



Legal Education And Social Change In India

Dr. Bikram Kumar Das

Senior Faculty, L.R.Law College, Sambalpur, Odisha

ABSTRACT

In the democratic state, legal education, open new ideas to enrich social life and promote justice, equality and common brotherhood. Legal education provides the information and opportunities for self-development. Modern democracy teaches that, all citizens are equal in the eyes of law, yet there is faltering gap between them. The citizens are exploited in the hands of vested interest groups. It is so, as the citizens are ignorant about their right and responsibility. In the same count the authorities failed to discharge their duty in the absence of democratic perception. Legal education bridges the gaps and plays a vital role in building an egalitarian society of high order. There is high necessity to make the people aware about basic legal norms. In this article an attempt is made to improve the condition of legal education in India.

KEYWORDS

Democracy, Legal education, Judicial Activism, Social change.

Introduction:

In a vibrant democracy, people's participation in the governance of the affairs of the state forms an integral part. Abraham Lincoln defines 'democracy'. Democracy is the form of government of the people, by the people and for the people. Democracy stands on the rule of law. The sovereign power vests in the hands of the people and not in the hands of the few politicians. It believes in integration and common participation in the democratic process. Irrespective of caste, creed, sex and place of birth, law is made equal. Barring exception, it never distinguishes rich and poor, privileged and under privileged. It extends equal opportunities to all in all spheres of life. Legal education gives much emphasis to understand the various legal norms, those are highly necessary for effective administration of justice. It helps to develop democratic spirit. Comparative study of legal scheme creates awareness and helps to develop new ideas against administrative bias. Legal literacy strengthens the legal knowledge, efficiency and brings transparency. It enhances the spirit of justice and fair play. Without legal education democratic value is jeopardized. It ensures understanding and clear thinking as to the democratic practices. Legal Education enlightens the stakeholders of parliamentary democracy and discharges many functions to make democracy viable. The persons in the helm of administration ought to have legal knowledge to understand the judicial directives and the social change. Ultimately legal education empowers the stakeholders for good governance and healthy environment for democratic living. The citizen has an obligation to join hand with the state to achieve the goal.

Democracy Validates Human Values:

Validation of human values is the most important ingredient of democratic living. Tolerance, love and compassion recognize human values. A sound democracy promotes cultural and intellectual pursuits. To achieve the goal of human value, judicial decisions and legal education opens the mind. At the time of any socio-political or socio-religious crisis, all people realize that, the crisis is of ours. We can solve them by common sharing. Now it is felt that in the absence of general legal education, knowledge of democratic values are faltering. Though law is certain and rigid for some time, it ought to be flexible so as to meet the changing needs of society. Social change necessitates the law to incorporate changes in it. Parliamentarians ought to know the indication given by the judiciary to achieve the constitutional goal. Indian Judiciary left no stone unturned in promoting social justice and devised new tools to implement the objectives of the constitution. It has directed to setting up administrative agencies to implement legal rules for social interest. Academicians assimilate

facts and make comparative analysis to pave the path for the judicious vision⁽¹⁾. The Judges do incite the thought, by describing the major problems as to the enforcement of welfare legislation. Prof.S.K.Agarwala remarks that, the tendency to convert "Justice according to law" and "Justice according to judicial discretion" enlightened the media, academicians and jurist to help the poor and the 'undone vast' majority⁽²⁾.

Judiciary Leads the Path:

The terms social justice is well conceived through the bulk of judicial decision. The social legislations were interpreted by the court to enforce laws in the country. In such instances it is being criticized as "Judicial Activism", but in many occasions judicial law making got high appreciations in England as well as in India⁽³⁾. There is catena of cases, interpreted by the courts containing the grain of 'social justice'. The court conceded cases in different areas for giving effect to the concept of social justice i.e. compensatory justice⁽⁴⁾, industrial adjudication⁽⁵⁾, securing the liberty of vulnerable groups⁽⁶⁾, damage due to administrative lapses⁽⁷⁾, stop sexual exploitation of children⁽⁸⁾, giving wide meaning to the word 'life and personal liberty'⁽⁹⁾, and many more⁽¹⁰⁾.

In a case Supreme Court has observed that ⁽¹¹⁾ "The preamble and Art.38 of the Constitution of India is the Supreme law, envision social justice as its arch to ensure life to be meaningful and livable with human dignity. The Constitution commands Justice, liberty, equality and fraternity as supreme values to usher social, economic and political democracy. Social Justice, equality and dignity of person are corner stones of social democracy. The concept of 'Social Justice' of the constitution of India contains diverse principles essential for the orderly growth and development of personality of every citizen.

Social justice is not a simple or single idea of a society but is an essential part of complex social change to relieve the poor etc. from handicaps, penury to ward of distress, and to make their life livable, for greater good of the society at large The Constitution, therefore, mandates the state to accord justice to all members of the society in all facets of human activity. The concept of social justice imbeds equality to flavor and enliven practical content of life. Social Justice and equality are complementary to each other, so that both should maintain their vitality. Rule of law, therefore, is a potent instrument of social justice to bring about equality in results ⁽¹²⁾.

