

BPS-S501

3. Democratic Awareness Through Legal Literacy

Course Objective: The Proposed course aims to acquaint student with the structure and manner of functioning of the legal system in India.

Expected Learning Outcome: The student should be aware of the institutions that comprise the legal system - the courts, police, jails and the system of criminal justice administration. Have a brief knowledge of the Constitution and laws of India, an understanding of the formal and alternate dispute redressal (ADR) mechanisms that exist in India, public interest litigation. Have some working knowledge of how to affirm one's rights and be aware of one's duties within the legal framework; and the opportunities and challenges posed by the legal system for different sections of persons.

This course consists of 100 marks - comprising 25 marks for evaluation of the practical work and a written paper of 75 marks.

Course Content:

Unit I

- Outline of the Legal system in India
- System of courts/tribunals and their jurisdiction in India - criminal and civil courts, writ jurisdiction, specialized courts such as juvenile courts, Mahila courts and tribunals.
- Role of the police and executive in criminal law administration.
- Alternate disputes mechanisms such as lok adalats, non - formal mechanisms.

Unit II

- Brief understanding of the laws applicable in India
- Constitution - fundamental rights, fundamental duties, other constitutional rights and their manner of enforcement, with emphasis on public interest litigation and the expansion of certain rights under Article 21 of the Constitution.
- Laws relating to criminal jurisdiction - provision relating to filing an FIR, arrest, bail search and seizure and some understanding of the questions of evidence and procedure in Cr. P.C. and related laws, important offences under the Indian PenalCode, offences against women, juvenile justice, prevention of atrocities on Scheduled Castes and Scheduled Tribes.
- Concepts like Burden of Proof, Presumption of Innocence, Principles of Natural Justice, Fair comment under Contempt laws.
- Personal laws in India : Pluralism and Democracy
- Laws relating to contract, property; tenancy laws, labour laws, and environmental laws.
- Laws relating to dowry, sexual harassment and violence against women
- Laws relating to consumer rights
- Labour laws in the context of globalisation

- Laws relating to cyber crimes
- Anti-terrorist laws: implications for security and human rights
- Practical application: Visit to either a (i) court or (ii) a legal aid centre set up by the Legal Services Authority in Delhi or an NGO or (iii) a Lok Adalat, and to interview a litigant or person being counselled. Preparation of a case history.

Unit III

Access to courts and enforcement of rights

- Critical Understanding of the Functioning of the Legal System
- Legal Services Authorities Act and right to legal aid, ADR systems
- What to do if you are arrested ; if you are a consumer with a grievance; if you are a victim of sexual harassment; domestic violence, child abuse, caste, ethnic and religious discrimination; filing a public interest litigation. How can you challenge administrative orders that violate rights, judicial and administrative remedies
- Human Rights - emerging trends; Role of legal aid agencies, Human Rights Commissions, NGOs and civil liberties groups.
- Practical application - Using a hypothetical case of (for example) child abuse or sexual harassment or any other violation of a right, preparation of an FIR or writing a complaint addressed to the appropriate authority.

Essential Reading

Creating Legal Awareness, edited by Kamala Sankaran and Ujjwal Singh (Delhi: OUP, 2007)

Reading list for course on Legal Literacy

- Multiple Action Research Group, *Our Laws Vols 1-10*, Delhi. Available in Hindi also.
- Indian Social Institute, New Delhi, *Legal Literacy Series Booklets*. Available in Hindi also.
- S.K. Agarwala, *Public Interest Litigation in India*, K.M. Munshi Memorial Lecture, Second Series, Indian Law Institute, Delhi, 1985.
- S.P. Sathe, *Towards Gender Justice*, Research Centre for Womens' Studies, SNDT Women's University, Bombay, 1993.
- Asha Bajpai, *Child Rights in India : Law, Policy, and Practice*, Oxford University Press, New Delhi, 2003
- Agnes, Flavia *Law and Gender Equality*, OUP, 1997.
- Sagade, Jaga, *Law of Maintenance: An Empirical Study*, ILS Law College, Pune 1996.
- B.L. Wadhwa, *Public Interest Litigation - A Handbook*, Universal, Delhi, 2003.
- Nomita Aggarwal, *Women and Law in India*, New Century, Delhi, 2002.

- P.C. Rao and William Sheffiled *Alternate Dispute Resolution: What it is and How it Works*, , Universal Law Books and Publishers, Delhi, 2002
- V.N. Shukla's *Constitution of India* by Mahendra P. Singh, Eastern Book Co. 10th edition 2001.
- Parmanand Singh, 'Access to Justice and the Indian Supreme Court', 10 & 11 Delhi Law Review 156, 1981-82.