; indeed, it seems to execute itself."

**-Rutherford B. Hayes**

The science of mine and thine--the science of Justice--is the science of all human rights; of all men's rights of person and property; of all his rights to life, liberty and the pursuit of happiness.<sup>1</sup>

It is the science which alone can tell any man what he can and cannot do, what he can and cannot have, what he can and cannot say, without infringing the rights of any other person.<sup>2</sup>

It is the science of peace; and the only science of peace; since it is the science which alone can tell us on what conditions mankind can live in peace, or to live in peace, with each other.<sup>3</sup>

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<sup>1</sup> Spooner, Lysander, Natural Law; or The Science of Justice: A Treatise On Natural Law, Natural Justice, Natural Rights, Natural Liberty and Natural Society; Showing that all Legislation Whatsoever is an Absurdity, a Usurpation and a Crime. Part First (1882)

<sup>2</sup> Id.

These conditions are simply these: viz., first, that each man shall do towards every other all that justice requires him to do; as, for example he shall pay his debts, that he shall return borrowed or stolen property to its owner, and that he shall make reparation for any injury he may have done to the person or property of another.<sup>4</sup>

The second condition is that each man shall abstain from doing to another, anything which justice forbids him to do; as, for example that he shall abstain from committing theft, robbery, arson, murder or any other crime against a person or property of another. So long as these conditions are fulfilled, men are at peace and ought to remain at peace with each other, but when either of these conditions is violated, men are at war. And they must necessarily remain at war until justice is re-established.<sup>5</sup>

Law is basically a mechanism to control and regulate the behaviour of people living in the society. Law is fundamental to the society. A society without law cannot be imagined. If there is no law then there will be chaos everywhere.

According to Collins dictionary, "The law is a system of rules that a society or government develops in order to deal with crime, business agreements and social relationships."

John Austin defines law as "Law is the aggregate set of rules set by a man as politically superior, or sovereign to men as political subjects."

As per Frederick Carl Von Savigny, law is the common will of the people (spirit of the people). The main idea behind Savigny's theory of law is that law is the expression of the will of common people.

The definitions of law are discussed because the researcher wants to highlight the nexus between the society and law. There is no doubt that law and people are inter-connected. The laws highly impact people, and in the same way law also gets affected by the people. When Savigny says that law is the common will of people, he meant that law is what people demands, how people are, and what their common consciousness is!

This paper highlights the relationship of law with the citizens. In this paper, the researcher wants to talk about the importance of legal knowledge among the common public. And this phenomenon is termed as Public Legal Education here.

Generally Legal education means the system of training students to become legal specialist. Such training is given in educational institutions that are meant for studying law. It also means a body

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<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

of knowledge about the government, administration and law. Possession of a Legal education serves as a basis for professional legal activity.<sup>6</sup> The ordinary notion of 'Legal Education' is that it is the education of individuals who intend to become legal professionals such as lawyers, judges and magistrates, entrepreneurs and like. However, Public Legal Education (PLE) is entirely a different concept. Public Legal Education means educating the common public about the laws of the land. There is no doubt about the fact that a State becomes a Welfare-State if its citizens are educated and qualified. Such educated citizens contribute in making a nation to achieve the goals of a welfare state. Therefore, in furtherance of such goal, it is very important for each and every citizen that he/she shall have the knowledge of the laws existing in his/her country.

India is the largest democracy in the world; hence, the significance of Legal education in a democratic society cannot be overlooked or underestimated. There is a Latin Maxim "*Ignorantia juris non excusat*" which means that ignorance of law is no excuse. '*Ignorantia iuris nocet*' means not knowing the law is harmful. Ignorance of law is not innocence but a sin which cannot be excused. This rule applies universally across the world. Thus, it is well understood that it is very important for all the people to have knowledge about the laws of the place where they are living. So the aim of legal education should be not only to produce good lawyers but also to make such citizens who are bound by the laws, who value law and who are infused with the concepts of human values and human rights. We must have a Legal education which can fulfil the needs of the society and country as well. We are no longer laissez-faire but a welfare state, and in welfare society law plays a vital role in the daily affairs of human beings. Socio-economic development can be achieved by using law as a tool. In this date, law has not merely remained as an instrument of social control but it has become an instrument to introduce social changes.