Legal Education and Social change:

Each generation should maintain the quality of the legal ed-

ucation, so that succeeding generation can inherit better social environment to achieve the noble quality, to save the earth from decay. Every man living in democratic polity must understand the value of life and the social responsibility towards self, his fellow beings and future generation. There is big hole in the 'Moral Zone' of our educational environment. The person who is in the helm of education administration must understand their own follies and arrogance. Many teachers have dedicated their life without salary and without any social security. (Mann-2012)¹³. In Manubhai Pragaji Vashi Vs Union of India-supreme court has paved the path to improve the standard of legal education. It is for nothing but to create a good environment and to create better infrastructure in Law Colleges. Bar council of India has not taken the issue seriously. It has just failed to regulate the standard of legal education in the country on the grounds of apathetic administration. There are many colleges they do not have adequate fulltime and qualified teachers. They manage with Part time and low paid teacher. Such teachers failed to work with professional spirit. There is high need to maintain educational standard in private-public institution of legal learning. The emergence of self financing course added tragedy. The state Govt. and affiliating universities are responsible for the decaying Standard. The conventional universities and state Govt. have failed to keep proper control. Some Deemed Universities are coming up very recently to allure students with some employment guarantee. Most of the teacher appointed in this segment are not eligible to be appointed as teacher as per UGC norms. They are appointed with consolidated salary. These institutions are unregulated and unguided by the academic bodies. Since private management recruit the faculty and staffs, the affiliating university never look to these matters seriously. These universities accord approval to these institutions in the informal way. These institutions conduct examination and declared result without vigilance by the board studies and academic bodies. The adhoc boards regulate the matter and attached less importance. The Curriculums of legal studies remained inoperative. These conditions of affiliation and recognition need to be streamlined. In Frank Anthony Public School Employee's Association Vs. Union of India & Others¹⁴ - Supreme Court observed that "We have to be very strict in maintaining high academic standards and maintaining academic discipline and academic rigour if our country is to progress." Democracy depends for its very life on a high standard of general, vocational and professional education. Dissemination of "Learning with search for new knowledge with discipline all round must be maintained at all costs".

In State of Maharashtra Vs. Manubhai Pragaji Vashi,¹⁵ the court has given comprehensive direction for the regulation and establishment of high standard professional education. Despite the fact Legal Education is suffering serious setback in our country. Regulating authorities have failed to take appropriate action. Parliamentary democracy failed to enforce the direction of Supreme Court in absence of strong political will and mass corruption in the public life.

Suggestions:

- The affiliating Universities to adhere strictly the affiliation norms. There are multiple authorities regulating legal education in India with overlapping functions. Single authority should accord affiliation.
- Mediocre institution should be closed if not abiding the rules prescribed by the BCI, UGC, Universities
- Students teachers relations should be properly maintained and in place of part time teacher full time teacher be appointed.
- In many a cases teachers remained unpaid, low paid and not paid as per qualification and experience. Job condition of such Law teachers be taken to note.
- Law teachers must try to adopt professional skill among the students to serve the people and nation.

Concluding Remarks:

Prime Minister Manmohan Singh observed: - "If we are to have a society where common man gets speedy and af-

fordable access to Justice. If we are to have the rule of law our Country, if we are to have the rule of law our country, If we are to have an economic environment where contracts are easily enforceable. We must ensure that our law teachers, practicing advocates, corporate lawyers, legal advisers, Judicial Officers and legal facilitators one of the very high standard".¹⁶

The words of speech and the words of action must assimilate together to bring a dream to action. The mentors and stakeholders of legal education must join together to fight against all the lapses. The private institutions must take all steps with a mindset that, their foot marks will be evaluated by the future generation. They are the torch bearer of a noble profession. Like beauty and truth, quality education has its own merit. The stakeholders of Legal education must try to achieve the goal at the tune of social change.

Reference Notes:

1. AIR 1996, Journal Section at P.49.
2. AIR 1996, Journal Section at P.50.
3. See Lord Denning "The Discipline of the Law" 1982 Ed.at 133 and Sheela Barse Vs. Secy., Children Aid Society, AIR 1987 SC 656.
4. M.C.Mehta, Vs. Union of India, AIR 1986 SC 1086.
5. Crown Aluminum Works Vs. Their Workmen, AIR 1958 SC 30.
6. Mohd. Ahmed Khan Vs. Shah Bano begum, AIR 1985 SC 945, also AIR 1985 SC 628.
7. Rudul Shah Vs. State of Bihar, AIR 1983 SC 1086.
8. Vishal Jeet Vs. Union of India, AIR 1990 SC 1412
9. Olga Telis Vs. Bombay Municipal Corporation, AIR 1986 SC 180.
10. Bandhua Mukti Morcha Vs. Union of India, AIR 1984 SC 802.
11. Dr.S.K.Awasti and R.P.Kataria, Human Rights, Millenium Edition, 2000 at PP. 1137 to 1155.
12. Consumer Education and Research Center Vs. Union of India, AIR 1995 SC 922 at P.938.
13. J.S.Mann- University News Vol-50 no-51 Dec.2012 at PP.18-19
14. (1986) 4 SCC 707
15. (1995)5 SCC 730
16. Prime Minister stated while inaugurated second generation reform in legal education on 1st may 2010 at Vigyan Bhawan, New Delhi.