

ACCESS TO JUSTICE THROUGH LEGAL EDUCATION

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INTRODUCTION

In primitive society, right, wrong and punishment were decided by the physical strength of the parties at individual level. Later on, when individuals organized themselves in the form of society, certain rights were recognized by the society as belonging to every individual. In some ancient societies the natural elements (fire, water, wind etc.) were considered as gods and as such were approached for Justice. Gradually, the society progressed and the state came in to being for the protection of the citizens, and for its own protection, it became necessary for the state to maintain law and order.

The administration of justice is the firmest pillar of government. Justice has very important role in the government as well as society and above all common man must have faith in it. The Indian constitution guarantees justice to all. Accordingly all Indian citizens are guaranteed equal right of life and personal liberty. Law should not merely recognize the rights of citizens; it should also provide for remedies to be restored to in case of violation.

The Indian Constitution envisages justice social economic and political for all citizens. Article 39 A. reads – “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.”

The Directive principles of state Policy also impose a duty on the state to promote as effectively as it may, a social order in which justice, social, economic and political, shall inform all institutions of national life. Access to justice is thus, a human right without which the ideas of justice for all cannot be realized.

So Justice is the first promise of the Indian Constitution and provision of the same provides for justice social, economic and political. That means to say that there is ‘**Rule of Law**’ and **Equality before Law**.

Sometimes justice might be delayed in few cases, but it is not denied. The reality of the existing legal and justice system is that a large section of the population, handicapped by poverty with its concomitant illiteracy, ignorance of law coupled with the complexity and obscurity of Law. Sometimes it is because of lack of legal supports and legal awareness about the laws.

Legal profession and legal education in India, Both are facing certain challenges. It is understood that legal profession is not taken as seriously, as it should have been. Lawyers do not

attend the courts well prepared either in facts or in law. They remain indifferent for the cause of their client. There is no accountability on their part. Often they go on strikes without taking any care of their client's case. In Mahivar Prasad Singh V. Jacks Aviation Private Ltd. a lawyer had kept the case papers with him and he was not attending the court regularly. He pleaded that he remained absent in response to a call of strike by Bar association of Delhi. It was held that it was his professional misconduct.

Of course, the Bar council of India Has prescribed a code of ethics. But there are number of cases of professional misconduct. D.S. Dalal v. State Bank of India case a lawyer was held liable for misappropriation of the amount of fee and for the not presenting the case paper in the proper Court.

To remedy this situation, institutional arrangements, such as induction of Para legal assistance, using sources of law students for scrutinizing the files of various Cases and appointment of law graduates in Tribal areas to Co-ordinate Access to justice should be taken. Lawyers has most important role to play. The lawyers collect legal materials relating to the case and thereby help the court or judge to arrive at a correct decision. Such help to the court is possible only when the legal practitioners have sufficient legal knowledge.

“ Knowledge Is Power ”

- Francis Bacon

For this purpose the legal education should be well organized and modernized. The Period of LL.B degree course was extended to three ears. Even this period was not sufficient for covering important branches of Law. This period has been further extended to 5 years course. But the main thing is that extension of the period would not be sufficient for improving the legal Education unless its syllabus is prepared taking into account the relevancy and practical importance of the law.

The Bar council requires the practical training through court visits, legal-aid clinics moot-courts, legal literacy camps, case diary, etc...

For this, legal awareness through legal education, especially „Clinical legal education “can play wonderful role.

CLINICAL LEGAL EDUCATION

The clinical movement developed in USA and then in U.K. also. Numbers of law schools are offer courses that incorporate the experience of „Doing Law“ as part of the process of learning about law. The activities provide valuable alternatives to the traditional diet of lecture and seminar. Clinical legal education is concerned with wider issues than getting student to „ Play at “ being real lawyers, however, and there is greater scope for involving law students in learning about the law and its processes from clinical experiences than is often appreciated. Clinical learning emphasizes student's experiences as a catalyst for understanding and internalizing. Experiential learning is

undergoing renewed interest amongst educationalist in the UK, and experiential learning methods are being developed for architects at the University of east London and elsewhere. There is a range of possibilities for introducing clinical methods into the law curriculum from the clinic staffed by students serving the local community to the simulated trial or more modest but effective role play adopted by many law teachers.

The scope for clinical teaching methods is considerable, particularly since law is essentially concerned with people, disputes, activities, action and choice.

Impressive progress has been made in many law schools, and colleges, particularly in north Gujarat, Palanpur and Modasa law colleges have legal aid clinic Center and right to information center, demonstrating the benefits of interactive and clinical teaching methods for students and in some instance for the wider community. This is particularly so when programmes are introduced which utilize the knowledge and abilities of students in support of the local community, such as legalliteracy campaigns, environmental law clinics, family mediation centers, right to information centers, alternative dispute resolution programmes etc...

Clinical experience in law school thus offers a unique opportunity for students to learn, under supervision, not only about the professional skills used by lawyers but also about many aspects of the „hidden-curriculum “ essential for preparations to think and act like a lawyer.

In short the very concept of „Clinical legal “ education is based on “Learning by Doing”

OBJECTIVES OF CLINIC LEGAL EDUCATION

Clinical education has a broad range of impact-upon law students, which has fall basically into five areas.

- (a) Legal skills development.
- (b) Legal and extra legal system operation knowledge.
- (c) Professional responsibility growth.
- (d) Self-knowledge.
- (e) Human relations understanding.

Human rights education forms a major part of legal literacy curriculum. All Law colleges have to be roped in and the legal curriculum should contain the component of legal literacy programmers. By arranging lectures, workshops, interviews and cultural programmers of legal knowledge (like Dramas, One Act plays, Poems, short stories, anecdotes, magazines, aphorisms) may be used as means for carrying the message.

Pocket books, pamphlets, leaflets, posters have to be prepared and distributed and displayed in all villages and slum areas in cities and tribal areas.

Thus, the legally illiterate people have to be empowered with minimum legal Knowledge to protect their rights against violation of their life, liberty, property and dignity.

CONCLUSION

The constitutional promise of securing to all its citizens justice, social, economic and political promised in the Preamble. Access to justice is the basic pillar of any type of government. Legal awareness is the best tool for awareness and is the best tool for easy access to justice. And we know, legal education is the base of legal profession which is the basis of a well-organized and sound judicial system. Unfortunately the legal education was not paid due attention and it can be said to be the most neglected branch of education. But now allot has been done to improve the standard of legal education. But not much emphasis has been laid on the practical aspect of legal education i.e. Clinical Legal Education. Law students should have not only the theoretical knowledge but also practical knowledge and for that law colleges should be attached to the court in the same way as the medical colleges are attached to hospitals in the form of legal aid clinics.

Bar council of India has taken the legal education very seriously and has made commendable efforts for its improvements. And we can say that legal Education can become tool to spread legal awareness. Clinical Legal Education is not yet a part of the Vocabulary of legal education. Not even a fraction of Institution involved in any clinical teaching related programmes. Clinical Legal Education are not directed towards developing the perception, attitudes, skills and the responsibilities which a lawyer is expected to assume when he/she complete his/her education in the law faculty. Clinical legal education has wider goals of enabling law, students to understand as a member of a public Service in the administration of the law in the reform of the law, in the equitable distribution of the legal service in society, in the protection of individual rights and public interests and in upholding the basic elements of "Professionalism".