About 70% of the Indian population is unaware of their basic legal rights. Most of them are from rural areas who are illiterate and do not know about their constitutional rights. Even the literate citizens of urban areas do not know about their rights and legal procedures. This figure signifies that very few citizens of our country know about their rights and existing laws, which means that there is a serious gap in people's knowledge about how the social structure is made up and what is their role within it.

*The significance of Public Legal Education (PLE) is discussed in the following points:*

### **1. Significance in Daily Affairs.**

It is extremely important for the common people to have knowledge about the law of the country. The law not only contain duties but also rights of the citizens. The law is intertwined in our day to day affairs in such a way that it is impossible to imagine our lives without it. Law gets attached to a person the moment he takes birth, and continues to be with him till his last breath.

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<sup>6</sup> Retrieved from

[https://encyclopedia2.thefreedictionary.com/Legal+Education#:~:text=\(1\)%20A%20body%20of%20knowledge,students%20to%20become%20legal%20specialists.&text=Knowledge%20of%20law%20in%20ancient,a%20privilege%20of%20the%20priests.](https://encyclopedia2.thefreedictionary.com/Legal+Education#:~:text=(1)%20A%20body%20of%20knowledge,students%20to%20become%20legal%20specialists.&text=Knowledge%20of%20law%20in%20ancient,a%20privilege%20of%20the%20priests.), on 26<sup>th</sup> December 2020

For example, when a person takes birth, his registration is required by law, when he marries, his marriage is required to be registered at the local municipal office, and at the time of death also, the death needs to be registered. Legal knowledge is also needed in general matters like making of a Will, transferring property or making the gift of some property or asset, division of family property, etc. With the help of Public Legal Education people become able to manage common issues like debt liabilities, consumer rights, discrimination, employment problems, housing problems, divorce, etc. Understanding of law is extremely important to the layman. When we say 'Knowledge is Power', it simply means that knowledge serves as a tool to us if we know how to use it. The quality of one's life fades away in the absence of knowledge. For instance, consumer fraud is a common practice in today's world of commercialisation. However, people have become a little aware about the business malpractices, yet a large population of consumer is still unaware of their rights. Deceiving by business malpractices causes financial and other losses to the consumers. Even after discovering that they have been cheated and deceived by a manufacturer or shopkeeper, people do not realise that it is their right to get properly served because they have paid for a product or service, and that they should present a claim. They have to satisfy themselves with unfit product and poor services. The main reason behind all this is their lack of knowledge about the Consumer Laws.

## **2. Discouraging Crime Rate.**

Understanding of law is extremely important in all phases of life. When the citizens are unaware of their duties, they tend to make mistakes. For maintaining a social order, it is important that each person knows about his duties and rights. In India, people do not know much about their legal rights and duties and the condition of rural areas is quite bad in these terms. People do not know whether an act or omission is an offence. Many malpractices are going on in name of traditions and customs and the victim cannot raise his voice in absence of knowledge about his rights.

People commit trivial offences and they fall as prey for lawyers whose intention is less of saving the accused and more of extorting money from him. It is very easy for such lawyers to fool people by misinterpreting the laws. They extort money by saying him that he has committed a fatal offence and much money is needed to save him from penal liability. Being unaware of the laws, people get trapped in these tricks and bind themselves to pay the cost. In this way, that accused who could have been acquitted after paying a nominal fine as prescribed by law, face difficulties and come to court on regular basis, lose all his money and get harassed mentally.

So, it is the need of the hour that public legal education should be systematically provided to all citizens in order to curb malpractices in the society and discourage the crime rate.

## **3. Combating injustice.**

Empowering the weak is the prime objective of Public Legal Education (PLE). Marginalized and underprivileged groups in our country have been facing problems like discrimination, gender

inequality, unemployment, hunger, poverty, etc. since decades. These groups contain women, poor, workers and labourers, etc. Although several laws are being made for these groups but they do not seek the benefit due to lack of knowledge about these laws and provisions. For instance, the daily wage labourers are not given equal salary for their work; especially women workers face this discrimination. They have very little or no knowledge about their legal right of being paid equally similar to their male counterparts, for the same work. They do not know that Equal Remuneration Act, 1976 exists which protects their right. Therefore, problems faced by these people need to be addressed and the best way is empowering them by giving them education about their rights. People should be made aware of the government policies and programs being run for their benefit. Special focus shall be placed on free legal aid facilities for weaker sections and women so that they can fight injustice

#### **4. Transparency and Accountability of the Governance.**

There are two concepts which play a vital role in the smooth functioning of a democratic nation-- Transparency and Accountability. Accountability means the responsibility of government officials to execute their duties in the best possible ways so that the citizens can be benefited and the actual goal of a welfare state can be achieved. Where a common citizen is responsible (accountable) for his conduct and actions, the government is accountable for its laws and decisions that impact its citizens.

Transparency signifies the quality of being open and without secrets. Transparency in governance is a condition where people trust and believe in the tasks and decisions of the government that government establishments and Institutions perform their duties in a fair and honest way, without any secret held behind. The fundamental of transparency in governance is providing people access to information, making them aware about the rules, regulation and procedures to better the economic stability and development of a nation.

The task of making a government transparent and accountable can be made easy by providing citizens with basic Legal Education which can be termed as Public Legal Education (PLE). People should be provided the education that 'Rule of Law' is paramount and the State is also bound by the obligations and duties to serve the citizens. For instance, when people go to a public office and their work is delayed by the officials, they think that there is no remedy and they are dependent upon the whims and fancies of those officials. They are bound to think in this way because common public has been maltreated and ignored like this in India since decades. The remedy is to make people aware that they have legal remedy to this problem in way of the 'Writ of Mandamus', under which if they file a complaint against that public officer, the court will ask for the reason of delay and direct the said official to perform his duty well.

#### **5. Practical knowledge.**

Public Legal Education (PLE) should be introduced as an additional subject in all schools whether it be government or private, alike environmental studies, in which students should be taught about the basic laws, fundamental rights and fundamental duties prescribed by the Constitution. Legal literacy programmes should be conducted by government for citizens of all age groups. Through PLE, citizen should be imparted technical skills to deal with common yet important issues of day to day life. Citizens should know about their personal laws which govern

them in matters of succession, adoption, family settlements, matrimonial rights and duties. Systematic education should be given about the procedures to file a complaint, steps to be taken when denied by the police officer to register a complaint, knowledge about different tribunals and how to present a claim, period of limitation to file a suit, proceedings of consumer courts, penalty provision for petty (trivial) offences, provisions related to bail, etc. Training programmes should be conducted on when and how to obtain suitable legal assistance.

### **Conclusion**

Much work needs to be done in order to make India a welfare state. It is the need of the hour to make people understand the nature of Public Legal Education (PLE). There is a difference between awareness and education. Legal aid camps are organised by the government to make people aware about their rights, but they are conducted for a short period only. Providing little information is not enough. Desired results will be seen when legal literacy will be provided considering it a mandatory feature in the field of education and such education shall start at a very early stage, so that children can be cultivated with the human values and concepts of human rights at a very early stage. It is extremely beneficial for the society because with the help of this concept, people recognise that they have legal responsibilities along with legal rights. Citizens may have a clear understanding of the social structures and procedures.

India is a religious country and people read holy texts be it Gita, Bible or Quran in order to ensure a good life in the next birth. But, in a way Constitution of India is the real holy text for all the citizens as the principle embedded in the document are no less than a holy text that requires to be adhered to live in the country. Our lives would be blessed and better if we leave the worries of next birth and rather concentrate on refining our present life to make it a blissful one.